



Media Release- 25th July 2003

ComReg announces implementing measures for new regulatory framework for communications

The Commission for Communications Regulation (ComReg) today announced a number of measures implementing the new EU regulatory framework governing the communications sector.

The new framework has been transposed into Irish law through regulations made by the Minister for Communications, Marine and Natural Resources which were published yesterday.

The Chairperson of the Commission for Communications Regulation, Etain Doyle, said: "the measures which ComReg announced today provide operators and users with the details of how the new framework will operate. In particular, ComReg has issued a decision on Universal Service Obligations (USO) and on measures concerning consumer and user rights."

"The EU directives were adopted 15 months ago and a considerable amount of work has gone into planning for their implementation. I would like to thank everyone, in particular, the industry players and consumer representatives, who participated in the wide range of consultations which helped to inform ComReg's decisions. I wish to thank ComReg staff and to say how much I appreciate their work over the past 15 months to prepare for this day, and the staff of the Department of Communications, Marine and Natural Resources for their work in transposing the directives which provide the legal basis for the new regime.

The measures which come into force today replace telecoms licensing with a system of general authorisations and also extends coverage to include the wider communications sector. ComReg has issued papers on the conditions of General Authorisation as well as briefing notes and procedural guidelines.

Authorisations

Under the new regime, general/basic telecoms licences will no longer be required. They are replaced by Authorisations. Operators who are or want to offer services to the public will simply have to notify ComReg in accordance with the process announced today

Under the new regulations, existing telecommunications operators and other network providers who were previously licensed are now deemed to be authorised from the 25th of July 2003 in advance of making a statutory notification. They are however required to submit a notification. Operators have until the 31st of August 2003 to do this. ComReg will contact the affected licensees directly.

In anticipation of the new regime, ComReg earlier this year started the work on data gathering and market analysis in respect of communications markets and will be concluding this work over the coming months. It will be consulting nationally and also with the European Commission and the European Regulators Group on its conclusions, and determining what remedies, if any, may be appropriate going forward.

Enforcement provisions relating to telecommunications licences in national law no longer apply from the 25th July 2003, but provision is made for the continuation of proceedings already underway. New provisions on enforcement under the new framework provide for fines of up to €3,000. The regulations provide a new mechanism enabling ComReg to apply to the High Court for an order requiring compliance and payment of a financial penalty in respect of breaches of regulatory law.

Numbering Rights of Use were covered in ComReg's Information Note 03/05. The procedures which are currently in place for the allocation of numbering resources will continue to apply subject to the removal of the condition that an applicant be the holder of a telecommunications licence. The granting of number rights of use will be subject to the applicant having made a notification in connection with a General Authorisation or is otherwise deemed to be authorised under the Authorisation Regulations.

Universal Service Obligation USO and Users' Rights

Under both the former and the new regime, *eircom* has been designated as the USO provider.

A framework for detailing the scope of the USO is published by ComReg today in document 03/87. All of the existing obligations are being maintained relating to the provision of telephone lines, payphones and directory services and some voluntary arrangements, in relation to disabled persons for example, have been codified and published as a USO.

In relation to users' rights, all of the former provisions in the telecoms licences regarding publication of terms and conditions are carried forward into the new regime. The Codes of Practice for complaint handling and arrangements for quality of service reporting, for telecom service only, are maintained and enhanced in the new framework, including the development of customer guarantee schemes by operators.

The new arrangements set out the overall framework, and following further analysis and discussion, the detail of both the USO and Users' Rights will be developed over the coming months.

Dispute Resolution Procedures – the arrangements operated by ComReg have been adjusted to take account of the new regime, in particular, the period for resolution has been reduced to 4 months.

Spectrum Rights of Use

Under the old regime, spectrum use was provided for under the Wireless Telegraphy Act, 1926, the Broadcasting Act, 1960 and the Radio and Television Act, 1988. The EU Directives operate on the basis of 'spectrum rights of use' and some adaptations of the WT Act regime have been required to deal with this. They relate mainly to the provision of information, amendment of licence conditions, enforcement, and customer care in relation to broadcasting distribution.

The regulations concerning the GSM, 3G and national FWPMA licences have been revised to bring them into line with the new regime. New MMDS regulations will be prepared following consideration of responses to consultation on the current use of the 2500-2690 MHz band (03/70) i.e. the band used by MMDS operators to provide multi-channel TV services. The closing date for the consultation is the 1st of August 2003.

Guidelines have been issued by ComReg (03/84), which detail changes to the applicability of the current licence conditions for other broadcasting and radio licence types, under the new Authorisation Regulations issued by the Department of Communications, Marine and Natural Resources.

Administrative Levy/Spectrum Fees

Under the old regime there were separate legal bases and fee regimes for telecoms on the one hand and broadcasting distribution on the other. There were fees/levies for administrative purposes and separate spectrum fees.

Under the new regime, there will be no change in the levy of 0.2% for telecommunications operators, but small operators with less than €500,000 per annum turnover, will now be exempt. These arrangements are set out in the Levy Order issued today (S.I no 346), together with the guidance notes (03/88). There is not at this point any change in the spectrum fee regime.

For broadcasters, new arrangements were outlined in the response to consultation on fees (03/46). In light of anticipated changes to the framework for administrative fees, these were further refined in document 03/78, issued on the 18th of July 2003. Substantial replies have been received to this last consultation and it has been decided to defer making an order on these matters until a fuller consideration can be given to the replies received late on the 23rd of July 2003. Such new arrangements as may be determined will apply from 25th of July 2003.

Interconnect and Access

As outlined in the Information Notice (03/62), the regime will remain broadly the same as at present.

Note for editors

The full list of documentation is available on the ComReg website www.comreg.ie as follows:-

Authorisations

- Text of General Authorisation Conditions (**03/81**)
- Notification Form (**03/82**)
- Guidelines to General Authorisations (**03/83**)
- Wireless Telegraphy Licences – future applicability of licence conditions (**03/84**)
- Response to a Consultation on arrangements for General Authorisations (**03/85**)
- Exemption from notification requirement (**03/90**)

USO

- Designation, and framework for scope - decision notice **D17/03** in (**03/87**)

Users' Rights

- Outline framework (**03/86**)

Dispute Resolution Procedures

- Response to Consultation (**03/89**) and Decision **D18/03**

Spectrum Rights of use in new WT Regulations – for 3G (**S.I. 340 of 2003**) FWA (**S.I. 338 of 2003**) and GSM (**S.I. 339 of 2003**) updated for new framework

Levy regulation (**S.I. 346**) and guidance notes (**03/88**)

In addition, a number of Information Notices were published earlier on the new regime to explain Numbering provisions (**03/05**) and those concerning Access and Interconnection (**03/62**)

Market Analysis Information Notice on Market analysis and data collection procedures (**02/117**).

ENDS

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