



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

End-user Dispute Resolution Procedures

Consultation and draft procedures

Consultation

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1 Executive Summary

- 1 The Commission for Communications Regulation (“**ComReg**”) has a statutory function to propose resolutions to certain disputes between end-users of electronic communications services and their providers.
- 2 ComReg specified procedures for the resolution of end-user disputes (the 2018 Procedures) in ComReg Decision D14/18 (“**D14/18**”)¹ (the “**2018 Procedures**”). ComReg has gained experience in the application of these procedures since they were commenced.
- 3 In light of recent legislative changes to the framework governing ComReg’s dispute resolution function, it is necessary to revise the 2018 Procedures.
- 4 At the same time, the 2018 Procedures are being reviewed to take account of the experience gained in their application and developments in dispute resolution in general, with particular focus on sectoral dispute resolution.
- 5 This consultation paper sets out ComReg’s proposed revisions to the 2018 Procedures and the reasons for them, and it seeks the views of interested parties on the proposed revisions.
- 6 In this document, references to ‘revised procedures’ should be understood as referring to the 2018 Procedures as revised in line with the proposals made in this consultation paper.
- 7 ComReg proposes that the final procedures at the end of the consultation process will be known as the “End-user Dispute Resolution Procedures”.

¹ Formal Dispute Resolution Procedures for ECS/ECN End-Users (ComReg Document 18/104, D14/18) published 30 November 2018 [ComReg D14/18.pdf](#)

2 Introduction

2.1 Background and legislative context

- 8 ComReg is responsible for the regulation of electronic communications networks and electronic communications services (“**ECN**” and “**ECS**” respectively)² and associated facilities, in accordance with European Union and national legislation.
- 9 One of ComReg's objectives is to take all reasonable measures to ensure end-user protection.³ As is detailed in ComReg's Electronic Communications Strategy Statement: 2023-2025⁴ ComReg's consumer role is to protect and inform consumers so that harms are overcome, and they can choose and use communications services with confidence.
- 10 To give confidence to consumers and other end-users in choosing and using telecommunications services, they need to have a resolution process for disputes. End-users should have effective redress mechanisms, including access to timely query and complaints handling processes.
- 11 Regulation 27 of the Users' Rights Regulations⁵ required relevant undertakings to implement a code of practice for settling unresolved disputes within the scope of that Regulation. The code of practice was required to make provision for specified matters and ComReg specified requirements for codes of practice in ComReg Decision D04/17 (“**D04/17**”).⁶ Where a dispute remained unresolved after due completion of all the procedures of a code of practice ComReg could resolve the dispute in accordance with procedures specified by it.
- 12 In November 2018, following public consultation⁷, ComReg specified procedures for the resolution of end-user disputes (the 2018 Procedures) in ComReg Decision D14/18 (“**D14/18**”). The 2018 Procedures pertained to disputes within the scope of Regulation 27 of the Users' Rights Regulations. ComReg has since resolved disputes between end-users and relevant undertakings applying the 2018 Procedures.

² For the definitions of ECN and ECS see Part 1(2) of the European Union (Electronic Communications Code) Regulations (“ECC Regulations”) [Online:] [\[S.I. No. 444 of 2022\]](#), published 12 September 2022

³ Section 12(2)(c)(ii) of the Communications Regulation Act 2002, as amended [Online:] [Communications Regulation Act, 2002](#).

⁴ Electronic Communications Strategy Statement: 2023-2025 [Online:] [ComReg 23/34.pdf](#)

⁵ S.I. No. 337/2011 European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011

⁶ Electronic Communications Complaints Handling Code of Practice - Response to Consultation and Decision (ComReg Document 17/62, D04/17) [Online:] [ComReg D04/17.pdf](#)

⁷ Consultation Documents 18/34 and 18/77

- 13 Regulation 27 of the Users' Rights Regulations transposed Article 34 of the Universal Services Directive⁸ (as amended) which concerned "Out-of-court dispute resolution".
- 14 Commenced on 9 June 2023, the European Union (Electronic Communications Code) Regulations⁹ (the "**ECC Regulations**") and the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023¹⁰ (the "**2023 Act**") (referred to together as "**the legislation**"), transpose the European Electronic Communications Code Directive¹¹ (the "**Code**") into Irish Law.
- 15 The Code provides for "Out-of-court dispute resolution" in Article 25 which is the successor to Article 34.
- 16 Article 25 is transposed in Part 5 of the 2023 Act, "*Resolution of complaints and disputes*". It should be noted that section 56 of the 2023 Act continues in force the measures specified in D04/17 and D14/18 and these are deemed to be made under and in accordance with Part 5 of that Act. Nonetheless, there are changes introduced by Part 5, which are necessary to address in this consultation.

2.2 Codes of practice for complaints handling

- 17 Codes of practice for complaints handling remain the basis of dispute resolution.
- 18 Section 42(1) of the 2023 Act maintains the requirement that "providers" prepare, publish, keep updated and implement a code of practice for dealing with complaints and for settling "relevant disputes".
- 19 With regard to what is meant by a "provider", section 40 of the 2023 Act defines this to mean:

“(a) an undertaking within the meaning of the Principal Act¹²,

(b) an undertaking within the meaning of Regulation 2 of the Regulations of 2019¹³, or

⁸ Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ 2002 L 108, p. 51)

⁹ S.I. No. 444 of 2022 commenced 9th June 2023 [Online:] [S.I. No. 444 of 2022](#)

¹⁰ [Online:] <https://www.irishstatutebook.ie/eli/2023/act/4/enacted/en/pdf>

¹¹ Directive 2018/1972 of the European Parliament and of the Council of 11 December 2018, see [Online:] <https://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1972>

¹² Section 2(1) of the 2023 Act provides that Principal Act" means the Communications Regulation Act 2002 [Online:] <https://www.irishstatutebook.ie/2002/en/act/pub/0020/index.html>

¹³ Section 40 of the 2023 Act provides that "Regulations of 2019" means the European Union (Open Internet Access) Regulations 2019 ([Online:] [S.I. No. 343 of 2019](#))

(c) an undertaking within the meaning of Regulation 2 of the Roaming Regulations¹⁴”.

- 20 With regard to what is meant by a “relevant dispute”, this is addressed in detail in Section [3.1.1](#) (below), however it is sufficient to note here that relevant disputes are those that may be referred for dispute resolution.
- 21 Section 42(2) of the 2023 Act sets out that the code of practice to be drawn up and implemented by providers shall make provision for:
- 21.1 “*procedures for resolving disputes*”; and
 - 21.2 informing a complainant that a dispute may be referred to ComReg in certain circumstances (see paragraph [41](#)).
- 22 The code of practice requirements and their interaction with dispute resolution remain largely the same following the commencement of the legislation, however the relevant changes that impact ComReg’s End-User Dispute Resolution Procedures are addressed in this consultation.

2.3 Resolution of disputes

- 23 Section 47 of the Act of 2023 provides that ComReg, or an independent person appointed by it, shall resolve relevant disputes referred to it by end-users in accordance with that section. This retains the position that applied under Regulation 27 of the Users’ Rights Regulations. A resolution to the dispute referred will be proposed, and if an end-user elects to accept it, it becomes binding on the provider concerned¹⁵.
- 24 Section 48 of the 2023 Act permits ComReg to specify procedures for the resolution of disputes referred to it by end-users under section 47. The procedures must be made publicly available. It is these section 48 procedures that are the focus of this consultation.
- 25 Section 49 of the 2023 Act sets out the directions that may be issued by ComReg to ensure compliance by a provider with a proposed resolution that is binding upon it.
- 26 For the avoidance of doubt however, the dispute resolution process is separate to ComReg’s compliance and enforcement function.

¹⁴ Section 40 of the 2023 Act provides that “Roaming Regulations” means the European Communities (Mobile Telephone Roaming) Regulations 2022 ([Online:] [S.I. No. 315 of 2022](#))

¹⁵ Section 47(2) of the 2023 Act

2.4 Structure of Document

27 This consultation paper, and its annexes, is structured as follows:

Chapter 3 – The proposed revisions to the 2018 Procedures

Chapter 4 – ComReg’s position regarding Regulatory Impact Assessment;

Chapter 5 – How to submit comments and envisaged next steps.

Annex: 1 – Tracked changes to the 2018 Procedures including proposed text;

Annex: 2 – The proposed revised procedures

Annex: 3 – Summary of the legal basis

28 ComReg sets out in Chapter 3 the proposed changes and reasons for these changes. These changes fall into 2 categories:

28.1 Mandatory revisions:

- The type of disputes that can be resolved by ComReg;
- End-user can elect to accept a proposed resolution or withdraw a dispute for resolution;
- Information to be provided by ComReg;
- Compensation, reimbursement of payments and settlement of losses; and
- Oral Hearings

28.2 Other revisions:

- Accessing formal End-User Dispute Resolution Procedures;
- Timelines for parties to respond and to comply with requirements;
- Acceptance of a proposed resolution;
- Improving access to the Dispute Resolution procedures; and
- Effective Date and Duration.

29 [Annex: 1](#) provides a tracked changes version of the procedures with the proposed revisions highlighted to aid review and comparison between the 2018 procedures and the revised procedures. A full ‘clean’ version of the procedures is also included at [Annex: 2](#) for completeness.

3 Proposed revisions

3.1 Mandatory revisions

30 ComReg is of the preliminary view that there are certain revisions required under the 2023 Act in respect of which it has little or no discretion. These are as set out in this section.

3.1.1 The type of disputes that can be resolved by ComReg

31 As noted previously (see paragraph [18](#)) Section 42(1) of the 2023 Act requires providers to “*prepare, publish, keep updated and implement a code of practice for dealing with **complaints** and for settling **relevant disputes**.*” (Emphasis added)

32 ComReg, in D04/17,¹⁶ defined the term ‘**Complaint**’ (page 51) as follows:

“...‘Complaint’ means an issue raised by an end-user to an undertaking¹⁷ relating to that undertaking’s product or service or its complaints handling process where the issue remains unresolved following an initial attempt by the undertaking to resolve it or where there has been no attempt by the undertaking to resolve it and the end-user expresses dissatisfaction, through one of the channels set out in the code of practice, that the issue remains unresolved.”

33 There is no definition of a “dispute” in the 2023 Act, however it is clear from section 47(1) that a dispute referred for resolution must relate to a “complaint” and it is the definition of “complaint” in D04/17 that applies in the context of dispute resolution under Part 5 of the 2023 Act.

34 Part 5 of the 2023 Act (“Interpretation” Section 40) provides that “**relevant dispute**” means—

(a) a dispute between an end-user and a provider in relation to compensation payable under section 39,

(b) a dispute between an end-user and a provider, arising under this Act or the Code Regulations, relating to contractual conditions or the performance of contracts (whether entered into or not),

¹⁶ ComReg Doc. 17/62 [Online]:[ComReg 17/62.pdf](#)

¹⁷ The definition of “undertaking” in ComReg Decision D04/17 has the same meaning as in Regulation 2 of the Framework Regulations (S.I. 333 of 2011). This definition has since been replaced by the definition in Regulation 2 of the ECC Regulations to mean “...a person engaged or intending to engage in the provision of electronic communications networks or services or associated facilities” This new definition of “undertaking” should be read in conjunction with the definition of “provider” contained in section 40 of the 2023 Act (see paragraph [19](#))

(c) a dispute between an end-user and an undertaking (within the meaning of Regulation 2 of the Regulations of 2019),

(d) a dispute involving a consumer or end-user and concerning an issue falling within the scope of the Mobile Phone Roaming Regulation,

(e) a dispute between an end-user and a provider relating to the imposition or purported imposition of a charge referred to in section 45 of the Principal Act,

(f) a dispute between a consumer, within the meaning of the Act of 2022, and a trader, within the meaning of the Act of 2022, who is also a provider, relating to Part 5 (other than sections 119, 120 and 125) of the Act of 2022, and

(g) any other disputes that relate to the supply of and access to electronic communications services, electronic communications networks and associated facilities or the transmission of such services on such networks prescribed by the Minister for the purposes of this Part.

35 This is a broadening of the scope of disputes that ComReg may resolve from those provided for under Regulation 27 of the Users' Rights Regulations⁵.

36 Accordingly, ComReg will reflect the broadened scope of relevant disputes, required for it to consider under the 2023 Act, in the revised procedures.

3.1.2 End-user can elect to accept a proposed resolution or withdraw a dispute for resolution

37 Section 47 of the 2023 Act provides new procedural steps for an end-user to consider in the dispute resolution process namely (a) an option to 'withdraw the dispute' at any stage up to the time at which ComReg proposes a dispute resolution and (b) an option to 'elect to accept' a resolution proposed when made by ComReg.

38 It further provides that where the end-user does elect to accept the resolution proposed, that the resolution is binding on the provider concerned.

39 Section 47 of the 2023 Act provides:

39.1 "(2) Where the Commission proposes a resolution under subsection (1) the end-user that referred the dispute may elect to accept the resolution proposed and where the end-user so elects the resolution shall be binding on the provider concerned.

