



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Procedures for Oral Hearings

For use in ECS ‘End-user Dispute Resolution’

Consultation and draft procedures

Consultation

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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Additional Information

Related Publications	Document Number
'End-user Dispute Resolution Procedures' Response to Consultation and Decision	ComReg 24/22; D07/24
'End-user Dispute Resolution Procedures' Procedures	ComReg 24/22a
'End-user Dispute Resolution Procedures' Submissions to Consultation 23/107	ComReg 24/22s

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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 (“**ECS**”) and their providers.
2. Section 47 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (“**the 2023 Act**”) requires ComReg, or such independent person it may appoint, to carry out a dispute resolution process in respect of a relevant dispute¹ referred to it by an ECS end-user and propose a resolution, in accordance with such procedures as may be specified by ComReg under section 48.
3. Section 48 of the 2023 Act permits ComReg to specify procedures for the resolution of disputes under section 47.
4. Section 47(3) of the 2023 Act refers to oral hearings in the context of Dispute Resolution under Part 5 of the 2023 Act.
5. ComReg's end-user dispute resolution procedures (effective 1 August 2024)² state at paragraph 17:

“Formal Dispute Resolution will be a paper-based process; however ComReg, or such independent person as may be appointed by ComReg to resolve disputes, 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.”

6. This consultation paper sets out ComReg’s proposed procedures to be used for the conduct of oral hearings in the context of the resolution of disputes relating to electronic communications referred to ComReg for resolution by end-users under Part 5 of the 2023 Act, and it seeks the views of interested parties on these procedures.
7. For the avoidance of doubt these procedures are separate to, and different from, the rules for oral hearings required under Part 7 of the 2023 Act in respect of adjudication.
8. ComReg proposes that the final procedures at the end of the consultation process will be known as the “Procedures for Oral Hearings”.

¹ “Relevant dispute” is defined in section 40 of the [2023 Act](#).

² ‘End-user Dispute Resolution Procedures’ [ComReg 24/22a](#)

2 Introduction

2.1 Background and legislative context

9. ComReg is responsible for the regulation of electronic communications networks and electronic communications services (“**ECN**” and “**ECS**” respectively)³ and associated facilities, in accordance with European Union and national legislation.
10. One of ComReg's objectives is to take all reasonable measures to ensure a high level of protection for consumers, and in particular by ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of the parties involved.⁴ As is detailed in ComReg's Electronic Communications Strategy Statement: 2023-2025⁵ 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.
11. The procedures ComReg can specify for the resolution of disputes under section 47 are required to:
 - (a) be transparent, non-discriminatory, simple, and inexpensive,
 - (b) enable disputes to be settled fairly and promptly, and
 - (c) be made publicly available by ComReg, together with any amendments to such procedures.
12. Oral hearings were the subject of comment in responses to ComReg's consultation on its revised electronic communications end-user dispute resolution procedures. One respondent sought that ComReg prepare a written process document for oral hearings. Another respondent submitted that in the interests of transparency, procedures for oral hearings needed to be set out along with the powers of the person conducting the oral hearing.⁶ The proposed procedures aim to meet the requirements of transparency, procedural fairness, accessibility and natural justice.

³ 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

⁴ Section 12(2)(c)(ii) of the Communications Regulation Act 2002, as amended [Online:] [Communications Regulation Act, 2002](#).

⁵ Electronic Communications Strategy Statement: 2023-2025 [Online:] [ComReg 23/34.pdf](#)

⁶ End-user Dispute Resolution Procedures - Submissions to Consultation 23/107 [Online:] [ComReg 24/22s.pdf](#)

2.2 Structure of Document

13. This remainder of this consultation paper, and its annexes, is structured as follows:

Chapter 3 – Explanation of the proposed procedures and Consultation question;

Chapter 4 – ComReg's position regarding a Regulatory Impact Assessment;

Chapter 5 – How to submit comments and next steps.

