



Commission for
Communications Regulation

Universal Service Obligation – Measures for Disabled End-Users

Response to Consultation and Decision

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1 Executive Summary

- 1 The Commission for Communications Regulation (ComReg), previously designated Eircom as the current Universal Service Provider (USP), responsible for providing the Universal Service Obligations (USO) in relation to the specific measures for disabled end-users, in accordance with Regulation 6 & 7 of the Universal Service Regulations.¹
- 2 This Response to Consultation and Decision sets out ComReg's views and decisions on those issues which define the ways in which the designated Universal Service Provider (USP) is required to provide to the specific USO measures for disabled end-users services.
- 3 In accordance with Regulation 6, ComReg D07/12², Eircom is currently obliged to do the following:-
 - a. Provide a dedicated section of its website, accessible from the homepage, containing comprehensive information in relation to the services it provides which are of particular interest and relevance to people with disabilities³.
 - b. Maintain, operate, monitor and ensure its own compliance with a Code of Practice concerning the provision of services for people with disabilities and shall periodically review and, where appropriate, amend the Code of Practice in consultation with the NDA and other representative bodies.

For users who are hearing-impaired:

- (i). Inductive couplers which allow users with a hearing aid set to connect the set to their telephone in order to allow them to hear incoming speech clearly.
- (ii). Amplifier phones which allow the user to increase the volume of incoming speech.
- (iii). Teleflash Visual Alert which shows a flashing light, or makes a loud noise when the telephone rings.

¹ S.I. No. 337/2011 - European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011, 6. Measures for disabled end-users

² ComReg Decision 07/12 The Provision of telephony services under Universal Services Obligations

³ Now imposed on all undertakings by virtue of D04/14 – This measure must be complied with nine months after the date of publication of D04/14.

For users who are hearing and/or speech impaired:

- (i). A text Relay Service providing facilities for the receipt and translation of voice messages into text and the conveyance of that text to the text-phone of customers of any operator, and vice versa.
- (ii). A rebate scheme whereby, as a result of the time taken to make a text telephone call, equality of payment for deaf text telephone users can be assured.

For users with limited dexterity or mobility:

- (i). Push button telephone sets with speed and automatic redial buttons allowing pre-programmed telephone numbers (typically the most called numbers) or last called telephone numbers to be dialled without having to re-enter the telephone number.
- (ii). Hands free/loudspeaker phones means that the handset does not need to be used at all.

For users with restricted vision

- (i). Restricted vision telephones which can help people with restricted vision to find other numbers more easily.
- (ii). Braille billing free of charge.⁴

For users unable to use the phone book because of a disability

- (i). Special Directory Enquiry arrangements to allow the use of directory enquiry services free of charge.⁵

4 Further to above, it is important to note that as a result of a formal consultation process, the following measures⁶ have recently been imposed on all undertakings in accordance with ComReg Decision D04/14. The following are the measures as set out in D04/14;

- a. Accessible Complaints Procedures
- b. Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users
- c. Accessible Directory Enquiries

⁴ Now imposed on all undertakings by virtue of D04/14 – This measure must be complied with six months after the date of publication of D04/14

⁵ Now imposed on all undertakings by virtue of D04/14 – This measure must be complied with six months after the date of publication of D04/14

⁶ See Annex 1 for the full detail of the measures contained within ComReg Decision D04/14

- d. Accessible Billing
 - e. Accessible Facility to Test Compatibility of Terminal Equipment or an appropriate returns policy
 - f. Accessible Information
 - g. Facility for Disabled Subscribers to Register Requirements
- 5 ComReg Decision D04/14 requires all undertakings to confirm that they are in compliance with the above obligations 12 months from the date of issue of the Decision.
- 6 However, notwithstanding Decision D04/14, there are still requirements that are not covered by D04/14 and require a USP to be designated to ensure that the specific measures are still provided. If no undertaking is designated as the USP, there is a risk that disabled end-users' needs will not be met.
- 7 The outstanding requirements are as follows:
- a. Maintain, operate, monitor and ensure its own compliance with a Code of Practice concerning the provision of services for people with disabilities and shall periodically review and, where appropriate, amend the Code of Practice in consultation with the NDA and other representative bodies.
 - b. For users with limited dexterity or mobility:
 - (i). Push button telephone sets with speed and automatic redial buttons allowing pre-programmed telephone numbers (typically the most called numbers) or last called telephone numbers to be dialled without having to re-enter the telephone number.
 - (ii). Hands free/loudspeaker phones means that the handset does not need to be used at all.
 - c. For users who are hearing-impaired:
 - (i). Inductive couplers which allow users with a hearing aid set to connect the set to their telephone in order to allow them to hear incoming speech clearly.
 - (ii). Amplifier phones which allow the user to increase the volume of incoming speech.
 - (iii). Teleflash Visual Alert which shows a flashing light, or makes a loud noise when the telephone rings.

