



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

## Information Notice

Referral to Adjudication in accordance with  
section 71 of the Communications Regulation  
and Digital Hub Development Agency  
(Amendment) Act 2023

### Information Notice

**Reference:** ComReg 25/59

**Version:** Final

**Date:** 09/09/2025

1. The Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (“the 2023 Act”) came into force on 9 June 2023. Among other things, this Act introduced a new adjudication regime for the regulation of electronic communications in Ireland. This regime aims to enhance regulatory enforcement by establishing an independent adjudication process for handling suspected breaches of regulatory obligations in the electronic communications sector in Ireland.
2. Under this regime, independent Adjudicators, who have been appointed by the Minister for the Environment, Climate and Communications, consider cases referred by ComReg Authorised Officers and take decisions on whether an operator of electronic communications networks or services has breached a relevant regulatory provision. If so, the adjudicators will go on to decide on what, if any, regulatory sanction should be imposed on the operator. The sanctions available to Adjudicators include directions to terminate a regulatory breach, orders to pay refunds in respect of overcharging, orders to pay compensation to victims of regulatory breaches, the imposition of financial sanctions and the suspension or withdrawal of a general authorisation or rights of use for radio spectrum or numbering.
3. Section 69 of the 2023 Act provides that where an Authorised Officer, having investigated a suspected regulatory breach, suspects on reasonable grounds that an operator has committed or is committing a regulatory breach, he/she may, with the consent of the Commission, refer the matter for adjudication in accordance with section 71 of the 2023 Act.
4. On 29 August 2025, an Authorised Officer appointed by ComReg referred a matter to adjudication in accordance with section 71 of the 2023 Act. This referral concerns the compliance of Eircom Limited trading as Eir and Open eir (“Eircom”) with certain regulatory obligations imposed upon it by ComReg Decision D10/18 (ComReg Document No. 18/94, *Market Review, Wholesale Local Access (WLA) provided at a Fixed Location, Wholesale Central Access (WCA) provided at a Fixed Location for Mass Market Products*). In particular, the Authorised Officer suspects that Eir has committed the following regulatory breaches:
  - (a) That during the period 15 January 2020 to 5 May 2022 (inclusive), Eircom, in breach of its obligation of cost-orientation under Section 12.2 (as further specified in Section 12.6) of the WLA Decision Instrument in Appendix 20 to ComReg Decision D10/18, imposed charges being charges other than, and additional to, the maximum fixed rental charges published in the applicable Price List.
  - (b) That during the period 19 May 2019 to 5 May 2022 (inclusive), Eircom, in breach of Section 10.5 of the WLA Decision Instrument in Appendix 20 to ComReg Decision D10/18, offered and applied charges for Duct Access, the

amount or price of which was not published.

5. On 29 August 2025, Eircom was provided with a copy of the Referral Report prepared by the Authorised Officer in this matter, together with relevant supporting documents.
6. On 8 September 2025, Eircom was served with notice of the Referral pursuant to section 83 of the 2023 Act. Eircom has 30 days, beginning on the date of service of this notice, to make submissions to the Adjudicators assigned to deal with this Referral on the Referral Report prepared by the Authorised Officer. This period may be extended by a maximum of 15 days at the discretion of the Adjudicators dealing with the matter.
7. Further details of the Adjudication process under the 2023 Act may be found here: [Regulatory Adjudication | Commission for Communications Regulation](#). ComReg Guidelines for Adjudication Proceedings can be found here: [Legislation, Rules and Guidelines | Commission for Communications Regulation](#).