



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Call for Inputs

Review of Measures to ensure equivalent access to and choice of Electronic Communications Services (ECS) for end-users with Disabilities

Call for Inputs

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1 Executive Summary

1.1 Introduction

- 1 The Commission for Communications Regulation (ComReg) is the statutory body responsible for the regulation of the electronic communications sector and the postal sector in Ireland. ComReg regulates telecommunications (electronic communications networks (ECN) and electronic communications services (ECS)), radio-communications, and broadcasting transmission.¹ ComReg has a range of functions and objectives in relation to the provision of ECN and ECS in accordance with European Union (EU) and national legislation.
- 2 In publishing this preliminary consultation (Call for Inputs), ComReg is aware of its statutory functions and objectives,² promoting competition among providers of ECS whilst promoting interests of end-users of ECS.³ This includes:
 - dealing with suppliers,
 - making sure information is clear, and
 - addressing the needs of specific social groups, in particular end-users with disabilities.
- 3 ComReg wants to ensure that end-users, including those end-users with disabilities,⁴ are protected and can choose and use ECS with confidence.

¹ ComReg's role excludes audio/visual content or equipment (for example, handsets, computers, other terminal equipment, and operating systems) or products.

² As set out in Sections 10 and 12 of the Communications Regulation Act 2002 (as amended) (the Act), <http://www.irishstatutebook.ie/eli/2002/act/20/enacted/en/html> New legislation introduced by the Government, the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 ("2023 Act") amends the Communication Regulations Acts 2022 – 2017 (together referred to as the Communications Regulation Acts 2002 to 2023).

³ Section 12(1)(a)(iii) of the Act.

⁴ The term "disabled end-user" is changed to "end-users with disabilities" under Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) ("The Code"). In this Call for Inputs, these terms are used interchangeably.

- 4 In this context, ECS includes a fixed-line telephone service, a mobile phone service, a broadband service. ECS can also include a service to make and receive calls (telephone service or voice service), or a broadband service like VoIP (also known as voice calls over broadband), where consumers have access to telephone-like services through a broadband provider. These services can be accessed through a home landline telephone, a broadband connection, or a mobile phone. End-users with disabilities are active users of ECS.
- 5 Well-functioning markets should maximise benefits for consumers, ensuring that everyone, including people with disabilities, has equivalent access to ECS in terms of choice, price, and quality.
- 6 ComReg considers that the existing general consumer protections in place⁵ and, new consumer protections under the Electronic Communications Code Regulations 2022⁶ (the ECC Regulations), protect consumer interests. These protections support all consumers, including those with disabilities, when choosing and using ECS with confidence. Sometimes people with disabilities may need extra support to effectively access and use ECS, including customer service. As set out below, end-users with disabilities are also protected through measures taken by ComReg⁷ in 2014 and 2015 to assist in ensuring that the objective of the legal framework relating to equivalent access to and choice of ECS for end-users with disabilities is met.

1.2 Equivalent access and choice objective

- 7 The ECC Regulations continue the objective of equivalent access and choice as regards ECS “**equivalent to that enjoyed by the majority of end-users**” (equivalent access to and choice of ECS). Access to ECS and related information should be the same for people with disabilities as it is for people who do not have disabilities. Everyone should have easy and equivalent access to and choice of ECS and related information. For example, people with disabilities should benefit from the same usability of ECS and related information as other users of those services, even if the way they use these services is different. This is what the word ‘equivalence’⁸ means in the context of this Call for Inputs.

⁵ See ComReg’s website <https://www.comreg.ie/advice-information/>.

⁶ S.I. No. 444 of 2022 EUROPEAN UNION (ELECTRONIC COMMUNICATIONS CODE) REGULATION 2022 [pdf \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2022/si/444/2022-01-01) transpose into national law in Ireland Directive (EU) 2018/1972.

⁷ Specific measures imposed pursuant to the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011, S.I. No. 337/2011.

⁸ ComReg notes that Recital 12 of a previous Directive 2009/36/EC states, “equivalence in disabled end-users’ access to services should be guaranteed to the level available to other end-users. To this

1.3 The Measures

- 8 To assist in ensuring ECS services and information are accessible to all including those with disabilities, ComReg imposed specific measures on undertakings⁹ (Undertakings) to assist in ensuring that end users with disabilities have the same access to and choice ECS as those without a disability, while mindful of the principle of proportionality.¹⁰
- 9 The measures specify that Undertakings must supply accessibility statements for end-users with disabilities in ComReg’s decision [Requirement for an Accessibility Statement](#)¹¹ and other measures to ensure equivalence of access under ComReg decision [Measures to Ensure Equivalence of Access and Choice for Disabled End-Users](#).¹² Some Undertakings are obligated to provide access to a Text Relay Service (the Irish Text Relay Service or ITRS) as set out in ComReg Decision [Provision of Access to a Text Relay Service](#)¹³. These specific consumer protections for end users with disabilities together are the measures (the Measures) and remain in force and effect.¹⁴
- 10 In summary, the Measures consist of the following specific accessible services and information:
 - a. Accessible complaints procedure
 - b. Accessible directory enquiries
 - c. Accessible top-up facility for pre-paid mobile telephone users
 - d. Accessible billing
 - e. Accessible facility to test compatibility of terminal equipment¹⁵ or appropriate returns policy.
 - f. Facility for disabled subscribers to register requirements.

end, access should be functionally equivalent, such that disabled end-users benefit from the same usability of services as other end-users, but by different means.”

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32009L0136>

⁹ Pursuant to Regulation 2 of the ECC Regulations, “undertaking” means a person engaged or intending to engage in the provision of electronic communications networks or services or associated facilities.

¹⁰ Pursuant to the legal framework, it is a requirement of ComReg, in carrying out regulatory tasks to take all reasonable measures which are necessary and proportionate for achieving the objectives.

¹¹ ComReg Decision D06/15, ComReg document 15/98.

¹² ComReg Decision D04/14, ComReg document 14/52.

¹³ ComReg Decision D09/15, ComReg document 15/143.

¹⁴ Regulation 94 (3) of the ECC Regulations establishes “Any requirements specified by the Regulator under Regulation 17 of the universal service regulations, which are in force on the commencement of this Regulation are deemed to be requirements under this Regulation.”

¹⁵ Terminal equipment in the case of this Measure is a mobile phone.

- g. Provision of text relay service (TRS)
 - h. Accessible information
 - i. Requirement for an accessibility statement
- 11 ComReg provides a series of [videos](#) on the ComReg website summarising these service provider accessibility requirements.

1.4 Purpose of the Call for Inputs

- 12 In the time since the Measures have been implemented, the electronic communications sector has continued to evolve in terms of market and technological advance and, the ECC Regulations bring a change to the legal framework governing ECS and ECN. Therefore, ComReg considers that it is important to reflect on the Measures, as set out in summary at paragraph 10, to make sure access and choice for people with disabilities is the same as for those without disabilities. These Measures are discussed in more detail in Chapter 4. This review will assess,
- if these Measures meet the needs of people with disabilities when choosing, accessing, and using ECS, engaging with their service provider, and throughout the consumer journey, and
 - whether people with disabilities are adequately protected.
- 13 ComReg, in this Call for Inputs, seeks input of end-users with disabilities on:
- their experience of ECS,
 - their experience of the Measures, as set out in summary at paragraph 10 above,
 - their experience when choosing and using ECS,
 - how they engage with their service provider, and
 - their ECS consumer journey.

- 14 This Call for Inputs represents the initial step in the consultation process. It is one of a number of data gathering methods which ComReg is undertaking to gather relevant information to be considered when forming the basis for any future consultation(s) or publication, as relevant. Alongside the information gathered from the various sources so far (as set out in Section 2.6), the submissions to this Call for Inputs will assist in providing a better understanding of the effectiveness of the Measures (specific services and support available to end-users with disabilities) when accessing and using their ECS and related information.
- 15 With respect to equivalent access to and choice of ECS, as set out further below, the review of the Measures may identify:
- a) potential improvements to the existing specific services and support available to end-users with disabilities and/or,
 - b) possible new specific services/information may be necessary and appropriate to introduce, to maximise the ability for end-users with disabilities to benefit from ECS and use ECS independently, and
 - c) that the needs of end-users with disabilities (as regards choosing and using ECS) are being met by technological developments and the market. In this case, some or all of the Measures (specific services and support for end-users with disabilities, as set out in summary at paragraph 10) may no longer be necessary to ensure equivalent access to and choice of ECS, and the extra services or support under the Measures could be withdrawn.

1.5 Next Steps

- 16 ComReg encourages all stakeholders, including, industry, groups representing end-users with disabilities and consumers with disabilities, to share their views on:
- The trends and developments (set out in Chapter 3), and
 - How well the Measures (or specific services and support available to end-users with disabilities, as set out in summary at paragraph 10) are working to ensure equivalent access to and choice of ECS for end-users with disabilities, while mindful of the principle of proportionality (as set out in Chapter 4).
- 17 There are twenty-two questions posed in the Call for Inputs, we would welcome responses to some or all the questions. Annex 1 compiles these questions. There are two questions posed to address each of the Measures, as follows:

- Are these Measures needed to ensure equivalent access to and choice of ECS and related information?
 - Are there changes which should be made to these Measures?
- 18 The deadline for responses to this Call for Inputs is **27 October 2023**. There is a Call for Inputs Summary (ComReg Document 23/80a) and videos in ISL explaining this summary document available on ComReg's website (ComReg.ie).¹⁶ ComReg may issue a further public consultation addressing specific provisions for end-users with disabilities arising from this Call for Inputs.

1.6 Structure of the document

- 19 This Call for Inputs is set out as follows:
- **Chapter 2** sets out an introduction and background to the Measures, the statutory and regulatory framework and overview of previous work and engagement as inputs to this Call for Inputs;
 - **Chapter 3** Outlines the trends and developments that may impact outcomes for end-users with disabilities as regards access to and choice of ECS;
 - **Chapter 4** Presents a review of the specific Measures and considers:
 - the effectiveness of those, and
 - the scope to clarify, update or withdraw any of the Measures or,
 - potential for introducing any new Measures (new specific services and information requirements) to ensure equivalent access to and choice as regards ECS;
 - **Chapter 5** Sets out the process for submitting comments in response to this Call for Inputs:
 - **Annexes**
 - Annex 1 compiles the twenty-two questions posed throughout this Call for Inputs;
 - Annex 2 sets out definitions;

¹⁶ See [Executive Summary](#) and [ComReg seeks your views on measures](#) and [Review of measures and consultation questions](#) and [Submitting comments](#)

- Annex 3 set out wording of relevant EU and national legislation.

2 Introduction and background

2.1 Overview

20 This Chapter sets out ComReg’s statutory and regulatory framework in relation to equivalent access to and choice of ECS and related information for end-users with disabilities. It sets out in summary the obligations on providers of ECS in relation to equivalent access and choice including requirements in relation to accessible services and information, as specified by ComReg in the Measures. Finally, previous work and other inputs to the ongoing review of the Measures are outlined.

2.2 Statutory objectives

21 Annex 3 refers to the relevant EU and national legislation.

22 ComReg statutory functions and objectives, in relation to the provision of ECN, ECS and associated facilities, include promoting competition among providers of ECS whilst promoting interests of end-users of ECS. ComReg aims to ensure a high level of protection for consumers, including consumers with disabilities. This includes:

- dealing with suppliers,
- making sure information is clear, and
- addressing the needs of specific social groups, in particular end-users with disabilities.

