



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

## Information Notice

Competition Policies and Guidelines pursuant to the Competition Act 2002 (as amended) arising out of the adoption of the Competition (Amendment) Act 2022 (no.12 of 2022)

### Information Notice

**Reference:** ComReg 23/78

**Version:** Final

**Date:** 28/08/2023

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

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1. Under the Competition Act 2002 as amended (the “2002 Act”), the Commission for Communications Regulation (“ComReg”) is, together with the Competition and Consumer Protection Commission (“CCPC”), a competent authority in respect of matters involving the provision of an Electronic Communications Network (“ECN”) or Electronic Communication Services (“ECS”) or associated facilities.
2. On 29 June 2022, the Competition (Amendment) Act 2022 (the “2022 Act”) was enacted by the Oireachtas. The 2022 Act implements Directive (EU) 2019/1 of the European Parliament and of the Council (also known as the ECN+ Directive) and amends the 2002 Act. The 2022 Act has not yet come into force.
3. As a competent authority under the 2022 Act, ComReg has the function of investigating possible breaches of the 2002 Act and Articles 101 and 102 of the Treaty of the Functioning of the European Union (“TFEU”).
4. ComReg is making available the following policies and guidelines today at Annex 1 of this Information Notice, pursuant to the 2002 Act, arising out of the 2022 Act:
  - a. Guidelines on the determination of administrative financial sanctions and periodic penalty payments under the Competition Act 2022 (“Financial Penalty Guidelines”);
  - b. Access to the File Policy in respect of investigations by ComReg under the Competition Act 2002 (“Access to the File Policy”); and
  - c. ComReg Administrative Leniency Policy (“ComReg ALP”).
5. ComReg welcomes submissions from respondents on any of the documentation and any submissions should be emailed to Eric Tomkins, at [eric.tomkins@comreg.ie](mailto:eric.tomkins@comreg.ie) by **no later than 5.30pm on Monday 11 September 2023**. Respondents should also be aware that all non-confidential responses will be published, subject to the provisions of ComReg’s guidelines on the treatment of confidential information<sup>1</sup>. Respondents should ensure that a non-confidential version of their response is also provided by the closing date above. Confidential elements of responses must be clearly marked as such and be set out in a separate document which must also be provided to ComReg by the closing date set out above.
6. After the closing date and subject to any submissions received which necessitate changes to the documents, the documents set out in Annex 1 will be adopted and published by ComReg.

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<sup>1</sup> [ComReg's Guidelines on the treatment of confidential information, 22/03/2005](#)

# Annex 1: Competition Policies and Guidelines

Please see the following documents published separately and alongside this Information Notice:

- (1) Guidelines on the determination of administrative financial sanctions and periodic penalty payments under the Competition Act 2022 (“Financial Penalty Guidelines”) (ComReg 23/78A);
- (2) Access to the File Policy in respect of investigations by ComReg under the Competition Act 2002 (“Access to the File Policy”) (ComReg 23/78B); and
- (3) ComReg Administrative Leniency Policy (“ComReg ALP”) (ComReg 23/78C).