



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

District Court Prosecution

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Information Notice

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Commission for Communications Regulation

1 Lárcheantar na nDugaí, Sráid na nGildeanna, BÁC 1, Éire, D01 E4X0.
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.
Teil | Tel +353 1 804 9600 Suíomh | Web www.comreg.ie

1. On 9 December 2021, the Dublin District Court heard 5 summonses issued by ComReg against Vodafone Ireland Limited (“**Vodafone**”) relating to 10 counts that Vodafone failed to port customer landlines to Vodafone in the timeframes mandated by Regulation 25(4) of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations, 2011 (“the 2011 Regulations”).
2. Pursuant to Regulation 25(4), each Service Provider is required to port a customers’ number when requested by the customer to do so within a specified timeframe. Regulation 25(4) provides:

“Facilitating change of service provider

25. (4) Undertakings referred to in paragraph (1) shall ensure that—

(a) the porting of numbers and their subsequent activation shall be carried out within the shortest possible time,

(b) in the case where a subscriber has concluded an agreement to port a number to a new undertaking, that number shall be activated within one working day, and

(c) loss of service during the porting process shall not exceed one working day.”

3. In late 2020 and early 2021, ComReg received a number of contacts from Vodafone customers and observed that some customers appeared to experience a considerable delay, lasting a number of weeks, in their landline number being ported to Vodafone.
4. Following a review of relevant customer complaints, ComReg commenced an investigation. This investigation culminated in ComReg commencing District Court prosecutions against Vodafone for breaches of Regulation 25(4) as Vodafone had failed to port the affected customers landlines within the timeframes specified.
5. Vodafone pleaded guilty to two counts each on the five summonses before the Court. Judge Halpin imposed criminal convictions for one count on each of the five summonses and ordered Vodafone to pay a total of €10,000 in fines, taking the second count on each of the five summonses into consideration. Vodafone also contributed to ComReg’s costs, as agreed between the parties.
6. ComReg will continue to monitor the complaints it receives from consumers and will continue to investigate matters arising in respect of Regulation 25(4) of the 2011 Regulations and other relevant regulatory obligations.

7. It is ComReg's view that every Service Provider has an obligation to ensure that when a customer requests to port their existing number that this is done as quickly as possible, and that the customer is not left without service beyond the timeframes outlined in the legislation. If the porting process does not work for any reason, it is important that the Service Provider takes immediate action to rectify this and ensures that the customer's number is ported without any further delay. ComReg has ongoing concerns that there have been instances where the porting process has not worked, and the relevant Service Providers have not taken the necessary steps to correct the issue in a timely manner. ComReg will continue to monitor contacts from customers relating to delays in porting and numbers failing to port for all Service Providers and will take appropriate action where necessary.