



Mobile Termination Rates

Information Notice

Reference: ComReg 16/14

Date: 16/02/2016

Vodafone and ComReg have reached an agreement in respect of proceedings entitled Vodafone v. ComReg Record No. 2012 No. 465 MCA and Record No. 450/2013 whereby Vodafone has withdrawn its challenge to the choice of Pure LRIC as a methodology in Decision D12/12 and ComReg has agreed to withdraw its appeal against the judgment of the High Court of 14 August 2013 (and the Supplemental Ruling of 21 November 2013) in those proceedings. Such withdrawal is without prejudice to ComReg's contentions in that appeal.

Vodafone has also agreed not to challenge ComReg Decision D02/16, Document No. 16/09, entitled "Mobile Termination Rates: Response to Consultation 14/29 and Supplementary Consultation 15/19 and Decision Document" published on 12 February 2016 ("ComReg Decision D02/16"). The High Court has ordered on 16 February 2016 that Vodafone's weighted average Mobile Termination Rate should be no more than 2.60 cents per minute pending the implementation on 01 September 2016 of the rates contained in ComReg Decision D02/16 which decision was notified to the six mobile service providers with significant market power on 12 February 2016.

Please see related document ComReg Decision D02/16 and attached court order of 16 February 2016.

THE HIGH COURT

COMMERCIAL

2012 No. 465 MCA

(2013 No. 8 COM)

TUESDAY THE 16TH DAY OF FEBRUARY 2016

BEFORE MR JUSTICE HEDIGAN

**IN THE MATTER OF AN APPEAL PURSUANT TO REGULATION 4 OF
THE EUROPEAN COMMUNITIES (ELECTRONIC COMMUNICATIONS
NETWORKS AND SERVICES) (FRAMEWORK) REGULATIONS 2011**

BETWEEN/

VODAFONE IRELAND LIMITED

APPELLANT

AND

COMMISSION FOR COMMUNICATIONS REGULATION

RESPONDENT

PURSUANT TO MOTION of the Respondent dated the 9th day of December 2015 seeking liberty to mention the Respondent's intention to implement a draft decision exhibited at Exhibit DL1 to the Affidavit of Donal Leavy sworn on the 9th day of December 2015 and if necessary an order varying the Order of this Honourable Court made on the 11th day of October 2013 directing that the Appellant's weighted average Mobile Termination Rate should be no more than 2.60 cents per minute until the final determination of the within Appeal or further Order and the Court noting the settlement of these proceedings between the parties received in Court this day

IT IS ORDERED by consent that:

1. the part of the Order dated the 11th day of October 2013 directing that until the final determination of the within Appeal or further Order the Appellant's

THE HIGH COURT

weighted average Mobile Termination Rate should be no more than 2.60 cents per minute shall be varied to provide that Vodafone's weighted average Mobile Termination Rate shall be no more than 2.60 cents per minute pending the implementation, on 1 September 2016, of the new Mobile Termination Rates set out in ComReg Decision No. D02/2016 (ComReg Document No. 16/09)

2. there shall be no order as to costs in relation to this motion
3. these proceedings do stand adjourned to Tuesday the 4th day of October 2016 on which date they will be struck out without prejudice to the continued validity of all existing orders herein insofar as they awarded costs in favour of the Applicant

**NIAMH DERMODY
REGISTRAR**

Date of Perfection: 16 FEBRUARY 2016

McCann FitzGerald,
Solicitors for the Appellant

William Fry,
Solicitors for the Respondent