- d. For users who are hearing and/or speech impaired:
- (i). A text Relay Service providing facilities for the receipt and translation of voice messages into text and the conveyance of that text to the textphone of customers of any operator, and vice versa.
 - (ii). A rebate scheme whereby, as a result of the time taken to make a text telephone call, equality of payment for deaf text telephone users can be assured.
- e. For users with restricted vision
- (i). Restricted vision telephones which can help people with restricted vision to find other numbers more easily.
- 8 The above measures, detailed in paragraph 7 for disabled end-users as contained in D07/12 expire at the end June 2014. While the majority of the measures are now imposed on all undertakings as per paragraph 4, the measures require confirmation of compliance 12 months after the issue of the D04/14⁷.
- 9 The Decision contained in this document, following on from the consultation, imposes a continuation of the measures contained in D07/12⁸ until such time as compliance is required with D04/14 and until further consideration of the other measures provided by the USP is completed by ComReg. ComReg intends to continue to meet and progress these issues with the Forum for Electronic Communications Services for People with Disabilities (“The Forum”), and ComReg will consult on the future of the measures.
- 10 Eircom, as the current designated USP, is in the best position to continue to provide these specific measures for special end-users, and as such, ComReg has decided that it is appropriate to designate Eircom for a period of 12 months. This will allow for the implementation of the obligations by all undertakings, as set out in D04/14 and for further work to be done, in conjunction with the Forum to further develop and review these other obligations solely placed on the USP, as relevant.
- 11 ComReg wishes to thank the two respondents to Consultation 14/54, namely;
- Eircom Group (“Eircom”)
 - NCBI the National Sight Loss Agency (“NCBI”)

⁷ D04/14 was issued on 29th May 2014

⁸ Except those measures now placed on all undertakings by D04/14 which will only be placed on the USP until the compliance date for the measures in D04/14

- 12 ComReg has considered the responses to the consultation in reaching its final views and Decision as set out below. The responses are also published at this time⁹. ComReg has also finalised the Regulatory Impact Assessment (“RIA”) based on the responses it received and the final RIA is set out in Section 4 of this document.
- 13 ComReg’s final decision is located in Annex 5 of this document.
- 14 ComReg has sought and obtained the consent of the Minister of Department of Communications, Energy and Natural Resources for the obligations.

⁹ ComReg 14/70s

2 Background

- 15 ComReg's Forum on Electronic Communications Services for People with Disabilities ("The Forum") was established in 2006 to further ComReg's statutory objectives to promote competition and to promote the interests of users. To date, the Forum has worked in a collaborative manner to progress and implement measures on a voluntary basis. The functions of the Forum and key achievements to date are listed in Annex 2 of this paper.
- 16 ComReg will continue to work with the Forum to identify any further measures, as relevant which may be appropriate to implement in order to satisfy the requirements of Regulation 17 of the Universal Service Regulations.
- 17 With respect to the USO specific measures for disabled end-users, in November 2013 a meeting of the Forum had a preliminary discussion on the specific measures for disabled end-users provided by the USP, Eircom, and the take-up and usage, of such services.
- 18 Eircom presented to the Disability Forum members providing details of the take-up of each of the services and are summarised below. The presentation provided by Eircom at the meeting is contained as part of ComReg's consultation document 14/54a¹⁰.
- 19 The statistics presented by Eircom showed the following:
 - a. between January 2013 to September 2013, a combined total of 3,401 end-users accessed specialised equipment for customers with hearing impairment and/or limited dexterity or mobility.
 - b. between January 2013 to September 2013, there was a 10% increase in the average monthly demand for the voice to text aspect of the national text relay (Minicom¹¹) service (an average of 33 calls per month), while the text to voice average monthly usage fell by 13% (an average of 133 calls per month).

