



Commission for
Communications Regulation

Measures for disabled end-users Requirement for an Accessibility Statement

Response to Consultation & Decision

Reference: ComReg 15/98
D06/15

Version: Final

Date: 31/08/2015

Contents

Section	Page
1 Introduction.....	3
2 Executive Summary	4
3 Consultation Issues, Respondents' views and ComReg's Position	5
3.1 Accessibility statement.....	5
3.1.1 Respondents views to Q1	6
3.1.2 ComReg's views on Q1.....	6
3.1.3 Respondents views on Q2	8
3.1.4 ComReg's views on Q2.....	9
4 Regulatory Impact Assessment ("RIA").....	10
4.1 Draft RIA	10
4.1.1 Respondents views on Draft RIA	11
4.1.2 ComReg's Views.....	11
5 Draft Decision Instrument.....	12
5.1 Draft Decision Instrument.....	12
5.1.1 Respondents views on Draft Decision Instrument.....	12
5.1.2 ComReg's Views.....	14
Annex: 1 Decision Instrument	15
Annex: 2 Legal Basis.....	19
Annex: 3 Measures Contained within ComReg Decision D04/14.....	20

1 Introduction

- 1 On 7 June 2014, the Commission for Communications Regulation (“ComReg”) re-designated¹ Eircom as the Universal Service Provider (“USP”), responsible for providing certain Universal Service Obligations (“USO”) regarding specific measures for disabled end-users, pursuant to Regulation 6 of the Universal Service Regulations (USR).²
- 2 On 29 May 2014, ComReg issued a decision D04/14³ in respect of measures to ensure equal access and choice for disabled end-users. That decision placed certain obligations on all undertakings in relation to provision of services and information for disabled end-users.
- 3 Eircom was the only undertaking with obligations in respect of a Code of Practice⁴ concerning the provision of services for people with disabilities.
- 4 On 12th June 2015, ComReg issued Consultation 15/51⁵ taking into account that all undertakings now have certain obligations in respect of disabled end-users. This consultation proposed that all undertakings would be required to develop, maintain, publish and provide in accessible format, an Accessibility Statement, replacing the previous requirement on Eircom in respect of a Code of Practice⁶.
- 5 ComReg received 6 responses, from the following respondents:
 - Alternative Operators in the Communications Market (ALTO);
 - Business Carrier Coalition (BCC);⁷
 - DeafHear;
 - Disability Federation of Ireland (DFI);
 - The National Disability Authority (NDA);
 - Vodafone Ireland Ltd (Vodafone)

¹ Under Decision D09/14, contained in Response to Consultation 14/70 “*Universal Service Obligations: Measures for Disabled End-Users*”.

² S.I. No. 337/2011 - European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011; Regulation 6-Measures for disabled end-users

³ ComReg Decision D04/14: Measures to Ensure Equivalence in Access and Choice for Disabled End-users are set out in Annex 2.

⁴ In accordance with Regulation 6 and ComReg D09/14.

⁵ ComReg Consultation 15/51, Measures for disabled end-users; <http://www.comreg.ie/fileupload/publications/ComReg1551.pdf>

⁶ ComReg is of the preliminary view that the term Accessibility Statement is more appropriate.

⁷ BCC is comprised of AT&T, Colt, Orange Business Services & Verizon

2 Executive Summary

- 6 Having considered the responses to ComReg Consultation 15/51, ComReg is of the view that Undertakings⁸ should be required, pursuant to Regulations 15 and 17 of the USRs, to publish and continue to maintain an Accessibility Statement.
- 7 ComReg considers that the responses from stakeholders representing end-users with disabilities supports the requirement for an obligation on appropriate Undertakings to provide an Accessibility Statement.
- 8 ComReg also considers that in response to submissions from undertakings and other stakeholders that the intended scope and application of the final Decision Instrument should be clarified.
- 9 Furthermore, it was apparent from the submissions received that the expected structure, and content, of an Accessibility Statement to be published and maintained by appropriate Undertakings should be further specified.
- 10 ComReg has made the appropriate changes to the Decision Instrument, (see Annex 1 of this Response to Consultation).
- 11 In summary, ComReg considers it appropriate and proportionate to oblige undertakings providing publicly available electronic communications services directly to end-users, pursuant to Regulations 15 and 17 of the USRs, and as set out in the Final Decision Instrument included in this Response to Consultation, to publish and continue to maintain an Accessibility Statement.

