



Commission for
Communications Regulation

ComReg makes its first customer dispute resolution decision in the postal sector

Section 43(3) Dispute Resolution

Information Notice

Reference: ComReg 16/06

Date: 22/01/2016

An Coimisiún um Rialáil Cumarsáide

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Additional Information

Document No:	15/07a
Document Name:	Section 43(3) Dispute Resolution Procedures
Date:	29/01/2015

1. ComReg recently made its first decision under its customer dispute resolution procedures¹ in which it found that the postal service provider concerned, An Post, had incorrectly deemed the packet concerned to be underpaid. ComReg also concluded that An Post had not followed its Code of Practice for handling customer complaints.
2. The matter, having exhausted An Post's own internal dispute resolution processes, was presented to ComReg by the An Post customer for final resolution. The dispute arose as An Post claimed that the postal packet exceeded the 5mm maximum permitted for a postal packet prepaid as a letter and was therefore, according to An Post, underpaid.
3. Having considered the evidence before it, ComReg, on balance, and taking into account the full circumstances of the case, considered it more probable that the letter did not exceed 5mm in depth. Therefore, ComReg required An Post to reimburse the customer's postage costs and to compensate the customer for:
 - the associated packaging costs
 - for having not met the response within the maximum handling times set out in its Code of Practice
 - for the stress and inconvenience suffered as a result of the manner in which the complaint was handled.

The total compensation was €46.04.

¹ The Communications Regulation (Postal Services) Act 2011 sets out the legal framework for regulating authorised postal service providers in the State. Section 43(1) of the Act requires every such provider to draw up and implement a Code of Practice setting out the procedures, standards and policies for handling customer complaints, including complaints related to the loss, theft, or damage to postal packets or to the quality of the service. Where a postal service provider and customer are unable to resolve a dispute between themselves, ComReg or an appointee of ComReg may intervene. This may be done under dispute resolution procedures established by ComReg under section 43(3) of the 2011 Act (ComReg Doc. No. 15/07a, published 29 January 2015). Having intervened, ComReg or its appointee may direct the postal service provider to comply with certain measures in order to resolve the dispute. This includes that the postal service provider may be required, in accordance with its Code of Practice for handling customer complaints, to pay the costs of resolving the dispute (where ComReg appointed a person to resolve the dispute) and/or to reimburse and/or to compensate the complainant. Participation in the customer dispute resolution procedures does not preclude a customer from subsequently seeking redress through court proceedings (for example, in the Small Claims Court). To date, ComReg has received 5 customer dispute resolution applications. 3 of these were deemed not to satisfy the acceptance criteria and were refused, and 1 was closed in accordance with ComReg's dispute resolution procedures.

4. This case highlights the importance of a postal service provider acting in accordance with its Code of Practice for complaints, in particular with regard to complaint handling times set out in a Code of Practice.
5. In accordance with its statutory functions and objectives, ComReg will continue to publish details on its customer dispute resolutions at regular intervals.