



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# Electronic Communications Strategy Statement

Submissions to Consultation 22/109

## Submissions to Consultation

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**An Coimisiún um Rialáil Cumarsáide**  
**Commission for Communications Regulation**

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## Submissions Received from Respondents

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# 1 ALTO

# alto

alternative operators in the communications market

**Consultation: Public Consultation on ComReg's Draft Strategy Statement 2023 - 2025 - Ref: 22/109 & 22/109a/b**

**Submission By ALTO**

**Date: February 10<sup>th</sup> 2023**

ALTO is pleased to respond to the Consultation: Public Consultation on ComReg's Draft Strategy Statement – Ref: 22/3109 & 22/109a/b.

ALTO welcomes this opportunity to comment on this important consultation.

## **Preliminary Remarks**

ALTO acknowledges the critical role ComReg plays in the Irish Communications market. We also note the period of legislative change that has been in-being for some years now, together with the forthcoming period of consultation on the transposition of the new European Electronic Communications Code – EECC, Directive (EU) 2018/1972 (“**the Code**”). We also note the various work programmes ComReg is involved in to assist with the smooth transposition of and to facilitate the deployment of particular changes under Title III of the Code.

ALTO notes that the ComReg Strategy Statement appears to modify the meaning of Electronic Communications Service (“**ECS**”). This is something that we must highlight, as the effect of the Code when implemented, is legally binding and has horizontal effect and should not be subject to unilateral change on a per country or Member State basis. We suggest that this may not be what ComReg intended, and that issue should be clarified in the final Strategy Statement when published.<sup>1</sup>

We provide this short response having considered matters arising under each question set out in ComReg Document 22/109a.

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<sup>1</sup> Case 106/77 Simmenthal EU: C: 1978: 49, paras 21–4

## **Response to Consultation Questions:**

**Q. 1 Do you agree that the draft Strategy Statement appropriately captures ComReg’s Mission, Vision and Role for the period? In providing your view, please also provide supporting evidence.**

A. 1. ALTO supports the stated Mission, Vision and Role for the sector generally where all stakeholders will have access to affordable, high-quality and secure communications services.

ALTO notes that the Irish market remains seriously overpriced and expensive when considering broadband prices in the rest of the European Union. We also note that eir remains the most profitable of incumbents globally. In consequence, we call on ComReg to adjust its vision to be more consistent with a regulator that is seen to be more active and indeed proactive in regulating the market in a timely fashion.

ALTO notes that it has written and communicated to ComReg, eir, and the European Commission on the subject of the Weighted Average Cost of Capital (“**WACC**”) being used in Ireland which remains higher than anticipated despite being subject to a review and Decision by ComReg in October 2020 directing the reduction of the WACC to 5.61%; 5.56% - 2021; and 5.29% - 2022. This is a matter that industry requires permanent attention to.

ALTO notes the ComReg position as set out at paragraph 4.42 concerning Universal Service Obligations (“**USO**”), where the potential reserve amount applied for by eir sits at around €120m up to date, with little or no clarity on around €70m of that amount in terms of findings of no burden that have been made by ComReg in a very significantly delayed set of funding applications. The market is deeply unimpressed by this. This is not a new submission and there comes a time when this issue must be determined.

ALTO also notes the position with regard to enforcement and the legislation giving ComReg expanded enforcement powers. The Draft Strategy Statement does endeavour to get into the detailed plans for future enforcement but perhaps does not go far enough when considering organisational measures and changes. It is obvious that enhanced enforcement powers will assist ComReg in the market, however we note that enforcement has effectively been neutralised in the Irish market since 2018 with the agreement between eir and ComReg in settlement of a composite set of actions which were designed to enforce against eir as a result of the Styles Regulatory Governance Model – RGM. ALTO awaits the new enforcement legislation to gauge what ComReg’s enhanced powers will really mean to the effective operation of the market.

**Q. 2 Do you agree that the draft Strategy Statement captures the most important sectoral trends and challenges over the period covered by the Strategy? In providing your view, please also provide supporting evidence.**

A. 2. ALTO generally agrees with ComReg’s analysis and conclusions dealing with the important sectoral trends and challenges.

ALTO encourages ComReg to carry out its work in a more effective and timely manner with the limited resources available to it.

**Q. 3 Do you agree with the Strategic Intents discussed in detail in the draft Strategy Statement? In providing your view, please also provide supporting evidence.**

A. 3. ALTO broadly welcomes the concepts arising in the Strategic Intents set out in the Consultation paper and Statement.

**Strategic Intent 1:**

**Competition and Investment**



### ALTO Comment:

ALTO notes that the Code contains more feature rich plans to enable customer switching.<sup>2</sup> We encourage ComReg to take a highly proactive role in this area, and where possible replicate some of the ComReg behaviours of the early 2000s where certain regulatory developments facilitated by ComReg in industry workgroups drove consumer choice and competition to a large extent.<sup>3</sup>

ALTO also notes that in the context of fibre rollout reporting that the market is plagued by reporting of premises passed, rather than actual connection metric data. It is irrelevant what proportion of premises is passed if the wholesale network and asset investment is inefficient or costly to connect to. ALTO notes that there is a strong chance that with the current market dynamics possible inefficient network investment is a real risk for the Irish market to the detriment of the consumer.

Finally, ALTO calls on ComReg to be more focussed on enforcement of SMP obligations and monitoring remedies more proactively. The clear lack of incentives to comply with SMP and mandatory regulatory obligations remains an issue in the Irish market that should be dealt with shortly, or within the medium term, by means of legislative intervention. ALTO intends to keep pressing the message that wholesale enforcement by ComReg remains a key industry strategic priority for industry, even if that enforcement arises as against ALTO members in its application.

### **Strategic Intent 2:**

#### **Consumer Protection**

ALTO Comment: As mentioned above, we encourage ComReg to be as proactive and as flexible as it can be in enabling useful consumer switching legislation, regulation and methodologies with the transposition of the Code.

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<sup>2</sup> Reference Articles 105 – Contract duration and termination; 106 – Provider switching and number portability; and 107 – Bundled offers set out at Title III – End-User Rights within the Code.

<sup>3</sup> IDA; CPS; WLR; MNP; GNP; NGNP, etc.

ALTO members that are in the business of taking or buying services from SMP operators such as eir, suggest that Service Level Agreements – SLAs and Key Performance Indicators – KPIs, are in many cases outdated, or contain latitude that is unacceptable to consumers and end-users in contract with ALTO members. We call on ComReg to review SLAs and KPIs, to bring them in-line with market expectations, particularly consider the impending rollout of FTTH services.

### **Strategic Intent 3:**

#### **Connectivity and Network Resilience**

ALTO Comment: ALTO supports this strategic intent. We would ask ComReg to note our previously submitted comments above concerning the Copper switch-off project and the problems that could arise if that is rushed or not thought through properly. ALTO member customers require the provision of high-quality, available and stable services. As a corollary, the SMP operator services are also required to be high-quality, available and stable regardless of what the connection or connectivity type is. Careful management and consultation procedures implemented by ComReg concerning Copper Switch-off should highlight any critical issues with adequate time to implement and deploy acceptable solutions with the consumer and end-user in mind.

### **Strategic Intent 4:**

#### **Compliance and Enforcement**

ALTO Comment: ALTO remains concerned that ComReg lacks real deterrent power to intervene when egregious breaches of regulation are occurring and have been found and published by ComReg. This should be at the forefront of ComReg's policy advocacy.

ALTO notes that delays to Market Reviews and other relatively routine regulatory activities appear to the market to breed perceived inefficiency. We await to see how ComReg implements and operates its new powers once enabled through legislation.

## **Strategic Intent 5: Organisation**

ALTO Comment: ALTO broadly supports this strategic intent. We remark that our experience with market reviews generally, and an exuberant focus on retail versus wholesale enforcement and compliance activity does not paint a positive picture of the market's current experience of ComReg, versus this very clear strategic intent.<sup>4</sup>

ALTO would like to see ComReg being effective, agile and relevant and we remark that it might take fresh or a programme of rotating senior management within ComReg to achieve that end.

**Q. 4 Do you believe that the Goals associated with the Strategic Intentents are appropriate, and relevant? In providing your view, please also provide supporting evidence.**

A. 4. ALTO believes that the goals associated with the Strategic Intentents are appropriate and relevant as addressed broadly in response to Question 3 above.

ALTO would welcome more action from ComReg to underpin the perception and reality of a well-regulated market. We re-state, as we have previously, that enforcement and compliance is not a ComReg Consumer Division only responsibility.

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<sup>4</sup> See letter from European Commission extract urging action on WACC

**Q. 5 In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?**

A. 5. ALTO members to an organisation, will state that price remains the number one or top reason for consumers to switch, particularly if reduced price and premium service are on offer. Conscious of work in the area of EECC IAS, we note that certain aspects of the market as consumers will experience it will change over time,

ALTO calls on ComReg to ensure a maintained and careful focus on appropriate price regulation on the market – with a particular eye and focus on the removal of the availability of FTTC services absent regulation for FTTH. It is simply specious to suggest that consumers do not care about price, when it is the single most important factor arising in the communications landscape. It would be a serious miscalculation for ComReg to remove focus from price regulation.

ALTO urges ComReg carry out market review work and deployment of Decisions effecting cost (WACC, ANM, USO) in a timely manner even if that creates work for ALTO members and in doing so ComReg will facilitate consumer choice, competition, innovation, and consumer protection through its own processes in conjunction with industry.

**ALTO**  
**10<sup>th</sup> February 2023**

## 2 Redacted

In response to ComReg's Electronic Communications Draft Strategy Statement 2023-2025, I would like to contribute the following:

As someone whose health is already adversely affected by radiofrequency wireless radiation wireless technology, masts, devices etc. and witnessing more and more people getting sick from the increase in the infrastructure, devices, frequencies, bandwidths, and signal strengths, I ask that ComReg take responsibility to acknowledge adverse health effects, and inform and protect consumers.

Consumer Protection, Consumer Harm and Consumer queries and complaints.

*'ComReg's consumer role is to protect and inform consumers so that harms are overcome, and they can choose and use communications services with confidence.'*

ComReg has a responsibility to protect and inform consumers about the harms from current and increasing radiofrequency radiation from 4G, 5G and all smart infrastructure. The International Agency on Cancer Research (part of W.H.O) classified radiofrequency radiation as a Class 2B Carcinogen in 2011. Scientists and experts have been calling for it to be reclassified as a Class 1. Cancer is not the only health effect.

*Effects of Radio Frequency Radiation Exposure on Free Radical-Related Cellular Processes (290 studies <https://drive.google.com/file/d/1lphXqR-7Nlxq1P-Xd7bm37Wz5GJPDZza/view>*

*The Bioinitiative Report 2012-2022 <https://bioinitiative.org/conclusions/>*

Halt the installation of 4G and 5G infrastructure and remove masts, base stations and telecommunications monopoles from beside schools, creches, playgrounds, housing estates, hospitals and nursing homes,

There have been no consultations with the public in Ireland about the increase in 4G and the new 5th Generation (microwave and proposed future millimeter wave frequencies) infrastructure despite legitimate public concerns especially about the unknowns of 5G, protests and campaigns, moratoriums from councils and warnings from scientists, doctors, experts and other worldwide.

*Scientists warn of potential serious health effects of 5G. 5G leads to massive increase of mandatory exposure to wireless radiation <http://www.5gappeal.eu/the-5g-appeal/>*

*International Appeal to Stop 5G on Earth and in Space - 303,776 signatories from 216 nations and territories as of February 9th, 2023 <https://www.5gspaceappeal.org/the-appeal>*

UK Judicial Review Action Against 5G - Is the government informing the public of risks associated with 5G roll out? <https://actionagainst5g.org/case-updates/judicial-review-heard/>

And the public in Ireland are further denied information and the right to consultation or objection with regard to Section 254 telecommunications 4G/5G monopolies being erected.

We do not need 100% or even 90% mobile phone and wireless broadband coverage in the country. Not only are all cities and towns, and areas in the country already well served with mobile and wireless broadband from all operators, there is a choice of wired fibreoptic and part/fibre in most areas. There is no justification for more masts, antennae and telecommunications structures. This includes LEO satellites beaming RFR for internet access. Some areas need to be left unpolluted by radiation.

Children and vulnerable people should be protected from exposure to constant RFR from transmitters near their schools and homes including replacing wifi in schools when safer hardwired ethernet alternatives which are also faster, more reliable and more cyber secure than wireless networks. Parents should also be made aware of the RFR exposure to babies and children from smart devices at home.

ComReg, the Irish Government and EPA have long been warned of biological harm, acute and long term, to people, animals, birds, bees and the environment from short and long-term radiofrequency exposure.

*Planetary electromagnetic pollution: it is time to assess its impact*  
[https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(18\)30221-3/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(18)30221-3/fulltext)

*Study Finds Wireless Radiation Affects Wildlife* <https://ehtrust.org/study-finds-wireless-radiation-affects-wildlife/>

*Bees, Birds and Mankind* [https://kompetenzinitiative.com/wp-content/uploads/2019/08/ki\\_beesbirdsandmankind\\_screen.pdf](https://kompetenzinitiative.com/wp-content/uploads/2019/08/ki_beesbirdsandmankind_screen.pdf)

There needs to be meaningful engagement with people who are intolerant and already sick and suffering pain from RF radiation, (EHS), and facilitate areas with low or no EMF coverage so that people are not forced to leave their homes, sleep in their cars, unable to work, go shopping, use public transport, engage in society or become

prisoners in their homes which they have to shield at great expense. With increased wireless infrastructure and stronger and more RFR exposure, the numbers of people affected will increase.

*Case Report: The Microwave Syndrome After Installation of 5G Emphasizes the Need for Protection from Radiofrequency*

<https://www.gavinpublishers.com/article/view/case-report-the-microwave-syndrome-after-installation-of-5g-emphasizes-the-need-for-protection-from-radiofrequency-radiation>

Development of the Microwave Syndrome in Two Men Shortly after Installation of 5G on the Roof above their Office <https://www.anncaserep.com/open-access/development-of-the-microwave-syndrome-in-two-men-shortly-after-9589.pdf>

Responsibility for public exposure and health effects of electromagnetic radiation should be transferred to the Department of Health, who also should engage with the public and people who are already sick from RFR.

Legislation needs to be introduced that requires warning labels on all mobile phones and smart wireless devices, clearly stating that they emit electromagnetic radiation and the device should not be used or kept close to the head or body when on (this includes in a pocket or bra). The proposed Mobile Phone Radiation Warning Bill 2011 should be enacted to protect consumers:

*Bill entitled an Act to provide that a warning label shall be affixed to the exterior casing of mobile phones and on related packaging, which shall state clearly that mobile phones emit electromagnetic radiation*

<https://data.oireachtas.ie/ie/oireachtas/bill/2011/24/eng/initiated/b2411s1.pdf>

As ComReg are well aware, ICNIRP guidelines are not protective of people, animals, birds and bees or the environment. They suit the industry but not the public.

[https://www.michele-rivasi.eu/wp-content/uploads/2020/06/ICNIRP-report-FINAL-JUNE-2020\\_EN.pdf](https://www.michele-rivasi.eu/wp-content/uploads/2020/06/ICNIRP-report-FINAL-JUNE-2020_EN.pdf)

## **Copper Switch-Off**

I previously made a submission to ComReg in this regard. I reiterate here that a complete switch off of the copper landline network in favour of only fibre internet network will have a negative impact on many, including elderly and vulnerable people, anyone who doesn't want to have their landline connected to the internet, who doesn't want to have their internet modem on all day and night to keep the phone on (to save electricity, money and for safety reasons), and people who cannot or do not want to use a mobile phone. As evidenced for decades and ComReg's own



findings show, the traditional landline network is less likely to be affected by power outages. In the very likely event of power cuts and outages in the future, how are people to manage to make telephone calls, and especially emergency calls without a mobile phone or a battery backup. Anyone who doesn't have a smart phone for health or other reasons, will be forced to buy and pay a monthly contract for a phone they don't want but may need in an emergency.

At the very least, the existing copper network should be left intact alongside the fibreoptic network so that consumers have a choice.

Thank you for the opportunity to make a submission

Redacted

## 3 Cellnex

## Cellnex Telecom Response to COMREG 22/109

Cellnex Ireland welcomes the opportunity to respond to ComReg document 22/109 Draft Strategy Statement: 2023-2025 - Public Consultation

### About Cellnex Ireland

The business launched in 2015 with the acquisition of 300 sites from the Irish state forestry company Coillte, and through further acquisitions and investment now has as portfolio of over 1,800 sites in Ireland. Cellnex specialises in maximising the efficient use of tower infrastructure through hosting the equipment of multiple operators and services on its sites, thereby reducing costs for users and fostering the rationality and sustainability of networks. For more info: [www.cellnex.ie](http://www.cellnex.ie)

### About Cellnex Telecom

Cellnex Telecom is Europe's leading operator of wireless telecommunications infrastructures with a portfolio of 138,000 sites including forecast roll-outs up to 2030. Cellnex operates in Spain, Italy, Netherlands, France, Switzerland, Austria, the United Kingdom, Ireland, Sweden, Denmark, Poland, and Portugal. Cellnex's business is structured in four major areas: telecommunications infrastructure services; audiovisual broadcasting networks; mission and business critical networks and solutions for smart urban infrastructure; and services management (Smart cities & the "Internet of Things" (IoT)). The company is listed on the Spanish stock exchange and is part of the selective IBEX 35 and EuroStoxx 100 indices. It is also part of the FTSE4GOOD, CDP (Carbon Disclosure Project), MSCI and Sustainalytics sustainability indexes. For more information, visit [www.cellnex.com](http://www.cellnex.com)

### Comreg's Role and Mission

Cellnex supports Comreg's objective to provide consumers and businesses in Ireland with affordable, high-quality and widespread access to secure communications services and applications that support their social and economic needs.

The Cellnex business model focuses on the provision of neutral host and shared management of telecommunications infrastructure. Our customers benefit from the financial savings provided by a shared infrastructure thus supporting the wider access to innovative and more sustainable communications services.

Please find below some commentary on the Draft Strategy Statement: 2023-2025 - Public Consultation.

## Cellnex Support of Competition, innovation and sustainability

Cellnex supports Comreg's overall goal to enable a competitive Electronic Communications Services (ECS) sector in Ireland as set out in section 3 of the Strategy Statement. In particular the Cellnex approach is to deliver neutral host infrastructure which is made available to all operators. This serves to reduce the cost of service delivery and to increase the sustainability of the network, while promoting competition and innovation which, ultimately, benefits citizens and businesses in Ireland. **Cellnex prides itself in the delivery of innovative and sustainable connectivity solutions.**

Some examples of Cellnex innovation in Ireland are outlined below:

- The design and deployment of new multi-operator slimline Streetworks solutions which can be deployed in both urban and rural areas. These make use of new construction techniques and customised antenna systems pioneered by Cellnex & our partners to allow the extension of high speed mobile network coverage to the wider community. <https://www.cellnex.com/fr-en/trends/effective-mobile-communications-beautiful-areas/>
- We offer communities who live in areas of poor mobile coverage the opportunity to apply for a review of their area through our Get Connected initiative [www.getconnected.ie](http://www.getconnected.ie). Through this scheme we engage with the community to ensure responsible deployment of any new infrastructure; we consult with local authorities to obtain all necessary permissions; and we leverage our relationships with the Mobile Network Operators to try to ensure delivery of a mobile service to the area.
- We played a key role in the development and deployment of the first urban Small Cells in Dublin city centre which utilised existing street furniture in partnership with Telecoms Infra Project (TIP), Dublin City Council & the Mobile Operators. This included the deployment of a Small Cell in a Big Belly bin – the first of its type in Europe.
- Installation of distributed antenna systems in large buildings, retail centres and hospitals.
- Cellnex Ireland are supporting the roll out of a nationwide LoraWan IoT network together with our partner Everynet. We are actively working with local authorities and other end users on the application of IoT services to areas such as energy management; waste management; air and water quality monitoring; and special needs parking management. <https://www.cellnex.com/trends/digitalising-natural-resource-management/>
- Roll-out of solar PV to provide an energy management solution at our cellular sites. We have drawn on Cellnex's extensive experience using solar energy at telecoms sites throughout Europe and we are now planning to extend this offering to our customers here in Ireland. <https://www.cellnex.com/trends/raising-solar-roof/>

Cellnex recognises and salutes the efforts of ComReg and the relevant Irish Authorities and Bodies in facilitating the deployment of new services and sites. In fact from the experience of Cellnex in other European Countries, the Irish model is one of the more agile and flexible models.

However, any further initiative to make the deployment of networks easier, would be more than welcome and as an infrastructure provider, Cellnex would be more than happy to share our experiences.

## Cellnex Comments on Specific Actions in Comreg's Strategy Statement

- **Comment on Section 3.76 - Private local-area network connectivity:**

Cellnex has extensive experience in the roll-out and management of private networks for clients throughout Europe with mission and business critical applications.

We have seen the benefits which can be derived by public and private organisations through the deployment of such networks. Significant benefits have been made in the areas of OPEX savings, efficiency and productivity, service continuity, security and availability. Examples and case studies can be seen at

<https://www.cellnex.com/technology/private-networks/#operators-interactive-list>

Cellnex would strongly support Comreg's plan to devise a framework to allow the use and sharing of the 3.8 – 4.2 GHz frequency band for the licensing of 'private local networks'.

Many Irish and European industries are looking at the possibilities that the rollout of private communications networks can offer. Industry will benefit from secure and guaranteed communications and the improvements which can be achieved through the addition of elements such as artificial intelligence, edge computing and the development of robotic processes. The availability of spectrum is key to driving innovation in this area.

The emergence of these new and innovative services is dependent on the implementation of private networks operating on dedicated spectrum. A private or dedicated network will address business use cases by providing, for example, mission critical reliability, ultra-low latency requirements and massive bandwidth video processing, some features that a commercial network would not be able to cope with. The level of performance which can be delivered by industry's private wireless network are decisive in attaining the required level of connectivity for any particular process. Certain industrial sectors demand these hyper-local networks (e.g. networks with coverage limited to a particular industrial site) capable of responding to their specific needs establishing its critical KPI's for the processes involved and therefore require a dedicated network.

Cellnex believes that a quick identification and allocation of dedicated spectrum for use by vertical and private networks is key to paving the way to ensure that companies based in Ireland can benefit from and leverage this technology for their competitive advantage in the future.

Our experience in other markets shows that investment cases for private networks are multi-faceted, payback periods can be 5-10 years, and involve considerable investment beyond the communications layer (e.g. operational transformation, new plant and machinery etc.), hence long term band allocation, separation from other users of the same spectrum and security of tenure are critical.

We suggest that any new the licencing regime should reflect the high level of investment needed in order enable private networks to succeed.

- **Comment on Section 5.2 – Network Coverage:**

Cellnex agrees with Comreg’s comments regarding rural areas with a low population density that are underserved by high-quality and reliable ECS / ECN. As stated above, Cellnex are actively seeking to address these areas through our Get Connected programme [www.getconnected.ie](http://www.getconnected.ie) which helps identify the communities living in mobile “blackspots” across the country. This programme has, to date, delivered over 20 multi-operator 4G/5G sites in communities throughout Ireland and many more are in the planning stage. However, a number of these locations are in areas where it remains commercially unfeasible to attract the Mobile Operator to provide service given the low population density and this will need to be considered if the Government are to meet their objectives for 5G coverage in all populated areas by 2030.

The main obstacle to the development of sites in rural areas is the overall cost of delivery which also includes the provision of high speed backhaul to the sites. The lack of available fibre connections and difficulty in accessing the physical infrastructure necessary to deliver such fibre connections is a real impediment in the development of these sites. Cellnex notes that, as set out in 3.37, ComReg expects to complete its review of the market for Physical Infrastructure Access (PIA) in 2023. We ask that the infrastructure required in the provision of fibre connections to cellular base station sites be included in the scope of that review.

**Cellnex remains available to ComReg to further elaborate on these comments and to further discuss any issues raised.**

## 4 Chambers



**Chambers Ireland Submission to the  
Commission for Communications Regulation  
on the Electronic Communications Draft  
Strategy Statement 2023-25**

**February 2023**



## About Chambers Ireland

Chambers Ireland, the voice of business throughout Ireland, is an all-island organisation with a unique geographical reach. Our members are the Chambers of Commerce in the cities and towns throughout the country – active in every constituency. Each of our member Chambers is central to their local business community and all seek to promote thriving local economies that can support sustainable cities and communities.

In September 2019, our network pledged to advocate for and support the advancement of the Sustainable Development Goals. In doing so, we use the Goals as a framework to identify policy priorities and communicate our recommendations, and we have a particular focus on five of the goals encompassing decent work and economic growth (SDG 8), sustainable cities and communities (SDG 11), advancement in gender equality (SDG 5), viable industries, innovation, and infrastructure (SDG 9) and progress in climate action (SDG 13).<sup>1</sup> The most relevant Sustainable Development Goals for this consultation are Decent Work and Economic Growth (SDG 8), and Industry, Innovation, and Infrastructure (SDG 9).

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<sup>1</sup> The Chambers Ireland SDGs. Available at <https://www.chambers.ie/policy/sustainable-development-goals/chambers-ireland-sdgs/>

## Chambers Ireland's Perspective

As we move into 2023, the risks for Irish telecommunication companies are likely to be more prominent than other regions of the world. External factors like the 38-year record high inflation rate of 9%, will lead to a significant impact on consumer affordability and the general sector spend. Additionally, consumer sentiment hit a 14-year low in September<sup>2</sup>. This has the potential to lead to a value-seeker approach to the Irish marketplace.

The availability of a good telecommunication infrastructure underpins much of the economic development, productivity, innovation, job creation and attracting investment in a country. Therefore, it is important to our network that these issues are adequately addressed, i.e., affordability of telecommunication services, network reliability, data security in the wake of rising cyberthreats and the proper management of the sustainability agendas by the telecommunication sector.

The Covid-19 pandemic increased dependence on electronic communication services by manifold because of the need to stay digitally connected at all times. Therefore, there is now an increased need for telecommunication services to be affordable, secure, reliant, and resilient.

Ireland and Europe as a whole, is experiencing a cost-of-living crisis due to various external factors and affordability has become the main priority of consumers. A recent EY Study<sup>3</sup> shows that 44% of users think that their broadband provider doesn't give them cost-effective deals, while 60% of consumers are concerned about their broadband provider increasing the monthly price they pay.

Commission for Communication Regulation's current Electronic Communications Draft Strategy Statement continues with the same vision and strategy as the last period, we believe this approach is inefficient as the context of the strategy has changed, the trends and challenges

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<sup>2</sup> Credit Union, (2022), Consumer Sentiment Index Survey Results

<sup>3</sup> See - [https://www.ey.com/en\\_gl/tmt/decoding-the-digital-home-study](https://www.ey.com/en_gl/tmt/decoding-the-digital-home-study)

that will shape this strategy have changed as we experience this cost-of-living crisis. Dependence on telecommunication services has increased significantly and as a result, expectations from the telecommunication sector have increased and that needs to be reflected in the vision and strategy.

