



Commission for
Communications Regulation

Consultation Paper

Future Regulation of Electronic Communications Networks and Services

Arrangements for General Authorisations

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1 Foreword

As operators are aware, from 25 July next a new regulatory framework comes into effect. The most visible result will be to change the legal basis under which networks and services may be provided. It will no longer be necessary for operators to apply for a licence (except in cases where the use of scarce spectrum is involved). Instead, there will be a general entitlement to provide networks and services subject to compliance with standardised conditions. This paper sets out those conditions.

The conditions are subject to enabling legislation currently being prepared by the Department of Communications, Marine and Natural Resources. ComReg considers that it is important to inform operators and users of the intended approach now in order to ensure an orderly transition to the new framework. Should the final version of the legislation differ in a material respect from the draft provisions published by the Minister in December 2002, it may be necessary to modify the proposals contained in this paper.

It should be noted that the conditions of a General Authorisation set out standard conditions which apply to all operators. Under the new framework, special provisions apply in the case of operators with Significant Market Power. ComReg is empowered to apply additional conditions to be observed by such operators in order to develop competition. Special conditions will also apply in the case of operators designated with a universal service obligation.

Etain Doyle,
Chairperson

2 Introduction

By this stage, all providers of networks and services should be aware that the legal basis for the provision of electronic communications networks and services will change throughout the European Union from 25 July 2003. ComReg and its predecessor have published a number of papers which outline the new framework required by the set of Directives adopted by the European Union in April 2002. [Annex 4](#) provides a listing of the documents published to date along with other relevant links.

One of the main changes is the replacement of the current licensing requirement for providers of networks and services with a general authorisation to provide networks and services subject to defined conditions. This paper is concerned with the format in which this general authorisation will be expressed and sets out for information the conditions to be observed in association with the exercise of the right to provide networks and services.

Full and final implementation of regulatory measures, including the format and applicability of conditions needs to be informed by national legislation which will transpose the provisions of the Directives into national law. Regulations for this purpose are in the course of preparation by the Minister for Communications, Marine and Natural Resources. The Minister held a public consultation between December 2002 and February 2003 on the draft text for regulations. Accordingly, the measures indicated in this paper are subject to modification in the light of the final version of the regulations as made by the Minister. It is intended that this paper will form the nucleus of guidance notes which will be issued following the enactment of the legislation

This document is without prejudice to the legal position or the rights and duties of ComReg to regulate the market generally. Any views expressed are not binding and are without prejudice to the final form and content of any decisions which ComReg may make.

3 Previous consultations

In the context of general authorisations, the principle consultations were Doc No 02/22 and 02/51 – Future Authorisations along with 02/72 and 02/114 – General Authorisation Conditions.

3.1 Consultation on general authorisation framework (02/51)

The conclusions of the first consultation included:

- There will be a standard form General Authorisation but the applicability of particular conditions to different categories of networks and services will depend on the networks or services involved
- Distinction will be drawn between public and private networks and services.
- Existing licence conditions which arise as a result of a competitive or comparative bidding will be provided for through spectrum rights of use. Existing conditions will therefore be maintained.
- SMP obligations will be legally separate from the General Authorisation conditions. The criteria and procedures for SMP obligations will be referenced in a General Authorisation.

3.2 Consultation on general authorisation conditions (02/114)

The second consultation was concerned with the conditions which would form part of the General Authorisation. A number of associated issues were also discussed in that consultation with an indication of the broad principles which ComReg intended to apply. These issues are further considered in this consultation and include:

- Definition of networks and services – the broad definition of networks and services was noted.
- Notification – the consultation noted that it would be disproportionate to require all categories of networks and services which fall within the definition to notify ComReg.
- Broadcast content distribution services - Broadcast distribution networks are specifically within the definition of networks set out in the Framework Directive. Insofar as services carried on such networks are concerned, ComReg holds the view that (except for free access) the provision of access to such networks and the delivery of content services to end users over such networks constitutes an electronic communications service and as such will be subject to the applicable standard conditions.
- Virtual networks – Service related conditions will apply but may also be subject to network related conditions.
- Distinction between public and private – services provided to unconnected third parties will be considered to be publicly available

3.3 Structure of this paper

Section 4 discusses the format of the general Authorisation, the draft text of which is contained in Annex 1. Also of relevance is Annex 2 which maps the linkages between the proposed general authorisation conditions and the existing telecom licence conditions

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Section 5 is concerned with the issues detailed in Section 3.2 above. It is envisaged that ComReg will adopt final decisions, subject to the legislation, on these issues following this consultation.

Section 6 provides a general commentary on how ComReg generally intends to manage the transition from licensing to the new framework. Again the plans in this Section are subject to the final legislation.

Section 7 provides details on how comments may be provided.

4 Format of General Authorisation

A draft text of a General Authorisation is set out as [Annex 1](#).

4.1 Applicability

Every electronic communications network or service shall be subject to appropriate conditions of a general authorisation. This will be the case whether or not a particular category of network or service is required to submit a notification. However only the conditions in Part 2 of the General Authorisation will apply in cases where there is not a requirement to notify.

4.2 Structure

Part 1 – Paragraph 1 sets out the definitions used throughout the document and sets out the rights which providers of networks and services have under the new framework (Paragraph 2). Paragraph 3 refers to any future amendment of the General Authorisation and states that the procedures provided for in national legislation will be followed. That Paragraph also makes clear that enforcement provisions relating to the General Authorisation will be as provided for by national legislation. The main applicable provisions in this regard are contained in the Authorisation Regulations but other legislation may have relevance such as the Communications Regulation Act 2002. Paragraphs 4 and 5 set out the procedure which will be followed by ComReg in deciding to impose, maintain, amend or withdraw SMP obligations and USO obligations

Part 2 sets out 7 conditions which have general applicability, irrespective of whether the network or service is publicly available or whether it is of a category exempted from the notification requirement.

Part 3 sets out 8 conditions which only have applicability where the network or service is not exempted from the notification requirement.

4.3 Detail of Conditions

For the most part the conditions are not prescriptive but express a requirement in general terms. As indicated in 02/114, ComReg believes that fully detailed conditions would be counterproductive given the dynamic nature of the communications industry. Accordingly, ComReg does not intend to specify obligations in detail except where it is necessary to do so. An example of this is the condition relating to administrative fees. As with the current licence condition in telecom licences, it is not proposed that the General Authorisation condition would specify the methodology for calculating fees. This is currently done through a separate instrument and it is proposed that this practice will continue.

In 02/114, it was indicated that any change to the conditions of a General Authorisation would come within the ambit of Article 6 of the Framework Directive and would therefore be subject to prior public consultation. In particular Article 14

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of the Authorisation Directive requires that interested parties, including users and consumers be allowed sufficient time to express their views on proposed amendments.

Interested parties should note that where requirements exist under the terms of current licences in relation to the subject matter of the conditions specified in the general authorisation, these will be maintained unless incompatible with the provisions of the Directives.

