



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# District Court Prosecution

## Update from 25 June 2018

### Information Notice

**Reference:** ComReg 18/63

**Version:** Final

**Date:** 03/07/2018

**An Coimisiún um Rialáil Cumarsáide**  
**Commission for Communications Regulation**

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

1. On 25 June 2018, the Dublin District Court heard 5 cases taken by ComReg against Eircom Limited (“Eircom”) in relation to 10 counts of incorrect charging of customers for electronic communications services.
2. Following a review of relevant customer complaints where the customers' issues were not resolved by Eircom until the customer contacted ComReg, ComReg commenced an investigation. This investigation resulted in ComReg taking criminal prosecutions against Eircom.
3. The prosecutions were brought under Section 45 of the Act, which provides as follows:

*“45. — (1) An undertaking shall not impose, or purport to impose, a charge —*

*(a) for supplying an electronic communications service or electronic communications product to a consumer that exceeds the amount for that service or product specified —*

*(i) in the undertaking’s published tariff of charges, or*

*(ii) in a written statement previously made or given to the consumer by the undertaking in relation to that supply,*

*or*

*(b) for supplying an electronic communications service or electronic communications product to a consumer that was not requested by the consumer, or*

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

4. The outcome of this case against Eircom is detailed below:
  - a) Eircom pleaded guilty to 10 counts brought against it.
  - b) Judge Brennan imposed criminal convictions for each of the 10 counts and ordered Eircom to pay a total of €23,500 in fines.
  - c) Eircom stated that it is continuously working on upskilling its staff and that it had recently introduced an interactive voice recognition system whereby a customer calling for the third time in respect of a complaint would be

recognised (by their number) and would be automatically diverted to “an experienced staff member”.

- d) Eircom expressed its regret at its breaches and has paid ComReg an agreed amount by a way of contribution to ComReg’s legal costs.
5. ComReg will continue to monitor the complaints it receives from consumers and will continue to investigate matters arising in respect of Section 45 of the Act and other relevant regulatory obligations.