## Questions

**Q1. Do you agree that the Draft Strategy Statement appropriately captures Commission for Communication Regulation’s Mission, Vision, and Role for the period? In providing your view, please also provide support evidence.**

We believe that the Draft Strategy Statement encapsulates most aspects but does not adequately capture the Commission for Communication Regulation’s Mission of attracting investment, encouraging innovation, and empowering consumers to choose and use communications services with confidence. It also does not completely capture its vision to provide affordable, high quality and widespread access to secure communications services.

For Instance, Goal 2.7 aims to provide affordable access and adequate broadband and voice services. However, there is no mention of how services are going to be made affordable. Commission for Communications Regulation needs to play a bigger role in making these services more affordable given the current crisis. It needs to underline a precise plan and actions that will be undertaken to ensure that service providers remain competitive and provide the cheapest and best services to consumers.

Confidence in choosing and using telecommunication services does not only come from having effective redress mechanism as indicated in Goal 2.8, it comes from having affordable services which will provide high quality reliable and secure services in all parts of the country. Even though consumer complaints over the last few months have decreased, it does not paint the complete picture. Service providers have not been completely efficient in addressing consumer complaints, due to the asymmetry in information available some consumers may be unaware of their rights and may not even raise complaints. Other strategies, like having long periods on

hold before calls are answered results in fewer customers persisting until the point at which they can make a complaint.

Commission for Communication Regulations needs to expand its role as a regulator by playing a stricter and more comprehensive role in ensuring compliance with the Broadband Cost Reduction Regulation. The Strategy should include specific actions that ComReg is promising to take to ensure compliance and the repercussions of non-compliance.

Simply publishing information on Eircom's Universal Service Obligation quality of service performance on its website will not be enough. There needs to be a benchmark set for acceptable quality of service provided. A follow up plan should be put in place along with a separate team to monitor if this quality of service is being provided.

The process of defining "adequate broadband" should be expediated. If required ComReg should take the lead and approach the ministry themselves as these quality standards will help Commission of Communications Regulation shape various regulations associated with this standard.

The digital and green transitions are very closely linked. Digital technologies offer many solutions for change; however, we must ensure they do not contribute to the problems themselves. Digital products and services should be designed, produced, and disposed of in a way that reduces their impact on the environment and society. Commission for Communications Regulation should ensure that there is more information regarding environmental impact and energy consumption of such services.

Telecommunication companies have consistently failed to disclose and improve their reporting of environmental, social and governance (ESG) metrics such as renewable energy consumption and e-waste management, is often lacking. Almost 40%<sup>4</sup> telecommunication companies do not disclose a specific net zero strategy, transition plan or decarbonisation pathway. The strategy

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<sup>4</sup> See – EY Global Climate Risk Barometer - [https://www.ey.com/en\\_gl/climate-change-sustainability-services/risk-barometer-survey-2022](https://www.ey.com/en_gl/climate-change-sustainability-services/risk-barometer-survey-2022)

document does include these sustainability issues as part of the trends and challenges observed but does not mandate telecommunication companies to develop and better manage their sustainability agenda.

**Q2. Do you agree that the Draft Strategy Statement captures the most important sectoral trends and challenges over the period covered by the Strategy? In providing your view, please also provide supporting evidence.**

We believe that the Draft Strategy Statement to a large extent does capture the most important sectoral trends challenges over the period covered by the Strategy.

Demand for faster download speed, lower latency, emergence of new and more sustainable networks like Fiber-to-the-home broadbands and 5G, growing reliance on connectivity for personal and economic activity, evolution in related markets and climate change are some of the key trends that will shape the telecommunications sector in the coming future.

However, some of the challenges that the Strategy fails to take into account are:

- The cost-of-living crisis.
- Changing imperative in trust and security
- Data Analytics

There is increased anxiety regarding anticipation of rising mobile and broadband costs among consumers. The telecommunication companies have not responded appropriately and effectively to the pressures that their customers are facing from this cost-of-living crisis. There is increasing sentiment among consumers that they overpay for their services and that the prices for these services are likely to increase in the coming future.

Similarly, telecommunication companies are struggling to stay ahead of the growing cyberthreats. Unfortunately, when it comes to cybersecurity the Department of Communications has taken a rather passive approach, it seems they are doing the bare

minimum to meet our obligations under the Network and Information System Directive<sup>5</sup>. There doesn't seem to be actual efforts taken by them to protect consumers from cyberthreats.

Irish businesses face various Cyber Security risks, like the HSE incidents and risks associated with misinformation campaigns. Policymakers are of the thought that our State is perhaps too peripheral to be a target of these attacks, it is not. What we need is to be proactive in our approach towards Cyber Security.

There are mainly two ways in which our members are affected by Cyber Security, one is through the direct effects of disruptive cyberattacks and the area of financially motivated cybercrime. It is the network provider's job to provide security towards businesses and consumers against cybercrime and ensure that there are processes in place to reduce and handle these risks. Contracts with network providers often require Cyber Security insurance coverage, this does help the vulnerable sectors.

Data Analytics is an area that has thus far seen slow adoption across the telecommunication industry. Previously, analytics, reporting and data management have been regarded as add-ons. However, we believe that analytics should be mandatory. Analytical tools can show operators customer profiles, device information, network data, customer usage pattern, location data and more. They can be used to monitor how customers interact with a telecoms service, providing an opportunity to enhance the user's experience.

**Q3. Do you agree with the Strategic Intents discussed in detail in the Draft Strategy Statement? In providing your view, please also provide supporting evidence.**

Chambers Ireland agrees with the Strategic Intents discussed in the draft Strategy Statement. However, we think there is scope for the Commission of Communication Regulation to expand the Strategic Intents in all aspects as "the ability to use these tools depends on the skills and

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<sup>5</sup> [NIS Directive - ENISA - European Union](#)

resources of the organisation”. The Commission should address concerns surrounding affordability, security, and sustainability in an adequate manner, which means not simply monitoring providers or publishing data but having follow up plans after this process of gathering information.

The projects underway/planned like monitoring retail ECS and relevant OTT Markets, key related/adjacent markets and the evolution of network demand need to have follow up plans post monitoring stage. The follow up plans should attempt to understand the reason for market failures in these cases and have strategies in place to allow agents in the markets to fix these issues. Particular attention should be paid to avoid and highly regulate any operator that might emerge as a Significant Market Power or a monopoly.

According to the Consumer line report<sup>6</sup>, most consumer complaints relate to billing and service issues. Most of these complaints concern consumers being billed more than the agreed amount and loss of service. The various measures taken by the Commission of Communications Regulation are noteworthy. However, despite this information being widely available, it should also be noted that when these issues of cost and lack of services are raised, they are not addressed efficiently by service providers.

The Commission of Communications Regulation promises to provide pre-contractual information, how it aims to do so in a user-friendly manner should be included in the Strategic Intent. In such cases, the main issue that arises is that either there is too much information, which becomes confusing for the consumers to interpret, or it is not presented in a user-friendly manner, bearing these two concerns in mind the Commission of Communications Regulation should design the portal accordingly.

There is scope to expand the Strategic Intent of Connectivity and Network Reliance. The Commission of Communications Regulations should go beyond just attempting to understand the “nature of the various connectivity risks facing the country”. It should take a more active

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<sup>6</sup> <https://www.comreg.ie/media/2022/12/ComReg-2292R.pdf>

role in collaboration with the Department of Environment, Climate and Communications to identify these risks and address them.

As the world embraces remote-working, Ireland needs to make full use of this opportunity and understand its importance in increasing economic development and productivity. Even though the National Broadband Plan<sup>7</sup> is making good progress in this area, some remote parts of the country still do not have high-quality and reliable services, the Commission of Communications Regulations should support this effort and set up a committee that focus on finding economical ways for commercial Electronic Communications Networks to deploy high quality, reliable network in these areas.

**Q4. Do you believe that the Goals associated with the Strategic Intents are appropriate, and relevant? In providing your view, please also provide supporting evidence.**

We believe that the Goals associated with the Strategic Intents are not completely appropriate and relevant and there is scope for expanding the actions within these goals.

The projects under the goal “effective and sustainable competition in retail Electronic Communications Network service markets”, should go beyond the stage of monitoring retail Electronic Communications Services, over-the-top media services, related/adjacent Markets, and network demand. The goal or actions within the goal should be expanded to understand market failures and help agents within the market rectify these failures or avoid the causes altogether. This would ensure forward momentum in this concern, rather than simply collecting data/information. Reduction in market failures will then make it attractive for investors and thereby allow for efficient investment as proposed in the Strategic Intent.

The goals should aim to provide easy access to all communication services related information in a user-friendly manner without much confusion to the users. Consumers should not only be

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<sup>7</sup> See – National Broadband Plan - <https://www.gov.ie/en/publication/c1b0c9-national-broadband-plan/>



able to understand their bills and be billed correctly, but in case of excessive billing complaints towards certain providers, the Commission should not hesitate to levy fines for wrongful billing and repeated loss of service.

The second Strategic Intent, and the goals within, will be most appropriate and relevant when it includes affordability and network reliability as part of consumer welfare therefore there is a broad scope for this to be expanded. The Strategic Intent and goals should include assurances of affordability, this can be done by exploring options such as “social tariffs.” It should also include measures that the Commission is planning to take to ensure the affordability of services.

The Commission needs to lay out plans to ensure a move toward resilient network availability in all parts of the country. As part of the European Declaration on Digital Rights and Principles<sup>8</sup>, Ireland is obliged to empower people to fully enjoy the opportunities that the digital decade brings therefore the proposed set of European digital rights and principles should be reflected in the Strategic Intents surrounding widespread access to high quality and secure communications networks.

The Commission of Communications Regulations in collaboration with the Department of Communication needs to take Cyber security more seriously and not just treat it as an obligation that needs to be fulfilled. Different risks experienced need to be analysed and responsibilities need to be divided among the state bodies. As of now, the stance of the state bodies is distributed as well as centralised. It looks like no one is responsible for Cyber Security within our state institutions because everyone seems to be responsible for security. Meanwhile institutional hurdles often prevent changes being made.

As a regulator and compliance enforcer, we believe that the Commission of Communications Regulations can do more and exercise its role in a more rigorous and comprehensive manner.

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<sup>8</sup> [https://digital-strategy.ec.europa.eu/en/policies/digital-principles#tab\\_1](https://digital-strategy.ec.europa.eu/en/policies/digital-principles#tab_1)

The Broadband Cost Reduction Regulation is a vital measure that will reduce the cost of deploying high-speed public Networks. This Regulation, not being used to a great extent by Irish operators is a cause for concern. Therefore, it is imperative that the Commission ensures compliance with this Regulation and lays out measures that will be taken in cases of non-compliance.

The European Electronic Communications Code or “the Code”, is a useful piece of legislation to refer to for the regulation related Strategic Intents as it aims to achieve Europe’s Gigabit society and ensure full participation of all EU Citizens in the digital economy and society. The emphasis on connectivity in “the code” is reflected in the Strategic Intent, but we believe it fails to be comprehensive. The Commission of Communications Regulations has limited its role to only “having a holistic understanding of the nature of the various connectivity risks facing the country”, we think this role needs expansion beyond understanding and getting to the issues of these connectivity issues and moving towards solutions.

**Q5. In your view, is there anything else that should be added to, or omitted from, this Strategy Statement.**

Apart from all points made previously concerning expansion of actions and enforcement of regulations, to ensure affordability, reliability, security and sustainability, Chambers Ireland does not believe that there is any further addition or omission required in this Strategy Statement.

## 5 Deirdre Ní Tuathaláinn

## **Submission on ComReg's draft Electronic Communications Sector Strategy Statement 2023-2025 22/109**

### **Introduction**

I am very worried about ComReg's draft Electronic Communications Sector Strategy Statement 2023-25 and its policy on public exposure to electromagnetic radiation, its reliance on the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) which have been widely condemned by both the scientific community and official international organisations and the consequent alarming lack of adequate safety measures or oversight in this field. This has resulted in the proliferation of telecommunications structures around the country, many of which have been erected in highly inappropriate areas – next to homes, schools, workplaces, hospitals etc. and even over crèches. This has been facilitated by the undemocratic legislative framework, which has evolved since the introduction of the Telecommunications Antennae and Support Guidelines 1996 of the Department of Housing, Local Government and Heritage and which has singled out the telecommunications industry for preferential treatment. Wireless technology is being rolled out in the absence of any meaningful involvement by the Department of Health or any other competent health body despite a huge body of scientific studies which demonstrate the adverse effects of electromagnetic radiation on health, all wildlife and the environment at levels much lower than the ICNIRP levels. It is vital that the safety of the Irish public is prioritised over the interests of the telecommunications industry and I would appreciate if you would take my concerns below into account.

### **Adverse Health Effects**

Public exposure to wireless radiation across the state has dramatically increased in recent years and the recently launched Digital Ireland Framework includes plans for example to facilitate the development of SMART cities and other communities and to cover all populated areas by 5G by 2030. This is despite thousands of independent studies which demonstrate the adverse effects on health, all wildlife and the environment even at very low levels. 5G is not simply an upgrade from 4G, it is much more powerful and would operate in conjunction with the existing 2G, 3G and 4G technology and not replace them, thereby compounding the adverse effects. Here are some examples from studies on the adverse effects of electromagnetic radiation:

The Bioinitiative Working Group, an international collaboration of prestigious scientists and public health experts from across the world, reviewed thousands of peer reviewed scientific papers. They reported that chronic exposure to even low-level EMF/RFWi-Fi emitted including from masts/antennae can cause adverse health effects. The 2007 report includes 2,000 studies, the 2012 report an additional 1,800 studies. The collective studies in the BioInitiative Report identified key scientific biological effects with peer reviewed evidence from independent scientific research:

- Children are more vulnerable
- Fetal and Neonatal Effects
- Effects on Autism (Autism Spectrum Conditions)
- Electrohypersensitivity
- Effects from Cell Tower-Level RFR Exposures
- Effects on the Blood-brain Barrier
- Damage to Sperm and Reproduction
- Effects on Brain Tumours
- Effects on Genes (Genotoxicity)
- Effects on the Nervous System (Neurotoxicity)
- Effects on Cancer (Childhood Leukemia, Adult Cancers)
- Melatonin, Breast Cancer and Alzheimer's Disease
- Stress, Stress Proteins and DNA as a Fractal Antenna
- Effects of Weak-Field Interactions on Non-Linear Biological Oscillators and Synchronized Neural Activity.

More at: BioInitiative 2012 – Summary for the Public (2014 Supplement)

[https://bioinitiative.org/wp-content/uploads/pdfs/sec01\\_2012\\_summary\\_for\\_public.pdf](https://bioinitiative.org/wp-content/uploads/pdfs/sec01_2012_summary_for_public.pdf)

The National Toxicology Programme released the results of the longest (10 years) and most expensive study to date on mobile phones and cancer in November 2018, which found “clear evidence” that male rats exposed to high levels of radio frequency radiation (RFR) like that used in 2G and 3G mobile phones developed cancerous heart tumours. Higher incidences of brain and adrenal tumours were also seen.

<https://ehtrust.org/clear-evidence-of-cancer-from-cell-phone-radiation-u-s-national-toxicology-program-releases-final-report-on-animal-study/?fbclid=IwAR2EzTMUTcsQg6tdXD0DjH0XCoxbe5776Z-pnoI6HhskeXk3tPvmkAyTthk>

Martin L. Pall (2018) 5G: Great risk for EU, U.S. and International Health! Compelling Evidence for Eight Distinct Types of Great Harm Caused by Electromagnetic Field (EMF) Exposures and the Mechanism that Causes Them

[https://europaem.eu/attachments/article/130/2018-04\\_EU-EMF2018-5US.pdf](https://europaem.eu/attachments/article/130/2018-04_EU-EMF2018-5US.pdf)

A recent study on the health effects of 5G by Professor Lennart Hardell and Mona Nilsson was published by the Swedish Radiation Protection Foundation on February 22, 2022. The study recorded a massive increase in radiation exposure levels resulting in immediate microwave sickness symptoms for residents living below the antenna. Symptoms included fatigue, difficulty sleeping, nosebleeds, tinnitus, dizziness, skin problems, concentration problems, irritability, impaired shortterm memory, confusion, depression, and heart palpitations.

<https://www.radiationresearch.org/news/case-report-the-microwave-syndrome-after-installation-of-5g-emphasizes-the-need-for-protection-from-radiofrequency-radiation/>

Specific studies show higher rates of illnesses and cancers in those living near mobile masts. Here is just a small sample:

- Prof. Girish Kumar found in his study “Radiation Hazards from Cell Phones/Cell Towers” that people living within a 50-300 meter radius are in the high radiation zone and are more prone to ill effects of electromagnetic radiation.  
<https://www.robindestoits.org/attachment/337945/>
- The study entitled, “Impact of radiofrequency radiation on DNA damage and antioxidants in peripheral blood lymphocytes of humans residing in the vicinity of mobile phone base station” (Zothansiana et al, 2017) was published in Electromagnetic Biology and Medicine. It compared people living close (within 80 meters) and far (over 300 meters) from cellular antennae and found that the people living closer to the antennae had a much higher RF exposure and statistically significant effects – increases in blood damage considered biomarkers predictive of cancer.  
<https://pubmed.ncbi.nlm.nih.gov/28777669/>
- The study “Neurobehavioural effects among inhabitants around mobile phone base stations” found that “Inhabitants living nearby mobile phone base stations are at risk for developing neuropsychiatric problems and some changes in the performance of neurobehavioral functions”. (Abdel-Rassoul, G., et al 2006: NeuroToxicology, doi:10.1016/j.neuro.012).
- And a new study was recently published by the Swedish Radiation Protection Foundation in February 2022, which adds to the wealth of science indicating the serious potential health effects of 5G. It shows the health consequences for a man and a woman who received a 5G base station directly above their apartment, only 5 metres above their bedroom. This is significant considering that 5G has never been proven safe. It demonstrates that 5G causes harm specifically. However existing scientific evidence has long indicated 5G could cause harm. According to the study, in addition to showing that 5G causes microwave syndrome/ electromagnetic sensitivity fairly immediately, the case study also shows that 5G leads to a massive increase in radiation in our environment. The findings of the study with regard to the health implications make for urgent reading and can be accessed here:  
<https://ehtrust.org/study-5g-causes-microwave-syndrome/>  
or the Swedish version:

[https://www.stralskyddsstiftelsen.se/wp-content/uploads/2022/02/5g\\_mikrovagssyndromet\\_ma\\_2022.pdf](https://www.stralskyddsstiftelsen.se/wp-content/uploads/2022/02/5g_mikrovagssyndromet_ma_2022.pdf)

Successive governments have chosen to ignore the warnings from the thousands of peer reviewed scientific studies on the dangers of electromagnetic fields and from many others such as the Council of Europe, the 300 independent scientists at [emf.call.org](http://emf.call.org) and [bioinitiative.org](http://bioinitiative.org) (whose research spans several decades and categories of illness to humans, pollinators, plants and animals) and organisations such as Environmental Health Trust ([ehtrust.org](http://ehtrust.org)), PHIRE medical UK, the current International Appeal to Stop 5G on Earth and in Space, along with over 40 scientist/doctor appeals since 1998 including the Freiburg Appeal 2002 and Bamberg Appeal 2004. Prof. Tom Butler of UCC explains in his report on the health risks of radiofrequency radiation that “the overwhelming majority of published peer-reviewed scientific studies in biomedical research databases.....indicate significant health risks with RFR of the type used in 5G technologies”. Here are examples of several other warnings:

- In 2005 a cross-party Oireachtas Committee report compiled a report on Non-ionising radiation from mobile phone handsets and masts.  
[http://archive.oireachtas.ie/2005/REPORT\\_20050600\\_2.html](http://archive.oireachtas.ie/2005/REPORT_20050600_2.html)  
This report followed evidence by Dr. Elizabeth Cullen of the Irish Doctors’ Environmental Association on the health impacts of electromagnetic radiation and her request that a full assessment of the health impacts be undertaken.  
[https://www.oireachtas.ie/ga/debates/debate/joint\\_committee\\_on\\_communications\\_marine\\_and\\_natural\\_resources/2005-01-25/2/](https://www.oireachtas.ie/ga/debates/debate/joint_committee_on_communications_marine_and_natural_resources/2005-01-25/2/)  
<https://iervn.files.wordpress.com/2019/08/report-by-dr-elizabeth-cullen-to-the-joint-oireachtas-committee-2005.pdf>

The Oireachtas Committee report was compiled at a time when wireless technology was far less advanced and prevalent compared to today and when the first smart phones had not even been introduced to Ireland. The report recognised that many people suffer ill health from the use of mobile phones or because they reside near a mast and called for a series of measures to be implemented including:

- the appointment of an independent board to review the published scientific data and which would include a representation from a statutory medical body;
- the establishment of a standing advisory committee comprised of the Department of Health and Children, the Department of the Environment, Heritage and Local Government and the Department of Communications, Marine and Natural Resources to vet and agree all standards for the mobile telephony industry;
- that all mobile phones for sale should display a label with details of its non-ionising radiation level;
- a ban on mobile phone masts/antennae near schools, playgrounds, pitches and health centres etc.
- In 2006 members of the Irish Electromagnetic Radiation Victims Network (IERVN) recounted their daily suffering with electromagnetic hypersensitivity due to effects from their exposure to non-ionising radiation from mobile phone handsets and masts at a Joint Committee on Health and Children in Leinster House:  
[https://www.oireachtas.ie/ga/debates/debate/joint\\_committee\\_on\\_health\\_and\\_children/2006-02-02/3/](https://www.oireachtas.ie/ga/debates/debate/joint_committee_on_health_and_children/2006-02-02/3/)
- The Irish Medical Organisation (IMO) passed the following motions at their AGM in 2010 relating to non-ionising radiation, which means they are now the official policy of the IMO:
  - 07/29 *This AGM recommends that the recommendation of the Joint Committee on Communications, Marine and Natural Resources on ‘Non-ionising radiation from mobile phone handsets and masts’ be implemented.*
  - 05/25 *That in light of ongoing uncertainty and in view of accumulating evidence, in vivo and in-vitro, of discernible effects on structure and function of tissues resulting from non-ionising radiation, that this Organisation; urges the Government to restrict the use of cell phones by children and prohibits the erection of cell phone base station transmitters on or near schools.*

- 01/32 *In view of the increasing concerns regarding the possible adverse health effects from microwave radiations the IMO requests the Minister for the Environment to require that a health warning, relating to these possible adverse health effects, particularly for those under eighteen years of age, be issued with all mobile phones.*

<https://www.imo.ie/policy-international-affair/documents/policy-archive/imo-motions-and-policy-handbook/IMO-Policy-Handbook-2010.pdf>

- In 2011 The World Health Organisation and International Agency for Research on Cancer (IARC) classified all Electromagnetic Fields/Radio Frequency (EMF/RF/Wi-Fi) used to power modern technology and emitted by masts/antennas and technological devices, as a Class 2B Carcinogen. The body of evidence is growing to suggest that it should be reclassified as a Class 1 carcinogen.  
[http://www.iarc.fr/wp-content/uploads/2018/07/pr208\\_E.pdf](http://www.iarc.fr/wp-content/uploads/2018/07/pr208_E.pdf)
- In May, 2011, the World Health Organisation's International Agency for Research on Cancer (IARC), classified electromagnetic radiation as "possibly carcinogenic to humans (Group 2B), based on an increased risk for glioma, a malignant type of brain cancer".[https://www.iarc.who.int/wp-content/uploads/2018/07/pr208\\_E.pdf](https://www.iarc.who.int/wp-content/uploads/2018/07/pr208_E.pdf) And in March, 2019, the Advisory Group for the IARC recommended that the IARC review the research on electromagnetic radiation to determine if it is a carcinogenic hazard (i.e. Group 2A or Group 1). The advisory group recommended that this review be conducted by 2024 as a "high priority." – a clear signal of the need to reassess the risk to public health.<https://monographs.iarc.who.int/.../IARCMonographs...> In addition, thousands of independent peer-reviewed studies have been published demonstrating the adverse effects of wireless technology to all forms of life. For example, the Bio-Initiative report (2007), an international collaboration of 29 prestigious scientists and public health experts from across the world, provides references to over 3,000 peer reviewed scientific papers which they reviewed. [https://bioinitiative.org/.../sec01\\_2007\\_summary\\_for..](https://bioinitiative.org/.../sec01_2007_summary_for..)
- Following the WHO classification, the Parliamentary Assembly of the Council of Europe adopted Resolution 1815 in which it considered that there was sufficient proof of the potentially harmful effects of electromagnetic fields (EMFs) on health and the environment. The resolution outlined several recommendations on the dangers of EMFs to the member states concerning the use of mobile phones and WiFi networks. It described the standards on exposure to EMFs set by the ICNIRP as having "serious limitations" and stated that:  
*...the precautionary principle should be applied when scientific evaluation doesn't allow the risk to be determined with sufficient certainty. Given the context of growing exposure of the population, in particular that of vulnerable groups such as young people and children, there could be extremely high human and economic costs if early warnings are neglected.....Waiting for high levels of scientific and clinical proof before taking action to prevent well-known risks can lead to very high health and economic costs, as was the case with asbestos, leaded petrol and tobacco".*  
<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>
- In 2016, the European Directive, "Safety, Health and Welfare at work Electromagnetic Fields) Regulations 2016" were transposed into Irish law. These regulations include information on the risks of non-thermal effects of EMF/RF/Wi-Fi ".....- such as stimulation of muscles, nerves or sensory organs. These effects might have a detrimental effect on the mental and physical health of exposed employees." The sources of EMFs include but are not limited to Wi-Fi, 2G, 3G, 4G, 5G etc. The regulations also impose duties on employers to avoid and reduce risks from EMFs and when to carry out risk assessments etc. The regulations identify groups "at particular risk" as being the following: pregnant employees, employees who wear active or passive implanted medical devices such as cardiac pacemakers and employees with medical devices worn on the body, such as insulin pumps.

Regardless of whether or not you believe EMF non-ionising radiation exposure to be safe, the Regulations in Ireland/EU clearly state that it is not safe and that it presents a

particular health risk to the groups of workers above and that specific risk assessments - must take place. It stands to reason that if workers can suffer adverse effects from EMFs, then the residents and children in particular, who live near telecommunications structures and antennae, which have been erected around the country are also at risk and must be protected.

<http://www.irishstatutebook.ie/eli/2016/si/337/made/en/pdf>

Professor Tom Butler's 'Review of the Health Risks of Radiofrequency Radiation Employed in 5G Technology and the Implications for UK Policymaking' is very relevant to our situation in Ireland and provides an excellent scientific summary of why we should be concerned about the health risks of wireless radiation.