5 Consultation Issues

5.1 Networks and Services within scope of general authorisation

The Directives and the Regulations define networks and services in very broad terms. In view of the multiplicity of possible networks and specialised services, ComReg does not consider it practical to itemise what specific networks fall within or without the definition. By way of guidance however, ComReg considers the following to be covered by the definition:

Network headings	Includes
Telecom networks	Fixed line, wireless and mobile. Used for voice or data or both
Broadcasting transmission or distribution networks	Radio or TV transmitters including deflector transmitters, cable television networks. MMDS television networks, satellite broadcast transmission networks. Included in network are any associated network elements e.g. point-to-point links
Satellite Networks	SITs, vSATs, SUTs.
Radio links	Point-to-point and point to multi-point links (if not included under network headings above)
Dark Fibre Networks	
Metropolitan, Wide or Local Area Networks	(If not included under any of above) Fixed or Radio based
Mobile Radio	Business Radio, Community Repeater

Table 5.1 Networks within the scope of a General Authorisation.¹

The definition of services is not quite as broad and a number of qualifications are used in the definition which serves to narrow down the range of services. According to the definition, the service shall consist “wholly or mainly” in the conveyance of signals on networks and that the service is normally provided for remuneration.

However there is a clear demarcation between networks and services in that a network is physical hardware (but can include software) while the essential feature of a service is that it consists of the conveyance of signals on networks.

ComReg has considered whether it is possible to categorise services in a manner that is meaningful to users or potential users while not imposing narrow definitions which may be unduly restrictive on service providers.

¹ This listing represents ComReg’s current view as to networks which fall within the definition of an electronic communications network for the purpose of implementing the EU Directives and the national Regulations. It should not be regarded as definitive and the legal requirement will be as stated in the Regulations as enacted.

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In view of the above ComReg proposes, subject to the Regulations, to categorise services under the following headings:-

Service Heading	Includes
Voice telephony services	Provision of access to public telephony networks – fixed, wireless or mobile. Provision of voice services, including CPS and resellers
Data transmission services	Provision of data services - VPN
Internet Access Services	Non-subscription based access service (i.e. dial-up) Metered or flat-rate services
Broadcasting transmission services	Transmission services provided to content providers
Broadcast distribution services	Distribution services provided to content providers

Table 5.2 Services within the scope of a General Authorisation.²

Q.1 Do you consider that the categorisation of networks and services which are within the scope of a General Authorisation as outlined in Section 5.1 above is appropriate? In particular, do you consider that further categories should be included or that any as listed should be removed? Please provide reasons.

5.2 Exemption from Notification

02/114 discussed the principles associated with notification. In particular, it considered that notification would be required to achieve two objectives – to facilitate the publication of indices of providers for the information of users and to facilitate the verification of compliance with the applicable conditions of a general authorisation. The report considered that it would be disproportionate to require all categories of networks and services which fall within the definition to notify ComReg. Accordingly it proposed that notification would only be required where networks or services are provided to third parties. For the avoidance of doubt, services, by definition, are normally provided to third parties for remuneration, whereas networks may be utilised for self use or may be installed but not yet utilised for the provision of services.

The draft transposing regulations state (Reg 3(6) draft Authorisation regulations):-

² As with networks, this listing represents ComReg's current view as to the categorisation of services which fall within the definition of an electronic communications service. It should not be regarded as definitive and the legal requirement will be as stated in the Regulations as enacted.

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“ComReg may, after consultation with the Minister, determine that any undertaking providing an electronic communications network or service of a particular class or description specified in such determination, may not be subject to the requirements of paragraph (1)”(i.e. the requirement to make a notification).

Accordingly, ComReg proposes, subject to the provisions of the Regulations, to make an order specifying that the following shall be exempt from the requirement of the Regulations as they relate to notification:

- Electronic communications networks wholly for own use (including use by connected companies)

Q.2 Do you consider that any further categories of networks or services should be exempted from the requirement to notify ComReg? Please provide reasons.

5.3 Broadcast content distribution networks and services

5.3.1 Networks

Broadcast distribution networks are specifically within the definition of networks set out in the Framework Directive. The definition of an electronic communications network (ECN) contained in Article 2(a) of the Framework Directive specifically lists as examples satellite networks, networks used for radio and television broadcasting and cable television networks. The definition also makes clear that the type of information contained in the signal conveyed on the network is not a relevant factor in determining the status of the network under the Directives.

It is also worth noting that the application of rights and obligations arising from the operation of an ECN does not apply solely to the owners of ECNs. They also extend to providers of ECNs by way of Article 2 (m) of the Framework Directive which defines the *"provision of an electronic communications network"* as *"the establishment, operation, control or making available of such a network"*. This provision can be interpreted as meaning that there is no requirement for a communications provider to enjoy exclusive rights over the elements that combine to form an ECN. Combined with Recital 3 of the Access Directive - *"an operator may own the underlying network or facilities or may rent some or all of them"*, it is apparent that in order to be deemed an ECN provider, ownership is not required. Instead a provider is identified by the ability to exercise sufficient control over an ECN to the extent that electronic communication services are offered over it. This opens the possibility for ECN providers to build their network by leasing infrastructure (e.g. dark fibre, transponder capacity) from other undertakings.

In the Irish market, the following networks used to provide broadcasting services within Ireland can therefore be considered as being within the scope of the definition of an ECN for the purpose of the Directives

- RTE radio and television terrestrial transmission network

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- Independent radio and television terrestrial transmission network
- “Deflector” television networks
- Cable television networks
- MMDS television networks
- Satellite television networks

Other networks, which may in the future be used for the provision of broadcasting services (such as DTT or telecoms networks) will, or are already, considered to be ECNs.

5.3.2 Services

A number of services are provided over ECNs used for broadcasting. These can be generally distinguished under two headings:

Marketing and provision of content services – this entails the “selling” of the content, whether the content is a radio/television package or bouquet of programming, “pay” services such as film or sport channels, interactive services such as gaming, banking or shopping services. The provision of such services, whether by the network provider or a third party, do not fall within the definition of an electronic communications service (ECS). They are specifically excluded from the definition of an ECS by Article 2(c) of the Framework Directive which states *“electronic communications service ... exclude services providing, or exercising editorial control over, content transmitted using electronic communications networks and services; it does not include information society services ... which do not consist wholly or mainly in the conveyance of signals on electronic communications networks”*.

Provision of access to network and/or delivery of content services on network – In providing consumers with the services described above, content providers must arrange for the electronic delivery of such services. This is achieved through the content provider contracting for the carriage of its services on a network or on a number of networks. In some cases the content provider and the network provider are the same entity. The network provider, in creating its network, also facilitates or provides the means whereby consumers can access the network. Means of access can include

- installation of an aerial or satellite dish (with decoder) to access free content services.
- connection of a subscriber’s premises to a cable network by the installation of a network termination point on the premises – for some networks additional decoding equipment is required.
- the provision of unique receiving and decoding equipment in order to access particular networks. This is the means used by satellite and MMDS networks.

It is important to note that an ECS is a service which is *“normally provided for remuneration”*. Accordingly the self provision of equipment for accessing free content carried on networks is clearly not an ECS. In the other cases mentioned above the cost of connection and or the provision of equipment is financed out of the

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subscription charge or by a once off charge supplemented by an ongoing element of the subscription charge.

In addition to its provision normally for remuneration, the other feature of an ECS is that it “*consists wholly or mainly in the conveyance of signals on electronic communications networks*”. In addition to “purchasing” content (which is not an ECS), part of the subscription charge paid by consumers relates to the cost of delivery of the content, i.e. the cost to the network provider of operating the network. Where a network provider and the content provider are separate entities, it is also possible for the cost of delivery to be met, at least partly, through a charge paid by the content provider. This latter funding method is not utilised by cable or MMDS networks in Ireland.

