



Commission for
Communications Regulation

Measures for disabled end-users Accessibility Statement

Consultation

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Additional Information

All responses to this consultation should be clearly marked:

Submissions to ComReg 15/51

and should be sent by post, facsimile or e-mail to arrive on or before 9 July 2015 to:

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Please note ComReg will publish all respondents' submissions with the Response to this Consultation, subject to the provisions of ComReg's guidelines on the treatment of confidential information – ComReg 05/24.

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1 Introduction

- 1 The Commission for Communications Regulation (ComReg), previously designated Eircom as the Universal Service Provider (USP), responsible for providing the Universal Service Obligations (USO) regarding the specific measures for disabled end-users, in accordance with Regulation 6 of the Universal Service Regulations (USR).¹
- 2 On 29 May 2014, ComReg issued a decision D04/14² in respect of measures to ensure equal access and choice for disabled end-users. That decision placed certain obligations on **all undertakings** in relation to provision of services and information for disabled end-users.
- 3 Eircom is currently the **only undertaking** with obligations in respect of a Code of Practice³. However, ComReg is of the preliminary view that Eircom's Code of Practice, now needs to be updated to reflect current legislation, new requirements and other relevant developments.
- 4 In light of the above and because all undertakings now have obligations in respect of disabled end-users, this consultation proposes that all undertakings would be required develop, maintain, publish and provide in accessible format, an Accessibility Statement⁴ which contains at a minimum:-
 - a) A statement regarding the undertaking's approach/ policy in respect of providing services and information to disabled end-users (people and businesses) and other relevant information such as its company ethos etc.
 - b) Details of the accessible information and accessible services that the undertaking provides, as required by ComReg Decisions in accordance with Regulation 17, and Regulation 6 (if applicable), of the Universal Service Regulations⁵.
 - c) Details of any other information, services and equipment that the undertaking provides for disabled end-users.
 - d) A statement regarding the undertaking's participation in ComReg's Forum on Electronic Communications Services for People with Disabilities ("The Forum"), as relevant.

¹ S.I. No. 337/2011 - European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011, 6. Measures for disabled end-users

² ComReg Decision D04/14: Measures to Ensure Equivalence in Access and Choice for Disabled End-users

³ In accordance with Regulation 6 and ComReg D09/14³

⁴ The current requirement on Eircom is in relation to a Code of Practice. ComReg is of the preliminary view that the term Accessibility Statement is more appropriate.

⁵ And further to Regulation 15(6)(f) of those Regulations.

- e) A range of accessible contact methods and details so that disabled end-users may contact the undertaking in respect of queries regarding its Accessibility Statement.
- 5 ComReg invites all stakeholders to respond to this consultation. ComReg will consider the views of respondents and subsequently issue its Decision.

2 Background

- 6 ComReg's Forum on Electronic Communications Services for People with Disabilities ("The Forum") was established in 2006 to further ComReg's statutory objectives to promote competition and to promote the interests of users. To date the Forum has worked in a collaborative manner to progress and implement measures both on a voluntary basis and in accordance with Regulation 17 of the USR. The functions of the Forum and key achievements to date are listed in Annex 2 of this paper.
- 7 In May 2014, ComReg issued D04/14 which placed certain obligations on all undertakings in relation to provision of services and information for disabled end-users. ComReg is continuing to work with the Forum to identify any further measures, as relevant, which may be appropriate to implement in order to satisfy the requirements of Regulation 17 of the USR.
- 8 In September 2014, a meeting of the Forum discussed, among other issues, Eircom's requirements in respect of its Code of Practice for disabled end-users and a proposal for all undertakings to maintain and publish an Accessibility Statement arose.
- 9 A consultation on this matter is now appropriate, in light of the recent implementation date and confirmation date (29 May 2015) of the measures contained in D04/14 which are applicable to all undertakings.