23 The ECC Regulations provides, as regards its aims, ComReg must follow the general objectives which under Regulation 4 (3)(d), include–

(d) [to] “promote the interests of the consumers and businesses in the State, by ensuring connectivity and the widespread availability and take-up of very-high-capacity networks, including fixed, mobile and wireless networks, and of electronic communications services, **by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition**, by maintaining the security of networks and services, **by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as affordable prices, of specific social groups, in particular end-users with disabilities**, elderly end-users and end-users with special social needs, **and choice and equivalent access for end-users with disabilities.**”

2.3 Equivalent Access and Choice Objective

- 24 Regulation 94 of the ECC Regulations gives effect to Article 111 of the Code into national law and continues the objective of equivalent access and choice. Regulation 94 provides that end-users with disabilities should have access to ECS, contract information and a choice of ECS provider and services “**equivalent to those enjoyed by the majority of end users.**”

2.4 Obligations on providers to ensure equivalent access and choice of ECS

- 25 In 2014 and 2015, we carried out a number of public consultations, with the aim of ensuring people with disabilities benefit from the easy and equivalent access to and choice of ECS as most people. Following these consultations, we identified the specific services and requirements in relation to information as necessary and appropriate to assist in ensuring people with disabilities do not face barriers to making full use of their ECS service and information. Further to the public consultations, ComReg imposed the Measures to ensure equivalent access to and choice of ECS for end-users with disabilities pursuant to its powers under Regulation 17 of the Universal Service Regulations.
- 26 More specifically, Undertakings must ensure that the specific accessible services and information are available to end-users with disabilities and information as regards accessible services and information is published in the Accessibility Statement:

Accessible services:

- a. Accessible Complaints Procedure
- b. Accessible Top-Up Facility for Pre-Paid Mobile Telephone end-users
- c. Accessible Directory Enquiries
- d. Accessible Billing
- e. Accessible Facility to Test Compatibility of Terminal Equipment or appropriate returns policy.
- f. Facility for Disabled Subscribers to Register Requirements
- g. Provision of Text Relay Service

Accessible Information:

- h. Accessible Information: provides for equivalent access to information about the ECS products and services offered by Undertakings.
 - i. Requirement to publish, provide and maintain an Accessibility Statement.
- 27 In December 2015, ComReg D09/15 mandated PATS¹⁷ providers with over 100,000 subscribers (Relevant Undertakings) to provide access to a Text Relay Service (TRS) for deaf and hearing-impaired end-users. TRS translates text into voice and voice into text to facilitate deaf and hard of hearing people and those with speaking difficulties in making and receiving calls, including using mobile devices, in the Republic of Ireland. Calls are relayed through agents who perform this translation. ComReg prescribed that the service should be available from 2017. Since June 2017, the ITRS service has been provided by Eir on behalf of Relevant Undertakings as a wholesale offering.
- 28 With respect to the Accessibility Statement requirement, Undertakings must ensure that end-users with disabilities are able to obtain information they are required to provide to end-users with disabilities under the Measures about the specific services and support available. This must be in an accessible format available through appropriate channels and published in the Accessibility Statement.
- 29 These Measures continue in force and effect under Regulation 94 of the ECC Regulations.¹⁸ The Measures assist in ensuring ECS services and information are accessible to all including those with disabilities. ComReg has published Regulatory Guidance¹⁹ for providers on the specific requirements of the Code as regards end-user aspects. Paragraph 155 of the Guidance states: “stakeholders will be aware that ComReg has taken the measure ComReg Decision D06/15 which specifies that providers must supply accessibility statements for end-users with disabilities and other measures to ensure equivalence of access and choice of ECS and related information under ComReg Decision D04/14,” which measures include a requirement for accessible information more generally.

¹⁷ Publicly Available Telephone Services (“PATS”) are defined as services made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan <http://www.irishstatutebook.ie/eli/2011/si/337/made/en/print>

¹⁸ Regulation 94 (3) provides “Any requirements specified by the Regulator under Regulation 17 of the universal service regulations, which are in force on the commencement of this Regulation are deemed to be requirements under this Regulation.”

¹⁹ Regulatory Guidance on Title III: End-user Rights of the European Electronic Communications Code - [Information Notice – Regulatory Guidance on Title III: End-User Rights of the European Electronic Communications Code | Commission for Communications Regulation \(comreg.ie\)](#)

- 30 The specific details of the services and support available to end-users with disabilities are set out in the Decision Instruments contained within ComReg Decision(s) D04/14, D06/15, and D09/15.

2.5 New consumer protections of the Code and the ECC Regulations

- 31 In addition, the ECC Regulations provide for a number of new consumer protections:
- A. Accessibility of contractual information, and
 - B. Service providers have publication and information obligations towards end-users with disabilities.

A. Accessibility of contractual information

- 32 As regards accessibility of information on ECS products and services,
- Regulation 87 (4) states “Subject to any requirement of law for accessibility for products or services, the information referred to in paragraph (1) shall, upon request, be provided in an accessible format for end-users with disabilities”.²⁰ Such information includes a minimum set of pre-contractual information in a clear and comprehensible manner, on a durable medium²¹ and, in an accessible format for end-users with disabilities.

²⁰ Article 102 (1) of the Code specifies that precontractual information must, upon request, be provided in an accessible format for end-users with disabilities in accordance with Union law harmonising accessibility requirements for products and services (Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services).

²¹ S.I. No. 444 of 2022 states “*durable medium*” has the same meaning as in Regulation 2 of the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013 (S.I. No. 484 of 2013); which defines a durable medium as:

“*durable medium*” means any medium, including paper and e-mail, that—
(a) enables its recipients to store information addressed personally to them in a way accessible for future reference for a period of time adequate for the purposes of the information, and (b) allows the unchanged reproduction of the stored information;”

- Regulation 87 (2) of the ECC Regulations imposes a new obligation on Providers of ECS, to provide consumers, including end-users with disabilities, with a standardised and easily readable ‘summary’ document, which summarises the key elements of the contract (the Contract Summary), prior to the conclusion of a binding contract. ComReg notes that the Commission Implementing Regulation EU 2019/2243 with regard to the Contract Summary states: “The contract summary information, whether printed or available electronically, is to comply with the relevant accessibility requirements of Union law harmonising accessibility requirements for products and services provided for by Directive (EU) 2019/882 of the European Parliament and the Council (2).”

B. Providers publication and information obligations towards end-users with disabilities

33 In accordance with Regulation 88 (1) and (2) of the ECC Regulations,²² it is a requirement that:

- Providers of ECS are to ensure that they publish up-to-date information²³ in a clear and comprehensive manner, subject to any requirement of law for accessibility for products or services.
- Providers are to publish the information on their products or services in an accessible format for end-users with disabilities.
- Schedule 8 of the ECC Regulations transparency information requirements could include an obligation to publish minimum contractual information on the “Description of the services offered” (Schedule 8, Item 2). ComReg notes that this class of information is further broken down in Schedule 8 as follows:
 - Item 2.6: Details of products and services, including and functions, practices, policies and procedures and alterations in the operation of the service, specifically designed for end-users with disabilities, in accordance with European Union law harmonising accessibility requirements for products and services.

²² Which transposes Article 103 of the Code.

²³ The full scope of information that ComReg may require a provider to publish is set out in Schedule 8 of S.I. No. 444 of 2022 (transposing Annex IX of the Code).

2.6 Inputs that have contributed to the review of the Measures

Consultation 17/71

- 34 In August 2017, ComReg issued a consultation entitled “Electronic Communications: Proposed [Review of Measures to Ensure Equivalence in Access and Choice](#),²⁴ (Consultation 17/71) which at a high level reviewed the functioning of the Measures in place since 2014 and 2015.
- 35 As part of the review process in 2017, ComReg set out that a number of amendments may be made to certain of the Measures (specific services available to end-users with disabilities) with a view to better meet the objective of equivalent access and choice of ECS for end-users with disabilities, and which included:
1. *Accessibility Statement* – This, together with information as to how other formats of the Accessibility Statement may be requested, ought to be available and accessible from the home page of the website (for example on the Accessibility Section of their Service Provider website); and
 2. *Accessible Information* – in 2017, Undertakings’ websites were not considered sufficiently accessible in themselves and did not appear consistent in their promotion of the accessible information, and
 3. *Facility for Disabled Subscribers to Register Requirements* – there was inconsistency in the prominence of the facility by Undertakings which resulted in a lack of awareness by end-users with disabilities of that facility, and
 4. *Accessible Complaints Procedures* – a broad range of methods to lodge complaints is required to accommodate the various disabilities and Undertakings need to ensure that staff are adequately trained in dealing with complaints from end-users with disabilities.
- 36 In 2017, ComReg did not proceed to issue a response to consultation and decision on foot of Consultation 17/71 largely in view of awaiting transposition of, the Code, Directive (EU) 2016/2102,²⁵ and the European Accessibility Act (EAA),²⁶ which was ongoing. However, the analysis and reasoning as set out in Consultation 17/71 has been re-examined, together with submissions received, alongside the ongoing stakeholder engagement since 2017 and information available to ComReg, as an input to this Call for Inputs.

²⁴ ComReg Consultation Document No. 17/71

²⁵ Directive (EU) 2016/2102 on the accessibility of websites and mobile applications of public sector bodies (published by the EU Commission on 2 December 2016).

²⁶ Directive (EU) 2019/882, <https://www.inclusion-europe.eu/european-accessibility-act/>

Forum on Electronic Communications Services for End-Users with Disabilities

- 37 ComReg facilitates regular meetings, forums²⁷, and workshops with relevant stakeholders (representative groups of end-users with disabilities, end-users with disabilities, industry, and other specialist experts). These meetings provide an opportunity to ensure that relevant experience and good practice is captured, shared, and applied to policy making as regards equivalent access to and choice of ECS for end-users with disabilities. It also provides an opportunity for all stakeholders to provide feedback on any aspect of the Measures supporting equivalent access to and choice of ECS.
- 38 For particular decisions where end-users with disabilities may be impacted, direct input is sought from end-users with disabilities and organisations or groups representing end-users with disabilities and the National Disability Authority (NDA). The meetings, forums, and workshops provide key information for ComReg when making a decision which may impact end-users with disabilities and are referenced within the ComReg Decisions (D04/14, D06/15, and D09/15), as relevant.
- 39 Since 2019, ComReg's stakeholder engagement has discussed possible issues that may need to be addressed as part of the review of the Measures. This has included:
- Equivalence of Access & Choice Forum 14 – 22 March 2023: A briefing to User-group organisations on the planned initial consultation on review of Measures/obligations on Undertakings to support equivalence of access and choice for end-users with disabilities.
 - Equivalence of Access & Choice Forum 13 – 14 March 2022
Attended by User groups and Industry; a briefing on Accessible Information, with a focus on website accessibility.
 - Equivalence of Access & Choice Forum 12 – 16 December 2021
Attended by User group representatives and discussed the ITRS website Accessibility.
 - Equivalence of Access & Choice Forum 11 – 22 June 2021
Attended by User group and industry representatives; a briefing on proposals for an ITRS refresh from relevant Undertakings.
 - Equivalence of Access & Choice Workshop - 24 May 2021

²⁷ The Forum on Services for People with Disabilities was established by ComReg in accordance with Section 12 of the Communications Act 2002. It was named the Equivalence of Access and Choice Forum in 2016.

Attended by Relevant Undertakings representatives. Age Friendly Ireland presented on Issues impacting on older people ability to access electronic communications during Covid-19 pandemic.

- Equivalence of Access & Choice Forum 10 – 29 March 2021
Attended by Relevant Undertakings representatives; a briefing on ITRS developments.
- Equivalence of Access & Choice Forum 9 – 24 November 2020
Attended by NDA and Chime where feedback on the experience of end-users with the ITRS and website was provided.
- Equivalence of Access & Choice Forum 8 – 13 February 2020
Attended by undertakings and discussed matters such as ITRS, staff training and GDPR.
- Equivalence of Access & Choice Forum 7 – 10 February 2020
Attended by a number of regulatory bodies and discussed matters, such as, ITRS and the General Data Protection Regulation (GDPR).²⁸
- Equivalence of Access & Choice Forum 6 – 25 March 2019
Attended by Relevant Undertakings representatives; a briefing on third party consumer contacts.

Data gathering

- 40 ComReg collects information on the consumer protections measures it mandates, through for example, information requests,²⁹ consumer surveys, benchmarking, and other relevant material available to it.
- 41 In December 2019, ComReg sought information from all Undertakings on the Measures³⁰ to inform our consideration of matters relating to this review of the Measures. The request for information was considering a rapidly changing electronic communications market, technological developments, potential changes in end-user requirements and potential changes arising from the Code. ComReg's review of the Measures has had regard to the information from Undertakings as regards implementation of the required Measures or specific services to meet the needs of end-users with disabilities.

²⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

²⁹ Section 13D of the Communications Regulation Acts, 2002 to 2011 ("2002 Act"), as inserted by Section 6 of the Communications Regulation (Amendment) Act 2007

³⁰ Pursuant to Section 13D of the Act.

