



Commission for
Communications Regulation

Decision Notice

ComReg Code for Tariff Presentation

Decision No:	D11/04
Document No:	04/86
Date:	12th August 2004

Contents

1	Foreword.....	2
2	Introduction	3
2.1	BACKGROUND	3
2.2	MEASURES PROPOSED	3
2.3	RESPONSES TO THE CONSULTATION.....	3
3	Decision Notice Issues.....	5
3.1	GENERAL VIEWS ON THE MEASURE PROPOSED.	5
3.2	ACCURATE TARIFF INFORMATION.....	7
3.3	COMPREHENSIVE TARIFF INFORMATION	8
3.4	ACCESSIBLE TARIFF INFORMATION.....	9
4	Implementation of the Code.....	11
4.1	IMPLEMENTATION REQUIREMENTS	11
4.2	PUBLICISING THE CODE.....	11
5	ComReg Decision	12
	<i>Appendix A: ComReg Code for Tariff Presentation</i>	<i>13</i>
1	<i>Introduction</i>	<i>14</i>
1.1	<i>THE PRINCIPLES OF TARIFF PRESENTATION</i>	<i>14</i>
2	<i>Definitions.....</i>	<i>15</i>
3	<i>Guidance on Tariff Transparency Principles.....</i>	<i>16</i>
3.1	<i>ACCURATE TARIFF INFORMATION</i>	<i>16</i>
3.2	<i>COMPREHENSIVE TARIFF INFORMATION.....</i>	<i>17</i>
3.3	<i>ACCESSIBLE TARIFF INFORMATION</i>	<i>18</i>
4	<i>Compliance with Tariff Transparency Principles</i>	<i>19</i>
4.1	<i>END-USER COMPLAINT PROCEDURES</i>	<i>19</i>
4.2	<i>INDUSTRY DISPUTE PROCEDURES</i>	<i>19</i>
4.3	<i>COMREG ENFORCEMENT MEASURES.....</i>	<i>19</i>

1 Foreword

The Commission for Communications Regulation (ComReg) is responsible for the regulation of the electronic communications sector in Ireland. As part of its regulatory role, ComReg is required to ensure that up to date information on applicable prices and tariffs is available to end-users in respect of access to and use of publicly available electronic communications services¹.

Following two rounds of consultation in January and June 2004, ComReg is now publishing the ComReg Code for Tariff Presentation². In fulfilling its role to ensure transparency of tariff information ComReg has established three basic principles that service providers shall employ when presenting tariffs to end-users. The three principles are:

- Tariff information is accurate
- Tariff information is comprehensive
- Tariff information is accessible

In relation to each principle, specific guidance is given as an aid, where required, towards implementation. The guidance is also an indication of how ComReg will assess the degree of compliance by service providers.

The establishment of basic principles for tariff presentation by which the sector operates will ensure that end-users have access to transparent and up-to-date information for services relevant to their telephony needs. The Code communicates ComReg's minimum expectation of the industry. Ultimately, observance of the principles by all service providers of publicly available telephone services or of discrete elements of such a service will be a further step towards the development of competition in the telephony market in Ireland.

Service providers are required to adhere to this Decision and to submit, to ComReg, a statement of compliance with the Code by 1st October 2004.

John Doherty
Chairperson

¹ Section 12 (1)(a)(iii) and 12(2)(c)(iv) of the Communications Regulation Act, 2002.

² A full copy of the Code is available in the Appendix to this paper.

2 Introduction

2.1 Background

As part of its statutory functions³, ComReg is required to ensure that transparent and up to date information on applicable prices and tariffs are available to end-users in respect of access to and use of publicly available electronic communications services. Section 12 (2)(c)(iv) of the Communications Regulation Act 2002 along with Regulation 18 of the Universal Service Regulations, require ComReg to ensure that transparent and up-to-date information on tariffs exist.

In fulfilment of its statutory role ComReg considered it appropriate to establish a Code of Practice for Tariff Presentation. In doing so, ComReg has set out considerations and assessment criteria that it will apply in ensuring that transparency exists.

