



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

District Court Prosecution

Update from 9 October 2017

Information Notice

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Commission for Communications Regulation

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Regulation 45(1) of the Communications Regulation Act, 2002 (as amended) (“the Act”)

1. On 9 October 2017, the Dublin District Court heard 5 cases taken by ComReg against Eircom Limited (“eir”) in relation to 9 counts of incorrect charging of customers for electronic communications services.
2. Following a review of relevant customer complaints where the customers' issues were not resolved by eir until the customer contacted ComReg (at which point appropriate refunds were applied by eir), ComReg commenced an investigation. This investigation culminated in ComReg taking legal proceedings by issuing summonses to eir.
3. The cases were brought under Section 45 of the Act, which provides as follows:

“45. — (1) An undertaking shall not impose, or purport to impose, a charge —

(a) for supplying an electronic communications service or electronic communications product to a consumer that exceeds the amount for that service or product specified —

(i) in the undertaking’s published tariff of charges, or

(ii) in a written statement previously made or given to the consumer by the undertaking in relation to that supply,

or

(b) for supplying an electronic communications service or electronic communications product to a consumer that was not requested by the consumer, or

(c) for an electronic communications service or electronic communications product that was requested by a consumer but was not supplied.”

4. eir is an “undertaking” for the purposes of prosecutions pursuant to Section 45 of the Act.
5. The outcome of this case against eir is detailed below:
 - a) eir pleaded guilty to nine charges brought against it.
 - b) Judge Brennan imposed criminal convictions for each of the nine charges and ordered eir to pay a total of €11,000 in fines.

- c) eir stated that it had taken specific measures to prevent such issues arising in the future, including the appointment of a new “Head of Customer Advocacy”, the publication of a Code of Practice which outlines eir’s complaints process and the training and upskilling of relevant staff members. eir also said that in June 2017 it implemented a new complaints escalations process and alerts system for customer follow-ups and call backs.
 - d) eir expressed its regret at its breaches and committed to making a payment towards ComReg’s costs.
6. ComReg will continue to monitor the complaints it receives from consumers and will continue to investigate matters arising in respect of Section 45 of the Act and other relevant regulatory obligations.