Previous papers indicated that ComReg considered that the provision of access to broadcasting networks and the delivery of content services to end users over such networks constitute an electronic communications service as they fall within the definition of an ECS outlined above. However, contrary views have been expressed by the EU Commission and by one particular operator engaged in the television services distribution market. ComReg is also aware that other Member States have alternative arrangements for the regulation of such services.

In view of the lack of clarity surrounding the issue, conscious of the need to avoid undue discrimination between different television services distribution operators and in order to give certainty as to the regulatory environment, ComReg has decided that it shall not, for the time being, treat the provision of access to broadcasting networks and the delivery of content services to end users as an electronic communications service to which its regulatory powers under the new framework relate. Accordingly, such activities will not be subject to the conditions of a General Authorisation.

The above approach only relates to the retail service – the provision of transmission services to broadcasters is an ECS and indeed is a recommended market for market analysis to assess whether the market is effectively competitive³. Furthermore network operations will be subject to the relevant conditions of a general authorisation and, where appropriate, the provisions of Wireless Telegraphy licences relating to spectrum use will also apply. The particular impact of the decision in relation to ECS however is that customers of television distribution networks will not have the same level of rights as would customers of voice or data services.

In commenting on the draft legislation to transpose the new Framework⁴, ComReg considered that it would be beneficial to operators and end users if the Department outlined its views in connection with the scope of the framework in relation to access to and the delivery of content services. ComReg notes a recent reply to a Dáil question⁵ on this subject where the Minister indicated that if the new regulatory

³ OJ 2003 L114/45

⁴ ComReg 03/12

⁵ Col 792-794, Dáil Debates 15 April 2003

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package does not allow for the regulation of those aspects (access to facilities, quality of service and consumer protection) he would consider additional legislation to address these aspects. ComReg supports such a proposal and, based on its experience in dealing with such matters under the current framework, will make recommendations to the Minister for his consideration concerning possible legislative provisions.

Q.3 Do you agree with ComReg's intended approach to retail broadcast distribution services? Please provide reasons for alternative views.

5.4 Virtual Private Networks (VPN)

In document 02/114, ComReg indicated that while VPN offerings appeared to constitute a service, the question of whether they could also be subject to network related conditions and rights was left open. On further reflection, ComReg considers that VPNs do not exhibit all the characteristics of an ECN and consequently should be considered as falling solely within the scope of an ECS. This conclusion is based on the fact a VPN meets all the criteria of an ECS (i.e. Service normally provided for remuneration; consists wholly or mainly in the conveyance of signals; available on ECNs), but arguably fails the most important test of an ECN (i.e. no physical infrastructure).

Q.4 Do you agree with ComReg's intended approach to the regulatory treatment of VPNs? Please provide reasons for alternative views.

5.5 Distinction between public and private networks

The relevance of this issue relates to Interconnection rights and obligations. In Doc 02/114, it was also indicated that the distinction had relevance to the appropriateness of a number of conditions. While all providers of electronic communications services may request access, the right (and the obligation) to negotiate interconnection is mandatory in the case of providers of public electronic communications networks. ComReg has considered whether it would be possible to draw up a definitive listing of the types of networks which could be categorised as being public networks but concluded that it would be preferable to develop principles which can assist in determining whether or not a network is a public communications network and will issue guidelines shortly.

These guidelines will consist of a series of tests that ComReg proposes to apply should a dispute regarding eligibility for interconnection arise.

One of these tests is likely to be that the entity must operate a public communications network. The Access Directive specifically limits the provisions of the New Framework to those networks used for the provision of publicly available electronic communications services. Any test will be based on whether such an entity falls within the definition of a public communications network (as set out in the Framework Directive) which is "a network used wholly or mainly for the provision of publicly available electronic communications services".

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However this definition leaves open a wide number of interpretations as to how a public network may be identified. In particular the words “wholly or mainly” provide scope for interpretation. ComReg wishes to seek the views of respondents as to how a public network may be identified. Aspects which may be considered relevant include the proportion of capacity or volume of services offered to the public vis-à-vis the proportion offered to subsidiaries or related companies; the level of remuneration required to avail of the service; the volume or profile of potential users; or the contractual terms and conditions which may dictate who can avail of the service. ComReg welcomes views on which criteria respondents believe is most appropriate to determine whether or not a communications network is public.

Q.5 What criteria do you believe ComReg should apply when determining whether an entity operates a public communications network?

5.6 Format of Notification

The Directive and the draft regulations provide for notification and also specify that requirements of notification be limited in scope. Based on these requirements a draft notification form is set out at [Annex 3](#). The form is largely self-explanatory. However, ComReg would appreciate if respondents could consider whether the form strikes the correct balance between the provision of relevant information and avoiding the imposition of a disproportionate burden on operators.

Q.6 Do you agree with the format of the notification form proposed by ComReg? Please provide reasons for alternative views.

5.7 Public Register

Part of the reason for notifications is to facilitate the maintenance of a public register. The draft Regulations provide that the register may contain such information as contained in the notification as ComReg considers appropriate. ComReg is minded to make all of the information publicly available with the exception of the contact details set out in Section 2.

Q.7 Do you agree with ComReg’s intended approach to the compilation of a public register of undertakings which have submitted notifications? Please provide reasons for alternative views.

6 Transition from Licensing

Regulation 20 of the draft regulations provides that a person who holds a licence issued under Section 111 of the 1983 Act shall be deemed to be authorised on and from 25 July 2003. The licence will cease to have effect from that date – however this does not affect the continuation in force of SMP obligations. Licensees under Section 111 who will be therefore deemed to be authorised are holders of the following

- General Telecommunications Licence
- Basic Telecommunications Licence
- Mobile Licence
- 3 G Licence

The draft regulations also provide that a number of television distribution licensees who hold various Wireless Telegraphy licences are also deemed to be authorised from 25 July. These are:

- Analogue cable licensees (under 1974 regulations)
- Digital cable and MMDS licensees (under 1999 regulations)
- “Deflector” licensees (under 1999 regulations).

ComReg has proposed to the Department that the listing of “deemed” undertakings should also include the RTE and independent sector transmission activities along with community repeater licensees.

Unlike the telecom licences, the Wireless Telegraphy licences remain in force, subject to their conformity with the requirements of the provisions of the Directives relation to spectrum rights of use. Further clarification on this aspect will be provided prior to 25 July.

The effect of the transposing regulations specifying the above will be to provide a seamless transition for affected licensees to being authorised in accordance with the Regulations. The requirements of the telecom licences are largely replaced by the conditions of the General Authorisation and [Annex 2](#) shows the relationship between the proposed conditions and existing conditions.

The regulations also provide that notwithstanding the above measures, the affected licensees are required to submit a notification as soon as possible after 25 July 2003. ComReg considers that notifications from such entities should be provided no later than end August 2003.

ComReg will maintain a listing of telecom licensees on its website for a limited period after 25 July. As notifications are received, the undertakings in question will be removed from the list – they will be recorded in the register of notifications

7 Submitting Comments

All comments are welcome; however it would make the task of analysing responses easier if comments were referenced to the relevant question numbers from this document.

