

## [IE] New Commission for Communications Regulation

**IRIS 2003-1:1/31**

*Marie McGonagle  
School of Law, National University of Ireland, Galway*

The Communications Regulation Act, 2002 (see IRIS 2002-6: 14), provided for the establishment of a three-person commission to replace the Office of the Director of Telecommunications Regulation (ODTR). A Ministerial Order was issued to enable the new commission to be established on 1 December 2002, the fourth anniversary of the liberalisation of the telecommunications market. The Commission is to be known as ComReg, the Commission for Communications Regulation.

Section 11 of the Act states that "[S]ubject to this Act, the Commission shall be independent in the exercise of its functions." However, section 13 (1) states that: "[I]n the interests of the proper and effective regulation of the electronic communications and postal markets, the management of the radio frequency spectrum in the State and the formulation of policy applicable to such proper and effective regulation and management, the Minister may give such policy directions to the Commission as he or she considers appropriate to be followed by the Commission in the exercise of its functions. The Commission shall comply with any such direction."

The first such policy direction was issued in draft form by the Minister for Communications, Marine and Natural Resources on 2 December 2002. Key objectives include placing Ireland on a competitive par with the top OECD economies, creating an innovative legislative framework and flexible legal environment, and ensuring competitively-priced, high-quality postal services. Among the main priorities in the short- to medium-term are flat-rate Internet access and broadband rollout. Before imposing regulatory obligations, the Commission is directed to examine whether the objectives could be better achieved by forbearance, and reliance instead on market forces. It is also to ensure regulatory consistency with other Member States and across platforms, and to minimise costs, both the costs of regulation and retail prices.

***Statutory Instrument No. 510 of 2002 Communications Regulation Act 2002 (Establishment Day) Order 2002, 8 November 2002, Minister for Communications, Marine and Natural Resources***

<http://www.odtr.ie/docs/si510of2002.doc>

