



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# Universal Service Funding Applications 2010-2015 - Appeal

## Information Notice

**Reference:** ComReg 21/50

**Version:** Final

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**Commission for Communications Regulation**

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1. On 18 April 2019, following the assessments of the applications received from Eircom Limited (“eir”), the Commission for Communications Regulation (“ComReg”) published the following ComReg Decisions, together (the “Decisions”):
  - D05/19 “Assessment of eir’s 2010-2011 Universal Service Fund Application Assessment of the net cost and unfair burden for the period 2010-2011”
  - D06/19 “Assessment of eir’s 2011-2012 Universal Service Fund Application Assessment of the net cost and unfair burden for the period 2011-2012” •
  - D07/19 “Assessment of eir’s 2012-2013 Universal Service Fund Application Assessment of the net cost and unfair burden for the period 2012-2013”
  - D08/19 “Assessment of eir’s 2013-2014 Universal Service Fund Application Assessment of the net cost and unfair burden for the period 2013-2014”
  - D09/19 “Assessment of eir’s 2014-2015 Universal Service Fund Application Assessment of the net cost and unfair burden for the period 2014-2015”
2. In each of the Decisions, ComReg determined that the provision of the Universal Service did not represent an unfair burden on eir in the financial years in question.
3. On 15 May 2019, Eircom Limited issued an appeal in the High Court against the Decisions (High Court Commercial Record No 2019/167 MCA) (the “Appeal”).
4. Following a hearing in the Commercial Division of the High Court on 6 November 2020, the parties were notified on 19 February 2021 of the decision of the Court to refer a question concerning the unfair burden assessment to the Court of Justice of the European Union (the “CJEU”) for a preliminary ruling pursuant to Article 267 of the Treaty on the Functioning of the European Union, and that a judgment would issue in relation to this in due course.
5. A judgment was delivered by the Court on 14 May 2021 setting out the question the Court will refer to the CJEU and the reasons for the referral. This judgment has been published by the Courts Service at the footnoted link.<sup>1</sup>
6. ComReg will engage fully in the process before the CJEU.

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<sup>1</sup> [https://www.courts.ie/acc/alfresco/d0691e18-8ee0-4397-833c-ffd3d0222843/2021\\_IEHC\\_328.pdf/pdf#view=fitH](https://www.courts.ie/acc/alfresco/d0691e18-8ee0-4397-833c-ffd3d0222843/2021_IEHC_328.pdf/pdf#view=fitH)

7. ComReg will issue Information Notices to keep stakeholders updated on developments in the Appeal.