Annex: 1 – The proposed procedures

Annex: 2 – Legal basis

14. ComReg sets out in Chapter 3 the structure of the proposed procedures and a brief explanation of each proposed section. The issues addressed in the proposed procedures fall under the following headings:

- [Preliminary](#)
- [Interpretation](#)
- [The Decision Maker](#)
- [When an oral hearing is required](#)
- [Notification and witness attendance](#)
- [Attendance](#)
- [Postponements and Adjournments](#)
- [Fair hearing](#)
- [Standard of proof](#)
- [How the oral hearing will proceed](#)

15. A full version of the proposed procedures is included at [Annex: 1](#).

3 Proposed procedures

3.1 Preliminary

16. Section 1 of the proposed procedures provides preliminary information relevant to the procedures for clarity and context.

3.2 Interpretation

17. Section 2 of the proposed procedures addresses definitions and other statutory information relevant to the procedures.

3.3 The Decision Maker

18. Under Section 47(1) of the 2023 Act ComReg, or an independent person appointed by it, is required to resolve relevant disputes referred to ComReg by end-users in accordance with that section.
19. The Decision Maker appointed for the resolution of disputes will also be the person who will make decisions relating to the need for, and the conduct of, an oral hearing in this context.

3.4 When oral hearing required

20. Section 4 of the proposed procedures refers to the circumstances in which an oral hearing may be required. The test will be whether this is necessary to ensure fairness of procedures and in particular, whether it is necessary to resolve a genuine conflict of material fact arising from the papers that cannot otherwise be resolved. ComReg considers that of itself, a conflict of fact may not warrant an oral hearing; the fact in conflict must also be material to the resolution of the dispute. By way of example only, this might occur in a significant and complex case involving disputed oral representations where there were conflicting versions of events and the facts in conflict were material to the resolution of the dispute. In this regard and taking account of ComReg's dispute resolution experience to date, it is expected that oral hearings will be the exception rather than the norm.
21. ComReg proposes that while one or more parties to a dispute may request an oral hearing it is at the sole discretion of the Decision Maker to decide when an oral hearing is necessary.
22. It is proposed that any oral hearing conducted will take account of the timelines set out in ComReg's 'End-user Dispute Resolution Procedures' (ComReg 24/22a), for concluding the dispute resolution process.

3.5 Notification and witnesses

23. Section 5 of the proposed procedures sets out the process that will be followed for notifying parties of the details of an oral hearing.
24. Section 5 further addresses the attendance of witnesses at oral hearings. The general aim is to limit the attendance of witnesses to those whose evidence is required for the purpose of resolving the disputed facts.

3.6 Attendance

25. In keeping with the requirements of the 2023 Act for procedures specified by ComReg to be transparent, non-discriminatory, simple, and inexpensive, ComReg proposes that unless otherwise directed by the Decision Maker, oral hearings will be by way of remote electronic video link by default.
26. ComReg proposes that a party who wishes to have an in person oral hearing will be required to submit a request no later than 10 working days in advance of the notified hearing date setting out the reasons for this request. Any party objecting to an in person oral hearing must submit an objection no later than 5 working days in advance of the notified hearing date. ComReg proposes that it will be at the discretion of the Decision Maker whether to accede to such a request, taking account of the requirement to ensure fairness for the parties.
27. An in person oral hearing will, unless otherwise directed by the Decision Maker, be conducted in person in Dublin at a location that will be specified in the notification.
28. A Decision Maker may require a person to attend an oral hearing where he/she believes on reasonable grounds that a person may be able to give evidence or to produce a document that relates to the dispute before the Decision Maker. In such an event and where the hearing is in person, it is proposed that the person will be entitled to their reasonable travel expenses (if applicable).
29. A person who appears at an oral hearing is entitled to be accompanied by a solicitor or barrister or, with the prior approval of the Decision Maker, by another person however ComReg will not be liable for any costs incurred in this regard and parties cannot take any legal action against ComReg to recover such costs.
30. The Decision Maker may require a person to attend an oral hearing over the course of more than one day unless excused or released from further attendance, however ComReg envisages that this would only be exceptionally required.
31. The Decision Maker will proceed with an oral hearing if a party does not attend on the scheduled hearing date, except in very exceptional circumstances.

32. A person who attends an oral hearing in compliance with a requirement made under section 5 has the same protection and is subject to the same protections as a witness in proceedings in the High Court, including the right to decline to answer a question on the grounds of self-incrimination.

3.7 Postponements and Adjournments

33. It is ComReg's preliminary view that oral hearings should, in general, be completed on the scheduled date.
34. In Section 7 of the proposed procedures ComReg details its proposed approach for handling requests for postponements and applications for adjournments.