⁸ All Undertakings that provide publicly available electronic communications services to consumers and/or to disabled end-users who are not otherwise consumers.

3 Consultation Issues, Respondents' views and ComReg's Position

3.1 Accessibility statement

- 12 ComReg's preliminary view, as set out in ComReg 15/51, was that all undertakings should be obliged to publish and maintain an accessibility statement which would benefit disabled end-users by enabling them to easily access and compare details of the services and information that undertakings are required to have in place to meet the requirements of D04/14. Decision D04/14 set out measures in respect of accessible information and services to seek to ensure equivalence in access and choice for disabled end-users.

Accessibility Statement - Details

- 13 In consultation 15/51, ComReg stated that, in its preliminary view, the following details, at a minimum, should be contained in the undertaking's Accessibility Statement.
- 14 A statement regarding the undertaking's approach/ policy in respect of providing services and information to disabled end-users (people and businesses) and other relevant information such as its company ethos etc.
- 15 Specific details of the accessible information and accessible services that the undertaking provides for disabled end-users, as required by ComReg Decisions pursuant to Regulation 17, and Regulation 6 (if applicable), of the Universal Service Regulations.

This section of the Statement is to contain:-

- Precise details of each accessible information and accessible service provided by the undertaking including precisely how each service and information are provided and accessed by disabled end-users.
 - Details of how the undertaking ensures its own compliance with the details specified i.e. training, reviews, website, audits etc.
- a) Details of any other services and equipment that the undertaking provides for disabled end-users and in the case of provision of specialised terminal equipment, the specifications of that equipment.

- b) A statement regarding the undertaking's participation in ComReg's Forum on Electronic Communications Services for People with Disabilities ("The Forum"), as relevant.
- c) A range of accessible contact methods and details to assist disabled end-users who may wish to contact the undertaking in respect of queries regarding its Accessibility Statement.

Accessibility Statement – Q1

- 16 Consultation 15/51 asked two questions in respect to the accessibility statement and the availability in accessible forms, the first question was;

Q1 Do you agree that all undertakings should be required, pursuant to Regulation 17 of the Regulations, to publish and continue to maintain an Accessibility Statement as outlined in paragraph 17 to 23 (ComReg 15/51)? Please provide detailed reasons and supporting evidence for your view.

3.1.1 Respondents views to Q1

- 17 ALTO, BCC and Vodafone disagreed with ComReg's view. ALTO and BCC stated that there are Undertakings that do not sell services to consumers, end-users or even small businesses that are represented by them and therefore an Accessibility Statement may not be appropriate.
- 18 Vodafone is of the view that it is not necessary to impose a further regulatory obligations on undertakings regarding an Accessibility Statement, in addition to obligations set out in ComReg D04/14.
- 19 DeafHear, DFI and NDA, agree with the principle behind ComReg's preliminary view, and in addition NDA put forward some additional proposals in respect to sequencing of the information in the accessibility statement, and DFI also suggested that where services are not fully accessible details of limitations should be explicit, and that the statement should include the date of the most recent review of the statement.

3.1.2 ComReg's views on Q1

- 20 ComReg's preliminary view in consultation 15/51 was that all Undertakings should be obliged to publish and maintain an Accessibility Statement; however ComReg notes the submissions from ALTO and BCC putting forward a view that Undertakings not involved in providing a service to consumers and end-users should not have to publish and maintain an Accessibility Statement.

