



Commission for
Communications Regulation

Regulatory Guidances for Undertakings in relation to Carrier Pre Selection on the Provision of CPS

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1 DISCLAIMER

The contents of this document are for information and guidance purposes only. This list of legal provisions and the other elements of the document are intended to be illustrative of some of the relevant law pertaining to Undertakings in the provisioning of CPS. It does not purport to set out a comprehensive list of all of the legal obligations or to give a complete statement of the law. No legal advice is being given here nor should be presumed. Nothing in this document should be construed as a representation by, or on behalf of, ComReg as to its understanding or interpretation of any of the provisions of the law or as to the interpretation of any law and ComReg gives no warranty as to this document or its use.

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- (ii) indirect loss and consequential losses

that Undertakings, third persons or any person, organisation or entity might incur as a result of:

- (i) statements such as negligent statements, negligent misstatement, innocent misrepresentations, fraudulent statements, inaccuracies or omissions in the contents of this document;
- (ii) reliance on or compliance with this Guidance;
- (iii) inaccuracy or inappropriateness of this Guidance;
- (iv) inconsistency of this Guidance with any law; or
- (v) ensuring compliance by any person with this Guidance; or
- (iv) doing or failing to do any other matter or otherwise by reason of this document or its contents.

This Disclaimer extends to and includes the headings and Appendices.

2 Introduction

This Guidance relates to authorised Undertakings and their dealings with customers and with other Undertakings, in the provision of telephony services in Ireland. Carrier Pre-Selection (CPS) is a mechanism that allows end-users to select, in advance, Other Authorised Operators (OAOs) to carry their voicecalls without having to dial a prefix or install any particular equipment at their premises. CPS has been a key enabler of infrastructure competition across Europe in the provision of fixed line telecommunications services.

This document references some of the relevant law which is applicable to the provision of CPS, within the remit of and as required by ComReg and other agencies. This document includes some specific provisions relevant to the wholesale inter-operator relationship and other provisions relevant to the provision of retail services to customers and all end users. Additionally there is reference to some of the relevant law applicable to operators and customers in the context of the provision of services via CPS within the remit of other agencies. For provisions which do not have a legal underpinning a separate Output document, document number D08/28b, has been written.

This Guidance is intended as a general guide for industry as to how some of the enactments, regulatory decisions and directions that must be complied with. However this document does not describe how Undertakings are required to discharge their duties and obligations. This document also makes reference to some non-legally binding publications such as those published by ComReg, which though not binding are still relevant.

The Service

As noted CPS is a mechanism that allows end-users to select, in advance, OAOs to carry their voicecalls without having to dial a prefix or install any particular equipment at their premises. The end-user may subscribe to such a service and choose the type of call (e.g. all national calls) that should be carried by them. The end-user is invoiced for these calls by the OAO or CPS service provider. Note the end user will continue to be invoiced separately for the line rental charges and maintains a contract with Eircom for the rental of the line.

The end-user may opt for CPS on three different types of voice call:

1. **International Calls** – An OAO is chosen to carry calls to an international location;
2. **National Calls** – An OAO is chosen to carry calls to a location within Ireland; and
3. **All Calls** – An OAO is chosen to carry all calls, whether the destination is within Ireland, or international.

Background

The CPS Code of Practice was first introduced by the ODTR¹ (now the Commission for Communications Regulation (ComReg)) in 1999 under the Interconnection Regulations². In 2006 the Third Party Verification (TPV) portion of the CPS Code of Practice was separated out into a stand-alone TPV Code of Practice. In August 2007 the Retail Access document decision (D7/61) ended the continued provisions of the Interconnection Regulations pursuant to Regulation 8 of the Access Regulations³ and Regulation 13 (b) of the Universal Service Regulations⁴ and did not impose CPS or TPV Codes of Practice as remedies in that market. As such these Codes of Practice were no longer mandated by ComReg. However, some of the provisions of the Codes of Practice are required by various laws and to the extent that the Codes of Practice are contained within either Eircom's Reference Offer and/or contracts either between Eircom and other providers or CPS providers and CPS resellers, the requirements of the Codes of Practice can be enforced as and between the parties to those contracts.

Regulatory Guidance Document

This document entitled the "*Regulatory Guidance for Undertakings on the Provision of CPS*" (hereafter the "Guidance document") highlights some of the key legal obligations which operators are required to meet in providing service to customers. The Guidance document is intended to replace the previous CPS Codes of Practice.

The Guidance document is of itself intended as a reference for Undertakings, drawing on the legal and regulatory obligations some of which may fall under the remit of ComReg and other agencies, including the Office of the Data Protection Commissioner and the National Consumer Agency.

The prior CPS Codes of Practice also dealt with a number of product specific features and required operators to engage in, or desist from, specific activities in relation to the inter-operator processes and end-user communications in the provisioning of telephony service to customers through CPS.

The original CPS Code of Practice was an industry agreed document and in some instances contained provisions not having an independent legal basis outside of the Code.

¹ Office Director of Telecommunications Regulation

² S.I. 249 of 1999 European Communities (Interconnection in Telecommunications (amendment) Regulations 1999 Interconnection Regulations

³ European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 [S.I. 305 of 2003](#) as amended

⁴ European Communities (Electronic Communications Networks and Services)(Universal Service and Users' Rights) Regulations 2003 [S.I. 308 of 2003](#) as amended

ComReg proposes that while the Guidance document will give Undertakings some legal certainty on the key obligations which are enforceable for instance by ComReg and other agencies, there are other provisions which lack a legal basis but ComReg is of the opinion that such provisions would be of value to industry to improve the customer experience of the CPS product.

The Output Document

This document includes provisions from the original CPS Code of Practice following ComReg's review of the CPS Code of Practice, but which are not included in ComReg's Guidance document as they are not thought to have any independent legal basis. However many of these provisions were developed and agreed by Industry as part of the original CPS Code of Practice, as industry felt that these provisions had both value and also assisted an Undertaking in the efficient delivery of services. The provisions were also deemed, by ComReg, to be relevant to CPS. This document is located on the ComReg website under the document number 08\28b.

A link to the Output document as well as the Guidance document is available on ComReg's website www.comreg.ie

Status of Guidance

This Guidance is of itself unenforceable but any legal duties mentioned within this document exist independently of this document and continue to exist and be enforceable of themselves. If there is a conflict between this Guidance document and any legal requirements, the latter shall prevail. It is not intended that this document vary the law. Compliance with this document does not guarantee compliance with the law and this Guidance is not a substitute for legal advice.