39.2 (3) An end-user who has referred a dispute to the Commission for resolution under this section may withdraw the dispute at any stage up to the time at which the Commission, or such independent person as may be appointed by the Commission, proposes a resolution to the dispute, by notifying the Commission, or the person, in writing to that effect, or, where there is an oral hearing in relation to the dispute, by notifying the Commission, or the person, at the hearing.”

40 ComReg has revised its procedures to reflect these new provisions under Section 47(2) and 47(3) of the 2023 Act.

3.1.3 Information to be provided by ComReg

41 Section 48(2) of the 2023 Act provides that ComReg “shall, as soon as practicable after an end-user refers a dispute, inform the end-user —

(a) of his or her right under section 47(2) to elect to accept the resolution proposed,

(b) of his or her right under section 47(3) to withdraw the dispute,

(c) that the procedure is without prejudice to any other right to seek redress, including by court proceedings,

(d) that the resolution proposed may be different from an outcome determined by a court,

(e) of the legal effect of electing to accept the resolution proposed,

(f) that he or she will be given a reasonable period of time to consider whether to elect to accept the proposed solution, and

(g) that if the end-user does not elect to accept the resolution proposed within the period specified for the purposes of paragraph (f), the end-user shall be deemed to have rejected the proposed solution.”

42 ComReg will include this mandatory information required to be provided under Section 48(2) of the 2023 Act, in correspondence with an end-user.

3.1.4 Compensation, reimbursement of payments and settlement of losses

- 43 Section 49 of the 2023 Act refers to the redress that may be directed by ComReg. This redress includes (a) the reimbursement of payments (b) payment of compensation; and (c) payment in settlement of losses.
- 44 The financial cap, and sub cap of €2,000 for payment in settlement of losses and compensation, provided for in the 2018 Procedures no longer apply as these have been overtaken by Section 49 of the 2023 Act.
- 45 Section 49(2) of the 2023 Act provides that this may require all or any of the following:
- 45.1 (a) the reimbursement of payments by a provider to an end-user;
 - 45.2 (b) payment of compensation by a provider to an end-user;
 - 45.3 (c) payment by a provider in settlement of losses suffered by an end-user;
 - 45.4 (d) where the Commission is satisfied that the conditions, requirements or circumstances permitting such termination have been met, the termination of a contract between a provider and an end-user without the end-user incurring further costs;
 - 45.5 (e) the giving of an apology by a provider to an end-user;
 - 45.6 (f) the giving of an explanation by a provider to an end-user for any matter giving rise to a complaint;
 - 45.7 (g) compliance with a term or condition of the contract between the provider and the end-user;
 - 45.8 (h) compliance with a legal obligation pursuant to the law relevant to the relevant dispute.
- 46 Section 49(3) of the 2023 Act provides that:
- 46.1 “The maximum amount of compensation that a provider may be directed to pay to any end-user under this section shall be €5,000 or such other lesser or greater amount as the Minister may prescribe.”
- 47 ComReg has revised its procedures to reflect the provisions of Section 49(2) and 49(3) of the 2023 Act.

3.1.5 Oral Hearings

- 48 The formal dispute resolution process will continue to be a paper-based process; however an adjudicator may conduct an oral hearing, where he or she considers it necessary to ensure fairness of procedures and in particular, in order to resolve a genuine conflict of fact arising from the papers that cannot otherwise be resolved.

Q. 1 Taking account of the requirements of the 2023 Act and the very limited areas of discretion afforded to ComReg, do you have any comments on the approach ComReg has set out in respect of revisions outlined in section [3.1](#)? Please explain the basis of your response in full and provide any supporting information.

3.2 Other revisions

3.2.1 Accessing formal Dispute Resolution

- 49 ComReg has provided a ‘Consumer Care’ service (providing information to end-users on communications issues and assisting end-users with disputes that have arisen with their providers) since its establishment in 2002.
- 50 This free complaints-handling service deals with complaints referred to ComReg by end-users who, having used their provider’s own code of practice for complaints handling and whose complaint remains unresolved after 10-working days¹⁸, may contact ComReg’s Consumer Care. ComReg Consumer Care, following a review of the matter, contacts the provider to re-establish contact between the provider and its customer until, where possible, a solution is reached.
- 51 The 2018 Procedures specify¹⁹ that an end-user who has a case open with ComReg’s Consumer Care team for more than 30-working days can apply for formal dispute resolution²⁰ i.e. following a total of 40-working days having passed since the complaint was first notified to the provider.
- 52 Section 47(1) of the 2023 Act provides:
- 52.1 “An end-user may refer a dispute with a provider to the Commission and, where the Commission is satisfied that the dispute is a relevant dispute, and—
 - 52.2 (a) a period of at least 10 days has elapsed²¹ since the complaint giving rise to the dispute was made, or
 - 52.3 (b) the procedures for the resolution of disputes provided for in the provider’s code of practice have been completed,
 - 52.4 the Commission, or such independent person as may be appointed by the Commission, shall, in accordance with such procedures as may be specified by the Commission under section 48, carry out a dispute resolution process and propose a resolution to the dispute referred.”

¹⁸ 10-working days after the day the end-user is provided with the unique complaint reference number by their provider. ComReg Decision D04/17 specified the minimum requirements for providers to acknowledge and record complaints and issue complaint reference numbers to end-users.

¹⁹ See Paragraph A2.1 of ComReg Decision D14/18

²⁰ Once the complaint related to an issue that ComReg could resolve under Regulation 27 of Users’ Rights Regulations.

²¹ ComReg notes that Section 47(1)(a) of the 2023 Act allows an end-user to refer a dispute when a period of “at least 10 days has elapsed since the complaint giving rise to the dispute was made”, whereas Section 42(2)(e)(ii), concerning code of practice requirements, refers to circumstances where “at least 10 working days have passed since the day on which the complaint was first notified to the provider.”

53 Accordingly, under the 2023 Act if a dispute remains unresolved after 10 days of notifying a provider the end-user can refer the dispute to ComReg for dispute resolution.

54 ComReg is revising the 2018 Procedures to incorporate the new timeframe provided for in the 2023 Act after which a dispute can be referred to ComReg.

Proposed approach:

55 Experience has shown that ComReg's free complaints handling service is very effective in resolving end-user disputes²².

56 It is ComReg's preliminary view that this important and beneficial service should continue to be available to parties to facilitate the resolution of disputes²³.

57 Therefore, ComReg is proposing that there would continue to be two phases to the dispute resolution process:

57.1 an initial informal phase (Phase 1)

57.2 followed by a formal dispute resolution phase (Phase 2).

58 The first point of contact for an end-user seeking dispute resolution in respect of a relevant dispute would with be ComReg's Consumer Care team.

59 On the basis that a period of at least 10 days had elapsed since the complaint giving rise to the dispute was made, or the procedures for the resolution of disputes provided for in the provider's code of practice had been completed²⁴, a Consumer Care agent would attempt to resolve the matter informally by raising the matter with the end-user's provider on the end-user's behalf (as is currently the case).

60 A period of 10-working days would be allowed for the completion of Phase 1. Following the expiry of this period, and if Phase 1 has not resulted in the resolution of the dispute, the end-user will be advised that they can apply for formal dispute resolution (Phase 2). However, Phase 1 can continue beyond this 10-working day period with a view to ComReg Consumer Care facilitating an informal resolution for the end-user.

²² The Consumer Care Statistics are published quarterly on ComReg's website see: [Online:] <https://www.comreg.ie/advice-information/consumer-care/consumer-statistics/>

²³ It should be noted that it is not only 'relevant disputes' within the meaning of section 40 of the 2023 Act that may be referred to ComReg's complaints handling service, however only 'relevant disputes' may be referred for formal dispute resolution.

²⁴ As per the requirements of section 47(1) of the 2023 Act.

- 61 Phase 2 of the proposed process is formal dispute resolution. This involves ComReg, or an independent person appointed by ComReg, proposing a resolution to the dispute referred that may be accepted by the end-user and thereby made binding on the provider. To proceed to Phase 2 the end-user will be required, among other things, to consent to the closure of Phase 1.
- 62 Following application for formal dispute resolution, ComReg will carry out an initial assessment to determine whether the dispute is a “relevant dispute” (as defined in section 40 of the 2023 Act). The end-user can only proceed to Phase 2 if the application concerns a “relevant dispute”.
- 63 An end-user who chooses to proceed to Phase 2 can do so by submitting their dispute in writing, in a prescribed format, using a pro forma application form that will be made available to the end-user²⁵.
- 64 On receipt of the completed application form, it will be necessary for ComReg to satisfy itself that at least 10 days have elapsed since the complaint giving rise to the dispute was made, or, that the procedures for the resolution of disputes provided for in the provider’s code of practice have been completed. These are prerequisites for ComReg carrying out Phase 2 and proposing a resolution to the dispute referred.
- 65 ComReg is also required to carry out a dispute resolution process in accordance with such procedures as may be specified by it under section 48.
- 66 The 2018 Procedures set out certain requirements that must be met for a dispute to be a valid dispute (i.e. one that will proceed to formal dispute resolution). ComReg proposes to update the existing ‘validity requirements’ to reflect the requirements of section 47(1) of the 2023 Act.
- 67 ComReg will only proceed to propose a resolution in accordance with section 47(1) where it has carried out a validity assessment and it is satisfied that these validity requirements have been met.
- 68 ComReg has added reference to the list of factors to be considered by it when resolving disputes by adding “relevant guidance”. This addition is in order to facilitate the consideration by ComReg of any relevant guidelines it may publish as it considers appropriate.

Q. 2 Do you have any comments on the approach ComReg has set out in respect of revisions outlined in section [3.2.1](#): The type of disputes that can be resolved by ComReg? Please explain the basis of your response in full and provide any supporting information.

²⁵ The minimum requirements of the application form are set out in the proposed revised procedures at [Annex: 2](#)

3.2.2 Timelines for parties to respond and to comply with requirements

69 Correspondence may need to be issued to parties during the dispute resolution process for various reasons e.g. where an end-user withdraws a complaint, or where the matter is settled between the parties.

69.1 While the 2018 Procedures reference such correspondence, it is proposed to modify the time periods allowed for correspondence in different circumstances to take into account both the requirements of the 2023 Act, and the practical experience of using the procedures to date. This experience includes extension requests from parties. If granted, there is a resultant impact on the timeframe for responses to be submitted.

70 As noted previously (see section [3.1.2](#)), Section 47 of the 2023 Act provides that an end-user has an option to elect to accept (or not) a proposed resolution. If the end-user elects to accept the proposed resolution it becomes binding on the provider.

70.1 The 2023 Act does not detail a timeframe for this step. Considering its importance to the dispute resolution process, ComReg considers that a timeframe needs to be clearly set out in the procedures so all parties understand the process to be followed. ComReg also considers that the election by the end-user to accept the proposed resolution must be in clear and unequivocal terms. It is ComReg's intention to provide a pro-forma acceptance statement with the final resolution, which the end-user can complete should they wish to accept the proposed resolution.

71 Section 47(3) of the 2023 Act provides that an end-user can notify ComReg in writing of their choice to withdraw a dispute for resolution up to any stage up to the time that a resolution is proposed. The 2023 Act does not however require the end-user, or ComReg, to notify a provider of the withdrawal of a dispute.

71.1 The 2018 procedures included actions ComReg would follow in the event an end-user withdrew a dispute. ComReg considers it appropriate to clarify any resultant action(s) ComReg will take in the event an end-user withdraws a dispute and the timeframes related to these actions.

72 The extent to which parties comply with timelines in dispute resolution process, has a direct impact on the timeframe for the issuance by ComReg of a proposed resolution. Accordingly the indicative timeframe as outlined in the procedures (see Annex: 2 paragraph [54](#)) should be viewed in this context.

Proposed approach:

- 73 ComReg proposes to amend its procedures to indicate that the indicative timeframe for the issuance of a proposed resolution in a dispute may be impacted by events outside ComReg's control including request(s) for an extension and correspondence received etc.
- 74 ComReg proposes to amend its procedures to detail the steps and timeframe to be followed by an end-user who can convey their decision to elect to accept a proposed resolution.
- 75 ComReg also proposes to amend its procedures to set out how it will convey to the provider the decision of the end-user and any actions required by the provider to follow.

Q. 3 Do you have any comments on the approach ComReg has set out in respect of revisions outlined in section [3.2.2](#): Accessing formal Dispute Resolution? Please explain the basis of your response in full and provide any supporting information.

