



Commission for  
**Communications Regulation**

# **Contract Change Notifications**

## **New requirements**

### **Information Notice**

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**An Coimisiún um Rialáil Cumarsáide**  
**Commission for Communications Regulation**

Abbey Court Irish Life Centre Lower Abbey Street Dublin 1 Ireland

Telephone +353 1 804 9600 Fax +353 1 804 9680 Email [info@comreg.ie](mailto:info@comreg.ie) Web [www.comreg.ie](http://www.comreg.ie)

1. The Commission for Communications Regulation (ComReg) published today a Response to Consultation and Decision in relation to Contract Change Notifications.<sup>1</sup> This Decision, effective from 1 March 2013, places new obligations on Electronic Communication Service (ECS) providers in relation to the format of Contract Change Notifications provided to their subscribers.
2. At present, the Universal Services Regulations<sup>2</sup> requires that ECS providers must individually notify their subscribers, not less than one month in advance, of proposed changes to their contract and to also notify subscribers of their right to withdraw without penalty from the contract if they do not accept the proposed change.<sup>3</sup>
3. ComReg has not, at this point, made any decisions in respect of the medium to be used and notes that it is the ECS provider's responsibility to ensure that each subscriber is notified, in good time, in accordance with the Universal Service Regulations.
4. However, ComReg is of the view that these notifications must be presented to subscribers clearly, unambiguously and transparently. To assist in achieving this, from 1 March 2013, ECS providers will be required to adhere to specific requirements in relation to the format of these notifications (which are already required to be provided to subscribers).
5. In relation to the new format specifications, effective from 1 March 2013, the key requirements are outlined below.<sup>4</sup>
6. ComReg would like to remind consumers and other end-users that they must be notified by their ECS provider of proposed changes to their contractual terms and of their right to withdraw from the contract without penalty if they do not accept the changes. This notification must be not less than one month advance of the effective date of the proposed change. In addition, from 1 March 2013, the notification must be in accordance with the specifications set out in ComReg document (ComReg 12/128 Decision D13/12), summarised below.
7. ComReg advises consumers and other end-users that do not accept changes proposed by their ECS provider to use the contact details/methods provided by their ECS provider to inform them that they do not accept the proposed change.

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<sup>1</sup> ComReg Document 12/128; Decision D13/12

<sup>2</sup> European Communities ( Electronic Communications Networks and Services)(Universal Service and Users' Rights) Regulations 2011

<sup>3</sup> Regulation 14, European Communities ( Electronic Communications Networks and Services)(Universal Service and Users' Rights) Regulations 2011

<sup>4</sup> Full details of the specific requirements are available in ComReg Document 12/128;Decision D13/12

8. ComReg further advises consumers to refer to the notification provided to them by their own ECS provider, if they are contacted by another ECS provider in respect of related matters.
9. Consumers or other end-users who have queries or complaints in relation to this matter can contact ComReg's Consumer Line.<sup>5</sup>
10. The following paragraphs outline the key requirements in relation to format specifications, effective from 1 March 2013.<sup>6</sup>

### **Minimum Information**

11. All undertakings<sup>7</sup> are to ensure that notifications to subscribers of proposed modifications to contractual conditions contain at a minimum, the following information ("the minimum information") in this order:
  - a. The heading: "CONTRACT CHANGE" (to be in uppercase) at the beginning of the notification.
  - b. Summary details of the proposed modifications to contractual conditions.
  - c. Details of how full information of the proposed modifications to contractual conditions can be obtained, if required.
  - d. A clear and unambiguous statement of the consumer's right to withdraw from their contract.
  - e. The effective date of the proposed modifications to contractual conditions which shall be given to subscribers no less than one month before the effective date of the proposed modifications to contractual conditions.
12. Hyperlinks or website addresses to online full information about the proposed modifications to contractual conditions are to link directly to the full information.
13. The minimum information is always to be presented transparently, clearly, prominently and in an easily legible font style and size.

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<sup>5</sup> By email at [consumerline@comreg.ie](mailto:consumerline@comreg.ie) or by phoning 01 804 9707 or 1890 200035 or using other contact methods detailed at [http://www.askcomreg.ie/about\\_us/contact\\_us.26.LE.asp](http://www.askcomreg.ie/about_us/contact_us.26.LE.asp)

<sup>6</sup> Full details of the specific requirements are available in ComReg document 12/128; Decision D13/12

<sup>7</sup> "Undertaking" means any natural person engaged or intending to engage in the provision of electronic communications networks or services or associated facilities (Framework Regulations SI No. 333 of 2011). It includes all undertakings that provide consumers and other end-users ("subscribers") connection to a public communications network or publicly available electronic communications services

14. The minimum information is always to be presented in isolation from other information ordinarily provided to the subscriber (including Direct Marketing information), as relevant, so as to give it prominence and to avoid any confusion on the subscriber's part.

### **Full Information**

15. Information about the proposed modifications to contractual conditions is to include the following information ("full information"), if required:
- a. Full details of the proposed modifications to contractual conditions
  - b. A clear statement that the subscriber can exercise their statutory right to withdraw from their contract with their undertaking should they so wish and a clear explanation of how they can do so without delay, through a simple procedure.
  - c. The date by which the subscriber can withdraw, without penalty, from their contract.
16. The full information is always to be unambiguous, accurate and presented clearly to ensure that the subscriber can easily understand what changes are being made.

### **SMS Notifications**

17. Where undertakings notify their subscribers of proposed modifications to contractual conditions via short messaging service ("SMS"), the minimum information is to be presented in the main text (160 characters) of the SMS and may also be provided by a second or further consecutive or linked SMS(s), if required.

### **Print Notifications**

18. Where undertakings notify their subscribers of proposed modifications to contractual conditions in print, the minimum information is to be written in a font size of at least 9 point.
19. The heading "CONTRACT CHANGE" is to be in a different font to the other text and shall be written in a font size of at least 11 point.

### **Notifications by telephone/meeting**

20. Where undertakings notify their subscribers of proposed modifications to contractual conditions by telephone, the date, time, agent's full name and details of the call must be recorded on the customer's account.

## **Direct Marketing**

21. Undertakings may send direct marketing messages; separate to, but at the same time as the contract change notification in accordance with the European Communities (Electronic Communications Networks and Services)(Privacy and Electronic Communications) Regulations 2011.