¹⁰ ComReg Consultation Universal Service Obligation – Measures for disabled end-users Supplementary document 14/54a

¹¹ A Text Relay Service provides facilities for the receipt and translation of voice messages into text and the conveyance of that text to the textphone of customers of any operator, and vice versa using a Minicom device.

- c. as of November 2103, the NAD (STEP)¹² programme had 73 registered customers, which was a decrease of 8% from December 2012.
 - d. during July 2013 to September 2013, 432 end-users with restricted vision accessed appropriate specialised equipment and that there were 31 Braille bills dispatched during this time.
 - e. at 30 September 2013, the Special Directory Enquiries facility had 5,336 registered users, and during January 2013 to September 2013 there were an average of 7,134 calls handled on a monthly basis.
- 20 During the meeting of November 2013 and again in June 2014 there was an initial discussion regarding the continued need for the USP to supply specialised terminal equipment, however, no real preliminary view was formed. It was noted that the terminal equipment, handsets, are sold to consumers and therefore they are offered commercially by Eircom.
- 21 In addition, during ComReg's consultation on measures to ensure equal access and choice for disabled end-users, which led to D04/14, it was apparent that users of the text relay service expressed a view that this service should be modernised and in particular, made available to subscribers of mobile electronic communications services. This view was also expressed by various Disability Group Representatives participating in the Forum.
- 22 Also, during a recent meeting of the Forum, in June 2014, the Disability Representative members noted that in their view a number of issues remained of key importance including the Text Relay Service, Terminal Equipment and Website Accessibility.

¹² The time taken to make a text telephone call is longer than that needed to make an ordinary call. In order to ensure equality of payment for deaf text telephone users, Eircom implement a STEP (Scheme for Text Telephone Equality of Payment) or NAD (National Association of the Deaf) rebate scheme. This provides text telephone users with a rebate of up to 70% on text phone call charges per bill.

- 23 ComReg previously noted that in the UK, BT, on foot of a decision by Ofcom, is planning to introduce a Next Generation Text Relay Service¹³. ComReg is considering this development in the context of the Text Relay Service in Ireland and ComReg arranged a presentation and further discussion on Text Relay and other measures provided by the USP at the last meeting of the Forum.¹⁴ Following this meeting, ComReg intends initiating a consultation process in respect of the Text Relay Service and other measures for people with disabilities currently required to be provided only by the USP.

¹³ Ofcom Statement 17 Oct 2012: Review of Relay Services Decision on the introduction of Next Generation Text Relay

¹⁴ Held on 24 June 2014.

3 Respondents views and ComReg's position

3.1 Requirement on Eircom to provide specific measures

3.1.1 ComReg's Preliminary View

24 It was ComReg's preliminary view that Eircom should be the designated undertaking for a period of one year, because it was already providing all of the measures, some of which are being provided on a commercial basis and because the cost is relatively low.

25 The Commission's consultation 14/54 asked the following question:

Q. 1 Do you agree that Eircom should be required, pursuant to Regulation 6 and 7 of the Regulations, to continue to provide specific measures for disabled end-users from 1 July 2014 to 30 June 2015? Please provide detailed reasons and supporting evidence for your view.

3.1.2 Respondents' Views

26 NCBI stated that it agreed and advised that *"To fall back from this position would be inexcusable"*, but also noted that *"By its very nature, USO is an attempt to ensure that there exists a single service that goes some limited way towards affording equal access to all end-users. The very fact that it designates only a single service as requiring accessibility is incompatible with the concept of equal choice. The very fact that it only implements minimal requirements towards making even that service fully accessible is incompatible with the concept of equal access"*.

27 Eircom advised that it does not agree that it should be required to be the USP on the basis that ComReg has not carried out the necessary analysis and therefore has not fully consulted on the measures. Eircom is of the view that there is no robust evidence to allow for a determination of whether the elements of the USO can be justified.

28 Eircom also does not necessarily believe that the facilities that it currently provides as USP should immediately be withdrawn, rather, Eircom sought to highlight that the requirement should be the subject of an immediate review within the next six months.