3 Objectives of the Guidelines

The main objectives of these Guidelines are:

- To highlight to Undertakings some of the most important legislative provisions and regulatory directions pertinent to the provision of telephony and broadband services pertaining to the provision of CPS;
- To highlight some of the legislative provisions that exist in relation to the requirement for pre-contractual information pertaining to customers contracts;
- To increase customer confidence in their dealings with Undertakings, and increase the competitiveness of the market to the benefit of both customers and Undertakings;
- To highlight where some legal obligations and duties lie and to endeavour to relate some duties with the applicable enforcement agency where possible;
- To benefit customers and Undertakings by encouraging adherence to legal requirements from industry.

3.1 General Authorisation consultation

ComReg plans to consult on proposed amendments to the General Authorisation, in particular the Consumer Protection Rules (Condition 18⁵). It is expected that this consultation will be completed in 2008. Two elements from the CPS Code of Practice (Code of Practice) review will be proposed for inclusion in Section 18:

- (i) The use of the Customer Authorisation Form (CAF) or equivalent authorisation process such as Third Party Verification (TPV);
- (ii) The provision of an anti-slamming letter.

It is also proposed to include under Condition 18 the following:

- (iii) The requirement for the UAN (Customer Account Number) to appear on the customer bill.

In the interim, ComReg expects that these elements which are previously agreed and/or observed by industry will be adhered to by Undertakings.

⁵ Consumer Protection Rules, General Authorisation 03/81

4 Legal Requirements

When providing services to customers, Undertakings are subject to a range of existing legal requirements some of which may fall for consideration by various agencies, such as statutory enforcement agencies, or other agencies such as the Advertising Standards Authority of Ireland (ASAI). Some legal requirements are of course enforceable contractually between parties through the courts or through another alternative dispute resolution process and/or by the relevant enforcement agency.

This document collates some of the key legal provisions pertinent to CPS and the provision of telephony and broadband services in that context and endeavours to denote the competent agency or agencies.

The legal requirements that fall within ComReg's remit are discussed in the next section in addition to some of the key legal provisions within the competence of other agencies. For ease of reference a table of some of the relevant law and the relevant agency in each case is also detailed in Appendix 2. The list of agencies, while not exhaustive, includes the following at the time of printing:

- (i) ComReg
- (ii) Others, including in particular:

- the National Consumer Agency (NCA)
 - the Office of the Data Protection Commissioner (ODPC)
 - the Director of Public Prosecutions⁶ (or the Garda Síochána, as appropriate).

See Appendix 2 for further details. Please note however that Undertakings should consult with the relevant agencies and with the official legislative text to apprise themselves of the enforcement procedures of a particular agency.

⁶ It may be the case, for example in relation to particular obligations, that the failure to comply with same might be a criminal offence. Which particular agency then have remit in that area might depend on whether the offence was triable summarily or on indictment.

5 General Requirements

Note that an undertaking that fails to comply with certain obligations commits an offence. Undertakings should consult the official text of the legislation for further detail as regards the provisions of the law which are mentioned only briefly below. In particular undertakings should appraise themselves as to whether failure to comply with a particular obligation is to commit a (criminal) offence. A more detailed discussion of these considerations, such as whether a particular offence is triable summarily or on indictment, is outside the scope of this document.

5.1 End-User (Retail) Contracts

Content of End-User Contracts

Retail contracts offered to end-users by any Undertaking providing connection or access to the public telecommunications network are required to comply *inter alia* with Regulation 17 of S.I. No. 308/2003 European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2003, as amended (hereafter Universal Service Regulations) and with all relevant directions and decisions issued by ComReg. ComReg is charged with the responsibility for enforcing such requirements. Undertakings should be familiar with and comply with all laws including common law and statutory law. The following sections highlight some of the main areas of law which may be relevant and Undertakings should observe the provisions detailed to the extent that they are applicable to a particular contract and end-user.

5.1.1 Service Provider Contact Details

An end-user contract shall specify the identity and address of the supplier in the contract as required under Regulation 17 of the Universal Service Regulations. All relevant directions and decisions issued by ComReg must also be met.

The provisions of the S.I. 207 of 2001, "*Protection of Customers in Respect of Contracts Made by Means of Distance Communications*" (hereafter the Distance Selling Regulations), and the Company Law Act 2007, may also be relevant and Undertakings should observe their provisions to the extent that they are applicable to a particular contract and end-user.

5.1.2 Pricing Information and Charges

Particulars of prices and tariffs and the means by which up to date information on all applicable tariffs and maintenance charges must be specified in the end-user contract as required under Regulation 17 of the Universal Service Regulations. All relevant directions and decisions issued by ComReg in this regard must also be met.

Undertakings are further required to be bound by the Directions of Document No. 03/86 which provides that in accordance with Regulation 18 of the Universal Service Regulations, Undertakings shall provide a direct link from the homepage of their website into the tariff information section of their website and provide printed tariff information in response to a reasonable consumer request.

In addition, ComReg Decision D11/04 (04/86) requires that all Undertakings providing a PATS service, or individual elements of such a service, shall observe the requirements and adhere to the principles set out in the ComReg Code for Tariff Presentation. This Code requires the presentation of accurate and comprehensive tariff information that is accessible to the consumer.

The Distance Selling Regulations and the provisions of the Consumer Protection Act 2007 may also be relevant and Undertakings should observe their provisions, to the extent that they are applicable to a particular contract and end-user.

5.1.3 Refund arrangements

Any compensation and refund arrangements that apply if contract service quality levels are not met must be specified in the contract in accordance with Regulation 17 of the Universal Service Regulations.

The indicative and non-exhaustive list of Unfair Terms contained in S.I. No. 27/1995 European Communities (Unfair Terms in Customer Contracts) Regulations, 1995 (hereafter Unfair Terms Regulations), may also be relevant and Undertakings should observe its provisions to the extent that they are applicable to a particular contract and end-user.

5.1.4 Modifications and Changes to Contract

An Undertaking shall, not less than one month prior to the date of implementation of any proposed modification, notify its subscribers to that service of the proposed modification in the conditions of the contract for that service, and their subscribers' right to withdraw without penalty from such contract if they do not accept the modification. An end-user in such circumstances may withdraw from his or her contract with the Undertaking or provider, without penalty if he or she does not accept a proposed modification further to Regulation 17 of the Universal Service Regulations.