3 Consultation Issues

10 ComReg's preliminary views are set out below.

Accessibility Statement

- 11 Currently, Eircom is required to maintain, operate, monitor and ensure its own compliance with a Code of Practice concerning the provision of services for people with disabilities. This requirement was originally placed on Eircom when it was the only undertaking required to provide measures for disabled end-users.
- 12 However, requirements to provide services and information for disabled end-users were placed on all undertakings by Decision D04/14⁶, issued on 29 May 2014.⁷ ComReg Decision D04/14 requires all undertakings to confirm their compliance with the above obligations by 29 May 2015.
- 13 In the case of many of the measures specified in D04/14, there is flexibility for undertakings to meet the requirements in different ways. However, because of this flexibility, disabled end-users may not be fully aware of how each undertaking is providing the accessible information and services specified and how disabled end users can access and use those services.
- 14 ComReg is of the preliminary view that it may benefit disabled end-users to be able to easily access and compare details of the services and information that undertakings have in place that meet the requirements of D04/14 intended for their use.
- 15 ComReg has noted that certain details are published by some undertakings on a voluntary basis and ComReg welcomes this. However, ComReg is of the preliminary view that all undertakings should adopt a uniform approach to providing details of information and services for disabled end-users. ComReg further notes the power of ComReg under Regulation 15(6)(f) of the Universal Service Regulations to require undertakings providing electronic communications services to regularly inform disabled subscribers of details of products and services designed for their requirements.

⁶ ComReg Decision D04/14: Measures to Ensure Equivalence in Access and Choice for Disabled End-users

⁷ The Decision allowed for an implementation timeframe of between 6 and 9 months depending on the measure.

- 16 In light of the above, and in light of discussions regarding the proposal at the Forum for all undertakings to have an Accessibility Statement, ComReg is of the preliminary view that all undertakings should maintain and publish an Accessibility Statement which conforms to specific requirements.
- 17 ComReg notes that Eircom's Code of Practice would need to be updated to reflect recent requirements and other developments. ComReg is of the preliminary view that such updates should be conducted in accordance with the proposals set out in this consultation if decided upon.

Accessibility Statement - Details

- 18 ComReg is of the preliminary view that the following details, at a minimum, should be contained in the undertaking's Accessibility Statement
- a) A statement regarding the undertaking's approach/ policy in respect of providing services and information to disabled end-users (people and businesses) and other relevant information such as its company ethos etc.
 - b) Specific details of the accessible information and accessible services that the undertaking provides for disabled end-users, as required by ComReg Decisions in accordance with Regulation 17, and Regulation 6 (if applicable), of the Universal Service Regulations.

This section of the Statement is to contain:-

- Precise details of each accessible information and accessible service provided by the undertaking including precisely how each service and information are provided and accessed by disabled end-users.
 - Details of how the undertaking ensures its own compliance with the details specified i.e training, reviews, website audits etc.
- c) Details of any other services and equipment that the undertaking provides for disabled end-users and in the case of provision of specialised terminal equipment, the specifications of that equipment.
 - d) A statement regarding the undertaking's participation in ComReg's Forum on Electronic Communications Services for People with Disabilities ("The Forum"), as relevant.
 - e) A range of accessible contact methods and details to assist disabled end-users who may wish to contact the undertaking in respect of queries regarding its Accessibility Statement.

- 19 ComReg notes that currently the services and information mentioned in 18 (b) above, required by ComReg Decision D04/14 (in accordance with Regulation 17) are:-
- Accessible Complaints Procedures and Disability Awareness Training
 - Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users
 - Accessible Directory Enquiries
 - Accessible Billing
 - Accessible Facility to Test Compatibility of Terminal Equipment or appropriate returns policy
 - Accessible Information
 - Facility for Disabled Subscribers to Register Requirements
- 20 The specific measures are set out in detail in ComReg D04/14 (listed in Annex 3). However, these measures may be amended from time to time and therefore undertakings' Accessibility Statement would be required to be kept appropriately updated.
- 21 ComReg notes that the measures mentioned in 18 (b) above, currently required to be provided by Eircom in accordance with Regulation 6, are:-
- Text Relay service and Rebate Scheme
 - Accessible Terminal Equipment
 - Code of Practice (the subject of this consultation)
- 22 Therefore, details regarding these measures, if still relevant, would be required to be addressed in Eircom's Accessibility Statement.
- 23 ComReg's preliminary view is that in order for disabled end-users to raise queries regarding the Accessibility Statement, proposed above, that the accessibility statement should contain a range of accessible contact details so that disabled end-users may contact the undertaking in respect of queries regarding its Accessibility Statement.