The consultation period will run from 6th June to 27th June during which the Commission welcomes written comments on any of the issues raised in this paper. This is a shorter period than normal but is necessary because of the urgency associated with the issues involved. This arises from the requirement of the Directives to adopt all administrative provisions necessary to comply with the Directives not later than 24 July 2003.

Having analysed and considered the comments received, in the light of the final legislative provisions put in place by the Minister, ComReg will re-issue this paper as a guidance note in relation to the provision of electronic communications networks and services. It is anticipated that this will occur during the first half of July.

A report on the consultation which will, inter alia, summarise the responses to the consultation will also be published. In order to promote further openness and transparency ComReg will publish the names of all respondents and make available for inspection responses to the consultation at its Offices.

Annex 1 – Draft text for General Authorisation

General Authorisation

Pursuant to the European Communities (Electronic Communications)
(Authorisation) Regulations, 2003.

(S.I. No. ____ of 2003)

Part 1: Definitions and Interpretation

1.1. In the Authorisation and the Conditions, the expressions set out below have the meanings given to them below (and other grammatical forms of the expressions have corresponding meanings):

“2002 Act”: means the Communications Regulation Act, 2002 (No. 20 of 2002);

“Access Regulations” means the European Communities (Electronic Communications) (Access) Regulations 2003 (S.I. No. – of 2003);

“Affiliate”: means any company or entity controlling or controlled by the Authorised Person;

“Authorisation”: means an authorisation pursuant to Regulation 3 of the Authorisation Regulations to provide Authorised Services;

“Authorisation Regulations”: means the European Communities (Electronic Communications) (Authorisation) Regulations, 2003 (S.I. No. – of 2003);

“Authorised Person”: means the person who is deemed to be authorised to provide Authorised Services under Regulation 3 of the Authorisation Regulations;

“Authorised Services”: means the establishment, operation, control and/or making available of any Electronic Communications Network and/or the provision of Electronic Communication Services to any third party for remuneration consisting wholly or in part of the transmission and/or routing of signals on an Electronic Communications Network;

“Commission”: means the Commission for Communications Regulation established by section 6(1) of the 2002 Act;

“Conditions”: means the Conditions set out in Parts 2 and 3 of this Authorisation and as otherwise supplemented or amended from time to time;

“Electronic Communications Network”: means the transmission systems and, where applicable, switching or routing equipment and other resources which permit the conveyance of signals by wire, radio, by optical or by other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the propose of transmitting signals, networks used for radio and television broadcasting and cable television networks irrespective of the type of information conveyed;

“Electronic Communications Services”: means a service normally provided for remuneration which consists wholly or mainly in the conveyance of signals on Electronic Communications Networks, including telecommunications services and transmission services in networks used for broadcasting;

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“End-User”: means a legal entity or natural person using or requesting a publicly available Electronic Communications Service not providing public Communications Networks or publicly available Electronic Communications Services.

“Framework Regulations”: means the European Communities (Electronic Communications) (Framework) Regulations, 2003 (S.I. No. – of 2003);

“Minister”: means the Minister for Communications, Marine and Natural Resources;

“Obligations”: means an obligation which the Commission may impose on an Authorised Person pursuant to Regulations 5 and 7-13 of the Access Regulations and Regulations 14, 15 and 16 of the Universal Services Regulations.

“Other Authorised Operator”: means any person who, at the relevant time, is deemed to be authorised to provide Authorised Services under Regulation 3 of the Authorisation Regulations;

“Public Communications Network”: means an Electronic Communications Network used wholly or mainly for the provision of publicly available Electronic Communications Services;

“State”: means Ireland;

“Users”: means a legal entity or natural person using or requesting publicly available Electronic Communications Services;

“Universal Service Regulations”: means the European Communities (Electronic Communications) (Universal Service and Users’ Rights) Regulations, 2003 (S.I. No. – of 2003);

“Universal Service Directive”: means the European Communities Directive 2002/22/EC of 24 April 2002 on universal service and users’ rights relating to Electronic Communications Networks and Services.

1.2 In this Authorisation unless the context indicates a contrary intention:

- (1) a reference to a paragraph shall be to a paragraph of this Authorisation unless otherwise stated;
- (2) a document will be incorporated into and form part of the Conditions if it is referred to in the Conditions and a reference to such a document is to that document as varied from time to time;
- (3) headings used for Conditions, paragraphs, subparagraphs are for ease of reference only and will not affect the interpretation of the Conditions;
- (4) references to any law, ordinance, by-law, regulation or other statutory instrument include any modification, re-enactment or legislative provisions substituted for the same;

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- (5) use of the word ‘includes’ or ‘including’ is to be construed as being without limitation; and
- (6) the masculine gender shall include the feminine and neuter, and the singular shall include the plural, and vice versa, and words importing persons shall include firms or companies.

2. Nature of the Authorisation

2.1 An Authorised Person may:-

- (a) subject to Regulation 7(3) of the Authorisation Regulations, provide the electronic communications networks or services as described in a notification under Regulation 3(2) or 3(4) or, where a notification is not required, as described in a determination by the Commission
- (b) apply for a consent under section 53 of the 2002 Act, and
- (c) apply for a licence under section 254(1) of the Planning and Development Act, 2000 for the establishment of overground electronic communications infrastructure and any associated physical infrastructure.

2.2 Where the Authorised Person is providing an Electronic Communications Service or Network to the public he/she may:

- (a) under the conditions of, and in accordance with, the Access Regulations negotiate interconnection with and where applicable obtain access to or interconnection from another Authorised Person or another undertaking deemed to be authorised in another Member State to provide a publicly available Electronic Communications Network or Service; and
- (b) be given an opportunity by the Commission to be designated under Regulation 7 of the Universal Service Regulations to carry out obligations referred to in that Regulation.

2.3 For the avoidance of doubt, the Authorisation is non-exclusive.

2.4 The Authorisation is personal to the Authorised Person. The Authorised Person shall not sub-authorise or grant or otherwise transfer any right, interest or entitlement in the Authorisation.

2.5 Nothing in this Authorisation shall absolve the Authorised Person from any requirement in law to obtain such additional consents, permissions or Authorisations as may be necessary for the provision of Authorised Services and for the exercise of its rights or discharge of its obligations under the Authorisation. The Authorised Person is responsible for all costs, expenses and other commitments (financial and non-financial) in respect of the Authorisation and provision of the Authorised Services and the Commission shall bear no responsibility whatsoever for such costs, including without limitation expenses or commitments.

Future Regulation of Electronic Communications Networks and Services - Arrangements for General Authorisations

2.6 This Authorisation supersedes any prior communications from the Commission relevant to Authorised Services and nothing in any guidance notes or other prior communications by the Commission shall be deemed incorporated into this Authorisation.

2.7 This Authorisation is subject to the provisions of the Authorisation Regulations, all applicable national and European Community law and all decisions, determinations, requirements, specifications, notifications and directions made by the Commission from time to time in accordance with the applicable national or European Community laws.

3. Amendment and enforcement

3.1 The Commission may amend this Authorisation from time to time where objectively justifiable and in a proportionate manner. Any amendment shall be made in accordance with Regulations 14 of the Authorisation Regulations, and any other requirements under applicable national or European Community law.

