



Notification of non-compliance issued to Eircom Limited for failure to comply with the transparency obligation for Bitstream

Information Notice

Reference: ComReg 15/79

Version: Final

Date: 10 July 2015

Additional Information

Document No:	15/79
Date:	10 July 2015

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1. On 9 July 2015, the Commission for Communications Regulation ("ComReg") notified Eircom Limited ("Eircom") of a finding that, during the period November 2011 to July 2015, Eircom did not comply with the transparency obligation imposed on it by Section 10.9 of the Decision Instrument annexed to ComReg Decision D06/11¹ in respect of its (Current Generation) Bitstream product.
2. ComReg finds that during the period November 2011 to July 2015, Eircom did not publish on its website sufficient information to identify and justify any differences between the services and facilities set out in the Wholesale Broadband Access Reference Offer ("WBARO") and the comparable services and facilities which Eircom provided to itself during this period.
3. Accordingly, ComReg finds that Eircom was not compliant with the transparency obligation imposed by Section 10.9 of the Decision Instrument annexed to ComReg Decision D06/11 in respect of its (Current Generation) Bitstream product during the period November 2011 to July 2015.
4. Pursuant to Regulation 19(1) of the European Communities (Electronic Communications Networks and Services) (Access) Regulations 2011 ("the Access Regulations")², ComReg has notified Eircom of its finding of non-compliance and given Eircom six (6) weeks from the date of issue of that notification to state its views.
5. Regulation 19(4) of the Access Regulations provides that where, at the end of the period specified under Regulation 19(1) (see paragraph 4 directly above), ComReg is of the opinion that an undertaking has not complied with its obligations, ComReg may, whether or not the non-compliance is continuing, apply to the High Court for such order as may be appropriate.

¹ ComReg Document No. 11/49, ComReg Decision 06/11, "Response to Consultation and Decision Market Review: Wholesale Broadband Access (Market 5)", dated 8 July 2011.

² European Communities (Electronic Communications Networks and Services) (Access) Regulations 2011 (S.I. No. 334 of 2011).