- 21 ComReg also notes Vodafone's suggestion that no further regulation is required in respect of an Accessibility Statement, while also suggesting that ComReg should provide guidelines for the provision of an Accessibility Statement.
- 22 ComReg understands the comments on suggested changes by DFI and the comments on the structure of the Accessibility Statement by the NDA. In relation to the DFI proposal that where services are not fully accessible details of limitations should be explicit appears contrary to the purpose of D04/14 requiring that Undertakings ensure certain services and information are accessible. ComReg is of the view, in light of the above, that Undertakings not engaged with providing a service directly to end-users should not be mandated to publish and maintain an Accessibility Statement. The Decision Instrument therefore makes it clear that this obligation applies to Undertakings who provide services directly to end-users.
- 23 ComReg is of the view that all appropriate undertakings should be required, pursuant to Regulation 15 and 17 of the Regulations, to maintain and publish an accessibility statement and that the statement should be structured as suggested by the NDA and DFI, therefore containing the following information:
- *Information about the accessibility of products and services available to end users.*
 - *Information about the range of accessible contact methods and details to assist disabled end-users.*
 - *Information about the undertaking's approach/ policy in respect of providing services and information to disabled end-users.*
 - *A statement regarding the undertaking's participation in ComReg's Forum.*
 - *The date when the accessibility statement was last updated and the date by which it will be reviewed or revised.*

Accessibility Statement – Q2

24 ComReg's second question in consultation 15/51 was;

Q2 *Do you agree that all undertakings should be required, pursuant to Regulation 17 of the Regulations, to ensure that its Accessibility Statement is accessible? ComReg's preliminary view is that the Statement should be made available in a range of accessible formats including HTML, Accessible PDF, Braille, and Large Print? Please provide detailed reasons and supporting evidence for your view.*

3.1.3 Respondents views on Q2

- 25 ALTO and BCC disagreed with ComReg's view that this requirement should apply to all undertakings, based on the rationale that it should not apply to undertakings not supplying services directly to consumers or end-users.
- 26 DeafHear and DFI agreed with ComReg's preliminary view, but suggested the scope of the proposal be expanded to include Irish Sign Language (ISL) and Audio formats.
- 27 NDA and Vodafone agreed with ComReg, to an extent.
- 28 NDA recommended that the requirement for Braille and large print to be on request, with the facility displayed prominently in appropriate locations on the undertaking's websites, billing and promotional materials. In addition NDA suggested: *"that it will be practical and useful for end users if the Accessibility Statement is available on the undertaking's website, in a prominent position and in either HTML or Accessible PDF. It should be noted that the HTML should conform to WCAG 2.0 as per requirements under current ComReg regulations"*.
- 29 Vodafone is of the opinion that *"yes an Accessibility Statement should be available in a range of accessible formats but should be on a request basis."*
- 30 DeafHear agrees that the *"Accessibility Statements should be available in a range of formats. We also believe that the formats should include accessibility information presented in ISL."*
- 31 DFI suggested that *"the accessibility statement should also be available in the following formats to meet the needs of all customers including audio, sign language and the use of apps"*.

3.1.4 ComReg's views on Q2

- 32 As stated in ComReg 15/51, ComReg considers that to ensure that the Accessibility Statement can be accessed by disabled end-users, the Statement should be made available in a range of accessible formats. ComReg also stated that the Accessibility Statement should be easy for disabled end-users to read and understand and should be developed with this in mind.
- 33 ComReg considers that the Accessibility Statement should be available in multiple accessible formats including HTML (WCAG 2.0), Accessible PDF, and Large Print. It should also be available in Braille and in Audio Formats upon request.
- 34 ComReg notes the suggestion regarding the structure of the Accessibility Statement. ComReg considers that the suggested changes should provide Undertakings with the guidelines requested without being overly prescriptive, while allowing for meaningful monitoring of compliance of the Accessibility Statement with the final Decision Instrument, as detailed in section 5 of this document.
- 35 ComReg also notes the feedback in respect the ComReg website and would like to inform all Stakeholders that ComReg is currently reviewing its own website.
- 36 The question of communication through sign language has been raised previously, and again in the submissions from both DeafHear and DFI and whilst ISL is not one of "*the official languages*"⁹ of the Irish State, ComReg nevertheless commits to provide details on its website via ISL¹⁰ with respect to the obligations imposed by ComReg on Service Providers further to D04/14.

