



Commission for  
**Communications Regulation**

# **Electronic Communications: - Measures to ensure equivalence in Access and Choice for Disabled End-Users**

## **Information Notice**

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# 1 Background

- 1 ComReg has today issued a Response to Consultation and Decision<sup>1</sup> regarding a number of measures to ensure equivalence in access and choice for disabled end-users in respect of the provision of electronic communications services.
- 2 The European Commission (“EC”), in its 2007 review, proposed revisions to the European regulatory framework for electronic communications sector to include enhanced consumer protection measures, in particular, ‘*improved accessibility for users with disabilities*’. As a result of this review the Universal Services Directive (“USD”)<sup>2</sup> was published in December 2009 with the insertion of Article 23a – Ensuring equivalence in access and choice for disabled end-users.
- 3 Article 23a of the USD as transposed into Irish law by Regulation 17 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 (“the Regulations”)<sup>3</sup> provides that ComReg may, where appropriate, specify requirements to be complied with by Undertakings (service providers) in order to ensure equivalence in access and choice for disabled end-users and that ComReg shall encourage the availability of terminal equipment offering the necessary services and functions for disabled end-users.
- 4 In relation to the implementation of Regulation 17 ComReg consulted on its preliminary views (D13/58) which were based largely on matters raised and discussed at the Forum on Electronic Communications Services for People with Disabilities (“the Forum”), which consists of nominated representatives from the Disability Stakeholders Group and nominated representatives from electronic communications service providers.
- 5 In addition, ComReg took into account the report published by the Body of European Regulators for Electronic Communications (“BEREC”) in February 2011 entitled “Electronic communications services: Ensuring equivalence in access and choice for disabled end-users”,<sup>4</sup> which provides assistance to national regulatory authorities in assessing and achieving equivalence of access and choice for disabled end-users.
- 6 The BEREC Report referenced the EC communication on e-Accessibility 2005 COM (2005)425 which states that -

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<sup>1</sup> Electronic Communications: Measures to Ensure Equivalence in Access and Choice for Disabled End-Users, ComReg Document 14/52 (D04/14)

<sup>2</sup> 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 (as amended by Directive 2009/136/EC)

<sup>3</sup> SI No 337 of 2011

<sup>4</sup> BoR (10) 47 Rev1 - BEREC REPORT

*‘the Commission has the ambitious objective of achieving an “Information Society for All”, promoting an inclusive digital society that provides opportunities for all and minimises the risk of social exclusion.’*

*[...]*

*‘Additionally, within that communication, the EC highlighted the need for improving access to Information and Communication Technologies (ICTs) for people with disabilities and reserved the option to consider additional measures including new legislation if deemed necessary.’<sup>5</sup>*

7 The BEREC Report further states that -

*‘According to the EC communication regarding e-Accessibility COM (2005)425, published in 2005, people with disabilities represented 15% of the European population. Additionally, the European Disability Federation states that “disabled people suffer from isolation compared to non disabled people”. Therefore, BEREC considers that the provision of access to and choice of electronic communication services for consumers with disabilities is becoming increasingly important to ensure that all consumers can benefit from new communications services and fully participate in the Information Society.’<sup>6</sup>*

8 In reaching its Decision, ComReg has carefully considered the views of respondents to its consultation.

9 The Information Notice and the Response to Consultation and are available in accessible formats. Alternative formats are available on request. To request alternative formats, including word, large print and Braille versions please contact [access@comreg.ie](mailto:access@comreg.ie) or phone +353 1 8049600.

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<sup>5</sup> Page 10 of the BEREC REPORT

<sup>6</sup> Page 5 of the BEREC REPORT

## 2 Summary of the Measures

- 10 The Decision document<sup>7</sup> sets out the new measures which are considered by ComReg to be necessary and appropriate in order to assist in achieving equivalence in access and choice for disabled end-users.
- 11 The measures are divided into two categories; accessible services and accessible information as summarised below. The specific measures are set out in the Decision Instrument in Annex 1 of ComReg Document 14/52 (D04/14).

### 2.1 Accessible Services

- 12 The Decision requires that service providers make the services identified below accessible to disabled end-users in accordance with the dates set out in Section 3 of this Information Notice.

#### Accessible Complaints Procedures

- 13 Service providers are required to:
- provide an accessible means for disabled end-users to access the Undertaking's customer services in order to lodge a complaint and/or make an enquiry, which may include by way of telephone, SMS, letter, and email, and to include the ability to nominate a third party to deal with complaints and/or enquiries on behalf of the disabled subscriber.
  - implement disability awareness training to ensure that staff handling complaints are aware of the requirements of disabled end-users and have the requisite skills to appropriately deal with those requirements.

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

- 14 Service providers providing pre-paid mobile services are required to provide an SMS top-up facility for disabled end-users of pre-paid mobile services to:
- I. Top up independently using cash;
  - II. Have no requirement to follow voice prompts;

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<sup>7</sup> Electronic Communications: Measures to Ensure Equivalence in Access and Choice for Disabled End-Users, ComReg Document 14/52 (D04/14)

- III. If a receipt (voucher) is used it must list in clear, easy to understand language the steps required to ensure the top-up credit can be applied successfully and allow the end-user to apply the top-up receipt (voucher) by SMS (or equivalent method) sent from the disabled end-user's mobile telephone and without assistance from a third party; and
- IV. Receive confirmation of the value of the top-up credit without the need to follow voice prompts and sent to the disabled end-user's mobile telephone.