ComReg initially consulted on a draft Code in January 2004. Following this consultation ComReg refined the Code into a set of three concise principles, the purpose of which are to ensure that consumers have access to accurate and comprehensive tariff information when using communications services. A further consultation issued in June 2004 and the views put forward in that consultation are outlined in this paper.

2.2 Measures Proposed

It was proposed that when tariffs are presented to end-users by service providers, they should adhere to the principles contained in the ComReg Code for Tariff Presentation, namely that;

- Tariff information is accurate
- Tariff information is comprehensive
- Tariff information is accessible

For each principle specific guidance sets out how ComReg will assess the degree of compliance by service providers.

2.3 Responses to the Consultation

The views of interested parties were sought in relation to the proposed measures and seven responses were received from:

- David Campbell
- Chorus
- eircom
- Briege Kelly

³ Under Section 12(1)(a)(iii) and 12(2)(c)(iv) of the Communications Regulation Act, and under Regulation 18(1) & (2) of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations, S.I. 308 of 2003

- Jim Malone
- Sean Silke
- Vodafone

ComReg would like to thank those who took the time to respond to this consultation. The responses have helped ComReg to develop its view regarding future Code of Practice requirements on service providers. In this paper ComReg provides a brief synopsis of the issues raised in the consultation. In publishing this Decision Notice the detailed responses have also been published on the ComReg website (www.comreg.ie), document number 04/86a.

3 Decision Notice Issues

There was agreement with the proposed principles that tariffs should be accurate, comprehensive and accessible. As well as commenting on the specific text respondents provided general comments on the Code and/or requested clarification as to its purpose. This section of the paper is set out initially to respond to the general comments and then on the specifics of the text.

3.1 General Views on the measure proposed.

3.1.1 General Comments

All respondents commented at a general level and the principle issues raised are set out below.

Standard formats for tariff information

Three respondents are of the view that ComReg should require service providers to publish tariffs in a standard format as this would facilitate meaningful price comparisons. They did not agree with ComReg's view that this was not an appropriate inclusion in the Code.

Objective of the Code

One respondent who supports the principles recommends the development of a further principle that tariff presentations should be comprehensible. Their view is that competition may be hindered where consumers are presented with too much information. The respondent considered the emphasis should be on stimulating competition and avoiding regulatory overkill. They consider the Code should be subjected to Regulatory Impact Assessment with the key criteria being relevance.

ComReg's tariff transparency framework

One respondent requested clarity as to what is meant by the proposed concept of tariff transparency principles which the Code states 'establish a framework for ComReg in fulfilling its obligation to ensure that transparent and up to date information is available to end-users...'. This respondent noted that Regulation 18(1) of the Universal Service Regulations, which defines ComReg's tariff transparency role, does not refer to tariff transparency principles. They sought clarity from ComReg as to how the Code will be used operationally by ComReg.

The comment was also made that elements of the proposed Code are subjective and this may limit its effectiveness. One respondent highlighted potential issues on quality of information, which may 'genuinely vary between the operators and ComReg'. It may also leave service providers unclear on their responsibility. Another respondent, who considered many key issues had been addressed in the redraft of the Code was still concerned that the key concepts of the Code – accurate, comprehensive and accessible tariff information are subjective and have no corresponding definitions. This respondent re-iterated concerns regarding the legal priority of the Code in the context of several similarly purposed codes of practice and legislation. The respondent sought reassurance from ComReg that the following will be made clear;

- How the Code will interact with existing requirements?

- What measures ComReg may adopt when breaches occur?
- How conflicting investigations by other authorities will be managed?

Scope of the Code

One respondent considered that the Code should only apply to the residential market, and would exclude the business market. Their view is that business customers would tend to have access to pricing specialists who can carry out sophisticated analysis of which offering best suits their needs.