⁹ Official Languages Act 2003 (No. 23 of 2003) "the official languages" means the Irish language (being the national language and the first official language) and the English language (being a second official language) as specified in Article 8 of the (Irish) Constitution;

¹⁰ ComReg will update the Disability forum with respect to the progress being made to arrange this.

4 Regulatory Impact Assessment ("RIA")

4.1 Draft RIA

37 ComReg's approach to RIAs is set out in ComReg 15/51 and refers to the five steps to the RIA undertaken as part of the consultation process as follows:

Step 1: Identify the policy issue and identify the objectives;

Step 2: Identify and describe the regulatory options;

Step 3: Determine the impacts on stakeholders;

Step 4: Determine the impacts on competition; and

Step 5: Assess the impacts and choose the best option.

38 ComReg identified and described three options as set out below:

Option 1: Not to require any undertaking to develop, maintain and publish a Code of Practice or Accessibility Statement.

Option 2: To require Eircom, pursuant to Regulations 6 and 7 of the USRs to provide an up-to date Code of Practice to reflect recent Decisions and other relevant developments.

Option 3: To require all Undertakings providing publicly available electronic communications services to end-users, pursuant to Regulations 15 and 17 of the USRs to provide an Accessibility Statement.

39 ComReg's preliminary view as set out in the RIA was that it is most appropriate that ComReg require all undertaking providing publicly available electronic communications services directly to end-users to provide an Accessibility Statement which provides that disabled end-users will have a mechanism to become aware of undertakings' services and information available to them (Option 3).

Accessibility Statement – Q3

40 ComReg's third question in consultation 15/51 was in relation to the RIA:

Q3 Do you agree with ComReg's Draft RIA? Please provide detailed reasons and supporting evidence for your view.

4.1.1 Respondents views on Draft RIA

- 41 In its response ALTO stated that it does not agree with ComReg's Draft RIA and proposals for all Undertakings as the obligation is disproportionate.
- 42 BCC also noted the RIA was, in its view: "*Not for providers of business services such as BCC members*".
- 43 DeafHear, DFI and NDA agreed with ComReg's RIA whilst Vodafone stated that it did not agree with ComReg's final assessment that Option 3 is the most appropriate and are of the view that Option 2 is the more favourable.

4.1.2 ComReg's Views

- 44 ComReg considers that all undertakings who deal directly with end-users, which includes consumers, should maintain and publish an Accessibility Statement which conforms to specific requirements.
- 45 As all appropriate undertakings, not just Eircom, now have obligations in respect of disabled end-users and because disabled end-users may not be aware of how they can access and use the new facilities, ComReg is of the view that Options 1 and 2 as set out in the RIA are not appropriate. ComReg is of the view that Option 3 (ComReg 15/51) is the most appropriate option.

5 Draft Decision Instrument

5.1 Draft Decision Instrument

Accessibility Statement – Q4

- 46 ComReg requested comments on the substance or the drafting of the draft Decision Instrument as set out in the consultation document ComReg 15/51;

Q4 *Do you have any comments on the substance or the drafting of the draft Decision Instrument? If necessary, please provide a marked up version of the draft Decision Instrument, indicating what changes you believe are appropriate and why.*

5.1.1 Respondents views on Draft Decision Instrument

- 43 ALTO suggested the following changes, to exclude operators who do not deal directly with consumers or end-users who are not otherwise consumers;

“3. SCOPE AND APPLICATION

This Decision Instrument applies to and is binding upon all Undertakings providing services to the Consumer and End-User markets in Ireland; excluding those Undertakings who provide business only electronic communication services exclusively.

