



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Complaint Reporting

Regulatory Guidance - Requirements for Providers

Information Notice

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At the time of updating the Guidance, ComReg will explain and describe the changes to any updated versions of the document.

Legal Disclaimer

This Guidance sets out ComReg’s views on reporting obligations for relevant providers under section 43(a) of the Communications Regulation Digital Hub Development Agency (Amendment) Act 2023. It does not limit ComReg’s discretion in carrying out its statutory functions and powers. ComReg will apply this guidance, as appropriate, when exercising its functions and powers, but it does not necessarily set out ComReg’s final or definitive position on particular matters i.e. it is not an exhaustive list. ComReg may decide, as circumstances dictate, to depart from this Guidance where justified. This Guidance does not replace any regulations or laws and does not amount to legal advice. Whilst this Guidance endeavours to set out ComReg’s views, ComReg’s powers and responsibilities are often subject to change and are likely to evolve over time. Depending on the specific circumstances of such change, ComReg may review and amend this Guidance as it sees fit, including to take account of legislative developments, case-law, guidance from relevant bodies, advancements in technology, or any other matters which may impact ComReg’s views.

1 Complaints reporting obligation.

- 1 Commenced on the 9 June 2023, the European Union (Electronic Communications Code) Regulations¹ (the “ECC Regulations”) and the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023² (the “2023 Act”) (hereinafter referred to as “the legislation”), transpose the European Electronic Communications Code³ (the “Code”) into Irish Law.
- 2 Section 43 of the 2023 Act introduces a new obligation for providers⁴ to report to ComReg on complaints:
 - 2.1 *“A provider shall, within each period of 6 months beginning with the period beginning on the date on which this section comes into operation, report to the Commission on—*
 - 2.2 *(a) complaints made to it by end-users within the preceding 6-month period, and*
 - 2.3 *(b) such other matters relating to complaints by end-users made during that period as may be specified by the Commission.”*
- 3 Section 43 of the 2023 Act creates a mandatory obligation for providers to report to ComReg within a specific period. The first report must be submitted to ComReg on or before the reporting date of 9 December 2023 and include all complaints made by end-users within the reporting period commencing 1 June 2023 and ending 30 November 2023.
- 4 The second report is required to address complaints made by end-users within the reporting period commencing 1 December 2023 and ending 31 May 2024 and must be submitted to ComReg on or before the reporting date of 9 June 2024.
- 5 Subsequent reports are required to address complaints made by end-users within these same reporting periods (1 December to 31 May and 1 June to 30 November) and on or before the same reporting dates (9 December and 9 June) in each given year.
- 6 ComReg has not specified “*other matters relating to complaints*” that providers must report on for the purposes of section 43(b) of the 2023 Act, but it may do so in the future.
- 7 Providers should carefully review the provisions of Part 5 of the 2023 Act.

¹ S.I. No. 444 of 2022. <https://www.irishstatutebook.ie/eli/2022/si/444/made/en/pdf> commenced 9th June 2023

² <https://www.irishstatutebook.ie/eli/2023/act/4/enacted/en/pdf>

³ Directive 2018/1972 of the European Parliament and of the Council of 11 December 2018, see <https://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1972>

⁴ A “provider” is defined in section 40 of the 2023 Act as meaning: (a) an undertaking within the meaning of the Communications Regulation Act 2002 (as amended); (b) an undertaking within the meaning of Regulation 2 of the European Union (Open Internet Access) Regulations 2019 (S.I. No. 343 of 2019); or (c) an undertaking within the meaning of Regulation 2 of the European Communities (Mobile Telephone Roaming) Regulations 2022 (S.I. No. 315 of 2022).

- 8 All providers are required to have a code of practice for complaints handling. The 'ECS Complaints Handling Code of Practice' (ComReg D04/17⁵) sets out ComReg's Decision in respect of the minimum requirements for providers' codes of practice for complaint handling.
- 9 Section 4.2.1 of ComReg D04/17 requires that providers record and track complaints regardless of contact medium. The provider's code of practice must specify how these complaints are recorded, tracked and retained. ComReg D04/17 also defines a "Complaint" to mean:
 - 9.1 *"...an issue raised by an end-user to an undertaking relating to that undertakings product or service or its complaints handling process where the issue remains unresolved following an initial attempt by the undertaking to resolve it or where there has been no attempt by the undertaking to resolve it and the end-user expresses dissatisfaction, through one of the channels set out in the code of practice, that the issue remains unresolved."*
- 10 Providers are required to report on complaints made to them by end-users on the basis of this definition.
- 11 Appendix 1, which is an Excel workbook, is published alongside this Regulatory Guidance.
- 12 It provides the Data Dictionary at Tab 1 and the Metadata Descriptions (field headers in the Data Dictionary) at Tab 2 which are both explanatory in nature. The Data Dictionary details the reporting parameters⁶ which are based on the minimum requirements specified in ComReg D04/17 ("the reporting parameters").
- 13 To assist providers ComReg has also included indicative channels (at Tab 1a) and complaint classifications (at Tab 1b) and sub-classifications (at Tab 1c) which should be used. In the event that providers use other channels, classifications and/or sub-classifications, these should be reported and explained and a data dictionary for the terminology used should be provided with the report. In the event that a provider does not record classifications and/or sub classifications, this should be fully explained. ComReg has also provided an indicative reporting template at Tab 3.
- 14 The report submitted by a provider under section 43(a) of the 2023 Act should be based on the reporting parameters in ComReg 23/99a. No personal data should be provided in the report⁷.

⁵ See [Online]: https://www.comreg.ie/media/dlm_uploads/2017/06/ComReg1762.pdf

⁶ See Tab 1, Column D 'Name'

⁷ "Personal data" is defined in Article 4(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016. See also 'What is Personal Data' on the Data Protection Commission website [online]: <https://www.dataprotection.ie/en/dpc-guidance/what-is-personal-data>. For the purposes of the Reporting Template (Tab 3) please do not provide the 'unique reference number' as per the ComReg D04/17 definition.

- 15 Reports should be presented in a format that is accessible to ComReg; if the report is password protected, this password must be provided to ComReg on the same date as the report submission but in separate communications to the report.
- 16 The report should be submitted to ComReg in a file format that stores tabular data and enables individual complaint assessment (i.e. one complaint per row). Examples of this format include CSV (comma separated values), XLSX (spreadsheet e.g. excel) and XML (Extensible Markup Language).
- 17 The report should be emailed, as an attachment, to ECSCComplaintsReport@comreg.ie⁸.

⁸ This email address should also be used to raise any queries regarding complaint reporting.

Appendix 1 - Data Dictionary and reporting template.

A 1.1 'The 'Data Dictionary and reporting template' is published in an Excel workbook alongside this Regulatory Guidance.