



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

# Publication of the IOB's third and final report

## Information Notice

**Reference:** ComReg 24/37

**Version:** Final

**Date:** 22/05/2024

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**Commission for Communications Regulation**

1 Lárcheantar na nDugaí, Sráid na nGildeanna, BÁC 1, Éire, D01 E4X0.  
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.  
Teil | Tel +353 1 804 9600 Suíomh | Web [www.comreg.ie](http://www.comreg.ie)

## Additional Information

Document No:	24/37
Date:	22/05/2024

1. In December 2018, ComReg and Eircom Limited, trading as Eir and Open eir (“Eir”), agreed a set of commitments which, when fully implemented, was to result in the establishment and operation of an enhanced Regulatory Governance Model (“RGM”) in Eir<sup>1</sup>. These commitments, known as the RGM Undertakings, are set out in Annex 1 of the Settlement Agreement and include Eir’s agreement to create an Independent Oversight Body (“IOB”). The IOB, which was established in May 2019 for a period of five years,<sup>2</sup> is charged with the “*responsibility for the robust oversight of eir’s governance structures as they apply to its regulatory obligations*”<sup>3</sup>. As part of its mandate, the IOB is required to publish a report on an annual basis.
2. The IOB issued its first report in October 2021<sup>4</sup> and the second report in December 2022.<sup>5</sup> The IOB’s third report is published today and following agreement between ComReg, Eir and the IOB, this is the IOB’s final report.
3. ComReg takes note of the conclusions in the IOB report and is encouraged that the IOB believes based on the evidence available to it that Eir has developed and maintained a largely robust RGM. ComReg is however cognisant of the inherent limitations of the IOB’s role, particularly the reliance it needed to place on internally generated Eircom information and the fact the report was not intended or required to be referenced to any formal auditing standard. ComReg takes note of the IOB’s caution that ongoing oversight will be required and that Eir will need to maintain the current level of staffing and skillset, and of the IOB’s finding that open eir wholesale customer engagement processes require improvements and that governance arrangements in respect of CEI order processes during the period covered by the report were inadequate.
4. The focus of the IOB work has been in respect of Eir’s RGM and compliance with the processes set up by Eir as part of the RGM; the IOB Report does not contain an opinion that the RGM has in fact delivered compliance by Eir with its regulatory obligations. Building on the IOB’s belief that Eir has adhered to the RGM Undertakings and that the RGM is largely robust, ComReg will in accordance with its statutory functions and objectives monitor the regulatory outcome, or output, of the RGM to test actual compliance by Eir with its regulatory obligations.
5. ComReg acknowledges in this regard the 13 specific recommendations listed in the report. ComReg notes that the majority of the recommendations concern enhancements to the recording of evidence relied for the identification, mitigation and monitoring of risks, and the independence of Internal Audit in the discharge of its role as third line of defence. This is particularly important in circumstances where the IOB’s findings have been based entirely on evidence provided by Eir and on the work carried out by Eir’s Internal Audit function.

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<sup>1</sup> ComReg 18/110, 10 December 2018, “Wholesale Compliance Litigation Update - Outcome of Cases 481 and 568 and related litigation” <https://www.comreg.ie/publication/wholesale-compliance-litigation-update/>

<sup>2</sup> ComReg 19/49, ComReg information notice on the establishment of the IOB

<sup>3</sup> Paragraph 4 of the RGM Undertakings as set out in Annex 1 of the Settlement Agreement.

<sup>4</sup> ComReg Information Notice 21/95

<sup>5</sup> ComReg Information Notice 22/108

6. Finally, ComReg wishes to recognise the work of the IOB over the past 5 years and the support provided by the IOB Executive and IOB Secretariat, and extends its thanks to all the IOB members.