3.1.3 ComReg's view

- 29 ComReg notes the conditional agreement put forward by both respondents to the ComReg's preliminary view.
- 30 ComReg is of the view that the commencement and intended completion of the planned review of the Text Relay Service and the requirement on the USO to provide specialised terminal equipment over the coming period will assist in addressing the issues raised.

3.1.4 ComReg's position

- 31 ComReg will carry out the appropriate consultations in advance of the expiry of the designation and it will seek to align the period of application of the measures imposed by this Decision with the time by which all undertakings must confirm their compliance to ComReg with Decision D04/14, 12 months from the date it was issued.
- 32 ComReg, upon considering the responses to consultation 14/54, has decided that Eircom should be designated as the USP, pursuant to Regulation 6 and 7 of the Regulations, to continue to provide specific measures for disabled end-users until 30 June 2015. In any event, Eircom is required to provide the majority of these measures in accordance with D04/14 in the coming period.
- 33 In this regard, ComReg has decided to continue to designate Eircom as follows:
- a. For the purpose of the measures that are not covered by D04/14, ComReg proposes that these measures should continue to be imposed on Eircom at this time for a period of one year.
 - b. With respect to the measures that will be now be required as part of D04/14, ComReg proposes that Eircom shall continue to be the USP for such measures for the period until compliance with the requirements of D04/14 is required by all undertakings.
- 34 ComReg is of the view that this is necessary to continue to protect the interests of disabled end-users during this period of transition.

4 Final Regulatory Impact Assessment (“RIA”)

4.1 Role of the RIA

- 35 A RIA is an analysis of the likely effect of a proposed new regulation or regulatory change. The RIA should help identify regulatory options, and should establish whether or not a proposed regulation is likely to have the desired impact. The RIA should also in certain cases suggest whether regulation is or is not appropriate. The RIA is a structured approach to the development of policy, and analyses the impact of regulatory options on different stakeholders.
- 36 ComReg’s approach to RIA is set out in the Guidelines published in August 2007, Commission Document No. 07/56 & 07/56a. In conducting this RIA, ComReg takes account of the RIA Guidelines,¹⁵ adopted under the Government’s *Better Regulation* programme.
- 37 Section 13 (1) of the Communications Regulation Act 2002, as amended, requires ComReg to comply with certain Ministerial Policy Directions. Policy Direction 6 of February 2003 requires that before deciding to impose regulatory obligations on undertakings ComReg must conduct a RIA in accordance with European and International best practice, and otherwise in accordance with measures that may be adopted under the Government’s *Better Regulation* programme. In conducting the RIA, ComReg also has regard to the fact that regulation by way of issuing decisions e.g. imposing obligations or specifying requirements can be quite different to regulation that arises by the enactment of primary or secondary legislation.
- 38 In conducting RIA, ComReg takes into account the six principles of *Better Regulation*. These are:
1. Necessity.
 2. Effectiveness.
 3. Proportionality.
 4. Transparency.
 5. Accountability.

¹⁵See: http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Revised_RIA_Guidelines_June_2009.pdf

6. Consistency.

- 39 To ensure that a RIA is proportionate and not overly burdensome, a common sense approach is taken. As decisions are likely to vary in terms of their impact, and if after initial investigation a decision appears to have relatively low impact, ComReg would expect to carry out a less exhaustive RIA. In determining the impacts of the various regulatory options, current best practice appears to recognise that full cost benefit analysis would only arise where it would be proportionate, or, in exceptional cases, where robust, detailed, and independently verifiable data is available. This approach will be adopted when necessary.

4.2 Policy Options

- 40 The measures specified with respect to disabled end-users to be met by the USP, Eircom, contained in D07/12, expire at the end of June 2014.
- 41 This Response to Consultation and decision proposes continuation of the measures contained in D07/12¹⁶ until the compliance date for the measures in D04/14 and, as already stated in this document, until further consideration, including a consultation on the provision of the remaining measures is completed by ComReg.
- 42 ComReg is concerned that without it specifying continuance of the measures from July 2014 there will be detriment for those disabled end-users that rely (See Annex 1¹⁷) on the services as they may not continue to be provided by the USP.
- 43 As explained in consultation 14/54, a large number of disabled end-users currently access the provisions provided for under the Universal Service Obligations. Absent these obligations disabled end-users could be subject to detriment.
- 44 As Eircom is the current USP for these measures and as many of the measures are provided on a commercial basis the net cost is likely to continue to be minimal. As previously stated, in relation to Eircom's application for Universal Service Funding for 2009-2010 the net cost to the USP for providing all of the services mandated for disabled end-users was determined as €44,651, as detailed in ComReg Document D01/14¹⁸.