<https://www.radiationresearch.org/wp-content/uploads/2020/05/Prof-Tom-Butler-Submission-on-5G-RFR-Final-27-05-2020.pdf?fbclid=IwAR3pfzt2CoapFhQaEd4wJIoPdFvNVs1xfMdRnC4uZCB2F4XjkVI-OHnKy24>

If the thousands of studies warning of the dangers of electromagnetic radiation and 5G don't convince you of the serious risks to health, it should be enough to confirm that at the very least there is a serious doubt about its safety and therefore the precautionary principle should be applied. We have no basis on which we can presume that electromagnetic fields and especially 5G are safe and to further confirm the serious doubt about safety, wireless industry representatives admitted at a US Senate Hearing in 2019 that they had carried out NO health and safety studies on 5G!

You can watch this short video where they make this admission:

<https://www.youtube.com/watch?v=hsil3VQE5K4>

### **Children and WiFi in schools**

Most worrying with regard to the health issue is the fact that children, adolescents and especially the unborn are particularly vulnerable to exposure from wireless radiation as they absorb much more radiation than adults, are still developing and have a longer time ahead for latent effects to manifest. The WiFi systems used in schools are considerably stronger than that used at home, as more routers are needed, producing much higher microwave signal strength to cover a larger area. Each separate tablet or device will also be emitting radiation. It is vital therefore that the government works to reduce the exposure in schools and early childhood care and education settings like has been done for example in France, Cyprus, Israel and Russia.

<http://www.assemblee-nationale.fr/14/ta/ta0468.asp>

<https://ehtrust.org/cyprus-issues-decree-banning-wireless-kindergarten-elementary-school-classrooms/>

<https://ehtrust.org/restrict-screens-no-cell-phones-and-minimize-wireless-radiation-for-education-during-covid-19-quarantine-russia-releases-recommendations-for-childrens-protection/>

However Circular Letter PL 07/12 issued in 2012 by the Department of the Environment, Community and Local Government advised planning authorities not to include minimum separation distances between telecommunications structures and schools.

<https://www.gov.ie/en/circular/bbdf7-circular-pl-0712-telecommunications-antennae-support-structure-guidelines/>

This urgently needs to be reversed in line with the recommendations of the Joint Oireachtas Committee mentioned above and the policy of the Irish Medical Organisation.

Some warnings specifically relating to children which have been largely ignored are:

- The Council of Europe Resolution 1815 of 2011 mentioned above, called on European governments to replace WiFi technology in schools with safer wired solutions instead: 'European governments should "take all reasonable measures" to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, "and particularly the exposure to children and young people who seem to be most at risk from head tumours". Governments should "for children in general, and particularly in schools and classrooms, give preference to wired Internet connections, and strictly regulate the use of mobile phones by schoolchildren on school premises", and put in place



- information and awareness-raising campaigns on the risks of potentially harmful long-term biological effects on the environment and on human health';
- In 2011 our Chief Medical Officer, Tony Holohan issued a press release which included the statement  
*"We may not truly understand the health effects of mobile phones for many years.....There is general consensus that children are more vulnerable to radiation from mobile phones than adults. Therefore the sensible thing to do is to adopt a precautionary approach rather than wait to have the risks confirmed"*. He also advised that young people should be encouraged to use mobile phones for 'essential purposes only' and all calls should be kept short, as talking for long periods prolongs exposure to radiofrequency electromagnetic fields;  
<https://www.gov.ie/en/press-release/6ba473-advice-from-the-chief-medical-officer-on-mobile-phone-use/>
  - In 2012 the Irish Doctors' Environmental Association sent the Safe Schools Report to all schools in Ireland, which recommended a series of measures which should be taken in order to minimise exposure to EMF;  
<http://wifiinschools.org.uk/resources/safeschools2012.pdf>
  - In 2013 the Irish Doctors' Environmental Association followed up with a letter to all school principals warning them of the harmful effects of WiFi and urging them to use wired technologies for the safety of the pupils and staff;  
<https://iervn.files.wordpress.com/2019/06/idea-wifi-in-schools-2013.pdf>
  - In 2019 Prof. of UCC published research papers 'On the Clear Evidence of the Risks to Children from Non-Ionizing Radio Frequency Radiation: The Case of Digital Technologies in the Home, Classroom and Society'.  
<https://www.radiationresearch.org/wp-content/uploads/2019/04/On-the-Clear-Evidence-of-the-Risks-to-Children-from-Smartphone-and-WiFi-Radio-Frequency-Radiation-Final-20201.pdf> and 'A Critical Review of Digital Technology in Education that should give Policy Makers and Educators Pause for Thought'  
<https://www.radiationresearch.org/wp-content/uploads/2019/11/Digital-Technology-in-Education-Working-Paper-2019.pdf>  
 and an opinion article 'Why everyday wireless technology poses a health risk to children'.  
<https://www.rte.ie/brainstorm/2019/0417/1043133-why-everyday-wireless-technology-poses-a-health-risk-to-children/?fbclid=IwAR023AaXURt9-lhNjp2q20ua2BouyEVXvrOod4-1iTJ14BxRN4sFje5FI3g>

To date we have not seen action taken on these recommendations but rather we are seeing even more WiFi installations being rolled out in Irish schools. It is crucial that the Department of Education instructs schools to implement the use of safe alternatives and solutions to wireless technology. Schools can use wired computers; devices can be connected to the internet via ethernet connections or fibre optic cables and pupils can be asked not to use or carry mobile phones on them whilst at school. As Dr. Sarah Starkey has said on this issue, "Harming children is wrong, no matter how economically inconvenient or how difficult it is to make changes".

### **Regulatory Framework**

The regulatory framework for the telecommunications sector has been revised in such a way to provide sweeping exemptions to the industry and facilitate the widespread installation of small cell 5G, Wi-Fi or any wireless antennae without public consent. Circular Letter PL 01/2018 from the Department of Housing, Local Government and Heritage, makes provision for certain exemptions to works undertaken by telecommunications companies, including that small cell antennae may be attached "to smaller structures including electricity poles, telegraph poles, lamp posts, lighting structures, flag poles, CCTV poles, phone kiosks and bus shelters".  
<https://www.gov.ie/en/circular/35bd3-circular-pl-012018-amendments-to-the-exempted-development-provisions-in-the-planning-and-development-regulations/>

These exemptions to the telecommunications industry effectively allow 5G and other wireless technology to be installed anywhere and everywhere in our communities to beam

electromagnetic radiation 24 hours a day without our knowledge or consent. The Irish Planning Institute stated in 2001 around the time of implementation of the Planning and Development Act, that the exemptions were “far too wide-ranging and permissive” and would substantially affect the balance between the needs of industry and the need to protect planning laws. Also that “if passed un-amended, the exemption would “virtually remove” any need for planning permissions for masts in built-up areas, including schools and churches and “on virtually any pole on any street”.

<https://www.irishtimes.com/news/planning-curbs-on-phone-masts-eased-1.337307>

Twenty-three years later in 2023, their prediction has come true.

### **Electromagnetic Hypersensitivity (EHS)**

The current policy of ComReg and the government is presenting a nightmare scenario to the small minority of us in the population who suffer with electromagnetic hypersensitivity. This is a condition in which adults and children develop intolerance to radiation from wireless technology devices and infrastructure such as mobile phones, Wi-Fi, wireless utility ‘smart’ meters and mobile masts and antennae. Symptoms vary from tingling in the hands and head pain when using a mobile phone, to severe and disabling illness. The most common symptoms are headaches, sleep disturbances, nausea, dizziness, cognitive and memory problems, a racing heart and palpitations, burning sensations, nosebleeds and noise or light sensitivities.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7139347/>

The prevalence of the condition is growing rapidly including amongst children and many people are not aware that their symptoms are caused by exposure to wireless devices. Given the exponential increase in the past decade of the use of wireless devices including Wi-Fi and smartphones and the increase in the levels of radiation in the environment from the wireless infrastructure, it is likely that the rates of people who suffer from the condition will continue to rise. (Some well-know sufferers of the condition include Gro Harlem Brundtland, former Norwegian Prime Minister and head of the World Health Organisation, Matti Niemala, former Nokia technology chief and the wife of Frank Clegg, former head of Microsoft Canada and current head of Canadians for Safe Technology). The Strategy if implemented would leave EHS sufferers in Ireland with no safe place to live and work and this is completely unacceptable and discriminatory.

### **Lack of health oversight**

Of particular concern is the fact that the Department of Health has not been given responsibility for public exposure to non-ionising radiation. In fact former Minister with responsibility for Communications, Richard Bruton stated many times in the Dáil, that the government’s policy on the 5G roll-out is “primarily a matter for private mobile network operators”. The Air Quality, Noise and Radiation Division of the Department of Environment, Climate and Communications is responsible for policy relating to the health effects of non-ionising radiation including EMFs and according to its website “contributes directly to the Department’s efforts to achieve a high quality environment through effective nuclear safety and environmental (radiation) protection. It is responsible for managing the development of effective environmental radiation policy and legislation”.

[https://whodoeswhat.gov.ie/division/comms/Air\\_Quality\\_Noise\\_and\\_Radiation/](https://whodoeswhat.gov.ie/division/comms/Air_Quality_Noise_and_Radiation/)

It is assisted in this role by the Environmental Protection Agency (EPA) and neither of them are competent bodies in the field of health. It beggars belief that we have a non-health-related government department and the EPA, who specialise in protecting the environment, responsible for public health in regard to EMFs.

To add insult to injury, I asked the Health and Safety Authority (HSA) the question of who was responsible for ensuring compliance with the Safety, Health and Welfare at Work (Electromagnetic Fields) Regulations 2016 and they replied that it was a matter for ComReg. ComReg replied to the same question that it was a matter for the HSA! So it appears that nobody is overseeing compliance with the workplace legislation – a clear abrogation by the State in its responsibility for public health and another clear reason why overall responsibility for the health effects of electromagnetic radiation needs to be transferred to the Department of Health.

Responsibility for public exposure and health effects of EMFs should be transferred to the Department of Health which should ensure that truly protective limits for exposure to EMFs are enforced instead of the discredited ICNIRP guidelines which have been set far too high. The Health and Safety Authority should also enforce the European Directive “Safety, Health and Welfare at Work (Electromagnetic Fields) Regulations 2016 which identify groups as being “at particular risk” and impose duties on employers to avoid and reduce risks from EMFs and when to carry out risk assessments etc.

The vacuum in general oversight on exposure to EMFs by a competent health authority is made greater by Circular Letter PL 07/12, mentioned above, which advises planning authorities that they should not determine planning applications on health grounds.

### **Commission for Communications Regulation (ComReg)**

Part of ComReg’s role in relation to non-ionising radiation is to manage Ireland’s radio spectrum and to ensure that licensed network operators comply with their licence obligations and do not exceed the emissions levels established by the ICNIRP. Of all the sites which have been surveyed, non-ionising radiation levels have been found to fall well below the ICNIRP limits. As explained below, this is no consolation whatsoever as these levels have been set so high in order to benefit the telecommunications industry, that they would be very difficult to breach. The percentage of sites surveyed for non-ionising radiation levels is a highly inadequate proportion of antennae being monitored for their emissions. In reality, this means that we have a system of self-regulation by the mobile network providers in place, which is not acceptable.

On the other hand ComReg is actually actively advertising Ireland as a destination for 5G testing through its website [testandtrial.ie](http://testandtrial.ie). Your promotional video boasts that in other countries, access to radio-spectrum may be restricted by military use, international borders or high-density populations, but not here in Ireland. Also that a one year test licence is available for as little as €200 and is approved in less than 10 days. So the people of Ireland are being used as guinea pigs!

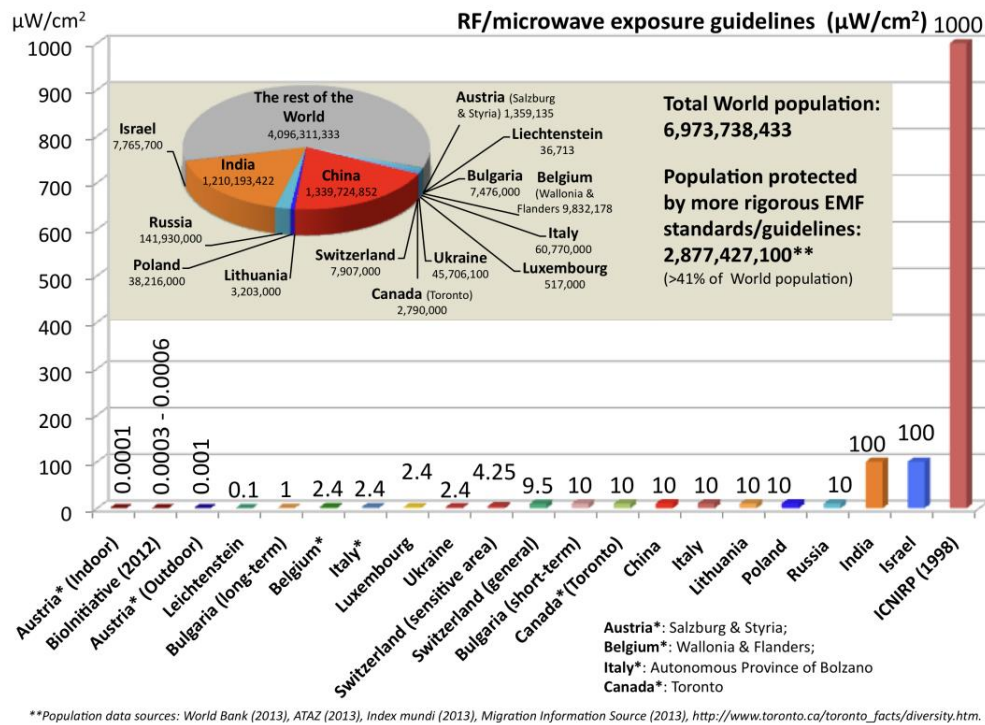
### **ICNIRP – a discredited organisation and its ‘safety guidelines’**

The reliance of the Environmental Protection Agency on the ‘safety’ guidelines of the International Commission for Non-Ionising Radiation Protection (ICNIRP) is at the heart of the problem of public safety. These guidelines which were set in 1998 have been widely condemned by both the scientific community and official European bodies, such as the Council of Europe, the European Parliament (both of which recommend lowering the ICNIRP exposure limits), the European Environmental Agency, Professor Dominique Belpomme from France, Dr. Sarah Starkey and many others. They have been scientifically proven to be hopelessly too high, they are not protective, do not adhere to the Precautionary Principle and they benefit the telecommunications industry only. They focus on technical issues and also on technology that is vastly different from that of today and were set for short term exposure (only 6-30 minutes, unreflective of today’s constant exposure) on an adult male only. Children are not covered by these guidelines. They are based on the obsolete hypothesis that heating is the only harmful effect of electromagnetic fields, thereby excluding a large body of published science demonstrating the detrimental effects caused by non-thermal radiation. Hundreds of scientists have proven that many different kinds of acute and chronic illnesses are caused without heating (“non-thermal effect”) from radiation levels far below these ‘guidelines’.

The ICNIRP guidelines are relied on by many countries around the world but there are also many countries who clearly don’t trust those set by the ICNIRP and apply much more stringent exposure guidelines. Dr. Isaac Jamieson for example, states in his report “RF/Microwave Radiation: Risk Awareness” that it is because of the numerous scientific studies indicating adverse health effects from even very low levels of RF exposure that over 40% of the World’s populations have exposure guidelines substantially more rigorous than those provided by the ICNIRP e.g. Austria, Bulgaria, Luxembourg, Ukraine, China, Italy, Russia and many others.

<https://bemri.org/publications/icnirp/458-rf-microwave-radiation-risk-awareness/file.html>

His point is very well illustrated in this chart which indicates just how high the ICNIRP ‘guidelines’ (on the far right of the chart) are compared to those in use in other countries. :



**Figure 1: Comparison of RF exposure guidelines and global population.**

The ICNIRP organisation itself has also been widely discredited as it is a self-appointed organisation, lacking official oversight and many members have been found to have serious conflicts of interest due to direct and indirect ties to the telecommunications industry. The recent landmark judgement of the Turin Court of Appeal in Italy ruled that research reviews carried out by the ICNIRP were biased and could not be trusted in determining whether there was a causal link between wireless cell phone use and brain cancer. The court decided that there was a link, and its judgement was based on independent scientific studies. [https://www.radiationresearch.org/wp-content/uploads/2020/01/Turin-Verdict-ICNIRP-Judgment-SUMMARY-of-the-Turin-Court-of-Appeal-9042019\\_EN-min.pdf](https://www.radiationresearch.org/wp-content/uploads/2020/01/Turin-Verdict-ICNIRP-Judgment-SUMMARY-of-the-Turin-Court-of-Appeal-9042019_EN-min.pdf)

MEPs - Michèle Rivasi (Europe Écologie) and Klaus Buchner (Ökologisch-Demokratische Partei) among many others highlighted the conflicts of interest which exist in the ICNIRP in their extensive 98-page report in June 2020 entitled "The International Commission on Non-Ionizing Radiation Protection: Conflicts of interest, corporate capture and the push for 5G". The health risks are too serious to be left to a private organisation like this. <https://ehtrust.org/the-international-commission-on-non-ionizing-radiation-protection-conflicts-of-interest-corporate-capture-and-the-push-for-5g/>

The ICNIRP doesn't even stand over its own research and it takes no responsibility whatsoever for any harm that may result from the information it provides. This is the disclaimer on their website:

*"ICNIRP e.V. undertakes all reasonable measures to ensure the reliability of information presented on the website, but does not guarantee the correctness, reliability, or completeness of the information and views published. The content of our website is provided to you for information only. We do not assume any responsibility for any damage, including direct or indirect loss suffered by users or third parties in connection with the use of our website and/or the information it contains,*

*including for the use or the interpretation of any technical data, recommendations, or specifications available on our website”.*

In reply to a question from the European Parliament in 2018, the European Commission representative stated that according to Article 168 of the Treaty on the Functioning of the European Union, “the primary responsibility for protecting the public from potential harmful effects of electromagnetic fields remains with the Member States”. However, our governments have not made any meaningful efforts to protect our citizens from the harmful effects of EMFs and instead have recklessly relied on the fraudulent ‘guidelines’ of the ICNIRP, while ignoring the huge body of independent research warning of the dangers and not designating a competent health authority to properly investigate 5G for safety.  
[https://www.europarl.europa.eu/doceo/document/E-8-2018-003975-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-8-2018-003975-ASW_EN.html)

Below is a small sample of other sources with damning findings against the ICNIRP and its guidelines:

164 scientists and medical doctors together with 95 non-governmental organizations (NGOs) from all over the world are calling for more protective limits for exposure to radiofrequency radiation from wireless technologies. In a joint statement, “The EMF Call”, they conclude that the ICNIRP guidelines are unscientific and do not protect against harmful health effects including cancer.  
[www.emfcall.org](http://www.emfcall.org)

Resolution 1815 (2011) of the Council of Europe on health risks associated with electromagnetic fields states:

“The rapporteur underlines in this context that it is most curious, to say the least, that the applicable official threshold values for limiting the health impact of extremely low frequency electromagnetic fields and high frequency waves were drawn up and proposed to international political institutions (WHO, European Commission, governments) by the ICNIRP, an NGO whose origin and structure are none too clear and which is furthermore suspected of having rather close links with the industries whose expansion is shaped by recommendations for maximum threshold values for the different frequencies of electromagnetic fields. If most governments and safety agencies have merely contented themselves with replicating and adopting the safety recommendations advocated by the ICNIRP, this has essentially been for two reasons: in order not to impede the expansion of these new technologies with their promise of economic growth, technological progress and job creation; and also because the political decision-makers unfortunately still have little involvement in matters of assessing technological risks for the environment and health.”

<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>

Prof. Emeritus Martin Pall, Eight Repeatedly Documented Findings Each Show that EMF Safety Guidelines Do Not Predict Biological Effects and Are Therefore Fraudulent  
<https://ehtrust.org/wp-content/uploads/SafetyGuidelineFraud2.pdf>

Prof. D. Belpomme (MD, MCS, Professor of Medical Oncology, and his colleagues stated in July 2018: “The specific absorption rate (SAR)-based ICNIRP safety limits were established on the basis of simulation of EMF energy absorption using standardized adult male phantoms, and designed to protect people only from the thermal effects of EMFs. These assumptions are not valid for two reasons. Not only do they fail to consider the specific morphological and bioclinical vulnerabilities of children, but also they ignore the effects known to occur at non-thermal intensities...”

<https://www.saferemr.com/2018/07/international-perspective-on-health.html>

<https://pubmed.ncbi.nlm.nih.gov/30025338/>

Gandhi OP, Morgan LL, de Salles AA, Han YY, Herberman RB, Davis DL. Exposure limits: the underestimation of absorbed cell phone radiation, especially in children. *Electromagn Biol Med.* 2012;31(1):34-51. oi:10.3109/15368378.2011.622827  
<https://pubmed.ncbi.nlm.nih.gov/21999884/>

Hardell L. World Health Organization, radiofrequency radiation and health - a hard nut to crack (Review). *Int J Oncol.* 2017;51(2):405-413. doi:10.3892/ijo.2017.4046  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5504984/>

Professor Jacquie McGlade, Executive Director of the European Environment Agency, Copenhagen has stated: “The evidence is now strong enough, using the precautionary principle, to justify the following steps... to reconsider the scientific basis for the present EMF exposure standards which have serious limitations such as reliance on the contested thermal effects paradigm and simplistic assumptions about the complexities of radio frequency exposures.”

<https://www.sehn.org/sehn/precautionary-principle-number-187>

The International Commission for Electromagnetic Safety have said: “The non-ionizing radiation protection standards recommended by the international standards organisations, and supported by the World Health Organisation, are inadequate. Existing guidelines are based on results from acute exposure studies and only thermal effects are considered. A world wide application of the Precautionary Principle is required. In addition, new standards should be developed to take various physiological conditions into consideration, e.g., pregnancy, newborns, children, and elderly people” (ICEMS, 2008).

<http://www.icems.eu/resolution.htm>

The International Bio-Initiative report (2007), an international collaboration of prestigious scientists and public health experts from across the world, reviewed thousands of peer reviewed scientific papers and states: “What is clear is that the existing public safety standards limiting these radiation levels in nearly every country of the world look to be thousands of times too lenient. Changes are needed.”

[https://bioinitiative.org/wp-content/uploads/pdfs/sec01\\_2007\\_summary\\_for\\_public.pdf](https://bioinitiative.org/wp-content/uploads/pdfs/sec01_2007_summary_for_public.pdf)

Starkey, S. J. (2016). Inaccurate official assessment of radiofrequency safety by the Advisory Group on Non-ionising Radiation. *Reviews on environmental health*, 31(4), 493-503.

<https://www.ncbi.nlm.nih.gov/pubmed/27902455>

The serious conflict of interest between the World Health Organisation and the ICNIRP is outlined in detail in this report:

Hardell L, Carlberg M. Health risks from radiofrequency radiation, including 5G, should be assessed by experts with no conflicts of interest. *Oncol Lett.* 2020;20(4):15. doi:10.3892/ol.2020.11876

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7405337/>

Hardell L, Nyberg R. Appeals that matter or not on a moratorium on the deployment of the fifth generation, 5G, for microwave radiation. *Mol Clin Oncol.* 2020;12(3):247-257.

doi:10.3892/mco.2020.1984

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7016513/>

And straight from the 1998 ICNIRP report (p. 507): “Overall, the literature on non-thermal effects of electromagnetic fields is so complex, the validity of reported effects so poorly established, and the relevance of the effects to human health is so uncertain, that it is impossible to use this body of information as a basis for setting limits on human exposure to this field”

<https://www.icnirp.org/cms/upload/publications/ICNIRPemfgdl.pdf>

In other words, a total rejection by the ICNIRP of the precautionary principle in the face of complexity.

### **Copper Switch-Off**

I am also very worried about the plan to implement a Copper Switch-Off. EHS sufferers rarely use mobile phones due to their adverse side effects and rely on landlines. Others such as some elderly or disabled people don't want broadband, don't want or are unable to use a mobile phone for various reasons and also rely on landlines. Such people would become isolated and seriously disadvantaged without a landline. When people are at their most vulnerable, the State should be ensuring that they remain safe and not worsen the situation. In the event of a power cut and consequent loss of internet, which will be more likely in the coming years due to more frequent bad weather events, a VOIP system would not work whereas a landline would be more reliable in such a situation as local telephone exchanges usually have their own back-up power. It's very important therefore that traditional landlines are not phased out.

### **Environment**

There are concerns regarding the continued expansion of the telecommunications sector including the 5G rollout on a number of environmental grounds. Many companies and

governments claim that 'smart' technology is green and good for the environment, using false claims to push smart meters, IoT and wireless devices on us. Wireless technology is neither a sustainable nor an environmentally-friendly technology because it uses far more energy than wired connections.

The French Climate Council states that up to an extra 7 billion tonnes of carbon dioxide could be released into the atmosphere by 5G and that the technology is only the tip of the iceberg as additional carbon emissions would come mainly from data centres and the manufacturing of new electronic devices.

<https://www.france24.com/en/europe/20201220-deploying-5g-will-lead-to-spike-in-co2-emissions-french-climate-council-warns?fbclid=IwAR2iChFNGDoUtKuyEpreruaalpr9mtlDgScGvUQeacBoZ08C7H7vwPziKg>

Dr. Patrick Bresnihan of the National University of Ireland, Maynooth told an Oireachtas Committee on the Environment and Climate Change on 28<sup>th</sup> September 2021 that while data centres currently represented 11 per cent of our grid capacity, the energy used by those existing connections will rise to almost 30 per cent of overall capacity by the end of the decade and if all other data centres proposed for Ireland are allowed, their energy use would comprise 70 per cent of capacity on the national grid. This compares with the worldwide situation where only 2 per cent of electricity is consumed by data centres. Dr. Bresnihan also stated that while Ireland has committed to having 70% of its electricity sourced from renewables (mainly wind) by 2030, there will be a need especially in the short term, for other sources of energy and that "achieving ambitious emissions and renewable targets by 2030 will undoubtedly be far more difficult with the addition of more data centres to the grid". He said that an average data centre used as much electricity as a small city like Kilkenny, that they are large consumers of water, using an estimated 500,000 litres per day with the potential to rise to 5 million litres per day and that this is "particularly significant in light of the weak security of water supplies in parts of the country, particularly the greater Dublin region". Also that "In a context where households are facing increased energy bills and carbon taxes, the continued granting of planning permission to energy-intensive data centres is already being perceived as unfair". Our current strategy is clearly unsustainable and bear in mind that Dr. Bresnihan's remarks were made in 2021 – well before the energy crisis which was exacerbated by the war in Ukraine. Increased future demands of data centres would in turn exacerbate the crisis in energy shortages and price increases and energy insecurity and even brownouts or blackouts would result in great reputational and economic damage. Further into the future, there would also be reputational damage and potential financial penalties if Ireland fails to meet its 2030 climate and renewable energy targets.