3.1.2 ComReg's Position on General Views

In relation to respondents' views that tariffs should be presented in a standard format, this point was also raised in the earlier consultation. ComReg can see how such a measure might be of use to end-users for comparing competing service providers. However, as stated previously ComReg is mindful not to place excessive restrictions on tariff innovation as this could potentially limit competition and ultimately consumer choice. While this has not been considered an appropriate inclusion in this Code, ComReg will continue to examine initiatives (such as interactive tariff guides) that might facilitate consumer access to meaningful tariff information as part of its role to ensure transparent and up to date information is available to consumers.

Further to the suggested principle that tariffs should be comprehensible, it may be the case from a practical viewpoint that every single detail on a tariff option cannot be included in all types of presentations, as doing so may confuse the target audience. For example, when promoting a tariff package it may not be necessary to include the charge to every international destination. However, ComReg considers it important that the tariff presentation includes a reference to where the full set of information can be obtained.

With regard to the comments received on the Code's subjectivity, potential duplication and the operational implications for ComReg, the Regulations establish an obligation on ComReg to ensure transparency. This Code provides clarity to the sector on how ComReg will discharge its regulatory role i.e. by setting high level principles (that tariffs shall be accurate, comprehensive and accessible) and providing guidance as to how ComReg will assess compliance with those principles. In terms of what respondents believe to be the risk of subjectivity; ComReg has gone to lengths throughout the consultation process to ensure that all the measures encapsulated are not too prescriptive, are appropriately defined and understood and ComReg does not intend to enter further exhaustive debate on the Code.

Where ComReg considers another authority is more suited to dealing with an issue ComReg will refer the matter to that authority for further action. At an operational level compliance issues will be assessed as they arise, on a case by case basis. For instance, consumers may raise concerns with ComReg that tariff information is misleading and in cases where ComReg considers a service provider is not adhering

to the Code's principles then it will ensure corrective action is taken and the nature of this action will vary depending on the degree of non-compliance.

ComReg's view is that the principles should be adhered to when presenting tariff information to business and residential end-users. While many large business and corporate users could have access to pricing specialists, it may not always be the case that smaller business customers are resourced to that extent. In addition, ComReg has outlined previously that neither the Act nor the Regulations differentiate between residential and business end-users.

3.2 Accurate tariff information

3.2.1 ComReg Proposal

The first principle of the Code is accuracy. The Code sets out additional guidance as to how ComReg will assess compliance with the principle of accuracy.

In summary, service providers will ensure that end-users are presented with accurate, up to date tariff information, on services relevant to their needs. In presenting tariff information service providers should seek to ensure that it is readily understood and tariff information which has become obsolete will not be used. Service providers should have defined procedures for ensuring accuracy, should not manipulate tariff information in a way that is misleading (e.g. through inappropriate tariff rounding), competitive comparisons should be fair and all tariff claims should be capable of substantiation.

3.2.2 Respondents' views

In relation to manipulation of tariffs, one respondent sought clarity on 'standard mathematical rounding'.

Comments were received on the need for accuracy and fairness in competitive comparisons. One respondent's view is that it is not the function of any market participant to advertise the fact that their competitor may have better offers and it should be sufficient to refer to a competitor's standard rates. They also consider that this should only apply to written advertisements and not to TV, radio and billboard advertisements where only minimal information can be provided.

With regard to requirements that a service provider should be able to substantiate tariffs, one respondent (a service provider) was unclear what is meant by documented evidence of substantiation. They made the point that most tariff presentations are generally based on individual customer analysis which is defined by existing legislation to be traffic data and personal data. In line with data protection requirements⁴ and agreement with the Data Protection Commissioner's office this service provider limits retention of such data to six months from the date of initial capture. Another respondent stated their agreement that substantiation is

⁴ European Communities (Electronic Communications Networks and Services)(Data Protection and Privacy) Regulations 2003 - S.I. 535 of 2003

necessary, and it makes sound business sense when operators are providing tariff claims, comparisons and testimonials. One respondent requested clarity on the level of substantiation that would be required.