¹⁶ Except those measures now placed on all undertakings by D04/14 which will only be placed on the USP until the compliance date for the measures in D04/14

¹⁷ ComReg 14/54a

¹⁸ Assessment of Eircom's Universal Service Fund Application for 2009-2010– Response to Consultation and Determination ComReg Doc 14/03 and D01/14 of 9th January 2014

- 45 Therefore, ComReg is of the view that it is most appropriate that Eircom continues to be designated to provide the measures as it is currently providing many of them on a commercial basis.
- 46 In addition to the above, the view is supported by the RIA conducted and consulted and published as a part of D04/14. As such, ComReg is of the preliminary view that the current measures as delivered by USP meet the requirements for disabled end-users in accordance with Regulation 17 of the USO and should remain as such until the compliance date for D04/14 and, as referenced above, until the measures contained within paragraph 25 of the consultation document 14/54 document have been considered further.

5 Decision Instrument

1. STATUTORY FUNCTIONS AND POWERS GIVING RISE TO DECISION

1.1 This Decision and Decision Instrument, made by the Commission for Communications Regulation (“ComReg”), relates to the provision of universal services in the Irish telephony market and is made:

- i. Having regard to sections 10 and 12 of the Communications Regulation Act 2002;
- ii. Pursuant to the functions and powers conferred upon ComReg under and by virtue of Regulation 7(1) of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 (“the Regulations”);
- iii. Having regard to Regulation 6 of the Regulations;
- iv. Having taken account ComReg Decision document No. 14/52 (D04/14)
- v. Having taken account of the representations of interested parties submitted in response to ComReg document No. 14/54 and
- vi. Having regard to the analysis and reasoning set out in ComReg document No.14/70.

2. DESIGNATION OF UNIVERSAL SERVICE PROVIDER

Specific Measures for Disabled Users

2.1 In accordance with Regulation 7 of the Regulations, Eircom Limited and its subsidiaries, and any undertaking which it owns or controls and any undertaking which owns or controls it ad its successors and assigns (“Eircom”) is hereby designated as the Universal Service Provider “USP” for the purpose of complying with the following obligations, as provided for by Regulation 6 of the Regulations, until such time as D04/14 is required to be complied with, the USP shall in the mean time provide the following specific services:

- a. Provide a dedicated section of its website, accessible from the homepage, containing comprehensive information in relation to the services it provides which are of particular interest and relevance to people with disabilities;
- b. For users with restricted vision:

(i) Braille billing free of charge.

c. For users unable to use the phone book because of a disability:

(i) Special Directory Enquiry arrangements to allow the use of directory enquiry services free of charge.

2.2 In accordance with Regulation 7 of the Regulations, Eircom is hereby designated as the USP for the purpose of complying with the following obligations, as provided for by Regulation 6 of the Regulations, the USP shall therefore provide the following specific services:

a. Maintain, operate, monitor and ensure its own compliance with a Code of Practice concerning the provision of services for people with disabilities and shall periodically review and, where appropriate, amend the Code of Practice in consultation with the NDA and other representative bodies.

b. For users with limited dexterity or mobility:

(i) Push button telephone sets with speed and automatic redial buttons allowing pre-programmed telephone numbers (typically the most called numbers) or last called telephone numbers to be dialled without having to re-enter the telephone number.

(ii) Hands free/loudspeaker phones means that the handset does not need to be used at all.

c. For users who are hearing-impaired:

(i) Inductive couplers which allow users with a hearing aid set to connect the set to their telephone in order to allow them to hear incoming speech clearly.

(ii) Amplifier phones which allow the user to increase the volume of incoming speech.

(iii) Teleflash Visual Alert which shows a flashing light, or makes a loud noise when the telephone rings.

d. For users who are hearing and/or speech impaired:

(i) A text Relay Service providing facilities for the receipt and translation of voice messages into text and the conveyance of that text to the textphone of customers of any operator, and vice versa.