4. MEASURES TO ENSURE EQUIVALENCE IN ACCESS AND CHOICE FOR DISABLED END-USERS

Accessibility Statement

4.1 In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking, with the exception of Undertakings exempted* by ComReg not providing services to either Consumer or End-User markets, shall develop, publish, provide and maintain in accessible format, an Accessibility Statement which contains at a minimum:-”

****Exempted – ComReg will define and set out a clear and transparent process by which Undertakings will seek and ComReg approves an Exemption pertaining to paragraph 4.1”***

45 BCC suggested the following amendments:

3. SCOPE AND APPLICATION

This Decision Instrument applies to and is binding upon all Undertakings, except those Undertakings which provide business to business services exclusively.

4. MEASURES TO ENSURE EQUIVALENCE IN ACCESS AND CHOICE FOR DISABLED END-USERS

Accessibility Statement

4.1 In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking, except those Undertakings which provide business to business services exclusively, shall develop, publish and provide in accessible format and maintain, an Accessibility Statement which contains at a minimum:-

x.x ComReg will establish and set out a clear and transparent mechanism for identifying those Undertakings who have been excluded from the provisions of paragraph 4.1.

47 DFI advised that the Decision Instrument “*should be modified in line with our answers to question 1 & question 2*”. A “marked-up” version was not submitted as part of the response,

48 NDA recommended “*that the draft Decision Instrument require that this statement is structured in the following order;*”

- ***Information about the accessibility products services available to end users;***
- ***Information about the “range of accessible contact methods and details to assist disabled end-users;***
- ***Information about the “undertaking’s approach/ policy in respect of providing services and information to disabled end-users”;***
- ***A statement regarding the undertaking’s***

participation in ComReg's Forum.

- 49 Vodafone suggests that paragraph 4(1)(b)(j) of the Decision Instrument should be deleted in its entirety, namely:-

"Details of how the undertaking ensures its own compliance with the details specified i.e. training, reviews, website audits etc."

5.1.2 ComReg's Views

ComReg has considered the views of respondents to consultation 15/51 and has updated the Decision Instrument, which is contained in Annex 1 of this Decision Instrument, to clarify that the scope of the Accessibility Statement extends to Undertakings who provide publicly available electronic communications services directly to end and to clarify the obligations further.

Annex: 1 Decision Instrument

This Direction and Decision Instrument (“Decision Instrument”), made by ComReg, relates to ensuring equivalence in access and choice for disabled end-users in the Irish electronic communications market and is made:

- i. Having regard to ComReg’s functions and objectives set out in sections 10 and 12 of the Communications Regulation Acts 2002 to 2011 and ComReg’s further objectives set out in Regulation 16 of the Framework Regulations;
- ii. Pursuant to the functions and powers conferred upon ComReg under and by virtue of Regulations 15 and 17 of the Universal Service Regulations;
- iii. Having, where appropriate, pursuant to section 13 of the Communications Regulation Acts 2002 to 2011 complied with the policy directions made by the Minister for Communications, Marine and Natural Resources;
- iv. Having regard to the analysis and reasoning set out in ComReg Decision document No. D04/14;
- v. Having regard to the analysis and reasoning set out in ComReg Document No 15/51
- vi. Having taken account of the representations of interested parties submitted in response to ComReg Document No. 15/51a;

The provisions of the response to consultation and final decision document entitled ComReg Document No. 15/98 shall, where appropriate, be construed together with this Decision Instrument.

2. DEFINITIONS

In this Decision Instrument, unless the context otherwise suggests:

“**ComReg**” means the Commission for Communications Regulation, established under section 6 of the Communications Regulation Act, 2002 (as amended).

“**Disabled**” means having a “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 in accordance with the definition at section 2(1) of the Disability Act 2005.

“**End-User**” means a user not providing public communications networks or publicly available electronic communications services in accordance with the definition at section 2(1) of the Framework Regulations.

“Equivalence” means functional equivalence, in accordance with recital 12 of Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 which provides 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”*.

“Undertaking” means a person engaged in the provision of publicly available electronic communications services.