Q. 1 Do you agree that all undertakings should be required, pursuant to Regulation 17 of the Regulations, to publish and continue to maintain an Accessibility Statement as outlined in paragraph 17 to 23? Please provide detailed reasons and supporting evidence for your view.

- 24 To ensure that the Accessibility Statement can be accessed by disabled end-users, ComReg's preliminary view is that the Statement should be made available in a range of accessible formats including HTML, Accessible PDF, Braille, and Large Print.
- 25 ComReg is of the view that the Accessibility Statement should be easy for disabled end users to read and understand and should be developed with this in mind.

Q. 2 Do you agree that all undertakings should be required, pursuant to Regulation 17 of the Regulations, to ensure that its Accessibility Statement ComReg's preliminary view is that the Statement should be made available in a range of accessible formats including HTML, Accessible PDF, Braille, Large Print? Please provide detailed reasons and supporting evidence for your view.

4 Draft Regulatory Impact Assessment (“RIA”)

4.1 Role of the RIA

- 26 A RIA is an analysis of the likely effect of a proposed new regulation or regulatory change. The RIA should help identify regulatory options, and should establish whether or not a proposed regulation is likely to have the desired impact. The RIA should also in certain cases suggest whether regulation is or is not appropriate. The RIA is a structured approach to the development of policy, and analyses the impact of regulatory options on different stakeholders.
- 27 ComReg’s approach to RIA is set out in the Guidelines published in August 2007, Commission Document No. 07/56 & 07/56a. In conducting this RIA, the Commission takes account of the RIA Guidelines,⁸ adopted under the Government’s *Better Regulation* programme.
- 28 Section 13 (1) of the Communications Regulation Act 2002, as amended, requires ComReg to comply with certain Ministerial Policy Directions. Policy Direction 6 of February 2003 requires that before deciding to impose regulatory obligations on undertakings ComReg must conduct a RIA in accordance with European and International best practice, and otherwise in accordance with measures that may be adopted under the Government’s *Better Regulation* programme. In conducting the RIA, ComReg also has regard to the fact that regulation by way of issuing decisions e.g. imposing obligations or specifying requirements can be quite different to regulation that arises by the enactment of primary or secondary legislation.
- 29 In conducting RIA, ComReg takes into account the six principles of *Better Regulation*. These are:
1. Necessity.
 2. Effectiveness.
 3. Proportionality.
 4. Transparency.
 5. Accountability.

⁸See: http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Revised_RIA_Guidelines_June_2009.pdf

6. Consistency.

- 30 To ensure that a RIA is proportionate and not overly burdensome, a common sense approach is taken. As decisions are likely to vary in terms of their impact, and if after initial investigation a decision appears to have relatively low impact, ComReg would expect to carry out a less exhaustive RIA. In determining the impacts of the various regulatory options, current best practice appears to recognise that full cost benefit analysis would only arise where it would be proportionate, or, in exceptional cases, where robust, detailed, and independently verifiable data is available. This approach will be adopted when necessary.
- 31 ComReg's RIA Guidelines set out, amongst other things, the circumstances in which ComReg considers that a RIA might be appropriate. In summary, ComReg will generally conduct a RIA in any process that might result in the imposition of a regulatory obligation (or the amendment of an existing regulatory obligation to a significant degree), or which might otherwise significantly impact on any relevant market or on any stakeholders or consumers
- 32 As set out in ComReg's RIA Guidelines, there are five steps to this RIA. These steps are:
- Step 1: Identify the policy issue and identify the objectives;
 - Step 2: Identify and describe the regulatory options;
 - Step 3: Determine the impacts on stakeholders;
 - Step 4: Determine the impacts on competition; and
 - Step 5: Assess the impacts and choose the best option.

4.2 Identify the policy issue and identify the objectives;

- 33 On 29 May 2014, ComReg issued a decision D04/14⁹ in respect of measures to ensure equal access and choice for disabled end-users. That decision placed certain obligations on **all undertakings** in relation to provision of services and information for disabled end-users.