(ii) A rebate scheme whereby, as a result of the time taken to make a text telephone call, equality of payment for deaf text telephone users can be assured.

e. For users with restricted vision:

(i) Restricted vision telephones which can help people with restricted vision to find other numbers more easily.

3. GEOGRAPHICALLY AVERAGED PRICING

As provided for by Regulation 8 (3) of the Regulations, Eircom, as the USP, shall apply geographically averaged prices throughout the State for the services referred to in this Decision.

4. CONTINUATION OF COMREG DECISIONS

All other decisions imposed by ComReg in relation to universal service obligations, which were immediately in force prior to the effective date of this Decision and Decision Instrument, shall continue to have full force and effect. Such obligations include, without limitation, those set out in the following:

- i. ComReg Decision No. D9/05.
- ii. ComReg Decision No. D02/08.
- iii. ComReg Decision No. D04/11.

5. EFFECTIVE DATE AND DURATION

This Decision and Decision Instrument is effective from 7th July 2014 until 30 June 2015.

KEVIN O'BRIEN
CHAIRPERSON
THE COMMISSION FOR COMMUNICATIONS REGULATION
THE 7th DAY OF JULY 2014

Annex: 1 Measures Contained within ComReg Decision D04/14

A 1.1 Accessible Complaints Procedures

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

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

A 1.2 Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking providing pre-paid mobile services shall provide a SMS top-up facility for disabled end-users of pre-paid mobile services to:

- I. Top up independently using cash;
- II. Have no requirement to follow voice prompts;
- III. If a receipt (voucher) is used it must list in clear, easy to understand language the steps required to ensure the top-up credit can be applied successfully and allow the end-user to apply the top-up receipt (voucher) by SMS (or equivalent method) sent from the disabled end-user's mobile telephone and without assistance from a third party; and
- IV. Receive confirmation of the value of the top-up credit without the need to follow voice prompts and sent to the disabled end-user's mobile telephone.

A 1.3 Accessible Directory Enquiries

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.

A 1.4 Accessible Billing

In accordance with Regulation 17(1) of the Universal Service Regulations:

- I. The requirements imposed on Undertakings in respect of consumers by the General Authorisation in the ComReg Response to Consultation and Decision, “Consumer Bills and Billing Mediums – Consumer protection amendments to the General Authorisation”¹⁹, in conditions 18.7.1 – 18.7.12 are hereby imposed on Undertakings in respect of all disabled end-users who are not otherwise consumers, and so not already afforded the protections in accordance with the aforementioned General Authorisation conditions.
- II. Any and all bills (including transaction detail requests) issued to a disabled subscriber by an Undertaking shall be provided free of charge in a medium properly accessible to that disabled subscriber (including Braille), if requested.

A 1.5 Accessible Facility to Test Compatibility of Terminal Equipment or appropriate returns policy

In accordance with Regulation 17 of the Universal Service Regulations:

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

¹⁹ ComReg Document 13/52, ComReg Decision D08/13

- ii. a returns policy which allows for terminal equipment which has not been tested in advance of purchase to be returned because it does not meet their specific hearing needs.
- II. Every Undertaking selling terminal equipment shall ensure that the testing facility as referred to in paragraph I(i) above is supported by on-site staff that are trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase.

A 1.6 Accessible Information

In accordance with Regulation 17 of the Universal Service Regulations every Undertaking shall ensure that information regarding its products and services, including all information provided to the majority of end-users, is accessible for disabled end-users. For the purposes of ensuring that such information regarding its products and services is made accessible to disabled end-users every Undertaking shall ensure:

- I. The Web Accessibility Initiative²⁰, as developed by the World WideWeb Consortium (W3C) standard, is to be met to facilitate disabled end-users such that the Undertaking's website is to include the following which conforms to this standard:
 - i. One-click access from the home page of the Undertaking's website to the Disability Section of that website;
 - ii. the Disability Section of the Undertaking's website contains comprehensive and up to date information in relation to the products and services it provides which are of particular interest and relevance to people with disabilities; and
 - iii. the Disability Section of the Undertaking's website contains details of and access to websites that contain information of relevance to disabled end-users that ComReg may specify from time to time;
- II. Contractual information in accordance with Regulation 14 of the Universal Service Regulations, including notifications in respect to any modification to contractual conditions, as required by Regulation 14(4) of the Universal Service Regulations is accessible and up to date for disabled end-users; and

²⁰ The World Wide Web Consortium (W3C) is an international community that develop open standards to ensure the long-term growth of the Web. The Web Accessibility Initiative (WAI) standard developed by W3C is available from the following link: <http://www.w3.org/TR/WCAG20/> The NDA's Excellence through Accessibility – ICT Guidelines and Criteria, Guideline 14 Web Accessibility, refers to this standard.