3.2 The Commission may enforce the Authorisation Conditions in accordance with Regulation 15 of the Authorisation Regulations, and any other requirements under applicable national or European Community law.

4. Procedures for Imposition, Maintenance, Amendment or Withdrawal of Obligations

4.1 The Commission shall not impose obligations on Authorised Persons otherwise than in accordance with the provisions of the Framework Regulations.

4.2 The Commission shall define relevant markets in accordance with the requirements of Regulation 15 of the Framework Regulations.

4.3 The Commission shall carry out analysis of such markets in accordance with the requirements of Regulation 16(1) and shall determine on the basis of such analysis whether each relevant market is effectively competitive

4.4. Where the Commission concludes that a relevant market is effectively competitive, the Commission shall not impose any obligations on any Authorised Person. In cases where an Authorised Person had previously been designated as having Significant Market Power (“SMP”) in such market and such obligations already exist, the Commission shall, after giving reasonable notice to any parties which it considers to be affected by such withdrawal, withdraw such obligation from the Authorised Person concerned.

4.5 Where the relevant market is not competitive (i.e. where there are one or more Authorised Persons with SMP, the Commission shall designate the Authorised Person(s) with SMP (“SMP Operators”) in that market in accordance with Regulation 14 of the Framework Regulations. In relation to such SMP Operators, the Commission shall impose, maintain or amend such specific obligations as the Commission considers appropriate in accordance with the provisions of the Framework, Access and Universal Service Regulations.

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- 4.6 The Commission shall, jointly with any other relevant national regulatory authority concerned, apply the provisions of this paragraph 4 in relation to transnational markets identified in a decision referred to in Article 15(4) of the Framework Directive.
- 4.7 The Commission shall, after such period as it considers appropriate, carry out a further analysis of each relevant market in accordance with the provisions of the Framework Regulations.

5. Procedures for Imposition of Universal Service Obligations

- 5.1 The Commission shall impose Universal Service Obligations on one or more Authorised Persons in accordance with the Universal Service Directive. – *This section will be expanded with details provided following the report on the consultation on Universal Service Provisions (Doc 02/116)*

Part 2: General Conditions

6. Provision of Information

6.1 The Authorised Person shall provide such information requested from time to time by the Commission, in the form and at the times specified by the Commission, for the purpose of the objectives set out in Regulations 15(1) and 16(1) of the Authorisation Regulations and in Regulation 8(1) of the Framework Regulations; and in accordance with the provisions of Regulation 16(2) of the Authorisation Regulations and Regulation 8(2) of the Framework Regulations.

7. Emergency Services and Major Disasters

7.1 The Authorised Person shall comply with any decisions, determinations, requirements, specifications, notifications and directions issued by the Commission from time to time regarding emergency services and the provision of Authorised Services during major disasters.

8. Electromagnetic Radiation

8.1 The Authorised Person shall take all necessary measures regarding the limitation of exposure of the general public to electromagnetic fields caused by Electronic Communications Networks.

9. Integrity of Public Communications Networks

9.1 The Authorised Person shall ensure that his or her Electronic Communications Network and parts thereof shall be designed, constructed, installed, maintained, operated and used so as not to cause interference of any type whatsoever with the lawful use or operation of any Electronic Communications Network..

9.2 The Authorised Person shall comply with any decisions, determinations, requirements, specifications, notifications and directions issued by the Commission from time to time regarding the maintenance of the integrity of Public Electronic Communications Networks and in connection with investigations by the Commission into cases of interference with the operation of Electromagnetic Communications Networks or other authorised apparatus for wireless telegraphy.

10. Use of Radio Frequencies

10.1 Where the Authorised Person uses apparatus for wireless telegraphy of a class or description set out in an order(s) under Section 3(6) of the Wireless Telegraphy Act, 1926 which provides an exemption from licensing, the Authorised Person shall use such apparatus in accordance with such orders. A list of licence exempt apparatus for wireless telegraphy (radios) is available on the ComReg website. - <http://www.comreg.ie/sector/default.asp?s=4&navid=139&nid=100145>

11. Standards to Ensure Harmonised Electronic Communications Networks and Services

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- 11.1 The Authorised Person shall have regard to any notices or guidelines issued by the Commission under Regulation 18 of the Framework Regulations which are issued for the purpose of encouraging the use of standards, specifications or recommendations adopted by the International Telecommunication Union, the International Organisation for Standardisation or the International Electrotechnical Commission.

Part 3: Conditions Applying to Persons Obligated to Notify the Commission under Regulation 3 of the Authorisation Regulations

12. Universal Service Funding

12.1 The Authorised Person shall make contributions to assist in the funding of a Universal Service in conformity with the Universal Service Regulations and in accordance with any directions issued by the Commission under applicable laws and regulations governing Universal Service Obligations in force from time to time.

13. Administrative Charges

13.1 The Authorised Person shall make any payment required by the Commission in accordance with the Authorisation Regulations.

14. Interconnection

14.1 The Authorised Person shall comply with the provisions of the Access Regulations and with any decisions, determinations, requirements, specifications, notifications and directions issued by the Commission from time to time regarding access and interconnection under applicable laws and regulations in force.

14.2 The Authorised Person shall, when requested by any Other Authorised Operator negotiate interconnection with that Other Authorised Operator for the purpose of providing publicly available electronic communications services in order to ensure provision and interoperability of services throughout the Community.

14.3 The Authorised Person shall respect at all times the confidentiality of information acquired from another undertaking and use it solely for the purpose for which it was supplied.

14.4 The Authorised Person shall offer access and interconnection to Other Authorised Operators on terms and conditions consistent with any obligations imposed by the Commission pursuant to Regulations 5, 6, 7 and 8 of the Access Regulations.

15. Accessibility of numbers

15.1 The Authorised Person must at all times comply with the National Numbering Conventions in force from time to time in respect of numbers allocated from the national numbering scheme, as well as any special conditions that ComReg may attach to specific numbers from time to time.

16. Co-location and Facility Sharing

16.1 The Authorised Person shall comply with any decisions, determinations, requirements, specifications, notifications and directions issued by the Commission in relation to co-location and facility sharing.

17. Misuse of Data

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- 17.1 The Authorised Person shall safeguard the privacy and confidentiality of any electronic communication messages associated with the Authorised Services in accordance with any applicable national and European Community law in force from time to time.
- 17.2 The Authorised Person shall not make use of network or traffic data, traffic profiles or any other data of any nature, and which are not otherwise lawfully publicly available and which become available to the Authorised Person directly or indirectly either as a result of entering into interconnection arrangements or otherwise as a result of carrying electronic communications messages, in such a way which, in the reasonable opinion of the Commission, would unduly prefer the interests of any business carried on by the Authorised Person or an Affiliate or place persons competing with that business at an unfair disadvantage.
- 17.3 The Authorised Person must at all times comply with all applicable national and European Community law in force from time to time, including but not limited to the requirements of EC Directive 97/66/EC of 15 December 1997, regarding personal data and privacy protection specific to the electronic communications sector.

18. Consumer Protection Rules

- 18.1 The Authorised Person shall comply with all decisions, determinations, requirements, specifications, notifications and directions issued by the Commission in relation to End-User interests and rights pursuant to the Universal Service Regulations and the Universal Service Directive.