“Universal Service Regulations” means the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 as may be amended from time to time.

Other terms used in this Decision Instrument shall have the same meaning as when they are used in the Universal Service Regulations, unless the context otherwise admits or requires.

3. SCOPE AND APPLICATION

This Decision Instrument applies to and is binding upon all Undertakings providing publicly available electronic communications services directly to end-users.

4. MEASURES TO ENSURE EQUIVALENCE IN ACCESS AND CHOICE FOR DISABLED END-USERS

Accessibility Statement

4.1 In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking to which this Decision Instrument applies, shall develop, publish, provide and maintain in accessible format, an Accessibility Statement which contains at a minimum:-

- I. Information about the accessibility products and services available to end users, including those mandated in accordance with Regulation 6 and 17 of the Universal Service Regulations.
- II. Information about the range of accessible contact methods and details to assist disabled end-users, including those mandated in accordance with Regulation 17 of the Universal Service Regulations.
- III. Information about the undertaking’s approach and policy in respect of providing services and information to disabled end-users, including in respect of obligations mandated in accordance with Regulation 17 of the Universal Service Regulations.

- IV. The Information provided in I, II and III above to include details of what is provided, how the disabled end-user can access it and details of associated contact information.
- V. A statement regarding the undertaking's participation in ComReg's Forum on Electronic Communications Services for People with Disabilities as relevant.
- VI. The date when the accessibility statement was last updated and the date by which it will be next reviewed or revised.

4.2 The Accessibility Statement is to be made available in a range of accessible formats including HTML, Accessible PDF and Large Print. Additionally it is to be provided in Braille and Audio upon request.

4.3 The Accessibility Statement is to be developed to ensure that it is easy for disabled end users to read and understand.

5. STATUTORY POWERS NOT AFFECTED

Nothing in this Decision Instrument shall operate to limit ComReg in the exercise and performance of its statutory powers or duties conferred on it under any primary or secondary legislation (in force prior to or after the Effective Date of this Decision Instrument) from time to time.

6. MAINTENANCE OF OBLIGATIONS

If any Section, clause or provision or portion thereof contained in this Decision Instrument is found to be invalid or prohibited by the Constitution, by any other law or judged by a court to be unlawful, void or unenforceable, that Section, clause or provision or portion thereof shall, to the extent required, be severed from this Decision Instrument and rendered ineffective as far as possible without modifying the remaining Section(s), clause(s) or provision(s) or portion thereof of this Decision Instrument, and shall not in any way affect the validity or enforcement of this Decision Instrument or other Decision Instruments.

7. EFFECTIVE DATE AND DURATION

This Decision and Decision Instrument is effective from the date of publication, and shall remain in full force unless otherwise amended by ComReg.

Undertakings to which this Decision Instrument applies must comply with these measures by 1 January 2016.

JEREMY GODFREY
CHAIRPERSON
THE COMMISSION FOR COMMUNICATIONS REGULATION
THE 31st DAY OF August 2015

Annex: 2 Legal Basis

A 2.1 Regulation 17(1) of the USRs provides that ComReg may, where appropriate, specify requirements to be complied with by undertakings providing publicly available electronic communications services in order to ensure that disabled end-users: (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.

A 2.2 Under Regulation 15(6)(f) of the USRs, ComReg may require an undertaking providing electronic communications networks or publicly available electronic communications services to regularly inform disabled subscribers of details of products and services designed for their requirements.

Annex: 3 Measures Contained within ComReg Decision D04/14

A 3.1 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 3.2 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:

- VII. Top up independently using cash;
- VIII. Have no requirement to follow voice prompts;
- IX. 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
- X. 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 3.3 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 3.4 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*"¹¹, 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 3.5 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;

¹¹ ComReg Document 13/52, ComReg Decision D08/13

- i. a testing facility to test terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment or
 - 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 3.6 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 Initiative¹², as developed by the World Wide Web Consortium (W3C), 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;

¹² 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.

- 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
- 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 3.7 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