



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

District Court Prosecution

Update from 1 December 2017

Information Notice

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Commission for Communications Regulation

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Regulation 45(1) of the Communications Regulation Act, 2002 (as amended) (“the Act”)

1. On 1 December 2017, Vodafone Ireland Limited (“Vodafone”) was convicted of 8 counts of incorrect charging of customers for electronic communications services before the Dublin District Court.
2. Following a review of relevant customer complaints where the customers' issues were not fully resolved by Vodafone until the customer contacted ComReg (at which point appropriate credits / refunds were applied by Vodafone), ComReg commenced an investigation. This investigation culminated in ComReg taking legal proceedings against Vodafone.
3. The proceedings were brought under Section 45 of the Act, which provides as follows:

“45. — (1) An undertaking shall not impose, or purport to impose, a charge —

(a) for supplying an electronic communications service or electronic communications product to a consumer that exceeds the amount for that service or product specified —

(i) in the undertaking’s published tariff of charges, or

(ii) in a written statement previously made or given to the consumer by the undertaking in relation to that supply,

or

(b) for supplying an electronic communications service or electronic communications product to a consumer that was not requested by the consumer, or

(c) for an electronic communications service or electronic communications product that was requested by a consumer but was not supplied.”

4. Vodafone is an “undertaking” for the purposes of prosecutions pursuant to Section 45 of the Act.
5. The outcome of this case against Vodafone is detailed below:
 - a) Vodafone pleaded guilty to eight charges brought against it.
 - b) Judge Brennan imposed criminal convictions for each of the eight charges and ordered Vodafone to pay a total of €11,500 in fines.

- c) Vodafone advised that it had carried out an extensive internal review to prevent such issues arising in the future, and was carrying out improvements in relation to the general care process for repeat callers and customer escalations. Vodafone stated that further remediation measures which are due to be implemented in Quarter 1 of 2018, include a review of the process for ensuring that any customer requests, including cancellation requests, are actioned. Vodafone also committed to improved communications by email for customers, additional reporting to identify outstanding actions and the implementation of a new customer IT system.
 - d) Vodafone expressed its regret at its breaches and committed to making a payment towards ComReg's costs.
- 6. ComReg will continue to monitor the complaints it receives from consumers and will continue to investigate matters arising in respect of Section 45 of the Act and other relevant regulatory obligations.