3.2.3 Acceptance of a proposed resolution

- 76 Section 48(2) of the 2023 Act provides a new obligation on end-users *“to elect to accept”* a proposed resolution by ComReg. It also requires that end-users do so after having been *“given a reasonable period of time to consider whether to elect”*.
- 77 In the event that *“the end-user does not elect to accept the resolution proposed within the period specified.... the end-user shall be deemed to have rejected the proposed solution.”*

Proposed approach:

- 78 ComReg proposes to amend the 2018 Procedures to reflect the new requirement that end-users must additionally elect to accept the resolution proposed.
- 79 ComReg is of the preliminary view that a 10-working day timeframe for end-users to elect to accept the resolution proposed by ComReg is reasonable.
- 80 ComReg proposes to qualify that an extension to this 10-working day timeframe will be considered by ComReg only in exceptional circumstances (to include, but not being limited to: an illness, a bereavement, religious or holiday observances e.g. Christmas etc.)
- 81 ComReg also proposes to detail in the procedures that a proposed resolution will be considered rejected if an end-user does not elect to accept it within the 10-working day period (subject to the availability to extend this period in exceptional circumstances).

Q. 4 Do you have any comments on the approach ComReg has set out in respect of revisions outlined in section [3.2.3](#): Acceptance of a proposed resolution ? Please explain the basis of your response in full and provide any supporting information.

3.2.4 Improving access to the Dispute Resolution procedures

- 82 ComReg is committed to ensuring that every end-user has equal access to all its services, including its dispute resolution procedures.
- 83 As well as the revisions needed due to the legislation, the revised dispute resolution procedures also seek to provide certainty for end-users and providers by being clear and unambiguous and by informing end-users of the remedies and redress available.
- 84 ComReg has an appointed Access Officer²⁶ who can coordinate assistance and guidance to persons with disabilities accessing services provided by ComReg.
- 85 ComReg is committed to sustainable work practices. Where possible dispute resolution applications and supporting information should be submitted in electronic format with read/write access, however applications delivered by post or by hand will also be accepted.
- 86 The 2018 Procedures have been reviewed to remove duplication in terms (in the limited cases where this arose). For example, references to how the number of 'working days' is calculated from the date correspondence is issued have been consolidated. For ease of review these are cross referenced in the marked up text in Table 1 to the relevant paragraphs ([9](#) and [10](#)) in the revised procedures.
- 87 The 2018 Procedures have also been reviewed to better reflect the end-user experience as they move through the formal dispute resolution process, resulting in rearrangement of certain paragraphs so the steps are sequential.
- 88 Terms have been updated in the procedures to reflect changes in wording within the 2023 Act. These include:
- 88.1 'Complaint' changed to 'dispute';
 - 88.2 'End user' to 'end-user'
 - 88.3 'Service Provider' changed to 'provider'; and
 - 88.4 'Determination' changed to 'proposed resolution'.

²⁶ In accordance with section 26(2) of the Disability Act 2005; see [Online:] <https://www.comreg.ie/about/foi-aie-info/accessibility/> for further information.

- 89 Where there is a single term update, and for ease of reference, this is emphasised in square brackets. In the event there are several term changes or other changes made, the original text is reproduced with the revisions indicated.
- 90 ComReg considers that these revisions will benefit end-users and that the revised procedures will further ComReg's statutory objective of promoting their interests²⁷.

Proposed approach:

- 91 ComReg proposes to amend the 2018 Procedures to reflect the access options to its procedures, remove any duplication in provisions and to simplify its procedures where appropriate, for the benefit of both end-users and providers.

Q. 5 Do you have any comments on the approach ComReg has set out in respect of revisions outlined in section [3.2.4](#): Improving access to the Dispute Resolution procedures? Please explain the basis of your response in full and provide any supporting information.

3.2.5 Effective Date and Duration

- 92 ComReg proposes that the End-User Dispute Resolution Procedures will be effective three (3) months from the date of the publication of the Response to Consultation and Procedures document that will be published following the receipt of comments on this consultation ('the Effective Date') and shall remain in full force unless otherwise amended by ComReg.

Q. 6 Do you have any comments on the approach ComReg has set out in respect of revisions outlined in section [3.2.5](#): Effective Date and Duration? Please explain the basis of your response in full and provide any supporting information.

- 93 ComReg has set out a tracked changed version of the 2018 Procedures in [Annex: 1](#) and a full 'clean' version of the proposed revised procedures at [Annex: 2](#).

Q. 7 Do you have any comments on the revisions outlined in [Annex: 2](#)? Please document clearly the basis of your response and reference the paragraph number(s) where appropriate. Please explain the basis of your response in full and provide any supporting information.

²⁷ In accordance with Section 12(2)(c)(ii) of the Communications Regulation Act 2002

4 Regulatory Impact Assessment (RIA)

- 94 ComReg has published RIA Guidelines²⁸, (Doc 07/56a), in accordance with a policy direction to ComReg²⁹, which state that ComReg will conduct a RIA in any process that may result in the imposition of a regulatory obligation, or the amendment of an existing obligation to a significant degree, or which may otherwise significantly impact on any relevant market or any stakeholders or consumers.
- 95 However, the Guidelines also note that in certain instances it may not be appropriate to conduct a RIA and, in particular, that a RIA is only considered mandatory or necessary in advance of a decision that could result in the imposition of an actual regulatory measure or obligation, and that where ComReg is merely charged with implementing a statutory obligation then it will assess each case individually and will determine whether a RIA is necessary and justified.
- 96 In this case ComReg considers that a RIA is not required as a new regulatory obligation is not being imposed. ComReg is simply updating its End-User Dispute Resolution Procedures to align with the requirements under Part 5 of the 2023 Act. Therefore, a RIA is not being undertaken on this occasion.

²⁸ Which have regard to the RIA Guidelines issued by the Department of An Taoiseach in June 2009

²⁹ Ministerial Policy Direction made by Dermot Ahern T.D. Minister for Communications, Marine and Natural Resources on 21 February, 2003

5 Submitting comments and next steps

- 97 The consultation period will run from 16 November 2023 to **12 January 2024**, during which ComReg welcomes written comments. It is requested that comments be cross-referenced to the relevant question numbers from this document.
- 98 Responses must be submitted in written form (post or email) to the following address/email and clearly marked "Submission to ComReg 23/107": Commission for Communication Regulation One Dockland Central 1 Guild Street North Dock Dublin 1 D01 E4XO Ireland Email: retailconsult@comreg.ie
- 99 Having analysed and considered the comments received, ComReg intends to publish a response to consultation and decision in March 2024.
- 100 In order to promote further openness and transparency, ComReg will publish respondents' submissions to this consultation. However, ComReg must strictly maintain the confidentiality of any information provided to it in confidence. Electronic submissions should be submitted in an unprotected format so that they can be appended into the ComReg submissions document for publishing electronically.

Annex: 1 Tracked changes to 2018 procedures

Table 1: Differences between 2018 Procedures and End-User Dispute Resolution Procedures

101 The steps of the procedures have each been numbered and to aid review are provided as a linked bookmark within this tracked change Table 1. The paragraph number relates to that in the consolidated version at Annex 1; when clicked it will direct the reader to the appropriate paragraph in Annex 1.

Legend:

Moved: ~~Text is double strikethrough~~

New: **Text is in red**

Deleted: ~~Text is single strikethrough~~

New Section: Interpretation

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
		<p>Unless the context otherwise suggests, the definitions in the 2023 Act apply to the End-user Dispute Resolution Procedures (the “procedures”).</p>	<p><u>1</u></p>	<p>Unless the context otherwise suggests, the definitions in the 2023 Act apply to the End-user Dispute Resolution Procedures (the “procedures”).</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
		<p>To the extent that there may be any difference between the procedures and the relevant provisions of the 2023 Act, the 2023 Act takes precedence.</p>	<p><u>2</u></p>	<p>To the extent that there may be any difference between the procedures and the relevant provisions of the 2023 Act, the 2023 Act takes precedence.</p>

New Heading: Introduction

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
A2.1	<p>The effective date for the commencement of the Formal Dispute Resolution Procedures is 9 months from the publication of this Document, the Response to Further Consultation and Decision, ComReg 18/104. The Formal Dispute Resolution Procedures will commence on Monday 2nd September 2019.</p>	<p>The effective date for the commencement of the Formal Dispute Resolution Procedures is 3 months 9 months from the publication date of this Document, the Response to Further Consultation and Decision XX/XX/2024 ComReg 18/104. The Formal Dispute Resolution Procedures will commence on Monday 2nd September 2019.</p>	<u>3</u>	<p>The effective date for the commencement of the procedures is 3 months from the publication date of this document, the Response to Consultation and Decision XX/XX/2024.</p>
	<p>Only those complaints that are first notified to Service Providers in accordance with their codes of practice for complaints handling from 2nd September 2019 onwards will be accepted into the Formal Dispute Resolution Procedures, once they are unresolved for more than 40 working days.</p>	<p>Only these complaints that are first notified to Service Providers in accordance with their codes of practice for complaints handling from 2nd September 2019 onwards will be accepted into the Formal Dispute Resolution process Procedures, once they are unresolved for more than 40 working days.</p>	<u>4</u>	<p>Only complaints that are notified to providers in accordance with their codes of practice for complaints handling will be accepted into the formal dispute resolution process.</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
A2.2	<p>ComReg agrees that for all timelines specified in the Formal Dispute Resolution Procedures, parties should have the ability to request an extension, where necessary and appropriate.</p> <p>ComReg may grant an extension where it considers that there are good grounds for doing so.</p> <p>ComReg will respond to requests for extensions within two working days.</p>			Now paragraph 13
A2.3	<p>If an end-user has a case open with the ComReg consumer care team for more than 30 working days, and their complaint relates to an issue that ComReg may resolve under Regulation 27 of Users' Rights Regulations, they will be advised that they can apply for Formal Dispute Resolution.</p>	<p>If an end-user has a case open with the ComReg consumer care team for more than 30 10-working days, and their complaint relates to a relevant dispute an issue that ComReg may resolve under Regulation 27 of Users' Rights Regulations, they will be advised that they can apply for Fformal Ddispute Rresolution.</p>	5	<p>If an end-user has a case open with the ComReg consumer care team for more than 10-working days, and their complaint relates to a relevant dispute, they will be advised that they can apply for formal dispute resolution.</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	<p>On the application form, there will be a separate page that the end-user will need to sign that consents to their case being closed with the ComReg consumer care team if their complaint is accepted for Formal Dispute Resolution.</p>	<p>On the application form, there will be a separate page that the end-user will need to sign that consents to their case being closed with the ComReg consumer care team if their complaint is accepted for Formal Dispute Resolution. An end-user will need to complete an application form for formal dispute resolution and indicate on that form of their consent to their case being closed with the ComReg Consumer Care team if their dispute is accepted for resolution.</p>	<p><u>6</u></p>	<p>An end-user will need to complete an application form for formal dispute resolution and indicate on that form of their consent to their case being closed with the ComReg Consumer Care team if their dispute is accepted for resolution.</p>
	<p>If their application is accepted, this form will be provided to the ComReg consumer care team and the case will be closed.</p>	<p>If their application is accepted, this form will be provided to the ComReg's eConsumer eCare team will be advised of this and to close the case will be closed.</p>	<p><u>6.1</u></p>	<p>If an application for formal dispute resolution is accepted, ComReg's Consumer Care team will be advised of this and to close the case.</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	<p>If their application is rejected, the end-user can continue to have their case open with the ComReg consumer care team until such time as it is closed.</p>	<p>[no change]</p>	<p><u>6.2</u></p>	<p>If their application is rejected, the end-user can continue to have their case open with the ComReg Consumer Care team until such time as it is closed.</p>
<p>A2.4</p>	<p>When ComReg receives an application from an end-user for the Formal Dispute Resolution Procedures, ComReg will not engage with the Service Provider in relation to the validation of any of the minimum requirements; ComReg will assess the validity of the minimum requirements on the basis of the information supplied by the end-user in the application.</p>	<p>When ComReg receives an application from an end-user for the Formal Dispute Resolution Procedures, ComReg will not engage with the Service Provider in relation to the validation of any of the minimum requirements; ComReg will assess the validity of the minimum requirements on the basis of the information supplied by the end-user in the application.</p>	<p><u>7</u></p>	<p>When ComReg receives an application from an end-user for formal dispute resolution, ComReg will not engage with the provider in relation to the validation of any of the minimum requirements; ComReg will assess the validity of the minimum requirements on the basis of the information supplied by the end-user in the application.</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
A2.5	In general, all correspondence is required to be in writing, which can be in electronic format, whilst ComReg is mindful of ensuring that all end-users can access the procedures. Should an end-user prefer to have their correspondence by post, ComReg will facilitate this.	In general, all correspondence to ComReg is required to be in writing, which should can be in electronic format. ComReg is mindful of ensuring that all end-users can access the procedures. Should an end-user prefer to have their correspondence by post, ComReg will facilitate this.	<u>8</u>	In general, all correspondence is required to be in writing, which should be in electronic format. ComReg is mindful of ensuring that all end-users can access the procedures. Should an end-user prefer to have their correspondence by post, ComReg will facilitate this.
	For correspondence that is sent by post, the first day is the next working day after the date on which the correspondence is posted.	For correspondence that is sent by post, by any party , the first day is the next working day after the date on which the correspondence is posted.	<u>9</u>	For correspondence that is sent by post, by any party , the first day is the next working day after the date on which the correspondence is posted.
		For correspondence that is sent by electronic means, by any party, the first day is the next working day after the date on which the correspondence is sent.	<u>10</u>	For correspondence that is sent by electronic means, by any party, the first day is the next working day after the date on which the correspondence is sent.

