



Office of the Director of  
**Telecommunications  
Regulation**

## **Report on *eircom*'s Draft Code of Conduct for Selling Practices**

**Document No. ODTR 01/16**

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# 1. Introduction

The Director has now concluded the consultation process regarding *eircom*'s code of conduct concerning selling practices as required by Condition 19 of its General Telecommunications Licence.

This process involved a two-stage consultation with all interested parties. In the first stage the Director presented *eircom*'s draft Code of Conduct and sought comments on this draft.<sup>1</sup> In the second stage the Director summarised the views of respondents and outlined her draft position on these. In addition, she sought comments on two new additional provisions in the draft Code regarding Carrier Pre-Selection (CPS) and Number Portability (NP).<sup>2</sup>

Two organisations responded to the second stage consultation, namely Esat Telecommunications Ltd. and GTS Business Services (Ireland) Ltd..

The responses to the first stage of the consultation document may be viewed on the ODTR web site.<sup>3</sup>

The Director would like to thank the organisations that have responded to the consultations. The responses received to both consultation papers can be viewed in this Office. The Director would also like to thank *eircom* for its co-operation in this process.

The ODTR has, in accordance with Condition 19, consulted with *eircom* to discuss the Director's proposed amendments to the draft Code.

## 2. Format of this Paper

The information in this paper is presented in the following manner:

Section 3 summarises the views provided by respondents to the Consultation on Carrier Pre-Selection and Number Portability. The Director's position is also outlined.

Section 4 outlines the form of the publication of *eircom*'s Code of Conduct.

Section 5 details summary comments on this Code of Conduct.

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<sup>1</sup> See "*eircom*'s Draft Code of Conduct Concerning Selling Practices: A Consultation Paper", Document Number ODTR 00/85 published on the ODTR web site: [www.odtr.ie](http://www.odtr.ie)

<sup>2</sup> See "Report on the first Consultation on *eircom*'s Draft Code of Conduct for Selling Practices with draft provisions on CPS and Number Portability", Document Number ODTR 01/05 published on the ODTR web site: [www.odtr.ie](http://www.odtr.ie)

<sup>3</sup> *Ibid.*

### 3. Report on the Consultation on the draft provisions on Carrier Pre-Selection and Number Portability.

In the second Consultation paper,<sup>4</sup> the Director sought comments from interested parties on the proposed *eircom* texts on CPS and Number Portability.

The respondents broadly welcomed the inclusion of the proposed texts within the main body of the Code of Conduct. One respondent felt that additional text should be inserted in the CPS section to restrict the scope for anti-competitive practices, stating: “that members of staff must not engage in unfair or inaccurate criticism of competitors’ services and quality thereof, nor attempt to mislead customers or potential customers about these services”.

Both respondents were strongly of the opinion that the Codes on CPS and NP should be attached to the Code of Conduct. One respondent stated that if the codes were not attached, the wording in Part 4 of the CPS section and Part 2 of the NP section render adherence to the codes as being essentially dependent upon an employee requesting and receiving a copy of the relevant codes. This would be unacceptable, it claimed.

#### **Director’s Position**

1. The Director believes that the draft provisions submitted by *eircom* on Carrier Pre-Selection and Number Portability are satisfactory. These Codes address the matter raised by the respondent, concerning anti-competitive practices and obligations and such Codes are not limited to Competition legislation or other laws regarding anti-competitive behaviour and/or abuse of dominant behaviour. The Director has decided that it is therefore not necessary to include the respondent’s suggested text.
2. The Director has further agreed with *eircom* that the entire Industry-Agreed Codes on Carrier Pre-Selection and Number Portability will be published by *eircom* separately as part of a series of publications concerning codes of practice. *Eircom* has stated that it will distribute a copy of both Codes to all its managers in every division of *eircom* plc. It will make an electronic copy available to all its employees via its Intranet. Therefore, the Director believes that Part 4 of the CPS section and Part 2 of the NP section should be amended accordingly.

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<sup>4</sup> See “Report on the first Consultation on *eircom*’s Draft Code of Conduct for Selling Practices with draft provisions on CPS and Number Portability”, Document Number ODTR 01/05 published on the ODTR web site: [www.odtr.ie](http://www.odtr.ie)

## 4. Publication of *eircom*'s Code of Conduct

In this document the Director sets out her amendments to the draft Code on which she has consulted with *eircom*. *Eircom* will publish its amended Code as a result of this document on its web site: [www.eircom.ie](http://www.eircom.ie). *Eircom* will immediately make this Code available to all its employees on its Intranet. *Eircom* will also distribute a copy of all Codes to all its managers in every division of *eircom* plc.

## 5. Summary Comments on this Code

- After consulting with *eircom*, it has been agreed that *eircom* will annex a summary of its guidelines on competition law to the Code. *Eircom* will also make reference in the Code to a commitment to training its employees concerning the purpose and provisions of the Code.
- Under Condition 19 of the General Telecommunications Licence, the Director has the right to review the Code as required. It is agreed the Code of Conduct is not an exhaustive list.
- The Director plans to review the Code as required to ensure its compatibility and suitability with the current market environment.
- The Director welcomes *eircom*'s Code of Conduct for Selling Practices. She believes that other licensed operators (OLOs) should develop their own Codes and would welcome any development by OLOs on this in the future.