



Commission for
Communications Regulation

**Regulatory Guidance for Undertakings on the Provision of Single
Billing via Wholesale Line Rental (SB-WLR)**

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1 Introduction

Regulatory Guidance Document

This document, entitled “Regulatory Guidance for Undertakings on the Provision of SB-WLR” (the “Guidance document”), relates to Undertakings providing telephony and broadband services through Single Billing via Wholesale Line Rental (SB-WLR) to end-users in Ireland. The Guidance document highlights the key legal obligations that operators are required to meet in providing services to end-users. The Guidance document replaces the previous SB-WLR Code of Practice (CoP). The Guidance references some of the relevant law that is applicable to the provision of SB-WLR.

The SB-WLR CoP 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 and/or broadband service to customers through SB-WLR. This Guidance sets out, as a general guide for industry, 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. ComReg proposes that the Guidance will give Undertakings some legal certainty as to a number of their legal obligations. The Guidance 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 end-users falling within ComReg’s remit. Additionally, there is reference to some of the relevant law applicable to operators and end-users, in the context of the provision of services via SB-WLR, within the remit of other agencies. The Guidance document is intended therefore as a reference for Undertakings, drawing on the legal and regulatory obligations of Undertakings, some of which may fall under the remit of ComReg or other agencies, including the Office of the Data Protection Commissioner and the National Consumer Agency.

The Guidance document also makes reference to some non-legally binding publications such as those published by ComReg, which, although not binding, are still relevant.

The SB-WLR CoP was an industry-agreed document and in some instances contained provisions not having an independent legal basis outside of the Code. There are other provisions that, although lacking a legal basis, are in ComReg’s opinion, of value to industry and improve the end-user’s experience of the SB-WLR product. These provisions now form part of the Output document, which is further discussed below. A link to the Output document and to this Guidance document is available on ComReg’s website www.comreg.ie.

The Service

SB-WLR enables Other Authorised Operators (OAO) to issue one single bill to end-users for Carrier Pre-Selection (CPS) “all calls” and line rental charges.

The OAO may offer its own branded telephony service to its SB-WLR end-users based on wholesale services provided by Eircom.

Eircom provides wholesale billing details to OAOs, which then bill their end-users at their own retail rates for calls.

Initially, when the end-user transfers to a single billing service, the appropriate ancillary services and Customer Premises Equipment (CPE) rental product elements will also be transferred to the end-user’s SB-WLR account. In addition the end-user will receive a final bill from Eircom for services that will now be billed for by the OAO. The final bill will contain any credits due to the end-user, for example retail charges that may have been paid in advance by the end-user. Most types of outgoing traffic will be routed to the Carrier Pre-Selection Operator’s network in line with the CPS all-calls routing rules.

The SB-WLR product consists of four elements:

- (1) wholesale telephone lines;
- (2) wholesale ancillary services for analogue lines;
- (3) wholesale ancillary services for ISDN and Eircom hi-speed lines; and
- (4) wholesale low-value CPE rental.

Background

SB-WLR was first introduced by ComReg in 2003 under the Interconnection Regulations. The SB-WLR Code of Practice (CoP) was then introduced via ComReg Decision Notice 9/03. In 2006 the Third Party Verification (TPV) portion of the SB-WLR CoP was separated into a standalone TPV CoP. In August 2007, in ComReg’s Decision on Retail Access (ComReg Decision No. D7/61), ComReg ended the continued provisions of the Interconnection Regulations¹ pursuant to Regulation 8 of the Access Regulations² and Regulation 13(b) of the Universal Service Regulations.³ This Decision did not impose SB-WLR or TPV Codes of Practice as remedies in that market, and therefore these Codes of Practice are 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 between either

¹ S.I. No. 15/1998, European Communities (Interconnection in Telecommunications) Regulations.

² S.I. No. 305/2003, European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2003.

³ S.I. No. 308/2003, European Communities (Electronic Communications Networks and Services) (Universal Service) Regulations, 2003.