19. Security of Public Networks

- 19.1 The Authorised Person shall take all measures necessary to ensure the security of Public Electronic Communications Networks against unauthorised access according to Directive 97/66/EC.

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Annex 2 – Relationship between draft conditions of a General Authorisation and the conditions of a General Telecommunications Licence

Draft General Authorisation	General Telecommunications Licence
Part 2: General Conditions	
<p>Provision of Information</p> <p>6.1 The Authorised Person shall provide such information requested from time to time by the Commission, in the form and at the times specified by the Commission, for the purpose of the objectives set out in Regulations 15(1) and 16(1) of the Authorisation Regulations and in Regulation 8(1) of the Framework Regulations; and in accordance with the provisions of Regulation 16(2) of the Authorisation Regulations and Regulation 8(2) of the Framework Regulations.</p>	<p>3.1 The Licensee shall provide all documents, records, accounts, estimates or other information requested from time to time by the Commission, in the form and at the times specified by the Commission, for the purpose of verifying that the Licensee is complying with the Conditions, for statistical purposes or to assist the Commission to perform any duty or function imposed by national or European Community law. The Licensee shall notify the Commission of any material change in the ownership or control of the Licensee, any change in the address or telephone number of the Licensee’s principal office or on the occurrence of any event described in Conditions 4.8(3), (4), (5) or (6).</p>
<p>7. Emergency Services and Major Disasters</p> <p>7.1 The Authorised Person shall comply with any decisions, determinations, requirements, specifications, notifications and directions issued by the Commission from time to time regarding emergency services and the provision of Authorised Services during major disasters.</p>	<p>6.7 The Licensee shall comply with any directions issued by the Commission from time to time regarding emergency services and the provision of Licensed Services in times of emergency.</p>
<p>8. Electromagnetic Radiation</p> <p>8.1 The Authorised Person shall take all necessary measures regarding the limitation of exposure of the general public to electromagnetic fields caused by Electronic Communications Networks.</p>	<p><i>Condition not contained in General Telecommunications Licence – the condition is generally specified in Wireless Telegraphy Act licences</i></p>
<p>9. Integrity of Public Communications Networks</p> <p>9.1 The Authorised Person shall ensure that his or her Electronic Communications Network and parts thereof shall be designed, constructed, installed, maintained, operated and used so as not to cause interference of any type whatsoever with the lawful use or</p>	<p>6.5 The Licensee shall not attach to Public Telecommunications Networks any terminal equipment unless it is lawful to do so, or other equipment which fails to comply with essential interfaces or other essential requirements notified from time to time by the Commission.</p> <p>3.6 The Licensee shall comply forthwith with any demand made by a person</p>

<p>operation of any Electronic Communications Network.</p> <p>9.2 The Authorised Person shall comply with any decisions, determinations, requirements, specifications, notifications and directions issued by the Commission from time to time regarding the maintenance of the integrity of Public Electronic Communications Networks and in connection with investigations by the Commission into cases of interference with the operation of Electromagnetic Communications Networks or other authorised apparatus for wireless telegraphy.</p>	<p>authorised by the Commission under Section 111 (7) of the 1983 Act in relation to any entry, inspection, test, measurement, copying of any record or the giving of information as may reasonably be required by that authorised officer.</p>
<p>10. Use of Radio Frequencies</p> <p>10.1 Where the Authorised Person uses apparatus for wireless telegraphy of a class or description set out in an order(s) under Section 3(6) of the Wireless Telegraphy Act, 1926 which provides an exemption from licensing, the Authorised Person shall use such apparatus in accordance with such orders.</p>	<p><i>Condition not contained in General Telecommunications Licence – the requirement is contained in the relevant “Exemption” Order</i></p>
<p>11. Standards to Ensure Harmonised Electronic Communications Networks and Services</p> <p>11.1 The Authorised Person shall have regard to any notices or guidelines issued by the Commission under Regulation 18 of the Framework Regulations which are issued for the purpose of encouraging the use of standards, specifications or recommendations adopted by the International Telecommunication Union, the International Organisation for Standardisation or the International Electrotechnical Commission.</p>	<p><i>Condition not contained in General Telecommunications Licence</i></p>

<p><u>Part 3: Conditions Applying to Persons Obligated to Notify the Commission under Regulation 3 of the Authorisation Regulations</u></p>	
<p>12. Universal Service Funding 12.1 The Authorised Person shall make contributions to assist in the funding of a Universal Service in conformity with the Universal Service Regulations and in accordance with any directions issued by the Commission under applicable laws and regulations governing Universal Service Obligations in force from time to time.</p>	<p>6.6 The Licensee shall make contributions to assist in the funding of a USO in accordance with any directions issued by the Commission under applicable laws and regulations governing USO in force from time to time.</p>
<p>13. Administrative Charges 13.1 The Authorised Person shall make any payment required by the Commission in accordance with the Authorisation Regulations.</p>	<p>2.8 The Licensee shall make any payment required by the Telecommunications (Miscellaneous Provisions) Act, 1996 (Section 6) Levy Order, 1998.</p>
<p>14. Interconnection 14.1 The Authorised Person shall comply with the provisions of the Access Regulations and with any decisions, determinations, requirements, specifications, notifications and directions issued by the Commission from time to time regarding access and interconnection under applicable laws and regulations in force. 14.2 The Authorised Person shall, when requested by any Other Authorised Operator negotiate interconnection with that Other Authorised Operator for the purpose of providing publicly available electronic communications services in order to ensure provision and interoperability of services throughout the Community. 14.3 The Authorised Person shall respect at all times the confidentiality of information acquired from another undertaking and use it solely for the purpose for which it was supplied. 14.4 The Authorised Person shall offer access and interconnection to</p>	<p>8. Interconnection The Licensee shall comply with the European Communities (Interconnection in Telecommunications) Regulations 1998 insofar as same are applicable to the Licensee, and undertakes to participate in good faith in any negotiations or dispute resolution processes initiated pursuant to those regulations.</p>