⁹ ComReg Decision D04/14: Measures to Ensure Equivalence in Access and Choice for Disabled End-users

- 34 Eircom is currently the **only undertaking** with obligations in respect of a Code of Practice¹⁰. These obligations come to end on 30 June 2015, however, ComReg is of the preliminary view that Eircom's Code of Practice, now needs to be updated to reflect current legislation, new requirements and other relevant developments.
- 35 Requirements to provide services and information for disabled end-users were placed on all undertakings by Decision D04/14¹¹, issued on 29 May 2014.¹² ComReg Decision D04/14 requires all undertakings to confirm their compliance with the above obligations by 29 May 2015.
- 36 In the case of many of the measures specified in D04/14, there is flexibility for undertakings to meet the requirements in different ways. However, because of this flexibility, disabled end-users may not be fully aware of how each undertaking is providing the accessible information and services specified and how disabled end users can access and use those services.
- 37 Due to this flexibility and because many undertakings have not published any information as to how they are delivering the requirements of D04/14 to end-users, ComReg is of the preliminary view that it may be difficult for disabled end-users to access and compare details of the services and information intended for their use.
- 38 ComReg has noted that certain details are published by some undertakings on a voluntary basis and ComReg welcomes this. However, ComReg is of the preliminary view that all undertakings should adopt a uniform approach to providing details of information and services for disabled end-users.

4.3 Identify and describe the regulatory options;

- 39 There are currently three options being considered by ComReg at this time.
- 40 Option 1: Not to require any undertaking to develop, maintain and publish a Code of Practice or Accessibility Statement.
- 41 Option 2: To require Eircom, pursuant to Regulations 6 and 7 of the Regulations to provide an up-to date Code of Practice to reflect recent Decisions and other relevant developments.

¹⁰ In accordance with Regulation 6 and ComReg D09/14¹⁰

¹¹ ComReg Decision D04/14: Measures to Ensure Equivalence in Access and Choice for Disabled End-users

¹² The Decision allowed for an implementation timeframe of between 6 and 9 months depending on the measure.

- 42 Option 3: To require all undertakings, pursuant to Regulation 17 of the Regulations to provide an up-to date Code of Practice to reflect recent Decisions and other relevant developments.

4.4 Determine the impacts on stakeholders;

- 43 Option 1: Should ComReg not require any undertaking to provide a Code of Practice or Accessibility Statement, there is a danger that disabled end-users may not be aware of the services and information available to them and they may not be aware of how to access those services and information. This would have a negative impact on disabled end-users ability to compare services and exercise their choice which would be contrary to the objective of Regulation 17 of the USR.
- 44 Option 2: Should ComReg only require Eircom to provide an Accessibility Statement, there is a danger that disabled end-users may not be aware of the other undertakings' services and information available to them and they may not be aware of how to access those services and information. Again, this would have a negative impact on disabled end-users ability to compare services and exercise their choice which would be contrary to the objective of Regulation 17 of the USR.
- 45 Option 3: Should ComReg require all undertakings to provide an Accessibility Statement, disabled end-users will have a mechanism to become aware of undertakings' services and information available to them. This would allow for disabled end-users to compare services suited for their needs and to exercise their choice which is aligned with the objective of Regulation 17 of the USR. By specifying the minimum contents of the Accessibility Statement, disabled end-users ability to compare the information and services is further enhanced.
- 46 For undertakings, the cost of the development and maintenance of an Accessibility Statement should be minimal, as the task is administrative, and in some cases, ComReg notes that a number of undertakings already have such statements in place. Ensuring that documents are available in accessible versions, may incur costs for undertakings, from ComReg's own experience, these costs are also minimal.

4.5 Determine the impacts on competition;

- 47 ComReg is of the preliminary view that placing the obligation on all undertakings to provide an Accessibility Statement is the most equitable approach and would have no negative impact on competition.

- 48 Facilitating disabled end-users to compare information and services that undertakings provide for them will enhance competition.

4.6 Assess the impacts and choose the best option

- 49 In light of the above, and in light of discussions regarding the proposal at the Forum for all undertakings to have an Accessibility Statement, ComReg is of the preliminary view that all undertakings should maintain and publish an Accessibility Statement which conforms to specific requirements.
- 50 ComReg notes that Eircom's Code of Practice would need to be updated to reflect recent requirements and other developments. ComReg is of the preliminary view that such updates should be conducted in accordance with the proposals set out in this consultation if decided upon.
- 51 As all undertakings, not just Eircom, now have obligations in respect of disabled end-users and because disabled end-users may not be aware of how they can access and use the new facilities, ComReg is of the preliminary view that Options 1 and 2 are not appropriate. ComReg is of the preliminary view that Option 3 is the most appropriate option.