Eircom and other providers or SB-WLR providers and SB-WLR resellers, the requirements of the Codes of Practice can be enforced as and between the parties to those contracts.

The Output Document

The Output document includes provisions from the original SB-WLR CoP, following ComReg's review of the SB-WLR CoP, but which are not included in the Guidance documents as they are considered to have no independent legal basis. However, many of these provisions were developed and agreed by industry as part of the original SB-WLR CoP, as industry felt that these provisions had value and assisted an Undertaking in the efficient delivery of services. The provisions were also deemed by ComReg to be relevant to SB-WLR. This document reflects solely the output of the review at this point in time and in no way reflects how, or whether, an Undertaking may decide to implement the provisions of the Output document.

Status of Guidance

This Guidance is of itself unenforceable, but any legal duties mentioned in this document exist independently of this document and continue to exist and to be enforceable in and 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 should vary the law. Compliance with this document does not guarantee compliance with the law, and this Guidance is not a substitute for legal advice.

2 Objectives of the Guidance

The main objectives of this Guidance are:

- to highlight to Undertakings some of the most important legislative provisions and regulatory directions relevant to the provision of telephony and broadband services pertaining to the provision of SB-WLR;
- to highlight some of the legislative provisions that exist in relation to the requirement for pre-contractual information pertaining to end-users' contracts;
- to increase end-users' 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; and
- to benefit end-users and Undertakings by encouraging adherence to legal requirements in industry.

2.1 General Authorisation Consultation

ComReg plans to consult on proposed amendments to the General Authorisation, in particular, the Consumer Protection Rules (Condition 18).⁴ It is expected that this consultation will be completed in 2008. Two elements from the SB-WLR CoP 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); and
- (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.

⁴ Consumer Protection Rules, General Authorisation 03/81.

3 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 an alternative dispute resolution process and/or by the relevant enforcement agency.

This document collates some of the key legal provisions pertinent to SB-WLR 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 given in Appendix 2. The list of agencies, while not exhaustive, includes the following at the time of printing:

- (i) ComReg ;
- (ii) the National Consumer Association (NCA);
- (iii) the Office of the Data Protection Commissioner (ODPC); and
- (iv) the Director of Public Prosecutions⁵ (DPP) (or An 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.

⁵ It may be the case that in relation to particular obligations failure to comply may be a criminal offence. Which particular agency has remit may depend on whether the offence is triable summarily or on indictment.

4 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 apprise themselves as to whether failure to comply with a particular obligation amounts to an 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.

4.1 End-user (Retail) 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 the 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 that may be relevant, and Undertakings should observe these provisions to the extent that they are applicable to a particular contract and end-user.

4.1.1 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 S.I. 207 of 2001, Protection of Customers in Respect of Contracts Made by Means of Distance Communications (“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.

4.1.2 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 are 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 to 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 (Document No. 04/86) requires that all Undertakings providing a publicly available telephony service (PATS) 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.

4.1.3 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 (“the Unfair Terms Regulations”), may also be relevant, and Undertakings should observe these provisions to the extent that they are applicable to a particular contract and end-user.

4.1.4 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 of their 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.

4.1.5 Quality of Service

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

4.1.6 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 Inclusion of a Minimum Set of Requirements in Contracts with End-Users”, ComReg Document No. 03/129. Note, however, that Document No. 03/129 does not contain legally binding provisions.

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

4.1.7 Duration, Renewal and Termination

The duration of the contract and the conditions for renewal and termination of services of the contract must all be specified further to 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; and
- (iii) S.I. No. 224/1989, European Communities (Cancellation of Contracts Negotiated Away From Business Premises) Regulations, 1989 (“the Doorstep Sales Regulations”).

4.1.8 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 them 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; and
- (iii) the Sale of Goods and Supply of Services Act, 1980.

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.