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

A 1.7 Facility for Disabled Subscribers to Register Requirements

In accordance with Regulation 17 of the Universal Service Regulations, every Undertaking shall establish and maintain a facility or enhance and maintain an existing facility to enable disabled subscribers to register their requirements. The facility to enable disabled subscribers to register their requirements must, at a minimum, have the ability to record, subject to the disabled subscriber's consent, the following:

- i. Name, address, contact details (to include phone or email and/or third party nominated contact);
- ii. Preferred means of communication;
- iii. Preferences in respect to bundles (for example broadband or text only);
- iv. Details of any special terminal equipment required; and
- v. Details of any alternative billing medium requirement

Annex: 2 ComReg Disability Forum

A 2.1 The Forum was established in 2006 to further ComReg's statutory objectives to promote competition and to promote the interests of users.

A 2.2 The Communications Regulation Act, 2002 envisages that ComReg takes specific measures in relation to those objectives including the following measures:

- Ensuring that users, including disabled users, derive maximum benefit in terms of choice, price and quality
- Promoting the provision of clear information
- Addressing the needs of specific social groups, in particular disabled users

A 2.3 The Forum comprises of members representing the Disability sector in Ireland and Electronic Communications Service providers. The goal of the Forum is to ensure that organisations represented at the Disability Stakeholders Group (DSG) are also represented at the Forum. To that end, ComReg requested nominations from the Chairperson of the DSG to attend the Forum. Organisations currently nominated by the DSG and representing the Disability sector at the Forum include:-

- The National Disability Authority
- People with Disabilities in Ireland
- The Disability Federation of Ireland
- The Not for Profit Business Association
- The Irish Mental Health Coalition
- The Federation of Voluntary Bodies

A 2.4 Undertakings represented at the Forum include:-

- Fixed Market: Eircom, UPC and Vodafone
- Mobile Market: Vodafone, O2, 3 and Meteor

A 2.5 Functions of the Forum include the following:

- The identification of services provided by providers that are relevant to the needs of users with disabilities

- The identification of accessibility issues for people with disabilities in relation to electronic communications services
- The promotion of good practice by providers in relation to the accessibility of customer service
- The promotion of accessible information provision by providers to users with disabilities so that such users can exercise choice in respect of services and service provider
- The promotion of the needs of users with disabilities through a review of the effectiveness of existing services in meeting the electronic communications needs of users with disabilities and recommending improvements and/or new services

A 2.6 Key initiatives developed and implemented to date include:

- Having consulted with stakeholders including the Forum, ComReg issued D04/14 in May 2014. The following are the measures as set out in D04/14;
 - Accessible Complaints Procedures
 - Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users
 - Accessible Directory Enquiries
 - Accessible Billing
 - Accessible Facility to Test Compatibility of Terminal Equipment or an appropriate returns policy
 - Accessible Information
 - Facility for Disabled Subscribers to Register Requirements
- Survey of the electronic communications needs of consumers with disabilities - March 2007 & April/May 2010
- Directory Enquiry Services – Eircom, as USP, provides registered customers with free access to directory enquiry services. The Forum has successfully facilitated the extension of this service to other fixed-line and mobile providers, thus providing greater choice of provider for customers with disabilities - November 2009
- Development of the “One Click Initiative” to improve accessibility of providers websites and services - September 2009
- Introduction of a Quality Standard for Bill Presentation, with a specific section relating to Accessibility - November 2008

- Hosting of the CEO'S Breakfast Briefing and Workshop for electronic communications companies to raise awareness at industry-level of the benefits of universal design and its benefits for all aspects of business (product design, marketing and customer services) - October 2008
- Publication of the Phone and Broadband Guide for People with Disabilities and Older People – October 2007