[https://data.oireachtas.ie/ie/oireachtas/debateRecord/joint\\_committee\\_on\\_environment\\_and\\_climate\\_action/2021-09-28/debate/mul@/main.pdf](https://data.oireachtas.ie/ie/oireachtas/debateRecord/joint_committee_on_environment_and_climate_action/2021-09-28/debate/mul@/main.pdf)

5G in particular would contribute to climate change and a warming Earth partly due to the increased energy usage and due to the thousands of satellites that will orbit around the planet and which will be launched by thousands of rockets. Ireland is already contributing to the demand for these satellites with Elon Musk's Starlink operations in Midleton, Co. Cork and the Black Valley area of Co. Kerry.

<https://www.irishexaminer.com/news/munster/arid-40298921.html>

The Aerospace Corporation predicted in a paper that these rockets would "create a persistent layer of black carbon particles in the northern stratosphere that could cause potentially significant changes in the global atmospheric circulation and distributions of ozone and temperature", therefore causing a substantial carbon footprint - at a time when we must drastically cut our greenhouse gases.

[https://www.researchgate.net/profile/Michael\\_Mills8/publication/228750427\\_Potential\\_Climate\\_Impact\\_of\\_Black\\_Carbon\\_Emitted\\_by\\_Rockets/links/0a85e53176e54d0262000000.pdf](https://www.researchgate.net/profile/Michael_Mills8/publication/228750427_Potential_Climate_Impact_of_Black_Carbon_Emitted_by_Rockets/links/0a85e53176e54d0262000000.pdf)

This of course is not in keeping with the government's declaration in 2019 of a climate emergency. On the contrary, the people of Ireland stand to lose out with the increasing carbon footprint leading to more EU fines and severe reductions in other vital areas that really need to use the carbon.

## **Biodiversity**

ICNIRP limits were not developed to protect our flora or fauna. Wireless radiation 'safety' limits for trees, plants, birds and bees simply do not exist. No Irish agency or international authority with expertise in science, biology or safety has ever acted to review research and set safety limits for insects (including bees and other pollinators), birds, small mammals plants and all wildlife. A 2021 review found "sufficient evidence on the damage caused by electromagnetic radiation" to insects to state that "electromagnetic radiation should be considered seriously as a complementary driver for the dramatic decline in insects, acting in synergy with agricultural intensification, pesticides, invasive species and climate change." The paper concludes that "the precautionary principle should be applied before any new deployment (such as 5G) is considered."

<https://www.sciencedirect.com/science/article/abs/pii/S0048969720384461?via%3Dihub>

This is just a small sample of other studies to illustrate this point:

2021 – Effects of non-ionizing electromagnetic fields on flora and fauna, part 1. Rising ambient EMF levels in the environment

<https://www.degruyter.com/document/doi/10.1515/reveh-2021-0026/html>

Effects of non-ionizing electromagnetic fields on flora and fauna, Part 2 impacts: how species interact with natural and man-made EMF

<https://www.degruyter.com/document/doi/10.1515/reveh-2021-0050/html>

Effects of non-ionizing electromagnetic fields on flora and fauna, Part 3. Exposure standards, public policy, laws, and future directions

<https://www.degruyter.com/document/doi/10.1515/reveh-2021-0083/html>

Electromagnetic radiation as an emerging driver factor for the decline of insects

<https://www.sciencedirect.com/science/article/>

2020 – Radio-Frequency Electromagnetic Field Exposure of Western Honey Bees

<https://www.nature.com/articles/s41598-019-56948-0>

2018 – Study: Electromagnetic Fields A 'Credible Threat' To Wildlife

<https://principia-scientific.org/study-electromagnetic-fields-a-credible-threat-to-wildlife/>

2007 – Bees, Birds and Mankind : Destroying Nature by "Electrosmog"

[https://kompetenzinitiative.com/wp-content/uploads/2019/08/ki\\_beesbirdsandmankind\\_screen.pdf](https://kompetenzinitiative.com/wp-content/uploads/2019/08/ki_beesbirdsandmankind_screen.pdf)

## **Uninsurable Technology**

According to CFC Underwriting Ltd., it is standard practice in the insurance industry to exclude cover for illnesses caused by long-term non-ionising radiation exposure. This is confirmed in this document – Insurance for Architects & Engineers – Proinsurance TM A&E Policy Document" which has been produced by CFC Underwriting Limited for Lloyd's of London:

<https://www.jrseco.com/lloyds-insurance-company-does-not-cover-health-damage-caused-by-electromagnetic-radiation/>

which states:

*"We will not*

- a) make any payment on your behalf for any claim, or*
- b) incur any costs and expenses, or*
- c) reimburse you for any loss, damage, legal expenses, fees or costs sustained by you, or*
- d) pay any medical expenses: .....*

*GENERAL INSURANCE EXCLUSIONS:*



### 32. Electromagnetic fields

.....directly or indirectly arising out of, resulting from or contributed to by electromagnetic fields, electromagnetic radiation, electromagnetism, radio waves or noise”.

(Exclusion 32, page 7/8)

Another of the world’s largest insurance companies, Swiss ReInsurance Company (Swiss Re) classifies electromagnetic radiation into the highest risk class. The text on page 11 of this report states:

*“Anxiety over the potential risks related to electromagnetic fields (EMF) has risen. Studies are difficult to conduct, since time trend studies are inconsistent due to the still rather recent proliferation of wireless technology. The WHO has classified extremely low-frequency magnetic fields and radiofrequency electromagnetic fields, such as radiation emitted by cell phones, as potentially carcinogenic to humans (Class 2B carcinogen). Furthermore, a recent ruling by an Italian court suggested a link between mobile phone radiation and human health impairment. Overall, however, scientific studies are still inconclusive regarding possible adverse health effects of EMF. If a direct link between EMF and human health problems were established, it would open doors for new claims and could ultimately lead to large losses under product liability covers. Liability rates would likely rise”.*

<https://www.swissre.com/institute/research/sonar/swiss-re-sonar-2013-emerging-risk-insights.html>

The insurance authority Swiss Re Group released a white paper in 2019 classifying 5G as a “high” emerging risk and cautioned that “As the biological effects of EMF in general and 5G in particular are still being debated, potential claims for health impairments may come with a long latency”.

<https://ehtrust.org/wp-content/uploads/Swiss-Re-SONAR-Publication-2019-excerpt-1.pdf>

The Ericsson Annual Report for 2019 has acknowledged that new scientific findings of adverse health effects from mobile communications devices and equipment could adversely affect them through liability claims:

<https://www.ericsson.com/495c1f/assets/local/investors/documents/2019/ericsson-annual-report-2019-en.pdf>

and the Vodafone Annual Report for 2019 states that EMF health related risk has been moved to their watchlist as a longer-term potential risk:

<https://investors.vodafone.com/sites/vodafone-ir/files/vodafone/annual-report/vodafone-full-annual-report-2019.pdf>

This begs the question - if 5G is as safe as the telecommunications companies and our state organisations say, why is it uninsurable and why are they not being made liable? It appears that this lack of insurance cover leaves future governments exposed to being liable for all ill health effects from EMF radiation. If insurance companies won’t take the risk, then our citizens, especially children and EHS sufferers should not be subjected to this risk and our governments and taxpayers should not be exposed to the risk either.

### **Conclusion**

I am not against the use of technology but it is vital for all of us that it is safe especially for EHS sufferers. Focus should be on wired/fibre broadband to the home, which provides safer, faster, more reliable and more cyber-secure internet. Up to now, we have had the option to avoid wireless and use wired and to turn off Wi-Fi while sleeping etc. but we would have no choice with the full implementation of ComReg’s strategy and no option whatsoever to turn it off. The strategy would facilitate radiation to become inescapable in its provision for antennae to be deployed everywhere using electricity poles, bus shelters etc. as mentioned above, near homes, schools, hospitals and workplaces which would expose us all to wireless non-ionising electromagnetic radiation against our consent.

The compelling scientific evidence proves at the very least that there is a serious doubt about the safety of wireless radiation and continuing down this path with its consequent adverse effects leaves future governments at risk of an extensive backlash from the public who feel betrayed by governments who ignored the mounting evidence of the risks, massive lawsuits by individuals or

groups who fall ill from exposure to electromagnetic radiation and a health service unable to cope. I therefore earnestly request:

- the use of wired technology which is safer, faster, more reliable and more cyber secure than wireless telecommunications should be prioritised and incentivised;
- grants of planning permission for telecommunications structures with antennae, dishes etc. should cease especially next to homes, schools, hospitals etc. and especially where there are already existing structures in place;
- special attention should be given to ensuring safety in schools and early childhood care and education settings so that there is no exposure to Wi-Fi, including by strictly regulating the use of mobile phones by schoolchildren on school premises and by installing hardwired networks only;
- the recommendations of the 2005 report on Non-ionising radiation from mobile phone handsets and masts by the Joint Committee on Communications, Marine and Natural Resources should be implemented;
- the policy of only requiring wireless technology to conform with ICNIRP guidelines which have been widely condemned should be brought to an end and independent EMF and health scientists should be immediately appointed, without industry influence and with no conflicts of interest, for the purpose of establishing new safety standards for RF radiation for Ireland, that are not based only on power levels, that consider cumulative exposure, and that protect against *all* health and environmental effects, not just thermal effects and not just effects on human
- information and awareness-raising campaigns on the risks of potentially harmful long-term adverse effects on health from wireless radiation should be put in place. This would be in keeping with the advice of Chief Medical Officer, Tony Holohan in 2011 as mentioned above, the United Nations Convention on the Rights of the Child and the Council of Europe Resolution 1815 (2011);
- legislation should be introduced which requires warning labels to be put on all mobile phones sold in Ireland clearly stating that mobile phones emit electromagnetic radiation, and that users should keep the device away from the head and body;
- the precautionary principle should be applied before any further deployment of 5G is considered;
- responsibility for public exposure and health effects of electromagnetic radiation should be transferred to the Department of Health;
- transparency in the planning legislation should be restored so that telecommunications structures are no longer exempt from the planning permission process (through legislative exemptions like Section 254 and Class 31 etc.)

Thank you for your time in reading my submission

## 6 Eircom

**eir's Response to the Consultation on ComReg's Draft ECS Strategy Statement  
2023-2025**

**ComReg Document: ComReg 22/109**



**10 February 2023**

## DOCUMENT CONTROL

<b>Document name</b>	eir response to ComReg Consultation 22/109
<b>Document Owner</b>	eir
<b>Status</b>	Non-Confidential

The comments submitted in response to this consultation document are those of Eircom Limited and Meteor Mobile Communications Limited (trading as 'eir' and 'open eir'), collectively referred to as 'eir Group' or 'eir'.

Please note that, for the purposes of the Freedom of Information Act 2014 and the Communications Regulation Act 2002 (as amended) and in the context of the eir Group's general rights and obligations, information supplied by the eir Group to you may contain confidential, commercially sensitive or price sensitive information consisting of financial, commercial, technical or other information, whose disclosure to a third party could result in financial loss to the eir Group, could prejudice the competitive position of the eir Group in the conduct of its business, or could otherwise prejudice the conduct or outcome of contractual or other negotiations to which the eir Group is a party.

Accordingly, you are requested to contact a member of eir Group's Regulatory Strategy Team where there is a request by any party to have access to records which may contain any of the information herein and not to furnish any information before the eir Group has had an opportunity to consider the matter.

Outlined below is eir's response to the questions on ComReg's draft Strategy Statement for Electronic Communications Services for 2023-2025.

## Response to consultation

**Q1. Do you agree that the draft Strategy Statement appropriately captures ComReg's Mission, Vision and Role for the period? In providing your view, please also provide supporting evidence.**

1. eir is in broad agreement with ComReg's mission, vision and role as outlined in the 2023-2025 strategy. In particular, eir continues to support ComReg's vision to ensure high-quality and widespread access to ECS, and its mission to facilitate the development of a competitive communications sector that attracts investment and encourages innovation, which are more important than ever.
2. eir considers that ComReg should utilise its role to facilitate providers as far as possible in attaining these common goals, especially in viably and easily attracting investment. Equally, ComReg needs to balance that objective to ensure that only efficient entry is provided for. This is especially important in the context of increased global economic uncertainty, and the Government recognition in the Digital Connectivity Strategy for Ireland 2022<sup>1</sup> that, "[d]igital connectivity will be delivered across the State primarily through the commercial investment of the telecommunications industry."
3. eir considers that ComReg has missed an opportunity to use this mid-term strategy review to reflect on its role during the first two years of the 2021-2026 strategy, and change direction where required. For instance, given the required change to its regulatory approach in the FACO market, ComReg could have used this review as an opportunity to acknowledge it may need to reassess its approach to market reviews going forward, to ensure it avoids applying disproportionate regulation to the market.
4. eir welcomes ComReg's recognition, albeit delayed and understated, that eir is facing increased infrastructure competition from a number of other

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<sup>1</sup> <https://www.gov.ie/en/publication/f1f85-digital-connectivity-strategy/>

operators across Ireland. However, despite the fact that infrastructure-based competition is established and growing, and working across a large number of markets, ComReg continues to unnecessarily regulate eir. In the WLA/WCA market review consultation<sup>2</sup>, ComReg fails to recognise the full extent of competition in the market by excluding some relevant providers from its market analysis. eir considers that ComReg should review its role and ensure it is applying fair regulatory principles that fully reflect national market conditions and competition. ComReg has also proposed far reaching and disproportionate regulatory measures in the Physical Infrastructure Access review consultation.<sup>3</sup> eir urges ComReg to reconsider its role in regard to market reviews, ensuring that regulatory principles are applied fairly and proportionally when conducting market reviews. eir will submit a response to both market review consultations, outlining its position in detail, by the 3 March 2023 deadline.

5. ComReg should reconsider its role and mission regarding “relevant regulation,” as its vision can be achieved without regulatory intervention. As eir stated in response to the strategy consultation for 2021-2026, the desire to ensure a “well-regulated market” does not fulfil ComReg’s statutory role, and is not the most important tool in working towards ComReg’s vision of the communications sector. ComReg’s vision for the telecommunications market is also achievable without regulatory intervention. This is especially apparent following ComReg’s requirement to change tact in the wholesale FACO market decision. Again, the reversal on FACO regulation demonstrates that over cautious regulation is not proportionate nor will it produce positive outcomes for the market or consumers alike. ComReg should consider how its role can facilitate competition without regulation first and foremost, in all market reviews going forward.
6. eir disagrees with ComReg’s observation in paragraph 3.26 that, “Through ComReg’s use of regulatory tools which identify and address market failures, Ireland has seen a steady decline in regulation of retail ECS markets over the last decade.” This is a simplistic view that discounts the role of

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<sup>2</sup> [ComReg 23/03](#) Market Reviews: Wholesale Local Access (WLA) provided at a fixed location and Wholesale Central Access (WCA) provided at a fixed location for mass-market products

<sup>3</sup> [ComReg 23/04](#) Physical Infrastructure Access (PIA) Market Review Consultation

provider-led innovation and the market in generating increased competition, resulting in the need for less regulation. ComReg should acknowledge that regulatory remedies can also lead to regulatory failure where not appropriate, where safeguarding visions for the sector could also undermine dynamic competitive outcomes and erode investment incentives.

7. Alongside encouraging investment and innovation, ComReg should be focused on delivering benefits to the consumer through competition rather than simply promoting competition as an end goal. Full migration to very high capacity networks (VHCNs) is both socially and economically desirable as explained in open eir's white paper, Copper switch-off: Leaving a legacy for the future.<sup>4</sup>
8. eir notes that ComReg has updated its work programme in the draft strategy and committed to time periods for undertaking market reviews and consultations over the period of the strategy. Yet, there has been a substantial delay in the review of the WLA and WCA markets. As highlighted by eir previously, it is important that ComReg fulfils its role in regularly reviewing markets subject to ex ante intervention.
9. eir notes the increased and changing nature of ComReg's enforcement powers under the EECC, the Competition Amendment Act 2022, new product safety obligations, and possibly the Consumer Rights Act 2022, particularly regarding unfair terms. eir urges ComReg to provide industry with clarity on its increased enforcement powers, and to support industry in understanding the new enforcement regime. This includes new civil enforcement powers and competition related enforcement powers of which providers have limited experience. ComReg must also provide clarity on its role in the context of overlapping regulatory responsibilities and powers with the CCPC, regarding co-enforcement powers with the CCPC across a range of regulatory issues such as misleading sales and unfair commercial practices in the ECS sector. This is to ensure industry is clear on its obligations and regulatory requirements.

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<sup>4</sup> [https://www.openeir.ie/wp-content/uploads/2022/01/White-paper\\_Leaving-a-Legacy.pdf](https://www.openeir.ie/wp-content/uploads/2022/01/White-paper_Leaving-a-Legacy.pdf)



**Q2. Do you agree that the draft Strategy Statement captures the most important sectoral trends and challenges over the period covered by the Strategy? In providing your view, please also provide supporting evidence.**

10. eir considers that sectoral trends should not just be mentioned in ComReg strategy statements but should inform regulatory obligations under its remit. This will ensure that regulatory decisions are evidence-based and proportionate. For instance, ComReg overlooks the change in consumer behaviour to rely on mobile and OTT, commercial data on low numbers of voice only packages when considering retaining obligations regarding fixed voice only services. To apply proportional regulation, eir expects that ComReg will consider these sectoral trends when conducting consultations such as USO.
11. ComReg highlights geopolitical tensions in the context of the strategy, leading to indirect impacts on the ECS sector. However, eir considers that ComReg should also name geopolitical tensions as a challenge in the ECS sector. Although it is impossible for ComReg to predict geopolitical tensions or events, recognition of their potential impact on the ECS sector is warranted, as evidenced by recent network security concerns around high risk vendors, and the economic impact of the war in Ukraine. Geo-political developments can impact the day-to-day network operations of providers, regarding security or supply, which can potentially have huge financial and operational consequences. Such consequences could lead to wider societal impacts such as delaying the roll out of fibre, impeding the EECC goal of widespread VHC network connectivity. Recognising potential geopolitical tensions as a challenge, will underpin the need for ComReg to account for such events, taking a holistic view in regulatory decisions in regard to high risk vendors and security of networks.
12. eir notes the reference to the importance of an environmentally sustainable digital sector and in light of both BEREC's and the national focus on the environment, considers this should feature as a main trend. eir supports the focus on environmental impact of the ECS sector and eir has taken a number of measures to help reduce its impact, as outlined in our Environmental,

Social and Governance strategy.

13. ComReg has failed to reflect in the trends in the sector, the full extent and impact of regulatory change in the sector regarding ComReg's increased enforcement powers under the EECC, the Competition Amendment Act 2022, new product safety obligations, and possibly the Consumer Rights Act 2022, notably regarding unfair terms.

**Q.3 Do you agree with the Strategic Intents discussed in detail in the draft Strategy Statement? In providing your view, please also provide supporting evidence.**

S1 Competition and investment

14. eir notes that ComReg considers it important to monitor the effectiveness of competition in related markets within the wider ECN/ECS eco-system. Yet, for this monitoring to have an impact, ComReg must include the findings of its monitoring into evidence-based regulatory measures. This includes developments in relevant OTT markets and consequent changing consumer behaviours like consumers moving away from traditional communications services. eir notes that ComReg will continue to monitor the evolution of network demand in the context of new emerging technologies, new networks and new uses for consumers emerge. eir welcomes this monitoring but again insists that ComReg reflects any findings in its regulatory decisions such as removing the requirement to retain legacy voice services over a copper network.
15. eir notes that since ComReg published this strategy consultation, ComReg has published pricing remedies regarding eir's FTTH network as part of its WLA/WCA market review consultation (ComReg 23/03). eir will submit a response to this consultation, which will outline eir's position regarding pricing remedies on eir's FTTH network.

## S2 Consumer protection

16. eir notes ComReg may introduce customer charters and other measures to mitigate consumer harm. eir strives to ensure its consumers can benefit fully from its services, and eir welcomes the opportunity to respond to consultation on any proposed measures to mitigate consumer harm. eir expects ComReg to fully engage with industry in a timely manner on issues such as minimum quality of service standards and compensation schemes. ComReg must apply proportionality when implementing measures to reduce consumer harm, particularly around the provision of information, quality of service standards and compensation schemes.
17. eir supports ComReg's plan to issue consumer and public campaigns to provide information to consumers on topics such as nuisance communications, environmental sustainability and information regarding availability of ECS during a power outage. eir considers ComReg can be a useful source of information for consumers, facilitating consumer understanding. Such public information campaigns can prevent overburdening providers with information requirements beyond what is required under law. In particular, eir supports ComReg's plan to launch consumer information campaigns on the benefits of new technologies such as fibre and 5G. In these campaigns, ComReg should promote the positive steps taken by providers such as eir to spearhead the transition to new technologies that benefit consumers.
18. eir notes ComReg's update on provisions for end-users with a disability and welcomes the opportunity to respond to a public consultation in this regard. eir anticipates that a holistic approach will be taken to introducing measures to assist end-users with a disability, which includes the role and responsibilities of other stakeholders in ensuring that end-users with a disability are fully supported to access ECS.
19. eir is of the view that industry must be consulted in regard to the changes under the updated Adequate Broadband legislation. It is imperative to create proportional regulation regarding quality of service and USO requirements that all stakeholders are consulted on its design.

### S3 Connectivity & network resilience

20. eir is of the view that the study ComReg has commissioned to investigate the impact of network incidents should also consider the impact on and costs imposed on industry, to produce holistic analysis. ComReg must ensure it does not overburden providers when considering network resilience measures that may be unnecessary or inadequate and costly, plus offer little benefit to consumers who may not be able to use equipment such as modems in power outages.

### S4 Compliance and enforcement

21. In regard to ComReg's new enforcement and compliance powers, as stated above, ComReg must provide information and clarity for providers on the new enforcement regime, including product safety and market surveillance powers, competition law enforcement and new consumer protection enforcement powers. This is the first time that providers will face the prospect of certain enforcement actions such as an administrative financial sanction regime under the Competition Amendment Act 2022; enhanced investigatory powers for ComReg and non-criminal enforcement both in terms of competition and consumer protection. For the market to function efficiently, ComReg has a responsibility to ensure that providers are clearly informed on how such an action could be instigated and why, as a prevention method, rather than using severe sanctions or fines as a redundant act of deterrence.
22. eir considers that ComReg should focus on ensuring providers are fully aware of their obligations regarding ComReg's new enforcement powers, instead of focusing on deterrence. As well as advocating for legislative changes to the Department, ComReg should engage with industry on collaborative measures to prevent enforcement actions such as voluntary commitments.
23. eir urges ComReg to observe an 'adjustment/grace period' to applying the new enforcement regimes under the EECC, the CRA 2022 and the CPA 2022.

There has been a lengthy delay in the transposition of the EEC which is compounded by the simultaneous enactment of other consumer protection and competition legislation. ECS providers will require time to ensure they meet all the new regulatory requirements and can receive any necessary guidance from ComReg. It is unreasonable to expect industry to adapt to the new regulatory regime immediately following such lengthy delays, especially given the scale of change. eir considers ComReg should provide an 'adjustment period' as a signal of fostering a collaborative relationship with industry, to ultimately serve consumers.

## S5 ComReg's organisation

24. eir urges ComReg to progress its Market Intelligence Data Project so that operators do not continue to be overburdened with adhoc, uncoordinated data requests from ComReg. ComReg can avoid overburdening small regulatory teams that have to deal with numerous requests in short time periods through better internal co-ordination.
25. With regard to engagement, eir welcomes ComReg's intention to hold stakeholder engagement events in the future and would encourage ComReg to actively pursue this goal.

**Q.4 Do you believe that the Goals associated with the Strategic Intents are appropriate, and relevant? In providing your view, please also provide supporting evidence.**

26. eir considers that ComReg is inhibiting its own goal to achieve effective and sustainable competition and the timely withdrawal of regulation, through the manner in which it conducts market reviews. eir is of the view ComReg must ensure it gives providers enough time to fully respond to market review consultations such as the WCA/WLA and PIA reviews, which will have significant consequences for industry and the market. eir also notes that the 5 year term for market reviews is a maximum term, and ComReg could conduct reviews in a shorter time period where required. This is especially apparent in markets subject to change over the review period such as the

WCA/WLA markets.

27. eir notes that ComReg will engage with MNOs and MVNOs throughout 2023 to ensure that the full benefits of OTA provisioning and eSIM technology are delivered. eir expects ComReg to engage fully with industry regarding any concerns around delivery, and recognise the achievements of industry in facilitating easy switching.

**Q.5 In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?**

28. eir has nothing further to add.

# 7 Electro Sense

## Electro Sense Ireland

### Public Consultation on ComReg's Draft Electronic Communication Network and Services (ECN and ECS) Strategy Statement 2023-2025.

Submitted: 9<sup>th</sup> February, 2023

ComReg's draft ECN/ECS Strategy Statement notifies us that its role is 'to ensure that communications markets operate in the interests of end-users and society'. Basic tenets include the facilitation of competition in the market, encouragement of innovation and protection of consumers.

Thank you for the opportunity of expressing a response to the public consultation of ComReg's Draft ECN/ECS Strategy Statement which will be perused from the point of view of those in our population (considered to be 5% or upwards) who are suffering from Electrohypersensitivity (EHS)/microwave sickness. See:

*Digitalisation: Challenges for Europe*, European Economic and Social Committee, page 85. [https://www.eesc.europa.eu/sites/default/files/files/qe-01-19-295-en-n.pdf?fbclid=IwAR3ozMC1Oz5FIAKiTYI856GbZQHs9upYYC5fLDEF\\_4yzKd5AbwgRkkphJ2I](https://www.eesc.europa.eu/sites/default/files/files/qe-01-19-295-en-n.pdf?fbclid=IwAR3ozMC1Oz5FIAKiTYI856GbZQHs9upYYC5fLDEF_4yzKd5AbwgRkkphJ2I)

Electrohypersensitivity/microwave sickness is an environmental impairment emanating from the use of Electromagnetic/Radiofrequency fields (EMR) and mainly due to over-exposure to pulsed microwave radiation emissions from modern technological devices. Use of this technology is novel in human experience and biological effects were not anticipated however current scientific studies provide clear evidence of effects of EMR on all living things, even well below the standards that are currently being used to monitor infrastructure and devices placed on the market by economic operators.

For evidence of the negative health effects of exposure to EMR pulsed microwave radiation, access: The BioInitiative Report (2012) ([www.bioinitiative.org](http://www.bioinitiative.org)), a study that is based on evaluation of research papers by a group of worldwide renowned independent scientists and medical experts.

Clear evidence of harm is also demonstrated in the largest study undertaken to date i.e. The National Toxicology Program, by the U.S. National Institute of Environmental Health Sciences (NIEHS). (<https://ntp.niehs.nih.gov/whatwestudy/topics/cellphones/index.html>). This study contains evidence regarding the link between mobile phone radiation and cancer as well as DNA damage.