4.2 Emergency Services

Undertakings offering a 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 that their end-users are able to call the emergency services (on both 112 and 999) free of charge in accordance 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 a public telephone network 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 5.1.8 of this document may also be relevant, and Undertakings should observe these to the extent that they are applicable to a particular contract and end-user.

4.3 Directories, Directory Inquiry and 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 PATS shall ensure that customers can have an entry in a directory and a directory inquiry service as set out in Regulation 4 of the Universal Service Regulations.

Regulation 21(2) of the Universal Service Regulations provides that: *“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 and the record referred to in Regulation 4(4) of the Universal Service Regulations, the relevant information in an agreed format on terms that are fair, objective, cost oriented and non-discriminatory”*.

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 of the Universal Service Regulations.

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) (“the Data Protection and Privacy Regulations”) should be complied with to the extent that they are applicable.

4.4 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 notified 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. The obligations under the Consumer Protection Act, 2007, should also be noted.

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 4.9 and 4.10 below.

4.5 Calling Line Identification

Undertakings should ensure that rules in relation to calling and connected line identification are observed. Undertakings are obliged to comply with the obligations as set out in Regulation 8 of the Data Protection and Privacy Regulations 2003 and with all relevant directions and decisions issued by ComReg and the ODPC.⁶

4.6 Universal Service Obligations: Minimum Data Rate

The Minimum Data Rate is an end-user right provided for in ComReg Decision 06/29, specifically at Section 3.1 of that Decision, entitled “Review of Universal Service”, it states: *“The Universal Service Provider shall use all reasonable endeavours to ensure that all connections to the publicly available telephone network are capable of a minimum data rate no lower than 28.8Kbit/s”*.

4.7 Number Portability

Number Portability is an end-user right and an obligation on all Undertakings providing PATS under the Universal Service Regulations. Undertakings providing PATS should ensure that subscribers can retain their numbers independently of the Undertaking providing the service. Undertakings are obliged to comply with this obligation as set out in Regulation 26 of the Universal Services Regulations and with all relevant directions and decisions issued by ComReg in this regard.

4.8 Complaints Procedure

As per Regulation 17 of the Universal Service Regulations, the method of initiating procedures for the 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 that may apply, an Undertaking shall implement a code of practice for handling complaints from end-users in respect of an alleged contravention of the Universal Service Regulations. It sets out several matters that such a code of practice should include.

Undertakings are further required to be bound by the Directions of ComReg Document No. 03/86, 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

⁶ “Undertaking” as defined within the Data Protection and Privacy Regulations, 2003, means a person engaged or intending to engage in the provision of electronic communications networks or services or associated facilities (S.I. No. 503/2003 European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations, 2003).

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 them to the extent that they are applicable.

- (i) the Unfair Terms Regulations;
- (ii) the Consumer Protection Act 2007; and
- (iii) the Distance Selling Regulations.

4.9 End-user Information

S.I. No. 305/2003, European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2003 (“the Access Regulations”), and specifically Regulations 5(6) and 5(7) thereunder, 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 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 (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 relevant.⁷

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*

⁷ General Authorisation, ComReg Document No. 03/81.

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 of the Data Protection and Privacy Regulations.

Attention is drawn to the ComReg Directions and Press Releases regarding the National Directory Database (NDD).⁸ 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 (ECHR) may also be relevant.

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

4.10 Promotion and Commercial Practices

Undertakings must ensure that their promotional material, statements and commercial and selling practices comply with all applicable legislation and regulatory decisions.

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 Sections 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 a 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 of the Consumer Protection Act, entitled “Commercial Practices”, for further details.

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

⁸ Press Releases, ComReg PR210705 and PR121206 available on www.comreg.ie.

In addition, the terms of the Data Protection Acts, 1988 and 2003, 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 them to the extent that they 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; and
- (v) the Broadcasting Acts, 2001 and 2007, and the Broadcasting Commission of Ireland's statutory Codes.

4.11 Overcharging and Unauthorised Provisioning

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.”*

Attention is drawn to the definition of a Consumer under Section 45 of the Communications Regulation Act, 2002.

