



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Virgin Media Ireland Limited

Undertaking pursuant to Section 73 of the Consumer Protection Act 2007

Information Notice

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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1. In June 2023 ComReg opened an investigation into Virgin Media Ireland Limited's ("Virgin Media") conditions and procedures for contract termination. ComReg was concerned that certain statements of the representations made or conduct (including omissions) by Virgin Media's agents in respect of Virgin Media's own services and its competitors' services in calls with customers who called to switch their service to another service provider may have been false and/or misleading.
2. Specifically, ComReg suspected that Virgin Media may not have been compliant with its obligations imposed under Sections 42(1), 43(1), (2) and/or 46(1) of the Consumer Protection 2007 ("the 2007 Act") that Virgin Media provided false information in relation to broadband performance which may cause the average consumer to be deceived or misled in relation to broadband performance and to make a transactional decision that the average consumer would not otherwise make. In addition, ComReg suspected that Virgin Media had omitted material information that the average consumer would need, in the context, to make an informed transactional decision and such practice would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make.
3. Pursuant to Section 73 of the 2007 Act where ComReg has reason to believe that a trader is committing or engaging in a prohibited act or practice, is about to do so, or has done so, it may accept a written undertaking from that trader containing terms and conditions that are, in ComReg's determination, appropriate in the circumstances.
4. ComReg has accepted an undertaking from Virgin Media as set out in Annex 1 to this Information Notice.
5. Among Virgin Media's commitments are that it will comply with its obligations under Section 42(1) of the 2007 Act and specifically, Virgin Media will:
 - I. ensure that Virgin Media agents / employees refrain from making representations to consumers that ECS providers, who use the Open Eir or Siro networks, provide an inferior broadband service or cannot deliver the advertised maximum ("up to") speeds associated with the consumer's line as a result of the Open Eir or Siro networks being shared, or because of network congestion;
 - II. ensure that the internet access service speed information provided to customers by Virgin Media agents / employees is the same as the information provided in the relevant customer's terms and conditions; for example, agents will not mention speeds as guaranteed or as always attainable, if this is not consistent with the applicable terms and conditions; and

- III. ensure that Virgin Media agents / employees refrain from making representations to consumers that Virgin Media's internet access speeds are "guaranteed" as a result of Virgin Media not sharing its lines.
6. In consideration of the undertaking and commitments made by Virgin Media, ComReg does not intend to take further action in respect of this matter.
7. ComReg will continue to monitor compliance by all undertakings with their obligations under the 2007 Act and other consumer legislation and, where necessary, will investigate any matters arising.

Annex 1 Full text of Undertaking by Virgin Media Ireland Limited

AGREEMENT AND UNDERTAKING

The Commission for Communications Regulation

And

Virgin Media Ireland Limited

This Agreement and Undertaking is made by and between The Commission for Communications Regulation (“**ComReg**”) and Virgin Media Ireland Limited (“**Virgin Media**”) on the date set forth below. The Undertaking of Virgin Media contained herein is accepted¹ by ComReg pursuant to Section 73 of the Consumer Protection Act, 2007 (as amended) (“**the 2007 Act**”). ComReg and Virgin Media are referred to collectively as “the Parties.”

WHEREAS:

- A. Virgin Media is a corporate entity which provides electronic communications services to members of the public. Virgin Media is required to be authorised by ComReg pursuant to Regulation 6 of the European Union (Electronic Communications Code) Regulations 2022, and at relevant times prior to 9 June 2023, pursuant to Regulation 4 of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (S.I. No. 335 of 2011).
- B. Virgin Media engages in business operations for purposes related to its trade or business, making it a trader subject to the obligations specified in the 2007 Act.
- C. ComReg is the statutory body responsible for the regulation of the electronic communications sector (telecommunications, radio communications, broadcasting transmission and premium rate services) and the postal sector, as described in Section 10 of the Communications Regulation Act, 2002 (as amended) (“**the Act**”).
- D. ComReg has statutory powers and functions under the 2007 Act relating to the provision of electronic communications networks, electronic communications services, associated facilities and premium rate services.
- E. Sections 10(1A) – (1E) of the Act provide, among other things, as follows:

¹ The Undertaking shall be signed on behalf of Virgin Media by a director, manager, secretary or other officer with the appropriate authority to sign on behalf of Virgin Media and then returned to ComReg. ComReg’s acceptance of the Undertaking will occur only at the point of signature by or on behalf of the Commission. A copy of the Undertaking signed by or on behalf of the parties shall be provided by the Commission to Virgin Media. By signing the Undertaking Virgin Media agrees to these conditions

(1A) The functions of the Competition and Consumer Protection Commission specified in subsection (1B) are (in so far as they relate to the provision of electronic communications networks, electronic communications services, associated facilities and premium rate services) also functions of the Commission for Communications Regulation, and subsections (1B) to (1E) have effect for the purposes of this subsection.