3.8 Fair Hearing

35. Section 8 of the proposed procedures sets out the requirement that any oral hearing is fairly conducted in accordance with the principles of procedural fairness and constitutional and natural justice, and that it is conducted with due professionalism and courtesy towards the parties and witnesses involved.

3.9 Standard of Proof

36. The standard of proof in respect of matters subject to an oral hearing will be the civil standard of proof on the balance of probabilities.

3.10 How the oral hearing will proceed

37. Section 10 details the proposed procedures in relation to the following aspects of an oral hearing:
- Decision Maker's instructions to be followed
 - Administration of oath/affirmation
 - Order in which evidence is given
 - Rules of Evidence
 - Legal professional privilege
 - Resolution will be proposed after oral hearing
 - Agreements reached prior to or at oral hearing
 - Accessibility

Q. 1 Do you have any comments on the proposed 'Procedures for Oral Hearings' that ComReg has set out in Annex: 1? Please explain the basis of your response in full referring to the appropriate paragraph number of the procedures and provide any relevant information to support your response.

4 Regulatory Impact Assessment (RIA)

38. ComReg has published RIA Guidelines⁷, (Doc 07/56a), in accordance with a policy direction to ComReg⁸, 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.
39. 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.
40. In this case ComReg considers that a RIA is not required as a new regulatory obligation is not being imposed. ComReg is setting out the procedures it would take should an oral hearing be required as part of its End-user Dispute Resolution Procedures. Therefore, a RIA is not being undertaken on this occasion.

⁷ Which have regard to the RIA Guidelines issued by the Department of An Taoiseach in June 2009

⁸ 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

41. The consultation period will run from 27 September 2024 to 28 October 2024, during which ComReg welcomes written comments. It is requested that comments be cross-referenced to the relevant question numbers from this document.
42. Responses must be submitted in written form (post or email) to the following address/email and clearly marked "Submission to ComReg 24/80": Commission for Communication Regulation One Dockland Central 1 Guild Street North Dock Dublin 1 D01 E4XO Ireland Email: retailconsult@comreg.ie
43. Having analysed and considered the comments received, ComReg intends to publish a response to consultation and decision in December 2024.
44. In order to promote further openness and transparency, ComReg will publish respondents' submissions to this consultation subject to the provisions of ComReg's Guidelines on the Treatment of Confidential Information⁹. If Respondents believe that parts of their responses are confidential or contain confidential information, the confidential elements of responses should be clearly marked as such and be set out in a separate confidential version of the response, which must be provided to ComReg by the closing date indicated above. Respondents should ensure that a non-confidential version of their response is also provided by the above closing date.

⁹ ComReg 05/24

Annex: 1 Draft ‘Procedures for Oral Hearings’ for use in ECS End-user Dispute Resolution

1. Preliminary

- 1.1. These Procedures may be cited as "Procedures for Oral Hearings".
- 1.2. These Procedures shall be published on the website of the Commission for Communications Regulation (“**the Commission**” or “**ComReg**” in these Procedures) and shall come into operation on the date of their publication.

2. Interpretation

- 2.1. These Procedures are made under and in accordance with the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (“**the 2023 Act**”). Where there is a conflict between these Procedures and the provisions of the 2023 Act, the provisions of the 2023 Act shall take precedence.
- 2.2. These Procedures form part of ComReg’s End-user Dispute Resolution Procedures (ComReg 24/22a)¹⁰.
- 2.3. Words and phrases not otherwise defined in these Procedures shall, unless the context otherwise requires, have the meanings assigned to them in the Communications Regulations Acts 2002 to 2023 Act. To the extent that there may be any difference between the procedures and the relevant provisions of these Acts, the Acts take precedence.
- 2.4. In these procedures a reference to a “notice” includes a notification.
- 2.5. A notice required to be served by the Decision Maker may be served on their behalf by an appropriate ComReg staff member.

