



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

## Information Notice

Industry Meeting On 21 January 2021  
regarding Internet Access Switching  
requirements of the European Electronic  
Communications Code

### Information Notice

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**Date:** 23/12/2020

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**Commission for Communications Regulation**

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## Additional Information

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1. 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.
2. The European Electronic Communications Code (“the Code”) was established by means of Directive 2018/1972 in December 2018 and is to be transposed into Irish law by the Department of Environment, Climate and Communications (the “Department”).
3. The possibility of switching between providers is considered to be key for effective competition. The availability of transparent, accurate and timely information on switching should increase end-user confidence in switching and would encourage consumers to more actively engage in the competitive process.
4. In pursuit of these objectives, Article 106 of the Code seeks to ensure continuity of service for end-users during the Internet Access Service (“IAS”) switching process by imposing obligations on providers of IAS (“IAS providers”) in relation to the switching process and continuity of service requirements, and clear timelines for completing the switching process.
5. Article 106 (1) requires that IAS providers must ensure continuity of service, unless technically not feasible. In that light, Article 106 (1) requires that during the IAS switching process:
  - a. The receiving IAS provider must ensure that the activation IAS occurs within the shortest possible time on the date and within the timeframe expressly agreed with the end-user;
  - b. The transferring IAS provider is required to continue to provide its IAS on the same terms until the receiving IAS provider activates its internet access service;
  - c. Loss of service must not exceed one working day.
6. With respect to IAS switching, Article 106 (6) requires:

- a. The receiving provider to lead the switching and porting processes both in the case of IAS switching under Article 106 (1) and number porting under Article 106 (5);
  - b. Both the receiving and transferring providers to cooperate in good faith;
  - c. IAS providers not to delay or abuse the switching and porting processes, nor switch end-users or port numbers without the end-users' explicit consent; and
  - d. End users' contract with the transferring provider to terminate automatically upon conclusion of the switching process.
7. ComReg is taking this opportunity to remind IAS providers that they should have processes in place to facilitate IAS switching in a manner which meets the requirements set out in Article 106 of the Code. In complying with the requirements of Article 106, ComReg expects processes for IAS switching to be implemented as soon as possible and with minimum delay.
8. ComReg understands that members of Telecommunications Industry Ireland ("TII") have been progressing with preparation for Code implementation and requirements that will arise from Article 106 of the Code in relation to IAS switching. ComReg also understands that TII members would welcome a dialogue with the broader industry on its proposals in relation to progressing with implementation of IAS switching as appropriate.
9. The purpose of this information notice is to issue a public invitation to all IAS providers to attend an initial meeting of industry, on 21 January 2021. ComReg will host and act as Chair for this initial industry dialogue on IAS switching to be held virtually starting at 2.30pm and running to 4pm.
10. ComReg will host and chair this initial meeting. However, it should be understood that the onus on the implementation of an appropriate and compliant IAS switching process must be undertaken by both individual operators and industry as a whole to meet the requirements of Article 106.
11. IAS providers attending this initial meeting are therefore expected to establish an appropriate structure for industry engagement on relevant matters, including the appointment of a Chair, a Secretariat and terms of reference for any subsequent meetings that may be required by industry.

12. It is in the interests of all relevant IAS providers (both wholesale network Providers and retail Providers) to attend the meeting being convened on 21 January 2021. This meeting will allow industry the opportunity to have a dialogue on IAS switching and on possible implementation issues.
13. We request IAS providers email [brianna.muehleisen@comreg.ie](mailto:brianna.muehleisen@comreg.ie) by 5pm on 15 January 2021 indicating your intention to attend the initial industry meeting on IAS switching including the number and names of the delegates who will attend from your organisation.
14. An agenda and meeting details will circulate to all confirmed IAS providers in due course.