The findings of the NTP are mirrored in a report published by the Ramazzini Institute, Italy (2018) on exposure to radiofrequency generated by mobile phone base stations. ([https://www.sciencedirect.com/science/article/abs/pii/S0013935118300367#:~:text=The%20Ramazzini%20Institute%20\(RI\)%20performed,base%20stations%20of%20mobile%20phone.](https://www.sciencedirect.com/science/article/abs/pii/S0013935118300367#:~:text=The%20Ramazzini%20Institute%20(RI)%20performed,base%20stations%20of%20mobile%20phone.)

**With regard to the five Questions contained in the Consultation Document – these are answered within the following statements under the Sections corresponding to those in the ECN/ECS:**

#### **PROTECTION:**

##### **(1) SECTION: 4.2 Consumer Harm;**

As part of its Role, ComReg holds statutory responsibility for a range of developments in regulations, including the regulation of the radio spectrum being used to power the Electronic Communications Networks (ECN). Currently, standards used for monitoring are grounded in guidelines that have been created by the



International Commission on Non-Ionising Radiation Protection (ICNIRP) – a non-governmental organisation. The ICNIRP are recognised as an expert group on the subject of Electromagnetic Fields/Radiofrequency (EMR) and with financial support from the World Health Organisation and many countries established a co-organisation i.e. the International EMF Project. There are numerous concerns expressed regarding the use of the ICNIRP Standards. They are considered to be ambiguous and obsolete as they do not take the majority current scientific findings into account. In Ireland it seems that the ICNIRP guidelines bypassed the approval of the Houses of the Oireachtas by being adopted directly into the licensing practice of ComReg. The ICNIRP standards refer only to the heating/thermal effects of EMR and are based upon experiments undertaken in the 1950s on dummy heads that supposedly mimicked a human head. Major agreement currently exists amongst scientists that the ‘heat’ only measurement is out-of-date and misleading and there is a general acceptance that the mechanistic basis behind biological effects arise chiefly through the non-thermal effects of EMR.

Further information and evidence regarding issues with the ICNIRP’s standards and the use of the Specific Absorption Rate as grounds for monitoring is contained in the submission by ES-Ireland to Irish Government Departments and also to ComReg in 2021. *‘Are the Electromagnetic Radiation Guidelines Currently being used ... Protective of our Health?’* This can be accessed at:

<https://es-ireland.com/2021/12/16/december-2021-ecsubmission-to-irish-government-on-icnirp-guidelines/>

## **(2) Section 6.2.2 Compliance and Enforcement in the context of Product Safety;**

### **and Section 4. 2 Consumer Harm.**

Compliance and enforcement in the context of Product Safety requires monitoring of the EMR radiation being emitted from various technological devices that use radiofrequency. It appears that no market surveillance body has been set up as yet in Ireland to assess devices using radiofrequencies despite EU Directive 2014/53/EC. French Authorities currently undertake this work, particularly regarding mobile phones. The French National Agency of Frequencies discovered that 9 out of 10 mobile phones emitted more radiation than the EU regulatory threshold of 2W/kg. Also, mobile phones were being measured as if the public were holding them at least 5mm from their bodies, as directed by the Telecom industry in their terms and conditions of use. At present 38 models of mobile phones have been found to violate limit values for radiation. <https://phongatealert.org/en/list-of-mobile-phones-with-non-compliant-sars-removed-or-updated-in-france-2/>.

In 2020 the French National Agency for Food, Environment and Occupational Health and Safety (ANSES) sent a formal objection to the European Commission regarding the way mobile phones are being assessed, requesting that they be measured at 0mm i.e. directly against the body.

<https://ec.europa.eu/docsroom/documents/43448>

Further information and evidence is contained in the letter emailed to ComReg on 7<sup>th</sup> February, 2023 regarding issues around non-compliance with EU Directive 2014/53/EC.

See Appendix (1)

## **(3) Section: 4.9 Consumer Complaints and Redress**

It is noted that the Breakdown of Issues Logged (Queries/Complaints) 2017 to 2022 in the ECS does not contain any information about the many complainants who made contact with ComReg over many years regarding their experience of Electrohypersensitivity/microwave sickness or, and concerns about ComReg's use of the ICNIRP/SAR standards.

**OTHER:**

#### **SECTION: 3.4.4 Legacy Networks**

ComReg expresses its intention to migrate from legacy network landline phones to replace them with "reliable connectivity using modern technology". ComReg also acknowledges that extensive consultation and planning will be required in order to protect end-users (including vulnerable end-users at all stages of the process).

In May 2022 ES-Ireland responded to ComReg's public consultation on the *Migration from Legacy Infrastructure to Modern Infrastructure*, thereby becoming involved in the discussion regarding the removal of copper system landlines. It is noted that no definitive decision has been made as yet as ComReg continues to give consideration to the responses.

ES-Ireland's submission considered the affect of this transition on vulnerable and elderly people – especially in the event of an electrical power cut (which by all accounts we are to expect more of), or the Internet being 'down'. The effects of this transition on the population who suffer from electrohypersensitivity/microwave sickness and their difficulties in using technological devices emitting pulsed microwave or millimetre wave radiation is spelled out in this submission.

Further information and evidence is contained in the Submission sent to ComReg (22.13) May 2022

<https://es-ireland.com/framework-for-the-migration-from-legacy-infrastructure-to-modern-infrastructure-2022-submission-8th-may/>

#### **Section: 4.13 Environmental Sustainability**

##### **and Section 5.44 reference to Climate Change**

A few issues are constantly referred to in most reports on the subject of climate change and sustainability i.e. carbon emissions and green house gases and the response promulgated is to stop using coal/kerosene/petrol and 'move forward' through progression into an electrical era i.e the use of man-made artificial electromagnetic/radiofrequency fields. ComReg's Strategy Statement denotes its awareness of terms such as sustainability and energy efficiency. Concern is expressed about resilience of the ECN, however, no

recognition appears to have been taken regarding, for example, the environmental cost of moving data to the cloud, or of E-Waste – with over 60 million metric tons generated globally made up of discarded electronic devices, or indeed the hundreds of thousands of satellites using rockets and rocket fuel to locate them into position surrounding the Earth.

In May 2021, in response to a Consultation on the *Strategic Environmental Assessment Environmental Report for the Climate Action and Low Carbon Development (Amendment) Bill 2021*, a submission was forwarded on behalf of ES-Ireland to the Department of the Environment, Climate and Communications (DECC). This submission addressed the negative effects of radiofrequency pulsed microwave emissions on humans, wildlife and all living things, and highlights the issues of E-Waste and Satellites/Rockets.

Further information and evidence can be accessed at:

<https://iervn.files.wordpress.com/2021/06/climate.pdf>

In the December 2018 issue of the medical journal The Lancet, comment was made by the independent Oceania Radiofrequency Scientific Advisory Association '*Planetary Electromagnetic Pollution: It is Time to Assess its Impact.*' The comment was based upon an evaluation of 2,266 peer-reviewed studies on the effects of EMR on the biological systems of humans, animals and plants and it concluded that 68.2% of the conclusions identifying negative effects were proven to be true - without doubt.

[https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(18\)30221-3/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(18)30221-3/fulltext)

We need to protect our environment and biodiversity with all its living things, which are currently being damaged by EMR pulsed microwave radiation. A study by Dr Ulrich Warnke and his team sums up why we need to care: *Bees, Birds and Mankind, Destroying Nature by 'Electrosmog'*. <https://kompetenzinitiative.com/bees-birds-and-mankind/>

### **Fifth Generation: 5G**

There seems to be great haste to establish fifth generation broadband (5G) and infrastructure for the 'Internet of Things'. This will involve the use of millions of millimeter wave antennas and also earth surrounding satellites that will transmit 5G to earth from space, all using pulsed radiofrequency radiation.

On 12<sup>th</sup> January 2023 the Seventh Appeal, *The EU's illegal precedence of economy over health*, signed by 400 scientists and doctors was forwarded to EU Legislative bodies requesting that guidelines set by ICNIRP be reduced dramatically to protect the health of all living things and for a moratorium on 5G to be established.

Link to the Seventh Appeal:

<https://iervn.files.wordpress.com/2023/01/5g-7th-eu-5g-appeal-12-jan-2023-illegal-precedence-of-economy-over-health-nyberg-hardell-1.pdf>

The *Stop 5G on Earth and in Space Appeal 2017* – signed by over 200 scientists working in the field of EMR from 41 countries included 10,000+ peer-reviewed scientific studies. These provided clear evidence about the harm to human health and to wildlife. 10] [11] Effects noted include:

Alteration of heart rhythm [12], Altered gene expression[13], Altered metabolism[14], Altered stem cell development [15], Cancers[16], Cardiovascular disease[17], Cognitive impairment[18], DNA damage[19], Impacts on general well-being[20], Increased free radicals[21], Learning and memory deficits[22], Impaired sperm function and quality[23], Miscarriage[24], Neurological damage[25], Obesity and diabetes[26], Oxidative stress[27]. Effects in children include autism [28] attention deficit hyperactivity disorder (ADHD)[29][30] and asthma. [31]

This Appeal reminds us that damage goes well beyond the human race, as there is abundant evidence of harm to diverse plants, wildlife [32][33] and laboratory animals, including: Ants[34], Birds[35][36], Forests[37], Frogs[38], Fruit flies[39], Honey bees[40], Insects[41], Mammals[42], Mice[43][44], Plants[45], Rats[46], Trees[47]. Negative microbiological effects[48] have also been recorded.

LINK: All of the above are referenced on the *Stop 5G on Earth and in Space Appeal 2017, 5G on Earth and in Space*. <https://www.5gspaceappeal.org/the-appeal>

## Section 5 - Social Inclusion

The Strategy Statement informs us that ComReg takes consumer choice into account, this is not the real experience of those who are suffering from Electrohypersensitivity (EHS). Main issues for them lie in an inaccessible environment associated with unsustainable levels of EMR both within and outside their homes. Although effects are accumulative, those with less severe symptoms can initially manage their lives by taking measures to shield rooms with specialist paint and materials and/or their bodies with protective clothing etc – at great expense to themselves. For others, symptoms become so severe that they have no option but to move house, others move from place to place continuously, some resort to living in sheds; sleeping in cars, avoid public/social service providers, hospitals, schools etc. Some become prisoners in their own homes. Needs such as shopping, attending the doctor, using public transport, use of social services etc., become almost impossible. At the severe stage there is an inability to continue participating in society or the social activities considered necessary for health and wellbeing. These people, if included in ComReg's ECN/ECS strategy, will be seriously affected by having no choice whether they want to be exposed to continuous EMR or not.

More information and links with evidence regarding social inclusion are included on ES-Ireland's Submission to The Joint Committee on Disability Matters, Houses of the Oireachtas in 2020

Link with evidence:

<https://es-ireland.com/2020/12/03/submission-to-the-joint-committee-on-disability-matters-houses-of-the-oireachtas-november-2020/>

Thanking you for the opportunity of taking part in ComReg's public consultation on ECN/ECS.

Ethna Monks  
Member of ES-Ireland  
<http://www.es-ireland.com>

## APPENDIX (1)

## To: Commission for Communication Regulations (ComReg), 7<sup>th</sup> February 2023

ComReg will be aware that on 16<sup>th</sup> April 2014 the E.U. Parliament and E.U Council harmonised the laws of member states in relation to the marketing of radio equipment. This was enacted through Directive 2014/53/EC. The focus of Directive 2014/53/EC was to ensure a single market for radio equipment by setting essential requirements for safety and health, electromagnetic compatibility and the efficient use of the radio spectrum. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0053>

Two very important Articles were adopted under this new Directive i.e. Article 3, Essential requirements (1) Radio equipment shall be constructed so as to ensure the protection of health and safety of persons and of domestic animals and the protection of property and, Article 42 which clarifies actions to be taken by EU Member States and relevant economic operators should a situation arise in which radio equipment is identified as presenting a risk to health or safety. Member States are to **immediately** inform the Commission and the other Member States and the shared information should include all data involved in enabling the identity of the radio equipment concerned, as well as the origin and supply chain, the nature of the risk involved and the nature and duration of national measures taken. The European Commission will then **(without delay)** consult with other Member States and Telecom operators to evaluate national measures to be taken and to decide whether to **immediately** adopt acts to be implemented. In summing up the Directive it would be difficult to avoid noticing that it is laden with the language of urgency. Directive 2014/53/EC applies to all products using the radio frequency spectrum. This letter will focus specifically on mobile phones in support of the work of Dr. Marc Arazi of Phonegate Alert.

Many people are unaware that their mobile phones are two-way pulsed microwave radios that have never been properly tested for safety or that their phones contain a warning alerting them to keep their phone at least 5mm from the body at all times. <https://ehtrust.org/fine-print-warnings/> This warning is usually contained within the Terms and Conditions. People feel secure in the notion that no Government authority would willingly harm them or their children so little notice is given to the possibility that exposure to radiofrequency pulsed microwaves from all and any wireless device could be a problem. Complicity with industry by a non-independent media who depend on advertising cements this notion. In Ireland no market surveillance body has been set up to assess mobile phones despite EU Directive 2014/53/EC. Generally it is the Telecom companies themselves who have been certifying their mobile phones as safe. Implementation of the adopted standards has been generated through use of an outdated and misleading test i.e. the Specific Absorption Rate (SAR) i.e. **heating** of the body through exposure levels of radiation.

The use of the Specific Absorption Rate (SAR) as a measurement of bodily absorption of wireless pulsed microwave radiation is a problem. <https://pubmed.ncbi.nlm.nih.gov/23750202/> SAR dates back to experiments undertaken in the 1950s when dummy heads, filled with liquid designed to mimic the human brain, were used for test purposes. The greatest problem is that SAR only takes account of the **heating** or **thermal effects** of pulsed microwave radiation on the brain and body and only in relation to **short-term** use i.e. around 6 minutes. Hundreds of scientists have clearly evidenced the fact that it is the **non-thermal effects** that are the greatest cause of harm at the biological/cellular level and point out the fact that mobile phones are now in constant use. This is an on-going problem for assessing all devices that use wireless radiofrequency radiation.

The second problem lies in the fact that Telecom companies are basing their safety tests as if mobile phones are being used at 15mm (now reduced to 5mm) from the head/body. This has helped to create an impression that the radiation is not as bad as it is in reality. Most people hold their phone against their head and keep them in their pocket. Given the multi-use of phones now it is more likely that length of connection is greater than 6 minutes. Liability for Telecom companies for damage is avoided through the inclusion of warnings contained in the terms and conditions of their devices.

It seems that no supervisory body or market surveillance authority has, as yet, been set up in any European country, other than France. The French National Agency of Frequencies (ANFR) carried out measurement tests of exposure to pulsed microwave radiofrequency emissions from mobile phones, completing a total of 862 test reports to date. Measurements, which are carried out at an accredited laboratory on behalf of ANFR revealed that 9 out of 10 mobile phones emitted more radiation than the European regulatory threshold of 2W/kg and 1 out of 4, a SAR value higher than 4W/kg.

Dr. Marc Arazi, a medical doctor who became concerned about potential harm from over-exposure to radiation emissions from mobile phones established PHONEGATE ALERT in 2016. He discovered that mobile phones are not being tested for health and safety in the way that they are being used i.e. against the body. The aim of PHONEGATE ALERT is to inform, protect and defend the hundreds of millions of mobile phone users in the world regarding potential health effects of pulsed microwave emissions. Given ANFR's initial refusal to publish its findings of non-compliant models, Dr Arazi successfully campaigned for these to be made public. To date 38 mobile phone models that violated limit values for radiation have been identified.

<https://phongatealert.org/en/list-of-mobile-phones-with-non-compliant-sars-removed-or-updated-in-france-2/>. Manufacturers of defective phones were given the option of removing their phones from the market or of providing them with software to reduce the radiation. Some Telecom companies have already been sanctioned.

Given the role of Member States and the language of urgency within Directive 2014/53/EC the question needs to be asked as to whether any concrete action has been taken in Ireland since the sharing of this information between EU Member States. At present Ireland undertakes no market verification of the safety of mobile phones, however government authorities including ComReg are aware that a formal objection was lodged by the French Authorities to the European Commission in September 2020.

<https://ec.europa.eu/docsroom/documents/43448> This objection was based upon the opinion of the French National Agency for Food, Environment and Occupational Health and Safety (ANSES), who became involved in the issue, producing a report *Exposure to Mobile Telephones Carried Close to the body* in 2019. <https://www.anses.fr/en/content/exposure-mobile-telephones-carried-close-body> ANSES recommended that the pertinence of using SAR as a measurement of limit values of exposure of people be re-evaluated (noting the thermal only effects); to develop a measurement of the actual exposure and finally to ensure respect by Telecom economic operators of regulatory limits. ANSES seem most concerned about effects such as the development of cancer, the alteration of cerebral functioning and fertility. The formal objection from the French Authorities to the EU recommended that the measurement of compliance regarding SAR should be carried out in contact position, i.e. at a distance of 0mm – on the body.

Given the urgency of this public health issue the questions we now are left with depends on the response of ComReg to the situation, given that part of their remit is to protect consumers. Questions we would like answered are:

- has ComReg given any serious consideration to actions to be taken regarding the current day-to-day harm being caused to the public through overexposure to pulsed microwave radiation from mobile phones, especially for children and foetuses;
- will ComReg provide the necessary technical, human and financial resources to carry out similar tests on the mobile phones and other wireless devices being sold and used in Ireland;
- will we see some responsibility being passed to Big Telecom to provide financial support for problems caused or will the cost be pilfered from the public purse;
- will the Irish Mobile Phone Radiation Warning Bill 2011 (Bill 20 of 2010) be resurrected. <https://www.oireachtas.ie/en/bills/bill/2010/40/> This bill was placed before the Dail and passed many stages but was 'dropped', apparently due to the dissolution of the Dail and Seanad.
- will ComReg harbour a sense of unease given that the Global Insurance Industry has already decided that the risk of harm from electromagnetic fields/radiofrequency/WiFi is too great as demonstrated through the introduction of Exclusion 32. <https://www.jrseco.com/lloyds-insurance-company-does-not-cover-health-damage-caused-by-electromagnetic-radiation/>. This excludes cover for any illnesses caused by continuous long-term non-ionising electromagnetic/radiofrequency radiation exposure;
- will ComReg take all reasonable steps to have radiofrequency emissions from mobile phones and other wireless devices reduced and in particular keep children in mind, "who seem to be most at risk from head tumors" as noted in the Council of Europe Parliamentary Assembly's Resolution 1815 (2011) *The potential dangers of electromagnetic fields and their effect on the environment*, <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994>
- will all devices using pulsed radiofrequency microwave radiation now have clear labelling showing the SAR rate in a legible, intelligible manner;
- will the public be made aware of the dangers of pulsed microwave radiation from wireless devices through targeted information campaigns, as per Resolution 1815 (2011) (see above);
- will schools now be encouraged to use wired up internet access ;
- will the 5% of the population who already suffer from electrohypersensitivity (microwave sickness) be taken into account in any future discussion/decisions regarding emissions of radiofrequency pulsed wireless

microwaves from all and any wireless devices? <https://www.eesc.europa.eu/sites/default/files/files/ge-01-19-295-en-n.pdf> page 85;

- will the standard test currently being used i.e. SAR be replaced by more honest and real standards based upon biological/cellular effects of pulsed microwave radiation as per current scientific evidence;
- Will measurements be taken to protect our environment and biodiversity including all living things that are currently being damaged by pulsed microwaves radiation? See study by Dr Ulrich Warnke: Bees, Birds and Mankind, Destroying Nature by 'Electrosmog'. <https://kompetenzinitiative.com/bees-birds-and-mankind/>

This issue concerns everyone. The Telecom Industry is following in the footsteps of Big Tobacco who suppressed and attacked all science that contradicted them for many years. All levels of pulsed microwave radiation results in biological harm to all living things. There are ways of making technology safer but it seems that the will to change will depend upon public awareness and demand. Cases are currently being presented within Court systems that include lists of hundreds of scientific publications, supported by hundreds of scientists worldwide. These clearly demonstrate that exposure to radiofrequency radiation affects living organisms at levels well below most international and national guidelines. Effects include increased cancer risk, cellular stress, increase in harmful free radicals, genetic damages, structural and functional changes of the reproductive system, learning and memory deficits, neurological disorders, and negative impacts on general well-being in humans. Clear evidence is contained within the 1,706 amicus brief filings submitted for the case successfully taken against the Federal Communications Commission, USA by the Environmental Health Trust and the Children's Health Defence accusing them of ignoring current scientific evidence and for using outdated standards. <https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-radiation/>

We would be grateful for a response that will answer our questions and present us with a summary of concrete actions taken by ComReg to date regarding this matter, particularly as we are most concerned about effects of pulsed microwave radiation from wireless devices on the developing brains of children and fetuses.

Thanking you in anticipation.

Ethna Monks

Member of ES-Ireland <https://www.es-ireland.com>

PS: It should be noted that ES-Ireland does not promote one mobile phone over another – the aim of ES-Ireland is to provide information, create awareness and campaign for the safe technology the public deserve.



## **8 Helen Corcoran**

Submission to ComReg Consultation on draft Electronics Communications Sector (ECS) Strategy Statement 2023-25 mid term review from Helen Corcoran.

This strategy statement accompanies the current and ongoing policy of 4G/5G intensification, copper landline switch off and satellites for broadband, but as a stakeholder I believe that there are serious omissions, relating to economic issues with far reaching consequences which are not being addressed in the document, especially the impact of this technology on public health, and the environment upon which we depend for food.

1. 4G/5G intensification.

On page 18 of the 2007 government report 'Health Effects of Electromagnetic Fields' it states 'the estimate of severe cases ... (of those with microwave radiation sickness (MRS)/ electrosensitivity (ES)..provided by Irish self-aid groups, between 1000 and 10000, was equalled only in Sweden.'

16 years on, and that number has grown exponentially. I am one of thousands of people permanently injured by involuntary exposure to microwave signals coming in to my home, resulting in early retirement, loss of income, productivity and health. MRS/ES is a life changing and incurable condition. This growing burden on the state, particularly the health service, is unsustainable. Increasing numbers of the public are developing MRS/ES, even school children, whose lives are being blighted and have to be home schooled because school wi-fi is making them ill.

On page 546 of the ICNIRP guidelines it states that 'children, the elderly and some chronically ill might have a lower tolerance for these microwaves and will need separate guidelines'. This includes our disability group. The ECS strategy needs to address this as hitherto it has been ignored. On page 547 it states 'Decision makers need to read scientific literature and determine appropriate reduction factors below the levels which are causing illness.'

The whole issue of public health injured by this technology needs to be discussed, with measures put in place on how it will be remediated.

The environmental impact of manmade pulsed microwaves, including all the Gs, has had a disastrous impact on all wildlife, especially the pollinators on whom we depend as a species for survival ( food). The carbon footprint of the mobile phone industry is bigger than all other industries put together, and is the biggest contributor to global warming. There are independent non-industry evidenced based peer reviewed scientific reports which prove this. The Bio-Initiative Report ( online) is a good place to start. The unsustainability of this technology on a fragile eco-system needs to be urgently addressed, with measures taken to stop and limit the damage, as a matter of urgency.

2. Copper landlines.

If copper landline phones are removed from those with the disability MRS/ES then their only access to emergency services is removed, along with - in many cases - their only link to the outside world. Fibro-optic cable is often not brought directly in to homes but transmitted wirelessly from a point outside the home. Those permanently disabled by this technology, like myself, should be given the choice whether or not we wish to hold on to our copper landlines.

3. Satellites for broadband.

The environmental impact of man-made pulsed microwaves, including all the Gs, has had a holocaustic impact on birds, bees and other pollinators, amphibians, and all flora and fauna, as I have already stated. Insects have reduced to the extent that respected naturalists such as David Attenborough have likened it to an 'insect apocalypse'. As Einstein said 'Four years after the bees have gone, Man will be gone.' Satellites for broadband will accelerate the process of the decimation of the natural world. There will be nowhere to hide. We are part of nature, and by driving other creatures to the brink we are hastening our own extinction on what will be a dead planet.

The major flaw with this strategy is that it fails to address any of these issues, intent instead on increasing blanket microwave coverage, ignoring the obvious self-destructive nature of this policy.

I end my submission with the request that these matters be considered, as what is ultimately at stake is the viability of the planet.

Thank you

Helen Corcoran.

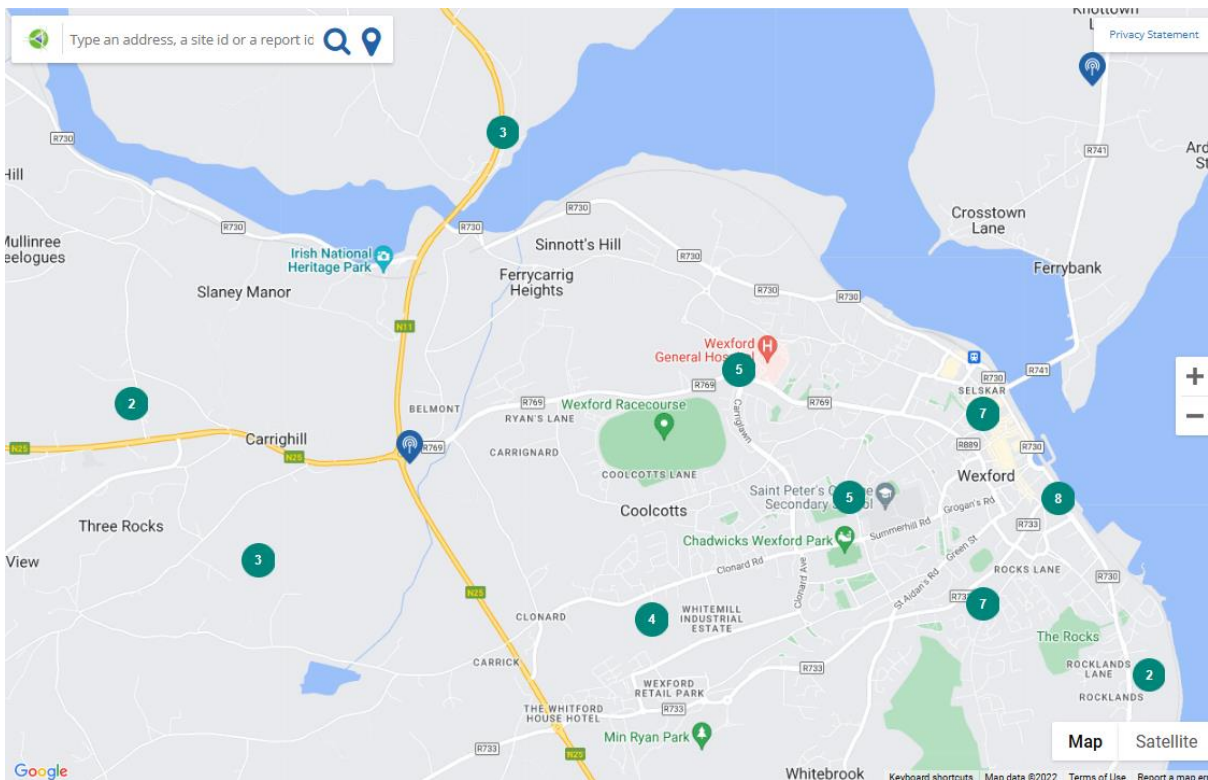
## 9 Redacted

**Our vision for the communications sector for the next five years Our vision is of a communications sector where consumers and businesses in Ireland have affordable, high-quality, and widespread access to secure communications services and applications that support their social and economic needs.**

But what about human health, wildlife and the environment?