The indicative and non-exhaustive list of Unfair Terms contained in the Unfair Terms Regulations may also be relevant and Undertakings should observe its provisions to the extent that they are applicable to a particular contract and end-user.

5.1.5 Quality of Service

End-user contracts must specify the services provided, the service quality levels offered and time for the initial connection to take up the service further to Regulation 17 of the Universal Service Regulations.

The (i) Sale of Goods and Supply of Services Act 1980, (ii) the Distance Selling Regulations and (iii) the indicative and non-exhaustive list of Unfair Terms contained in the Unfair Terms Regulations, may also be relevant and Undertakings should observe their provisions to the extent that they are applicable to a particular contract and end-user.

5.1.6 Maintenance

The types of maintenance service offered must also be specified in the end-user contract. In addition maintenance charges should be set out: see Regulation 17 of the Universal Service Regulations. See also “Guidance for the inclusions of a minimum set of requirements in contracts with end users”: ComReg Document No. 03/129. Note, however, that that document (03/129) does not contain legally binding provisions.

The provisions of the Distance Selling Regulations may also be relevant and Undertakings should observe their provisions to the extent that they are applicable to a particular contract and end-user.

5.1.7 Duration, Renewal and Termination

The duration of the contract, conditions for renewal and termination of services of the contract must all be specified, see Regulation 17 of the Universal Service Regulations.

The following may also be relevant and Undertakings should observe the provisions, to the extent that they are applicable, to a particular contract and end-user.

- (i) The Distance Selling Regulations
- (ii) The indicative and non-exhaustive list of Unfair Terms contained in the Unfair Terms Regulations
- (iii) S.I. No. 224/1989 — European Communities (Cancellation of Contracts Negotiated Away From Business Premises) Regulations, 1989, (hereafter DoorStep Sales Regulations) .

5.1.8 Pre-Contractual Obligations and Notification of Terms Generally

In addition to obligations in relation to the content of end-user contracts, Undertakings have duties to provide relevant contractual information in advance. They also owe duties as regards fairness and adequacy of notification of terms of the contract. Such duties under common law ought to be observed to the extent

that they are applicable. Under statute law, the provisions of the following may also be relevant and Undertakings should observe their provisions to the extent that they are applicable to a particular contract and end-user.

- a) Sale of Goods and Supply of Services Act 1980
- b) The Distance Selling Regulations,
- c) The Unfair Terms Regulations

Post-contractual obligations may also apply, for example under common law and under the Distance Selling Regulations and Undertakings should observe their provisions to the extent that they are applicable to a particular contract and end-user.

5.2 Emergency Services

Undertakings offering a Publicly Available Telephone Service (PATS) shall take all reasonable steps to ensure uninterrupted access to emergency services (see Regulation 19 of the Universal Service Regulations) and shall also ensure its end users are able to call the emergency services (on both 112 and 999) free of charge in accordance with with Regulation 22 of the Universal Service Regulations and with all relevant directions and decisions issued by ComReg.

Under Regulation 22 (2) of the Universal Service Regulations, an Undertaking operating public telephone networks shall, as soon as practicable, make caller location information available to authorities handling emergencies, to the extent technically feasible, for all calls to the single European emergency call number “112” and any national emergency call number that may be specified by ComReg.

Note:

When providing information to customers about emergency access numbers, Undertakings should refer to the European harmonised ‘112’ emergency code as well as the original ‘999’ code.

The provisions of Section 4.1.8 of this document may also be relevant and Undertakings should observe its provisions to the extent that they are applicable to a particular contract and end-user.

5.3 Directories, Directory Inquiry & Operator Assistance

Under Regulation 4 of the Universal Service Regulations, the designated Undertaking shall ensure that a comprehensive directory of subscribers is made available to all end-users or that a comprehensive telephone directory inquiry service is made available to all end-users.

Under Regulation 21(1) of the Universal Service Regulations, an Undertaking providing a PATS service shall ensure that customers can have an entry in a directory and a directory inquiry service as set out in Regulation 4.

Under Regulation 21(2) of the Universal Service Regulations, an Undertaking that assigns telephone numbers shall meet all reasonable requests to make available, for the purposes of directory inquiry services and directories, the relevant information.

Also under Regulation 21(3) of the Universal Service Regulations, an Undertaking providing a connection to the public telephone network to end-users shall ensure that all such end-users can access operator assistance services and a directory inquiry service, in accordance with Regulation 4.

The provisions of Section 4.1.8 of this document may also be relevant and Undertakings should observe its provisions to the extent that they are applicable to a particular contract and end-user.

Data protection and privacy laws including the Data Protection Acts 1988 to 2003 and the European Communities (Electronic Communications Networks and Services)(Data Protection and Privacy) Regulations 2003 S.I. No. 535 of 2003 (hereafter the Data Protection and Privacy Regulations) should be complied with to the extent that they are applicable.

5.4 National Directory Database (NDD)

Under Regulation 14 of the Data Protection and Privacy Regulations an Undertaking referred to in Regulation 21(1) or 21(2) of the Universal Service Regulations shall, for the purposes of Regulation 13(2)(b) or 13(4)(b) of the Data Protection and Privacy Regulations, record or cause to be recorded in the NDD, a request to the operator or a notification to the relevant Undertaking, that the subscriber does not consent to unsolicited calls for the purpose of direct marketing or to such calls by means of an automated calling machine or a facsimile machine to a line of that subscriber.

Undertakings are obliged to comply with all relevant directions and decisions issued by ComReg. See ComReg Direction (D07/100) in relation to ex-directory numbers and the Opt-Out Register for Direct Marketing.

See also sections 5.7 and 5.8 below.

5.5 Calling Line Identification

Undertakings should ensure that rules in relation to calling and connected line identification are observed. Undertakings are obliged to comply with these

obligations as set out in Regulation 8 of the Data Protection and Privacy Regulations 2003⁷ and with all relevant directions and decisions issued by ComReg and the ODPC⁸.

5.6 Complaints Procedure

As per Regulation 17 of the Universal Service Regulations, the method of initiating procedures for settlement of disputes, in accordance with Regulation 28 of the Universal Service Regulations, must be specified in any end-user contract. Regulation 28 provides that without prejudice to any legal rights of action which may apply, an Undertaking shall implement a code of practice for handling complaints from end-users in respect of an alleged contravention of these Regulations. It sets out several matters which such a code of practice shall include.

