



Commission for
Communications Regulation

Eircom pays a €275,000 penalty to ComReg following admission of a breach of its non-discrimination obligations in the Retail Narrowband Access Market

Information Notice

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An Coimisiún um Rialáil Cumarsáide
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1. Eircom has paid ComReg a penalty of €275,000 following ComReg's notification to Eircom of a breach of its non-discrimination obligations as provided for in Section 6.5 of ComReg Decision D07/61, 2007 ("Decision D07/61")¹.
2. ComReg has concluded an investigation into Eircom's fault repair performance for phone lines. ComReg has determined that Eircom did not provide a wholesale service to Other Authorised Operators (OAOs), for Single Billing Wholesale Line Rental fault repair, according to timescales, which are at least equivalent to those provided to Eircom's Retail arm for the period from August 2011 through to August 2012. ComReg found that Eircom was repairing on average a higher percentage of faults to its retail arm's customers compared to faults of other operators' customers up to day 4 (i.e. on day 1, day 2, day 3 and day 4) of the fault repair process during this period.
3. The difference in performance of repair for Eircom's own retail arm customers and customers of other operators is shown in Annex 1.
4. In addition to the payment, Eircom has committed to publication of detailed information regarding ongoing performance in relation to such repairs on a quarterly basis, effective from 1 July 2013. This will provide additional transparency to OAOs to enable them to demonstrate to their customers that Eircom provides an equivalent repair service to customers of OAOs.
5. Eircom confirmed to ComReg that it has put remedies in place to address the non-discrimination and has provided ComReg with data to verify this. ComReg will continue to monitor the performance in this area to ensure ongoing compliance.
6. The Commission has decided that the admission by Eircom of the relevant facts, the implementation by Eircom of remedies, the payment of the €275,000 penalty and the publication of additional data is an appropriate response by Eircom and has therefore decided not to take further action through the High Court and has closed the investigation.

¹ Decision Notice and Decision Instrument - Designation of SMP and SMP Obligations: Market Analysis: Retail Fixed Narrowband Access Markets (Decision No: D07/61, Document No: 07/61, Date: 24 August 2007)

Annex: 1 Eircom Data Fault Repair for all days in clock hours (August 2011 – August 2012)

