



Commission for  
**Communications Regulation**

**Information Notice**

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

<b>Document No:</b>	<b>08/83</b>
<b>Date:</b>	<b>23 October 2008</b>

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 Wholesale Call Origination, Wholesale Call Transit and Wholesale 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>

Press reports on 28 May 2008 stated that Vodafone Ireland Limited ('Vodafone') had launched a Vodafone at Home Fixed line voice and Broadband service and that the service would be provided using a wholesale package from Eircom.

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 Public Switched Telephone Network ('PSTN') product.

The Commission for Communications Regulation ('ComReg') was not informed of the details of this Eircom wholesale product in advance of the Vodafone press release.

ComReg, as part of its ongoing compliance function, initiated an investigation in June 2008 in relation to Eircom's launch of the new white label wholesale product, comprised of underlying regulated components. This product is made up of elements comprising Wholesale Call Origination, Wholesale Call Termination and Wholesale Call Transit.

ComReg gathered information, considered the issues raised and the material available. ComReg found that the key individual underlying components which make up this product fall within regulated markets and are subject to the obligations of transparency referred to above. Eircom has not updated its Reference Interconnect Offer with the terms and conditions, including price, of the Wholesale Call Origination, Wholesale Call Termination and Wholesale Call Transit products used to implement the end-to-end white label offering. Therefore Eircom failed to publish the terms and conditions in the manner and to the standard required by its transparency obligations.

On 8 July 2008, ComReg, in accordance with Regulation 18(1) of the Access Regulations, issued to Eircom a Notification of Non-Compliance in this regard. Having considered Eircom's representations and all evidence available, ComReg formed an opinion as referred to in Regulation 18(4) that Eircom has not complied with its transparency obligations and that this non-compliance is ongoing. ComReg has notified Eircom of this opinion and called upon it to act forthwith to comply.

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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