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

4.12 National Numbering Conventions

Regulation 22 of the Framework Regulations⁹ provides that ComReg is vested with sole responsibility for administering the national telecommunications numbering resource.

Regulation 14 of the Authorisation Regulations¹⁰ provides that ComReg can specify conditions that 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 that *“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 in these documents including the following at A6.5.4 of Annex 6 of “National Numbering Convention v6.0”:

“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.

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.”*

⁹ S.I. No. 307/2003, European Communities (Electronic Communications Networks and Services) (Framework) Regulations, 2003.

¹⁰ S.I. No. 306/2003, European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2003.

4.13 CLFMP

CLFMP¹¹ and Interference and Integrity of Public Communications Networks

Undertakings shall ensure, in accordance with condition 9.1 of the General Authorisation, that their electronic communications network shall be designed, constructed, installed, maintained, operated and used so as not to cause harmful interference with the lawful use or operation of any other electronic communications network.

4.14 Retail Fixed Narrowband Access Market

Rights and obligations in relation to SB-WLR are contained *inter alia* in the Access Regulations and in ComReg Document No. 07/61, Decision No. D7/61, designating Eircom as having significant market power (SMP) in the “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, in Section 6, as follows in relation to Wholesale Obligations for Single SB-WLR:

“Access

6.1 Pursuant to Regulation 13(1) of the Access Regulations, Eircom shall meet all reasonable requests for access to and use of such wholesale access products, services, features, or additional associated facilities, by Undertakings requesting access or use of such access products, services, features, or additional associated facilities in the Markets, which enable such other Undertakings to provide retail equivalents to the retail products offered by Eircom in the Markets.

SB-WLR

6.2 Without prejudice to the generality of section 6.1 and its obligations in this Decision Instrument, Eircom shall, pursuant to Regulation 13(2)(d) of the Access Regulations, continue to offer and provide SB-WLR for resale by third parties in accordance with an RO, as currently published on its website (and as referred to in section 6.9) and in accordance with all industry documentation related thereto (and the processes described therein) as published on its website.

Additional WLR and SB-WLR obligations

6.3 Without prejudice to the generality of sections 6.1 and 6.2, Eircom shall in relation to those services and facilities referred to in section 6.2:

¹¹ CLFMP: Copper Loop Frequency Management Plan.

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 OSS and similar software systems necessary to ensure fair competition in the provision of services.

Proposed changes to any of the following shall not be implemented without adequate prior notification to ComReg and Undertakings:

- The mechanism for access e.g. the Universal Gateway (or other similar mechanism(s)); and*
- The detailed specification of the access mechanism e.g. nature, data fields and content.*

Non-discrimination

6.4 Pursuant to Regulation 11 of the Access Regulations, Eircom shall have an obligation of non-discrimination in respect of the provision of those services and facilities referred to in section 6.2.

6.5 Without prejudice to the generality of section 6.4, 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.*

SLAs

6.6 Pursuant to its obligation of non-discrimination under section 6.4 and pursuant to Regulation 13(3) of the Access Regulations, it shall be a condition of the obligation to provide the services referred to in sections 6.1 and 6.2, related to fairness, reasonableness and timeliness, that Eircom shall:

- i. Conclude legally binding and fit-for-purpose SLAs with Undertakings in respect of those services referred to in sections 6.1 and 6.2;*
- ii. Negotiate in good faith with Undertakings in relation to the conclusion of legally binding and fit-for-purpose SLAs;*
- iii. Ensure that all SLAs include provision for service credits arising from a breach of the SLA. Until further notice from ComReg, 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 writing in respect of the services provided to Undertakings for PSTN and ISDN services.*

Where Eircom does not provide full, accurate and comprehensive performance statistics in fulfilment of this obligation, it shall demonstrate to ComReg's satisfaction that it was not proportionate or reasonable to do so. 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

6.7 Pursuant to Regulation 10(1) of the Access Regulations and in furtherance of its obligation of non-discrimination under section 6.4 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 sections 6.1 and 6.2.