Q. 3 Do you agree with ComReg's Draft RIA? Please provide detailed reasons and supporting evidence for your view.

5 Draft Decision

1. STATUTORY FUNCTIONS AND POWERS GIVING RISE TO DECISION

This Direction and Decision Instrument (“Decision Instrument”), made by ComReg, relates to ensuring equivalence in access and choice for disabled end-users in the Irish electronic communications market and is made:

- i. Having regard to ComReg’s functions and objectives set out in sections 10 and 12 of the Communications Regulation Acts 2002 to 2011 and ComReg’s further objectives set out in Regulation 16 of the Framework Regulations;
- ii. Pursuant to the functions and powers conferred upon ComReg under and by virtue of Regulations 15 and 17 of the Universal Service Regulations;
- iii. Having, where appropriate, pursuant to section 13 of the Communications Regulation Acts 2002 to 2011 complied with the policy directions made by the Minister for Communications, Marine and Natural Resources;
- iv. Having regard to the analysis and reasoning set out in ComReg Decision document No. [-];
- v. Having taken account of the representations of interested parties submitted in response to ComReg Document No. 15/XX;
- vi. Having regard to the analysis and reasoning set out in ComReg Document No [-]

The provisions of the response to consultation and final decision document entitled [ComReg Document No. [-]] shall, where appropriate, be construed together with this Decision Instrument.

2. DEFINITIONS

In this Decision Instrument, unless the context otherwise suggests:

“**ComReg**” means the Commission for Communications Regulation, established under section 6 of the Communications Regulation Act, 2002 (as amended).

“**Disabled**” means having a “disability”, which in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment in accordance with the definition at section 2(1) of the Disability Act 2005.

“**End-User**” means a user not providing public communications networks or publicly available electronic communications services in accordance with the definition at section 2(1) of the Framework Regulations.

“Equivalence” means functional equivalence, in accordance with recital 12 of Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 which provides that “equivalence in disabled end-users’ access to services should be guaranteed to the level available to other end-users. To this end, access should be functionally equivalent, such that disabled end-users benefit from the same usability of services as other end-users, but by different means”.

“Undertaking” means a person engaged in the provision of publicly available electronic communications services.

“Universal Service Obligation Decision” means ComReg Decision No. D09/14, ComReg 14/70, “Universal Service Obligation – Measures for Disabled End-Users”, dated 7 July 2014.

Universal Service Regulations” means the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 as may be amended from time to time.

Other terms used in this Decision Instrument shall have the same meaning as when they are used in the Universal Service Regulations, unless the context otherwise admits or requires.

3. SCOPE AND APPLICATION

This Decision Instrument applies to and is binding upon all Undertakings.

4. MEASURES TO ENSURE EQUIVALENCE IN ACCESS AND CHOICE FOR DISABLED END-USERS

Accessibility Statement

4.1 In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking shall develop, publish and provide in accessible format and maintain, an Accessibility Statement which contains at a minimum:-

- a. A statement regarding the undertaking’s approach/ policy in respect of providing services and information to disabled end-users (people and businesses) and other relevant information such as its company ethos etc.

- b. Details of the accessible information and accessible services that the undertaking provides, as required by ComReg Decisions in accordance with Regulation 17, and Regulation 6 (if applicable), of the Universal Service Regulations. Specific details of the accessible information and accessible services that the undertaking provides for disabled end-users, as required by ComReg Decisions in accordance with Regulation 17, and Regulation 6 (if applicable), of the Universal Service Regulations.

This section of the Accessibility Statement is to contain:-

- i. Precise details of each accessible information and accessible service provided by the undertaking including precisely how each service and information are provided and accessed by disabled end-users.
 - ii. Details of how the undertaking ensures its own compliance with the details specified i.e training, reviews, website audits etc.
- c. Details of any other information, services and equipment that the undertaking provides for disabled end-users and in the case of provision of specialised terminal equipment, the specifications of that equipment.
 - d. A statement regarding the undertaking's participation in ComReg's Forum on Electronic Communications Services for People with Disabilities ("The Forum"), as relevant.
 - e. A range of accessible contact methods and details so that disabled end-users may contact the undertaking in respect of queries regarding its Accessibility Statement.

