



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

District Court Prosecution

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Information Notice

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Commission for Communications Regulation

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1. On 28 April 2023, the Dublin District Court heard a case in respect of four summonses that ComReg issued against Sky Ireland Limited (“Sky”). Sky was charged with twelve counts of having failed to meet requirements set out in Regulation 25(4) of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations, 2011 (“the 2011 Regulations”).
2. Regulation 25(4) of the 2011 Regulations pertains to porting, which is the process of moving a customer’s phone number from one service provider to another. Regulation 25(4) places certain obligations on the service provider to which a customer is transferring. The relevant obligations are that:
 - (a) the porting of numbers and their subsequent activation shall be carried out within the shortest possible time,*
 - (b) in the case where a subscriber has concluded an agreement to port a number to a new undertaking, that number shall be activated within one working day, and*
 - (c) loss of service during the porting process shall not exceed one working day.*
3. Throughout 2021 and 2022, ComReg received a number of contacts from customers who stated that they had experienced considerable delays, sometimes lasting a number of weeks, in getting their phone number activated when they transferred to Sky. ComReg became concerned that these customers were experiencing delays because Sky failed to port the phone numbers in the time periods required under Regulation 25(4) of the 2011 Regulations.
4. Following a review of relevant customer complaints ComReg commenced an investigation. The investigation culminated in ComReg commencing District Court prosecutions against Sky for breaches of Regulation 25(4) as Sky had failed to port the affected customers’ phone numbers within the timeframes specified.
5. Sky pleaded guilty to four counts: one count on each of the four summonses before the court. Judge Halpin of the Dublin District Court applied the Probation of Offenders Act 1907 and required Sky to make a charitable donation in the total amount of €5,000. Sky also contributed to ComReg’s costs, as agreed between the parties.
6. ComReg will continue to monitor the complaints it receives from consumers and will continue to investigate matters arising in respect of Regulation 25(4) of the 2011 Regulations and other relevant regulatory obligations.