



Commission for
Communications Regulation

Determination

EXEMPTION OF CERTAIN ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES UNDER REGULATION 4(6) OF THE EUROPEAN COMMUNITIES (ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES)(AUTHORISATION) REGULATIONS, 2003 (S.I. No. 306 of 2003)

Document No:	03/90
Date:	25 July 2003

INTRODUCTION

Regulation 4 (1) of the European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations, 2003 (S.I. No. 306 of 2003) provides that *“subject to paragraph (6), any person who intends to provide an electronic communications network or an electronic communications service shall, before doing so, notify the Regulator of his or her intention to provide such a network or service.”*

Regulation 2 (1) of the European Communities (Electronic Communications Networks and Services)(Framework) Regulations, 2003 (S.I. No. 307 of 2003) provides that *“Regulator” means the Commission for Communications Regulation.*

Regulation 4(6) of S.I. No. 306 of 2003 states that *“The Regulator may make a determination specifying an electronic communications network or service of a particular class or description as being a network or service in relation to which an undertaking is not subject to the requirements of paragraph (1)”*.

Accordingly, the Commission hereby specifies the classes or descriptions of electronic communications networks and services which are exempt from the requirement of Regulation 4(1) to notify the Commission for Communications Regulation of the intention to provide electronic communications networks or electronic communications services.

DETERMINATION

Pursuant to Regulation 4(6) of the European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations, 2003 (S.I. No. 306 of 2003), the Commission for Communications Regulation hereby specifies that the electronic communications networks and services listed in the Schedule to this document shall be exempt from the requirement of Regulation 4(1) of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2003.

SCHEDULE

The Commission for Communications Regulation hereby specifies that the electronic communications networks or electronic communications services of the following class or descriptions are excluded from the requirement to notify the Commission for Communications Regulation under Regulation 4(1) of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2003.

Electronic communications networks and electronic communications services which are wholly for own use including use by connected entities.

For the purposes of this Schedule:

“wholly for own use” means electronic communications networks or services used exclusively by the entity providing the electronic communications networks or services

“connected entities” means

- a. entities which are wholly owned by a common entity or individual (either directly or indirectly), or,
- b. an entity which is a wholly owned subsidiary of the other.

GIVEN under the official seal of the Commission for Communications Regulation this 25th day of July **2003**.

On behalf of the Commission for Communications Regulation