3.2.3 *Commission's Position*

In relation to tariff rounding this is often used by service providers for ease of presentation. When rounding the least significant digits of a number are deleted. Because of the risk of possible misunderstanding, ComReg now considers it appropriate that, when prices are portrayed on a per minute basis, the price should be shown in cents to two decimal places. For example, using standard mathematical rounding;

- A tariff of 2.4750c would become 2.48c when rounded to two decimal places.
- A tariff of 2.644c would become 2.64c when rounded to two decimal places.

With regard to comments that it is not the responsibility of any market player to advertise the fact that their competitor may have better offers, ComReg also believes that end-users should not be misled by suggesting that a competitor only has one other tariff available. This is particularly important when a service provider is comparing their non-standard tariff with the standard tariff of their competitor.

In relation to substantiation, ComReg will take a practical approach when requiring substantiation and does not propose to prescribe the level of documentation (other than to state that it should verify that any tariff claim was accurate when presented) or infringe upon data protection requirements. ComReg acknowledges that tariff presentations to individual end-users are very often usage based, i.e. 'based on analysis of the end-users last three bills an X% saving could have been made on our tariff option'. However, it will not always be the case that a service provider needs to retain personal customer data in order to substantiate a tariff claim. For instance, when comparing their publicly available tariffs with those of their competitor it is not necessary for the service provider to retain the underlying customer data.

3.3 Comprehensive tariff information

3.3.1 ComReg Proposal

The second principle of the Code is that tariff information should be comprehensive. The Code sets out additional guidance as to how ComReg will assess compliance with this principle.

In summary, this principle is to ensure that tariff information is comprehensive in that it contains sufficient detail to inform users about the particulars of different tariff options. Printed tariff presentations shall state all the relevant details including billing increments, minimum charges that apply, peak and off peak times and conditions around use of inclusive time or credit. Tariff presentations, such as TV,

radio and billboard advertisements that use the caveat terms and conditions apply should also reference the one location where end-users can acquire the full set of information relevant to the tariff.

3.3.2 Respondents' views

In reference to the text on the minimum set of information, one respondent expressed the view that details on minimum call charge and call set up charges should be equally prominent as the cost per minute information, i.e. on the same side of the sheet. Another respondent questioned whether 'verbal tariff presentation' includes TV, radio and billboard advertisements.

One respondent stated that the requirement to include a minimum set of defined information in all printed tariff presentations is unreasonable, as there may be limitations on space. They believe this ultimately undermines the stated intention of ensuring that tariff presentations are kept comprehensive and accessible.

3.3.3 Commission's Position

ComReg is encouraged that the general response to this measure was positive. On the minimum set of information, ComReg considers that the information relevant to the tariffs presented should be located beside the tariff information, in a comparable font size. In relation to limitations of space on printed tariff presentations ComReg's view is that key details relevant to the advertised price or tariff option should not be omitted, in the pursuit of simplicity. For example, where a service provider advertises '1c national calls' it is perfectly reasonable to expect that conditions of usage relevant to the advertised price should be included;

i.e. 1c national calls are subject to a call set up charge of 6c, calls are billed in 1 minute increments, and the rate applies to calls made on weeknights after 6pm.

For clarity, verbal tariff presentations means when tariffs are presented directly to end-users for example, by sales staff and customer service agents. It is not intended to mean the spoken words in advertisements.

3.4 Accessible tariff information

3.4.1 ComReg Proposal

The third principle of the Code requires accessibility of tariff information and again there is additional guidance as to how ComReg will assess compliance with this principle.

This principle is designed to ensure that end-users have access to tariff information, including details of any terms and conditions which apply, for services relevant to their needs, free of charge including details on standard discounts applied and any special/targeted tariff schemes. Service providers shall provide printed tariff information in response to an end-user's request. If tariff information is provided

through a website the service provider should provide a direct link from the homepage into the tariff information section of the site. In addition tariff information should be communicated clearly to the end-user in advance of any decision to purchase and tariff information should not be withheld in order to draw the end-user into a pressurised purchase decision.

3.4.2 Respondents' views

There was agreement that end users should have access to tariff information. It was felt by one respondent that a requirement to provide tariff information as part of the sales process may present sales problems, where, for example, the sale occurs via the telephone, or online. The respondent suggests that many end-users will not want service delivery held up by a requirement to communicate the tariff information and the associated terms and conditions. They suggest the inclusion of tariffs and associated terms with the contract, that has to be signed by the consumer, should suffice.

