



Commission for
Communications Regulation

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

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 Web www.comreg.ie

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1 Background

1. ComReg has today issued a Consultation¹ proposing a number of measures to ensure equivalence in access and choice for disabled end-users in respect of the provision of electronic communications services by service providers.
2. ComReg's preliminary views are based largely on matters raised and discussed at the Forum on Electronic Communications Services for People with Disabilities ("the Forum") which consists of nominated representatives from the Disability Stakeholders Group and nominated representatives from electronic communications service providers. In addition, ComReg has taken into account a report published by Body of European Regulators for Electronic Communications ("BEREC") in February 2011 entitled "Electronic communications services: Ensuring equivalence in access and choice for disabled end-users",² which provides assistance to national regulatory authorities in assessing and achieving equivalence of access and choice for disabled end-users.
3. The European Commission ("EC"), in its 2007 review, proposed revisions to the European regulatory framework for electronic communications sector to include enhanced consumer protection measures, in particular, '*improved accessibility for users with disabilities*'. As a result of this review the Universal Services Directive ("USD")³ was published in December 2009 with the insertion of article 23a – Ensuring equivalence in access and choice for disabled end-users.
4. The BEREC Report referenced the EC communication on e-Accessibility 2005 COM (2005)425 which states that -

'the Commission has the ambitious objective of achieving an "Information Society for All", promoting an inclusive digital society that provides opportunities for all and minimises the risk of social exclusion.'

[...]

*'Additionally, within that communication, the EC highlighted the need for improving access to Information and Communication Technologies (ICTs) for people with disabilities and reserved the option to consider additional measures including new legislation if deemed necessary.'*⁴

¹ Electronic Communications: Proposed Measures to Ensure Equivalence in Access and Choice for Disabled End-Users, ComReg Document 13/58

² BoR (10) 47 Rev1 - BEREC REPORT

³ Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (as amended by Directive 2009/136/EC)

⁴ Page 10 of the BEREC REPORT

5. The BEREC Report further states that -

‘According to the EC communication regarding e-Accessibility COM (2005)425, published in 2005, people with disabilities represented 15% of the European population. Additionally, the European Disability Federation states that “disabled people suffer from isolation compared to non disabled people”. Therefore, BEREC considers that the provision of access to and choice of electronic communication services for consumers with disabilities is becoming increasingly important to ensure that all consumers can benefit from new communications services and fully participate in the Information Society.’⁵

6. Article 23a of the USD as transposed into Irish law by Regulation 17 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 (“the Regulations”)⁶ provides that ComReg may, where appropriate, specify requirements to be complied with by Undertakings (service providers) in order to ensure equivalence in access and choice for disabled end-users and that ComReg shall encourage the availability of terminal equipment offering the necessary services and functions for disabled end-users.

⁵ Page 5 of the BEREC REPORT

⁶SI No 337 of 2011

2 Summary of the Proposed Measures

7. The consultation document⁷ sets out proposed measures which are considered by ComReg to be necessary and appropriate in order to assist in achieving equivalence in access and choice for disabled end-users.
8. The proposed measures are divided into two categories; accessible services and accessible information as described below.

2.1 Accessible Services

9. ComReg proposes that Undertakings make the services identified below accessible to disabled end-users.
10. Accessible complaints procedures – currently Undertakings are obliged to have a code of practice to deal with complaints from end-users. ComReg is of the preliminary view that every Undertaking should be required to provide disabled end-users with the following:
 - Accessible means to lodge a complaint and/or make an enquiry; and
 - Staff that are trained to appropriately deal with the requirements of disabled end-users.
11. Accessible top-up facility for pre-paid mobile telephone end-users - ComReg is of the preliminary view that disabled end-users with a pre-paid mobile telephone should be able to choose to top it up themselves. An online top-up facility is not sufficient to ensure equivalence; the Forum's representative disability groups have stated that a substantial number of disabled end-users do not have access to the internet and/or credit or debit cards. In addition, a top-up facility that requires the end-user to listen to voice prompts may not be accessible for end-users with hearing difficulties. As such, ComReg is of the preliminary view that every Undertaking providing pre-paid mobile services should be required to provide a SMS top-up facility for pre-paid mobile telephone end-users that allows disabled end-users to:
 - Pay with credit card and/or debit card and/or cash without the need to follow voice prompts;
 - Get a receipt (voucher) that lists in clear, easy to understand language the steps required to ensure the top-up credit can be applied successfully;

⁷ Electronic Communications: Proposed Measures to Ensure Equivalence in Access and Choice for Disabled End-Users, ComReg Document 13/58

- Apply the top-up receipt (voucher) by SMS sent from the disabled end-user's mobile telephone and without assistance from a third party; and
 - Receive confirmation of the value of the top-up credit by SMS sent to the disabled end-user's mobile telephone.
12. Accessible Directory Enquiries - ComReg is of the preliminary view that every Undertaking should be required to provide for subscribers, who are unable to use the phone book because of a vision impairment and/or have difficulty reading the phone book, 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.
13. Accessible billing - ComReg is of the preliminary view that the requirements imposed on Undertakings in respect of consumers by the conditions in respect of consumer bills and billing mediums attached to the General Authorisation⁸ should be imposed on Undertakings in respect of all disabled subscribers who are not otherwise consumers within the meaning of the term as defined in Regulation 2 of the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011.
14. Accessible facility to test compatibility of terminal equipment - ComReg is of the preliminary view that every Undertaking selling terminal equipment should be required to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking's retail shops in advance of purchasing the terminal equipment, and to ensure that the testing facility is supported by on-site staff that are trained in the use of terminal equipment and are equipped to address any queries raised by disabled end-users in advance of purchase.

2.2 Accessible information

15. ComReg is of the preliminary view that every Undertaking should be required to ensure information regarding its products and services, including all information provided to the majority of end-users, are accessible for disabled end-users. This information should include the following:

⁸ ComReg Response to Consultation and Decision "Consumer Bills and Billing Mediums" ComReg Document 13/52

- Website information available to all end-users that meets the Web Accessibility Initiative⁹ to facilitate disabled end-users, including “One-click” access from the home page of every Undertaking’s website to the Disability Section of the Undertaking’s website that contains comprehensive information, including information as specified by ComReg from time to time.
- Information in respect of contracts (in accordance with Regulation 14 of the Regulations) including notifications of modifications.
- Information in respect to complaints handling including the Undertaking’s code of practice (in accordance with Regulation 27 of the Regulations).

2.3 Other Measures

16. In order to assist Undertakings in complying with the proposed measures and to enhance disabled subscribers experience, ComReg is of the preliminary view that every Undertaking should set up and maintain a facility to enable disabled subscribers to register their requirements, subject to the consent of each disabled subscriber.
17. Further measures discussed are text relay service, terminal equipment, certification of disability and a proposal in respect of review of measures and involvement of the Forum in this regard.
18. The consultation document is available in pdf accessible format and audio versions. A consultation summary document is also available in pdf accessible format. Alternative formats of the consultation are available on request. To request alternative formats, including word, large print and Braille versions of the consultation, please contact access@comreg.ie or phone +353 1 8049600.
19. Responses to this consultation should be clearly marked:- “Reference: Submission re ComReg 13/58”, and sent by post, facsimile, email or on-line to www.comreg.ie (current consultations), to arrive on or before 5pm, 16 August 2013 to:

Ms. Michelle O’Donnell, Commission for Communications Regulation,
Irish Life Centre, Abbey Street, Freepost, Dublin 1, Ireland.

⁹ 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.