6.8 Without prejudice to the generality of the obligation in section 6.7, 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

6.9 Pursuant to Regulation 10(2) of the Access Regulations, Eircom shall publish an RO for the services referred to in section 6.2. 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.*

6.10 Subject to the exceptions set out in Decision Notice D10/239, 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: Retail-minus pricing

6.11 Pursuant to Regulation 14(1) of the Access Regulations, the prices charged by Eircom to any other Undertaking for access to or use of the services and facilities referred to in section 6.2 (except those that are subject to a cost orientation SMP obligation) shall be at least 10% less than the retail price charged by Eircom to its end-users for retail access to the public telephone network at a fixed location or as amended, which is the retail equivalent of such services and facilities. In addition, Eircom shall comply with the obligations described in the following Decision Notices issued by ComReg:

- *D03/24, Wholesale Line Rental - Pricing Issues.*
- *D 04/34, Wholesale Line Rental - Pricing Issues, Margin.*

Price notification

6.12 Eircom shall:

- i. Notify ComReg in writing of any proposed amendments to wholesale prices for the services referred to in section 6.2, no later than 2 (two) months prior to its retail price amendment taking effect;*
- ii. Publish any amendments to wholesale prices for the services referred to in section 6.2, no later than 7 (seven) weeks prior to the retail price amendment taking effect; and*
- iii. Amendments to prices may be excluded from this requirement on a case by case basis, where Eircom demonstrates that the nature of the amendment would not have a significant impact on the market and there is no necessity for pre-notification of retail customers under the Universal Service Regulations.*

Accounting separation and cost accounting

6.13 Pursuant to Regulation 12 of the Access Regulations, Eircom shall have an obligation to make transparent its wholesale prices and its internal transfer prices by maintaining separated accounts in respect of the services and facilities referred to in section 6.2. 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 and facilities referred to in section 6.2, 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 implementation of accounting separation obligations and cost accounting obligations. Without limiting the generality of the obligation to comply with all accounting separation obligations in force immediately prior to the effective date of this Decision Instrument, Eircom shall continue to comply with

inter alia, the obligations described in the following Decision Notices previously issued by ComReg:

- D5/99 – Accounting Separation and Publication of Financial Information for Telecommunications Operators;
- D8/99 – Costing Methodology for use in Accounting Separation;
- D10/99 – Accounting Separation and Publication of Financial Information for Telecommunications Operators;
- D9/00 – Accounting Separation and Publication of Financial Information for Telecommunications Operators;
- D10/00 – Accounting Separation and Publication of Financial Information for Telecommunications Operators, Supplemental Information referring to Decision Notice D9/00;
- D2/01 – Accounting Separation for Internet Service Provision and Report on Investigation into Indigo and Eircom.net;
- D7/01 – Eircom’s Reference Interconnection Offer & Accounting Separation and Publication of Financial Information for Telecommunications Operators; and
- D12/01 – Revision of Timetable for Publication of Separated Accounts and Financial Information by Eircom.

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.

5 Enforcement and Compliance

ComReg has jurisdiction for the enforcement of certain provisions that are contained in this Guidance Document. ComReg does not have 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 omission at issue.

Where ComReg is the appropriate enforcement agency, it may take enforcement action as set out in the various Regulations¹² as amended and the Communications Regulation Act, 2002, as amended. For instance, Undertakings will be aware that as regards matters that fall within the remit of ComReg, it is within ComReg's power 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. 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. Please see Regulation 32 of the Universal Service Regulations for more detail regarding an example of ComReg's enforcement powers. ComReg also possesses monitoring and investigatory powers to assist in issues of compliance.

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 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 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 possesses 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 and relevant legislation to apprise themselves of the enforcement procedures of a particular agency.

