



Commission for  
**Communications Regulation**

# Opinion of non-compliance issued to Eircom Limited regarding obligations in the market for terminating segments of leased lines.

## **Information Notice**

**Reference:** 14/114

**Version:** FINAL

**Date:** 24 October 2014

1. On 6 August 2013, pursuant to Regulation 19 (1) of the European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2011 ('the Access Regulations')<sup>1</sup>, the Commission for Communications Regulation ('ComReg') notified Eircom Limited ('Eircom') of a finding that, with regard to the Wholesale Uncontended Product, Eircom had not complied with its non-discrimination obligation in the market for terminating segments of leased lines as provided for at Section 8.2 ii of Decision D06/08, 2008 ('Decision D06/08')<sup>2</sup>.
2. Eircom subsequently made representations in response to the Notification. Having regard to ComReg's statutory functions and objectives; all of the correspondence with Eircom on this issue to date; the analysis undertaken as part of this investigation that formed the basis for the notification of non-compliance and Eircom's response to the notification pursuant to Regulation 19 (4) of the Access Regulations, ComReg has formed the opinion that Eircom has not complied with its non-discrimination obligation in the market for terminating segments of leased lines as provided for at Section 8.2ii of Decision D06/08.
3. However, in the period following the representations, Eircom has provided additional information to ComReg regarding the internal controls put in place to ensure compliance with the non-discrimination obligation. While ComReg generally welcomes this and has provided comments to Eircom in respect of these internal controls, ComReg will continue to monitor Eircom's compliance.
4. The Access Regulations provide that where ComReg has formed an opinion of non-compliance, it has discretion regarding an application to the High Court for such order as may be appropriate by way of compliance. Having received assurances in relation to changes in internal controls, and given the specifics of the case, ComReg has decided not to apply to the High Court for such an order by way of compliance ComReg has therefore closed this investigation on 22 October 2014.
5. ComReg would note, for the avoidance of any doubt, that the non-discrimination obligations set out in Decision D06/08 apply irrespective of whether or not a specific request for services or information has been made.

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<sup>1</sup> European Communities (Electronic Communications Networks and Services) (Access) Regulations 2011 (S.I. No. 334 of 2011)

<sup>2</sup> Decision Notice and Decision Instrument - Market Analysis - Leased Line Market Review, Response to Consultation on draft Decision Instrument Final Decision Notice and Decision Instrument (Decision No: D06/08, Document No: 08/103, Date: 22 December 2008).