European Benchmarking

- 42 ComReg has also considered ongoing work with other National Regulatory Authorities (NRAs) throughout Europe through the Body of European Regulators for Electronic Communications (BEREC).³¹
- 43 In December 2022, BEREC published its report entitled “BEREC Report on the outcomes of public consultation on the draft BEREC Report on measures for ensuring equivalence of access and choice for disabled end-users.”³² The report follows on from three previous reports published in 2011, 2015³³ and 2018.³⁴ With the information received from the NRAs, the reports are an inventory of measures and initiatives which have been put in place by Member States to help ensure equivalent access to and choice of ECS for end-user with disabilities.
- 44 There are instances of obligations being imposed on the Universal Service Provider to ensure equivalence of access and affordability for a specific set of services. Other NRAs impose obligations on all service providers to ensure the objective of equivalent access to and choice of ECS - those end-users with disabilities “(a) have access to electronic communications services equivalent to that enjoyed by the majority of end-users; and (b) benefit from the choice of undertakings and services available to the majority of end- users.”
- 45 Across the EU, there are a variety of measures and initiatives being used to deliver the objective of equivalent access to and choice of ECS, and that end-users with disabilities are protected. ComReg has referenced BEREC reports, where relevant, to benchmark itself against other EU and EEA NRAs in the implementation of specific provisions for end-users with disabilities.

³¹ BEREC is composed of the of the European Union (EU) member's states in addition to the members of the European Economic Area (EEA).

³² BEREC document (BoR (22)172) , <https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-the-outcomes-of-public-consultation-on-the-draft-berec-report-on-measures-for-ensuring-equivalence-of-access-and-choice-for-disabled-end-users>

³³ https://berec.europa.eu/eng/document_register/subject_matter/berec/reports/5549-update-of-the-report-on-equivalent-access-and-choice-for-disabled-end-users

³⁴ https://berec.europa.eu/eng/document_register/subject_matter/berec/reports/8010-report-on-nras-practices-for-ensuring-equivalence-of-access-and-choice-for-disabled-end-users

3 Trends and developments

3.1 Overview

46 ComReg is aware of trends and developments that have been occurring since the introduction of the Measures in 2014 and 2015. ComReg has taken account of, amongst other things, market, and technological developments as well as the likely changing needs of all end-users including those with disabilities in relation to access to and use of ECS in view of rapid technological change. Further, ComReg has considered the demand for access to and use of ECS in general that help to ensure end-users with disabilities do not face barriers to making full use of their ECS and related information.

3.2 Evolving profile of end-users with disabilities

47 In June 2023, the Central Statistics Office (CSO) published the results of its Census of Population, [2022](#)³⁵. We note the following from the [summary](#) results of the Census 2022:

- Higher population figures population up 8% to 5.15 million.
- 22% of the population have at least one long lasting condition

48 Note: In Census 2022, the two questions on long-lasting conditions and difficulties were revised. The information reported here was compiled from a range of categories in the questions relating to long-lasting conditions and difficulties and the extent to which they were experienced. The difficulties reported included those experienced due to old age.

- Over 1 million people (1,109,557, accounting for 22% of the population) recorded experiencing at least one long-lasting condition or difficulty to any extent. Of these 22%, 407,342 people (8% of the population) recorded experiencing at least one long-lasting condition or difficulty to a great extent or a higher extent. A further 14% (702,215 people) recorded a long-lasting condition or difficulty to some extent or a little extent.

³⁵ Census 2022 took place in April 2022; <https://www.cso.ie/en/census/>

- The amount of people experiencing a long-lasting condition or difficulty to any extent generally increased with age. This ranged from 4% of people aged 0–4 years to 76% among people aged over 85. The percentage of each age group with a long-lasting condition or difficulty to a greater extent increased sharply after the age of 74. Among those aged 85 and older, just under half (48%) experienced a long-lasting condition or difficulty to an extent.
- This can be compared to Census 2016, where a total of 643,131 people reported they had a disability in April 2016, accounting for 13.5% of the population compared with 13% of the population in Census [2011](#) . This represented an increase of 47,796 persons on the 2011 figure of 595,335 people.

3.3 Market and technology evolution in electronic communications

Smartphone and Broadband Usage in Ireland

49 According to ComReg’s [quarterly report](#)³⁶ at the end of Q1 2023 there were:

- **9,067,419 mobile subscriptions in Ireland**, including mobile broadband (‘MBB’) and Machine to Machine (‘M2M’). If mobile broadband subscriptions (339,293) and M2M subscriptions (3,056,326) are excluded, the total number of mobile subscriptions was 5,671,800.
- In Q1 2023 a breakdown of mobile subscriptions indicates - 1,745,976 2G, 1,266,709 3G, 4,926,874 4G and 1,127,860 5G mobile subscriptions. These figures can be taken as an indication of the number of smartphone users accessing advanced data services such as web/internet content, online multiplayer gaming content, Video on Demand (VOD) or other equivalent advanced data services (excluding SMS and MMS).

50 According to the CSO and its *Information Society Statistics - Households 2019*,³⁷

- **In 2019, mobile phones or smartphones were used to access the internet away from home or work by 88% of individuals.**

³⁶ [ComReg Information Notice – No. 23/50](#)

³⁷ <https://www.cso.ie/en/releasesandpublications/ep/p-isshh/information societystatistics-households2019/>

Most (97%) individuals aged 16 to 29 years used mobile phones or smartphones to access the internet away from home or work in comparison to just 70% of persons in the 60 to 74 years age group. When accessing the internet away from home or work, 38% of individuals used a laptop, while 26% of individuals used a tablet. Note that respondents may use multiple devices to access the internet away from home or work.

- **91% of households had access to the internet at home.**

51 In 2022, ComReg published its “*Mobile Consumer Experience Survey of Consumers Summer 2022*”.³⁸ We note from this survey:

- smartphone ownership has increased to 86% in 2022 (up from 80% in 2019)
- when asked, 8% of survey respondents recorded they have disability. Among these respondents:
 - 96% say they own a mobile phone, of that 96%, 66% recorded they own a Smartphone (compared to all survey respondents, 86% have a smartphone)
 - 46% say that they are on a bill pay
 - 54% recorded that they have a landline (a fixed phone)
 - 55% of respondents with mobile phones have a prepay phone
 - Younger age groups are more likely to have a prepay phone contract (60% of those 24 and under)
 - The average monthly bill spend is €31.84; this is higher among the 25–34 age group, while over 55s have the lowest average spend
 - The average monthly prepay spend is €20.39
- The use of Over the Top (OTT) services (for instance apps like, Facetime, WhatsApp, Viber) is low for all survey respondents. For example, average minutes per day using internet-based app for voice calls is about 13 minutes for people with a disability compared to almost 22 minutes for all survey respondents.

³⁸ Mobile Consumer Experience Survey of Consumers Summer 2022” ComReg document 22/83
<https://www.comreg.ie/media/2022/10/ComReg2283.pdf>

Covid-19

- 52 Research findings from data ComReg collected on broadband and mobile phone usage since COVID-19 restrictions were introduced are summarised below.
- 53 ComReg conducted the market research *Impact of Covid-19 on Home Broadband use in Ireland* in April 2020. The main findings from that survey include:
- 3 in 5 have seen an increase in their home broadband usage since 1 March 2020, and
 - 2 in 3 of all workers are now working from home to some degree, and
 - 3 in 4 agree that their broadband is adequate for working from home and 4 in 5 feel it meets the needs of their household.
- 54 This research indicates a general shift in the way we live our lives. That we are spending increasing amounts of time online for work, shopping, banking, and socialising. The COVID-19 crisis has fundamentally changed many things and has led to an inevitable surge in the use of digital technologies. This is set to remain as we continue to live with the virus and there is a high likelihood that it could result in lasting change in how we live. So online accessibility for end-users with disabilities is now more important than ever.
- 55 ComReg conducted additional research in June 2020³⁹ which examined consumers' use and perception of telecommunication services since the beginning of the COVID-19 pandemic, with a particular focus on those who were using these services to work from home. Some of the key trends emerging from this data collected in Q2, 2020 found that:
- 93% value being able to access and use broadband at home during Covid-19,
 - 89% value being able to access and use their mobile phone at home during Covid-19, and
 - 77% believe their home broadband is adequate to meet the needs of the household.

³⁹ <https://www.comreg.ie/publication/impact-of-covid-19-on-consumer-use-and-perception-of-telecommunication-services>

- 56 With the outbreak of Covid-19, ComReg, amongst other things, promoted the ITRS on its website⁴⁰ to encourage those who are deaf or hard of hearing or who have difficulty speaking who have not used the ITRS service before to try the service.

Universal Design

- 57 Universal Design⁴¹ is the design and composition of an environment so that it can be accessed, understood, and used to the greatest extent possible by all people regardless of their age, size, ability, or disability. An environment (or any building, product, or service in that environment) should be designed to meet the needs of all people who wish to use it. This is not a special requirement, for the benefit of only a minority of the population. It is a fundamental condition of good design. If an environment is accessible, usable, convenient and a pleasure to use, everyone benefits.⁴²
- 58 ComReg notes that in June 2019, the National Standards Authority of Ireland (NSAI) in conjunction with the NDA launched a new design standard⁴³ to help organisations to bring their products and services to a wider audience. It enables businesses to apply a Universal Design approach for accessibility. This means, products, and services can be accessed, understood, and used by a wide range of people, including older persons and persons with disabilities. The document sets out requirements for an organisation so that they can extend their range of users by identifying diverse needs, by directly or indirectly involving users, and by using knowledge about accessibility in its processes and procedures.
- 59 Owing to technological developments in mobile devices and applications, tablets and their ubiquitous availability, access to applications, dedicated equipment and services is easier and cheaper than ever before. Mobile phones, the most common communication platform around the world, have made a substantial improvement to the lives of end-users with disabilities. Adaptation to device screens and input assisted by speech, touch or gesture means that devices are becoming increasingly accessible.

⁴⁰ <https://www.comreg.ie/consumer-information/covid-19-information/irish-text-relay-service-itrs-for-consumers-who-are-deaf-and-hard-of-hearing/>

⁴¹ Is defined in Irish law under the Disability Act 2005.

⁴² Source: <http://universaldesign.ie/What-is-Universal-Design/>

⁴³ https://shop.standards.ie/en-ie/standards/I-S-EN-17161-2019-1146165_SAIG_NSAI_NSAI_2717159/?source=predictive

Available accessible hardware and software

60 The International Telecommunication Union (ITU) is the United Nations' specialised agency for information and communication technologies (ICTs). The ITU states⁴⁴ that accessible hardware and software is available today which can address the needs of users with various types of impairments: visual, cognitive, hearing, speech, physical. For example:

- Blind and visually impaired people can adjust display settings such as font size or colour contrast.
- Blind or visually impaired people can use text to speech to access menus, receive audio feedback and have text, such as SMS, read aloud.
- Pictorial address books (containing an image of the person beside their name and phone number) has empowered some people with cognitive disabilities to use cell phones.
- Deaf persons can use a range of services including
 - SMS text messages
 - Sign language via video calls (on 3G networks)
- Other video-based services such as text to Avatar
- Persons unable to use a keypad can use voice recognition software.

Accessible products and services legislation

61 In 2019, the EAA⁴⁵ was adopted. The EAA aims to improve the functioning of the internal market for accessible products and services, by removing barriers created by divergent rules in Member States. It introduces new overarching requirements in respect of accessibility for products and services which will apply from June 2025.

62 ECS providers⁴⁶ will also be aware of the EAA which sets out forthcoming accessibility requirements for products and services. The services covered include:

⁴⁴ [http://www.e-](http://www.e-accessibilitytoolkit.org/toolkit/technology_areas/wireless_phones%20and%20ICT%20accessibility)

[accessibilitytoolkit.org/toolkit/technology_areas/wireless_phones%20and%20ICT%20accessibility](http://www.e-accessibilitytoolkit.org/toolkit/technology_areas/wireless_phones%20and%20ICT%20accessibility)

⁴⁵ Directive (EU) 2019/882 (the European Accessibility Act (EAA)) of the European Parliament and of the Council of 17 April 2019 will introduce harmonised rules on accessibility for private sector products and services in the EU for the first time. See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0882>

⁴⁶ Under the ECC Regulations, there are three categories of ECS: (i) internet access services (IAS); (ii) interpersonal communications services (ICS), distinguishing between 'number-based' and

- Electronic communications services
- Services providing access to audio-visual media services
- Transport services
- Consumer banking services
- E-books, and
- E-commerce services

63 The EAA is relevant to the private sector and, it is envisaged that businesses will benefit from:

- common rules on accessibility in the EU leading to costs reduction
- easier cross-border trading
- more market opportunities for their accessible products and services

64 It is envisaged that end-users with disabilities will benefit from:

- more accessible products and services in the market
- accessible products and services at more competitive prices
- fewer barriers when accessing transport, education, and the open labour market
- more jobs available where accessibility expertise is needed

3.4 Summary

65 For Irish consumers, the following summarises key trends that may have an impact on end-users with disabilities equivalent access to and choice of ECS services and information:

- The profile of end-users with disabilities has evolved, and
- In general, there is a shift in the way we live our lives,
- The COVID-19 crisis has fundamentally changed many things and has led to increasing demand and use of digital technologies.