Undertakings are further required to be bound by the Directions of ComReg Document No. 03/89 which provides that all Undertakings subject to Regulation 28(1) of the Universal Service Regulations shall amend their code of practice (required by ComReg decision notices D13/01 and D06/01) for handling complaints from end users to include a specific provision to allow for reimbursement of payments and payments in settlement of losses incurred in the event of a complaint.

The provisions of the following may also be relevant and Undertakings should observe these provisions to the extent that these regulations are applicable

- (i) The Unfair Terms Regulations;
- (ii) The Consumer Protection Act 2007
- (iii) The Distance Selling Regulations,

5.7 End-User Information

S.I. No. 305/2003 European Communities (Electronic Communications Networks and Services)(Access) Regulations 2003 (hereafter the Access Regulations), and specifically Regulations 5(6) and 5(7) there under, are relevant and must be observed.

Regulation 5 (6) of the Access Regulations provides that: *“Without prejudice to Regulation 18 of the Authorisation Regulations, an Undertaking that acquires information from another Undertaking before, during or after the process of*

⁷ Undertaking, within the Data Protection and Privacy Regulations 2003 an “Undertaking” means a person engaged or intending to engage in the provision of electronic communications networks or services or associated facilities.

⁸ Office of the Data Protection Commissioner

negotiating access or interconnection arrangements shall use that information solely for the purpose for which it was supplied and shall respect at all times the confidentiality of information transmitted or stored.”

Regulation 5 (7) of the Access Regulations provides that “*An Undertaking shall not pass any information referred to in paragraph (6) on to any other party, in particular, other departments, subsidiaries or partners of the Undertaking for whom such information could provide a competitive advantage.*”

Condition 17 of the General Authorisation Condition, (pursuant to Regulation 8 of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2003 (S.I. No. 306 of 2003)) should also be observed to the extent that it is relevant⁹.

Condition 17.1 provides that “*The Authorised Person shall safeguard the privacy and confidentiality of any electronic communication messages associated with the Authorised Services in accordance with any applicable national and European Community law in force from time to time*”.

Condition 17.2 provides that “*The Authorised Person shall not make use of network or traffic data, traffic profiles or any other data of any nature, which are not otherwise lawfully publicly available and which become available to the Authorised Person directly or indirectly either as a result of entering into interconnection arrangements or otherwise as a result of carrying electronic communications messages, in such a way which, in the reasonable opinion of the Commission, would unduly prefer the interests of any business carried on by the Authorised Person or an Affiliate or place persons competing with that business at an unfair disadvantage.*”

Undertakings shall also comply with all relevant directions and decisions issued by ComReg and legal requirements relating to data protection and privacy rights of data subjects and subscribers including legal requirements contained in the Data Protection and Privacy Regulations, such as exist under Regulations 6 and 9.

Attention is drawn to the ComReg Directions and Press Releases regarding the NDD¹⁰. Correspondence to Undertakings with obligations under Regulation 14 of the Data Protection and Privacy Regulations was issued from ComReg enclosing Directions under Regulations 19(1) of the Data Protection and Privacy Regulations.

The provisions of the Data Protection Acts 1998-2003, the Consumer Protection Act 2007, Irish Constitution (*Bunreacht na hÉireann*) and the European Convention on Human Rights (hereafter ECHR) may also be relevant.

⁹ General Authorisation, ComReg Document No. 03/81

¹⁰ Press Releases ComReg PR210705 and PR121206 available on www.comreg.ie

Undertakings are required under the Data Protection Acts and under the Data Protection and Privacy Regulations to train staff in these areas.

5.8 Promotion and Commercial Practices

Undertakings must ensure that their promotional material, statements, commercial and selling practices comply with all applicable legislation and regulatory decisions. The Customer Protection Act 2007 may also be relevant and Undertakings should observe its provisions to the extent that they are applicable to a particular contract and end-user.

The Customer Protection Act 2007 may be relevant and Undertakings should observe its provisions to the extent that they are applicable to a particular contract and end-user. In particular the provisions of Section 52 and 53 can be noted. Section 52 provides that “*A trader shall not engage in an aggressive commercial practice.*” Section 53 (3) provides that in determining whether the commercial practice employs harassment, coercion or undue influence, the following shall be taken into account at section 53 (3) (d) as follows:

“the imposition of onerous or disproportionate non-contractual barriers by the trader when the consumer wishes to terminate the contract, exercise a contractual right or switch to another product or trader.” See generally Part 3, sections 41-69, headed *Commercial Practices*.

The Criminal Justice (Theft and Fraud Offences) Act, 2001, specifically section 25 in relation to forgery, should also be noted.

In addition the terms of the Data Protection Acts 1988 and 2003 and the Distance Selling Regulations and the Data Protection and Privacy Regulations may also be relevant and Undertakings should observe their provisions to the extent that they are applicable to a particular contract and end-user.

The provisions of the following may also be relevant and Undertakings should observe these provisions to the extent that these are applicable

- i. the Irish Constitution, (*Bunreacht na hÉireann*)
- ii. the Defamation Act 1961,
- iii. the Companies Acts and company law generally
- iv. S.I. No. 134/1988 European Communities (Misleading Advertising) Regulations, 1988.
- v. The Broadcasting Acts 2001 and 2007 and the Broadcasting Commission of Ireland’s statutory Codes.

5.9 Overcharging

As per section 45 of the Communications Regulation Act 2002, an undertaking shall not impose, or purport to impose, a charge;

*“(a) for supplying an electronic communications service or electronic communications product to a consumer that exceeds the amount for that service or product specified (i) in the undertaking’s published tariff of charges, or (ii) in a written statement previously made or given to the consumer by the undertaking in relation to that supply, or
(b) for supplying an electronic communications service or electronic communications product to a consumer that was not requested by the consumer, or
(c) for an electronic communications service or electronic communications product that was requested by a consumer but was not supplied.”*

5.10 National Numbering Conventions

Regulation 22 of the Framework Regulations¹¹ provides that ComReg is vested with sole responsibility for administering the national telecommunications numbering resource.

Regulation 14 of the Authorisation Regulations¹² provides that ComReg can specify conditions which shall attach to a right of use for numbers as are listed in Part C of the Schedule to that Regulation.