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
A2.6	<p>If correspondence is by post, a postal tracking service will be used to determine the date on which the draft and final determination has been delivered to parties. If postal correspondence is to be used by ComReg, where the Service Provider or the end-user can demonstrate that there was a delay in receiving the correspondence by post, an extension will be granted to the effect that the first working day begins on the date on which the postal correspondence was received.</p>	<p>If correspondence is by post, a postal tracking service will be used to determine the date on which the draft and final determination proposed resolution has been delivered to parties. If postal correspondence is to be used by ComReg, where the Service Pprovider or the end-user can demonstrate that there was a delay in receiving the correspondence by post, an extension will be granted to the effect that the first working day begins on the date on which the postal correspondence was received</p>	11	<p>If correspondence is by post, a postal tracking service will be used to determine the date on which the draft and final proposed resolution has been delivered to parties. If postal correspondence is to be used by ComReg, where the provider or the end-user can demonstrate that there was a delay in receiving the correspondence by post, an extension will be granted to the effect that the first working day begins on the date on which the postal correspondence was received.</p>

<p>A2.7</p>	<p>The total amount that can be awarded as a measure for the resolution of a dispute is €5,000. This includes a sub-cap of €2,000 for payment in settlement of losses and compensation. This means that a maximum amount of €5,000 may be prescribed in total for the reimbursement of payments, payments of compensation and payments in settlement of losses. So, for clarity, by way of an example, if an end-user is to be reimbursed €4,500 for incorrect billing, there is only a maximum amount of €500 left available to the adjudicator to be awarded for payment in settlement of losses and compensation as no more than a total of €5,000 can be awarded. If an end-user is to be reimbursed €200, the maximum amount that can be awarded for payment in settlement of losses and compensation is €2,000.</p>	<p>The maximum amount of compensation that a provider may be directed to pay to any end-user under the 2023 Act is €5,000.</p>	<p><u>12</u></p>	<p>The maximum amount of compensation that a provider may be directed to pay to any end-user under the 2023 Act is €5,000.</p>
	<p>Was A2.2</p>	<p>ComReg agrees that for all timelines specified in the Formal Dispute Resolution Procedures, parties</p>	<p><u>13</u></p>	<p>For all timelines specified in the procedures, parties may request an</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
		<p>should have the ability to may request an extension, where necessary and appropriate.</p> <p>Any extension in time granted may affect the timeframe for ComReg's issuance of its draft or final proposed resolution.</p> <p>ComReg may grant an extension where it considers that there are good grounds for doing so.- ComReg will assess this on a case by case basis and advise parties if appropriate.</p> <p>ComReg will endeavour to respond to requests for extensions within two working days.</p>		<p>extension, where necessary and appropriate.</p> <p>Any extension in time granted may affect the timeframe for ComReg's issuance of its draft or final proposed resolution.</p> <p>ComReg may grant an extension where it considers that there are good grounds for doing so. ComReg will assess this on a case by case basis and advise parties if appropriate.</p> <p>ComReg will endeavour to respond to requests for extensions within two working days.</p>
	Was Step 4 – 1	[no change]	<u>14</u>	ComReg is cognisant of the requirements for it to act proportionately, objectively and non-discriminatorily.

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
				ComReg is also required to be justified in the measures it takes and to act transparently.
	Was Step 4 – 1	[no change]	15	ComReg's general duty is to handle disputes in accordance with fair procedures and the principles of natural justice.
	Was Step 4 - 1	ComReg shall, inter alia, have regard to any applicable rule of law, the terms of any relevant codes of practice and contracts between the end-users and the Service Provider, the relevant regulatory framework, any relevant guidance and ComReg policy in place when investigating and determining resolving disputes referred to it in accordance with the out-of-court dispute resolution procedures referred to in accordance with Regulation 27 of the Users' Rights Regulations.	16	ComReg shall, inter alia, have regard to any applicable rule of law, the terms of any relevant codes of practice and contracts between the end-users and the provider, the relevant regulatory framework, any relevant guidance and ComReg policy in place when resolving disputes referred to it.

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
		<p>Formal Dispute Resolution will be a paper-based process; however an adjudicator may conduct an oral hearing where he or she considers it necessary to ensure fairness of procedures and in particular, in order to resolve a genuine conflict of fact arising from the papers that cannot otherwise be resolved.</p>	<p><u>17</u></p>	<p>Formal Dispute Resolution will be a paper-based process; however an adjudicator may conduct an oral hearing where he or she considers it necessary to ensure fairness of procedures and in particular, in order to resolve a genuine conflict of fact arising from the papers that cannot otherwise be resolved.</p>
		<p>ComReg has an appointed Access Officer who can coordinate assistance and guidance to persons with disabilities accessing services provided by ComReg, including its formal dispute resolution process.</p>	<p><u>18</u></p>	<p>ComReg has an appointed Access Officer who can coordinate assistance and guidance to persons with disabilities accessing services provided by ComReg, including its formal dispute resolution process.</p>

Submission of Submitting an Application for formal dispute resolution

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 1	The application form will include the following minimum requirements:	[no change]	19	The application form will include the following minimum requirements:
Step 1 1 [Bullet 01]	Contact details, including a telephone number, postal address and email address if available;	[no change]	19.1	Contact details, including a telephone number, postal address and email address if available;
Step 1 1 [Bullet 02]	The Service Provider(s) and the name and account number on the account, if applicable;	['Service Provider' changed to 'provider']	19.2	The provider(s) and the name and account number on the account, if applicable;
Step 1 1 [Bullet 03]	Details of the complaint, including the complaint reference number from the Service Provider, if applicable;	['Service Provider' changed to 'provider']	19.3	Details of the complaint, including the complaint reference number from the provider, if applicable;
Step 1 1 [Bullet 04]	Details of interactions with the Service Provider outlining the date of first notification of the complaint and/or with the ComReg complaints handling process, if applicable;	Details of interactions with the Service Provider Service Provider outlining the date of first notification of the complaint and/or with the ComReg's Consumer Care team ComReg's Consumer Care team complaints handling process, if applicable;	19.4	Details of interactions with the provider outlining the date of first notification of the complaint and/or with the ComReg Consumer Care team, if applicable;

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 1 1 [Bullet 05]	Details of offers, gestures or resolutions, if any, already extended or offered by the Service Provider;	['Service Provider' changed to 'provider']	19.5	Details of offers, gestures or resolutions, if any, already extended or offered by the provider;
Step 1 1 [Bullet 06]	Written confirmation of the nominated representative or third party, if applicable;	[no change]	19.6	Written confirmation of the nominated representative or third party, if applicable;
Step 1 1 [Bullet 07]	An outline of what outcome (including an apology, action to be taken with respect to a bill, including refunds, credits or waivers due or of any redress sought) the end-user is expecting or seeking through the resolution of the complaint;	An outline of what outcome (including an apology, action to be taken with respect to a bill, including refunds, credits or waivers due or of any redress sought) the end-user is expecting or seeking through the resolution of the complaint;	19.7	What outcome the end-user is expecting or seeking through the resolution of the dispute.
Step 1 1 [Bullet 08]	Consumer Care case closure signed consent form; and	Consumer Care case closure signed consent form Confirmation of the consent to close the case with ComReg Consumer Care; and	19.8	Confirmation of the consent to close the case with ComReg Consumer Care; and
Step 1 1 [Bullet 09]	The fee of €15.	The fee of €15. Confirmation that the end-user agrees to pay the application fee.	19.9	Confirmation that the end-user agrees to pay the application fee.

~~Acceptance of an Application~~ **Assessing validity**

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 2 1	In order for the application to be accepted as valid, a number of criteria must first be fulfilled:	[no change]	20	In order for the application to be accepted as valid, a number of criteria must first be fulfilled:
Step 2 1 [Bullet 01]	The complaint must relate to an issue arising in relation to the Users' Rights Regulations or the Roaming Regulations and any other regulations which give ComReg the power to resolve disputes using the Procedures in accordance with Regulation 27 of the Users' Rights Regulations;	The complaint must relate to an issue arising in relation to the Users' Rights Regulations or the Roaming Regulations and any other regulations which give ComReg the power to resolve disputes using the Procedures in accordance with Regulation 27 of the Users' Rights Regulations a "relevant dispute";	20.1	The complaint must relate to a "relevant dispute";
Step 2 1 [Bullet 02]	The complaint relates to a single end-user who has been impacted by the subject matter of the complaint;	The complaint dispute relates to a single end-user who has been impacted by the subject matter of the complaint dispute ;	20.2	The dispute relates to a single end-user who has been impacted by the subject matter of the dispute;

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 2-1 [Bullet 03]	<p>The complaint must be unresolved and it must be at least 40 working days since it was first notified to the Service Provider in accordance with the code of practice for complaints handling, regardless of whether it has been with the Service Provider or has been raised by ComReg's complaints handling team and the end-user remains dissatisfied thereafter (ComReg may decide to accept complaints that are unresolved for less than the 40 working day timeframe, where in ComReg's view, the particular circumstances of the complaint justify its acceptance before 40 working days has elapsed. In this case, ComReg will explain the reasons for doing so);</p>	<p>The complaint, which must relate to a "relevant dispute", must be unresolved and the circumstances it must be such that (a) at least 10 40 working days have elapsed since the complaint giving rise to the dispute was first notified to the Service Provider in accordance with the code of practice for complaints handling, or (b) the procedures for the resolution of disputes provided for in the provider's code of practice have been completed. regardless of whether it has been with the Service Provider or has been raised by ComReg's complaints handling team and the end-user remains dissatisfied thereafter (ComReg may decide to accept complaints that are unresolved for less than the 40 working day timeframe, where in ComReg's view, the particular circumstances of the complaint justify its acceptance before 40 working days has elapsed. In this case,</p>	20.3	<p>The complaint, which must relate to a "relevant dispute", must be unresolved and the circumstances must be such that (a) at least 10 days have elapsed since the complaint giving rise to the dispute was first notified to the provider in accordance with the code of practice for complaints handling, or (b) the procedures for the resolution of disputes provided for in the provider's code of practice have been completed.</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
		ComReg will explain the reasons for doing so);		
Step 2 1 [Bullet 04]	The complaint must have been first notified to the Service Provider in accordance with the code of practice for complaints handling within the previous 12 months;	['Service Provider' changed to 'provider']	20.4	The complaint must have been first notified to the provider in accordance with the code of practice for complaints handling within the previous 12 months;
Step 2 1 [Bullet 05]	The scope of the complaint must be confined to the issues contained in the complaint when it was notified to the Service Provider's code of practice for complaints handling;	The scope of the complaint dispute must be confined to the issues contained in the complaint when it was notified to the Service Provider's code of practice for complaints handling;	20.5	The scope of the dispute must be confined to the issues contained in the complaint when it was notified to the provider;
Step 2 1 [Bullet 06]	The complaint is not frivolous or vexatious;	The complaint dispute is not frivolous or vexatious;	20.6	The dispute is not frivolous or vexatious;
Step 2 1 [Bullet 07]	The complaint is not being, nor has previously been, considered by another dispute resolution entity or by a court;	The complaint dispute is not being, nor has previously been, considered by another dispute resolution entity or by a court;	20.7	The dispute is not being, nor has previously been, considered by another dispute resolution entity or by a court;
Step 2 1 [Bullet 08]	The nominal fee has been paid; and	[no change]	20.8	The nominal fee has been paid; and

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 2 1 [Bullet 09]	Dealing with the dispute does not impact or impair the effective operation of ComReg.	[no change]	20.9	Dealing with the dispute does not impact or impair the effective operation of ComReg.
Step 2 2	ComReg has absolute discretion to refuse to accept, or to terminate consideration of, a dispute if it considers that the complaint has no reasonable prospect of success, recovery or redress in relation either to such complaint and/or the Service Provider to which the complaint relates.	['Service Provider' changed to 'provider']	21	ComReg has absolute discretion to refuse to accept, or to terminate consideration of, a dispute if it considers that the complaint has no reasonable prospect of success, recovery or redress in relation either to such complaint and/or the provider to which the complaint relates.
Step 2 3	ComReg has absolute discretion to refuse to accept or to terminate or to delay acceptance and/or consideration of a dispute if it considers that the dispute is currently, or may become associated with, legal proceedings in which ComReg is party to.	[no change]	22	ComReg has absolute discretion to refuse to accept or to terminate or to delay acceptance and/or consideration of a dispute if it considers that the dispute is currently, or may become associated with, legal proceedings in which ComReg is party to.

