



High Court Order following its Judgment of 14 August 2013 on Mobile Termination Rates

Information Notice

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1. This information notice is issued further to ComReg Information Notice 13/80 in respect of the Judgment of the High Court of 14 August 2013 relating to an appeal by Vodafone Ireland Limited to the High Court against ComReg Decision D11/12¹ and ComReg Decision D12/12² (the “**Appeal**”).³
2. On 11 October 2013, the High Court outlined the orders that it intended to make following its Judgment. The Order of the High Court was perfected on 17 October 2013 (the “**Order**”). A copy of the Order is attached as Appendix 1 to this Information Notice (see ComReg 13/97a).
3. As can be seen from the Order⁴, certain aspects of the Appeal have been held over for future determination by the High Court. However, the High Court has ordered, *inter alia*, that Section 4 of the Decision Instrument contained in Annex 2 of ComReg Decision D12/12 is quashed and set aside. The Order states that the Decision Instrument contained in Annex 2 of ComReg Decision D12/12 constitutes a single decision. In addition, the Order states that, until the final determination of the Appeal or further order, Vodafone’s weighted average mobile termination rate should be no more than 2.60 cent per minute.
4. ComReg interprets the effect of the Order as meaning that, subject to an appeal by ComReg, the charging of a maximum Weighted Average Mobile Termination Rate of 2.60 cent per minute is consistent with the cost orientation obligation imposed on each of the SMP Mobile Service Providers under Section 12.1 of the Decision Instrument contained in ComReg Decision D11/12, pending any future decision adopted by ComReg once its model for mobile termination rates has been completed.⁵

¹ ComReg Document No 12/124; Decision No D11/12: Market Review - Voice Call Termination on Individual Mobile Networks - Response to Consultation and Decision; published on 21 November 2012 (“ComReg Decision D11/12”).

² ComReg Document No 12/125; Decision No D12/12: Mobile and Fixed Voice Call Termination Rates in Ireland; published on 21 November 2012 (“ComReg Decision D12/12”).

³ Vodafone Ireland Limited v Commission for Communications Regulation, High Court Record No. 2012 No. 465 MCA.

⁴ See paragraph 4 on page 3 of the Order.

⁵ ComReg understands that the term “Weighted Average Mobile Termination Rate” has the same meaning as under Section 2.1 of the Decision Instrument contained in Annex 2 of ComReg Decision D12/12.

5. ComReg is currently considering appealing the Order. In addition, ComReg is currently progressing its development of a model for mobile termination rates and anticipates that it will consult publicly on the model in the second quarter of 2014.