Condition 15 of the General Authorisation provides *“The Authorised Person must at all times comply with the National Numbering Conventions in force from time to time in respect of numbers allocated from the national numbering scheme, as well as any special conditions that ComReg may attach to specific numbers from time to time.”*

Attention is also drawn to ComReg publication D08/02 *“National Numbering Convention v6.0”* (and associated documents) and references to CPS therein including the following at A6.5.4 of Annex 6:

“A6.5.4 Carrier Short Codes

These are 5-digit short codes in the range 13CDE, that allow subscribers to gain access to their preferred telecommunications service providers. They consist of Carrier Access (CA) and Carrier Select (CS) codes used for call-by-call selection of a preferred Service Provider (SP), and Carrier Preselection (CPS) codes used for permanent or semi-permanent selection of a preferred SP. These codes support the use of network-to-network-interfaces (NNI) to allow Irish telecommunications users to reach their chosen network providers. Callers use CA and CS codes by prefixing the called number with the code concerned, this involving a 2-stage process in the case of CA and a single stage process in the case of CS. In the case of CPS, the code is automatically inserted by the access network, once the CPS customer has subscribed to a CPS service provider.

11 S.I. No. 307/2003 — European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2003

¹² European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2003 (S.I. No. 306 of 2003))

CPS operators are required to also keep open on their networks a set of CPS Operator Identification Codes that enable a customer to identify the operator they are trafficking with for any particular call option. The CPS Operator Identification Codes that correspond to each CPS call option are as follows:

- *Code 19800 Call Option : International Calls;*
- *Code 19801 Call Option : National Calls;*
- *Code 19822 Call Option : Local Calls.”*

5.11 RETAIL FIXED NARROWBAND ACCESS MARKET

Rights and obligations in relation to CPS are contained *inter alia* under the Access Regulations and under “Market Analysis”, Document No: 07/61, Decision No: D7/61. Eircom is designated as having Significant Market Power (SMP) on the markets for "Retail fixed narrowband access market. The decision designates Eircom with SMP obligations in accordance with Regulation 25 and Regulation 27(4) of the Framework regulations and imposes obligations pursuant to Regulations 9, 10, 11, 12, 13 and 14 of the Access Regulations, and Regulations 14 and 16 of the Universal Service Regulations, as set out in the decision.

The decision provides as follows in relation to Wholesale Obligations for carrier selection (“CS”) carrier pre-selection (“CPS”) and carrier access (“CA”):

Section 5:

“As required by Regulation 16 (1) of the Universal Service Regulations, Eircom shall enable its subscribers to access the services of any interconnected providers of publicly available telephone services:

- i. On a call by call basis by dialling a carrier selection code;*
- ii. By means of pre-selection, with a facility to over-ride any pre-selected choice on a call-by-call basis by dialling a carrier selection code; and*
- iii. Carrier access.*

Without prejudice to the generality of this section 5.1, and its obligations in this Decision Instrument, Eircom shall continue to offer and provide CS, CPS and CA in accordance with a reference offer (“RO”) (as referred to in section 5.9) and all industry documentation related thereto, as published on its website.

Additional CS, CPS and CA obligations

5.2 Without prejudice to the generality of section 5.1, Eircom shall in relation to those services referred to in section 5.1:

- i. Pursuant to Regulation 13 (2) (c) of the Access Regulations, not withdraw access to products, services, features, or additional associated facilities granted without the prior approval of ComReg;*
- ii. Pursuant to Regulation 13 (2) (e) of the Access Regulations, grant open access to technical interfaces, protocols and other key technologies that are indispensable for the interoperability of services or virtual network services; and*
- iii. Pursuant to Regulation 13 (2) (h) of the Access Regulations, provide access to operational support systems (“OSS”) or similar software systems necessary to ensure fair competition in the provision of services.*

5.3 Pursuant to Regulation 13 (2) (e), 13, 2 (h) and Regulation 10 (1) of the Access Regulations, Eircom shall consult fully with undertakings (allowing sufficient time for such consultation) in relation to the development programme for the evolution of access to OSS, fully take in to account representations made by undertakings and take all necessary and appropriate measures to fulfil and implement the requirements of undertakings in relation to those services referred to in section 5.1.

Non-discrimination

5.4 Pursuant to Regulation 11 of the Access Regulations, Eircom shall have an obligation of non-discrimination in respect of the provision of those services referred to in section 5.1.

5.5 Without prejudice to the generality of section 5.4, Eircom shall:

- i. Provide a wholesale equivalent for retail offerings offered by Eircom in the Markets;
- ii. Apply equivalent conditions in equivalent circumstances to other undertakings providing equivalent services and provide services and information to others under the same conditions and of the same quality as Eircom provides for its own services or those of its subsidiaries or partners; and
- iii. Ensure that information and services are provided to undertakings according to timescales, on a basis, and of a quality, which are at least equivalent to those provided to Eircom's retail arm and associates.

Service level agreement (“SLA”)

5.6 Pursuant to its obligation of non-discrimination under section 5.4 and pursuant to Regulation 13 (3) of the Access Regulations, it shall be a condition of the obligation to provide CPS (referred to in section 5.1, ii) related to fairness, reasonableness and timeliness, that eircom shall:

- i. Conclude legally binding and fit-for-purpose SLAs with undertakings in respect of CPS;
- ii. Negotiate in good faith with undertakings in relation to the conclusion of a legally binding and fit-for-purpose SLA;
- iii. Ensure that the SLA includes provision for service credits arising from a breach thereof. Until further notice from ComReg, agreed service credits shall be a matter of negotiation and agreement between eircom and undertakings and recovery of service credits shall be in the first instance, a matter for undertakings and eircom to resolve. This shall not preclude the possibility of ComReg exercising its dispute resolution powers, or of intervening on its own initiative;
- iv. Update the industry SLA as required, which updates may also be required by ComReg;
- v. Publish the industry SLA (and any updates thereto) on its website;
- vi. Until further notice from ComReg, maintain the detailed contents (including performance metrics) of the existing SLA; and
- vii. Provide to ComReg, on a monthly basis, performance statistics in respect of the provision of CPS. ComReg may at its discretion publish such statistics in its Quarterly Reports. In addition, ComReg may if it deems necessary, conduct audits of the reported performance statistics.