4.2 The Accessibility Statement is to be made available in a range of accessible formats including HTML, Accessible PDF, Braille, and Large Print.

4.3 The Accessibility Statement is to be developed to ensure that it is easy for disabled end users to read and understand.

5. STATUTORY POWERS NOT AFFECTED

Nothing in this Decision Instrument shall operate to limit ComReg in the exercise and performance of its statutory powers or duties conferred on it under any primary or secondary legislation (in force prior to or after the Effective Date of this Decision Instrument) from time to time.

6. MAINTENANCE OF OBLIGATIONS

If any Section, clause or provision or portion thereof contained in this Decision Instrument is found to be invalid or prohibited by the Constitution, by any other law or judged by a court to be unlawful, void or unenforceable, that Section, clause or provision or portion thereof shall, to the extent required, be severed from this Decision Instrument and rendered ineffective as far as possible without modifying the remaining Section(s), clause(s) or provision(s) or portion thereof of this Decision Instrument, and shall not in any way affect the validity or enforcement of this Decision Instrument or other Decision Instruments.

7. EFFECTIVE DATE AND DURATION

This Decision and Decision Instrument is effective from the date of publication, and shall remain in full force unless otherwise amended by ComReg.

Undertakings to which this Decision Instrument applies must comply with these measures by three months from the date of publication of this Decision. Undertakings must submit a copy of their Accessibility Statement to ComReg, no later than three months from the effective date.

Q. 4 Do you have any comments on the substance or the drafting of the draft Decision Instrument? If necessary, please provide a marked up version of the draft Decision Instrument, indicating what changes you believe are appropriate and why.

6 List of Questions

Q1. Do you agree that all undertakings should be required, pursuant to Regulation 17 of the Regulations, to publish and continue to maintain an Accessibility Statement as outlined in paragraph 17 to 23? Please provide detailed reasons and supporting evidence for your view.

Q2. Do you agree that all undertakings should be required, pursuant to Regulation 17 of the Regulations, to ensure that its Accessibility Statement ComReg's preliminary view is that the Statement should be made available in a range of accessible formats including HTML, Accessible PDF, Braille, Large Print? Please provide detailed reasons and supporting evidence for your view.

Q. 3 Do you agree with ComReg's Draft RIA? Please provide detailed reasons and supporting evidence for your view.

Q4. Do you have any comments on the substance or the drafting of the draft Decision Instrument? If necessary, please provide a marked up version of the draft Decision Instrument, indicating what changes you believe are appropriate and why.

7 Submitting Comments

- 52 The consultation period will run from 11 June 2015 to 9 July 2015.
- 53 Responses must be submitted in written form. If responses are submitted electronically, they must also be unprotected so as to facilitate online publication.
- 54 It is sometimes necessary for respondents to provide confidential information in their submissions. Confidential information must be clearly identified as such. ComReg will publish all of the responses it receives to this consultation, subject to its guidelines on the treatment of confidential information.¹³
- 55 We would request that electronic submissions be submitted in an unprotected format so that they can be appended into the ComReg submissions document for publishing electronically.
- 56 ComReg appreciates that many of the issues raised in this paper may require respondents to provide confidential information if their comments are to be meaningful.
- 57 As it is ComReg's policy to make all responses available on its web-site and for inspection generally, respondents to consultations are requested to clearly identify confidential material and place confidential material in a separate annex to their response.
- 58 Such material will be subject to the provisions of ComReg's guidelines on the treatment of confidential information.¹⁴

¹³ ComReg 05/24

¹⁴ ComReg 05/24

Annex 1: Legal Basis

A 1.1 Regulation 17(1) of the Regulations provides that ComReg may, where appropriate, specify requirements to be complied with by undertakings providing publicly available electronic communications services in order to ensure that disabled end-users: (a) have access to electronic communications services equivalent to that enjoyed by the majority of end-users, and (b) benefit from the choice of undertakings and services available to the majority of end-users.

A 1.2 Under Regulation 15(6)(f) of the Regulations, ComReg may require an undertaking providing electronic communications networks or publicly available electronic communications services to regularly inform disabled subscribers of details of products and services designed for their requirements.

Annex: 2 ComReg Disability Forum

A 2.1 The Forum was established in 2006 to further ComReg's statutory objectives to promote competition and to promote the interests of users.

