



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

ComReg issues an Opinion of Non-Compliance to Vodafone Ireland Limited in relation to porting charges

Information Notice

Reference: 22/21

Date: 14/03/2022

1. On 18 November 2021, ComReg notified Vodafone Ireland Limited (“Vodafone”), trading as Clear Mobile, of a finding of non-compliance with Vodafone’s obligations under ComReg Decision D05/07¹ and ComReg Decision D01/09².
2. The notification of non-compliance was made in accordance with Regulation 31 of the European Communities (Electronic Communications Networks and Services)(Universal Services and User’s Rights) Regulations 2011 (“Universal Service Regulations”).
3. The notification of non-compliance notified Vodafone of a finding that in respect of Clear Mobile it had not complied with its obligations set out in ComReg Decisions D05/07 and D01/09 as it had effectively imposed a direct monthly charge on certain customers to port their number to Clear Mobile.
4. Vodafone had until 20 December 2021 to take specified remedial action with regard to its non-compliance and to state its views on the notification.
5. Vodafone’s response outlined certain remedial measures and other commitments. In summary:
 - i. Vodafone will not impose a direct charge or any price difference on any customer that wishes to port their number as opposed to a customer not porting their number;
 - ii. Vodafone will have the ability to offer promotional discount to customers moving service provider from certain networks and not others but additional charges will not be levied on a customer as a result of a request to port a number; and,
 - iii. Vodafone will contact and discount any customer that paid €14.99 to €12.99 on the offer that is subject to this case.
6. Vodafone confirmed that it has now contacted and refunded the affected customers.
7. Having considered Vodafone’s response and the proposed remedies and commitments made, ComReg has nonetheless formed the Opinion that Vodafone was non-compliant with the relevant provisions of ComReg Decision D05/07 and ComReg Decision D01/09.

¹ Response to Consultation and Specification on Number Portability in the Fixed and Mobile Sectors (“ComReg Decision D05/07”)

² Response to Consultation and Final Specification “Setting Maximum Fixed and Mobile Number Porting Charge” (“ComReg Decision D01/09”)

8. Having taken account of Vodafone's response and its remedial actions to address the issues raised in the notification, ComReg intends to take no further action in respect of this matter.
9. ComReg will continue to monitor compliance by all undertakings with their obligations under ComReg Decision D05/07 and ComReg Decision D01/09 and other consumer legislation and, where necessary, will investigate any matters arising.