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Commission for Communications Regulation

**NOTES FROM A SMALL ISLAND**

**ISOLDE GOGGIN**  
**COMMISSIONER FOR COMMUNICATIONS REGULATION**  
**IRELAND**

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**ComReg: Brief Review**

- **Established 1<sup>st</sup> December 2002 – under the Communications Act 2002**
- **Most functions transferred from ODTR**
- **Covers telecommunications regulation, spectrum management and posts**
- **Holy Trinity of Commissioners**
- **Objectives & Functions of regulator in statute:**
  - Promote competition
  - Contribute to development of internal market
  - Promote interests of consumers

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**Time Line for ComReg's Market Reviews**

Information notice	December '02
Industry workshop	23 January '03
Publication of Recommendation	11 February
Issue data collection questionnaires	18 February
Workshop on questionnaires	25 February
Return questionnaires	Mid April
Market analysis	May - December
Consultation process	October – January '04
Designations	January – April '04

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**Issues for a small country**

- **Few large operators**
  - Concentrated markets
  - Business case for infrastructure build-out may be weak
- **Focus of decision making may lie elsewhere**
  - Internal competition for funding
  - "Economies of scale" arguments may influence investment decisions
  - Resistance to divergence in regulatory decisions
- **Resource issues**
  - Regulatory package is same "size" for all countries
  - But all parties (regulator, incumbent, other authorised operators) have fewer staff

### The new framework in practice - NRA

- Increased interactions with Commission, ERG, IRG, NRA's, NCA...
- Vital to co-ordinate with other regulators, especially those facing similar issues
- But needs resources!
- ComReg has co-operation agreement with Irish Competition Authority
- Competition Authority participates in steering group for market reviews
- Parallel decentralisation of EC competition law – NCAs themselves participate in “network”
- Future interaction between ex-ante and ex-post

### The new framework – NRAs and the Commission

- **Fairly onerous notification requirements:**
  - Market definition (product and geographic)
  - Market analysis and SMP designation(s)
  - Results of prior public consultation
  - Opinion of NCA
  - Notification to other NRAs
  - Specific regulatory obligations proposed
- **NRAs in position akin to firms notifying under Merger Regulations**
- **Process and substance new to most NRAs**
- **Commission should review procedural rules after a reasonable time period**

### INDEPENDENT TELECOMS REGULATION IN THE EUROPEAN CONTEXT

- **Key issues:**
  - Subsidiarity -v- centralisation
  - Harmonisation -v- adaptation to national circumstances
  - Competition -v- regulation
- **“Hard” –v- “soft” harmonisation:**
  - Commission veto; national and EU courts; judicial review; appeals to appeal panel
  - Guidelines and comments; implementation reports; best practice formalised with other NRAs

### Conclusions

- **New Framework poses a challenge for all – operators, regulators, consumers**
- **Issues of scale, resources**
- **ComReg reasonably satisfied with progress so far**
- **In a small country, need to tap into all possible sources of information**
- **Co-operation with other NRA's, commission and NCA's vital**
- **Considerable challenges ahead**
- **But once transition is completed, expect framework to operate successfully.**