



Commission for
Communications Regulation

Premium Rate Services Publication of Findings of Non-Compliance with Licence Conditions

Information Notice

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Publication of Findings of Non-Compliance with Licence Conditions

1. The purpose of this Information Notice is to set out the Commission for Communication Regulation's ("ComReg's") intention in relation to any finding of non-compliance with, or breach of, licence conditions by a premium rate service ("PRS") provider that ComReg may make.
2. PRS are typically goods and services that a consumer can buy by charging the cost to their fixed line or mobile telephone account. At present PRS are mostly provided via premium rate telephone numbers (starting with the prefix 15XX) and short-codes (in the form 5XXXX) and offer a variety of information and entertainment services. Some examples of PRS include quiz television services, chat-line services, ringtones, sports alerts, weather alerts, television voting and competitions.
3. In May 2008, the Minister for Communications, Energy and Natural Resources announced the Government's intention to place the regulation of PRS on a statutory footing. The Oireachtas subsequently passed the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010 ("the Act"), which came into force on 12 July, 2010, thereby transferring regulatory responsibility for the sector from the previous Regulator of Premium Rate Telecommunications ("RegTel") to ComReg. The Act amended ComReg's functions and objectives by requiring ComReg, in addition to its existing functions, to carry out investigations into matters relating to the provision, content and promotion of PRS in order to "*protect the interests of end-users of PRS*".
4. Section 7(3) of the Act requires PRS providers to comply with all of the conditions attached to its licence and Section 15(6) of the Act of 2010 states that it is a condition of a PRS licence that any Code of Practice ("Code") is complied with.
5. In the course of carrying out its statutory functions to protect the interest of end users of PRS, ComReg may carry out investigations and, where appropriate, make a finding where a PRS provider has not complied with, or has breached, a condition of its licence. In such circumstances, Section 9(2) of the Act provides that ComReg may publish, in such manner as it thinks fit, any notification of a finding of non-compliance.
6. ComReg considers it appropriate to publish any such finding of non-compliance for the following reasons;

- a. Publication will provide guidance to the PRS providers by having a transparent record of ComReg's application of the provisions of the Code and licence conditions.
- b. Publication will inform consumers how the sector is being regulated to protect their interests, which should enhance consumer confidence in PRS and highlight ComReg's role in the sector,
- c. Publication will aid transparency of ComReg's findings in relation to breaches of the Code and licence conditions, and
- d. Given the development of ComReg's regulatory approach in this still relatively new function, publication will provide greater transparency for all stakeholders and is initially considered to be very beneficial but will be kept under regular review to ensure it continues to be necessary or whether a varied approach should be considered.

Accordingly, ComReg will publish any findings of non-compliance against a PRS provider on its dedicated PRS-related website www.phonesmart.ie where summary details of the findings may be found under the "*Code of Practice*" tab.