A 2.2 The Communications Regulation Act, 2002 envisages that ComReg takes specific measures in relation to those objectives including the following measures:

- Ensuring that users, including disabled users, derive maximum benefit in terms of choice, price and quality
- Promoting the provision of clear information
- Addressing the needs of specific social groups, in particular disabled users

A 2.3 The Forum comprises of members representing the Disability sector in Ireland and Electronic Communications Service providers. The goal of the Forum is to ensure that organisations represented at the Disability Stakeholders Group (DSG) are also represented at the Forum. To that end, ComReg requested nominations from the Chairperson of the DSG to attend the Forum. Organisations currently nominated by the DSG and representing the Disability sector at the Forum include:-

- The National Disability Authority
- People with Disabilities in Ireland
- The Disability Federation of Ireland
- The Not for Profit Business Association
- The Irish Mental Health Coalition
- The Federation of Voluntary Bodies

A 2.4 Undertakings represented at the Forum include:-

- Fixed Market: Eircom, UPC and Vodafone
- Mobile Market: Vodafone, 3 and Meteor

A 2.5 Functions of the Forum include the following:

- The identification of services provided by providers that are relevant to the needs of users with disabilities
- The identification of accessibility issues for people with disabilities in relation to electronic communications services

- The promotion of good practice by providers in relation to the accessibility of customer service
- The promotion of accessible information provision by providers to users with disabilities so that such users can exercise choice in respect of services and service provider
- The promotion of the needs of users with disabilities through a review of the effectiveness of existing services in meeting the electronic communications needs of users with disabilities and recommending improvements and/or new services

A 2.6 Key initiatives developed and implemented to date include:

- Survey of the electronic communications needs of consumers with disabilities - March 2007 & April/May 2010
- Publication of the Phone and Broadband Guide for People with Disabilities and Older People – October 2007
- Hosting of the CEO'S Breakfast Briefing and Workshop for electronic communications companies to raise awareness at industry-level of the benefits of universal design and its benefits for all aspects of business (product design, marketing and customer services) - October 2008
- Introduction of a Quality Standard for Bill Presentation, with a specific section relating to Accessibility - November 2008
- Development of the "One Click Initiative" to improve accessibility of providers websites and services - September 2009
- Directory Enquiry Services – Eircom, as USP, provides registered customers with free access to directory enquiry services. The Forum has successfully facilitated the extension of this service to other fixed-line and mobile providers, thus providing greater choice of provider for customers with disabilities - November 2009

A 2.7 ComReg Consultation 13/58 June 2013 and Response to Consultation ComReg 14/52 May 2014; Electronic Communications:- Proposed Measures to Ensure Equivalence in Access and Choice for Disabled End-Users. To date the Forum has worked in a collaborative manner with its membership to progress and implement measures on a voluntary basis. It is proposed to continue working in this way to implement measures to satisfy the requirements of Regulation 17 of the Regulations.

Annex: 3 Measures Contained within ComReg Decision D04/14

A 3.1 Accessible Complaints Procedures

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking shall:

provide an accessible means for disabled end-users to access the Undertaking's customer services in order to lodge a complaint and/or make an enquiry, which may include by way of telephone, SMS, letter, and email, and to include the ability to nominate a third party to deal with complaints and/or enquiries on behalf of the disabled subscriber.

implement disability awareness training to ensure that staff handling complaints are aware of the requirements of disabled end-users and have the requisite skills to appropriately deal with those requirements.

A 3.2 Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking providing pre-paid mobile services shall provide a SMS top-up facility for disabled end-users of pre-paid mobile services to:

- I. Top up independently using cash;
- II. Have no requirement to follow voice prompts;
- III. If a receipt (voucher) is used it must list in clear, easy to understand language the steps required to ensure the top-up credit can be applied successfully and allow the end-user to apply the top-up receipt (voucher) by SMS (or equivalent method) sent from the disabled end-user's mobile telephone and without assistance from a third party; and
- IV. Receive confirmation of the value of the top-up credit without the need to follow voice prompts and sent to the disabled end-user's mobile telephone.