Yes, technology in 2022 and forward is very important, I myself love technology, but the way things are going in Ireland and the rest of the world there will be nothing left to enjoy as technology is rapidly destroying it, we talk about connection, the internet has caused a massive disconnect in humanity, people now preferring to “connect” online, this is not normal or natural, humans need human connection, not this new way of interacting. Over the past 30 decades, especially the last five years, technology seems to be of upmost importance to governments, business, work environments etc, but to what end? For the first time ever data centres are using more energy than homes in Ireland ( [Data centres now consuming more electricity than rural homes - CSO – The Irish Times](#) ), this is likely to grow as more and more “smart” gadgets, mobile phones, data centres, masts, antennas et al are being used and built. There are over 10,000 + mobile phone antennae in Ireland, transmitting microwave radiation constantly for 2G (GSM), 3G (UMTS), 4G (LTE) and now 5G (NR) \* and wireless broadband from a number of mobile phone and telecommunications companies.

As you can see in the below graphic Wexford Town has HUGE amounts of masts/antenna and more being added.



Being EHS (electro hypersensitive) myself my world is becoming smaller yearly, there are very few spaces left where there is low or no wireless radiation. I feel it's about time ComReg/Ireland's Government/ Businesses/Telecommunications companies took us into consideration when placing masts/antenna in built up areas, or anywhere to be honest. It's time to take people with EHS seriously, we really are a warning for everyone, speaking to others locally many more are now suffering with what most call tinnitus. Over recent years' people describe an experience they are

having of hearing what sounds like a diesel or jet engine idling 24/7. In hindsight many link this to the time when they became Electrohypersensitive (EHS). EHS is a new environmental/functional impairment brought about from living in an environment laden with toxic levels of electromagnetic/radiofrequency fields and pulsed microwave radiation (EMF/RF/Wi-Fi).

EHS manifests itself through multiple and diverse symptoms (see the BioInitiative Report at: [Conclusions from the BioInitiative Report 2012](#))

### **EUROPEAN UNION REPORT RECOMMENDS REDUCING EMFS TO PROTECT PEOPLE WITH ELECTROMAGNETIC HYPERSENSITIVITY OPINION**

PAGE 85 European Economic and Social Committee of the European Union Report on Digitization Challenges in Europe. [Digitalisation – Challenges for Europe \(europa.eu\)](#)

Despite recommendations by experts and the EU Resolution in 2009 that mobile phone antennae should not be placed near schools, hospitals, homes, places of worship, these antennae are now being placed almost anywhere the companies want them.

<https://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2009-0216&format=XML&language=EN>

People living within 50-300 meter radius are in the high radiation zone and are more prone to ill effects of electromagnetic radiation [santini\\_pathbio\\_eng \(emrnetwork.org\)](#)

I've noticed in particular the masts are built very close to children's schools or playgrounds, why? Especially being that wireless radiation affects children so much more than adults.

This is a list of countries by cancer frequency, as measured by the number of new cancer cases per 100,000 population among countries, based on the **2018**. Ireland is number 3!

Rank	Country	Cancer rate
1	 Mongolia	918.0
2	 New Zealand	438.1
3	 Ireland	373.7
4	 Hungary	368.1
5	 United States	352.2
6	 Belgium	345.8
7	 France	344.1
8	 Denmark	340.4
9	 Norway	337.8
10	 Netherlands	334.1
11	 Canada	334.0
12	 France (New Caledonia)	324.2
13	 United Kingdom	319.2
14	 South Korea	313.5
15	 Germany	313.1

We have recently learned of the corruption within An Bord Pleanála, Paul Hyde is being investigated. And I am pleased that the investigation will still go ahead after his resignation, as it should. During

Paul Hydes reign in An Bord Pleanála nearly ALL the masts/antenna applied for were passed, even though on quite a few there was huge opposition. So many of the new masts went in under planning application 254 And people couldn't even object, nor were they informed of the health and environmental dangers the masts cause.

If nothing else comes of this submission, it would be wonderful if we could have many designated areas that are totally wireless radiation free, especially our own homes, which at this precise moment in Wexford Town and surrounding areas is not the case. It's not much to ask surely?

### **Science & Research**

There are thousands of scientific studies and research papers showing the biological effects of electromagnetic and microwave radiation on our health and the environment. Studies are still ongoing. The following websites give detailed information and links to many of these studies

### **Addendum:**

In my submission I forgot to mention that as a society we protect peoples health regarding smoking/passive smoking, Ireland led the way by stopping smoking in public areas, being an ex smoker, at the time I was annoyed I would have to go outside in the cold or wet to a designated area to enjoy my addiction, wireless radiation should be treated the same way. It's time to have designated area's where humans like myself, electro hypersensitive, wildlife especially as they have no voice can be and not feel under assault, I am not lying when I say I feel assaulted when I leave my house now, the places I once loved to visit are now off bounds

### **RAMAZZINI STUDY ON RADIOFREQUENCY CELL PHONE RADIATION: THE WORLD'S LARGEST ANIMAL STUDY ON CELL TOWER RADIATION CONFIRMS CANCER LINK**

Mar 22, 2018

[Report of final results regarding brain and heart tumors in Sprague-Dawley rats exposed from prenatal life until natural death to mobile phone radiofrequency field representative of a 1.8 GHz GSM base station environmental emission - ScienceDirect](#)

Effects of Exposure to Electromagnetic Fields: Thirty years of research – Dr Henry Lai (2022)

[Electromagnetic Radiation Safety: Effects of Exposure to Electromagnetic Fields: Thirty years of research \(saferemr.com\)](#)

US Naval Research Institute (1970) 2,300 studies by the US Navy showing biological impacts of EMF:

[AD0750271.pdf \(dtic.mil\)](#)

A compilation of Scientific Studies on the effects of wireless microwave radiation and electromagnetic fields on the body – EMF Data

[Studies - emfdata.org](#)

In May 2016 A National Toxicology Program Study funded by US Government confirms RF radiation from mobile phones breaks DNA and cancer risk

[Cell Phone Study Confirms Cancer \(bioinitiative.org\)](http://bioinitiative.org)

[Microwave News | NTP Comet Assay](#)

Wireless Radiation & EMF Studies published from August 2016 to September 2018 (335 pages).  
Compiled by Joel M. Moskowitz, Ph.D. School of Public Health, University of California, Berkeley.

[ATTCHMNT-350-recent-EMF-papers-2016-2018.pdf \(wirelesseducationaction.org\)](#)

March 2018 – Expert Panel to US National Toxicology Program on cell phone radiation concludes  
“clear evidence” of cancer.

[“Clear Evidence of Cancer” Concludes U.S. National Toxicology Program Expert Panel on Cell Phone Radiation - Environmental Health Trust \(ehtrust.org\)](#)

June 2018 – Recent Research on Wifi Health Effects

[Electromagnetic Radiation Safety: Recent Research on WiFi Effects \(saferemr.com\)](#)

Irish Doctors Environmental Association 2005

Position paper on electromagnetic radiation.

[SENSITIVITY TO NON-IONISING RADIATION IN IRELAND \(peccem.org\)](#)

Publications and Studies

[Publications – International EMF Alliance \(iemfa.org\)](#)

Epidemiological studies

Health effects of cell phones and cell towers – studies and papers.

[EPIDEMIOLOGICAL STUDIES • Cellular Phone Task Force \(cellphonetaskforce.org\)](#)

Scientific papers

Comprehensive scientific information and research.

[Powerwatch - Home](#)

Studies

Extensive list of studies of health effects of electromagnetic radiation and microwaves.

[Studies: Health Effects of Electromagnetic Radiation & Microwaves « Stop Smart Meters! \(UK\)](#)

Wi-Fi is an important threat to human health

[Wi-Fi is an important threat to human health - ScienceDirect](#)

Microwave frequency electromagnetic fields (EMFs) produce widespread neuropsychiatric effects including depression

[Microwave frequency electromagnetic fields \(EMFs\) produce widespread neuropsychiatric effects including depression - ScienceDirect](#)

Electromagnetic fields act via activation of voltage-gated calcium channels to produce beneficial or adverse effects.

[Electromagnetic fields act via activation of voltage-gated calcium channels to produce beneficial or adverse effects - PMC \(nih.gov\)](#)

Regards

Redacted



## 10 Nick Folley

Nick Folley

Here's the basic problem:

Legally, one has a right to a '14-day cooling off period' with new contracts etc. But for the consumer actually enact that with most if not all Communications companies is next to impossible as things stand.

The same exact problem exists if a consumer wishes to cancel or end the Communications service (whether mobile, TV on demand, internet etc) at any point, without having to 'port over' to another service provider or 'switcher service'.

So imagine this situation: a person signs up with a new internet provider. Let's say they change their mind and decide to avail of the 14 day cancellation period. Or let's say their contract expires and they decide not to go on with it (most companies renew it automatically, but mostly under new T&C and higher price package).

How do they cancel or end their service and sever their connection with the service provider? So you go on the company website and after trawling through webpages and webpages of offers and other irrelevant info, you finally find a 'Contact Us' link. Click on it. You're taken first to a FAQ page (which you didn't ask to be taken to). None of the FAQs tell you how to cancel your service or quit the company. So you try the 'didn't find the answer?' link and now you get a chatbot. After a few minutes of trying to explain to the chatbot you want out, you give up, The chatbot is not getting the point. So you look for an email or postal address where you can - in writing (and as proof you made the request!) - ask to be removed from the company's services. You cannot find either. Instead you go round in circles of webpages, offers, FAQs, chatbots etc. I don't believe that's accidental either, on the Company's part. Finally you find a Customer Care phone number. At last you will speak to a person who will understand what you want. Except you won't. You will remain on hold for over 40 minutes being told that your call is important. Not important enough to actually answer it though. After 40 minutes the line will simply go dead. You can waste some more of your day phoning back for the same treatment, or you can try and get on with your life while you continue to be billed monthly for a service you now detest. If there's one thing Communications Companies are not good at, it's ..... communication.

Does any of this seem remotely reasonable or fair to you? I'm young enough, internet and computer savvy, I don't quit easily, and yet that's how I feel about it. Now imagine an elderly person trying to deal with this. It seems to me that many Communications Companies rely on people simply not having the time, energy or inclination to fight their corner and just continue getting billed until they use a switcher service to find a new provider. Otherwise you're locked into an endless contract with a company who makes it as difficult to leave as possible, billing you for every wasted cent of the time you are stuck with them. How can one avail of a 14-day cooling off period if one cannot contact the company within 14 days because they make it as difficult as possible to do so?

**What I think is needed here is either a Law or some kind of obligation to make Communications Companies provide on their website and in their advertising literature**

**some foolproof and easy to find dedicated means of leaving the service, ie 'How to Cancel Your Subscription At Any Time'. This webpage should be easy to find, list a phone number, email address and postal address where you can do this, and should not be part of the general customer care helplines. There is no question that companies currently will not do this unless forced to do so - otherwise they would already be doing it.**

I've been in contact with The Minister of State for the Department of Public Expenditure and Reform, Public Procurement, eGovernment with special responsibility for Communications and Circular Economy, Ossian Smyth T.D and have read all the links and info they sent me - Eir's complaints page, Imagine's! complaint procedure page, ComReg's info on complaints etc etc and there is nothing that really covers the issue I am describing here. For a start it should never get to the point of having to make such a complaint - a person who wishes to cancel a subscription should be facilitated to do so by the Company, and that Company should have a clear means for them to do so without having to do extensive research and make a complaint to ComReg to get it done!!

A related problem is what happens to the hardware (routers etc) that the Company supplies but that 'remain the property of the company' under the fine print of the contract. When you finally leave the company you find this equipment is never collected or arrangements made for it to be taken away. Yet, in the case of Imagine! when finally, my patience exhausted, I told them I'd recycled it at the local WEE recycling, they tried to bill me for 'their property'! If it was so ..... important to them, why didn't they come and collect it or arrange at their own expense for me to post it to them?? It just felt like being scammed. In fact, I still had it, and now that they had finally responded to an email, I was able to get them to collect it. Once again, it begs the question - why should anyone be obliged to waste hours, days, weeks of their life trying to get simple things like this done, when the Company should make it is business to either arrange return of the hardware or else allow the customer dispose of it as they wish? Once again, they don't do anything they are not obliged to by Law or regulation - it's always the bare minimum they grudgingly have to do and that's all you get. This is no way to live, or do business.

**I believe the solution here is again either Legislation or Regulation that obliges Communications Companies - if they want their hardware back - to either arrange collection of it at their own expense within a certain timeframe - say 60 days to be generous - or else forfeit their interest in it and the Customer can dispose of it appropriately as they wish.**

I have had these problems over, and over, and over again with Communications providers, and that's only the tip of the iceberg of being overcharged, charged for products I was told were free, being put on packages I didn't request etc etc and the reason I am writing to ask you to do something about these two issues is because if it has happened to me, you can be sure it has happened to hundreds of thousands of other people in Ireland, and that is not acceptable. I'm sure there's many other problems to sort, but these are the two I bring to the table and I am sure the world will be a tiny bit better place for everyone if something is finally done about them. The solutions are simple, if the will is there to enact them. I hope you will be the one who will finally do it, after I have gone from pillar to post for almost 10 years now!

Nick Folley

# 11 RTE/2Rn



**RTÉ & 2RN RESPONSE TO  
COMREG CONSULTATION**

**Draft Strategy Statement 2023 to 2025**

ComReg 22/109 & 22/109a

10<sup>th</sup> February 2023

## 1. Introduction

RTÉ and 2RN welcome this opportunity to comment on ComReg's draft Strategy Statement.

While recognising that the majority of ComReg's responsibilities, and therefore this draft strategy statement, is concerned with telecommunication services we would like to see a more balanced and thorough assessment of broadcast services and networks.

With the ITU WRC-23 approaching, and European policy decisions finally beginning to solidify, we believe that the medium to long term future of traditional terrestrial broadcasting (TV and Radio) is at risk. This is not from any meaningful changes in user behaviour, but from the threat of what European regulators refer to as "flexibility". We believe that, even with a short-term status quo on UHF spectrum, any future changes to spectrum allocations that promote the flexibility to allocate mobile services 'alongside' broadcast services carry the risk of signalling an end to any further development of the terrestrial DTT platform. This in turn would affect both the Programme Making and Special Events industry which co-exists with it, and the FM radio broadcast platform which relies on much of the same network infrastructure. For this reason we urge ComReg to support a clear "no-change" outcome on agenda item 1.5 of WRC-23 at any national and international preparations, and to ensure that any future decisions on the use of UHF spectrum should only be considered following thorough reassessment of market needs at a future date.

In Ireland, the DTT platform, Saorview, has grown its service offering since 2020; adding three new services<sup>1</sup> with a further two expected this year, increasing the quality of important cultural services (TG4 HD), and continuing to enhance technology to enable further growth without the need for viewers to replace their TVs. The number of homes using DTT services in Ireland has remained stable at approximately 38% of TV homes<sup>2</sup> - making it the joint largest TV platform in Ireland, along with the Sky satellite platform. Free to air DTT is well positioned to grow as the effects of the cost of living crisis impact paid TV services.

Throughout this response we have highlighted areas where key benefits of traditional terrestrial broadcast TV and Radio have been under-represented, misunderstood, or overlooked, such as:

- Free access to trusted information
- Reliable, robust and secure networks and services
- High quality content with more environmentally efficient delivery

Comments below are mostly related to these core competencies of traditional broadcasting.

RTÉ and 2RN would be happy to discuss any of the issues raised here with ComReg.

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<sup>1</sup> Sky News (2021), VM4 (2022), and Challenge (Feb 2023). TG4+1 and Cúla4 are expected to join the platform in 2023.

<sup>2</sup> Source TAM Ireland Jan 2023 – 'Aerial' reception is at 648k homes (38%), 646k for Irish DTT. The average over last 10 years is 39%

## 2 - Specific Comments (referenced to sections in ComReg 22/109)

3.71 We welcome the active role that ComReg plays alongside DECC in international spectrum management forums and bodies. We would also like to encourage continued and enhanced co-operation with DTCAGSM in relation to broadcast spectrum to ensure that the value of broadcasting for Irish society does not get overlooked, or underestimated, in any spectrum policy implementation, or while representing Ireland's interests internationally. There is a risk that with the current distribution of government departmental responsibilities, broadcast policy could be overshadowed by telecommunications spectrum policy.

3.74 There has been no public consultation on Ireland's position at WRC-23, and limited opportunity for industry to contribute to the decision making process. While this is not necessarily a task for ComReg alone, it is disappointing that there has been no formal opportunity to submit views and debate Ireland's position other than the ComReg Spectrum Strategy consultation.

3.76 We recognise the key role ComReg continues to play in facilitating the development of a common European position for WRC-23. We note that ComReg's chairing of the CEPT/PTD has been excellent in its neutrality within a difficult group with strongly diverse opinions in relation to the future of UHF spectrum. However, we believe that there has been insufficient debate and opportunity to contribute to a policy position nationally. We note that ComReg has not yet undertaken its previously proposed review of the UHF broadcasting band, and that the chance for any outcome of this work item to influence the Irish position or debate in Europe in a meaningful way prior to WRC-23 has passed.

5.11 We believe that further work is needed to continuously review the role that additional spectrum can play in meeting the needs of mobile coverage - noting the recently awarded spectrum in the multi-band spectrum process, the continued migration of older less efficient mobile technologies to 4G and 5G, the increasing roll-out and take-up of high speed fixed broadband networks, and the slow-down in growth of mobile data per subscriber (see 5.12 and A1.39 below).

5.12 It is important to note here (it is referred to in the appendix – A1.39) that the rate of mobile data growth is declining in Ireland – in line with other countries internationally – and may indicate an approaching plateau in mobile data<sup>3</sup> (see further comments on section A1.39). This has important implications for future radio spectrum requirements for mobile networks, where projected growth based on outdated data may be creating a false sense of urgency regarding additional future spectrum needs; to the potential detriment of existing users of targeted spectrum (e.g. broadcast TV and PMSE). Given the uncertainty around future trends and spectrum needs, ComReg should thus support a clear no-change position in any national and international discussions regarding UHF spectrum A1.5 at WRC-23. Furthermore, any future decisions on this spectrum should only be taken following further detailed review of the needs and potential benefits vs the costs of making such a changes at an appropriate date close to the time of the decision being made (e.g. WRC-31 in 2031).

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<sup>3</sup> See CEPT PTD(23)INFO002 – The need for more sub 1GHz IMT Spectrum / The end of an era of Mobile Data Growth is in sight.



#### 5.14 – Digital Divide

Access to trusted information, from within the state, on a simple and free to use platform that is reliable and robust is a key enabler to reducing the digital divide. Broadcast TV is by far the most trusted source of news and information in Ireland<sup>4</sup> and should be recognised, protected, and nurtured in this context. This is particularly important for the most vulnerable members of our society in terms of affordability, useability, and exploitability at a time where high levels of misinformation threaten to undermine democracy. We feel that the role of broadcast PSM and terrestrial broadcast platforms is underrepresented in consideration of this key area.

5.22 See comments in section 5.11 regarding the need to reassess future mobile data projections and their implications for the assumed need for additional spectrum.

5.44 We were disappointed to see that broadcast networks were not included in the scope of the ComReg/Frontier Economics study on Climate Change and its effects on Network Resilience in Ireland, particularly given that this is one of the core strengths of traditional broadcast networks above other ECNs and considering that broadcasting was considered within the scope of the government report on Climate Change which led to this action. RTÉ and 2RN would be happy to assist with any further work in this area having long term experience and expertise in operating and developing highly resilient broadcast networks.

7.10 While we note that broadcasting data is no longer listed on the Key Data Report, the additional broadcast information available on the data portal is excellent. The portal is easy to use and is a welcome development. It would be useful if it could be populated with historical broadcast data from previously published quarterly reports prior to 2019.

7.22 Where possible it would be useful if ComReg could publish updates/reports from activities at international regulatory bodies to help inform industry in Ireland.

7.34 See comment on 5.44 above.

### **3 Specific Comments (referenced to sections in ComReg 22/109a)**

A1.18 Under the objective: “Promoting the interests of EU citizens”, access to trusted information from within the EU and furthermore from within each country should be included. National free to air broadcasting must be nurtured in this context, and should not have its ability to grow limited by reducing long-term access to spectrum.

A1.34 These "new networks" are not more energy efficient at delivering the example given above: "TV services". Recent studies from Ofcom UK<sup>5</sup> and the LoCat Project<sup>6</sup> among others have shown terrestrial TV networks to be multiple times more efficient in their delivery of

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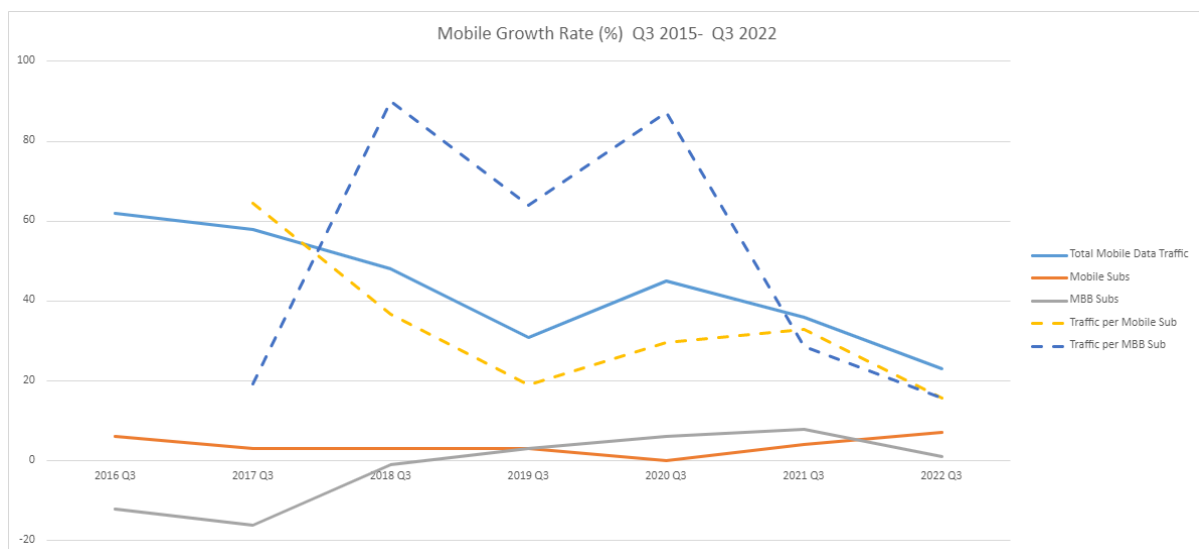
<sup>4</sup> TAM Ireland/B&A Tracker Study 2020: TV (47%) most trusted source of news and info during Covid19 crisis, followed by Radio (23%), Websites/Apps (12%), Newspapers (9%), Social Media (9%). Eurobarometer 2022 Media and News Survey 2022 found public TV and Radio stations to be the most trusted source of information at 59%.

<sup>5</sup> [Carbon emissions of streaming and digital terrestrial television - Ofcom](#)

<sup>6</sup> [Quantitative study of the GHG emissions of delivering TV content \(thelocatproject.org\)](#)

content. Energy efficiency and other environmental impacts should be considered at the forefront of any decisions on future spectrum allocations.

A1.39 We are pleased to see the recent trend in slowing of mobile data growth acknowledged here. This trend has also been seen in other countries<sup>7</sup>, and could indicate an approaching plateau in mobile data per subscriber. The chart below tracks annual growth rate (Q3 to Q3) of key mobile metrics from data published on the ComReg data portal, showing an overall slowdown in growth (with the exception of Covid19) since 2016. This has relevance for spectrum decisions that would put broadcast and PMSE use at risk (see section 5.12)



A1.40 The slowing of growth in data consumption needs to be considered when assessing any potential future need for additional mobile spectrum.

A1.41 We think that the important role of resilient broadcast networks has been underestimated here. “Trustworthy” should be added to the list of key terms when considering ECS/ECN. Reliable, free access to trustworthy information, particularly in times of crisis is essential. Currently broadcast services (TV and Radio) are valued ahead of all other information sources in this regard (see Section 5.14).

A1.46 The increasing penetration of Smart TVs should not be interpreted as meaning that viewers are choosing broadband over broadcast TV - almost all newly available TVs are "Smart" by default. It is still a TV being used in most cases to consume traditional broadcasts. Irish viewers still consume approximately 2 hours 30 mins of live TV daily<sup>8</sup>.

A1.65 We consider growth in OTT TV services to be complementary to traditional broadcast TV platforms, and it should not be inferred that growth in OTT results in a direct decline, or impending decline, of traditional broadcast platforms. Traditional broadcast TV services fulfil an important role in providing access to trusted information to the Irish public (see Section 5.14) not available through foreign OTT offerings. There has also been growth in

<sup>7</sup> [Further slowdown in data usage growth causes positive ARPU development to soften | Tefficient](#)

<sup>8</sup> TAM Ireland – November 2022 Viewing Trends – Adults 15+ Live viewing.

services offered on the Irish broadcast DTT TV platform – increasing its content by adding 3 new TV services since 2020, with a further two services expected this year. Recent data from TAM Ireland shows that the average Irish adult spends 159 minutes per day with broadcasters’ channels (linear and on-demand) compared with 21 minutes for Subscription Video on Demand, and 35 minutes on shared video platforms (mostly on mobile devices)<sup>9</sup>.

A1.66 Traditional broadcast platforms provide a vital role in delivering trusted information to Irish citizens (see Section 5.14). We urge ComReg to support the long term future of terrestrial broadcast networks by ensuring that there is long term guaranteed access to radio spectrum to continue to deliver this important service.

*“There’s a powerful argument for maintaining alternative means of distribution. Chiefly, DTT for TV and FM for radio. It’s a matter of national resilience and it would be a foolish government or regulator which ignored this.”* Sir Peter Bazalgette (former ITV chairman), Jan 2023<sup>10</sup>.