'number-independent' ICS; and (iii) services consisting wholly or mainly of the conveyance of signals, such as transmission services used for machine-to-machine (M2M) communications and for broadcasting.

- 66 It is envisaged that services and products more generally will be increasingly required, demanded, and expected by consumers to be accessible beyond website accessibility. Forthcoming provisions under the EAA are relevant to the private sector and businesses, also relevant for the electronic communications sector. In general, providers of ECS, would be encouraged to apply a Universal Design approach at the outset when designing products and services, ensuring related information is accessible including through their websites. This is with a view to enable end-users with disabilities to better engage with the electronic communications market and services. It would support end-users with disabilities to make better, more informed choices and more effectively choose the provider who would deliver them the best overall service. It may help ensure that end-users, including end-users with disabilities, derive maximum benefit in terms of choice, price, and quality of ECS.
- 67 ComReg has taken account of market, and technological developments as well as the potential changing needs of end-users in relation to choosing and using ECS. Such developments may impact choice and equivalent access for end-users with disabilities. As such, ComReg considers it to be timely to review the Measures (or specific services available to end-users with disabilities). ComReg seeks input from stakeholders on the effectiveness of the Measures or specific services in place, having regard to a rapidly changing electronic communications market, technological developments, potential changes in end-user requirements that may impact on outcomes for end-users with disabilities engaging with ECS and their providers in that regard, and throughout the consumer journey.
- 68 In particular, ComReg is interested in eliciting the views of stakeholders on how the trends and developments set out above are likely to impact on end-users with disabilities when accessing and using ECS. The first two questions are:

- Q. 1 (A) Do you have any comments on the trends and developments set out above?
(B) Do you have any comments on the impact of trends and developments on accessing and using ECS services and related information for people with disabilities? Please give details in your answer, if possible.
- Q. 2 Are you aware of any market-led or technical developments to help people with disabilities access and use ECS services and related information? Please give details in your answer, if possible.

4 Review of the Measures

4.1 Overview

69 This Chapter presents our current observations on the functioning of the Measures in place, as set out in summary at paragraph 10 above. This is based on our ongoing engagement with stakeholders, including, industry, user groups, groups representing people with disabilities and consumers. We consider both market and technical developments as well as new requirements of the legal framework.

70 Associated with protecting and informing consumers, ComReg wants to ensure a high level of consumer protection for end-users, including those end-users with disabilities, that consumers can choose and use ECS with confidence, by ensuring:

- Consumers have easy access to the information they need,
- Consumers have a choice of service providers but there is at least one provider available for basic (universal) services,
- Vulnerable and end-users with disabilities are protected,
- The sign-up process is transparent and simple yet secure,
- Consumers can switch without service disruption, inappropriate penalties or notice periods,
- Consumers get the service they sign up for,
- Consumers understand their bill and are billed correctly,
- Consumers have timely access to customer care and redress.

71 ComReg's objective is to ensure that all consumers, including end-users with disabilities, are protected through every stage of the Consumer Journey the consumer navigation of the market, or the "Consumer Journey," consists of four broad phases:

- Looking for an ECS offer
- Signing up for an ECS
- Using the ECS
- Switching

- 72 Further to the Measures introduced by ComReg in 2014 and 2015, Undertakings must ensure that the specific accessible services and information, as summarised at paragraph 10 above, are available to end-users with disabilities and information as regards accessible services and information is published in the Accessibility Statement. These Measures assist in ensuring that consumers with disabilities benefit from easy access to ECS providers and services in the same way as it is for those who do not have disabilities.
- 73 In this Chapter, with the benefit of the responses to Consultation 17/71 and information gathered from the various sources so far, including stakeholder feedback, ComReg reflects on the effectiveness of these Measures considering both market and technical developments (as set out in Chapter 3), as well as new consumer protections of the ECC Regulations implementing the Code (as set out in Chapter 2 and at Annex 3). This is with a view to identifying whether:
- a) The Measures (as set out in summary at paragraph 10) remain relevant and meet the needs of end-users with disabilities when accessing and using ECS;
 - b) Any changes to the Measures (as set out in summary at paragraph 10) when accessing and using ECS and related information are required;
 - c) Any new measures are needed.
- 74 The needs of end-users with disabilities, as regards choosing and using ECS, may be addressed by the market directly and in light of market led and technological developments, for example, as set out in Chapter 3. ComReg is also aware that the general consumer protections in place safeguard consumer interests and, are addressing the needs of end-users with disabilities. In these circumstances, the objective of equivalent access and choice of ECS may be achieved without some or, all, of the Measures (as set out in summary at paragraph 10) currently in place, as detailed below.

4.2 Accessible Services

- 75 In addition to the general consumer protections, in summary, the services and support providers are required to make available to customers with equivalent access and choice requirements are:
- a. Accessible complaints procedure
 - b. Accessible directory enquiries

- c. Accessible top-up facility for pre-paid mobile telephone end-users
- d. Accessible billing
- e. Accessible facility to test compatibility of terminal equipment or appropriate returns policy
- f. Facility for disabled subscribers to register requirements
- g. Provision of text relay service.

a. Measure ‘accessible complaints procedure’

Code of practice for complaint handling

76 Under the current legal framework, as part of the general consumer protection, consumers, including end-users with disabilities, must have effective redress mechanisms. Each Service Provider must provide a complaint handling process for all consumers, including end-users with disabilities. ComReg Decision D04/17⁴⁷ introduced the [Code of Practice for Complaint Handling](#) and, which set minimum requirements for Service Providers’ codes of practice for complaint handling. Service Providers must:

- a) communicate how they deal with disputes and, what steps a consumer must follow, to resolve any issues that may emerge with their ECS Service Provider.
- b) have at least three methods of contact in place:
 - Phone number - A Freephone (1800) number or a 19XX Customer Support Short Code number or a geographic or mobile telephone number or a number that is free to all end-users, and
 - Online - An electronic means of contact, and
 - Post - An address (excluding an address for an electronic means of contact)
- c) publish on the home page of their website a link to their Code, and which must be able to be located by consumers, including end-users with disabilities, using certain search words on their website – for example ‘complaint’ or ‘how to make a complaint.’

⁴⁷ ComReg Decision D04/17. See also ComReg’s Website: https://www.comreg.ie/media/2021/05/ComRegConnects_Complaints_Guide_En.pdf

77 With respect to the redress mechanism, ComReg also operates a Consumer Line to help answer queries and handle complaints from consumers relating to both ECS and PRS Providers. Consumers can contact the consumer line:

- by phone on 01 8049668,
- email consumerline@comreg.ie,
- web chat,
- online form,
- ISL,⁴⁸ and
- text.

78 Overall, the above process and procedure for complaint handling is in place to help all consumers, including end-users with disabilities, to address and resolve any issues that may emerge with their Service Provider.

79 ComReg expects that Service Providers have complaint systems in place. Furthermore, Service Providers ought to ensure that complaint systems (including processes, procedures, and information) are accessible for all end-users, in particular end-users with equivalence of access and choice requirements. The objective of choice and equivalent access for end-users with disabilities as regards ECS continues with the ECC Regulations. It is important that end-users, including end-users with disabilities, are aware of and, can access and use, the redress mechanism, as set out above. In this respect, and more generally, it ought to be ensured by Service Providers that all consumers receive the customer support they need, when they need it and are offered an equivalent means of access to customer care.

⁴⁸ The NDA provides a summary of the Irish Sign Language Act 2017 (ISL Act) (<https://nda.ie/monitoring/irish-sign-language>).

The Act recognises Irish Sign Language (ISL) and the right of the ISL community to use, preserve and develop the language, requires public bodies to do all that's reasonable to provide free ISL interpretation for ISL users that can't hear or understand English or Irish, when they are "seeking to avail of or access statutory entitlements or services provided by or under statute by that public body" The act established a right to use ISL in any court, and the responsibility of the courts to do all that's reasonable to ensure that people that can't hear or understand English or Irish can be heard in ISL in court without being at any disadvantage.

Accessible complaints procedure

- 80 In general, end-users with disabilities can lodge a complaint or make an enquiry using the same methods as customers without a disability. However, there may be circumstances where consumers, including end-users with disabilities, may need extra support to effectively access their Service Provider's process for complaints handling for lodging or pursuing a complaint or making an enquiry about the complaint or making an enquiry more generally.
- 81 In addition to the general consumer protection in place – obligations of Service Providers in relation to their Code of Practice dealing with complaints from end-users, including end users with disabilities, ComReg has specified the Measure 'accessible complaints procedure'.⁴⁹ It is a requirement of Undertakings to provide end-users with equivalence of access and choice requirements:
- an 'accessible complaints procedure';⁵⁰ and an accessible means for end-users with disabilities to access the Undertaking's customer services and to lodge a complaint and/or make an enquiry. Such accessible means may include by way of telephone, SMS, letter, email and, a third party (if nominated to deal with complaints and/or enquiries on behalf of the disabled subscriber); and
 - implement disability awareness training to ensure that staff handling complaints are aware of the requirements of end-users with disabilities and have the requisite skills to appropriately deal with those requirements.
- 82 This Measure aims to ensure end-users with disabilities have access and choice as regards customer services and complaints procedures, equivalent to that experienced by the majority of end-users.
- 83 Through stakeholder feedback and insights from ComReg's own Consumer Care function, the following is noted as regards the Measure 'accessible complaints procedure':
- Communication channels such as webchat are useful for some end-users when engaging with service providers if verbal communication is an issue for the consumer and an immediate response was preferable.

⁴⁹ Imposed pursuant to Regulation 17(1) of the Universal Service Regulations and Section 4.1.3 of ComReg Decision Instrument and Decision D04/14.

⁵⁰ In accordance with Section 4.1.1 of the Decision Instrument and ComReg Decision D04/17.

- Extra assistance when accessing the Undertaking's services including complaints handling or customer care departments may be necessary from time to time.
 - Certain end-users often require more time to be given when engaging with the Undertaking, to supply information, fill in forms etc.
- 84 BEREC previously confirmed that ten NRAs, including ComReg, have implemented a specific measure in relation to accessible complaints procedures,⁵¹ in addition to the general consumer protections.
- 85 Currently, accessing the Undertaking's customer services (for lodging or pursuing a complaint or making an enquiry about the complaint or making an enquiry more generally) may be done by means, such as, online, by text, email or in person. However, all end-users, including, end-users with disabilities, must be able to effectively interact with Undertakings as regards products/services and information in that regard.
- 86 Undertakings must ensure that their customer services and complaints handling procedures are accessible,⁵² taking into consideration that this may be achieved in a variety of forms or ways such as:
- Simplifying and making accessible the actions required of the consumer to lodge and pursue a complaint and to make an enquiry;
 - At a minimum, providing the accessible means such as, having a more expansive electronic means of contact (for example, web chat); with the effect that end-users with disabilities can access an Undertaking's customer services and communicate with their service provider in relation to queries or complaints or any specific accessibility requirements as regards ECS;
 - By dealing with a nominated third party;
 - Adequately trained personnel to support and address end-users with disabilities' choice and any equivalent access requirements in relation to ECS customer services and complaints procedures.

⁵¹ ComReg notes from the BEREC Report BoR (15) 201 that for example, the Italian NRA (AGCOM) has specified provisions to address accessibility of complaints handling - Resolution n. 79/09/CSP on customer call center quality, has among its aims that of ensuring telephone contact services are accessible to deaf end-users. Article 7 of this resolution states that operators shall ensure that inbound telephone contact services are accessible to deaf people, using assistive technology and/or specific configurations. Operators shall ensure free access to services through the following systems: Chat and text message, with a response time that is equivalent to that provided for telephone calls; Fax and e-mail, with an immediate response or, if deferred, within a maximum time of 2 hours.

⁵² In accordance with Section 4.1.1 of D04/17, in context of the objective of equivalent access and choice for end-users with disabilities that is continued by S.I. 444 of 2022 and the Code.

87 The ‘accessible complaints procedure’ Measure is a specific service available to provide support to end-users with disabilities access customer services and complaints procedures, equivalent to that experienced by most end-users, if necessary to meet their needs. As referred to above, this Measure is in addition to the current obligations on Service Providers in relation to their code of practice dealing with complaints from end-users.

88 ComReg poses the following question relating to this Measure.

Q. 3 Do you agree that the Measure ‘accessible complaints procedure’ is needed to make sure people with disabilities have access to customer services and complaints procedures (to make a complaint or an enquiry)? Please provide reasons to support your view.