3.4.3 Commission's Position

ComReg cannot see any valid reason why tariff information and conditions of usage would not be provided, or at the very least offered as part of the sales process. It is ComReg's view that an effect, if any, on the sales process will be positive, as the consumer will be able to comprehend the tariff information available to them more easily. It could be viewed as adequate that key details are provided in telephone sales and online once the consumer then receives a full copy of tariffs and terms and conditions **before** contracting to take out the service. This may enable the consumer to make informed decisions with more ease, thereby operators may spend less time assisting customers in digesting information.

ComReg believe that it is up to each operator to determine the combination of methods they use to communicate tariff information to the end-user. Clarity has also been sought from service providers on the requirement for service providers to provide a direct link from the homepage of their website into the tariff information section of their site. In order to be clear this does not mean that all service providers have to publish tariffs on their website. It is evident that most service providers use their website to present their publicly available tariff information and as such the service provider is required to provide a direct link from the home page into the tariff information section of the website.

4 Implementation of the Code

4.1 Implementation Requirements

In the week following publication of this Decision ComReg will write to all relevant service providers to inform them of their obligation to comply with this Code.

ComReg will require all service providers to submit a statement of compliance with the Code signed by a Director, Chief Executive or Company Secretary no later than 1st October 2004.

4.2 Publicising the Code

It had been proposed previously that service providers would be required to publish a copy of the Code on their websites. It was suggested that this may prove confusing for consumers and it may be appropriate for ComReg to provide a short preamble that could be used by service providers.

A service provider is free to publish a copy of the Code on their website. However, on consideration of points raised ComReg will require service providers to publish text on their website and/or within their Code of Practice for complaint handling stating;

In presenting tariff information 'Service Provider X' is required to adhere to the principles set out in the ComReg Code for Tariff Presentation. This Code requires the presentation of accurate and comprehensive tariff information that is accessible to the consumer. 'Service Provider X' complies with the Code, a full copy of which can be accessed on the ComReg website [or on the service provider's website].

5 ComReg Decision

This Decision is taken in accordance with Regulation 18 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2003. This is a decision to which condition 18.1 of the General Authorisation⁵ applies.

Section 12 of the Communications Regulation Act, 2002 sets out the objectives of the Commission for Communications Regulation to promote the interests of users within the Community and requires the Commission to take all reasonable measures aimed at achieving those objectives including promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services.

This Decision relates to the provision of publicly available telephone services or of individual elements of such a service.

Direction 1

All undertakings providing publicly available telephone services or individual elements of such a service shall observe the requirements and adhere to principles set out in the ComReg Code for Tariff Presentation, *as set out in Appendix A*. This Code requires the presentation of accurate and comprehensive tariff information that is accessible to the consumer.

Direction 2

Undertakings subject to Direction 1 shall publish on their website and/or within their Code of Practice for Complaint Handling, notification that the undertaking is required to adhere to and complies with the principles set out in the ComReg Code for Tariff Presentation.

Direction 3

The Code of Practice comes into effect immediately and all persons required to observe these Directions are required to submit⁶, to ComReg, a statement of compliance with the Code signed by a Director, Chief Executive or Company Secretary no later than 1st October 2004.

⁵ General Authorisation Pursuant to Regulation 8 of the European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations, 2003 (S.I. No. 306 of 2003) – Conditions for the provision of Electronic Communications Networks and Services – ComReg Doc 03/81, 25th July 2003

⁶ In accordance with Regulation 16(1) of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, S.I. 306 of 2003

Appendix A: ComReg Code for Tariff Presentation

ComReg Code for Tariff Presentation

1 Introduction

1.1 The Principles of Tariff Presentation

In presenting tariff information the service provider will ensure that

- Tariff information is accurate
- Tariff information is comprehensive
- Tariff information is accessible

The principles that tariffs shall be accurate, comprehensive and accessible are designed to ensure that service providers present transparent and up to date information on standard tariffs covering access, all types of usage charges, maintenance charges and including details of standard discounts applied and special and targeted tariff schemes.