(1B) The functions of the Competition and Consumer Protection Commission referred to in subsection (1A) are the functions of that Commission under—

(a) sections 71 to 73, 75, 77, 80 to 82, 85 to 88 and 90 of the Consumer Protection Act 2007 in relation to Part 3 of that Act,

(b) sections 71 to 73, 75, 77, 80, 85 to 88 and 90 of the Consumer Protection Act 2007 in relation to Parts 4 and 5 of the Consumer Rights Act 2022...

(...)

(1C) Subsection (1A) operates to vest in the Commission, concurrently with the vesting in the Agency of those functions by the Consumer Protection Act 2007, the functions specified in subsection (1B).

(1D) Accordingly—

(a) functions so specified are, subject to any relevant co-operation agreement entered into under section 21 of the Consumer Protection Act 2007, capable of being performed by either the Agency or the Commission, and

(b) subject to subsection (1E), references to the Agency in the provisions of the Consumer Protection Act 2007 specified in subsection (1B) are to be read as including references to the Commission and those provisions otherwise apply.

(1E) Where any section of the Consumer Protection Act 2007 specified in subsection (1B) provides for anything to be done in relation to the Agency (whether the giving of notice to it, the submitting of a thing to it or the doing of any other thing) then, if a cooperation agreement entered into under section 21 of that Act so specifies, it is sufficient compliance with the section concerned if the thing is done in relation to the Agency or the Commission as is specified in that agreement.

F. ComReg entered into a Co-operation Agreement with the Competition and Consumer Protection Commission on 8th July 2025, which agreement replaces and supersedes the Co-operation Agreement between the Parties dated, 11 November 2025, as varied by an agreement dated 19 July 2016.

- G. Therefore, ComReg is empowered to ensure compliance with the relevant provisions of the 2007 Act and the Consumer Protection Act 2022.
- H. By way of background, ComReg has reason to believe that Virgin Media has, in the past (a period during 2023), committed or engaged in a prohibited act or practice within the meaning of the 2007 Act. Specifically, that certain Virgin Media agents may have previously engaged in misleading commercial practices, within the meaning of Sections 42(1), 43(1), (2) and/or 46(1) of the 2007 Act. ComReg initiated an investigation and identified some instances where agents made certain representations (and/or omissions in respect of Virgin Media's own services). ComReg raised concerns that these representations might have impacted customers' transactional decisions, or that by omitting information which ComReg considers to be material, this may have caused customers to make transactional decisions they might not otherwise have made. These representations (and/ or omissions made by Virgin Media agents) are collectively referred to as the "**Prohibited Act or Practice**".
- I. The Parties have reached an agreement, as more particularly described below, wherein ComReg accepts² Virgin Media's herein Undertaking, which is given pursuant to section 73 of the 2007 Act.

IT IS HEREBY AGREED AS FOLLOWS:

- J. Virgin Media will comply with its obligations under Section 42(1) of the 2007 Act and ensure that its employees / agents do not engage in misleading commercial practice(s). Without prejudice to the generality of the foregoing, Virgin Media will:
- i. Ensure that Virgin Media agents / employees refrain from making representations to consumers that ECS providers, who use the Open Eir or Siro networks, provide an inferior broadband service or cannot deliver the advertised maximum ("up to") speeds associated with the consumer's line as a result of the Open Eir or Siro networks being shared, or because of network congestion;
 - ii. Ensure that the internet access service speed information provided to customers by Virgin Media agents / employees is the same as the information provided in the relevant customer's terms and conditions; for example, agents will not mention speeds as guaranteed or as always attainable, if this is not consistent with the applicable terms and conditions; and

² Subject to the condition set out in footnote 1.

- iii. Ensure that Virgin Media agents / employees refrain from making representations to consumers that Virgin Media's internet access speeds are "guaranteed" as a result of Virgin Media not sharing its lines.
- K. Subject to Virgin Media's ongoing compliance with this Undertaking, ComReg agrees that it will not take any enforcement action in relation to a Prohibited Act or Practice.
- L. Virgin Media agrees and acknowledges that should Virgin Media fail to comply with the terms and conditions of this Undertaking, ComReg may, in accordance with section 73(7) of the 2007 Act, apply for an order of prohibition against Virgin Media³ or serve a compliance notice on Virgin Media under section 75 of the 2007 Act.
- M. Nothing in this agreement shall be construed to impair ComReg's right to institute civil or criminal proceedings against Virgin Media for any matter not specifically described herein.
- N. ComReg will publish this Undertaking in accordance with section 73(3) of the 2007 Act in conjunction with an information notice.
- O. This Agreement and Undertaking shall be, and is intended by the Parties to be, a binding and enforceable agreement which may be enforced exclusively by action in an Irish Court of competent jurisdiction. This Agreement and Undertaking shall be governed by, and construed in accordance with the laws of the Republic of Ireland.
- P. The Undertaking provided herein shall be binding on the successors and assigns of Virgin Media.
- Q. The terms "and" and "or" as used herein have both conjunctive and disjunctive meanings.

³ In accordance with section 71 of the 2007 Act.