Other Authorised Operators on terms and conditions consistent with any obligations imposed by the Commission pursuant to Regulations 5, 6, 7 and 8 of the Access Regulations.	
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<p>15. Accessibility of numbers</p> <p>15.1 The Authorised Person must at all times comply with the National Numbering Conventions in force from time to time in respect of numbers allocated from the national numbering scheme, as well as any special conditions that ComReg may attach to specific numbers from time to time.</p>	<p>10. Numbering</p> <p>10.1 The Licensee shall not use any number from the National Numbering Scheme for the purpose of terminating telecommunications messages on any Public Telecommunications Network within the State unless that number shall have been allocated to the Licensee by the Commission for that purpose.</p> <p>10.2 Insofar as any number from the National Numbering Scheme, which is allocated to the Licensee by the Commission, is used for terminating telecommunications messages, the Licensee shall use the same for terminating telecommunications messages solely on a Public Telecommunications Network in the State. Any numbers from the National Numbering Scheme allocated to the Licensee shall be used in accordance with the conditions applicable to their allocation and with the other provisions of this Condition 10 and the National Numbering Scheme and any other numbering plans or conventions or directions issued by the Commission from time to time.</p> <p>10.3 No Licensee shall acquire any proprietary rights in any number or range of numbers allocated to it or used by its customers. No number or range of numbers may be sold or otherwise transferred by the Licensee without the prior written consent of the Commission.</p> <p>10.4 The Licensee shall manage any numbers allocated to it:</p> <ul style="list-style-type: none">(1) with a view to conserving numbers as a public resource; and(2) in conformity with the National Numbering Scheme. <p>10.5 The Licensee shall maintain a record of the status of all numbers allocated to it by the Commission and shall, on request, make that information available to the Commission. The Licensee shall ensure that the allocation of individual numbers or number ranges by the Licensee to its customers is carried out in an objective, transparent, non-discriminatory and timely manner.</p> <p>10.6 The Licensee shall make any changes in any equipment, facilities or processes required in order to continue to comply with the National</p>
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	<p>Numbering Scheme or any directions issued by the Commission from time to time. The Commission may change the numbers allocated to the Licensee at any time. The Licensee shall comply with any direction of the Commission in relation to the implementation of number changes and informing Users of such changes.</p> <p>10.7 The Commission may reclaim any numbers or numbering ranges allocated to the Licensee if, in the opinion of the Commission:</p> <ul style="list-style-type: none">(1) the numbers are unused and unlikely to be put into use in the foreseeable future;(2) reclamation is necessary as part of a change to the National Numbering Scheme; or(3) the Licensee is found to be in breach of any Condition, including specific numbering Conditions. <p>10.8 The Licensee shall not charge its customers for allocations of numbers except where authorised and in accordance with any direction from the Commission.</p> <p>10.9 The Licensee shall comply with any directions issued by the Commission following a public consultation regarding number portability.</p> <p>10.10 The Licensee shall reserve and use the access codes 112 and 999, and other codes subsequently designated as being for use as emergency access codes, exclusively for calls to the emergency services.</p>
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<p>16. Co-location and Facility Sharing</p> <p>16.1 The Authorised Person shall comply with any decisions, determinations, requirements, specifications, notifications and directions issued by the Commission in relation to co-location and facility sharing.</p>	<p>Trench Sharing</p> <p>9.1 Where the Licensee proposes to carry out any trenching work on a public highway or in any public place, he shall notify the Commission of his intention and shall publish a notice of same in at least one national and one local newspaper of general circulation not less than 21 days in advance of commencement of such works, or as otherwise agreed with the Commission. If the Licensee receives a request from any Other Licensed Operator for permission to lay separate ducts in the trenches opened by the Licensee and sharing would not result in any material deviation from the Licensee's timetable for completion of the trenching work or roll-out of its Telecommunications Network, the Licensee shall negotiate in good faith with the Other Licensed Operator with a view to agreeing the terms on which such trench-sharing shall take place. Such terms may include a provision that the Other Licensed Operator make a fair contribution to the costs incurred in connection with the trenching work.</p> <p>9.2 Recognising timetable issues of the kind described in Condition 9.1, the Commission may on her own initiative at any time, and shall if requested by the Licensee and the Other Licensed Operator concerned in any particular instance, make directions specifying the issues to be covered in any agreement of this type, the conditions that shall apply and the time limits within which the agreement is to be completed.</p>
<p>17. Misuse of Data</p> <p>17.1 The Authorised Person shall safeguard the privacy and confidentiality of any electronic communication messages associated with the Authorised Services in accordance with any applicable national and European Community law in force from time to time.</p> <p>17.2 The Authorised Person shall not make use of network or traffic data, traffic profiles or any other data of any nature, and which are not otherwise lawfully publicly available and which become</p>	<p>6.4 The Licensee shall safeguard the privacy and confidentiality of any telecommunications messages associated with the Licensed Services in accordance with applicable national and European Communities laws in force from time to time and shall comply with all applicable national and European Communities laws from time to time regarding the protection of personal data.</p>

available to the Authorised Person directly or indirectly either as a result of entering into interconnection arrangements or otherwise as a result of carrying electronic communications messages, in such a way which, in the reasonable opinion of the Commission, would unduly prefer the interests of any business carried on by the Authorised Person or an Affiliate or place persons competing with that business at an unfair disadvantage.

17.3 The Authorised Person must at all times comply with all applicable national and European Community law in force from time to time, including but not limited to the requirements of EC Directive 97/66/EC of 15 December 1997, regarding personal data and privacy protection specific to the electronic communications sector.

<p>18. Consumer Protection Rules</p> <p>18.1 The Authorised Person shall comply with all decisions, determinations, requirements, specifications, notifications and directions issued by the Commission in relation to End-User interests and rights pursuant to the Universal Service Regulations and the Universal Service Directive.</p>	<p>6.1 The Licensee shall, in the manner and at the times specified by the Commission, publish the standard terms and conditions under which it provides each category of Licensed Services to its customers. In the absence of any other instruction from the Commission, the Licensee shall ensure that a statement of all applicable terms and conditions is:</p> <ul style="list-style-type: none"> (1) filed with the Commission; and (2) promptly made available for inspection at the request of any member of the public. <p>6.2 The Licensee shall ensure the accuracy and reliability of any systems, equipment, data or procedures which the Licensee uses to measure or to track the provision of Licensed Services or for the calculation of related charges.</p> <p>6.9 The Licensee shall implement an appropriate code of practice for the resolution of customer disputes and in relation to non-payment of bills and disconnection. The Commission may from time to time issue directions to the Licensee specifying any modifications or additions that she considers should be made to the code or as to the publication, republication, implementation or further modification of the code. The Licensee agrees to participate in good faith in any dispute resolution procedure established by the Commission for the resolution of disputes.</p>
<p>19. Security of Public Networks</p> <p>The Authorised Person shall take all measures necessary to ensure the security of Public Electronic Communications Networks against unauthorised access according to Directive 97/66/EC.</p>	<p>6.4 The Licensee shall safeguard the privacy and confidentiality of any telecommunications messages associated with the Licensed Services in accordance with applicable national and European Communities laws in force from time to time and shall comply with all applicable national and European Communities laws from time to time regarding the protection of personal data.</p>

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Annex 3 – Draft Notification Form

Draft Notification Form

**Under Regulation 3 of the
European Communities (Electronic Communications)
(Authorisation) Regulations 2003.**

Introduction

This Notification Form should be read in conjunction with the following documents:

- European Communities (Electronic Communications) (Authorisation) Regulations 2003
- Doc No 03/XX: “General Authorisation Guidelines”
- Doc No 03/XX: “General Authorisation”

Persons intending to provide electronic communications networks and/or services should firstly establish whether the network or service which they intend to provide requires to be notified. To do this they should consider whether it/they fall within the definition of a class or description of a network or service which ComReg has specified as not requiring a notification. The current list of such networks and services is appended as Appendix 1 to this Document. (*See Section 5.2*)

If there is any doubt about whether it is necessary to make a notification, details should be supplied to ComReg for guidance.

Persons who are required to make a notification should submit a completed copy of this Notification Form in an envelope clearly marked “Electronic Communications Notification Form” addressed to

Commission for Communications Regulation,
Abbey Court,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.

A person shall be deemed to be authorised to provide an electronic communications network or service upon receipt by ComReg of a correctly completed Notification Form.

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Following receipt of a correctly completed Notification Form, ComReg will enter the details in a register. With the exception of Section 2, this register will be accessible on ComReg's website and may also be inspected at ComReg's offices. In accordance with Regulation 5(3) of the draft Authorisation regulations, members of the public may take copies of or extracts from entries in the register.