¹⁰ ComReg ‘End-user Dispute Resolution Procedures’ Document No. 24/22a [online]: <https://www.comreg.ie/media/2024/04/ComReg-2422a.pdf>

3. The Decision Maker

- 3.1. A reference to “**the Decision Maker**” in these Procedures is a reference to the Commission or an independent person appointed by the Commission, under section 21 or 39 of the Communications Regulation Act 2002 (as amended) (“**the 2002 Act**”) exercising the functions of the Commission to propose a resolution of a dispute referred to it in accordance with section 47(1) of the 2023 Act.
- 3.2. At an oral hearing, the Decision Maker shall hear the submissions by the parties and evidence from witnesses.

4. When an oral hearing is required

- 4.1. The Decision Maker may conduct an oral hearing where it is considered necessary to ensure fairness of procedures and in particular, to resolve a genuine conflict of material fact arising from the papers that cannot otherwise be resolved. The Decision Maker may conduct an oral hearing of their own volition or upon request.
- 4.2. One or more parties to a dispute may request an oral hearing. In that event, the Decision Maker will consider the request. It is for the Decision Maker alone to decide if an oral hearing is necessary.
- 4.3. Where the Decision Maker decides that an oral hearing is necessary it will be conducted in accordance with these Procedures, and natural fairness and constitutional justice, taking account of the timelines for conclusion of the dispute resolution process set out in the ComReg’s End-user Dispute Resolution Procedures (ComReg 24/22a).

5. Notification and witness attendance

- 5.1. If the Decision Maker decides to hold an oral hearing the parties will be notified. The notification will set out the issues in respect of which oral evidence will be required and any documents that require to be produced at the oral hearing. The parties will be given an opportunity to advise of any dates which are unsuitable for attendance to give oral evidence and once that opportunity has passed, then a formal Notice of Hearing in writing will issue to the parties confirming the date and time and venue of the oral hearing.
- 5.2. A formal Notice of Hearing will issue no less than 15 working days prior to the oral hearing. Service of the notice shall be in accordance with section 60 of the 2002 Act.
- 5.3. An oral hearing will be limited to hearing only those witnesses whose

evidence is required for the purpose of resolving the disputed facts. In advance of the oral hearing the Decision Maker will notify the parties of the identity of those witnesses on behalf of both parties, from whom evidence is required at the oral hearing and of any documents that require to be produced at the oral hearing.

- 5.4. In advance of the oral hearing, each party may request the Decision Maker to allow it to call another witness (or witnesses) to give evidence on its behalf in respect of the issue(s) in dispute. The witness (or witnesses) may be in addition to, or instead of, the witness(es) notified by the Decision Maker under this section. Requests to call another witness (or other witnesses) should be fully explained and any failure to do so may, of itself, result in the request being declined. Such requests will be considered by the Decision Maker having regard to the requirement that an oral hearing will be limited to hearing only those witnesses whose evidence it is necessary for the purpose of resolving the disputed issue(s) and to the further requirements of section 48 of the 2023 Act that the procedures for the resolution of disputes must be simple, inexpensive and enable disputes to be settled fairly and promptly.
- 5.5. A request to call another witness (or witnesses) must be made at least 10 working days before the notified hearing date.

6. Attendance

- 6.1. Oral hearings, will unless otherwise directed by the Decision Maker, be by way of remote electronic video link. The access details shall be circulated in advance of the notified hearing date. Where a party wishes to have the oral hearing in person, they shall make submissions to the Decision Maker on notice to the other party 10 working days in advance of the notified hearing date setting out the reasons for this request. Any submissions objecting to an oral hearing taking place in person must be provided 5 working days in advance of the notified hearing date.
- 6.2. It shall be a matter for the Decision Maker to decide whether to accede to the request on the grounds of fairness to the parties.
- 6.3. For the purposes of these procedures reference to attendance shall include remote and in person attendance.
- 6.4. In person oral hearings will, unless otherwise directed by the Decision Maker, be conducted in Dublin at a location that will be specified in the notification referred to in section 5 of these Procedures.

