



## Ireland: Future Internet Developments

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#### Introduction

The Office of the Director of Telecommunications Regulation (ODTR) in Ireland recently concluded a consultation procedure on the future development of the Internet in the country. The Consultation Paper, entitled 'The Internet in Ireland – Communications Transmission and Delivery Issues' (Doc. No. ODTR 01/47), is wide-ranging and provides further evidence of the increasingly secure anchorage of the Information Society in Ireland. Past achievements, work in progress and future objectives in this field are given comprehensive treatment on the website of the [Information Society Commission](#); a body which was instituted in 1997 to research, provide policy advice on and promote, the development of the Information Society in Ireland.

Issues arising from the advent and espousal of new technologies are informing governmental policy-making, as well as making inroads into the legislative domain, to an unprecedented extent in Ireland. Last year, for instance, witnessed the promulgation as law of the Electronic Commerce Act, 2000 (Act No. 27 of 2000, enacted on 10 July 2000), which ensured the transposition of [Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures \(Official Journal of the European Communities, L013, 19/01/2000, p. 12\)](#) into domestic Irish law.

#### Background

The ODTR was established in June 1997 pursuant to the Telecommunications (Miscellaneous Provisions) Act, 1996 (Act No. 34 of 1996, enacted on 10 December 1996). It is first and foremost the National Regulatory Authority for the telecommunications sector in Ireland, but by virtue of the European Communities (Postal Services) Regulations, 2000 (Statutory Instrument No. 310 of 2000), the ODTR has also been assigned responsibility for the liberalisation of the postal sector.

The primary challenge faced by the ODTR is to address the multifarious technological and other concomitant changes that are coming on-stream in the telecommunications sector. The ODTR must operate within the parameters of EU and Irish law, as well as oversee the harmonious application of relevant laws emanating from both. To this end, the Office works in concert with homologous authorities in other Member States of the EU. The regulatory and other activities of the ODTR are geared towards maximising the benefits to be drawn by consumers from a liberalised telecommunications market.

The interest of the ODTR in the theme of the instant consultation exercise lies in its responsibility for the regulation of the communications networks underpinning the Internet. The ODTR has identified for itself a number of priority lines of action with a view to stimulating the growth of the "Internet market", including, *inter alia*, "licensing competing operators, developing frameworks for different technologies suited to internet delivery (such as FWA, LLU), pricing of interconnect services and leased lines, and the delivery of facilities against agreed service levels." Issues such as the regulation of

content and the registration of domain names are beyond its remit.

## **Issues Addressed**

The Consultation Paper begins by presenting its own factual, policy and legal background. It then proceeds to paint a detailed *tableau vivant* of the Internet in Ireland today and invites comments thereon. Penetration rates, trends and related consumer preferences are analysed and also compared with the *status quo* in other countries. Communications services comprising the Internet are also subjected to scrutiny. So too, are access issues, in particular local loop unbundling (which was begun as recently as the beginning of 2001), dial-up access and Internet Service Provider (ISP) payment for Internet services.

A consideration of other sources of income for ISPs takes its place in the analytical scheme of things, alongside a whole spectrum of other "general issues arising from the current state of deployment" (these centre largely on matters such as access and charges). Points of interconnection are then discussed.

The future of the Internet constitutes a separate major rubric in the Consultation Paper and is accordingly also examined at length. Projected developments are considered, mainly in respect of access issues and online services. The elimination of barriers to development constitutes the fulcrum of this section of the Paper. The ODTR is determined to create "a virtuous circle whereby residential and business users wish to increase their use of the Internet and the suppliers of services can benefit from economies of scale and lower prices further." New access mechanisms and models (eg. mobile and digital access) are also contemplated, albeit in a summary fashion. The ODTR invited feedback from interested members of the public on each of the issues mentioned in the (non-exhaustive) list above.

## **Conclusion**

This pulse-taking of Internet development and the impact of related technological changes in Ireland is timely: it follows the publication in December 2000 of the Third Report of Ireland's Information Society Commission. That report advocates the future prioritisation of the prompt and efficient honouring of Information Society commitments; the promotion of social inclusion in the Information Society and the creation of an environment which would be (even more) conducive to innovation and development in e-business.

The ODTR has indicated that the results of the consultation exercise will play a determinative role in the formulation of its future Internet-related programmes. They will usefully complement the lessons learned from other consultation exercises on, for example, the allocation of additional access codes and number ranges for dial up Internet access (concluded) and the treatment of discounts in the calculation of Settlement rates for Number Translation Codes (ongoing). Information gleaned from the ODTR consultation will also prove invaluable upon the conclusion of the current EU-level review of regulatory structures in the telecommunications sector; a review which is ultimately likely to necessitate significant changes to the legislation currently in force in Ireland and in other Member States.

The period for the consultation procedure stretched from 4 July to 27 August 2001 and its results will be posted on the [ODTR website](#) imminently.