A 3.3 Accessible Directory Enquiries

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking shall provide for subscribers who are unable to use the phone book because of a vision impairment and/or have difficulty reading the phone book (so long as a printed directory is a Universal Service Obligation), special Directory Enquiry arrangements to allow the use of a directory enquiry service free of charge, once certification of disability is provided by a registered medical practitioner or by an appropriate agent.

A 3.4 Accessible Billing

In accordance with Regulation 17(1) of the Universal Service Regulations:

- I. The requirements imposed on Undertakings in respect of consumers by the General Authorisation in the ComReg Response to Consultation and Decision, “Consumer Bills and Billing Mediums – Consumer protection amendments to the General Authorisation”¹⁵, in conditions 18.7.1 – 18.7.12 are hereby imposed on Undertakings in respect of all disabled end-users who are not otherwise consumers, and so not already afforded the protections in accordance with the aforementioned General Authorisation conditions.

- II. Any and all bills (including transaction detail requests) issued to a disabled subscriber by an Undertaking shall be provided free of charge in a medium properly accessible to that disabled subscriber (including Braille), if requested.

A 3.5 Accessible Facility to Test Compatibility of Terminal Equipment or appropriate returns policy

In accordance with Regulation 17 of the Universal Service Regulations:

¹⁵ ComReg Document 13/52, ComReg Decision D08/13

- I. Every Undertaking selling terminal equipment shall make available one of the two services below for disabled end-users who use a hearing aid or have a cochlear implant once certification of disability is provided by a registered medical practitioner or by an appropriate agent;
 - i. a testing facility to test terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment or
 - ii. a returns policy which allows for terminal equipment which has not been tested in advance of purchase to be returned because it does not meet their specific hearing needs.

- II. Every Undertaking selling terminal equipment shall ensure that the testing facility as referred to in paragraph I(i) above is supported by on-site staff that are trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase.

A 3.6 Accessible Information

In accordance with Regulation 17 of the Universal Service Regulations every Undertaking shall ensure that information regarding its products and services, including all information provided to the majority of end-users, is accessible for disabled end-users. For the purposes of ensuring that such information regarding its products and services is made accessible to disabled end-users every Undertaking shall ensure:

- I. The Web Accessibility Initiative¹⁶, as developed by the World Wide Web Consortium (W3C), is to be met to facilitate disabled end-users such that the Undertaking's website is to include the following which conforms to this standard:
 - i. One-click access from the home page of the Undertaking's website to the Disability Section of that website;

¹⁶ The World Wide Web Consortium (W3C) is an international community that develop open standards to ensure the long-term growth of the Web. The Web Accessibility Initiative (WAI) standard developed by W3C is available from the following link: <http://www.w3.org/TR/WCAG20/>- The NDA's Excellence through Accessibility – ICT Guidelines and Criteria, Guideline 14 Web Accessibility, refers to this standard.

- ii. the Disability Section of the Undertaking's website contains comprehensive and up to date information in relation to the products and services it provides which are of particular interest and relevance to people with disabilities; and
 - iii. the Disability Section of the Undertaking's website contains details of and access to websites that contain information of relevance to disabled end-users that ComReg may specify from time to time;
- II. Contractual information in accordance with Regulation 14 of the Universal Service Regulations, including notifications in respect to any modification to contractual conditions, as required by Regulation 14(4) of the Universal Service Regulations is accessible and up to date for disabled end-users; and
- III. Information in respect of the Undertaking's complaints handling procedures, including the Undertaking's Code of Practice, as required by Regulation 27 of the Universal Service Regulations, is accessible, easy to read and understandable and, in particular, accessible in a number of formats, to include but not limited to Braille, Audio, Regular print, Large print, Easy to read, and Online versions of each format (on the Disability Section of the Undertaking's website) and all of these formats must be printable.

A 3.7 Facility for Disabled Subscribers to Register Requirements

In accordance with Regulation 17 of the Universal Service Regulations, every Undertaking shall establish and maintain a facility or enhance and maintain an existing facility to enable disabled subscribers to register their requirements. The facility to enable disabled subscribers to register their requirements must, at a minimum, have the ability to record, subject to the disabled subscriber's consent, the following:

- i. Name, address, contact details (to include phone or email and/or third party nominated contact);
- ii. Preferred means of communication;
- iii. Preferences in respect to bundles (for example broadband or text only);
- iv. Details of any special terminal equipment required; and
- v. Details of any alternative billing medium requirement