A1.69 See comments on section 5.44 above

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<sup>9</sup> [New Video Consumption Data Shows Broadcaster TV outshines Streaming offerings - TAM Ireland](#)

<sup>10</sup> [https://www.broadbandtvnews.com/2023/01/09/bazalgette-letting-go-of-dtt-creates-security-risk/?mc\\_cid=4226aa2cac&mc\\_eid=1ab83338ee](https://www.broadbandtvnews.com/2023/01/09/bazalgette-letting-go-of-dtt-creates-security-risk/?mc_cid=4226aa2cac&mc_eid=1ab83338ee)

## 12 SIRO

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9th February 2023

**BY EMAIL**

### **Submission to Comreg 22/109 – Draft Strategy Statement**

Dear Mr. Regan,

Thank you for this opportunity to participate in the Comreg consultation on the draft Strategy Statement for Electronic Communications Services for 2023-2025.

We welcome the publication of this draft strategy. Ensuring that Comreg has an ambitious vision for digital connectivity in Ireland is essential to ensuring that the combined resources of the State and industry are working in tandem to deliver on that vision in a strategic and collaborative way.

There is a lot of work that has been done over the last years which has brought us to a position where there is now a clear prospect of digital connectivity in Ireland being addressed for the long term.

However, in building on this foundation of work done, it is important that we do not rest on our laurels and instead outline a vision and a strategy that is at once comprehensive, energising, ambitious but also a challenge.

In light of this we would call out two key themes running through the document that should be re-evaluated:

1. **Consultation:** There is increased focus needed within Comreg on consistently seeking consultation with stakeholders as part of its decision making process.
2. **Timing:** Appropriate timing for deregulation might be later rather than sooner. It is important that in the rush for network build and network competition that deregulation is not inappropriately accelerated.

**Q.1 Do you agree that the draft Strategy Statement appropriately captures ComReg's Mission, Vision and Role for the period? In providing your view, please also provide supporting evidence.**

SIRO believes that ComReg's Role and Mission should be more focussed on supporting the journey of industry in accelerating competitive network infrastructure investment and tilting the balance in that way benefits society.

ComReg should be an advocate for industry in the deployment of infrastructure, especially Very High Capacity Networks, cost effectively and should regulate to ensure that the dominance of SMP designated firms in areas such as PIA isn't leveraged to foreclose market entry by new or expanding market players.

While the interests of end-users are important, the highly competitive retail market should be given the freedom to compete for consumers and through competition offer the most desired services at a price point that makes it attractive for further investment into the industry to be considered.

The societal benefit of network competition will cascade through to end-users and ultimately result in increased national competitiveness and individual well being.

Effective regulation needs to be considered in the light of more comprehensive industry engagement with the regulatory process. SIRO would recommend that ComReg might consider reviewing it's industry consultation process, through consultation, and publish a revised standardised approach to how ComReg consults even about less material matters.

Moreover, ComReg should be careful about removing relevant regulation through big-bang deregulation. Instead ComReg might consider longer term and graduated approaches to complex aspect of deregulation

SIRO would suggest that the ComReg vision should be reshaped to emphasise the importance of building competitive Very High Capacity Networks, in line with the requirements of the EECC:

*"Consumers and businesses in Ireland have high-quality and ubiquitous access to competing VHCN delivered communications service and applications that support their social and economic needs."*

**Q2. Do you agree that the draft Strategy Statement captures the most important sectoral trends and challenges over the period covered by the Strategy? In providing your view, please also provide supporting evidence.**

ComReg identified a number of principle trends that are likely to shape the sector and pose regulatory challenges over the period covered by this Strategy. SIRO believes that amongst the most important of these trends include:

- NBI.
  - SIRO believes that, notwithstanding the commercial contract that the State has with NBI, NBI should be subject to the full regulation that would be imposed on a market player with Significant Market Power.
- FTTH (SIRO, OpenEir, Virgin)

- Legacy Switch off of Copper Fixed Network
  - SIRO believes that a long term promotional campaign should be put in place and led by ComReg, similar to the NGN campaign conducted by ComReg and SaorView campaign conducted by RTE. This campaign should ensure, inter alia, that end-users are aware that when migrating from copper that they should consider all possible fiber alternatives and not just OpenEir.
- Likely Updating of the Broadband Cost Reduction Directive
  - SIRO believes that the BCRD and it's successor provides a basis for accelerating the roll-out of FTTH in the State and that following transposition of the updated BCRD that ComReg should look to review how they practically implement aspects such as the SIP and Dispute Resolution.
  - ComReg as the national agency responsible for the operational aspects of the BCRD should engage with Stakeholders to ensure the long-stalled transposition and implementation of Article 8 of the Directive, requiring all planning permissions to contain a requirement to ensure broadband infrastructure to an adequate standard, is implemented.
  - ComReg should seek additional funding to enhance the Single Information Point aspects of it's work with the BCRD in line with best EU practice.

**Q.3 Do you agree with the Strategic Intents discussed in detail in the draft Strategy Statement? In providing your view, please also provide supporting evidence.**

SIRO agrees that the Strategic Intents outlined in the draft Strategy Statement are appropriate.

**Q.4 Do you believe that the Goals associated with the Strategic Intents are appropriate, and relevant? In providing your view, please also provide supporting evidence.**

Goal 1.2 - There is effective and sustainable competition as far as is possible in wholesale markets, in the light of persistent bottlenecks and barriers to entry.

**Comreg should focus on facilitating the entry of new infrastructure-based competition to the market. Companies such as NBI and SIRO competing at an infrastructure level as wholesale only operators ensure the most effective form of competition proliferates in the fixed market.**

Goal 1.3 - Sustainable and effective competition can allow for the timely withdrawal of regulation.

**Where deregulation is contemplated by ComReg there should be sufficient lead times and intensive consultation and implementation timelines to ensure market stability and certainty with the aim of promoting investment.**

Goal 1.4 - Competitive incentives facilitate efficient commercial investment in existing and new infrastructure and services to the widest extent possible.

**This needs to be counterbalanced adequately by considered regulation to prevent market abuse by dominant market operators. Investment in competitive infrastructure bringing multiple wholesale only infrastructure competitors into the market is more**

**valuable to society than incentives weighing more heavily in favour of investment in existing infrastructure.**

Goal 1.5 - Regulatory certainty, including certainty on wholesale pricing and the rate of return, facilitates timely investment decisions.

**ComReg should ensure that its attempts to bring regulatory certainty to the market by way of wholesale pricing controls is not wasted by way of dominant operators using price signalling and discount schemes to bring opacity to the pricing in the market.**

Goal 1.6 - The management of spectrum and numbers facilitates competition, enhances connectivity, and promotes efficient investment.

**ComReg should ensure that the upper 6GHz band be allocated to license exempt usages to ensure that new WiFi bands are available to leverage the benefits of FTTH in end-user homes.**

Goal 5.2 - The regular and timely delivery of reliable and accurate data supports robust evidence-based decision-making, effective market monitoring and informed action.

**Comreg should be more aware of the work load it is placing on firms to respond to data requests, in parallel to working on consultations etc. In the early days of regulation, where data requests etc. were addressed to large well resourced SMP firms with teams of resources the velocity and weight of requests might have been more easily handled. However, since then the market has fragmented, and the relative market share of the greater amount of firms involved in the industry means that Industry has less resources to respond to an even greater workload. On the flip side of this, Comreg is even more well resourced than ever and has the capacity to overwhelm industry with data requests and consultations etc. Comreg might consider managing the cadence and weight of the workload it places on industry more appropriately.**

Q.5 In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?
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#### Universal Service Fund

In the event ComReg considers the introduction of a Universal Service Fund for broadband for both service availability and service affordability, it should be funded by the exchequer, and should be available to be drawn on by all those network operators rolling out symmetric gigabit connectivity. ComReg should consider leading a working group within the Mobile Phone and Broadband Taskforce to plan and consult on this.

#### Unlicensed Spectrum

Comreg should be tasked with a program to review its Spectrum Allocation Plan with a view to ensure the quick availability of license-free spectrum as new technologies emerge, including:

1. RLAN spectrum to support services such as WiFi 6e and 7. E.g. in the Upper 6GHz range.
2. Unlicensed 5G spectrum for enterprise and home use.



Unlicensed spectrum plays a particularly important role in maximising the benefits of the investment in VHCN by providing that last 10 meters of connectivity, in the most powerful way, to the devices of the users.

#### Licensed Spectrum

Comreg should implement a program to ensure that licensed spectrum used for point to point and point to multipoint is more robustly policed to ensure it is being used in the most efficient manner using best available technology, and that it is priced fully to encourage it to be used in the most efficient manner as is possible.

Innovative spectrum surcharges or license fee overages should automatically be levied to discourage hoarding and inefficient use. Spectrum that is being used with older modulations and less efficient radios should be actively discouraged and migration to more secure VHCNs encouraged, especially in the context of mobile and FWA backhaul.

We appreciate your consideration of our observations, and should we be able to answer any further questions or clarifications, please do not hesitate to reach out to us.

Kind regards,

No signature as sent by email

Rory Ardagh  
Regulatory Affairs Manager

# 13 Sky



Consultation - Electronic Communications  
Draft Strategy Statement: 2023-2025

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ComReg 22/109

10 February 2023

**Q.1 Do you agree that the draft Strategy Statement appropriately captures ComReg’s Mission, Vision and Role for the period? In providing your view, please also provide supporting evidence.**

Sky broadly agrees with the Mission, Vision and Role outlined by ComReg.

Sky welcomes the acknowledgement by ComReg that to achieve its vision it ‘cannot be done in isolation’. Industry engagement should therefore be a key part of this vision. ComReg has also outlined a strategic intent to be an ‘effective, agile, and relevant regulator’ and have ‘effective stakeholder engagement’. It is therefore very important that ComReg also be a proactive and responsive regulator for industry. This is particularly crucial considering the forthcoming enactment of the European Union (Electronic Communications Code) Regulations and the Communications Regulation (Enforcement) Act which will bring unprecedented changes to the regulatory framework within which the industry operates and to how ComReg regulates the sector. We look forward to this engagement.

**Q2. Do you agree that the draft Strategy Statement captures the most important sectoral trends and challenges over the period covered by the Strategy? In providing your view, please also provide supporting evidence.**

Sky agrees that the draft Strategy Statement captures the most important sectoral trends. However, we would encourage ComReg to focus the resources available to it on the issues that most fundamentally impact the proper functioning of the market, and which have a significant impact on consumers.

**Q.3 Do you agree with the Strategic Intents discussed in detail in the draft Strategy Statement? In providing your view, please also provide supporting evidence.**

**Strategic Intent 1: Competition & Investment - A competitive sector that delivers efficient investment, innovation and choice**

Sky is a major driver of investment in the Irish broadband market, and it is well-established that strong retail competition is a key driver of network and innovative investment.

Sky notes that with increased network competition also comes an increased need for a seamless cross-network switching process to make broadband switching at the retail level as straightforward as possible for consumers. We welcome the steps that ComReg is taking in working towards an automated solution for cross-network broadband switching in accordance with the provisions of the new European Union (Electronic Communications Code) Regulations and we are of the view that the quicker this solution can be implemented the better the outcome will be for consumers

In relation to the state of retail competition and in particular the retail concentration (HHI) within the mobile market, Sky Ireland has previously informed ComReg of its intention to launch mobile in the coming months as a ‘full’ MVNO. We believe our launch will bring additional competition to the market which has hovered at the same level of retail concentration since 2013.

**Strategic Intent 2: Consumer Protection - Consumers can choose and use communications services with confidence**

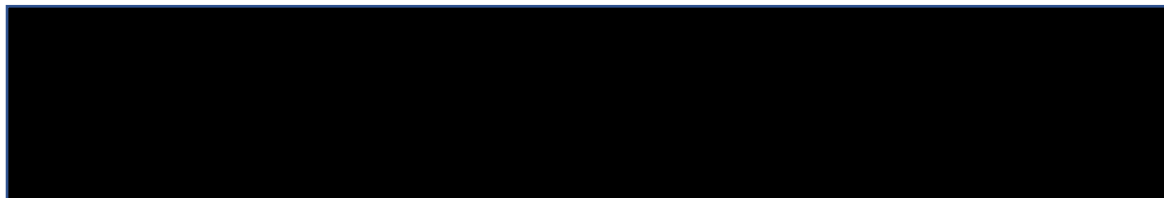
Consumer protection is very important to Sky. Consumers and the customer experience are at the heart of all decision making within Sky. We therefore fully support the strategic intent that consumers can choose and use communications services with confidence. To this end, we provide all relevant information to the consumer in a clear and concise manner before they purchase any products or

services from Sky, and we are currently making significant (and expensive) developments to comply with the new requirements under the European Union (Electronic Communications Code) Regulations. We also provide all required contractual information and notifications to our customers in a transparent manner and consumer rights are at all times upheld throughout the customer journey with Sky.

We take customer service very seriously at Sky and we invest many millions of euros in a first-class customer service operation to ensure our customers get the most out of their broadband and talk products and services. We also have a dedicated accessibility team to ensure that the needs of vulnerable or disabled end users are met and we actively engage in the ComReg forum on accessibility. As ComReg will be aware, we also invest significant time and resources in our complaints handling process and we have engaged proactively with ComReg on process improvements.

However, we would note that a critical aspect of delivering good customer service is the quality of service provided by the wholesale provider at the service installation stage and the quality of the service provided when a customer experiences a fault or a degradation in service. Many OAOs like Sky are substantially reliant on the SMP provider to deliver quality of service in these scenarios.

While we acknowledge that ComReg updated the KPIs for access products and services in June 2022 (ComReg Decision D04/22, published 29 June 2022) and we welcome that development, we have not seen any improvement in the service. We have experienced significant issues with Eircom systems (the Universal Gateway, or UG) impacting our ability to place Broadband orders and to log Broadband faults, leaving our customers very frustrated. We are experiencing these issues online, in retail stores and in our call centres. We also have issues around installation priorities and the availability of installation appointments, and we would query whether Eir retail is experiencing the same problems that Sky is experiencing. These very important issues are consistently being raised in the ComReg forums, but we are not seeing any improvements. The table below provides a high-level summary of the incidents we experienced in 2022 alone.



Sky also notes that when ComReg addressed consumer issues at the stakeholder briefing in September 2022 the focus was purely on criticising retail providers for perceived poor performance. There was no reference to wholesale providers and no recognition that retail providers are reliant on the performance of wholesale partners to provide services. This does not appear to us to be an example of effective stakeholder engagement.

**Strategic Intent 3: Connectivity & Network Resilience - End-Users have widespread access to high-quality and secure communications networks, services, and applications**

Sky agrees that the connectivity of end users has become essential to ensuring social and digital inclusion. We also agree with ComReg's view that end users can only fully participate in society and the wider economy when their connectivity needs are met. This is why we recently launched the first **Sky Up Digital Hub** in Ireland at a Peter McVerry Trust young person's service in Dublin 8, as part of our partnership with the organisation. Backed by an €11 million fund, the 'Sky Up' programme is a

new initiative that aims to help up-skill 250,000 people across Ireland and the UK by providing them with technology, connectivity and training. The initiative is targeted to support people under 25 in low-income areas and those over the age of 65 - the two primary groups most at risk of digital exclusion.

Network resilience is also very important to Sky, and we are fully engaging with ComReg in respect of its information gathering on resilience, security and risk management practices.

#### **Strategic Intent 4: Compliance & Enforcement - Regulated entities comply with regulatory requirements**

We agree that the optimum situation is where regulated entities are fully cognisant of their obligations, comply with them and have an internal culture of compliance. Sky has a very strong culture of compliance and welcomes any measures taken by ComReg to promote and ensure compliance by all operators within the sector. In particular, Sky would like to see more transparency and legal certainty from ComReg in respect of compliance activity and more public consultations resulting in clear directions from ComReg.

We welcome ComReg's intention to publish a consultation addressing any proposed specification of requirements on providers to prepare, publish and keep updated a 'Customer Charter', and that ComReg may issue consultations relating to minimum quality of service standards and compensation. We look forward to engaging with ComReg on this.

Sky believes it is also very important that ComReg be transparent and provide legal certainty to industry in relation to the new civil enforcement regime that will be introduced under the Communications Regulation (Enforcement) Act. We also look forward to effective industry engagement on this new regime and how it will be applied by ComReg.

In relation to SMP regulation, Sky welcomes that ComReg is proposing to introduce DP line testing for the APQ files for Eircom in the market review. In our view, there is a real problem with the quality of the data in the homes passed file. A significant number of premises are on the homes passed file but yet require non-standard installation (20% of homes passed). This is much higher than other network operators and suggests that the data on the file is not accurate.

#### **Strategic Intent 5: ComReg is an effective, agile and relevant regulator**

We note ComReg's goal to have efficient and effective policies, processes and systems in line with best practice. In this regard, we would urge ComReg to be more transparent in relation to the processes and procedures it follows for compliance investigations at both the wholesale and retail level. There is currently no information available for industry as to how such investigations are to be conducted, what timelines ComReg will work to and when the parties can expect a decision. Some investigations remain open for years on end with no apparent outcome or clarity as to ComReg's position on the matter. This is certainly not in line with best practice for the performance of functions by a statutory body.

This is particularly important in light of the new civil enforcement regime, the operation of which will result in significant fines for companies outside of the due process of the Irish court system.

#### **Q.4 Do you believe that the Goals associated with the Strategic Intent are appropriate, and relevant? In providing your view, please also provide supporting evidence.**

Sky believes that the goals are appropriate and relevant.

**Q.5 In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?**

This is a time of significant importance in the telecoms industry with the imminent overhaul of the legal framework within which we operate and the impending market review decisions on how the market will be regulated. Effective stakeholder engagement has never been more important to ensure the proper functioning of the market.

**-ENDS-**

# 14 Three



# Three

## **Three's response to the Consultation by ComReg on ComReg's Draft ECS Strategy Statement 2023-2025**

**10<sup>th</sup> February 2023**



**Three.ie**

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## 1 Introduction

Three welcomes the opportunity to provide observations on ComReg's draft ECS Strategy Statement for the period 2023-2025.

ComReg's Strategy Statement gives visibility and regulatory certainty to stakeholders on its intended approach over the period of the Strategy. In this regard the consultation on the Strategy Statement is an important part of ComReg's engagement with stakeholders.

Three broadly supports the overall direction of ComReg's Strategy but would like to offer some comments on areas where it believes that refinement may lead to more optimal outcomes for all sectoral stakeholders.

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## 2 Responses to Consultation Questions

### Consultation Question 1

Q1 Do you agree that the draft Strategy Statement appropriately captures ComReg's Mission, Vision and Role for the period? In providing your view, please also provide supporting evidence.

#### Three Response:

Certainty and confidence of stability as regards the scope of sectoral economic regulation is a key input to investment decision making.

Three believes that Figure 1 of the Draft Strategy Statement accurately depicts the interplay between various layers that result in the formulation of ComReg's actual program of work. Three notes that all of these are underpinned by ComReg's legislative mandate.

#### **Role**

Three notes that adopting a role, vision or mission that is wider than its legislative mandate means that ComReg runs the risk of taking into account issues and factors which are not properly part of this mandate and undermines the certainty and confidence of stability outlined above.

In this regard, Three is of the view that the Strategy Statement should have a clearer expression of the way in which Role, Vision and Mission link to ComReg's legislative mandate.

This would allow stakeholders more clearly understand how ComReg's approach to regulation and market intervention as framed by its stated Role, Vision and Mission sits within its legislative mandate.

For example, ComReg sets out that its role "...is to ensure that communications markets operate in the interests of end-users *and society*" [emphasis added]

Three observes that while users and service providers form part of wider society, the interests of society more generally may not always align with the interests of private or corporate citizens in their capacity as users or providers of electronic communications services and networks. In this example clarification of how this aspect of the stated Role is underpinned by the legislative mandate would ensure that stakeholders have confidence in the validity of ComReg's approach.

#### **Mission**

In relation to ComReg's stated mission, this is currently formulated in terms of ComReg's market interventions only being in the form of regulation.

***“Through effective and relevant regulation,*** [emphasis added] *we facilitate the development of a competitive communications sector in Ireland that attracts investment, encourages innovation, and empowers consumers to choose and use communications services with confidence.”*

Three notes that not all of ComReg's interventions in the market involve regulation (for example the NCIT or ComReg's consumer outreach activities). Three suggests that a slight reformulation would more accurately accommodate the wider range of mechanisms by which ComReg acts to achieve its vision. For example:

*“We facilitate the development of a competitive communications sector in Ireland that attracts investment, encourages innovation, and empowers consumers to choose and use communications services with confidence, using effective and relevant regulation when appropriate”*

### **Vision**

Three generally supports the vision outlined by ComReg. However, we note that the vision is focussed on the demand side and does not reference supply side dynamics. Three believes that adding references to investment and competition are necessary to ensure that the stated vision fully aligns to ComReg's mandate.

One possible formulation is as follows:

*“The communications sector in Ireland is investable and competitive, delivering to consumers and businesses in Ireland affordable, high-quality, and widespread access to secure communications services and applications that support their social and economic needs.”*

## Consultation Question 2

Q2. Do you agree that the draft Strategy Statement captures the most important sectoral trends and challenges over the period covered by the Strategy? In providing your view, please also provide supporting evidence.

### Three Response:

#### **Competition**

In relation to market trends Three believes that the analysis of the health of competition in the retail mobile market and fixed market does not adequately set out the end-user outcomes from levels of competition in each sector.

ComReg's analysis outlines that the mobile sector is the most heavily concentrated on the basis of HHI. However, this is a partial assessment of the relative state of competition in the various sectors.

The mobile sector has three networks each with near ubiquitous national population coverage. This gives aligns with ComReg's preference for infrastructure-based competition<sup>1</sup>. The conditions attached to the awards of spectrum under the recent auction process mean that within 3 years 99% of the population will have access to mobile data speeds in excess of 3Mbit/s and with 7 years at least 95% of the population will have access to mobile data speeds in excess of 30Mbit/s on each of these networks.

This is in marked contrast to the fixed sector where, notwithstanding the "intensity" of retail competition outlined by ComReg, infrastructure-based competition is geographically limited. The extent of this market failure is evidenced by the European Commission's approval of a State Aid subvention to NBI of up to €2.9B in order to provide high speed connectivity to almost a quarter of premises in the State.<sup>2</sup>

In EU wide benchmarks on retail broadband pricing the Irish mobile sector is better than the EU average while the fixed sector is considerably worse.<sup>3</sup>

The 2022 DESI index outlined that, notwithstanding the delays in making 5G spectrum available, Ireland's 5G population coverage was above the EU average.<sup>4</sup>

These actual end-user outcomes indicate that, in Ireland, the mobile sector operates to the benefit of end-users to a greater extent than the fixed sector. This is a clear indication that ComReg should broaden the criteria it is using to assess the health of competition in the mobile sector and not overly rely on HHI as an indicator.

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<sup>1</sup> Para 3.48 of the Draft Strategy Statement

<sup>2</sup> [gov.ie - National Broadband Plan \(www.gov.ie\)](http://www.gov.ie)

<sup>3</sup> [Mobile and Fixed Broadband Prices in Europe in 2021 | Shaping Europe's digital future \(europa.eu\)](https://ec.europa.eu/digital-economy/index)

<sup>4</sup> [Digital Economy and Society Index \(DESI\) 2022 | Shaping Europe's digital future \(europa.eu\)](https://ec.europa.eu/digital-economy/index)

### **Legislation**

In relation to legislative changes, Three notes that ComReg's analysis has touched on most of the important sectoral legislative changes. While the Draft Statement deals with the implementation impacts of these changes on a component level Three believes that a more holistic analysis of the scale and scope of these changes would be of benefit. This should assess the challenges faced by Service Providers and ComReg in implementing the set of changes which will overlap in the same timeframe. The Strategy Statement should also provide some framework for weighing the benefits to the end- users of these changes against other regulatory and legal imperatives. This would allow relative prioritisation of activities should resource conflicts arise. Absent this analysis there is a risk that decisions will be made in isolation and on a case-by-case basis from first principles. This *ad hoc* approach is likely to lead to longer decision-making timelines and sub-optimal decisions.

The holistic analysis would give regulatory certainty to all stakeholders and facilitate more efficient and transparent decision making. It would also allow service providers to plan capital and other resources. This planning is usually carried out on an annualised basis and advance visibility of the phasing and sequencing of regulatory driven activity would allow it to be incorporated without impacting other investments and developments designed to improve services and competition.

ComReg's survey of sectoral legislative changes does not reference the recently enacted Communications (Retention of Data) (Amendment) Act 2022. The implementation of this sector specific legislation is likely to have significant impacts on operators in terms of resources, both human and capital and should be factored into ComReg's planning.

**Consultation Question 3**

Q.3 Do you agree with the Strategic Intents discussed in detail in the draft Strategy Statement? In providing your view, please also provide supporting evidence.

**Three Response:**

Three believes that There is a strong alignment between the Strategic Intents and ComReg's statutory objectives.

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**Consultation Question 4**

Q.4 Do you believe that the Goals associated with the Strategic Intents are appropriate, and relevant? In providing your view, please also provide supporting evidence.

**Three Response:****Goal 2.5**

*“Consumer rights throughout their journey are upheld by their service providers.”*

Three has a strong commitment to offering high levels of customer care. This is reflected in Three being voted the Best Mobile Phone Operator in the 2020 Switcher.ie Awards. More recently our Limerick contact centre won the Gold Award for Best Customer Experience 2022 at the European Contact Centre & Customer Service Awards.

Three would note that advances in technology as demonstrated by the recent launch of Chat GPT mean that new opportunities for the modalities of customer interaction and support are likely to emerge. Care must be taken in specifying minimum standards that they do not reduce the scope for competitive differentiation. For example on-line only models (such as are emerging in banking) or “budget” vs full service offerings, that are a feature of the aviation market, may provide scope for further intensification of competition without a necessary erosion of consumer rights.

We note ComReg's intention to issue a consultation addressing any proposed specification of requirements on providers to prepare, publish and keep updated a customer charter. Three looks forward to engaging in this process.

**Goal 3.3**

*“Operators have appropriate risk-based procedures in place to manage network security and resilience”*

**Network Security**

Three is of the view that the text under section 5.5 of the Draft Statement (Network Security) does not adequately reflect the investment that operators and service providers have already made in network security, nor does it reflect the monitoring activities that ComReg has already carried out under the existing legislative framework. There is a brief reference of less than a sentence at the start of paragraph 5.32 covering existing activity. Given the increasing sensitivity of end-users to cyber related issues Three is of the view that this self-effacement ill serves end-users, services providers and ComReg.

In order to give end-users confidence in their adoption and use of ECS in Ireland Three believes that the Strategy statement should set out the already high baseline on which the ECMS will build.

## Nuisance Calls

Three recognises the imperative and benefits of protecting its customers from nuisance communications. To this end Three is fully committed to the NCIT and is an active participant. We wish to acknowledge the collaborative nature of the engagement from all participants and the significant progress that has been made. ComReg's leadership has been a key factor in this.

Three notes that this industry activity has been progressed without a formal regulatory mandate or obligation and is an indication that formal regulation is not the only means by which the interests of end-users can be progressed.