Transparency

5.7 Pursuant to Regulation 10 (1) of the Access Regulations and in furtherance of its obligation of non-discrimination under section 5.4 and for the purpose of ComReg monitoring compliance with that obligation, eircom shall, ensure that it is transparent in relation to the provision of the services referred to in section 5.1

5.8 Without prejudice to the generality of the obligation in section 5.7, ComReg may issue Directions to eircom requiring it to publish specified information, such as accounting information, technical specifications, network characteristics, terms and conditions for supply and use and prices.

Documentation: Publication of RO

5.9 Pursuant to Regulation 10 (2) of the Access Regulations, eircom shall publish a RO on its website for the services and facilities referred to in section 5.1. The RO shall be sufficiently unbundled so as to ensure that other undertakings availing of such services and facilities are not required to pay for services, or facilities which are not necessary for the service requested and the RO shall include:

- i. A description of the relevant offerings broken down into components according to market needs; and
- ii. A description of the associated terms and conditions, including prices.

5.10 Subject to the exceptions set out in Decision Notice D10/02, eircom shall publish a notice of proposed changes to the RO text on its website for the purpose of notifying all interested parties of such changes. All comments received in relation to the proposed changes by undertakings shall be submitted by eircom to ComReg within 21 (twenty one) calendar days of any such notice and ComReg will either approve, or amend the proposed changes within a further 3 (three) weeks. Eircom shall amend and re-publish its RO in accordance with the obligations set out in this section. As provided for by Regulation 10 (5) of the Access

Regulations, ComReg may issue Directions requiring eircom to make amendments to the RO to give effect to obligations imposed in this Decision Instrument and to publish the RO with such changes.

Price Control: Cost-orientation of prices

5.11 As required by Regulation 16 (3) of the Universal Service Regulations, eircom shall ensure that its pricing for access and interconnection related to the provision of the services referred to in section 5.1 is cost oriented and that direct charges to its subscribers, if any, do not act as a disincentive for the use of those services.

Accounting separation

5.12 Pursuant to Regulation 12 of the Access Regulations, eircom shall have an obligation to maintain separated accounts. All of the obligations in relation to accounting separation applying to eircom and in force immediately prior to the effective date of this Decision Instrument in respect of access and interconnection related to the provision of the services referred to in section 5.1, shall be maintained in their entirety and eircom shall comply with all of those obligations, pending a further decision to be made by ComReg (following further consultation) in relation to the details of and the implementation of accounting separation obligations and cost accounting obligations.

The Decision provides as follows, at Section 7, in relation to Retail Controls:

Undue preference

7.3 Pursuant to Regulation 14 (2) (c) of the Universal Service Regulations, eircom shall not show undue preference to specific end-users.

Transparency

7.4 Pursuant to Regulation 14 (1) of the Universal Service Regulations, eircom shall notify ComReg no later than 5 (five) working days in advance of proposed changes to the terms and conditions of supply within the Markets. In this section, the expression “working day” means any day other than Saturday, Sunday, a bank holiday or a public holiday.

7.5 eircom shall publish in its public offices and on its website, all changes in relation to terms and conditions of supply promptly, once such changes come into effect.

7.6 eircom shall, in respect of services within the Markets, supply such services only at the published price.

7.7 Pursuant to Regulation 18 (1) of the Universal Service Regulations, eircom shall ensure that transparent information in relation to applicable prices and tariffs and standard terms and conditions in respect of access to and use of publicly available telephone services is available to end users and consumers and published.

Unreasonable bundling

7.8 Pursuant to Regulation 14 (2) (c) of the Universal Service Regulations, eircom shall not unreasonably bundle services.

7.9 Without prejudice to the generality of section 7.8, where eircom offers a number of services within a bundle, it shall ensure that end-users are able to purchase an individual service included in any such bundle without being required by contractual, or non-contractual means to purchase the entire bundle of services and that tariffs for the individual services comprising any such bundle, comply with the principle that end-users should not be required to pay for services, or facilities which are not necessary for the service requested.

In relation to Retail Price Control see SMP Obligation: Retail Price Cap Remedy Fixed Narrowband Access Markets, Decision No: 03/07, Document No. 07/76 and Annex 1, Decision Instrument, thereof and S. I. No. 665 of 2007 Telecommunications Tariff Regulation (Revocation) Order, 2007.

Regulation 16 (4) of the Universal Service Regulations provides that an undertaking that fails to comply with an obligation imposed under paragraph (1) or paragraph (3) commits an offence.

Undertakings are obliged to comply with all relevant directions and decisions issued by ComReg.

6 Enforcement & Compliance

ComReg possesses jurisdiction for the enforcement of certain provisions that are contained in this Regulatory Guidance Document. ComReg does not hold exclusive jurisdiction in relation to the enforcement of all legal requirements contained in this document and whether ComReg has a role as regards enforcement will depend on the act or the omission at issue.

Where ComReg is the appropriate enforcement agency, it may take enforcement action as set out in the various Regulations¹³ and the Communications Regulation Act 2002 as amended. For instance, Undertakings will be aware that as regards matters which fall within the remit of ComReg, it is within the power of ComReg to monitor compliance with obligations, requirements or directions under the Regulations, and if deemed necessary, to notify the person of those findings and give the person an opportunity to state his or her views. ComReg may publish any notification given by it. If ComReg is of the opinion that a person has not complied with an obligation, requirement or direction under those Regulations, it may apply to the High Court for such order as may be appropriate by way of compliance with the obligation, requirement or direction. By way of example of the enforcement process, please see Regulation 32 of the Universal Service Regulations for more detail regarding this example of ComReg's enforcement powers. ComReg also possesses monitoring and investigatory powers to assist in issues of compliance. Note that an undertaking that fails to comply with certain obligations commits an offence. Under Regulation 17 (10) of the Universal Service Regulations, for example, an undertaking found guilty of an offence under paragraph (6) thereof, or a provider of electronic communications services found guilty of an offence under paragraph (7) thereof, is liable on conviction to a fine not exceeding €5,000.

The foregoing does not represent an exhaustive list of the types of compliance, enforcement actions or sanctions available to ComReg. Details of ComReg's powers in these matters can be found, in particular, within the terms of the various Regulations referred to, as amended, and the Communications Regulations Act 2002 as amended by the Communications Regulations (Amendment) Act 2007. The nature of a sanction for breach of an obligation or legal requirement will depend on which particular law or regulatory provision that has been offended, the severity of this, and which agency or authority is charged with enforcing the particular provision i.e. what type of powers that agency or authority possess as regards sanctions, compliance and enforcement. It is also not possible to pre-empt what a court might determine in a given case. Undertakings should consult with the relevant agencies to apprise themselves of the enforcement procedures of a particular agency.