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 2 4	If the application is incomplete, or more details are required, the end-user will be contacted and the relevant information will be requested.	[no change]	23	If the application is incomplete, or more details are required, the end-user will be contacted and the relevant information will be requested.
	Was Step 2 - 6	If the application is deemed to be valid, A reference number will be allocated to the dispute a dispute application and this must should be quoted on all correspondence with the parties involved.	24	A reference number will be allocated to a dispute application and this should be quoted on all correspondence with the parties involved.
	Was Step 2 - 6	Once all the relevant information has been received from the end-user and the nominal fee has been paid, ComReg will, in so far as is practicable, assess the application against its 'validity requirements' within 5-working days.	25	Once all the relevant information has been received from the end-user and the nominal fee has been paid, ComReg will, in so far as is practicable, assess the application against its 'validity requirements' within 5-working days.
	Was Step 2 - 6	However, ComReg is mindful that there may be a limited set of circumstances that necessitate ComReg taking up to 15-working days to make a decision on assess the application.	26	However, ComReg is mindful that there may be a limited set of circumstances that necessitate ComReg taking up to 15-working days to assess the application.

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 2 5	<p>If it is determined that the application is not valid, the application will be declined. The determination of whether an application is valid will be completed as soon as possible following receipt of the completed application.</p> <p>If the application is declined, the end user will be contacted and will be provided with a reasoned explanation of the grounds for the non-acceptance of the application.</p>	<p>If it is determined that the application is not valid, the application will be declined not be accepted.</p> <p>The determination of whether an application is valid will be completed as soon as possible following receipt of the completed application.</p>	<u>27</u>	<p>If it is determined that the application is not valid, the application will not be accepted.</p>

New Heading: Accepting a valid application

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	Was Step 2 – 5	If the application is declined not accepted , the end-user will be contacted and will be provided with a reasoned explanation of the grounds for the non-acceptance of the application.	28	If the application is not accepted, the end-user will be contacted and will be provided with a reasoned explanation of the grounds for the non-acceptance of the application.
Step 2 6	<p>Once all the relevant information has been received from the end-user and the nominal fee has been paid, ComReg will, in so far as is practicable, assess the application within 5 working days.</p> <p>However ComReg is mindful that there may be a limited set of circumstances that necessitate ComReg taking up to 15 working days to make a decision on the application.</p>			Now paragraphs 25 and 26

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 2 6	If the application is deemed to be valid, a reference number will be allocated to the dispute and this must be quoted on all correspondence with the parties involved.			
Step 2 7	Both the end-user and the Service Provider will be formally advised at the same time that the dispute has been accepted. This date will be known as the 'Date of Acceptance'.	['Service Provider' changed to 'provider']	29	Both the end-user and the provider will be formally advised at the same time that the dispute has been accepted. This date will be known as the 'Date of Acceptance'.

Correspondence with the End-User

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 3A 1	On the Date of Acceptance, the end-user will be advised of the acceptance of the dispute. They will be advised of the next steps in the process and that their dispute, including a copy of the details submitted in their application, is being sent to the Service Provider for a response.	On the Date of Acceptance, the end-user will be advised of the acceptance of the dispute. They will be advised of the next steps in the process and that their dispute, including a copy of the details submitted in their application, is being sent to the Service Provider for a response. The end-user will also be provided with the mandatory information under Section 48(2) of the 2023 Act.	30	On the Date of Acceptance, the end-user will be advised of the acceptance of the referral of the dispute. They will be advised of the next steps in the process and that their dispute, including a copy of the details submitted in their application, is being sent to the provider for a response. The end-user will also be provided with the mandatory information under Section 48(2) of the 2023 Act.
	Was Step 3B – 1	[‘Service Provider’ changed to ‘provider’]	31	On the Date of Acceptance, the provider will be formally advised of receipt of the dispute, and of the name of the end-user and the dispute reference number.
	Was Step 3B – 2	[‘Service Provider’ changed to ‘provider’] The first working day will be the next working day after the day on which	32	Within 5-working days of the Date of Acceptance, the provider will be provided with an electronic copy of the details submitted in the application by the end-user, including any supporting

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
		<p>the correspondence is sent by ComReg.</p>		<p>documentation and will be given 10-working days to provide a written detailed response to ComReg.</p>
	<p>Was Step 3B – 4</p>	<p>ComReg is mindful that there may be good grounds that result in an application to ComReg that requests further time by the Service Provider to provide a comprehensive response.</p> <p>Where ComReg receives an application from a provider to extend the time for it to provide a response, and ComReg is of the opinion that good grounds exist for the extension, If, in the opinion of ComReg, good grounds exist, ComReg may accept an application for the extension of the time for up to 10-working days. This would be a matter for ComReg to de consider on a case by case basis.</p>	<p>33</p>	<p>Where ComReg receives an application from a provider to extend the time for it to provide a response, and ComReg is of the opinion that good grounds exist for the extension, ComReg may accept extend the time for up to 10-working days. This would be a matter for ComReg to consider on a case-by-case basis.</p>
	<p>Was Step 3B – 5</p>	<p>If ComReg requires any further information may be requested from the Service Pprovider ComReg</p>	<p>34</p>	<p>If ComReg requires any further information from the provider ComReg will notify it in writing and the provider</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
		<p>will be notified it in writing and the provider will have up to 10-working days to submit further information and comments.</p> <p>The first working day will be the next working day after the day on which the correspondence is sent by ComReg.</p>		<p>will have up to 10-working days to submit further information and comments.</p>
	<p>Was Step 3B – 6</p>	<p>If the Service Pprovider does not provide a response to ComReg, it will be contacted and advised that unless it responds within 5-working days, ComReg can will proceed to propose a resolution make a determination based entirely on the information provided by the end-user and any response by the Service Pprovider, to date.</p>	<p><u>34.1</u></p>	<p>If the provider does not provide a response to ComReg, it will be contacted and advised that unless it responds within 5-working days, ComReg will proceed to propose a resolution based entirely on the information provided by the end-user and any response by the provider to date.</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 3A 2	Following receipt of the Service Provider's response, more information may be requested from the end-user, if deemed necessary.	Following receipt of the Service Provider's response, more information may be requested from the end-user, if deemed necessary.	35	Following receipt of the provider's response, more information may be requested from the end-user, if deemed necessary.
	If this is the case, the end-user will be notified in writing and will have up to 10 working days to submit further information and comments. The first working day will be the next working day after the day on which the correspondence is sent by ComReg	If this is the case, the end-user will be notified in writing and will have up to 10-working days to submit further information and comments. The first working day will be the next working day after the day on which the correspondence is sent by ComReg	35.1	If this is the case, the end-user will be notified in writing and will have up to 10-working days to submit further information and comments.
Step 3A 3	If the end-user does not respond to ComReg or fails to provide any information requested, it will be assumed that the end-user does not want to proceed with the dispute.	[no change]	35.2	If the end-user does not respond to ComReg or fails to provide any information requested, it will be assumed that the end-user does not want to proceed with the dispute.
	In this event, the end-user will be contacted and advised that unless they respond within 5	In this event, the end-user will be contacted and advised that unless they respond within 5-working days, the case dispute will be closed.	35.3	In this event, the end-user will be contacted and advised that unless they respond within 5-working days, the dispute will be closed.

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	<p>working days, the case will be closed.</p> <p>The first working day will be the next working day after the day on which the correspondence is sent by ComReg.</p>	<p>The first working day will be the next working day after the day on which the correspondence is sent by ComReg.</p>		
	<p>If the end-user does not respond within 5 working days, the dispute will be closed and both parties will be notified within 2 working days.</p>	<p>If the end-user does not respond within 5-working days, the dispute will be closed and both parties will be notified within 2-working days of the closure of the dispute.</p>	<p>35.4</p>	<p>If the end-user does not respond within 5-working days, the dispute will be closed and both parties will be notified within 2-working days of the closure of the dispute.</p>
<p>Step 3A 4</p>	<p>The end-user can withdraw from the process at any time by notifying ComReg in writing.</p>	<p>The end-user can withdraw from the formal dispute resolution process at any time stage up to the time at which ComReg proposes a resolution to the dispute, by notifying ComReg in writing.</p>	<p>36</p>	<p>The end-user can withdraw from the formal dispute resolution process at any stage up to the time at which ComReg proposes a resolution to the dispute, by notifying ComReg in writing.</p>
	<p>Upon receipt of notification of withdrawal of an end-user, ComReg will inform the Service Provider within 2 working days and will close the dispute.</p>	<p>[no change]</p>	<p>36.1</p>	<p>Upon receipt of notification of withdrawal of an end-user, ComReg will inform the Service Provider within 2 working days and will close the dispute.</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	Once an end-user withdraws from a dispute and the dispute is closed, their fee will be forfeited and they will not be able to re-open the dispute.	[no change]	36.2	Once an end-user withdraws from a dispute and the dispute is closed, their fee will be forfeited and they will not be able to re-open the dispute.
	However, this does not preclude an end-user from submitting a fresh application for the same complaint or from submitting an application for another complaint at any time.	However, this does not preclude an end-user from submitting a fresh application for the same complaint dispute or from submitting an application for another complaint dispute at any time.	36.3	However, this does not preclude an end-user from submitting a fresh application for the same dispute or from submitting an application for another dispute at any time.
Step 3A 5	The end user is responsible for and must pay any costs incurred by them in the preparation of their case. End users cannot take any legal action against ComReg to recover these costs.			Now paragraph 66

Correspondence with the Service Provider

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 3B 1	On the Date of Acceptance, the Service Provider will be formally advised of receipt of the dispute, and of the name of the end user and the dispute reference number.			Now paragraph 31
Step 3B 2	Within 5 working days of the Date of Acceptance, the Service Provider will be provided with an electronic copy of the details submitted in the application by the end user, including any supporting documentation and will be given 10 working days to provide a written detailed response to ComReg. The first working day will be the next working day after the day on which the correspondence is sent by ComReg.			Now paragraph 32

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 3B 3	<p>In exceptional circumstances, this 10 working day period may be extended by ComReg for up to 10 working days.</p> <p>This response should be sufficiently detailed and comprehensive to enable a full assessment by ComReg of the dispute.</p>			Merged with Step 3B – 4
Step 3B 4	<p>ComReg is mindful that there may be good grounds that result in an application to ComReg that requests further time by the Service Provider to provide a comprehensive response.</p> <p>If, in the opinion of ComReg, good grounds exist, ComReg may accept an application for the extension of time.</p> <p>This would be a matter for ComReg to do on a case by case basis.</p>			Now paragraph 48

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 3B 5	Should more information may be requested from the Service Provider, the Service Provider will be notified in writing and will have up to 10 working days to submit further information and comments. The first working day will be the next working day after the day on which the correspondence is sent by ComReg.			Now paragraph 34
Step 3B 6	If the Service Provider does not provide a response to ComReg, ComReg can proceed to make a determination based entirely on the information provided by the end user and any response by the Service Provider to date.			Now paragraph 34.1
Step 3B 7	At any time during the process, the Service Provider is free to contact the end-user to resolve the dispute directly.	At any time, up to the issuance of the proposed resolution , during the process, the Service Provider is free to contact the end-user to resolve the dispute directly.	37	At any time, up to the issuance of the proposed resolution, the provider is free to contact the end-user to resolve the dispute directly.