- 6.5. Where the Decision Maker believes on reasonable grounds that a person may be able to give evidence or to produce a document that relates to the dispute before the Decision Maker, the Decision Maker may require that person to attend at an oral hearing for these purposes. In the case of an in-person hearing, that person shall be entitled to their reasonable travel expenses (if applicable).
- 6.6. A person who attends at an oral hearing is entitled to be accompanied by a solicitor or barrister or, with the prior approval of the Decision Maker, by another person. Any costs incurred by the person in that regard will not be borne by ComReg and are a matter for the person themselves.
- 6.7. A Decision Maker may require a person to attend an oral hearing over the course of more than one day unless excused or released from further attendance.
- 6.8. Except in very exceptional circumstances, if a party does not attend on the scheduled hearing date, the Decision Maker will proceed with the oral hearing without that party. It is not ComReg's policy to cancel, postpone or adjourn scheduled oral hearings. For more on this see section 7 below.
- 6.9. A person who attends an oral hearing in compliance with a requirement made under section 5 has the same protection and is subject to the same protections as a witness in proceedings in the High Court, including the right to decline to answer a question on the grounds of self-incrimination.

7. Postponements and Adjournments

- 7.1. Consistent with the statutory aims that dispute resolution procedures are simple, inexpensive, and enable disputes to be settled fairly and promptly, oral hearings should, in general, be completed on the scheduled date.
- 7.2. It may become necessary for a party to request that the scheduled date for an oral hearing is postponed. It is important to note that postponements have the potential to impact the other parties, the efficient and effective use of ComReg's resources, and the statutory aims of the dispute resolution process. Postponements requests will therefore be carefully considered with due regard to the rights of the parties to fair procedures and reasonable expedition in having an oral hearing heard.
- 7.3. A 'postponement' is sought in advance of the hearing date. An application made on the day of the hearing is referred to as an 'adjournment' application.

- 7.4. Applications for postponements should be made through the following channels and should be accompanied by supporting documentation:
- Email address: cdr@comreg.ie
 - Postal address: ComReg, Dispute Resolution Team, One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.
- 7.5. Supporting documentation might include medical certificates, a death notice, proof of jury duty, or evidence of flight bookings including proof that they were booked before the hearing was scheduled, etc. Note this is a suggested, non-exhaustive list of circumstances and these may not be sufficient to justify a postponement; each case turns on its individual facts.
- 7.6. All applications for postponements must be made on notice to the other party and proof of that notice having been provided must be provided with the postponement application.
- 7.7. ComReg retains discretion over all postponement decisions, irrespective of what the parties themselves may propose, however, and as a guideline only, postponement applications made within 5 working days from the date of notification of the scheduled date for the oral hearing and accompanied by the written consent of the other party/parties are more likely to be acceded to.
- 7.8. Following receipt of a postponement application, ComReg will notify the other party/parties of the application and the reasons provided for it. Submitted documentation is generally not shared with the other party/parties.
- 7.9. Where time permits, the other party will be given 2 working days to furnish comments on the application by way of email to: cdr@comreg.ie. At the conclusion of these 2 working days, ComReg will process the request having regard to all comments received. Written notification of the outcome of the postponement request will be sent to all parties.
- 7.10. There may be unusual circumstances where ComReg may not be in a position to notify and/or consult with all parties. For example, if the application is made close to the hearing date ComReg may make a decision on the postponement out of necessity on the basis of information supplied by the applicant, without consulting the other party/parties.
- 7.11. Where a postponement or adjournment application has been refused, a new application will not be considered unless supported by new relevant facts not previously available to the applicant. Those new facts must be clearly set out in the new application.

- 7.12. An adjournment application is subject to an “exceptional circumstances and substantial reasons” test. Further, an applicant must set out why a postponement request was not made in advance instead. Adjournment applications will not generally be granted unless proper evidence is provided together with an explanation of how the test is met.
- 7.13. A Decision Maker may, at his or her own discretion or on the application of any party, adjourn an oral hearing to a specific date and/or place.

8. Fair hearing

- 8.1. The Decision Maker shall conduct an oral hearing fairly in accordance with the principles of procedural fairness and constitutional and natural justice. The Decision Maker shall also conduct oral hearings with due professionalism and courtesy towards the parties and witnesses involved.

9. Standard of proof

- 9.1. The standard of proof in respect of matters subject to an oral hearing under these Procedures shall be the civil standard of proof on the balance of probabilities.

10. How the oral hearing will proceed

10.1. Decision Maker’s instructions to be followed

- 10.1.1. During the oral hearing, each person must do as the Decision Maker asks. At the start of the oral hearing, if any of the parties has a question as to how the oral hearing will be conducted, the Decision Maker will answer any such questions. Similarly, if, in the course of the oral hearing a party has a question as to the procedures for the oral hearing, the Decision Maker will respond to any such queries.

