



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

ComReg vs Virgin Media Ireland Ltd. [2025] IEHC 66 – Outcome

Information Notice

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Commission for Communications Regulation

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1. Following an investigation by ComReg, on 5 July 2022, ComReg notified Virgin Media Ireland Limited (“Virgin Media”) that it had formed the opinion that Virgin Media had not complied with its obligations under Regulation 25(6)(b) of the European Communities (Electronic Communications Networks and Services) (Universal Service and User’s Rights) Regulations 2011 (“the Universal Service Regulations”)¹, specifically that Virgin Media had failed to ensure that its conditions and procedures for contract termination did not act as a disincentive to a consumer changing service provider.
2. Having formed the opinion described above, ComReg decided that, unless Virgin Media’s non-compliance was remedied within a period of three weeks, ComReg would proceed to bring an application to the High Court seeking orders to ensure Virgin Media’s compliance with its obligations and further orders as appropriate pursuant to Regulation 31 of the Universal Service Regulations.
3. Virgin Media responded by stating its view that it had not breached its regulatory obligations and therefore it was not required to implement the remedies sought by ComReg.
4. On 6 September 2022, ComReg made an application to the High Court seeking a declaration that Virgin Media had not complied with Regulation 25(6)(b) of the Universal Service Regulations and orders directing Virgin Media to comply with its obligations under Regulations 25(6)(b) of the Universal Service Regulations and to remedy the non-compliance.
5. The case was heard in the High Court on 11, 12, 13 and 17 October 2023.
6. Following the hearing and the consideration of the submitted Affidavits and the written legal submissions, the High Court delivered a written judgement on 7 February 2025.
7. On 21 March 2025, following further submissions by the parties, the High Court issued its perfected Order where it declared that Virgin Media had not complied with its obligations under Regulation 25(6)(b) of the Universal Service Regulations by reason of its procedures for contract termination for customers who wish to change service provider.
8. In this regard, the Hight Court ordered Virgin Media to comply with its obligations to ensure that its conditions and procedures for contract termination do not act as a disincentive to changing service provider to include by amending its agent training materials and associated documents (including where relevant its materials in relation to financial incentives available to agents) as follows:

¹ [ComReg-2259.pdf](#)

a) to remove all instructions and statements to the effect that agents are required encouraged or expected to engage in save activity where it is not welcomed by the customer or where it is clear that the customer is intent on cancelling

b) to include the following instructions to agents:

i. A customer's wish to cancel should be given effect to as soon as the customer makes his or her intention clear. This also applies in circumstances where it is clear that the customer does not welcome save activity

ii. The above instruction does not preclude an agent asking a customer why the customer wishes to cancel and if the customer identifies a particular issue, the agent is not prohibited from seeking to address that issue so long as the agent does not persist in that activity after it becomes clear that the customer is minded to proceed with cancellation.

iii. Where customers are not prepared to discuss why they propose to leave, the agent should move immediately to cancel

c) to make clear that no financial incentive for successful save activity is payable by the Respondent to its agents where save activity is engaged in contrary to the instructions referred to in b above

9. It was further ordered that within a period of 8 weeks:

a) Virgin Media provide retraining to all of its agents on how to handle cancellation requests appropriately

b) And such training to include the matters detailed at a, b i-iii and c above.

10. Finally, it was also ordered that all new agents or agents newly assigned to handling cancellation requests be provided with such training prior to handling cancellation requests.

11. No order was made in respect of the costs of these proceedings.

12. No order was made in respect of the implementation of a 30 day notice period by Virgin Media under the Universal Service Regulations, however, with regard to an ECS provider's contractual requirement for a customer to give a notice when switching to another provider, Regulation 90 of S.I. No. 444/2022 - European Union (Electronic Communications Code) Regulations 2022² provides that the customer's contract with the transferring provider is terminated automatically upon completion of the switching process.
13. The full judgement can be read [here](#).
14. ComReg will update its regulatory guidance document 20/111R2³ as appropriate. ComReg expects ECS providers to take account of this guidance when ensuring their compliance.
15. ComReg is continuing its monitoring in respect of compliance by all ECS providers including the application of conditions and procedures for contract termination to ensure they do not amount to a disincentive to switch. ComReg will take all necessary enforcement action in respect of any such non-compliance.

² S.I. No. 444/2022 - European Union (Electronic Communications Code) Regulations 2022 <https://www.irishstatutebook.ie/eli/2022/si/444/made/en/print>, in effect since 9 June 2023

³ ComReg Document 20/111R Regulatory Guidance on Title III: End-User Rights of the European Electronic Communications Code <https://www.comreg.ie/media/2020/12/ComReg20111R.pdf>