Q. 4 Are there changes which should be made to the Measure ‘accessible complaints procedure’? Please give details in you answer, if possible.

b. Measure ‘accessible directory enquiries’

89 Service providers must ensure access to directory enquiry arrangements (196 service) free of charge for end-users with a vision impairment or who have difficulty reading the phone book.⁵³ To be eligible to use the 196 service, an end-user’s disability must be certified by a registered practitioner or by an appropriate agent.

90 ComReg Decision D04/14 and the preceding ComReg Consultation 13/58⁵⁴ considered, amongst other items, the available policy options with respect to ensuring a directory of subscriber’s service for end-users that are unable use the printed phonebook directory.

91 In 2020, ComReg, pursuant to ComReg Decision D07/20 with respect to the universal service for the directory of subscribers,⁵⁵ decided to amend Section 4.1.3 of ComReg Decision D04/14 by substituting:

⁵³ Imposed pursuant to Regulation 17(1) of the Universal Service Regulations and Section 4.1.3 of ComReg Decision Instrument and Decision D04/14.

⁵⁴ <https://www.comreg.ie/publication/electronic-communications-proposed-measures-to-ensure-equivalence-in-access-and-choice-for-disabled-end-users-consultation>

⁵⁵ ComReg Decision D07/20, ComReg document 20/29 entitled “*Universal Service: Provision Of Directory Of Subscribers Response To Consultation And Decision*”, issued May 2020, <https://www.comreg.ie/publication/universal-service-provision-of-directory-of-subscribers-response-to-consultation-and-decision>

“In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking shall provide for subscribers who are unable to use the Directory of Subscribers because of a vision impairment and/or have difficulty reading the Directory of Subscribers (so long as a Directory of Subscribers is available to the majority of end-users), 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.” For the purposes of this section, Directory of Subscribers has the same meaning as defined in ComReg Decision D07/20 of ComReg Document No. 20/29. For;

“In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking shall 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.”

- 92 Accordingly, the amendment to the Measure ‘accessible directory enquiries’ in 2020 takes account of the directory of subscriber’s service enjoyed by most people (the majority of end-users), which currently is the online directory of subscribers’ service.
- 93 Having regard to the changing conditions in the electronic communications market, including alternative services to the printed phonebook directory, evolving end-user behaviour, the level of end-user demand for the on request printed phonebook directory in 2019 and the existing regulations in place, ComReg decided to remove the universal service obligation on Eir to provide a printed directory. ComReg outlined that where no printed phonebook directory is likely to be provided commercially, the service that would be enjoyed by most people, would be an online directory of subscribers currently available commercially.
- 94 However, ComReg recognised that many of the accessibility issues for end-users with a vision impairment and/or difficulty reading the printed phonebook would still exist when using an online directory of subscriber’s service.

- 95 Consequently, as part of the consultation process,⁵⁶ ComReg requested stakeholder input on its proposal to amend Section 4.1.3 in ComReg Decision D04/14 as regards the Measure ‘accessible directory enquiries’ to ensure the continuity of the accessible directory enquiries service. ComReg received one response from Eir, which supported the amendment to the Measure ‘accessible directory enquiries’ stating, “ComReg’s approach appears to be appropriate in the context of accessibility and equivalence for end-users with disabilities.”
- 96 As regards continuity of the accessible directory enquiry services, all service providers are required to allow the use of a directory enquiry service free of charge once certification of the relevant disability is provided by a registered medical practitioner or by an appropriate agent. End-users who are unable to use directories for access to ECS because of a vision impairment and/or have difficulty reading, are entitled under the current Measure to access directory enquiry services free of charge.
- 97 Given the information available to it, ComReg considers that the Measure ‘accessible directory enquiries’ has been implemented and is operational. ComReg understands that Eir currently operates the (196) service on behalf of all other Undertakings, resulting in one centralised support service for end-users with disabilities to access and use over the phone directory enquiry services free of charge. The operational hours for this service are as follows:
- 08:30 – 18:30 Monday to Thursday
- 09:00 – 21:00 Friday and Saturday
- 10:00 – 18:00 Sunday and Bank Holiday.
- 98 The Eir webpage⁵⁷ on accessibility offers the following information on the service:

⁵⁶ ComReg consultation 19/127, “Universal Service: Provision of Directory of Subscribers”, issued December 2019: https://www.comreg.ie/?d1m_download=universal-service-provision-of-directory-of-subscribers

⁵⁷ The similar information is available on the accessibility sections of the Undertakings websites

“Free directory enquiries (DQ) service ‘196’ “Phone listings are available to all free of charge at www.phonebook.ie. If you are unable to use the online or printed phonebook due to an accessibility requirement you can register for free directory enquires service by dialling 196. You must first register for this service either by calling Freefone 1800 574 574 or accessing the [registration form](#). To use the DQ service. Dial 196. An agent will ask you to validate your use of the service by quoting your PIN number and your name. You will then be able to request a phone number by providing the name and address of the person/company whose number you require.”⁵⁸

99 Broadband ubiquity is not consistent among all consumers and thus, for some end users, such as older or end-users with disabilities, it may not be possible to access and use online directory information services. In that context, the use of screen readers or smartphones may not be a suitable substitute for accessing directory enquiries. In these circumstances, certain cohorts are more likely to need a specific provision, notably the ‘accessible directory enquires’ (196 service), to help ensure access to a directory of subscribers or directory information services, available to most people, an online directory of subscribers and directory enquiries.

100 ComReg understands, from the current information available to it, that end-users continue to access this facility (‘accessible directory enquiries’) despite the availability of alternative methods of accessing directory information. It appears that the Measure ‘accessible directory enquiries’ addresses the needs of the targeted end-users (end-users with a vision impairment or who have difficulty reading phone directories). ComReg recognises and acknowledges the importance of the accessible directory enquiries service to the cohort of end-users reliant upon it.

101 Regulation 94 (1)(b) of the ECC Regulations⁵⁹ provides that ComReg must specify requirements on providers of ECS to ensure that end-users with disabilities “benefit from the choice of undertakings and services available to the majority of end-users.”

102 For the above reasons, ComReg considers that this Measure is a specific service available to support end-users with disabilities access ECS including directory information services, equivalent to that experienced by the majority of end-users, as required by Regulation 94 (3) of the ECC Regulations and consistent with the objective of equivalent access and choice for end-users with disabilities under the ECC Regulations.

103 ComReg poses the following question relating to this Measure.

⁵⁸ [Disability Services | Accessibility | eir.ie](http://www.phonebook.ie)

⁵⁹ Implementing Article 111 (1) (b) of the Code.

Q. 5 Do you agree that the Measure ‘accessible directory enquiries’ (196 service) is needed to give people with disabilities access to a directory of subscribers or directory information services? Please give reasons for your answer.

Q. 6 Are there changes that should be made to the Measure ‘accessible directory enquiries’ (196 service)? Please give details in your answer, if possible.

c. Measure ‘accessible top-up facility for pre-paid mobile telephone end-users’

104 Service providers of pre-paid mobile services must ensure an SMS top-up facility for end-users with disabilities of pre-paid mobile services to:

1. Top up independently using cash;
2. Have no requirement to follow voice prompts;
3. 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 end-user with disabilities mobile telephone and without assistance from a third party; and
4. Receive confirmation of the value of the top-up credit without the need to follow voice prompts and sent to the end-user with disabilities mobile telephone.

105 This Measure helps enable end-users with disabilities (particularly who may be deaf or hard of hearing), with a pre-paid mobile telephone, to top-up their phone without the assistance of a third party. In addition, information is available on how to operate top up on ComReg’s website.⁶⁰

106 Given the information available to it, ComReg considers that SMS top-up facility for end-users with disabilities of pre-paid mobile services has been implemented and is operational. Mobile providers continue to offer this service to consumers including end-users with disabilities to top-up where applicable.

⁶⁰ At <https://www.comreg.ie/how-to-top-up-a-pay-as-you-go-mobile-phone-account-without-leaving-your-home/>

107 ComReg understands that the facility has no requirement to follow voice prompts when topping up credit. ComReg furthermore understands that there are a range of mechanisms currently available by which end-users with disabilities can top-up (including cash, card, in store and online). In this context, having regard to the take up and usage of the top-up facility by consumers, including, end-users with disabilities, it would appear this Measure supports end-users with disabilities to have access to a pre-paid mobile service, the same as most people, ensuring equivalent access and choice of mobile service. As set out in Chapter 3, 8% of respondents to the ComReg 2022 MCE survey in 2022 noted a disability, when asked. Of those respondents, a majority (54%) reported that they were pre-paid mobile subscribers, compared to 45% of all end-users of mobile services. Therefore, it would appear appropriate to retain this support Measure as it is.

108 ComReg poses the following question relating to this Measure.

Q. 7 Do you agree that the Measure ‘accessible top-up facility for pre-paid mobile users’ is needed to give people with disabilities access to mobile services? Please give reasons for your answer.

Q. 8 Are there changes that should be made to the Measure ‘accessible top-up facility for pre-paid mobile users’? Please give details in your answer, if possible.

d. Measure ‘accessible billing’

109 ComReg considers a basic protection to be afforded to consumers is to be able to access a bill. It is in service providers’ interests to ensure that their customers can access bills. Currently, there are regulatory requirements in relation to billing in place for service providers.

110 ComReg, pursuant to ComReg Decision D08/13⁶¹ (**D08/13**), has imposed requirements (General Authorisation conditions 18.7.1 – 18.7.12⁶²) in respect of consumer bills and billing mediums on relevant providers to give consumers access to adequate billing information. As a result of this Decision:

⁶¹ ComReg Decision D08/13. This decision defined the ways in which all providers authorised to provide electronic communications networks and services must issue bills to consumers. The measures standardised the rules relating to billing applicable to providers to ensure they were consistent and transparent across the industry. Accessible at: [Consumer Bills and Billing Mediums | Commission for Communications Regulation \(comreg.ie\)](https://www.comreg.ie/Consumer-Bills-and-Billing-Mediums)

⁶² General Authorisation; Conditions for the provision of Electronic Communications Networks and Services ComReg Decision 03/81R6

- Every service provider must provide post-paid consumers with a bill, which the customer can access, free of charge,
- The level of itemisation of a bill a customer receives cannot be changed unless the customer's explicit consent has been obtained,
- Post-paid consumers can be provided with alternative billing mediums (such as e-billing), and
- Pre-paid customers are entitled to request their transaction details in a medium that is accessible to them, free of charge.

111 In addition, D08/13 includes:

- a requirement not to identify calls which are free of charge (for example, calls to help-lines, free-phone numbers, calls to emergency services, and calls to harmonised numbers for harmonised services of social value),
- for an online bill, the provision of alerts to inform the customer that the bill is available online, and
- the provision of a minimum set of information regarding alternative billing mediums (minimum details the consumer requires to be able to access and use the alternative billing medium offered),
- conditions which service providers must fulfil in order to ensure customers can access and use alternative billing mediums.

112 In respect of billing mediums, in summary:

- Service providers can 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 must continue to issue a paper bill.
- 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.

113 These general consumer protection measures were introduced to ensure basic rights with respect to bills, to standardise service provider requirements and in doing so, to protect all consumers, including consumers with disabilities.

- 114 It is important that required billing information is transparent and accessible to all end-users, including end-users with disabilities, to ensure that all end-users can make informed choices.
- 115 The conditions (General Authorisation conditions 18.7.1 – 18.7.12), as set out at paragraphs 110 to 113 above are in respect of consumers only.
- 116 In addition to the general consumer protection in place – ComReg Decision D08/13 – ComReg has specified therefore the Measure ‘accessible billing’ to support other end-users with disabilities (for example business customers) access their bills, in line with their circumstances and any particular needs. Service providers must apply the consumer protection conditions, in respect of consumer bills and billing mediums (attached to the General Authorisation) to all subscribers with disabilities who are not otherwise consumers (for example, business consumers).⁶³ This is to afford to these persons with disabilities the protections in accordance with the aforementioned General Authorisation conditions (conditions 18.7.1 – 18.7.12) in respect of bills and billing mediums.
- 117 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.
- 118 The Measure ‘facility for disabled subscribers to register requirements,’ discussed at section f. below, is relevant in this regard, in particular, where a Braille bill is requested.
- 119 Given the information available to it, in respect of accessible formats for billing, ComReg understands that a number of alternative formats are available to end-users with disabilities, such as braille, online and audio and through customer service. In addition, various providers also provide a variety of options, such as, increased font size and coloured paper. Further, in light of market and technological advances, access to billing information may be done by a range of means, such as, online/application, by post, email or in person – in store.
- 120 ComReg poses the following question relating to this Measure.

