



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

District Court Prosecution

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Information Notice

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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1. On 14 September 2021, the Dublin District Court heard 7 cases taken by ComReg against Vodafone Ireland Limited (“**Vodafone**”) in relation to 14 counts that Vodafone failed to implement a Code of Practice as required and that it failed to provide a complaint acknowledgement that would include a complaint reference number to customers within 2 working days.
2. The prosecutions were brought under Regulations 27 (1) and 27(2) of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) (“**the Regulations**”).
3. Pursuant to Regulation 27 (1), each Service Provider is required to implement a code of practice for settling unresolved disputes including complaints. Regulation 27 (1) provides:

“Dispute resolution

27. (1) Without prejudice to any legal rights of action which may apply, an undertaking providing electronic communications networks or services shall implement a code of practice for settling unresolved disputes, including complaints, between end-users and the undertaking arising under these Regulations and relating to the contractual conditions or performance of contracts concerning the supply of electronic communications networks or services and any other issues arising under, or covered by, these Regulations. The code of practice shall make provision for the following matters-

(a) first point of contact for complainants,

(b) a means of recording complaints,

(c) a timeframe within which the undertaking concerned shall respond to complaints,

(d) procedures for resolving complaints, including a timeframe for referring the customer to the Regulator which shall be no more than 10 working days from the day a complaint was first notified,

(e) appropriate cases where reimbursement of payments, payments of compensation and payments in settlement of losses incurred will be made, and

(f) retention of records of complaints (including copies of the complaint, any response to it, any determination in respect of the complaint and any

documentation considered in the course of such determination) for a period of not less than one year following the resolution of the complaint.”

4. Regulation 27 (2) of the 2011 Regulations further provides that ComReg may specify requirements to be met for the purpose of ensuring compliance with paragraph (1) and the manner of publication of a code of practice referred to in paragraph (1). Regulation 27 (2) provides:

“(2) The Regulator may specify requirements to be met for the purpose of ensuring compliance with paragraph (1) and the manner of publication of a code of practice referred to in paragraph (1) including, without limitation, any requirements to ensure that the code of practice and procedures for settling unresolved disputes are fair, prompt, transparent, inexpensive and non-discriminatory.”
5. In July 2017 ComReg published a Decision, D04/17, on ECS Complaints Handling Code of Practice.¹
6. In 2020 ComReg received a number of contacts from Vodafone customers that stated they were unable to make a complaint with Vodafone in accordance with Regulation 27 (1) and ComReg Decision D04/17.
7. Following a review of relevant customer complaints, ComReg commenced an investigation. This investigation culminated in ComReg prosecuting Vodafone by issuing District Court summonses for breaches of Regulation 27 as Vodafone failed to implement its code of practice in that it failed to ensure that a complaint acknowledgement, to include a complaint reference number, issued to the customer within the maximum timeframe of two working days as specified in Clause 4.3.1(i) of Decision 04/17.
8. Vodafone pleaded guilty to seven of the charges brought by ComReg. In applying the Probation Act, Judge Anthony Halpin ordered Vodafone to donate €10,000 to charity by 7 October 2021. Vodafone also contributed to ComReg’s costs, as agreed between the parties.
9. ComReg will continue to monitor the complaints it receives from consumers and will continue to investigate matters arising in respect of Regulation 27 of the

¹ <https://www.comreg.ie/publication/electronic-communications-complaints-handling-code-practice-response-consultation-decision>

Universal Service Regulations and ComReg Decision 04/17 and other relevant regulatory obligations.