



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Annual Reporting on the operation of Schemes for end-user Compensation

Reporting Information

Information Notice

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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1 Information Notice

- 1.1 The European Union (Electronic Communications Code) Regulations 2022¹ (“the Code Regulations”) and the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023², (“the 2023 Act”), transpose the European Electronic Communications Code³ (“the Code”) into Irish law.
- 1.2 Article 106(8) of the Code obliges Member States to lay down rules on the compensation of end-users by their providers in an easy and timely manner in the case of the failure of a provider to comply with the obligations laid down in that Article. These include delays in, or abuses of, porting and switching processes, and missed and delayed service and installation appointments.
- 1.3 Regulation 90 of the Code Regulations transposes the substantive obligations regarding porting and switching in Article 106. Section 39 of the 2023 Act allows ComReg to specify a failure to comply with Regulation 90 of the Code Regulations or a failure to comply with a minimum quality of service standard specified under section 37 of the 2023 Act, as a failure that gives rise to an obligation to pay compensation.
- 1.4 To date, ComReg has issued two decisions under the 2023 Act which have created compensation obligations for providers:
- Decision D01/24 in relation to delays and abuses of the switching and porting processes, with compensation obligations for providers in place since October 2024⁴, and
 - Decision D07/25 in relation to Missed and Delayed Service and Installation Appointments (“MDSIA”), with compensation obligations for providers that will commence from December 2025.⁵
- 1.5 Section 39(12) of the 2023 Act obliges providers to report to ComReg annually in relation to the operation of section 39 as it relates to them and to impose requirements on providers in respect of the manner in which they report.
- 1.6 ComReg will be issuing Regulatory Guidance in relation to the Compensation

¹ S.I. No. 444/2022 - European Union (Electronic Communications Code) Regulations 2022

² Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023.

³ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code

⁴ [Switching and Number Portability – End-User Compensation. Response to Consultation 23/92 and Decision 01/24 | Commission for Communications Regulation](#)

⁵ [Missed and Delayed Service and Installation Appointments – End-User Compensation. Response to Consultation 24/89 and Decision on switching and porting appointments | Commission for Communications Regulation](#)

Reports in the coming weeks which will include guidance on the timing, format and content of Compensation Reports. Please note the range of dates that the reports will cover will be:

- In relation to D01/24, the first report should cover the 15 months from 8 October 2024 to 31 December 2025, and subsequent reports should cover a 12-month calendar year.
- In relation to D07/25, the first report should cover the period from 4 December 2025 to 31 December 2025, and subsequent reports should cover a 12-month calendar year.
- The first reports will be due 31 January 2026 and subsequent reports due on 31 January every year.

Appendix 1: Legal Basis

Under Section 39(12) of the 2023 Act, ComReg may specify the manner in which providers report on the operation of compensation schemes.

Section 39 of the 2023 Act:

(12) Providers shall report to the Commission annually in relation to the operation of this section in such manner as may be required by the Commission, detailing in particular, in respect of the period to which the report relates—

- a) the specified failures in respect of which compensation was paid by the provider,
- b) the number of instances of each specified failure in respect of which compensation was paid by the provider,
- c) the amount of compensation that was paid in respect of each specified failure by the provider, and
- d) the average time taken by the provider to pay compensation to an end-user