2 Definitions

End-user	This means a user not providing public communications networks or publicly available electronic communications services; A “user” means a legal entity or natural person using or requesting a publicly available electronic communications service.
Public Telephone Network	This means an electronic communications network which is used to provide publicly available telephone services; it supports the transfer between network termination points of speech communications and also other forms of communications such as facsimile and data.
Publicly Available Telephone Service	This means a service available to the public for originating and receiving national and international calls and access to emergency services through a number or numbers in a national or international telephone numbering plan, and in addition may, where relevant, include one or more of the following services: the provision of operator assistance, directory inquiry services, directories, provision of public pay phones, provision of service under special terms, provision of special facilities for customers with disabilities or special social needs or the provision of non-geographic services or both.
Service Provider	This means an undertaking engaged or intending to engage in the provision of a public telephone network or publicly available telephone service or associated facilities.
Tariffs	This means the range of prices, that service providers charge, or intend to charge end-users for the services they provide and includes standard tariffs covering access, all types of usage charges, maintenance, and including details of standard discounts applied and special and targeted tariff schemes.
Minimum Call Charge	A minimum call charge means that the end-user must pass a threshold before they are actually availing of the quoted rate i.e. if the per minute rate is 1c and the minimum call charge is 5c then the end-user must be on a call for at least 5 minutes or more before the 1c rate applies.
Call set up charge	A call set up charge is a fixed charge applied to each call the end-user makes i.e. if there is a 5c call set up fee and a 1c per minute charge the end-user will pay 6c for the first minute of a call and 1c per minute thereafter.
Associated Facilities	These means those facilities associated with an electronic communications network, an electronic communications service or both such network and service which enable, support or both enable and support the provision of services via that network or service.

3 Guidance on Tariff Transparency Principles

3.1 Accurate Tariff Information

The principle of accuracy requires service providers to ensure that end-users are presented with accurate, up to date tariff information, on services relevant to their needs. In presenting tariff information service providers should seek to ensure that it is readily understood and does not serve by way of inaccuracy, ambiguity, exaggeration or omission to mislead end-users.

Tariff information, claims and comparisons which have become obsolete or misleading through the passage of time shall not be used. All reasonable efforts should be made to withdraw such information, claim or comparisons from the public domain.

3.1.1 Defined procedures for ensuring accuracy

Service providers shall have defined procedures to ensure that end-users are provided with accurate information. In particular, there shall be a process in place to;

- Notify existing customers of increases in their tariff before they occur.
- Ensure printed tariff sheets and websites are updated as and when new tariffs and/or tariff changes come into effect.
- Educate staff and agents about their role in providing accurate and comprehensive tariff information to end-users.

3.1.2 Manipulation of tariffs

A service provider should not manipulate information in such a way that it makes the tariffs inaccurate and misleads end-users. In particular, quoted tariffs must not be inappropriately rounded. Service providers may round their own tariffs for ease of presentation and standard mathematical rounding to two decimal places of whole cents should be used.

3.1.3 Competitive comparisons

In order to ensure competitive comparisons are accurate and fair they should be based on equivalent tariff options for products and services that are targeted at similar types of end-users.

Comparisons that use the competing service provider's standard tariffs should reference that discounts may apply and end-users should not be left with the impression that the competitor's standard rate is the only rate available.

When comparing tariffs a service provider should not manipulate their own tariffs or those of their competitor in such a way that it misleads the end-user.

3.1.4 Substantiation

A service provider shall be able to substantiate:

- Any claims that they put forward regarding savings that their existing customers can make by switching to a different tariff option.
- Any competitive claims and comparisons.

Service providers are required to hold documented evidence of such substantiation, ready for production on demand by ComReg, for a period of six months from date of presentation.

When verbally communicating savings claims to end-users the service provider should substantiate that claim by providing printed details of the claim, on request.