¹³ European Communities (Electronic Communications Networks and Services)(Data Protection and Privacy) Regulations 2003 [S.I. 535 of 2003](#); European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 [S.I. 305 of 2003](#), as amended; European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations 2003 [S.I. 306 of 2003](#), as amended; European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2003 [S.I. 307 of 2003](#), as amended; European Communities (Electronic Communications Networks and Services)(Universal Service and Users' Rights) Regulations 2003 [S.I. 308 of 2003](#), as amended.

Appendix 1 – Definitions

“Applicable Enactment” means legislation, an act or a regulation/statutory instrument or any other statutory provision includes a reference to the legislation or statutory provision as amended, modified or re-enacted or both from time to time and any subordinate legislation made under the statutory provision and shall include any orders, regulations, instruments or other subordinate legislation made under the relevant legislation

“CPS” the facility offered to customers which allows the option for certain defined classes of call to be carried by an Operator selected in advance (and having a contract with the customer), without having to dial a routing prefix or follow any different procedure to evoke such routing.

“Electronic Communications Network”: means the transmission systems and, where applicable, switching or routing equipment and other resources which permit the conveyance of signals by wire, radio, by optical or by other electromagnetic means, including satellite networks, fixed (circuit- and packet switched, including Internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the propose of transmitting signals, networks used for radio and television broadcasting and cable television networks irrespective of the type of information conveyed;

“Publicly Available Telephone Service (PATS)” means a service available to the public for originating and receiving national and international calls and access to emergency services through a number or numbers in a national or international telephone numbering plan, and in addition may, where relevant, include one or more of the following services: the provision of Operators assistance, directory inquiry services, directories, provision of public pay phones, provision of service under special terms, provision of special facilities for customers with disabilities or special social needs or the provision of non-geographic services or both.

“Public Switched Telephone Network (PSTN)” means the collection of interconnected systems operated by the various telephone companies and administrations (telcos and PTTs) around the world.

“Service Provider” (Undertakings) means an Undertaking that is engaged in providing telephony services to customers in Ireland by means of a public network, with inbound and/or outbound access to and from the PSTN.

Appendix 2: Some Legal Requirements relevant to the provision of CPS¹⁴

	<i>Some Obligations</i>	
	Au: Authorisation Regulations; US: Universal Service Regulations; A: Access Regulations; F: Framework Regulations	Agency with Competence
Notification ComReg to	Au Regulation 4 Any person who intends to provide an ECN or ECS shall, before doing so, notify the Regulator of his or her intention to provide such a network or service.	ComReg or DPP
Contract Content;	<ul style="list-style-type: none"> ➢ US Regulation 17 An undertaking that provides end-users connection or access or both to the PTN shall do so in accordance with a contract. ➢ Users' Rights to Communications Services (Protecting Users in a Developing Communications Market), Decision Notice D16/03 (ComReg 03/86) ➢ Directions re Tariff Transparency: ComReg Code for Tariff Presentation, Decision Notice D11/04 (ComReg 04/86) ➢ Users' Rights to Communications Services (Protecting Users in a Developing Communications Market), Decision Notice D16/03 ➢ Guidelines for the inclusions of a minimum set of requirements in contracts with end users: Document No. 03/129. 	ComReg
	<ul style="list-style-type: none"> ➢ S.I. No. 207/2001 — European Communities (Protection of Consumer in Respect of Contracts Made by Means of Distance Communication) Regulations, 2001; 	NCA

¹⁴ This Table should be read in conjunction with Section 4 of this Guidance document.

	<ul style="list-style-type: none"> ➤ Consumer Protection Act 2007 	NCA or DPP
	<ul style="list-style-type: none"> ➤ S.I. No. 27/1995 — European Communities (Unfair Terms in Consumer Contracts) Regulations, 1995; 	NCA
	<ul style="list-style-type: none"> ➤ Sale of Goods and Supply of Services Act 1980; 	NCA
	<ul style="list-style-type: none"> ➤ S.I. No. 224/1989 — European Communities (Cancellation of Contracts Negotiated Away From Business Premises) Regulations, 1989; 	NCA
	<ul style="list-style-type: none"> ➤ Company Act 2007 	ODCE or DPP
	<ul style="list-style-type: none"> ➤ S.I. No. 68/2003 — European Communities (Directive 2000/31/Ec) Regulations 2003 (hereafter the E-Commerce Regulations) 	NCA
Emergency Services	<p>US Regulation 19(2) An undertaking providing PATS at fixed locations shall take all reasonable steps to ensure uninterrupted access to emergency services.</p> <p>US Regulation 22(1) Operators offering PATS must ensure that their end-users are able to access free of charge the emergency numbers 112 and 999.</p> <p>US Regulation 22(2) Those operating PTNs (i.e. an electronic communications network which is used to provide PATS) must, as soon as practicable, make caller location information available to authorities handling emergencies, to the extent technically feasible, for all calls to 112 and 999.</p>	ComReg
Number Portability	<p>US Regulation 26(1) Operators offering PATS shall insure that a subscriber to such service can retain his or her number independently of the undertaking providing the service.</p>	ComReg or DPP

National Directory Database	<p>Regulation 14 of S.I. No. 535/2003 — European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2003</p> <p>ComReg Direction (D07/100) in relation to Ex-directory numbers and the Opt-Out Register for Direct Marketing.</p>	ComReg & ODPC or DPP
Information regarding Quality of Service	<p>US Regulation 18(4) The regulator may specify obligations to be complied with by an undertaking providing publicly available ECS requiring such undertaking to publish comparable, adequate and up to date information for end-users on the quality of its services.</p>	ComReg
Directory	<p>US Regulation 4 the designated undertaking shall ensure that that a comprehensive directory of subscribers is made available to all end-users or that a comprehensive telephone directory inquiry service is made available to all end-users.</p> <p>US Regulation 21 (1) an Undertaking providing a PATS service shall ensure that customers can have an entry in a directory and a directory inquiry service set out in Regulation 4.</p> <p>US Regulation 21 (2) an Undertaking that assigns telephone numbers shall meet all reasonable requests to make available, for the purposes of directory inquiry services and directories, the relevant information.</p> <p>US Regulation 21 (3) an Undertaking providing a connection to the public telephone network to end-users shall ensure that all such end-users can access operator assistance services and a directory inquiry service, in accordance with Regulation 4.</p>	ComReg
Access to directory enquiry and operator	<p>US Regulation 21 (1) an Undertaking providing a PATS service shall ensure that customers can have an entry in a directory and a directory inquiry service set out in Regulation 4.</p>	ComReg