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	<p>If agreement is reached, the Service Provider must notify ComReg within 2 working days of the dispute being resolved, and provide all supporting documentation of the resolution, including proof that the end-user has accepted the resolution in writing.</p>	<p>If agreement is reached, the Service Provider must notify ComReg within 2-working days of the dispute being resolved, and evidence provide all supporting documentation of the resolution, including proof that the end-user has accepted the resolution in writing.</p>	<p>37.1</p>	<p>If agreement is reached, the provider must notify ComReg within 2-working days of the dispute being resolved, and evidence that the end-user has accepted the resolution in writing.</p>
<p>Step 3B 8</p>	<p>The end-user can withdraw from the process at any time by notifying ComReg in writing. Upon receipt of notification of withdrawal of an end-user, ComReg will inform the Service Provider within 2 working days and will close the dispute.</p>	<p>[to delete paragraph as duplicate of Step 3A-3 of 2018 Procedures]</p>		<p>Now paragraph 36</p>
<p>Step 3B 9</p>	<p>The Service Provider is responsible for and must pay any costs incurred in the preparation of their case. Service Providers cannot take any legal action against ComReg to recover these costs.</p>			<p>Now paragraph 67</p>

Preparing the proposed Resolution and Determination

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 4 1	ComReg is cognisant of the requirements for it to act proportionately, objectively and non-discriminatorily. ComReg is also required to be justified in the measures it takes and to act transparently.			Now paragraph 14
	In making its determination ComReg shall have regard to the submissions from the end-user and the Service Provider.	In making its determination proposed resolution ComReg shall have regard to the submissions from the end-user and the Service P provider, including any statements made or evidence given at an oral hearing if held.	38	In making its proposed resolution ComReg shall have regard to the submissions from the end-user and the provider, including any statements or evidence given made at an oral hearing if held.
	ComReg's general duty is to handle disputes in accordance with fair procedures and the principles of natural justice.			Now paragraph 15
	ComReg shall, inter alia, have regard to any applicable rule of law, the terms of any relevant codes of practice and contracts between the end-users and the			Now paragraph 16

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	Service Provider, the relevant regulatory framework and ComReg policy in place when investigating and determining disputes referred to it in accordance with the out of court dispute resolution procedures referred to in Regulation 27 of the Users' Rights Regulations.			
Step 4 2	It is ComReg's view that it may also be necessary for ComReg to consider information not presented by the parties, such as technical information and opinion.	[no change]	39	It is ComReg's view that it may also be necessary for ComReg to consider information not presented by the parties, such as technical information and opinion.
	As soon as ComReg has evaluated any third party information, both the Service Provider and the end-user will be sent a copy and will be given 10 working days to provide a written detailed response to ComReg.	['Service Provider' changed to 'provider']	40	As soon as ComReg has evaluated any third party information, both the provider and the end-user will be sent a copy and will be given 10- working days to provide a written detailed response to ComReg.
	The first working day will be the next working day after the day on			Now paragraphs 9 and 10

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	which the correspondence is sent by ComReg.			
Step 4 3	When ComReg deems it has sufficient information, it will undertake its review and will endeavour to issue a draft determination and draft summary of the case within 10 working days.	When ComReg deems it has sufficient information, it will undertake its review and will endeavour to issue a draft determination proposed resolution and draft summary of the case within 10-working days.	41	When ComReg deems it has sufficient information, it will undertake its review and will endeavour to issue a draft proposed resolution and draft summary within 10-working days.
		ComReg may, at its own discretion, extend this 10-working day period but the parties will be informed of any extension of that period, the reasons for same, and of the expected length of time that will be needed to conclude the draft proposed resolution.	41.1	ComReg may, at its own discretion, extend this 10-working day period but the parties will be informed of any extension of that period, the reasons for same, and of the expected length of time that will be needed to conclude the draft proposed resolution.

New Heading: Issuing the proposed resolution

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
Step 4 4	The draft determination and the draft summary of the case will be notified to both parties in writing at the same time.	The draft determination proposed resolution and the draft summary of the case will be notified to both parties in writing at the same time.	42	The draft proposed resolution and the draft summary will be notified to both parties in writing at the same time.
	The draft determination will contain details of the reasons for the determination.	The draft determination proposed resolution will contain details of the reasons for the determination proposed resolution .	43	The draft proposed resolution will contain details of the reasons for the proposed resolution.
	The draft summary will contain a high level synopsis of the dispute and outcome such as the name of the Service Provider, the nature and type of the complaint, whether the determination was in favour of the Service Provider or the end-user and the measure determined (excluding any financial amounts prescribed).	The draft summary will contain a high level synopsis of the dispute and outcome such as the name of the Service P provider, the nature and type of the complaint dispute , whether the determination proposed resolution was in favour of the Service P provider or the end-user and the measure determination proposed resolution (excluding any financial amounts prescribed).	44	The draft summary will contain a high level synopsis of the dispute and outcome such as the name of the provider, the nature and type of the dispute, whether the proposed resolution was in favour of the provider or the end-user and the proposed resolution (excluding any financial amounts prescribed).
	The parties will have 10 working days from the date of the draft	The parties will have 10-working days from the date of the draft determination proposed resolution	45	The parties will have 10-working days from the date of the draft

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	<p>determination and draft summary to submit comments.</p> <p>The first working day will be the next working day after the day on which the correspondence is sent by ComReg.</p>	<p>and draft summary to submit comments.</p> <p>The first working day will be the next working day after the day on which the correspondence is sent by ComReg.</p>		<p>proposed resolution and draft summary to submit comments.</p>
<p>Step 4 4</p>	<p>A response in writing to the draft determination and draft summary must be signed, dated and either emailed, posted or hand delivered to ComReg on or within that 10 working day period.</p>	<p>A response in writing to the draft determination proposed resolution and draft summary must be signed, dated and either emailed, posted or hand delivered to ComReg on or within that 10 working day period.</p>	<p>46</p>	<p>A response in writing to the draft proposed resolution and draft summary must be signed, dated and either emailed, posted or hand delivered to ComReg on or within that 10 working day period.</p>
	<p>A Certificate of Postage, which is freely available from post offices at the time of posting, will be required in the event that the post date is unclear on the envelope in order to prove that the response was posted in time.</p>	<p>If posted a A Certificate of Postage, which is freely available from post offices at the time of posting, will be required in the event that the post date is unclear on the envelope in order to prove that the response was posted in time.</p>	<p>47</p>	<p>If posted a Certificate of Postage, which is freely available from post offices at the time of posting, will be required in the event that the post date is unclear on the envelope in order to prove that the response was posted in time.</p>
		<p>ComReg is mindful that there may be good grounds that result in an application to ComReg that requests</p>	<p>48</p>	<p>ComReg is mindful that there may be good grounds that result in an application to ComReg for further</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
		<p>further time by the Service Provider either party to provide a comprehensive response.</p> <p>If, in the opinion of ComReg, good grounds exist, ComReg may accept an application for the extension of time.</p> <p>This would be a matter for ComReg to do on a case by case basis.</p>		<p>time by either party to provide a comprehensive response.</p> <p>If, in the opinion of ComReg, good grounds exist, ComReg may accept an application for the extension of time.</p> <p>This would be a matter for ComReg to consider on a case by case basis.</p>
Step 4 5	<p>Following further analysis of all submissions and comments, including consideration of all comments on the draft determination and draft summary, a final determination will be prepared and issued to the parties in writing.</p> <p>It will set out the reasoning behind the decision, having regard to the relevant regulatory and legislative framework.</p> <p>ComReg will endeavour to issue the final determination within 10</p>	<p>Following further analysis of all submissions and comments, including consideration of all comments on the draft determination proposed resolution and draft summary, a final proposed resolution determination will be prepared and issued to the parties in writing.</p> <p>It will set out the reasoning behind the final proposed resolution decision, having regard to the relevant regulatory and legislative framework.</p> <p>ComReg will endeavour to issue the final proposed resolution</p>	<p>49</p> <p>50</p> <p>51</p>	<p>Following further analysis of all submissions and comments, including consideration of all comments on the draft proposed resolution and draft summary, a final proposed resolution will be prepared and issued to the parties in writing.</p> <p>It will set out the reasoning behind the final proposed resolution, having regard to the relevant regulatory and legislative framework.</p> <p>ComReg will endeavour to issue the final proposed resolution within 10-</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	working days after receipt of all submissions and comments on the draft determination.	determination within 10-working days after receipt of all submissions and comments on the draft determination proposed resolution .		working days after receipt of all submissions and comments on the draft proposed resolution.
	ComReg may, at its own discretion, extend this 10 working day time period but the parties will be informed of any extension of that period, the reasons for same, and of the expected length of time that will be needed to conclude the final determination	ComReg may, at its own discretion, extend this 10-working day time period but the parties will be informed of any extension of that period, the reasons for same, and of the expected length of time that will be needed to conclude the final determination proposed resolution .	51.1	ComReg may, at its own discretion, extend this 10-working day time period but the parties will be informed of any extension of that period, the reasons for same, and of the expected length of time that will be needed to conclude the final proposed resolution.
Step 4 6	ComReg will endeavour to issue the final determination within 60 working days of the Date of Acceptance. Achieving this timeframe is dependent on all other timeframes being met.	ComReg will endeavour to issue the final determination proposed resolution within 60-working days of the Date of Acceptance. Achieving this timeframe is dependent on all other timeframes being met.	52	ComReg will endeavour to issue the final proposed resolution within 60-working days of the Date of Acceptance. Achieving this timeframe is dependent on all other timeframes being met.
	ComReg may, at its discretion, extend the 60 working day time period. The parties will be informed of any extension of that period and of the expected length of time	ComReg may, at its discretion, extend the 60-working day time period. The parties will be informed of any extension of that period and of the expected length of time that will be needed to conclude the dispute	52.1	ComReg may, at its discretion, extend the 60-working day time period. The parties will be informed of any extension of that period and of the expected length of time that

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	that will be needed to conclude the dispute determination.	determination final proposed resolution.		will be needed to conclude the final proposed resolution.
Step 4 7	The final determination will include written reasons to explain the rationale for ComReg's determination.	The final determination proposed resolution will include written reasons to explain the rationale for ComReg's determination proposed resolution.	53	The final proposed resolution will include written reasons to explain the rationale for ComReg's proposed resolution.
	If the final determination finds in favour of the end user, the application fee will be reimbursed to the end user by ComReg.			Now paragraph 68
Step 4 8	The final determination may specify measures for the resolution of the dispute including reimbursement of payments, payments of compensation and payments in settlement of losses, as appropriate in light of the circumstances of the dispute.	The final determination proposed resolution may specify measures for the resolution of the dispute including reimbursement of payments, payments of compensation and payments in settlement of losses as appropriate in light of the circumstances of the dispute: (a) the reimbursement of payments by a provider; (b) payment of compensation by a provider; (c) payment by a provider in settlement of losses suffered;	54	The final proposed resolution may specify measures for the resolution of the dispute including as appropriate in light of the circumstances of the dispute: (a) the reimbursement of payments by a provider; (b) payment of compensation by a provider; (c) payment by a provider in settlement of losses suffered; (d) the termination of a contract between the provider and end-user;

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
		<p>(d) the termination of a contract between the provider and end-user;</p> <p>(e) the giving of an apology by a provider;</p> <p>(f) the giving of an explanation by a provider for any matter giving rise to a complaint;</p> <p>(g) compliance with a term or condition of a contract by the provider; and</p> <p>(h) compliance with a legal obligation pursuant to the law relevant to the relevant dispute.</p>		<p>(e) the giving of an apology by a provider;</p> <p>(f) the giving of an explanation by a provider for any matter giving rise to a complaint;</p> <p>(g) compliance with a term or condition of a contract by the provider; and</p> <p>(h) compliance with a legal obligation pursuant to the law relevant to the relevant dispute.</p>
Step 4 8	<p>The final determination will set out the timeframe and amount of any payments to be discharged by the Service Provider, within 30 working days, unless otherwise specified.</p>	<p>In disputes where an adjudicator finds in favour of an end-user the final determination proposed resolution will set out the timeframe and amount of any payments measures to be discharged taken by the Service provider, and a timeframe for doing so. These measures will become binding on the provider if the end-user elects to accept them. within 30 working days, unless otherwise specified.</p>	55	<p>In disputes where an adjudicator finds in favour of an end-user, the final proposed resolution will set out the measures to be taken by the provider and a timeframe for doing so. These measures will become binding on the provider if the end-user elects to accept them.</p>

New Heading: End-user elects to accept the proposed resolution

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
		The end-user must notify ComReg of their decision to elect to accept the proposed resolution within 10-working days of the date of the proposed resolution.	56	The end-user must notify ComReg of their decision to elect to accept the proposed resolution within 10-working days of the date of the proposed resolution.
		A request to extend the timeframe needed to elect to accept will be considered by ComReg in exceptional circumstances (to include, but not limited to: an illness, a bereavement, religious or holiday observations e.g. Christmas etc.)	57	A request to extend the timeframe needed to elect to accept will be considered by ComReg in exceptional circumstances (to include, but not limited to: an illness, a bereavement, religious or holiday observations e.g. Christmas etc.)
		The onus is on the end-user to clearly and unambiguously elect to accept the draft proposed resolution. Any response falling short of these requirements may be deemed to be a rejection of the proposed resolution.	58	The onus is on the end-user to clearly and unambiguously elect to accept the draft proposed resolution. Any response falling short of these requirements may be deemed to be a rejection of the proposed resolution
		The end-user shall be deemed to have rejected the proposed resolution	59	The end-user shall be deemed to have rejected the proposed

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
		<p>if he/she does not elect to accept the resolution proposed within the 10-working days (or by the extended date approved by ComReg)</p>		<p>resolution if he/she does not elect to accept the resolution proposed within the 10-working days (or by the extended date approved by ComReg)</p>
<p>Step 4 9</p>	<p>The issuing of the final determination is the final step of the Formal Dispute Resolution Procedures for ECS/ECN end-users. The final determination will be in the form of a direction of ComReg and as such is binding, unless successfully appealed. The draft and final determinations will include the date by which any measures specified are to be carried out and completed.</p>	<p>The issuing of the final determination is the final step of the Formal Dispute Resolution Procedures for ECS/ECN end-users. The final determination will be in the form of a direction of ComReg and as such is binding, unless successfully appealed. The draft and final determinations will include the date by which any measures specified are to be carried out and completed.</p>		
		<p>In the event that a proposed resolution is rejected by an end-user, ComReg will communicate the matter of the rejection to the provider within 5-working days and confirm that the proposed resolution is not binding.</p>	<p><u>60</u></p>	<p>In the event that a proposed resolution is rejected by an end-user, ComReg will communicate the matter of the rejection to the provider within 5-working days and</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
				confirm that the proposed resolution is not binding.
		Where an end-user elects to accept a proposed resolution the proposed resolution becomes binding on the provider.	61	Where an end-user elects to accept a proposed resolution the proposed resolution becomes binding on the provider.
		ComReg will endeavour to notify the fact of any election of acceptance notified to it by an end-user, to the provider concerned within 5-working days.	62	ComReg will endeavour to notify the fact of any election of acceptance notified to it by an end-user, to the provider concerned within 5-working days.
		ComReg's approach will be to treat the period for compliance with a proposed resolution as commencing only from the first day following the day on which the provider is notified by ComReg of the election by the end-user to accept the proposed resolution.	63	ComReg's approach will be to treat the period for compliance with a proposed resolution as commencing only from the first day following the day on which the provider is notified by ComReg of the election by the end-user to accept the proposed resolution.
Step 4 10	There is a right of appeal against a decision of the Regulator provided for in Regulation 4 of S.I. No. 333/2011 .	There is a right of appeal against a decision of the Regulator provided for in Regulation 4 of S.I. No. 333/2011. It should be noted that pursuant to Regulation 27(9) of the Users' Rights	64	ComReg notes that it can utilise the powers afforded to it under the 2023 Act to ensure compliance with its directions.