¹² Including for instance under : S.I. No. 307 /2003 European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2003; S.I. No. 305/2003 European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003; S.I. No. 306/2003 European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2003; S.I. No. 308/2003 European Communities (Electronic Communications Networks and Services) (Universal Service Regulations) 2003; and S.I. No. 503/2003 European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations, 2003.

6 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 illustrate some of the relevant law pertaining to Undertakings in the provisioning of Single Billing via Wholesale Line Rental (SB-WLR). The document 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, the Commission for Communications Regulation (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 in respect of its use.

To the maximum extent permitted by law, ComReg accepts no liability whatsoever or howsoever arising, directly or indirectly, whether tortious, contractual, under statute or otherwise for breaches, damages, claims, expenses or demands, including for:

- (i) any direct and economic losses regarding *inter alia* profits, revenue, business contracts, anticipated savings, goodwill; and/or
- (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 misstatements, 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;
- (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.

Appendix 1 – Definitions

“Applicable Enactment” means legislation, an act or a regulation/statutory instrument or any other statutory provision that 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.

“CPE”: Customer Premises Equipment

“Electronic Communications Network (ECN)” means the transmission systems and, where applicable, switching or routing equipment and other resources that permit the conveyance of signals by wire, radio, optical or 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.

“ISDN”: Integrated Services Digital Network

“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 operator 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 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” 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.

“SB-WLR” Single Billing via Wholesale Line Rental enables another Authorised Operator (OAO) to issue a single bill to CPS “all calls” customers for voice services; the OAO can offer its own branded telephony service to its CPS “all calls” customers based on wholesale services provided by Eircom. Eircom provides wholesale billing details to OAOs, which then bill their customers at their retail rates.

“Undertaking(s)” means a person engaged or intending to engage in the provision of electronic communications networks or services or associated facilities.

Appendix 2 – Some Legal Requirements Relevant to the Provision of SB-WLR¹³

	Au: Authorisation Regulations; US: Universal Service Regulations; A: Access Regulations; F: Framework Regulations	Agency with Competence
Notification to ComReg	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). > Guidelines for the Inclusion of a Minimum Set of Requirements in Contracts with End-Users, Document No. 03/129. 	ComReg
	> S.I. No. 207/2001 — European Communities (Protection of Consumer in Respect of Contracts Made by Means of Distance Communication) Regulations, 2001.	NCA¹⁴
	> Consumer Protection Act, 2007.	NCA or DPP

¹³ This table should be read in conjunction with Section 5 of this Guidance document.

¹⁴ National Consumer Agency.

	<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. 	ODCE¹⁵ 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 that 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

¹⁵ Office of the Director of Corporate Enforcement.

Number Portability	US Regulation 26(1): Operators offering PATS shall ensure that a subscriber to such service can retain his or her number independently of the Undertaking providing the service.	ComReg or DPP
National Directory Database	Regulation 14 of S.I. No. 535/2003 — European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations, 2003. ComReg Direction (D07/100) in relation to ex-directory numbers and the opt-out register for direct marketing.	ComReg and ODPC¹⁶ or DPP
Information Regarding Quality of Service	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.	ComReg
Directory	US Regulation 4: 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. 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 as set out in Regulation 4. 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. US Regulation 21(3): an Undertaking providing a connection to the public telephone	ComReg

¹⁶ Office of the Data Protection Commissioner.

	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.	
Access to Directory Inquiry and Operator Assistance Services	<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 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>	ComReg
Calling Line Identification	US Regulation 8 of of S.I. No. 535/2003 — European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2003.	ComReg and 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>ComReg</p> <p>NCA</p> <p>NCA</p>

	S.I. No. 207/2001 — European Communities (Protection of Consumer in Respect of Contracts Made by Means of Distance Communication) Regulations, 2001.	NCA
End-User Information	<p>Ac Regulation 5 (6) and 5 (7).</p> <p>General Authorisation, condition 17.</p> <p>See Direction and Press Release regarding the NDD (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>ComReg</p> <p>ComReg</p> <p>ODPC and ComReg</p> <p>ODPC</p> <p>ODPC or DPP</p> <p>NCA or DPP</p>
Promotion and Commercial Practices	<p>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>Companies Acts.</p>	<p>NCA or DPP</p> <p>ODPC or DPP</p> <p>NCA</p> <p>ComReg and ODPC or DPP</p>

