



Commission for
Communications Regulation

District Court Prosecution

Update from 19 June 2017

Information Notice

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Version: Final

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Regulation 45(1)(c) of the Communications Regulation Act, 2002 (as amended) (“the Act”)

1. On 16 May 2017, the Dublin District Court heard a case taken by ComReg against Yourtel Limited (“Yourtel”).
2. The case was brought for a breach of Section 45 of the Act which imposes strict obligations on operators, including Yourtel, in relation to the manner in which charges may be imposed on consumers. In particular, Section 45(1)(c) of the Act provides that:

(1) An undertaking shall not impose, or purport to impose, a charge—

[...]

(c) for an electronic communications service or electronic communications product that was requested by a consumer but was not supplied.

3. Yourtel is an “undertaking” for the purposes of this prosecution.
4. On 19 June 2017, Judge Brennan delivered his judgement on the case heard on 16 May 2017.
5. The outcome of this case against Yourtel is detailed below:
 - a) Yourtel pleaded not-guilty to the charge brought against it.
 - b) Judge Brennan found Yourtel guilty and imposed a criminal conviction on Yourtel.
 - c) Judge Brennan ordered Yourtel to pay a fine of €2,500.
 - d) Costs were awarded to ComReg in the amount of €10,000.
6. ComReg will continue to monitor the complaints it receives from consumers and end-users and will continue to investigate matters arising in respect of Section 45 of the Act and other relevant regulatory obligations.