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	<p>It should be noted that pursuant to Regulation 27(9) of the Users' Rights Regulations, if a Service Provider fails to comply with a direction issued under paragraph 27(4), it commits an offence. ComReg also notes that it can utilise the powers afforded to it under Regulation 31 of the Users' Rights Regulations to ensure compliance with its directions.</p>	<p>Regulations, if a Service Provider fails to comply with a direction issued under paragraph 27(4), it commits an offence. ComReg also notes that it can utilise the powers afforded to it under Regulation 31 of the Users' Rights Regulations the 2023 Act to ensure compliance with its directions.</p>		
<p>Step 4 11</p>	<p>ComReg normally expects to follow Steps 1-4 when investigating a dispute referred to it in accordance with Regulation 27 of the Users' Rights Regulations. However, it is impossible to foresee every eventuality that will arise in the context of a dispute and therefore ComReg may deviate from Steps 1-4 where, in ComReg's opinion, it is justified to do so on the basis that good grounds exist.</p>	<p>ComReg normally expects to follow Steps 1-4 the steps of its procedures when investigating a dispute referred to it in accordance with Regulation 27 of the Users' Rights Regulations. However, it is impossible to foresee every eventuality that will arise in the context of a dispute and therefore ComReg may deviate from Steps 1-4 the steps of its procedures where, in ComReg's opinion, it is justified to do so on the basis that good grounds exist. If ComReg chooses to depart from Steps 1-4 the steps of its</p>	<p><u>65</u></p>	<p>ComReg normally expects to follow the steps of its procedures when investigating a dispute referred to it.</p> <p>However, it is impossible to foresee every eventuality that will arise in the context of a dispute and therefore ComReg may deviate from the steps of its procedures where, in ComReg's opinion, it is justified to do so on the basis that good grounds exist.</p> <p>If ComReg chooses to depart from the steps of its procedures in</p>

2018 Ref #	2018 Procedures text	Tracked	New Para Ref #	Proposed revised procedures text
	If ComReg chooses to depart from Steps 1-4 in respect of any dispute it will set out its reasons for so doing and communicate them to the parties.	procedures in respect of any dispute it will set out its reasons for so doing and communicate them to the parties.		respect of any dispute it will set out its reasons for so doing and communicate them to the parties.
	Was Step 3A-5	[no change]	66	The end-user is responsible for and must pay any costs incurred by them in the preparation of their case. End-users cannot take any legal action against ComReg to recover these costs
	Was Step 3B-9	[‘Service Provider’ changed to ‘provider’]	67	The provider is responsible for and must pay any costs incurred in the preparation of their case. Providers cannot take any legal action against ComReg to recover these costs.
	Was Step 4 - 7	If the final determination proposed resolution finds in favour of the end-user, the application fee will be reimbursed to the end-user by ComReg following acceptance by the end-user of the proposed resolution.	68	If the final proposed resolution finds in favour of the end-user, the application fee will be reimbursed to the end-user by ComReg following acceptance by the end-user of the proposed resolution.

Annex: 2 Draft End-user Dispute Resolution Procedures

Interpretation

- 1 Unless the context otherwise suggests, the definitions in the 2023 Act apply in the End-user Dispute Resolution Procedures (the “procedures”).
- 2 To the extent that there may be any difference between the procedures and the relevant provisions of the 2023 Act, the 2023 Act takes precedence.

Introduction

- 3 The effective date for the commencement of the procedures is 3 months from the publication date of this document, the Response to Consultation and Decision XX/XX/2024.
- 4 Only complaints that are notified to providers in accordance with their codes of practice for complaints handling will be accepted into the formal dispute resolution process.
- 5 If an end-user has a case open with ComReg’s Consumer Care team for more than 10-working days, and their complaint relates to a relevant dispute, they will be advised that they can apply for formal dispute resolution.
- 6 An end-user will need to complete an application form for formal dispute resolution and indicate on that form of their consent to their case being closed with the ComReg Consumer Care team if their dispute is accepted for resolution.
 - 6.1 If an application for formal dispute resolution is accepted, the ComReg Consumer Care team will be advised of this and to close the case.
 - 6.2 If their application is rejected, the end-user can continue to have their case open with the ComReg Consumer Care team until such time as it is closed.
- 7 When ComReg receives an application from an end-user for formal dispute resolution, ComReg will not engage with the provider in relation to the validation of any of the minimum requirements; ComReg will assess the validity of the minimum requirements on the basis of the information supplied by the end-user in the application.

- 8 In general, all correspondence is required to be in writing, which should be in electronic format. ComReg is mindful of ensuring that all end-users can access the procedures. Should an end-user prefer to have their correspondence by post, ComReg will facilitate this.
- 9 For correspondence that is sent by post, by any party, the first day is the next working day after the date on which the correspondence is posted.
- 10 For correspondence that is sent by electronic means, by any party, the first day is the next working day after the date on which the correspondence is sent.
- 11 If correspondence is by post, a postal tracking service will be used to determine the date on which the draft and final proposed resolution has been delivered to parties. If postal correspondence is to be used, where the provider or the end-user can demonstrate that there was a delay in receiving the correspondence by post, an extension will be granted to the effect that the first working day begins on the date on which the postal correspondence was received.
- 12 The maximum amount of compensation that a provider may be directed to pay to any end-user under is €5,000.
- 13 For all timelines specified in the procedures, parties may request an extension, where necessary and appropriate. Any extension in time granted may affect the timeframe for ComReg's issuance of its draft or final proposed resolution. ComReg may grant an extension where it considers that there are good grounds for doing so. ComReg will assess this on a case by case basis and advise parties if appropriate. ComReg will endeavour to respond to requests for extensions within two working days.
- 14 ComReg is cognisant of the requirements for it to act proportionately, objectively and non-discriminatorily. ComReg is also required to be justified in the measures it takes and to act transparently.
- 15 ComReg's general duty is to handle disputes in accordance with fair procedures and the principles of natural justice.
- 16 ComReg shall, inter alia, have regard to any applicable rule of law, the terms of any relevant codes of practice and contracts between the end-users and the provider, the relevant regulatory framework, any relevant guidance and ComReg policy in place when resolving disputes referred to it.
- 17 Formal Dispute Resolution will be a paper-based process; however an adjudicator may conduct an oral hearing where he or she considers it necessary to ensure fairness of procedures and in particular, in order to resolve a genuine conflict of fact arising from the papers that cannot otherwise be resolved.

- 18 ComReg has an appointed Access Officer who can coordinate assistance and guidance to persons with disabilities accessing services provided by ComReg, including its formal dispute resolution process.

Submitting an application for formal dispute resolution

- 19 The application form will include the following minimum requirements:
- 19.1 Contact details, including a telephone number, postal address and email address if available;
 - 19.2 The provider(s) and the name and account number on the account, if applicable;
 - 19.3 Details of the complaint, including the complaint reference number from the provider, if applicable;
 - 19.4 Details of interactions with the provider outlining the date of first notification of the complaint and/or with ComReg's Consumer Care team, if applicable;
 - 19.5 Details of offers, gestures or resolutions, if any, already extended or offered by the provider;
 - 19.6 Written confirmation of the nominated representative or third party, if applicable;
 - 19.7 What outcome the end-user is expecting or seeking through the resolution of the dispute.
 - 19.8 Confirmation of the consent to close the case with ComReg Consumer Care; and
 - 19.9 Confirmation that the end-user agrees to pay the application fee.

Assessing validity

- 20 In order for the application to be accepted as valid, a number of criteria must first be fulfilled:
- 20.1 The complaint must relate to a "relevant dispute";
 - 20.2 The dispute relates to a single end-user who has been impacted by the subject matter of the dispute;

- 20.3 The complaint, which must relate to a “relevant dispute”, must be unresolved and the circumstances must be such that (a) at least 10 days have elapsed since the complaint giving rise to the dispute was first notified to the provider in accordance with the code of practice for complaints handling, or (b) the procedures for the resolution of disputes provided for in the provider’s code of practice have been completed.
- 20.4 The complaint must have been first notified to the provider in accordance with the code of practice for complaints handling within the previous 12 months;
- 20.5 The scope of the dispute must be confined to the issues contained in the complaint when it was notified to the provider;
- 20.6 The dispute is not frivolous or vexatious;
- 20.7 The dispute is not being, nor has previously been, considered by another dispute resolution entity or by a court;
- 20.8 The nominal fee has been paid; and
- 20.9 Dealing with the dispute does not impact or impair the effective operation of ComReg.
- 21 ComReg has absolute discretion to refuse to accept, or to terminate consideration of, a dispute if it considers that the complaint has no reasonable prospect of success, recovery or redress in relation either to such complaint and/or the provider to which the complaint relates.
- 22 ComReg has absolute discretion to refuse to accept or to terminate or to delay acceptance and/or consideration of a dispute if it considers that the dispute is currently, or may become associated with, legal proceedings in which ComReg is party to.
- 23 If the application is incomplete, or more details are required, the end-user will be contacted and the relevant information will be requested.
- 24 A reference number will be allocated to a dispute application and this should be quoted on all correspondence with the parties involved.
- 25 Once all the relevant information has been received from the end-user and the nominal fee has been paid, ComReg will, in so far as is practicable, assess the application against its ‘validity requirements’ within 5-working days.
- 26 However, ComReg is mindful that there may be a limited set of circumstances that necessitate ComReg taking up to 15-working days to assess the application.

- 27 If it is determined that the application is not valid, the application will not be accepted.

Accepting a valid application

- 28 If the application is not accepted, the end-user will be contacted and will be provided with a reasoned explanation of the grounds for the non-acceptance of the application.
- 29 Both the end-user and the provider will be formally advised at the same time that the dispute has been accepted. This date will be known as the 'Date of Acceptance'.
- 30 On the Date of Acceptance, the end-user will be advised of the acceptance of the referral of the dispute. They will be advised of the next steps in the process and that their dispute, including a copy of the details submitted in their application, is being sent to the provider for a response. The end-user will also be provided with the mandatory information under Section 48(2) of the 2023 Act.
- 31 On the Date of Acceptance, the provider will be formally advised of receipt of the dispute, and of the name of the end-user and the dispute reference number.
- 32 Within 5-working days of the Date of Acceptance, the provider will be provided with an electronic copy of the details submitted in the application by the end-user, including any supporting documentation and will be given 10-working days to provide a written detailed response to ComReg.
- 33 Where ComReg receives an application from a provider to extend the time for it to provide a response, and ComReg is of the opinion that good grounds exist for the extension, ComReg may extend the time for up to 10-working days. This would be a matter for ComReg to consider on a case by case basis.
- 34 If ComReg requires any further information from the provider ComReg will notify it in writing and the provider will have up to 10-working days to submit further information and comments.
- 34.1 If the provider does not provide a response to ComReg, it will be contacted and advised that unless they respond within 5-working days, ComReg will proceed to propose a resolution based entirely on the information provided by the end-user and any response by the provider to date.