Q. 9 Do you agree that the Measure ‘accessible billing’ is required to facilitate end-users with disabilities access their bills and related information? Please provide reasons to support your answer.

Q. 10 Are there changes that should be made to the Measure ‘accessible billing’? Please give details in your answer if possible.

⁶³ In accordance with D04/14, clause 4.1.4 of the Decision Instrument (Accessible billing).

e. Measure ‘accessible facility to test compatibility of terminal equipment or appropriate returns policy’

121 Under the Measure “Accessible Facility to Test Compatibility of Terminal Equipment or appropriate returns policy”, Service Providers selling terminal equipment⁶⁴ must make accessible facilities available for end-users with disabilities 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. It is a requirement of the Undertaking to make available, either;

- a) a testing facility to test terminal equipment (a mobile phone) at the Undertaking’s retail shops, in advance of purchasing the terminal equipment, or
- b) 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, where applicable).

122 Each Undertaking must ensure that the facility offered is easily accessible and is supported by staff including on-site 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.

123 ComReg notes from service provider information that this Measure has been implemented and is operational. While service providers can offer both facilities, ComReg understands that the extended returns policy for end-users purchasing equipment (mobile phone) in these circumstances is largely used. Such facilities appear to provide support for the equivalent access and choice requirements of end-users with disabilities. As noted in Chapter 3, as reported in the ComReg MCE survey 2022, mobile phone ownership is almost universal including among those who recorded a disability (8% of survey respondents). ComReg considers that this Measure should continue to support end-users with disabilities addressing a particular circumstance and need arising, as appropriate. In this respect, service providers ought to have policies and procedures as regards terminal equipment associated with their subscribers contracted ECS services and which are geared towards ensuring the objective of equivalent access to and choice of ECS is met whether instore or online.

124 ComReg poses the following question relating to this Measure.

⁶⁴ In the case of this Measure a mobile phone.

Q. 11 Do you agree that the Measure ‘facility to test compatibility of terminal equipment or appropriate returns policy’ to facilitate end-users with disabilities access to ECS is needed? Please provide reasons to support your answer.

Q. 12 Are there changes that should be made to the Measure ‘facility to test compatibility of terminal equipment or appropriate returns policy’? Please give details in your answer if possible.

f. Measure ‘facility for disabled subscribers to register requirements’

125 ComReg is aware that Undertakings are providing access to a registration facility to enable subscribers with disabilities to register their requirements with their service provider. Such a facility ought to register particular requirements (with consent) and must, at a minimum, have the ability to record:

- Name, address, contact details (to include phone or email and/or third party nominated contact);
- Preferred means of communication;
- Preferences in respect to bundles (for example broadband or text only);
- Details of any specific terminal equipment required; and
- Details of any alternative billing medium requirement (for example, braille, as referred to at paragraphs 113 to 115).

126 From the consumer perspective, previous feedback from the forums noted that many end-user groups were not aware of this facility.

127 ComReg, in Consultation 17/71, set out that there seemed to be a lack of awareness of the facility and its usefulness amongst the target end-users. Consultation 17/71 indicated that equivalent access and choice requirements of end-users with disabilities may be better supported with Undertakings displaying the facility prominently on their websites, including the accessibility and account details sections. Consultation 17/71 also indicated that it would be beneficial for end-users to draw end-users’ attention to the facility when signing up to a new contract and, allowing the nature of the disability to be recorded in the account details, with consent. Respondents to Consultation 17/71 largely supported this facility.

128 The facility of a register is to help ensure that end-users can effectively engage with their Undertaking, and in the manner that suits their circumstances or needs, as appropriate. For example, the facility provides the option of recording, a particular communication need, or where an end-user with disabilities wishes to provide their consent for a third party to act on their behalf in relation to their account. It is also to help ensure that the Undertaking provides end-users with disabilities access to the required methods of interaction with them.

129 However, the indications show that currently there is low usage of this specific support facility by end-users with disabilities. On the other hand, consumers with disabilities may be properly supported through the Undertakings general customer service and teams, such that, it may not be necessary to self-report a particular circumstance or a specific need for equivalent access to and choice of ECS information and services.

130 In principle, Undertakings can better serve customers if fully aware of their equivalent access and choice requirements (with consent). ECS providers are encouraged to continue to improve how they identify end-users that may require extra assistance in their dealings with them. In addition, Undertakings are encouraged to monitor the effectiveness of this Measure to enable end-users with disabilities register requirements when accessing and using ECS, as well as to actively promote, and signpost to, this support service/facility. Furthermore, Undertakings ought to make it easier for customers to self-report their circumstances or needs, through a range of access methods, including through their web chats, apps or websites or other non-digital means, bearing in mind the objective of equivalent access and choice under the ECC Regulations.

131 ComReg poses the following question relating to this Measure.

Q. 13 Do you agree that the Measure ‘facility for customers with disabilities to register requirements with their service provider’ is needed to support customers with disabilities: (a) when choosing and using ECS and, (b) when dealing with their service provider? Please give reasons for your answer.

Q. 14 Are there changes which should be made to the Measure ‘facility for customers with disabilities to register their requirements’ with their service provider? Please give details in your answer, if possible.

g. Measure ‘Text Relay Service (TRS)’

132As set out in Chapter 2, it is the requirement of Relevant Undertakings (with more than 100,000 subscribers) to provide end-users with disabilities with access to a TRS, to ensure the objective of equivalent access to ECS for end-users with disabilities is met.⁶⁵

133The ITRS was launched in June 2017 where the service was available via an App; and the Relevant Undertakings provided information on how to access and use the service on the official ITRS web site, www.itrs.ie website. ITRS translates text into voice (TTV) and voice into text (VTT) through an ITRS agent and is available to customers of Eir, Sky, Tesco Mobile, Three, Virgin Media and Vodafone.

134Currently, the service has the following operating hours;

08:30 – 18:30 Monday to Thursday

09:00 – 21:00 Friday and Saturday

10:00 – 18:00 Sunday and Bank Holiday.

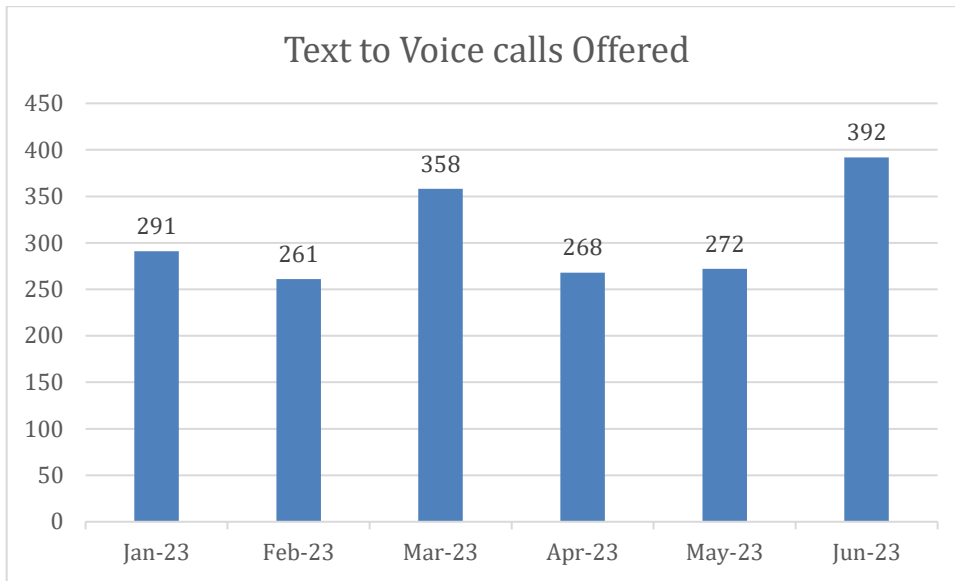
135Consumers who are deaf and hard of hearing and those with speaking difficulties may use the ITRS when making and receiving calls.

136On 19 July 2023, ComReg published statistics on the usage and service levels of ITRS, for the most recent period from 1 January 30 June 2023.⁶⁶ In summary, Figure 1 below indicates that the number of TTV calls via ITRS varied month on month during the period, TTV calls reached 392 to 392 in June 2023.

⁶⁵ In accordance with the Decision Instrument and D09/15.

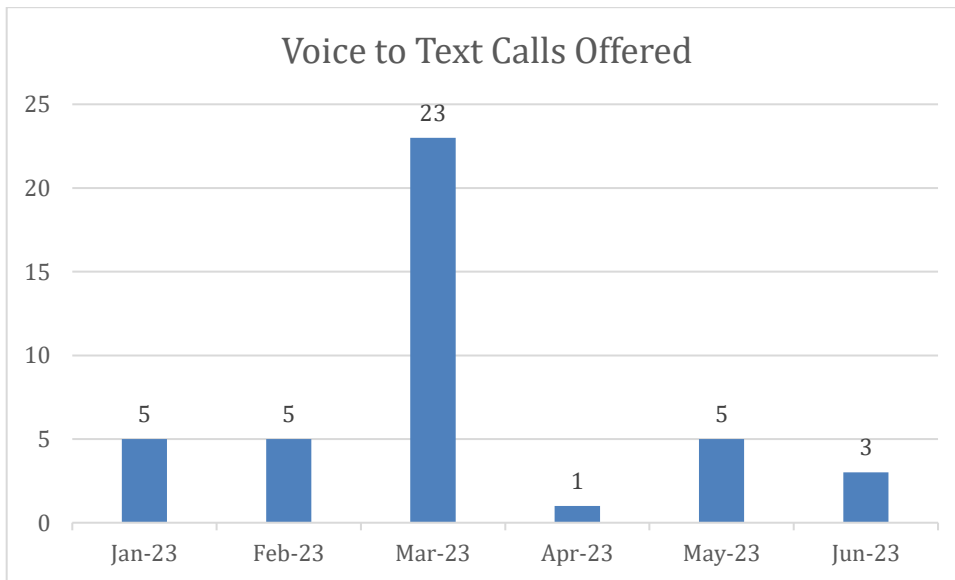
⁶⁶ <https://www.comreg.ie/publication/text-relay-service-take-up-and-usage-statistics-january-to-june-2023> Data regarding earlier periods of the TRS Take up and usage is available https://www.comreg.ie/publications?date_from=&date_to=&orderby=date_desc&limit=10&query=take+up&category=&type=&start-month=&start-year=&end-month=&end-year=

Figure 1 Text to Voice Calls, January to June 2023



137 It is noted that in the same period, the VTT calls by ITRS end-users continue to remain low and lower compared to TTV calls. VTT calls via ITRS varied month on month during the period, peaking at 23 VTT calls in March 2023.

Figure 2 Voice to Text Calls, January to June 2023



138 Feedback from user-groups indicated that ITRS end-users experience of ITRS largely is a positive one. However, some ITRS end-users experienced challenges with the ITRS facility such as:

- **accessing ITRS via mobile Apps**, which can at times present challenges for some ITRS users (for example, compatibility of older mobile phones or updating software when accessing the mobile App);
- **quality of the service**, some ITRS users experienced technical difficulties which may have impacted the reliability of the ITRS call (for example, calls dropping);
- **information about ITRS**, the website had basic information written in a way which some users found difficult to follow;

139 Between July 2021 and July 2022, these issues, amongst other things, were given consideration by the Relevant Undertakings at multi-lateral Forum meetings and, also at bi-lateral meetings with ComReg. The Relevant Undertakings on 1 July 2021, launched a refresh of ITRS which ComReg understands makes it easier for end-users with disabilities to access and use ITRS by:

- Introducing a link (URL) to access and use ITRS instead of an application (App). Since 1 July 2021, the ITRS can be accessed only from the ITRS.ie URL;
- Removing the dependency on a parallel voice call and text session. By providing access to and use of ITRS over a URL, the ITRS should be less susceptible to dropped calls;
- Improving accessibility of the ITRS website and its content, such as:
 - parsing
 - the focus visibility
 - colour contrast and colour combinations
 - role status attributes on the ITRS chat updates
 - videos accompanied with a text alternative, in addition to the open / embedded captions.

140 The Relevant Undertakings provide access to the refreshed ITRS and associated information on how to access and operate the ITRS on the www.ITRS.ie website. It is expected that access to ITRS will continue to provide specific support for end-users with disabilities when accessing and using ECS as their circumstances and needs may require. This Measure supports end-users with disabilities to have access and choice concerning ECS information and services, the same as those without disabilities.

