



Commission for
Communications Regulation

Vodafone credits customers €2,500,000 and pays ComReg a penalty of €250,000 for breach of contract change rules

Information Notice

Reference: ComReg 17/80

Date: 03/10/2017

1. Vodafone Ireland Limited (“Vodafone”) has paid ComReg a penalty of €250,000 after an investigation found that the manner in which Vodafone had signed up Pay As You Go (“PAYG”) customers to its “Red Roaming” package was in breach of Regulation 14(4) of the Universal Service Regulations¹ and ComReg Decision D13/12² on Contract Change Notifications.
2. On 9 March 2016, Vodafone changed Clause 6 of its Terms and Conditions so that PAYG customers were automatically opted into Red Roaming. ComReg found that the manner in which Vodafone notified its PAYG customers of this contract change was not compliant with relevant provisions. Please note that this investigation predates the “Roam Like at Home” regulations that came into effect on 15 June 2017.
3. Vodafone’s payment comes on foot of ComReg’s opinion that the manner in which the contract change was implemented by Vodafone was contrary to Regulation 14(4) of the Universal Service Regulations and the requirements of ComReg decision D13/12 on Contract Change Notifications.
4. Vodafone has accepted that it breached the relevant provisions and has paid the penalty in full.
5. Vodafone has confirmed that it has credited over €2,500,000 to those customers who did not benefit financially from being opted into Red Roaming when they roamed.
6. In addition, Vodafone has confirmed to ComReg that (i) it will not use such automatic opt-ins to contract changes in future and will fully comply with its regulatory obligations under both the Universal Service Regulations and the requirements of ComReg Decision D13/12 on Contract Change Notifications; and (ii) that it has placed information on its website and in its confirmation email to all new PAYG customers that Red Roaming is a default option for Roaming outside the EU.
7. ComReg will continue to monitor compliance with consumer rights legislation and to investigate as appropriate consumer complaints whether arising in respect of Regulation 14(4) of the Universal Service Regulations, ComReg Decision D13/12 or otherwise.

¹ European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011

² ComReg Document 12/129 (D13/12): “Contract Change Notifications – New Requirements”