10.2. Administration of oath/affirmation

- 10.2.1. A person who attends at an oral hearing in compliance with a notice issued under section 5 may be required to swear an oath or make an affirmation that the evidence the witness will give shall be true. The Decision Maker may administer such an oath to the witness orally or permit the witness to affirm. The required oath or affirmation shall be in the form required by courts of law. In the case of a remote hearing only an affirmation will be required.

10.3. Order in which evidence is given

- 10.3.1. At the oral hearing, the parties or their representative (including but not limited to a legal representative), with leave of the Decision Maker, shall present the evidence in support of their position. Such person may also make submissions including but not limited to submissions on any issues of law arising. The testimony of witnesses attending the oral hearing shall be given in accordance with these Procedures.
- 10.3.2. At the oral hearing, the complainant (end-user) will be asked to speak first. The respondent (service provider) may cross-examine/question all those giving evidence on behalf of the complainant. When the complainant and the complainant's witnesses have finished giving evidence and have been cross-examined, the respondent will then be asked to present its evidence, and the complainant may cross-examine/question all those giving evidence on behalf of the respondent.
- 10.3.3. At an oral hearing parties will be entitled, and given the chance, to:
 - (1) speak;
 - (2) have someone speak on their behalf;
 - (3) give evidence and have witnesses give evidence on their behalf
 - (4) cross-examine/question witnesses about what they have said at the oral hearing
 - (5) cross-examine/question any witness about any report/document they have produced in connection with the complaint.
- 10.3.4. At the end of the oral hearing the Decision Maker may invite the parties to make a short final oral submission.
- 10.3.5. The Decision Maker, at their discretion, may arrange for a stenographer to take a transcript of the evidence and submissions made at an oral hearing. Where this occurs, the parties may request a copy of the transcript. Entirely at their discretion, the Decision Maker may provide a copy of the transcript upon payment of a fee by the requesting party that reasonably reflects the costs incurred in providing the transcript.

10.4. [Rules of Evidence](#)

10.4.1. It shall be a matter for the Decision Maker to decide on the admissibility of evidence. The type of proof that is generally admissible as evidence at an oral hearing in accordance with these Procedures shall include relevant documents, oral statements, electronic messages, recordings and all other objects containing information, irrespective of the form it takes and the medium on which information is stored, provided that the evidence referred to that in the view of the Decision Maker is of probative value and assists in the resolution of the dispute.

10.5. [Legal professional privilege](#)

10.5.1. No witness shall be required to provide information or produce a document or copy document, the communication of which is subject to legal professional privilege.

10.6. [Resolution will be proposed after oral hearing](#)

10.6.1. A resolution to a dispute will not be proposed by the Decision Maker at an oral but rather will follow the conclusion of that oral hearing.

10.6.2. In accordance with section 47(3) of the 2023 Act, an end-user who has referred a dispute to ComReg for resolution may withdraw the dispute at any stage up to the time at which the Decision Maker, proposes a resolution to the dispute. This may occur at an oral hearing, where the end-user should notify the Decision Maker of their wish to withdraw their dispute.

10.7. [Agreements reached prior to or at oral hearing](#)

10.7.1. There may be occasions where the parties reach an agreement regarding the resolution of a dispute prior to, or during the course of, an oral hearing. Where this occurs, the parties may bring the fact of this agreement to the attention of the Decision Maker and, if the end-user so wishes, they may withdraw their dispute.

10.8. [Accessibility](#)

10.8.1. If any particular accessibility requirements arise (for example sign-language interpretation or wheelchair access) please advise the Decision Maker prior to the notified date of the oral hearing,

and in sufficient time in advance of that date to enable appropriate arrangements to be made.

- 10.8.2. ComReg has an appointed Access Officer¹¹ who can coordinate assistance and guidance to persons with disabilities accessing services provided by ComReg including Oral Hearings.

¹¹ 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.

Annex: 2 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 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.

Annex: 3 Questions

Section	Page
Q. 1 Do you have any comments on the proposed 'End-user Dispute Resolution - Procedures for Oral Hearings' that ComReg has set out in Annex: 1? Please explain the basis of your response in full referring to the appropriate paragraph number of the procedures and provide any relevant information to support your response.....	10