

[IE] Adoption of Communications Regulation Act

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At the end of April the Irish legislature enacted the Communications Regulation Act, 2002. The Act provides for the establishment of a new body, the Commission for Communications Regulation ("the Commission"). The Commission will be established on a date to be decided by the Minister for Public Enterprise.

The Commission will take over the functions of the Office of the Director of Telecommunications Regulation, which is the body currently responsible for implementing the laws on liberalising the telecommunications market, and is also responsible for regulating broadcasting distribution and the radio spectrum.

The functions of the Commission will include, inter alia, managing the radio frequency spectrum; investigating complaints regarding the supply of, and access to, electronic communications services, electronic communications networks and associated facilities and transmission of such services; and ensuring that undertakings involved in such services comply with their obligations. "Electronic communications network" is given a broad definition in the Act. In essence it means transmission systems that permit the conveyance of signals by wire, radio, optical or other electromagnetic means. "Electronic communications service" is also broadly defined. In essence it means a service that consists wholly or mainly in the conveyance of signals on electronic communications networks. These networks include, inter alia, telecommunications services and transmission services in networks used for broadcasting.

The Commission will also be the national regulatory authority on unbundled access to the local loop, for the purposes of Regulation No. 2887/2000 of 18 December 2000 of the European Parliament and of the Council. In carrying out these functions, the Commission's objectives will be to promote competition, to contribute to the development of the internal market and to promote the interest of users within the European Union.

The Commission will have wide powers of enforcement, and there are heavy penalties for breaches of the Act.

The Act also contains provisions regarding electronic communications infrastructure.

The Communications Regulation Act, 2002 of 27 April 2002

<http://www.gov.ie/bills28/acts/2002/a2002.pdf>