	<p>S.I. No. 134/1988 — European Communities (Misleading Advertising) Regulations, 1988.</p> <p>Broadcasting Acts, 2001 and 2007.</p> <p>Criminal Justice (Theft and Fraud Offences) Act, 2001.</p> <p>Communications Regulation Act, 2002.</p>	<p>ODCE or DPP</p> <p>NCA (and ASAI¹⁷)</p> <p>BCI¹⁸</p> <p>DPP</p> <p>ComReg or DPP</p>
Miscellaneous	<p>Communications Regulation Act, 2002, as amended .</p> <p>Competition Act, 2002, as amended.</p> <p>S.I. No. 307/2003 — European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2003.</p> <p>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.</p> <p>The Future Provision for Telephony Services Under Universal Service Obligations (ComReg 06/32).</p> <p>Review of the Price Cap on Certain Telecommunications Services, Vulnerable Users Scheme (ComReg 03/48 and see Vulnerable User Scheme, ComReg 03/48).</p>	<p>ComReg or DPP</p> <p>ComReg or DPP</p> <p>ComReg or DPP</p> <p>ComReg</p> <p>ComReg</p> <p>ComReg</p>

¹⁷ Advertising Standards Authority of Ireland. (The ASAI is not a statutory enforcement agency.)

¹⁸ Broadcasting Commission of Ireland.

	<p>Users' Rights to Communications Services (Protecting Users in a Developing Communications Market), Decision Notice D16/03 (ComReg 03/86).</p> <p>Directions re Tariff Transparency: ComReg Code for Tariff Presentation, Decision Notice D11/04 (ComReg 04/86).</p> <p>Dispute Resolution Procedures, Decision No. D18/03(ComReg 03/89).</p> <p>Electronic Commerce Act, 2000.</p> <p>National Standards Authority of Ireland Act, 1996.</p> <p>The Companies Acts, Orders and Regulations.</p> <p>Liability for Defective Products Act, 1991.</p> <p>S.I. No. 199/2004 — European Communities (General Product Safety) Regulations, 2004.</p> <p>S.I. No. 401/2000 — European Communities (Liability for Defective Products) Regulations.</p> <p>Directive 2006/24 re Location and Traffic Data.</p>	<p>ComReg</p> <p>ComReg</p> <p>ComReg</p> <p>NCA</p> <p>NSAI¹⁹</p> <p>ODCE</p> <p>NCA</p> <p>NCA</p> <p>NCA</p> <p>Agency Reference Not Always Applicable</p>
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¹⁹ National Standards Authority of Ireland.

	<p>Criminal Justice (Terrorist Offences) Act, 2005.</p> <p>Defamation Act, 1961.</p> <p>Irish Constitution (Bunreacht na hEireann 1937).</p> <p>European Convention on Human Rights.</p> <p>Criminal Justice (Terrorist Offences) Act, 2005.</p> <p>Contractual Obligations (Applicable Law) Act, 1991.</p> <p>Council Regulation No. 44/2001 (Brussels 1 Regulation).</p> <p>S.I. No. 52/2002 — European Communities (Civil and Commercial Judgements) Regulations, 2002.</p> <p>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.</p> <p>Undertakings must also be cognisant of developments in the law, especially as regards consumer interests. They must also be familiar with any relevant provisions of the Irish Constitution, relevant case law and equitable principles, while at all times recognising the supremacy of EC legislation and rulings, where appropriate or necessary.</p>	
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It should also be noted that those entities that 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.

This is not an exhaustive list of rights and obligations. Any entity wishing to operate as an ECS or PATS provider should ensure that it has a full understanding of the requirements that they will need to fulfil.

Document 03/129 is not a legally enforceable document.