



Commission for
Communications Regulation

Consumer Bills and Billing Mediums

Consumer protection measures

Information Notice

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1. Background

1. ComReg has today issued its Response to Consultation and Decision (“the Decision”)¹ on a number of consumer protection conditions relating to the provision of itemised bills to consumers and billing mediums for electronic communications services. The conditions standardise service provider requirements to ensure all consumers are protected in respect of billing, irrespective of who the service provider is.
2. Over the past number of years, new trends and behaviours have emerged in relation to consumer billing. A number of service providers have moved their customers to alternative billing mediums such as electronic bills (e-bills or online bills²). In some cases, this has been done without obtaining consumer consent first or without verifying that the consumer can actually access and view the bill. ComReg is concerned that the needs of some consumers, particularly vulnerable consumers, are not being properly met and that they will not be met in the future.
3. Until now, there have been various regulatory requirements in relation to billing in place for some electronic communications service (ECS) providers. For example, some ECS providers have specific licence conditions that require them to issue paper bills as the standard billing medium and to seek the agreement of their consumers if they wish to “migrate” them to electronic bills. However, other ECS providers are not subject to any obligations in relation to medium of billing. This is also the case in respect of bill itemisation.
4. ComReg recognises that some ECS providers may require a period of time to make technical adjustments to bring their systems into alignment with the new conditions and for that reason while the amendments to the GA will come into effect two (2) months from the date of publication of the Decision, a maximum of six (6) months will be allowed for service providers to fully comply with all the amended conditions as set out in the amended GA subject to notification, within 30 days of publication, to ComReg of the time required by individual service providers to come into full compliance.
5. The conditions set out in the Decision are being attached to the General Authorisation (GA) and are “consumer protection rules” and will apply only to consumers.³ Accordingly, these conditions will not apply to business customers.

¹ Consumer Bills and Billing Mediums Document 13/52

² These terms are defined in the Decision Instrument attached at Annex 1 of Document 13/52

³ A consumer is defined under the Framework Regulations as “*any natural person who uses or requests a publicly available electronic communications service for purposes which are outside his or her trade, business or profession*”

2. Summary of the Measures

6. The conditions are being implemented by means of amendments to the General Authorisation (“GA”)⁴ and amendments to universal service obligation(s) (“USO”) and to ECS providers’ current licences, thereby standardising the rules relating to billing applicable to service providers across the industry.
7. While ComReg has remained of the view that a basic protection to be afforded to consumers is to be able to access their bill, ComReg is also aware that the information contained on the bill and the manner in which consumers access their bills may change over time. ComReg is also aware that it is in service providers’ interests to ensure that their customers can access bills.
8. The conditions set out in the Decision, have been drafted so as to minimise the amount of disruption to existing billing systems and processes that service providers already use to provide customer bills, which have sufficient information and are accessible.
9. ComReg notes that the e-Privacy Regulations⁵ allow consumers to request a service provider to provide them with bills that are not itemised. Therefore, service providers must offer their customers the option of non-itemised bills in line with the e-Privacy Regulations.
10. ComReg has decided to amend the GA and to include the new conditions, which will allow service providers to move their customers to an e-bill if certain conditions are met. The conditions allow customers to inform their service provider if they cannot access or use an alternative billing medium and in those cases, service providers must provide a paper bill to consumers free of charge.
11. ComReg is of the view that the conditions in respect of consumer bills and billing mediums are reasonable, proportionate, and consistent.
12. The conditions will come into effect two (2) months from the date of the Decision a maximum of six (6) months will be allowed for service providers to fully comply with all the amended conditions as set out in the amended GA subject to notification to ComReg of the time required by individual service providers to come into full compliance.
13. Full details of the new measures can be found in Annex 1 of the Decision. The new conditions are summarised below:

⁴ As defined in Regulation 2 of the European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations 2011 (“the Authorisation Regulations”) which provides that “*general authorisation*’ means an authorisation for an undertaking to provide an electronic communications network or service under and in accordance with Regulation 4”

⁵ European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011

Measures for post-paid consumers:*Itemisation*

- Service providers shall provide a bill to its post paid customers free of charge.
- Service Providers may not change the level of bill itemisation a post paid customer is currently receiving unless the explicit consent of the customer is obtained or unless a post paid customer has requested a bill that is more or less detailed than what is currently been received.
- Service providers shall provide the customer with the minimum details the consumer requires to be able to access and use the alternative billing medium offered, in advance of providing that billing medium to a consumer.
- A post paid customer may request, from their service provider, a bill that is more or less detailed (fully itemised bill or a non-itemised) than the level of itemisation currently being provided. In this case, the service providers must provide a fully itemised bill or a non-itemised bill free of charge.

Billing Mediums

- Service providers are entitled to issue alternative billing mediums to their customers if they can ensure and verify that the customer can access and use the alternative medium. If such verification cannot be obtained, service providers shall continue to issue a paper bill.⁶
- Where the consumer cannot access the alternative billing medium, (for example because the consumer does not have broadband access or cannot use an on-line service) the service provider must allow the consumer to revert to paper billing free-of-charge.

Other

- For an online bill, the service provider must alert their customer when the bill is available online. The alerts (especially if being sent by SMS) should be sent during appropriate (sociable) hours, and consumers who do not want to receive such alerts should have the option to opt-out of receiving them in accordance with Data Protection legislation. Alerts must be separate to any direct marketing messages that may be sent in accordance with Data Protection legislation.

For pre-paid consumers:

- If a pre-paid customer requests details of his/her transactions, (including usage and charges), from its Service Provider, the Service Provider shall provide, to the consumer, the transaction details free of charge.

For all consumers:

- Calls which are normally free-of-charge to all calling Consumers, are not to be identified by the Authorised Person in the calling Consumer's transaction history or bill.

⁶ The means by which such verification can be obtained is set out in Annex 1 of Document 13/52