assistance services	<p>US Regulation 21(2) An undertaking that assigns telephone numbers to subscribers shall meet all reasonable requests to make available, for the purposes of the provision of publicly available directory inquiry services, directories ... , the relevant information in an agreed format on terms that are fair, objective, cost oriented and non-discriminatory.</p> <p>US Regulation 21 (3) an Undertaking providing a connection to the public telephone network to end-users shall ensure that all such end-users can access operator assistance services and a directory inquiry service, in accordance with Regulation 4.</p>	
Calling Identification	Line US Regulation 8 of of S.I. No. 535/2003 — European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2003	ComReg & ODPC
Complaints Procedures	<p>US Regulation 17</p> <p>US Regulation 28 (1) An undertaking that provides end-users connection or access</p> <p>ComReg 03/89 Dispute Resolution Procedures, Decision No. D18/03</p> <p>S.I. No. 27/1995 — European Communities (Unfair Terms in Consumer Contracts) Regulations, 1995;</p> <p>Consumer Protection Act 2007</p> <p>S.I. No. 207/2001 — European Communities (Protection of Consumer in Respect of Contracts Made by Means of Distance Communication) Regulations, 2001;</p>	<p>ComReg</p> <p>NCA</p> <p>NCA</p> <p>NCA</p>
End User Information	<p>Ac Regulation 5 (6) and 5 (7)</p> <p>General Authorisation, condition 17</p>	<p>ComReg</p> <p>ComReg</p>

	<p>See Direction & Press Release regarding the NDD, reference PR210705 and PR121206 and associated correspondence from ComReg</p> <p>See generally ODPC electronic publications and Guidance Material which includes section on Telecommunications</p> <p>Data Protection Acts 1998-2003</p> <p>Consumer Protection Act 2007</p>	<p>ODPC & ComReg</p> <p>ODPC</p> <p>ODPC or DPP</p> <p>NCA or DPP</p>
<p>Promotion & Commercial Practices</p>	<p>The Consumer Protection Act 2007</p> <p>Data Protection Acts 1988 and 2003</p> <p>Distance Selling Regulations</p> <p>Data Protection and Privacy Regulations</p> <p>The Companies Acts</p> <p>S.I. No. 134/1988 European Communities (Misleading Advertising) Regulations, 1988</p> <p>The Broadcasting Acts 2001 and 2007</p> <p>The Criminal Justice (Theft and Fraud Offences) Act, 2001</p> <p>Communications Regulation Act 2002</p>	<p>NCA or DPP</p> <p>ODPC or DPP</p> <p>NCA</p> <p>ComReg & ODPC or DPP</p> <p>ODCE or DPP</p> <p>NCA (& ASAI*)</p> <p>BCI</p> <p>DPP</p> <p>ComReg or DPP</p>

<i>Miscellaneous</i>		
	<ul style="list-style-type: none"> • Communications Regulation Act 2002 as amended • Competition Act 2002 as amended • S.I. No. 307/2003 — European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2003 • S.I. No. 195/2004 — European Communities (Implementation of the Rules on Competition Laid Down in Articles 81 and 82 of the Treaty) Regulations 2004, as amended • The Future Provision for Telephony Services Under Universal Service Obligations, Document Number 06/32 • Review of the Price Cap on Certain Telecommunications Services, Vulnerable Users Scheme, Document Number 03/48 (and see Vulnerable User Scheme, Document number 03/48) • Users' Rights to Communications Services (Protecting Users in a Developing Communications Market), Decision Notice D16/03 (ComReg 03/86) • Directions re Tariff Transparency: ComReg Code for Tariff Presentation, Decision Notice D11/04 (ComReg 04/86) • Dispute Resolution Procedures, Decision No. D18/03(ComReg 03/89) 	<p>ComReg or DPP</p> <p>ComReg or DPP</p> <p>ComReg or DPP</p> <p>ComReg</p> <p>ComReg</p> <p>ComReg</p> <p>ComReg</p> <p>ComReg</p>

	<ul style="list-style-type: none"> • Electronic Commerce Act 2000 • National Standards Authority of Ireland Act, 1996 • The Companies Acts, Orders and Regulations • Liability for Defective Products Act 1991 • S.I No. 199 of 2004 European Communities (General Product Safety) Regulations 2004 • S.I. 401 of 2000, European Communities (Liability for Defective Products) Regulations • Directive 2006/24 re Location and Traffic Data • Criminal Justice (Terrorist Offences) Act 2005, • Defamation Act 1961 • The Irish Constitution (Bunreacht na hEireann 1937) • European Convention on Human Rights • Criminal Justice (Terrorist Offences) Act 2005, • The Contractual Obligations (Applicable Law) Act 1991 	<p>ComReg NCA NSAI ODCE NCA NCA NCA Agency: Reference Not Always Applicable</p>
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	<ul style="list-style-type: none"> • Council Regulation no 44/2001 (Brussels I Regulation) • S.I. 52/2002 European Communities (Civil and Commercial Judgements) Regulations 2002 • The Duty of Care Principal, Law of Negligence and Law of Tort are relevant; there exists a general obligation on individuals and organisations to conduct their affairs in such a way that they do not damage or cause harm to others. • Undertakings must also be cognisant of developments in the law especially as regards as consumer interests. They must also be familiar with any relevant provisions of the Irish Constitution, with relevant case law and equitable principles, while at all times recognising the supremacy of EC legislation and rulings, where appropriate or necessary. 	
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This is not an exhaustive list of rights and obligations. Any entity wishing to operate as an ECS or PATS provider should ensure that they have a full understanding of the requirements which they will need to fulfill.

It should also be noted that those entities who wish to be allocated numbers from the national numbering scheme must also abide by the National Numbering Conventions and any and all terms and conditions of use that accompany the said allocation.

Document 03/129 is not a legally enforceable document.

* The ASAI is not a statutory enforcement agency.