



Commission for
Communications Regulation

Information Notice

Update in respect of ComReg's investigation into Eircom's breach of its transparency obligations around the sale of its White Label product.

Document No:	09/26
Date:	2 April 2009

An Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

Abbey Court Irish Life Centre Lower Abbey Street Dublin 1 Ireland

Telephone +353 1 804 9600 Fax +353 1 804 9680 Email info@comreg.ie Web www.comreg.ie

Eircom Ltd. ('Eircom') is required under Regulation 10 of the Access Regulations¹ to publish details of wholesale products in the markets for Wholesale Call Origination, Wholesale Call Transit and Wholesale Call Termination. In particular, Eircom must publish terms and conditions, including price, associated with these products in its Reference Interconnect Offer ('RIO') and to ensure that the RIO contains details of facilities already granted. These obligations are imposed by way of ComReg Decision Notices D04/07 and D06/07.²

Press reports on 28 May 2008 stated that Vodafone Ireland Limited ('Vodafone') had launched a Vodafone at Home Fixed line voice and Broadband service and that the service would be provided using a wholesale package from Eircom.

This product allows an Other Authorised Operator ('OAO') to purchase end-to-end call services from Eircom without the need to have its own infrastructure. This is functionally the same as Eircom offering a wholesale white label version of its own retail Public Switched Telephone Network ('PSTN') product.

ComReg, as part of its ongoing compliance function, initiated an investigation in June 2008 in relation to Eircom's launch of the new white label wholesale product, comprised of underlying regulated components. This product is made up of elements comprising Wholesale Call Origination, Wholesale Call Termination and Wholesale Call Transit.

On 8 July 2008, ComReg, in accordance with Regulation 18(1) of the Access Regulations, issued to Eircom a Notification of Non-Compliance in this regard. Having considered Eircom's representations and all evidence available, ComReg formed an opinion as referred to in Regulation 18(4) that Eircom has not complied with its transparency obligations and that this non-compliance is ongoing. ComReg notified Eircom of this opinion on 23 October 2008.

ComReg notes that the White Label product has not been sold to date in any significant volumes. To help bring certainty to the industry ComReg has decided to address a further aspect of the product: namely the appropriate price control for the regulated wholesale inputs to the White Label product. ComReg now proposes to proceed to consult with industry in relation to this matter.

¹ European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003, SI No 305 of 2003

² Decision No. D04/07 Document No. 07/80 Market Analysis – Interconnection Market Review Wholesale Call Origination and Transit Services
Decision No. D06/07 Document No. 07/109 Market Analysis – Interconnection Market Review Fixed Wholesale Call Termination Services