It is important to note that while ECS is an "attack vector" for fraud, in most cases it is not the end target. Because of this we believe that a stronger cross sectoral, multi-stakeholder framework is required to ensure that an end-to-end approach is taken to end-user protection. This framework might include financial sector, law enforcement and other providers of connectivity which are potential "attack vectors" such as email providers.

### **Goal 5.3**

*"ComReg is proactive on engagement with a range of stakeholders."*

#### Connectivity, Network rollout and New Technologies

In the mobile sector the adoption of 5G and the phasing out of legacy mobile networks will require that end-users are adequately protected from the misinformation and disinformation that has previously been associated with 5G deployments.

ComReg has a key role to play in ensuring that timely and accurate information is available to end-users as to the benefits and safety of 5G.

Strong and visible regulatory support and involvement in this messaging is required to protect the investment environment necessary to justify the expenditure on 5G deployment. Therefore, ComReg's Consumer engagement strategy should include a workstream delivering this.

**Consultation Question 5**

Q.5 In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?

**Three Response:**

The proposed regulatory response to the various market trends and changes outlined by ComReg, in part driven from the EU level and in part from local market dynamics, map to the stages of the ITU's regulatory evolution model.<sup>5</sup>

ComReg activities such as participation in the ERN and monitoring of adjacent and complementary markets are clearly on the path towards 5th Generation Regulation (G5).

ComReg has significant scope to take direct and tangible action to progress the G5 pillars relating to National Collaborative Governance (covering collaboration among institutions, industry stakeholders, and cross-sector regulators) and Policy design principles (which indicates the extent to which policy design and regulatory compliance are guided by evidence, transparency and accountability, and ethics).

Three believes that it would be useful for ComReg to consider mapping its goals and intents to the G5 framework and to incorporate goals which deal with modalities for sectoral collaboration and to develop further the frameworks for transparency and accountability, and ethics in the area of regulatory compliance.

Given the collaborative nature of the G5 regulatory model Three looks forward to building on the existing levels of collaboration with ComReg and other sectoral stakeholders to ensure the continued vibrancy of the Irish telecommunications sector.

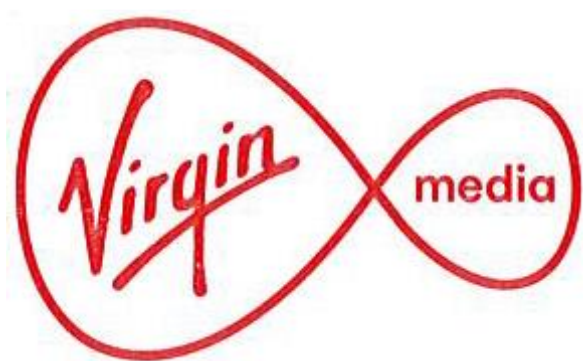
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<sup>5</sup> [G5 regulation: The digital transformation fast lane - ITU Hub](#)

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## 15 Virgin Media



## **Virgin Media response to:**

ComReg's Public Consultation on the Electronic Communications  
Draft Strategy Statement: 2023-2025.

ComReg Document 22/109

10 February 2022

## Introduction

- *Virgin Media Ireland Limited ('Virgin Media') welcomes the opportunity to respond to ComReg's consultation on the Electronic Communications Draft Strategy Statement: 2023-2025.*
- *Virgin Media in particular welcomes ComReg's views on investment and the importance of encouraging investment in Very High Capacity Networks ('VHCNs'). Please see sections 2.4 and sections 3.1 where we provide more detail on Virgin Media's position.*
- *Virgin Media welcomes ComReg's position that it may consult on various matters as part of its Strategy Statement particularly in the context of the legislation transposing the EECC and the new Telecommunications Act. Virgin Media encourages ComReg to do so. Virgin Media believes formulating policy through a consultative process is a valuable tool that should not be underestimated in helping to deliver the right regulatory outcomes.*
- *ComReg played an important role for consumers and industry during the Covid-19 pandemic. Virgin Media believes that ComReg continues to have an important role in the provision of information to operators as issues arise, for example as we have seen on communications related to the war in Ukraine.*
- *Virgin Media is always available to talk with the ComReg team and we look forward to working with ComReg throughout the period 2023 - 2025.*

## Virgin Media Response to Consultation Questions

***1. Do you agree that the draft Strategy Statement appropriately captures ComReg’s Mission, Vision and Role for the period? In providing your view, please also provide supporting evidence.***

Virgin Media agrees that the draft Strategy Statement appropriately captures ComReg’s Mission, Vision, and Role for the forthcoming period. As a significant investor in the sector Virgin Media in particular welcomes references in the statement that encourage investment. We would refer ComReg to our comments under Sections 2.4 and 3.1 below.

***2. Do you agree that the draft Strategy Statement captures the most important sectoral trends and challenges over the period covered by the Strategy? In providing your view, please also provide supporting evidence.***

Virgin Media agrees that the draft Strategy Statement captures the most important sectoral trends and makes the following comments on this and on challenges more generally:

**(i) Connectivity, Network rollout & New Technologies**

- ComReg at paragraph 2.13 refer to the fact that *“the deployment of high speed ECN is playing an increasingly important role across the country .... enabling innovation and further digitalisation across different sectors of Irish society”*. Virgin Media agrees that the deployment of high-speed ECN’s is playing an increasingly important role across the country. As ComReg is aware Virgin Media is undertaking a very significant contribution through its €200 million investment to upgrade its broadband network to full fibre.

**(ii) Challenges**

- External factors largely driven largely by the war in Ukraine create a challenging economic environment in which to do business. This is at a time when post Covid businesses had hoped to see a more stable and predictable business environment. With the uncertain macroeconomic environment, it has never been more important for ComReg to continue with its policy of evidence-based decision making. This will ensure the right outcomes are achieved providing legal and regulatory certainty for all.

**(iii) Consumer Experience**

- Undoubtedly, the landscape during Covid-19 enhanced consumers dependency on connectivity. This accompanied with the accelerated growth of remote working/e-learning and ebusiness means that connectivity, innovation and digitalisation continue to remain critical for consumers and businesses today. The electronic communications sector delivers more for consumers today than it has ever delivered.

**(iv) The Evolution of Adjacent and Related Markets**



- ComReg is right to recognise that the eco-system in which the regulation of ECN / ECS happens is inherently complex and changeable, and that part of that complexity is the relationship with so called ‘adjacent’ markets.
- It will be important that ComReg continues to actively monitor the relationship with adjacent markets. This will enable ComReg to, *inter alia*, understand the role ECN / ECS plays in adjacent markets and the extent to which adjacent markets affect the competitive conditions. This should assist ComReg – as part of a process of continual assessment – to confirm if the regulation it sets is right, given the wider ecosystem, or need amendment.

***3. Do you agree with the Strategic Intents discussed in detail in the draft Strategy Statement? In providing your view, please also provide supporting evidence.***

**(i) Competition and Investment**

- ComReg’s Strategic Intent in relation to the Competition and Investment chapter is to create “A competitive sector that delivers efficient investment, innovation, and choice”. ComReg then goes on to describe what this means in practice e.g. clear evidence of sustainable competition over time, consumers exercising choice and so on.
- At top-level, ComReg’s Strategic Intent is a good one. It is also an important one, given that healthy competition and investment are both essential to enable a host of important things that will be of benefit to consumers and the Irish economy, including but not limited to the deployment of VHCN networks and establishing sustainable infrastructure-based competition.
- This is an important inflection point in the development of wholesale markets in Ireland. For example, in fixed markets, there is an opportunity over the next 5 years for the successful mass-market deployment of FTTH across Ireland, offering significant benefits to customers (including at the retail level) and the economy.
- But this is not inevitable – it will rely on continued investment, and on the emergence of sustainable competition, which should include competition between separate networks, rather than purely competition between different wholesale users of the Eircom network. ComReg has a critical role to play given that getting the right regulatory environment will be necessary for continued investment and the development of competition.
- Virgin Media aim to play an important role in this space. This is evidenced by the following – we are (i) in the process of upgrading our existing network to FTTH network; (ii) we are also entering the wholesale business for the first time, having announced an access agreement with our first customer Vodafone in October 2022; and (iii) in August 2022, Virgin Media announced plans to expand our market reach through a network agreement with SIRO. This partnership will extend Virgin Media’s current geographic reach beyond our current network across the Siro network.
- Virgin Media’s plans will increase investment and competition in FTTH networks, to the benefit of competition and consumers. To be able to do this, we rely on the regulatory environment being right – and having the right incentives to invest sustainably will be a key part of this.

- This overall approach is needed to ensure that fair and efficient competition and investment become sustainable, to the benefit of customers in wholesale and retail markets.
- What will be particularly important to Virgin Media in ComReg’s current wholesale reviews (WLA/WCA and PIA) will be ensuring (i) that there are strong signals for continued (efficient) investment in FTTH networks, and (ii) appropriate ex-ante remedies and policing thereof where SMP is found to ensure that competition is allowed to develop, and then thrive, at the wholesale level – to the benefit of customers.
- In terms of the formulation of ComReg’s Strategic Intent, Virgin Media makes the following points, all of which relate to what successful delivery of the Strategic Intent looks like:
  - Given the importance of infrastructure-based competition, and the large benefits it can offer, we would suggest the following inclusion: *“Sustainable competition over time, including infrastructure-based competition.”*
  - Inclusion of a specific aim for the successful rollout of next generation networks, including FTTH fixed networks and 5G mobile networks.
  - Inclusion of a key enabler along the lines of *“Application of balanced ex ante SMP remedies where required, supported by robust compliance framework.”*
  - Noting the dynamic nature of the markets (both retail and wholesale), and their constant evolution, it may also be useful for ComReg to explicitly reference the role it has to constantly monitor markets and intervene where the latest trends suggest that change is required.

**(ii) Consumer Protection**

Virgin Media makes the following comments regarding Section 4 Consumer Protection:

- It is good to see in respect of the Consumer Line Statistics reported, the decline of PRS issues and return to complaint volumes at pre covid levels. Virgin Media notes that it received the lowest number of fixed service provider complaints (per 100,000 subscribers) as published in ComReg Consumer Line Statistics Reports to date for Q1, Q2 and Q3 2022.
- Virgin Media notes ComReg’s reference to driving service providers to improve the experience they provide to their customers by improving transparency on Quality of Service. Virgin Media strongly encourages ComReg to consult with industry as it develops such measures to ensure the best possible outcome for the consumer. We note references to ComReg’s Compare Tool and again strongly encourages e ComReg to consult more with stakeholders as it develops this important tool.
- Virgin Media is a participant on the Mobile Phone and Broadband Taskforce aimed at improving access and addressing connectivity barriers to telecommunications services in Ireland. This has been and continues to be a very useful forum for engagement between industry and Government. It resulted in concrete actions the benefits which were very evident during the Covid 19 pandemic. As part of its work programme for 2022, a consumer information campaign aiming to improve awareness of new technologies/enhanced connectivity available given investments such as fibre upgrades would be very constructive. Most recently a meeting of the Taskforce took place in Galway where companies were able to share directly their experiences

of network roll out with local councillors. This forum remains an important form of engagement and Virgin Media welcomes and supports ComReg's continued role together with government.

- Virgin Media understands that continuous improvement is vital in terms of enhancing customer experience of services in the sector. We agree wholeheartedly that it is important that *"consumers can choose and use with confidence"*. In this regard we note that one of the key new consumer protection measures may be Customer Charters to create transparency around the level/quality of customer service providers offer. ComReg states that it intends to issue a public consultation to address *"any proposed specification of requirements on providers to prepare, publish and keep updated a customer charter. In addition, ComReg may issue a public consultation addressing issues arising with the introduction of the new customer service provisions as a result of the transposition of the Code and the Bill, relating to minimum quality of service standards and compensation"*. Given the significance for consumers and industry as a whole Virgin Media expects ComReg to consult on these important initiatives.
- We agree with ComReg's consideration for vulnerable and disabled consumers and would welcome a further public consultation aimed to address the provisions for disabled end-users. This is to ensure that end-user access needs are met and to support the equivalence of access provisions for end-users with disabilities envisaged by Article 111 of the EECC. Virgin Media looks forward to further participation in ComReg's Equivalence of Access and Choice workshops aimed at exploring specific accessibility topics and issues.

**(iii) Universal Service - Affordable access to basic services**

- In respect of a USO Virgin Media recognises the role of USO in supporting social inclusion and welcomes the focus on closing the gap between availability and take up of services. The goal of USO under the EECC is to avoid the risk of social exclusion, which prevents citizens from full social and economic participation in society, through a lack of access to electronic communications services.
- The Universal Service for adequate broadband is only required when the market fails to deliver, and relevant public policy interventions have been exhausted. Where there is an enduring availability or coverage problem for broadband, State Aid is a more targeted and calibrated instrument than USO. State Aid has already been applied in the Irish market through Government's funding of NBI and Virgin Media would question the requirement to apply a universal service obligation in a market where one provider (through State Aid) is already tasked with ensuring that those remote and economically challenging areas are catered for.
- The right regulatory environment is crucial to enable the investment that will allow the continued development of networks digital transformation. Virgin Media looks forward to putting its views across on this important topic.

**(iii) Network security/network resilience /Nuisance Communications**

- Cybersecurity is essential for consumer confidence particularly when cybersecurity considerations have never been more importance. Virgin Media participated and contributed to the working group, resulting in the development by the National Cyber Security Centre ("NCSC") of the series of ten documents known as the Electronic Communications Security Measures or ECSMs, which reflects on our commitment with the industry to safeguard against

cyber threats. This is an area of focus for all and we look forward to continued engagement with ComReg on it.

- In addition, preventative maintenance and continuous investment in network upgrades, ensures the resilience of our network and mitigates against external factors such as climate change.
- Virgin Media is very supportive of the Nuisance Communications Industry Taskforce set up by ComReg. Virgin Media's representatives have provided expert advice and leadership which has resulted in the Taskforce being in a position to take many positive actions which have addressed many issues undermining confidence in telecommunications such as spoof text messages and calls. Virgin Media will continue to play a key leadership role in this taskforce.

**(iv) Compliance and Enforcement**

- ComReg reference the possibility of publishing further information and guidance on certain aspects of its investigation practices and methodologies, after the EECC has been transposed into Irish law. Virgin Media while welcoming this possibility is surprised that ComReg is not more forthcoming. Other regulators have chosen to consult on their enforcement powers and programmes. For example the Competition Authority and Ofcom consulted on their enforcement powers and published clear guidance for stakeholders. Virgin Media urges ComReg to do the same. With a new legislative framework coming into effect in the very near future this is an opportune time for ComReg to do so.

***4. Do you believe that the Goals associated with the Strategic Intentions are appropriate, and relevant? In providing your view, please also provide supporting evidence.***

- Virgin Media broadly agrees that the Goals are appropriate and relevant. However, it is also Virgin Media's position that greater information and consultative activity could be undertaken by ComReg. This would help to create better outcomes.

**5. In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?**

- Please refer to our comments in response to questions 1 to 4.
- The Strategy Statement makes little reference to broadcasting. ComReg's statement should be more specific in terms of the work it does in support of the broadcast sector. For example ComReg should consider whether there is benefit to a specific intent /goal in respect of spectrum used by broadcasters and potential for a work programme to include future efficiencies in the use of spectrum for terrestrial platforms which we expect will not keep pace with the digital evolution in this sector.

## 16 Vodafone



Vodafone Response to Consultation

Electronic Communications Strategy Statement 2023-2025

Public Consultation

**Reference:** ComReg Doc 22/109

**Version:** Non-Confidential

**Date:** 11/02/23

## Introduction

Vodafone welcomes the opportunity to respond to the Commission for Communications Regulation (ComReg)'s consultation on its 2023-2025 ECS Strategy. The detail of our response is set out below.

## Consultation Questions

**Question 1: Do you agree that the draft Strategy Statement appropriately captures ComReg's Mission, Vision and Role for the period? In providing your view, please also provide supporting evidence.**

The draft 2023-2025 strategy (which also acts as the mid-term review of the 5-year strategy commencing 2021) continues to adopt the same Mission, Vision and Role for ComReg as that which was included in previous strategy statements back to 2017.

In the intervening period a lot has happened. The changing role of connectivity has led to a paradigm shift: We have seen a first wave of this shift during and after the Covid pandemic as home broadband and mobile broadband has become a key enabler of the economy and society. Enhanced fibre and mobile connectivity continue to enable innovation in education, healthcare, transportation, energy, and entertainment.

In the vision for the sector the focus is very much on consumers and business having access to services and applications supporting their social and economic needs. The expectation for consumers, business and public organisations is that there will be high quality, fast and secure digital services whenever and wherever needed. Arguably the vision should take account of the integral role of connectivity to deliver high quality services to broader citizens whether through public and private sector organisations. This recognises the wider fundamental importance of connectivity to the State and the fact that the sector infrastructure underpins every aspect of the Irish economy and society.

**Question 2: Do you agree that the draft Strategy Statement captures the most important sectoral trends and challenges over the period covered by the Strategy? In providing your view, please also provide supporting evidence.**

### Connectivity, Network Rollout and New Technology Trends

We agree with trends highlighted. A further element of this trend to note is the increasing investment challenge for the sector. In general, the appetite for investment is heavily influenced by sector specific demands for greater coverage, speeds, capacity, security, and resilience. While the sector faces depleting revenue and decreased return on investment. External factors are also throttling investment across the whole of society including inflation, energy prices and increasing interest rates.

## The Consumer Experience

Overall, the consumer experience and the level of access in Ireland is greatly enhanced by rollout of multiple fibre and high-speed mobile networks.

The overall goal for all stakeholders should be to lift the reputation and standards in the sector, to remove issues of concern for consumers that arise and ensure a great experience for customer in their use of what has clearly become an essential service. This can only be achieved by setting clear standards in consultation with all stakeholders.

Notwithstanding ComReg's role to protect consumers rights there is also an increasing trend, driven by industry, to ensure greater adoption and more efficient use of digital services. A good example would be the initiative to drive digital skills.

- Through our Hi-Digital programme Vodafone has particularly focused on increasing the use and take up of digital service for anyone who needs a bit of help developing their digital skills, particularly those who have rarely or never been online (often 65+ years old). Hi-Digital is a free online course developed by Vodafone Ireland Foundation, in partnership with NGOs Active Retirement Ireland and ALONE. The course consists of bite-size lessons organised around key digital themes including: The basics of internet access and how to use online devices; An essential guide to apps and features that can enhance daily life and combat isolation.

As outlined further below ComReg also have an advocacy role for the industry on consumer impacting matters and this is potentially sometimes lost in the mix.

## Adjacent and Related Markets

This is an increasingly important trend in the context of the health of the sector. Data Traffic is increasing exponentially on telco networks. A few large OTT services are responsible for the large amounts of fixed and mobile data and have been driving the increase over time. A study<sup>1</sup> in 2022 by Frontier Economics has estimated that traffic driven by OTTs generates costs of up to €36-40 billion per year for EU telcos. The EU adopted a regulatory model which has spurred competition in electronic communications markets. However, the landscape has changed, and the OTT players that benefit from the internet ecosystem should therefore adequately contribute.

Arguably the role for ComReg will go beyond monitoring to more active engagement in the context of its role to drive competition, innovation, and investment in the sector in Ireland.

## The National Digital Strategy

One further trend to note relates to the common goals for the sector across all national stakeholders. The National Digital Strategy is a positive step in providing a roadmap in building towards the country's digital ambitions. All stakeholders, policy makers, ComReg, and industry need to adapt our approaches and ways of working to achieve these national ambitions.

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<sup>1</sup> [ott-traffic-costs-report-frontier-may2022.pdf \(vodafone.com\)](https://www.vodafone.com/ott-traffic-costs-report-frontier-may2022.pdf)



**Question 3: Do you agree with the Strategic Intents discussed in detail in the draft Strategy Statement? In providing your view, please also provide supporting evidence.**

See answers to question 4 below

**Question 4: Do you believe that the Goals associated with the Strategic Intents are appropriate, and relevant? In providing your view, please also provide supporting evidence.**

**Strategic Intent 1: A competitive sector that delivers efficient investment, innovation, and choice.**

The key focus for ComReg over the next 2 years needs to be provision of regulatory certainty and ensuring the Irish sector is attractive to investors. We agree that ensuring best in class regulation and providing regulatory certainty is critically important to encourage investment and promote competition in the provision of digital connectivity.

As a responsible business, Vodafone are committed to best-in-class standards, however, with half the return on capital for network investment in the past decade, overregulation is becoming a real risk to innovation. Best in class regulation does not mean lots of regulation.

The regulatory framework must be focused, fit for purpose, must avoid duplication, must commit to tackle the more complex issues and must be agile and, adaptive to change. This is not currently the case notwithstanding challenge of the speed of change in the sector and the complexity of issues arising.

- **Wholesale Inputs:** Regulatory policy needs to recognise that investment signals are required at a wholesale level to encourage network build. The correct signals and certainty must also be provided at a retail level so retail operators can accurately develop long-term business plans to drive uptake and maintain retail services. As the leading FTTH retailer in Ireland Vodafone is of the view that certainty on wholesale pricing is critical. This is especially important in the context of the move from legacy copper infrastructure to fibre. Vodafone do not have certainty on regulated inputs. The current proposals in recent market reviews have only increased the level of uncertainty. Vodafone will be responding separately to the recent market review (ComReg 23/03) on WLA markets.
- **Spectrum:** The recent completion of MBSA2 is very welcome and albeit later than desired there is now clarity on allocation of spectrum resource. The maximum value of spectrum resource is realised when it is put to long term use and conditions for rollout (including associated regulations) must also be efficient. With the completion of MBSA2 there is now also space for broader discussion on spectrum policy to ensure the right investment signals. The time is now right to evaluate and reconsider aspects of spectrum policy and ComReg play a key role. In collaboration with government, we need to consider investment drivers to support long-term investment in 5G networks including longer-term licences such as the 40-year licences agreed in Spain and perpetual licences.

## Strategic Intent 2 Consumers can choose and use communications services with confidence

It is in the interest of all that there is consumer confidence, simple access to services, clear information provided, high-quality experience in the use of services, clear and simple charging information and if something does go wrong the issue can be resolved efficiently, keeping the customer informed throughout. Vodafone also welcome the reductions in complaint levels into ComReg.

In relation to consumer harm ComReg point to complaints and query statistics, advisory panels, mystery shopping, information requests to consumers and industry and compliance activities. What is also important in informing consumer protection policy on certain issues is consultation and collaboration with industry to resolve more complex topics. The worst outcome would be we drive a standard in the industry through enforcement and compliance as that damages the reputation of the entire sector.

There are several key areas that could be addressed

- **Clear and simple standards for provision of information:** There is a tendency to enforce consumer protection by requiring more and more detail to be provided to the customer and it becomes a real challenge to present information in a simple way to customers. This runs counter to the intent to protect consumers and often embeds complexity for customers. It remains the case that a clear standard is set for provision of all information to ensure the experience is simplified while protecting consumer rights.
- **Greater engagement at an early date on cross industry requirements:** A good example is in relation to the opportunity on Internet Access Switching. We welcome the engagement of ComReg in the IAS forum on switching. There is an obligation for all, including ComReg, to ensure we develop the simplest switching regime for Irish consumers and business. That requires practical discussion on best approaches for implementation and there needs to be space for consultation and open dialogue in this regard.
- **ComReg as an advocate for the sector:** We note the goal that ComReg must act as an advocate for consumers. On balance Vodafone welcome some focus from ComReg on the positive contributions of the sector. To achieve best in class regulation ComReg, as sector regulator, has a central role to enable and assist efficient industry collaboration to the benefit of all. The benefits of collaboration were demonstrated when industry came together with ComReg to ensure capacity was available through temporary spectrum measures, that commitments could be made maintain connectivity and to ensure that regular updates on connectivity into government. It demonstrated what can be achieved effectively and efficiently when the objective is clear
  - Connectivity its agreed is a basic service in most homes and the sector has supported the economy and society to adapt to a new way of life during and post-pandemic.
  - In relation to vulnerable customers there is a lot of activity in the sector that can be supported and championed by ComReg such as detailed above in relation to HiDigital.
  - On certain policy matter Industry are putting forward progressive solutions to benefit consumers. For example, more creative thinking and funding must be a priority to allow network operators to extend our coverage into non-commercial locations. This will help tackle the digital divide between rural and urban areas, by maximizing the use of public

funds in each Euro invested. This is a broader national social policy discussion for which ComReg can adopt a consultative and supportive role.

This are all factors we should not ignore, and which should be recognised in the wider perspective of the sector contribution.

- **ComReg will need to get involved in more complex issues:** In certain cases, consumer issues can arise because of complexity. The best example relates to supply of fixed services. The reality is there is a lot of activity on fixed provisioning as a direct result of the investment across the State – public and private. The customer experience on fixed delivery and repair must be improved. For example, in relation to the high number non-standard FTTH delivery the position from ComReg is that any complaints to a retail operator must stay open with the retail operator until the non-standard issue is resolved. This is effectively misrepresented as poor performance by the retail operator. This is not appropriate as the retail operator, who it must be noted has incurred significant acquisition cost, is prevented from delivering service to the customer by circumstances completely outside their control.

### **Strategic Intent 3: End-Users have widespread access to high-quality and secure communications networks, services, and applications.**

This intent is agreed and is consistent with Vodafone objectives. We must however avoid excessive regulatory burden and some level of prioritisation is needed. The sector is facing a new phase of regulatory measures that impose significant operational and financial demands on the sector. This is at a time when competition has never been more intense and when organisations, using over the top services on regulated networks, do not face the same regulatory load. In the last year alone, industry have worked with government on regulations related to the Network and Information Security Directive, the Electronic Communications Code, and the Electronic Communications Security Measures, as well as other demands on nuisance communications, support for enhanced emergency services etc.

In relation to ECSMs it is our view that to drive higher investments in security in the long term, greater emphasis on security must be backed up with economic policies and regulations that put a premium on telco quality and prioritises investments in security. In general, we believe a holistic approach involving Government, regulators, MNOs, and vendors is needed to ensure security related risks are mitigated.

### **Strategic Intent 4: Regulated entities comply with regulatory requirements.**

It is our view that once a standard is set following an appropriate level of consultation and delivery of clear guidance then if serious issues arise ComReg must have the ability enforce requirements. The policy must be set clearly in the first place, and this will require some level of industry consultation and a reasonable implementation timeframe.

**Question 5: In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?**

The benefits of private and public investment in connectivity will place Ireland in the top tier of EU countries for fibre rollout and 5G rollout in the coming years. Regulation and ComReg ECS Strategy must now adapt to ensure continued support for the ongoing network investment demands, to support agility and innovation in the sector and balance what can at times seem competing objectives from stakeholders be they consumers, business, governments, operators, or regulators. As stakeholders we have a common goal which is to do good and to do good business for a fair return to the benefit of the Irish economy, society, and its citizens.

**ENDS**