



Commission for  
**Communications Regulation**

## Information Notice

Notification to Eircom of non-compliance by Eircom with its transparency obligation in relation to call origination, call termination and call transit

Document No:	08/55
Date:	8 <sup>th</sup> July 2008

Eircom Ltd. ('Eircom') is required under Regulation 10 of the Access Regulations<sup>1</sup> to publish details of wholesale products in the markets for Call Origination, Call Transit and Call Termination. In particular, Eircom must publish terms and conditions, including price, associated with these products in its Reference Interconnect Offer ('RIO') and to ensure that the RIO contains details of facilities already granted. These obligations are imposed by way of ComReg Decision Notices D04/07 and D06/07.<sup>2</sup>

The Commission for Communications Regulation ('ComReg') initiated an investigation in June 2008 in relation to Eircom's launch of a new wholesale product comprised of underlying regulated components which will be referred to as the 'white label'. This product is made up of elements comprising Call Origination, Call Termination and Call Transit.

This product allows an Other Authorised Operator ('OAO') to purchase end-to-end call services from Eircom without the need to have its own infrastructure. This is functionally the same as Eircom offering a wholesale white label version of its own retail PSTN product

ComReg has gathered information relating to this white label product. Based on an analysis of this evidence ComReg has found that the key individual underlying components which make up this product fall within regulated markets and are subject to the obligations of transparency referenced above. The analysis also shows that Eircom has not updated its Reference Interconnect Offer with the terms and conditions, including price, of the Call Origination, Call Termination and Call Transit products used to implement the end-to-end white label offering. Therefore Eircom has failed to publish the terms and conditions in the manner and to the standard required by its transparency obligations.

ComReg considered the issues and all available evidence and found that Eircom is not in compliance with the transparency obligations, imposed on it:

- a) in the market for Wholesale Call Origination as set out in Annex A, Section 8 of D04/07 pursuant to Regulation 10 of the Access Regulations;
- b) in the market for Wholesale National Call Transit as set out in Annex B, Section 8 of D04/07 pursuant to Regulation 10 of the Access Regulations; and;
- c) in the market for Wholesale Call Termination as set out in Section 8 of the decision instrument contained in D06/07 pursuant to Regulation 10 of the Access Regulations.

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<sup>1</sup> European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003, SI No 305 of 2003

<sup>2</sup> Decision No. D04/07 Document No. 07/80 Market Analysis – Interconnection Market Review Wholesale Call Origination and Transit Services  
Decision No. D06/07 Document No. 07/109 Market Analysis – Interconnection Market Review Fixed Wholesale Call Termination Services

On 8th July 2008 ComReg provided Eircom with detail of the information and evidence obtained and notified Eircom of its findings of non-compliance as outlined above. Eircom has one month to make representations on this notification or to remedy the non-compliance.

ComReg is continuing to examine the white label product and its constituent components to assess its compliance or otherwise with other relevant regulatory obligations including non-discrimination and price control.