Applications for rights of use for numbers and number ranges must be made separately under procedures established by ComReg. Details of the application procedures for rights of use for numbers can be obtained from ComReg.

Separate application procedures also exist in regard to networks and services using radio-based infrastructure. Details of these procedures can be obtained from ComReg.

NOTIFICATION FORM

1. NAME AND ADDRESS OF NOTIFYING PERSON

1.1 Company Name: _____

1.2 Trading Name (if different to 1.1): _____

1.3 Postal
Address: _____

1.4 Registered Address (if different to
1.3): _____

1.5 Company Registration Number: _____

2. CONTACT DETAILS

2.1 Contact Person: _____

2.2 Telephone No.: _____

2.3 Fax No.: _____

2.4 Mobile No.: _____

2.5 Email: _____

2.6 Alternate Contact Person: _____

2.7 Telephone No.: _____

2.8 Fax No.: _____

2.9 Mobile No.: _____

2.10 Email: _____

3. NETWORK DESCRIPTION

Please tick the box or boxes below that best describes the network which is the subject matter of this Notification Form:

Description of Network	
Fixed Telephony Network	
Mobile Telephony Network	
Satellite Network	
Radio or Television Broadcasting Network	
Television Distribution Network	
Cable Television Network	
Electricity Cable System (for the purpose of transmitting signals)	
Other (please specify)	

4. SERVICE DESCRIPTION

Please tick the box or boxes below that best describes the services which are the subject matter of this Notification Form. Further details may be provided below

Description of Network	
Voice Telephony Services	
Broadcast Transmission or Distribution Services	
Data Transmission Services	
Internet Access Services	
Other (please specify)	

Further Details

5. GEOGRAPHICAL AREA COVERED BY THE ELECTRONIC COMMUNICATIONS NETWORK AND/OR SERVICE

Please provide details of the geographical area covered by the electronic communications network and/or service:

6. ESTIMATED DATE OF COMMENCEMENT OF NETWORK OR SERVICE

Please provide details of the estimated date of commencement of the electronic communications network and/or service:

DECLARATION

On behalf of the notifying person, I declare that:

- (a) the information provided by me on behalf of the notifying person is accurate and complete in all respects.
- (b) I have noted the documents – European Communities (Electronic Communications) (Authorisation) Regulations 2003, ComReg 03/XX General Authorisation Guidelines and ComReg 03/XX General Authorisation; and
- (c) the notifying person shall at all times comply with lawful directions of the Commission;

Signed:

Full name(s) of Signatory(ies):

Position held (where notifying person is a company, co-operative or other body corporate):

Date: _____

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Annex 4 - Links to relevant documents

Documents published by ComReg/ODTR

ODTR 02/22 - Future Authorisations - Consultation Paper	http://www.comreg.ie/_fileupload/publications/odtr0222.pdf
ODTR 02/51 - Future Authorisations – Response to Consultation	http://www.comreg.ie/_fileupload/publications/odtr0251.pdf
ODTR 02/69R - Access and Interconnection Directive 2002/19/EC - Briefing Note	http://www.comreg.ie/_fileupload/publications/odtr0269.pdf
ODTR 02/72 - General Authorisation Conditions – Consultation Paper	http://www.comreg.ie/_fileupload/publications/odtr0272.pdf
ODTR 02/102 - Charging Principles for Authorisations and Rights of Use – Consultation Paper	http://www.comreg.ie/_fileupload/publications/odtr02102.pdf http://www.comreg.ie/_fileupload/publications/odtr02102a.pdf
ComReg 02/114 - General Authorisation Conditions - Response to Consultation	http://www.comreg.ie/_fileupload/publications/ComReg02114.pdf
ComReg 02/115 - Rights of Use for Radio Frequencies – Consultation Paper	http://www.comreg.ie/_fileupload/publications/ComReg02115.pdf
ComReg 02/116 - The Future Framework for the Regulation of Universal Service in the Irish Market – Consultation Paper	http://www.comreg.ie/_fileupload/publications/ComReg02116.pdf
ComReg 02/117 - Market analysis and data collection for market reviews of electronic communications networks – Information Notice	http://www.comreg.ie/_fileupload/publications/ComReg02117.pdf
ComReg 03/05 - Numbering Issues – Information Notice	http://www.comreg.ie/_fileupload/publications/comreg0305.pdf
ComReg 03/12 - ComReg submission in connection with Department of Communications, Marine and Natural Resources consultation on draft legislation – Information Notice	http://www.comreg.ie/_fileupload/publications/ComReg0312.pdf
ComReg 03/31 - ComReg Consultation Procedures – Information Notice	http://www.comreg.ie/_fileupload/publications/ComReg0331.pdf
ComReg 03/39 – Rights of Use for Radio Frequencies – Response to Consultation	http://www.comreg.ie/_fileupload/publications/ComReg0339.pdf
ComReg 03/46 - Fees for Authorisations and Rights of Use – Response to Consultation	http://www.comreg.ie/_fileupload/publications/ComReg0346.pdf

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Documents published by European Commission

Framework Directive	http://www.europa.eu.int/information_society/topics/telecoms/regulatory/new_rf/documents/l_10820020424en00330050.pdf
Authorisation Directive	http://www.europa.eu.int/information_society/topics/telecoms/regulatory/new_rf/documents/l_10820020424en00210032.pdf
Universal Service Directive	http://www.europa.eu.int/information_society/topics/telecoms/regulatory/new_rf/documents/l_10820020424en00510077.pdf
Access Directive	http://www.europa.eu.int/information_society/topics/telecoms/regulatory/new_rf/documents/l_10820020424en00070020.pdf
Commission guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications networks and services	http://www.europa.eu.int/information_society/topics/telecoms/regulatory/maindocs/documents/c_16520020711en00060031.pdf
Directive on privacy and electronic communications	http://www.europa.eu.int/information_society/topics/telecoms/regulatory/new_rf/documents/l_20120020731en00370047.pdf
Commission Recommendation On Relevant Product and Service Markets within the electronic communications sector	http://www.europa.eu.int/information_society/topics/telecoms/regulatory/publicconsult/documents/relevant_markets/l_11420030508en00450049.pdf
Explanatory memorandum on Commission Recommendation	http://www.europa.eu.int/information_society/topics/telecoms/regulatory/maindocs/documents/explan_memoen.pdf

Documents published by Department of Communications, Marine and Natural Resources

Guidance Notes on the Transposition into Irish Law of the European Directives on Electronic Communications	http://www.dcmnr.gov.ie/files/Comms_Reg_Notes_On_Reg_Pack.doc
SI 80 of 2003 European Communities (Electronic Communications Networks and Services) (Market Definition and Analysis) Regulations 2003	http://www.dcmnr.gov.ie/files/Comms_Reg_SI_80_2003.doc
Draft Framework Regulations	http://www.dcmnr.gov.ie/files/cmFramework.doc
Draft Authorisation Regulations	http://www.dcmnr.gov.ie/files/cmAuthorisation.doc
Draft Universal Service Regulations	http://www.dcmnr.gov.ie/files/cmUSO.doc
Draft Access Regulations	http://www.dcmnr.gov.ie/files/cmAccess.doc

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