### **Accessible Directory Enquiries**

- 15 Service providers are required to provide for subscribers who are unable to use the phone book because of a vision impairment and/or have difficulty reading the phone book (so long as a printed directory is a Universal Service Obligation), special Directory Enquiry arrangements to allow the use of a directory enquiry service free of charge, once certification of disability is provided by a registered medical practitioner or by an appropriate agent.

### **Accessible Billing**

- 16 The requirements already imposed on service providers in respect of consumers by the General Authorisation (as a result of ComReg Decision, "Consumer Bills and Billing Mediums – Consumer protection amendments to the General Authorisation", in conditions 18.7.1 – 18.7.12<sup>8</sup>) are, by virtue of Decision D04/14, now imposed on service providers in respect of all disabled end-users who are not otherwise consumers, and so not already afforded the protections in accordance with the aforementioned General Authorisation conditions.
- 17 Additionally, bills (including transaction detail requests) issued to a disabled subscriber by a service provider are to be provided free of charge in a medium properly accessible to that disabled subscriber (including Braille), if requested.

### **Accessible Facility to Test Compatibility of Terminal Equipment or appropriate returns policy**

- 18 Every service provider selling terminal equipment is to make available one of the two services below for disabled end-users who use a hearing aid or have a cochlear implant once certification of disability is provided by a registered medical practitioner or by an appropriate agent;
  - i. a testing facility to test terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment or

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<sup>8</sup> ComReg Document 13/52, ComReg Decision D08/13

- ii. a returns policy which allows for terminal equipment which has not been tested in advance of purchase to be returned because it does not meet their specific hearing needs.

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

## 2.2 Accessible Information

20 Every service provider is required to ensure that information regarding its products and services, including all information provided to the majority of end-users, is accessible for disabled end-users. For the purposes of ensuring that such information regarding its products and services is made accessible to disabled end-users every service provider is required to ensure:

- I. The Web Accessibility Initiative<sup>9</sup>, as developed by the World Wide Web Consortium (W3C), is to be met to facilitate disabled end-users such that the service provider's website is to include the following which conforms to this standard:
  - i. One-click access from the home page of the Undertaking's website to the Disability Section of that website;
  - ii. the Disability Section of the Undertaking's website contains comprehensive and up to date information in relation to the products and services it provides which are of particular interest and relevance to people with disabilities; and
  - iii. the Disability Section of the Undertaking's website contains details of and access to websites that contain information of relevance to disabled end-users that ComReg may specify from time to time;
- II. Contractual information in accordance with Regulation 14 of the Universal Service Regulations, including notifications in respect to any modification to contractual conditions, as required by Regulation 14(4) of the Universal Service Regulations is accessible and up to date for disabled end-users; and

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<sup>9</sup> The World Wide Web Consortium (W3C) is an international community that develop open standards to ensure the long-term growth of the Web. The Web Accessibility Initiative (WAI) standard developed by W3C is available from the following link: <http://www.w3.org/TR/WCAG20/> The NDA's Excellence through Accessibility – ICT Guidelines and Criteria, Guideline 14 Web Accessibility, refers to this standard.

- III. Information in respect of the service providers's complaints handling procedures, including its Code of Practice, as required by Regulation 27 of the Universal Service Regulations, is accessible, easy to read and understandable and, in particular, accessible in a number of formats, to include but not limited to Braille, Audio, Regular print, Large print, Easy to read, and Online versions of each format (on the Disability Section of the Undertaking's website) and all of these formats must be printable.

### **Facility for Disabled Subscribers to Register Requirements**

- 21 Every service provider is required to establish and maintain a facility or enhance and maintain an existing facility to enable disabled subscribers to register their requirements. The facility to enable disabled subscribers to register their requirements must, at a minimum, have the ability to record, subject to the disabled subscriber's consent, the following:
  - i. Name, address, contact details (to include phone or email and/or third party nominated contact);
  - ii. Preferred means of communication;
  - iii. Preferences in respect to bundles (for example broadband or text only);
  - iv. Details of any special terminal equipment required; and
  - v. Details of any alternative billing medium requirement.



## 3 Compliance

- 22 The table below summarises the compliance date by which service providers (undertakings) must comply with each measure. This is either six or nine months from now depending on the measure.
- 23 Service providers must confirm that they are in compliance with these measures, no later than 12 months from now.

<b>Measure</b>	<b>Compliance Date</b>
Accessible Complaints Procedures	Six months from the date of publication of this document
Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users	Nine months from the date of publication of this document
Accessible Directory Enquiries	Six months from the date of publication of this document
Accessible Billing	Six months from the date of publication of this document
Accessible Facility to Test Compatibility of Terminal Equipment or appropriate returns policy	Six months from the date of publication of this document
Accessible Information	Nine months from the date of publication of this document
Facility for Disabled Subscribers to Register Requirements	Nine months from the date of publication of this document