- 35 Following receipt of the provider's response, more information may be requested from the end-user, if deemed necessary.
- 35.1 If this is the case, the end-user will be notified in writing and will have up to 10-working days to submit further information and comments.
 - 35.2 If the end-user does not respond to ComReg or fails to provide any information requested, it will be assumed that the end-user does not want to proceed with the dispute.
 - 35.3 In this event, the end-user will be contacted and advised that unless they respond within 5-working days, the dispute will be closed.
 - 35.4 If the end-user does not respond within 5-working days, the dispute will be closed and both parties will be notified within 2-working days of the closure of the dispute.
- 36 The end-user can withdraw from the formal dispute resolution process at any stage up to the time at which ComReg proposes a resolution to the dispute, by notifying ComReg in writing.
- 36.1 Upon receipt of notification of withdrawal of an end-user, ComReg will inform the Service Provider within 2 working days and will close the dispute.
 - 36.2 Once an end-user withdraws from a dispute and the dispute is closed, their fee will be forfeited and they will not be able to re-open the dispute.
 - 36.3 However, this does not preclude an end-user from submitting a fresh application for the same dispute or from submitting an application for another dispute at any time.
- 37 At any time, up to the issuance of the proposed resolution, the provider is free to contact the end-user to resolve the dispute directly.
- 37.1 If agreement is reached, the provider must notify ComReg within 2-working days of the dispute being resolved, and evidence that the end-user has accepted the resolution in writing.

Preparing the proposed resolution

- 38 In making its proposed resolution ComReg shall have regard to the submissions from the end-user and the provider, including any statements made or evidence given at an oral hearing if held.
- 39 It is ComReg's view that it may also be necessary for ComReg to consider information not presented by the parties, such as technical information and opinion.
- 40 As soon as ComReg has evaluated any third party information, both the provider and the end-user will be sent a copy and will be given 10-working days to provide a written detailed response to ComReg.
- 41 When ComReg deems it has sufficient information, it will undertake its review and will endeavour to issue a draft proposed resolution and draft summary within 10-working days.
 - 41.1 ComReg may, at its own discretion, extend this 10-working day period but the parties will be informed of any extension of that period, the reasons for same, and of the expected length of time that will be needed to conclude the draft proposed resolution.

Issuing the proposed resolution

- 42 The draft proposed resolution and the draft summary will be notified to both parties in writing at the same time.
- 43 The draft proposed resolution will contain details of the reasons for the proposed resolution.
- 44 The draft summary will contain a high level synopsis of the dispute and outcome such as the name of the provider, the nature and type of the dispute, whether the proposed resolution was in favour of the provider or the end-user and the proposed resolution (excluding any financial amounts prescribed).
- 45 The parties will have 10-working days from the date of the draft proposed resolution and draft summary to submit comments.
- 46 A response in writing to the draft proposed resolution and draft summary must be signed, dated and either emailed, posted or hand delivered to ComReg on or within that 10 working day period.
- 47 If posted a Certificate of Postage, which is freely available from post offices at the time of posting, will be required in the event that the post date is unclear on the envelope in order to prove that the response was posted in time.

- 48 ComReg is mindful that there may be good grounds that result in an application to ComReg for further time by either party to provide a comprehensive response. If, in the opinion of ComReg, good grounds exist, ComReg may accept an application for the extension of time. This would be a matter for ComReg to consider on a case by case basis.
- 49 Following further analysis of all submissions and comments, including consideration of all comments on the draft proposed resolution and draft summary, a final proposed resolution will be prepared and issued to the parties in writing.
- 50 It will set out the reasoning behind the final proposed resolution, having regard to the relevant regulatory and legislative framework.
- 51 ComReg will endeavour to issue the final proposed resolution within 10-working days after receipt of all submissions and comments on the draft proposed resolution.
- 51.1 ComReg may, at its own discretion, extend this 10-working day period but the parties will be informed of any extension of that period, the reasons for same, and of the expected length of time that will be needed to conclude the final proposed resolution.
- 52 ComReg will endeavour to issue the final proposed resolution within 60-working days of the Date of Acceptance. Achieving this timeframe is dependent on all other timeframes being met.
- 52.1 ComReg may, at its discretion, extend the 60-working day time period. The parties will be informed of any extension of that period and of the expected length of time that will be needed to conclude the final proposed resolution.
- 53 The final proposed resolution will include written reasons to explain the rationale for ComReg's proposed resolution.
- 54 The final proposed resolution may specify measures for the resolution of the dispute including as appropriate in light of the circumstances of the dispute:
- (a) the reimbursement of payments by a provider;
 - (b) payment of compensation by a provider;
 - (c) payment by a provider in settlement of losses suffered;
 - (d) the termination of a contract from a provider;
 - (e) the giving of an apology by a provider;

(f) the giving of an explanation by a provider for any matter giving rise to a complaint;

(g) compliance with a term or condition of a contract by the provider; and

(h) compliance with a legal obligation pursuant to the law relevant to the relevant dispute.

55 In disputes where an adjudicator finds in favour of an end-user, the final proposed resolution will set out the measures to be taken by the provider and a timeframe for doing so. These measures will become binding on the provider if the end-user elects to accept them.

End-user elects to accept the proposed resolution

56 The end-user must notify ComReg of their decision to elect to accept the proposed resolution within 10-working days of the date of the proposed resolution.

57 A request to extend the timeframe needed to elect to accept will be considered by ComReg in exceptional circumstances (to include, but not limited to: an illness, a bereavement, religious or holiday observations e.g. Christmas etc.)

58 The onus is on the end-user to clearly and unambiguously elect to accept the draft proposed resolution. Any response falling short of these requirements may be deemed to be a rejection of the proposed resolution.

59 The end-user shall be deemed to have rejected the proposed resolution if he/she does not elect to accept the resolution proposed within the 10-working days (or by the extended date approved by ComReg).

60 In the event that a proposed resolution is rejected by an end-user, ComReg will communicate the matter of the rejection to the Provider within 5-working days and confirm that the proposed resolution is not binding.

61 Where an end-user elects to accept a proposed resolution the proposed resolution becomes binding on the provider.

62 ComReg will endeavour to notify the fact of any election of acceptance notified to it by an end-user, to the provider concerned within 5-working days.

63 ComReg's approach will be to treat the period for compliance with a proposed resolution as commencing only from the first day following the day on which the provider is notified by ComReg of the election by the end-user to accept the proposed resolution.

- 64 ComReg notes that it can utilise the powers afforded to it under the 2023 Act to ensure compliance with its directions.
- 65 ComReg normally expects to follow the steps of its procedures when investigating a dispute referred to it. However, it is impossible to foresee every eventuality that will arise in the context of a dispute and therefore ComReg may deviate from the steps of its procedures where, in ComReg's opinion, it is justified to do so on the basis that good grounds exist. If ComReg chooses to depart from the steps of its procedures in respect of any dispute it will set out its reasons for so doing and communicate them to the parties.
- 66 The end-user is responsible for and must pay any costs incurred by them in the preparation of their case. End-users cannot take any legal action against ComReg to recover these costs.
- 67 The provider is responsible for and must pay any costs incurred in the preparation of their case. Providers cannot take any legal action against ComReg to recover these costs.
- 68 If the final proposed resolution finds in favour of the end-user, the application fee will be reimbursed to the end-user by ComReg following acceptance by the end-user of the proposed resolution.

Annex: 3 Legal Basis

1 It is an objective of ComReg under **section 12(1)(a)(iii) of the Communications Regulation Act 2002 (as amended)** in exercising its functions in relation to the provision of electronic communications networks, electronic communications services, and associated facilities, to promote the interests of users within the Community.

2 **Section 47 of the Act of 2023 provides as follows:**

Resolution of relevant disputes by Commission

47. (1) An end-user may refer a dispute with a provider to the Commission and, where the Commission is satisfied that the dispute is a relevant dispute, and—

(a) a period of at least 10 days has elapsed since the complaint giving rise to the dispute was made, or

(b) the procedures for the resolution of disputes provided for in the provider's code of practice have been completed,

the Commission, or such independent person as may be appointed by the Commission, shall, in accordance with such procedures as may be specified by the Commission under section 48, carry out a dispute resolution process and propose a resolution to the dispute referred.

(2) Where the Commission proposes a resolution under subsection (1) the end-user that referred the dispute may elect to accept the resolution proposed and where the end-user so elects the resolution shall be binding on the provider concerned.

(3) An end-user who has referred a dispute to the Commission for resolution under this section may withdraw the dispute at any stage up to the time at which the Commission, or such independent person as may be appointed by the Commission, proposes a resolution to the dispute, by notifying the Commission, or the person, in writing to that effect, or, where there is an oral hearing in relation to the dispute, by notifying the Commission, or the person, at the hearing.

3 **Section 48 of the Act of 2023 provides as follows:**

Procedure for resolution of disputes by Commission

48. (1) The Commission may specify procedures for the resolution of disputes under section 47 and such procedures shall—

(a) be transparent, non-discriminatory, simple, and inexpensive,

- (b) enable disputes to be settled fairly and promptly, and*
- (c) be made publicly available by the Commission, together with any amendments to such procedures.*
- (2) The Commission, or such independent person as may be appointed by the Commission under section 47(1), shall, as soon as practicable after an end-user refers a dispute, inform the end-user—*
 - (a) of his or her right under section 47(2) to elect to accept the resolution proposed,*
 - (b) of his or her right under section 47(3) to withdraw the dispute,*
 - (c) that the procedure is without prejudice to any other right to seek redress, including by court proceedings,*
 - (d) that the resolution proposed may be different from an outcome determined by a court,*
 - (e) of the legal effect of electing to accept the resolution proposed,*
 - (f) that he or she will be given a reasonable period of time to consider whether to elect to accept the proposed solution, and*
 - (g) that if the end-user does not elect to accept the resolution proposed within the period specified for the purposes of paragraph (f), the end-user shall be deemed to have rejected the proposed solution.*

4 Section 49 of the Act of 2023 provides as follows:

Direction

49. (1) Where the Commission is satisfied that a provider has failed to comply with a proposed resolution that is binding upon it by virtue of section 47(2), the Commission may serve a direction on the provider requiring the provider to take such measures to ensure compliance with the resolution as are specified in the direction.

(2) Without prejudice to the generality of subsection (1), a direction may require all or any of the following:

- (a) the reimbursement of payments by a provider to an end-user;*
- (b) payment of compensation by a provider to an end-user;*
- (c) payment by a provider in settlement of losses suffered by an end-user;*
- (d) where the Commission is satisfied that the conditions, requirements or circumstances permitting such termination have been met, the termination of a*

contract between a provider and an end-user without the end-user incurring further costs;

(e) the giving of an apology by a provider to an end-user;

(f) the giving of an explanation by a provider to an end-user for any matter giving rise to a complaint;

(g) compliance with a term or condition of the contract between the provider and the end-user;

(h) compliance with a legal obligation pursuant to the law relevant to the relevant dispute.

(3) The maximum amount of compensation that a provider may be directed to pay to any end-user under this section shall be €5,000 or such other lesser or greater amount as the Minister may prescribe.

5 Section 54 of the Act of 2023 provides as follows:

Procedure under this Part without prejudice to other remedies

54. This Part is without prejudice to an end-user's right to pursue a dispute to which this section applies by other legal means or proceedings.

6 Section 55 of the Act of 2023 provides as follows:

Application of Universal Service Regulations to certain disputes

55. Where on the coming into operation of this section, a dispute is before the Commission, or an independent person, for resolution in accordance with Regulation 27(4) of the Universal Service Regulations then, notwithstanding any repeal of the Universal Service Regulations, those Regulations shall continue to apply in respect of such a dispute.

7 Section 56 of the Act of 2023 provides as follows:

Continuation of measures under Universal Services Regulations

56. (1) Any measure that is in force under Regulation 27 of the Universal Services Regulations on the coming into operation of this section shall continue in force and be deemed to have been made under, and in accordance with, this Part.

(2) Without prejudice to the generality of subsection (1), for the purposes of this section "measure" includes any decision, specification, requirement, direction, notification and notice, and any other act of an equivalent nature.

Annex: 4 Questions

Section	Page
Q. 1 Taking account of the requirements of the 2023 Act and the very limited areas of discretion afforded to ComReg, do you have any comments on the approach ComReg has set out in respect of revisions outlined in section 3.1? Please explain the basis of your response in full and provide any supporting information.....	13
Q. 2 Do you have any comments on the approach ComReg has set out in respect of revisions outlined in section 3.2.1: The type of disputes that can be resolved by ComReg? Please explain the basis of your response in full and provide any supporting information.....	16
Q. 3 Do you have any comments on the approach ComReg has set out in respect of revisions outlined in section 3.2.2: Accessing formal Dispute Resolution? Please explain the basis of your response in full and provide any supporting information.....	18
Q. 4 Do you have any comments on the approach ComReg has set out in respect of revisions outlined in section 3.2.3: Acceptance of a proposed resolution ? Please explain the basis of your response in full and provide any supporting information.....	19
Q. 5 Do you have any comments on the approach ComReg has set out in respect of revisions outlined in section 3.2.4: Improving access to the Dispute Resolution procedures? Please explain the basis of your response in full and provide any supporting information.....	20
Q. 6 Do you have any comments on the approach ComReg has set out in respect of revisions outlined in section 3.2.5: Effective Date and Duration? Please explain the basis of your response in full and provide any supporting information.....	20
Q. 7 Do you have any comments on the revisions outlined in Annex: 2? Please document clearly the basis of your response and reference the paragraph number(s) where appropriate. Please explain the basis of your response in full and provide any supporting information.	20