141 ComReg poses the following question relating to this Measure.

Q. 15 Do you agree that the Measure ‘Text Relay Service’ is needed so people with disabilities can access ECS and related information? Please give reasons for your answer.

Q. 16 Are there changes which should be made to the Measure ‘Text Relay Service’? Please give details in your answer, if possible.

4.3 Accessible information

142 The purpose of providing information to the end-user is to enable them to make an informed decision as regards their provider’s electronic communications services and products which best meet their needs and switching providers when it is in their interest to do so. In that context, consumers, including consumers with disabilities, must have easy access to the information they need so that they can choose and use electronic communications with confidence. Consumers are informed through timely, relevant, clear, and accessible information.

143 The general consumer protections as regards ECS information support end-users with disabilities accessing ECS information. To be appropriately informed to make better choices in respect of ECS and providers that best meet their needs, to assist them in their dealings with their provider of ECS and their consumer journey, ComReg also has specified two Measures:

- ‘Accessible information’: provides for equivalent access to information about the ECS offered by Undertakings (section h.); and
- ‘Accessibility statement’: Requirement to publish, provide and maintain an Accessibility Statement (section f.).

h. Measure ‘accessible information’

144 Under the Measure ‘accessible information’ service providers must ensure that information regarding its services is transparent and accessible. In this respect, providers must ensure that information regarding its products and services, including information provided to and enjoyed by the majority of end-users (most people), is accessible to end-users with disabilities.

145 As regards consumer protection more generally, the required information aims to help ensure consumers including those with disabilities are adequately informed and can exercise informed choice, including switching if in their interest to do so. This information includes:

- a. **Information on ECS services** provided through the providers website;

- b. **Contractual information**, including, notifications in respect to any modification to contractual conditions;⁶⁷
- c. Information in respect of the service provider's **complaints handling procedures**, including its Code of Practice;⁶⁸

146 As set out above, the objective of the equivalent access and choice for end-users with disabilities continues with Regulation 94 of the ECC Regulations. Undertakings must ensure end-users with disabilities have access to the specific information, in accordance with the Measure 'Accessible Information' and the requirements of the ECC Regulations implementing the Code—

- a. **(Pre) contractual information:** The specific information on products and services as part of the (pre) contractual process is accessible. The inclusion of contractual information under the objective of equivalent access and choice is a new provision from what is set out in Regulation 94 of SI 444 of 2022 the Regulations; and
- b. **The new Contract Summary:** which consumers, including end-users with disabilities, are entitled to receive is provided in an accessible format for end-users with disabilities. When entering into a contract for both stand-alone and bundled services, the Contract Summary sets out the main terms of the service offer in a clear and understandable form and is intended to enable consumers to more easily compare services offered by different providers. It also helps consumers to consider offers in their own time and prior to entering into a contract; and
- c. **Complaints handling information:** in respect of the service provider's procedures, including its Code of Practice which must be accessible, easy to read and understandable; and accessible in a number of formats; and
- d. **Information on the switching process:** The availability of transparent, easy-to-understand and accessible information on the switching process should increase consumer, and end-users with disabilities, confidence in switching and make them more willing to seek out new market offers.

⁶⁷ In accordance with Regulation 89 (7) European Union (Electronic Communications Code) Regulations 2022.

⁶⁸ In accordance with Regulation 41 Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023.

Access to ECS and information online /the internet

147 Service providers must ensure information on its products and services on their websites is accessible, and for that purpose, and further to the Measure ‘accessible information’ must ensure:

- I. The Web Accessibility Initiative⁶⁹ is met such that the service provider’s website must include the following to conform to the W3C standard (WCAG):
 - 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 end-users with disabilities that ComReg may specify from time to time;

148 ComReg, in Consultation 17/71 in 2017, set out that undertakings’ websites were not considered sufficiently accessible in themselves and did not appear consistent in their promotion of information on products and services including on the Measures (services and support), required to be accessible. Therefore, at that stage, Consultation 17/71 indicated that the access requirements of end-users with disabilities would likely be better supported with Undertakings’ online facilities including websites conforming, at a minimum, to the relevant standard (WCAG), and not only the Disability Section (largely referred to currently by providers as the “Accessibility Section”) of that website; In addition, with a view to a review of their website(s), Undertakings would undertake web accessibility auditing and report to ComReg in that regard on request.

⁶⁹ 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 Content Accessibility Guidelines (WCAG) standard developed by W3C is available from the following link: <https://www.w3.org/WAI/standards-guidelines/>. The NDA’s Excellence through Accessibility – ICT Guidelines and Criteria, Guideline 14 Web Accessibility, refers to this standard.

- 149 Since Consultation 17/71, there has been rapid market and technological changes, as set out in Chapter 3. End-users, including end-users with disabilities, accessing the internet at home and through their mobile phone and, accessing information and services online/the internet is growing. On the one hand, access to information online /the internet may benefit those consumers that face difficulty in transport to go in-store and/or using the phone. Conversely, there are consumers who do not have access to the internet or are not comfortable navigating providers' websites to access information. ComReg is aware that some consumers, including, end-users with disabilities may prefer accessing information and support in-store or via the phone.
- 150 In addition, it is expected that the service provider's online facilities (including, billing, electronic customer service offered to end-users etc) and website are accessible to all end-users, and in particular to end-users with disabilities to assist ensure access to ECS is the same as for most people. In this context, information channels and electronic customer service should consider requirements of end-users with disabilities to access information on services and, all digitally excluded persons who are excluded by choice or by default. With the benefit of the response to Consultation 17/71 and other stakeholder feedback, ComReg considers that access to information on ECS services, including, customer service and communication channels, in the widest variety of forms (other than internet/electronic) remains valid.
- 151 ComReg understands that the Accessibility Sections of Undertaking's websites contain useful, usable, and up-to-date information with a view to informing end-users with disabilities in relation to the specific products and services available to end-users with disabilities. Furthermore, ComReg understands that many providers of ECS already endeavour to make their website, including content, accessible to end-users with disabilities. As noted in Chapter 3, accessibility mechanisms are also available in existing software, such as, browsers, supporting end-users navigating providers' websites. Owing to market and technological advances integrated accessibility options are available and used, such as, sound amplifiers, magnification tools to increase the font sizes, as well as colour correction and voice accessibility, enabling consumers with disabilities to more easily find and access relevant information, including as regards ECS.

Accessible formats – Alternative formats

152 In order to help ensure that equivalent access and choice as regards information related to ECS is obtained, ComReg considers that providers of ECS ought to ensure that key information as regards its products and services is accessible for end-users with disabilities, inter alia, is in plain English and, if requested, is made available in a reasonably accessible medium (alternative format) to end-users with disabilities (to include but not limited to Braille). This would ensure that all customers are able to access required information in a format that is suitable for them.

153 In complying with the consumer protection requirements of the ECC Regulations, including new provisions as regards equivalent access and choice and the Measures:

- It must be ensured by providers of ECS that end-users with disabilities can easily find and access the specific contractual information as set out above and, in an accessible format. It is noted that this may be achieved in a variety of ways, such as, making font sizes adjustable or enabling end-users to change the colour of a website.
- Information in respect of the service provider's complaints handling procedures, including its Code of Practice,⁷⁰ must be accessible, easy to read and understandable; and accessible in a number of formats (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.

154 ComReg notes that the WCAG and the EU Web Accessibility Directive⁷¹ refers to four principles of accessibility:

1. Perceivable, meaning that information and user interface components must be presentable to users in ways they can perceive;
2. Operable, meaning that user interface components and navigation must be operable;
3. Understandable, meaning that information and the operation of the user interface must be understandable; and
4. Robust, meaning that content must be robust enough to be interpreted reliably by a wide variety of user agents, including assistive technologies.

⁷⁰ In accordance with Regulation 27 of the Universal Service Regulations.

⁷¹ Directive (EU) 2016/2102.

155 The ability to access information about the products and services offered by providers of ECS is a fundamental part of choosing and using ECS. Moreover, the ability to access information provided by ECS providers affects how an end-user with a disability may interact with a particular service provider, including their customer service. ComReg would encourage providers of ECS to follow the relevant principles or WACG standard developed by the W3C, as highlighted above, geared towards ensuring full access of all end-users, including end users with disabilities, to online facilities and websites/webpages and, at a minimum, key information relating to ECS.⁷²

156 As indicated in ComReg strategy statement for ECS, ComReg may issue a public consultation addressing specific provisions for end-users with disabilities which may arise as a result of the transposition of the Code relating to accessible information.

157 ComReg poses the following question relating to this Measure.

Q. 17 Do you agree that the Measure ‘accessible information’ is needed to facilitate all end-users with disabilities access to information on ECS products and services (access to key information, in an accessible format and through appropriate channels)? Please provide reasons to support your answer.

Q. 18 Are there changes that should be made to the Measure ‘accessible information’? Please give details in your answer, if possible.

i. Measure ‘accessibility statement’

158 Undertakings provide information about specific services and supports available to end-users with equivalence of access and choice requirements, (as set out in summary at paragraph 10) including as part of their Accessibility Statement.

159 Every service provider, providing ECS directly to end-users, is obliged to publish and maintain an accessibility statement⁷³ which must contain, at a minimum, information on:

- the specific accessibility services and support available to end-users with disabilities; and
- the range of accessible contact methods and details to assist end-users with disabilities accessing information including in the Accessibility Statement and with contacting their service provider;

⁷² The NDA has published an Accessibility Toolkit, March 2023, [Accessibility Toolkit - National Disability Authority \(nda.ie\)](https://www.nda.ie/publications/Accessibility-Toolkit-National-Disability-Authority-(nda.ie))

⁷³ Pursuant to D06/15.

- the undertaking's approach and policy in respect of providing services and information to end-users with disabilities.

160 To support end-users with disabilities accessing the Accessibility Statement, relevant service providers must ensure that the Accessibility Statement is available in a range of accessible formats including HTML (WCAG), accessible PDF and large print. Additionally, it is to be provided in Braille and audio on request. Finally, service providers, providing ECS directly to end-users, must ensure that the Accessibility Statement is easy for end-users with disabilities to read and understand.

161 ComReg, in Consultation 17/71, set out that the Accessibility Statement together with information as to how other formats of the Accessibility Statement may be requested, ought to be available and accessible from the home page of the website (e.g., on the Accessibility Section of their Service Provider website).

162 BEREC previously noted that a total of 6 NRAs had implemented a specific measure regarding an accessibility statement – Austria, Ireland, Cyprus, France, Lithuania, and Croatia.

163 As set out in Chapter 2, with respect to the Accessibility Statement requirement, Undertakings must ensure that end-users with disabilities are able to obtain comprehensive and up to date information in relation to the specific support products and services it provides, and which are of particular interest and relevance end-users with disabilities, is easily found on the accessibility section of the Undertaking's website. This must be in an accessible format available through appropriate channels and published in the Accessibility Statement.

164 ComReg considers that the Accessibility Statement supports end-users with disabilities by informing them of the facilities available which may be of particular interest and relevance to them and how they can access and use such facilities. It is also beneficial for people with disabilities enabling them to easily access and compare details of services and information offered by service providers.

165 Considering the information available to it, ComReg understands that Accessibility Statements are provided by undertakings on their websites and that they are reviewed by the relevant provider on a regular basis. While Undertakings provide information about the specific services and supports that are available to end-users with disabilities, Undertakings are encouraged to raise awareness by actively promoting, and signposting to, information and supports offered for end-users with equivalent access and choice requirements. It must be ensured by service providers that such information include details of what is provided, how the end-users with disabilities can access it and details of associated contact information. It must also be ensured by service providers that the Accessibility Statement can be accessed in an accessible format –including HTML, Accessible PDF and Large Print and provided in Braille and Audio upon request. Undertakings are also encouraged to provide a range of access formats, such as, ISL, on request whenever possible. This would ensure that all customers have ability to access a copy of the Accessibility Statement and, other key ECS information, as set out above, in a format suitable to their individual need.

166 ComReg poses the following question relating to this Measure.

Q. 19 Do you agree that the Measure ‘accessibility statement’ is needed to ensure that end-users with disabilities can find and access information regarding the specific services and support available to end-users with disabilities? Please provide reasons to support your view.

Q. 20 Are there any changes which could be made to the Measure ‘accessibility statement’? Please provide reasons to support your view.

4.4 Summary

167 ComReg wants to ensure that end-users, including those end-users with disabilities, are protected and can choose and use ECS with confidence.

168 ComReg considers that the existing general consumer protections in place and, new consumer protections under the ECC Regulations, protect consumer interests. These protections support all consumers, including those with disabilities, when choosing and using ECS with confidence.

