



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Information Notice

Industry Meeting on 31 May 2022 regarding Internet Access Switching

Information Notice

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications
Regulation

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Additional Information

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1. On 16 May 2022, ComReg published an Information Notice (ComReg Document Number 22/41) entitled “Industry Meeting on 24 May 2022 regarding Internet Access Switching”. As per that Information Notice, Internet Access Service (“IAS”) providers were invited to inform ComReg of their intention to attend a meeting on IAS, for the purpose described below, that was scheduled for 24 May 2022. ComReg understands that due to a technical issue with respect to the issuing of an email alert in relation to this Information Notice, some IAS providers may not have been aware of the above Information Notice and the scheduled meeting. ComReg therefore considers that, in the interest of the wider industry (IAS providers), it is appropriate to reschedule the proposed meeting to 31 May 2022 and again publish the Information Notice advising industry of the meeting.
2. The Commission for Communications Regulation (“ComReg”) is the statutory body responsible for the regulation of the electronic communications sector (telecommunications, radio-communications and broadcasting transmission). ComReg has a range of functions and objectives in relation to the provision of electronic communications networks, electronic communications services (“ECN” and “ECS” respectively) and associated facilities in accordance with European Union and national legislation.
3. The European Electronic Communications Code¹ (“the Code”) was enacted on 20 December 2018, with a transposition deadline of 21 December 2020. The Code modernises and reforms the existing telecommunications regulatory framework in Europe. The Department of Environment, Climate and Communications (“DECC”) is responsible for the transposition of the Code into national law in Ireland, and this is ongoing.
4. To meet the requirements of Article 106 (and where applicable with regard to bundled offers, Article 107) of the Code, providers of IAS are required to have processes and procedures in place to facilitate IAS switching.
5. The Code introduces new end-user rights related to switching the Internet Access Service (“IAS”)², which aim to:

¹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast).

² The Code defines “internet access services” by reference to the definition of that term in Article 2 (2) of the Open Internet Access Regulation (EU) 2015/2120, which is in turn defined as, “a publicly available electronic communications service that provides access to the internet, and thereby connectivity to virtually all end points of the internet, irrespective of the network technology and terminal equipment used”.

- I. increase transparency in the switching process,
 - II. make it easier for end-users to switch their service(s), and
 - III. provide end-users with greater levels of confidence when it comes to engaging with the switching process.
6. Article 106 (1) of the Code seeks to ensure continuity of service for end-users during the IAS switching process by imposing on providers of IAS obligations in relation to the switching process and continuity of service requirements, and clear timelines for completing the switching process. Recital 277 of the Code provides that the possibility of switching between providers is key for effective competition. Recital 277 also provides that providers should ensure continuity of service so that end-users are able to switch providers without being hindered by a risk of loss of service.
 7. ComReg's views on the meaning and effect of the provisions of the Code as they relate to end-users of IAS switching under Article 106 (1) and, where they pertain to switching between IAS providers, provisions of Articles 106 (5), 106 (6) and 107 of the Code, are set out in the Guidance³ published by ComReg on 20 October 2021 (the "IAS Guidance"). The IAS Guidance sets out ComReg's expectations with respect to the requirements of the IAS switching process to be developed by industry and supported by technical solutions.
 8. On 21 January 2021, ComReg facilitated a meeting for IAS providers, in relation to the Code and IAS switching. ComReg understands that since then, Telecommunications Industry Ireland ("TII") has facilitated a series of meetings with IAS providers with respect to the IAS requirements of the Code for switching internet access services. TII has now requested that ComReg facilitate another meeting at which industry can report back on the outcome of the discussions had to date and for the next steps to be discussed.
 9. The purpose of this information notice is to issue a public invitation to all IAS providers to attend a meeting of industry, on 31 May 2022. ComReg will host and act as Chair for this meeting which is to be held virtually starting at 10.00 am and running to 11.30 pm.
 10. ComReg welcomes this opportunity to hear industry's full update and position as regards proposed next steps in order for industry to ensure that the required IAS inter-operator processes and associated technical solutions are in place to meet IAS providers' obligations pursuant to the Code. For the avoidance of doubt, ComReg will not be engaging in or facilitating discussion on the IAS Guidance at the meeting.

11. It is in the interests of all IAS providers (both wholesale network providers and retail providers) to attend the meeting being convened on 31 May 2022.
12. IAS providers intending to attend the meeting are requested to confirm same by email to products@comreg.ie by 5pm on 26 May 2022 indicating the number and names of the delegates.
13. An agenda and meeting details will circulate to all confirmed IAS providers in due course.

³ Regulatory Guidance on Title III: End-User Rights of the European Electronic Communications Code. Inter-operator processes – principles to facilitate end-user rights to switch internet access services. ComReg. ComReg Document 21/107R, dated 20 October 2021.