Presentations of tariffs that are available for a limited period should display the date from which the offer is effective and the end date for the offer. Any presentations, which include competitive comparisons, shall also display the date on which the presentation was prepared.

3.2 Comprehensive Tariff Information

The purpose of this principle is to ensure that consumers have access to comprehensive tariff information in one location, and that tariff presentations contain sufficient detail to inform end-users about the particulars of different tariff options.

3.2.1 Minimum set of information

All printed, website or verbal tariff presentations shall state relevant details and additional charges/surcharges applicable to the tariff. For printed presentations, the additional information should be located beside the tariff information in a comparable font size. This includes

- the increments of time by which the service provider bills
- minimum Call Charges and/or Call Set up Fees
- the Peak/Off Peak and Weekend times

3.2.2 Tariff options with inclusive time or credit

Where a service provider offers tariff options with inclusive time or credit printed, website and verbal tariff presentations shall clearly set out the conditions under which inclusive time or credit can be used. This may include:

- exactly the call types that are included or any call types such as premium rate calls that may be excluded from the end-users' allowance
- whether unused time or credit is carried forward to the next and subsequent billing periods
- any expiry time on call credit

- the time of day when inclusive time or credit can be used.

3.2.3 Presentation of VAT

In accordance with the Prices and Charges (Tax Inclusive Statements) Order, 1973 all prices for goods or services either displayed or quoted should be tax inclusive except where an advertisement is directed solely at business customers.

3.2.4 References to applicable terms and conditions

In presenting tariffs with the caveat that terms and conditions apply, the presentation should also reference the location where end-users can acquire the full set of information relevant to the tariff. It is recognised that service providers often use this caveat for presentations where there may be limitations on space or time such as on TV, Radio and Billboard advertisements.

3.3 Accessible Tariff Information

End-users should be able to access tariff information, including details of any terms and conditions which apply, for services relevant to their needs, free of charge including details on standard discounts applied and any special/targeted tariff schemes.

3.3.1 Access to printed tariffs and tariffs on the website

All service providers shall provide:

- Printed tariff information in response to an end-user request .
- A direct link from the homepage of their website into the tariff information section of their website.

3.3.2 Tariff information and the sales process

Service providers should ensure that all tariff information and associated terms and conditions are communicated clearly to the end-user in advance of their decision to purchase. A service provider shall not withhold tariff information in order to draw the end-user into making a pressurised purchasing decision, and will in all cases offer to provide in writing, the same tariff information, as provided orally.

4 Compliance with Tariff Transparency Principles

The tariff transparency principles establish a framework for ComReg in fulfilling its obligation to ensure that transparent and up to date information on applicable prices and conditions is available to end-users on standard tariffs covering access, all types of usage charges, maintenance charges and including details of standard discounts applied and special and targeted tariff schemes.

4.1 End-user complaint procedures

End-user complaints and queries relating to tariff information should first be raised with the service provider concerned. This ensures the service provider has sufficient opportunity to provide a clear explanation of tariffs and correct any misunderstandings regarding tariffs. If, having exhausted a service provider's complaint procedures, the consumer remains dissatisfied the consumer can contact ComReg who may intervene to address issues where tariff information is inaccurate, incomplete or cannot be accessed.

4.2 Industry dispute procedures

ComReg has established procedures⁷ for dispute resolution and all industry disputes will be managed in accordance with the defined dispute resolution procedures and via alternative mechanisms where ComReg decides these are the most appropriate way to resolve the dispute. Such mechanisms will include resolution through informal contacts or negotiation, discussion at industry fora, ComReg's own initiative investigations and public consultation. Where defined dispute procedures are used then it may be appropriate to introduce a reduced timeframe for resolution for less complicated issues. The most appropriate approach will be decided on a case by case basis.

4.3 ComReg enforcement measures

Compliance with the principles will be assessed by ComReg on an ongoing basis. Measures to effect compliance will be taken by ComReg in accordance with its statutory powers.

7 ComReg Document 03/89 - (Decision No: D18/03) "Dispute Resolution Procedures"