169 Notwithstanding, there may be circumstances where end-users with disabilities, may need extra support to effectively access and use ECS, including, customer service.

170 The Measures (support services and information) in place and available to end-users with disabilities aim to make sure that people with disabilities:

- enjoy the same level of access and use of ECS as most people and

- help them avoid obstacles to full access to and use of ECS.

171 With the benefit of the information gathered from the various sources so far, the Measures have been largely implemented by Undertakings and are operational. As set out above, further to the Measures, the Undertakings provide the specific accessible services and information.

172 With the benefit of stakeholder engagement ComReg has received feedback on aspects of the Measures. ComReg considers that ECS providers ought to ensure that there are no barriers to overcome by end-users with disabilities as regards access and use of ECS, equivalent to that enjoyed by the majority of end-users. Furthermore, it is expected that Undertakings will continue to deliver on the Measures supporting end-users with disabilities to choose and use electronic communications with confidence. As set out above, the objective of the equivalent access and choice for end-users with disabilities continues with Regulation 94 of the ECC Regulations.

173 At this point, ComReg seeks input from stakeholders on:

- their experience of ECS,
- their experience of the specific services and support available to them, as set out at paragraph 10 above.
- their experience when choosing and using ECS,
- how they engage with their service provider,
- their consumer journeys.

174 In addition, ComReg considers that it is appropriate to reflect on the Measures for ensuring equivalent access and choice for end-users with disabilities, considering both market and technical developments as well as new requirements of the ECC Regulations.

175 ComReg poses the following questions about the overall Measures, as set out in summary at paragraph 10 above.

Q. 21 See paragraph 10, (a)–(l) for the full list of Measures. Do you think the Measures for people with disabilities as listed are helpful to make sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give reasons for your answer.

Q. 22 Can you think of other factors that are relevant to consider in making sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give details in your answer, if relevant.

176 ComReg will consider all the responses to this Call for Inputs, and any information obtained through targeted consumer research and from service providers. This will help ComReg to better understand any issues around end-users with disabilities equivalent access and choice in respect of ECS. It will also highlight:

- if any changes are needed to the Measures in place, and/or
- if any new measures are needed, for end-users with disabilities to be able to access and use ECS.

177 The responses to this Call for Input will be analysed and used when considering whether to further consult on any measures to ensure access to ECS for end-users with disabilities and that the objective of equivalent access and choice for end-users with disabilities is met.

5 Submitting Comments

Responding to this Consultation

178 We welcome responses from all stakeholders whether responding to some or all of the questions. The questions are compiled in Annex 1 of this document.

Response deadline

179 Please respond to the Call for Inputs (23/80) or this summary document (23/80a) by 5pm on **27 October 2023**.

180 It will make it easier for us to analyse your response if you add the question number to your answers. In all cases, please give reasons for your answers.

We plan to publish responses

181 In the interests of openness and transparency, ComReg will publish all non-confidential inputs received and would therefore request that electronic submissions be made in an unprotected format so that they can be published electronically. Submissions will be published, subject to the provisions of ComReg's Guidelines on the Treatment of Confidential Information.⁷⁴

182 Please identify any confidential material clearly and put it in a separate Annex to your response.

How to send back your responses

183 Please submit your response in written form, submitted either by post or email to the addresses below and clearly mark it as "Submissions to ComReg Document No. 23/80 and ComReg Document No.23/80a."

Where to send back your responses

184 Email responses should be sent to: retailconsult@comreg.ie

185 Postal responses should be sent to:

Retail Consult

Commission for Communications Regulation

⁷⁴ ComReg Document No. 05/24.

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ANNEX 1: Consultation Questions

Section	Page
Q. 1 (A) Do you have any comments on the trends and developments set out above? (b) Do you have any comments on the impact of trends and developments on accessing and using ECS services and related information for people with disabilities? Please give details in your answer, if possible.	27
Q. 2 Are you aware of any market-led or technical developments to help people with disabilities access and use ECS services and related information? Please give details in your answer, if possible.	27
Q. 3 Do you agree that the Measure ‘accessible complaints procedure’ is needed to make sure people with disabilities have access to customer services and complaints procedures (to make a complaint or an enquiry)? Please provide reasons to support your view.	34
Q. 4 Are there changes which should be made to the Measure ‘accessible complaints procedure’? Please give details in you answer, if possible.	34
Q. 5 Do you agree that the Measure ‘accessible directory enquiries’ (196 service) is needed to give people with disabilities access to a directory of subscribers or directory information services? Please give reasons for your answer.	38
Q. 6 Are there changes that should be made to the Measure ‘accessible directory enquiries’ (196 service) Measure? Please give details in your answer, if possible.	38
Q. 7 Do you agree that the Measure ‘accessible top-up facility for pre-paid mobile users’ is needed to give people with disabilities access to mobile services? Please give reasons for your answer.	39
Q. 8 Are there changes that should be made to the accessible top-up facility for pre-paid mobile users Measure? Please give details in your answer, if possible.	39
Q. 9 Do you agree that the Measure ‘Accessible Billing’ is required to facilitate end-users with disabilities access their bills and related information? Please provide reasons to support your answer.	41
Q. 10 Are there changes that should be made to the Measure ‘Accessible Billing’? Please give details in your answer if possible.	41
Q. 11 Do you agree that the Measure ‘Facility to Test Compatibility of Terminal Equipment or Appropriate Returns Policy’ to facilitate end-users with	

disabilities access to ECS is needed? Please provide reasons to support your answer. 43

Q. 12 Are there changes that should be made to the Measure ‘Facility to Test Compatibility of Terminal Equipment or Appropriate Returns Policy’? Please give details in your answer if possible. 43

Q. 13 Do you agree that the ‘facility for customers with disabilities to register requirements with their service provider’ is needed to support customers with disabilities: (a) when choosing and using ECS and, (b) when dealing with their service provider? Please give reasons for your answer. 44

Q. 14 Are there changes which should be made to the Measure ‘facility for customers with disabilities to register their requirements with their service provider’? Please give details in your answer, if possible. 44

Q. 15 Do you agree that the Measure ‘Text Relay Service’ is needed so people with disabilities can access ECS? Please give reasons for your answer. 48

Q. 16 Are there changes which should be made to the Measure ‘Text Relay Service’? Please give details in your answer, if possible. 48

Q. 17 Do you agree that the Measure ‘Accessible Information’ is needed to facilitate all end-users with disabilities access to information on ECS products and services (i.e., access to key information, in an accessible format and through appropriate channels)? Please provide reasons to support your answer. 53

Q. 18 Are there changes that should be made to the Measure ‘Accessible Information’? Please give details in your answer, if possible. 53

Q. 19 Do you agree that the Measure ‘Accessibility Statement’ is needed to ensure that end-users with disabilities can find and access information regarding the specific services and support available to end-users with disabilities? Please provide reasons to support your view. 55

Q. 20 Are there any changes which could be made to the Measure ‘Accessibility Statement’? Please provide reasons to support your view. 55

Q. 21 See paragraph 10, (a)–(i) for the full list of Measures. Do you think Measures for people with disabilities as listed are helpful to make sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give reasons for your answer. 56

Q. 22 Can you think of other factors that are relevant to consider in making sure people with disabilities enjoy the same access to and choice of ECS as most people? Please give details in your answer, if relevant. 56

ANNEX 2: Definition of Terminology

Disability: which in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment;⁷⁵

Electronic communications service⁷⁶ means a service normally provided for remuneration via electronic communications networks, which encompasses, with the exception of services providing, or exercising editorial control over, content transmitted using electronic communications networks and services, the following types of services:

- (a) 'internet access service' within the meaning of Article 2 of Regulation (EU) 2015/21205
- (b) interpersonal communications service; and
- (c) services consisting wholly or mainly in the conveyance of signals such as transmission services used for the provision of machine-to-machine services and for broadcasting;

End-User⁷⁷ means a user not providing public electronic communications networks or publicly available electronic communications services in accordance with the definition at Regulation 2 of the ECC Regulations.

Equivalence means functional equivalence as set out in Recital 12 of a previous Directive 2009/36/EC which states that “equivalence in disabled end-users’ access to services should be guaranteed to the level available to other end-users. To this end, access should be functionally equivalent, such that disabled end-users benefit from the same usability of services as other end-users, but by different means.”

The BEREC report on measures for ensuring equivalent access and choice⁷⁸ sets out “equivalence means that equivalent access to and choice of electronic communications services should be available to end-users with disabilities. Notwithstanding, this may be accomplished by implementing specific solutions for end-users with disabilities, which are not necessarily coincident with the ones available to other end-users.”

⁷⁵ This definition is provided for in the [Disability Act 2005](#), section 2(1).

⁷⁶ This definition is provided for in S.I. 444 of 2022, Regulation 2.

⁷⁷ This definition is provided for in S.I. 444 of 2022, Regulation 2.

⁷⁸ Document number: BoR (22) 90, Page 6.

ANNEX 3: Legislation

Statutory objectives

Section 10: (1) The functions of the Commission shall be –

- (a) ensure compliance by undertakings with obligations in relation to the supply and access to electronic communications services, electronic communications networks and associated facilities and the transmission of such services on such networks

Section 12.—(1) The objectives of the Commission in exercising its functions shall be as follows—

In relation to the objectives referred to in subsection (1)(a), the Commission shall take all reasonable measures which are aimed at achieving those objectives, including—

(a) as far as the promotion of competition is concerned—

- (i) ensuring that users, including disabled users, derive maximum benefit in terms of choice, price, and quality,

(c) as far as promotion of the interests of users within the Community is concerned—

- (ii) ensuring a high level of protection for consumers in their dealings with suppliers, 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,

- (iv) promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services,

- (vi) addressing the needs of specific social groups, in particular disabled users.

European Union (Electronic Communications Code) Regulations 2022, S.I. No. 444 of 2022

The general objectives of the ECC Regulations which under Regulation 4 (3)(d), include—

(d) [to] “promote the interests of the consumers and businesses in the State, by ensuring connectivity and the widespread availability and take-up of very-high-capacity networks, including fixed, mobile and wireless networks, and of electronic communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining the security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as affordable prices, of specific social groups, in particular end-users with disabilities, elderly end-users and end-users with special social needs, and choice and equivalent access for end-users with disabilities.”

Regulation 94 of the ECC Regulations provides as follows:

94. (1) The Regulator shall specify requirements to be complied with by providers of publicly available electronic communications services in order to ensure that end-users with disabilities —

(a) have access to electronic communications service, including the related contractual information provided pursuant to Regulation 87, equivalent to that enjoyed by the majority of end-users, and

(b) benefit from the choice of undertakings and services available to the majority of end-users.⁷⁹

(2) When specifying requirements in accordance with paragraph (1), the Regulator shall encourage providers to comply with the relevant standards or specifications laid down in accordance with Regulation 23.

(3) of the ECC Regulations provides “Any requirements specified by the Regulator under Regulation 17 of the universal service regulations, which are in force on the commencement of this Regulation are deemed to be requirements under this Regulation.”

End-user provisions in the ECC Regulations and Sections 36 and 39 of the 2023 Act:

- **Regulation 87 of the ECC Regulations (Contract Information Requirements)** – these requirements are discussed in Section 2.
- **Regulation 88 of the ECC Regulations (Transparency, comparison of offers and publication of information)** – specifies requirements relating to the accessibility of contractual information, such as that the Regulator

⁷⁹ Article 111 of the Code provides that ComReg shall specify obligations for providers to comply with to ensure that end-users with disabilities have equivalence of access and choice as regards access to ECS including the related contractual information.

shall ensure the availability of an independent comparison tool and specifies obligations regarding the publication of Schedule 8 information.

- **Article 104 – Section 36 of the Act 2023 (Publication of information on Quality of Service)** – provides that the Regulator may require providers of internet access services and of publicly available interpersonal communications services to publish information on Quality-of-Service and measures for end-users with disabilities.

Recitals of the Code

Recital 297 of the Code explains that “In order to ensure that end-users with disabilities benefit from competition and the choice of service providers enjoyed by the majority of end-users, competent authorities should specify, where appropriate and in light of national conditions, and after consulting end-users with disabilities, consumer protection requirements for end-users with disabilities to be met by providers of publicly available electronic communications services. Such requirements can include, in particular, that providers ensure that end-users with disabilities take advantage of their services on equivalent terms and conditions, including prices, tariffs and quality, as those offered to their other end-users, irrespective of any additional costs incurred by those providers. Other requirements can relate to wholesale arrangements between providers. In order to avoid creating an excessive burden on service providers competent authorities should verify, whether the objectives of equivalent access and choice can be achieved without such measures.”