



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Code of Practice for Complaint Handling

Minimum Requirements for ECS Providers

Response to Consultation and Decision

Reference: ComReg 25/54

Decision No.: D10/25

Date: 01 September 2025

Additional Information

Related Publications	Document Number
'Code of Practice for Complaint Handling; Review of Minimum Requirements for ECS Providers' Submissions to Consultation 25/23	ComReg 25/54s
'Code of Practice for Complaint Handling; Review of Minimum Requirements for ECS Providers' Consultation and draft requirements	ComReg 25/23

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1 Executive Summary

1. Every **provider**¹ is required under the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (the “**2023 Act**”) to have procedures for dealing with complaints and for settling disputes with **end-users**² of electronic communications networks and electronic communications services (“**ECN**” and “**ECS**” respectively)³ that are accessible, fair, prompt, transparent, inexpensive and non-discriminatory⁴ and to prepare, publish, keep updated and implement a code of practice for dealing with complaints and for settling relevant disputes⁵.
2. The Commission for Communications Regulation (“**ComReg**”) has statutory powers to specify the requirements that must be met by providers to ensure compliance with their obligations in this regard and to specify requirements for the manner of publication of a code of practice.
3. On 22 April 2025 ComReg set out proposed revisions to the existing minimum requirements for a code of practice (the “**2017 Requirements**”⁶) and the reasons for them, in its consultation entitled “Code of Practice for Complaint Handling; Review of Minimum Requirements for ECS Providers” (ComReg 25/23)⁷ (the “**consultation**”). Furthermore, ComReg proposed to retain many aspects of the 2017 Requirements, and while those aspects were not the focus of the consultation ComReg’s approach was to set out its proposed revisions to the Decision Instrument in ComReg Decision D04/17 by way of tracked changes in Appendix 1 and to consult in full on the new draft Decision Instrument in Appendix 2, which ComReg proposed would replace Decision Instrument D04/17.

¹ The term ‘Provider’ is defined in Section 40 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023

² See paragraph 3 of ComReg 25/23

³ For the definitions of ECN and ECS see Part 1(2) of the European Union (Electronic Communications Code) Regulations (“ECC Regulations”) [Online:] [\[S.I. No. 444 of 2022\]](#), published 12 September 2022

⁴ Section 41 (1) of the 2023 Act

⁵ Section 42 (1) of the 2023 Act

⁶ Electronic Communications Complaints Handling Code of Practice - Response to Consultation and Decision (ComReg Document 17/62, D04/17) [Online:] [ComReg D04/17.pdf](#)

⁷ Code of Practice for Complaint Handling; Review of Minimum Requirements for ECS Providers (ComReg Document 25/23) published 22 April 2025 [Online:] [ComReg 2523.pdf](#)

4. Nine (9) respondents submitted comments to the consultation namely:
 - Age Friendly Ireland (“AFI”)
 - An Post Mobile
 - Eircom Limited (trading as 'eir' and 'open eir'), collectively referred to as 'eir Group' (“eir”)
 - PrepayPower
 - SIRO
 - Sky Ireland (“Sky”)
 - Three Ireland (“Three”)
 - Virgin Media Ireland Limited (“Virgin Media”)
 - Vodafone Ireland (“Vodafone”)
5. This Response to Consultation paper sets out ComReg's consideration of these responses and ComReg's final position is set out in Chapter 2.

1.1 Summary Statement

6. ComReg is specifying minimum requirements (“**the requirements**”) around complaints handling procedures. These build on existing and long-established requirements in this area. The requirements take account of legislative change since the existing requirements were made. They also reflect the evolution in technology during this period and in the means through which end-users communicate with their service providers.
7. Revisions to the statutory scheme made in 2023 established a new framework for the resolution of complaints and disputes in the electronic communications sector. This framework is founded upon certain key principles. These are that procedures for complaint handling and dispute resolution should be accessible, fair, prompt, transparent, inexpensive and non-discriminatory. This framework introduced new provisions while also maintaining established requirements, including ComReg's existing requirements in this area.
8. The requirements that ComReg is specifying are minimum ones. Providers remain free to go above and beyond them in the interests of their customers and are encouraged to do so.

9. The aims of the requirements reflect the statutory principles. Transparent and consistent procedures amongst providers brings clarity and understanding for end-users in terms of what they can expect from their provider, when they can expect it and what rights are available to them should they remain dissatisfied with the response they are given. Information provision, and the form in which it is provided, is central to these aims. Effective and fit for purpose complaint handling processes should be timely, responsive and customer focussed. Proactive and not re-active approaches should be taken by providers.
10. The requirements also seek to take account of experiences gained and lessons learned from the application of the existing requirements to date. While many aspects and key concepts from the existing requirements are retained, revisions are necessary. Through the requirements ComReg seeks to achieve the following aims:
 - (i) To ensure there are defined and transparent timelines for complaints handling consistent with the principle of promptness and the need for timeframes to resolve disputes. This is achieved through a revision to the definition of what is a complaint which provides clear start and endpoints for complaint handling procedures in every case, ensuring that they are consistent across providers and coherent with statutory timeframes around dispute resolution. This will also address a current imbalance of power between end-users and providers in relation to determining when the life cycle of a complaint can begin.
 - (ii) To empower end-users through the provision of complete, specific and relevant information at the points in time in the process where it matters most to them. This is achieved through revisions to the content and form in which key existing complaint communications are provided to them. Now, end-users will receive more than templated responses. They will be informed from the outset of their complaint in the form of a record they can retain for future reference, of their statutory rights relating to dispute resolution and of precisely when they can expect to have received a response to their complaint. They will also be directed to their provider's code of practice for complaint handling where further relevant information will be available to them.
 - (iii) To ensure that end-users are provided with a record in a durable form of the outcome of the process in the form of a Complaint Response. This will inform them, as applicable, of the aspects of their complaint that have been resolved, those that have not and the reasons for same, and the date by which any outstanding aspects will be resolved and how. That these records will be available to end-users for later reproduction should be of great assistance to end-users and providers alike in their interactions with each other, where both sides can engage on an equal footing. These revisions will be applied non-discriminately across all complaints channels and should bring tangible

benefits to end-users, in particular elderly and vulnerable customers and those with accessibility requirements.

- (iv) Consistent with the theme of a proactive approach to complaint handling, to ensure that providers take specific actions where an end-user seeks to make a complaint through a non-complaint handling channel. Where such channels are normally used for customer contacts, unless a statement is made to the contrary by the provider, they will either deal with the complaint, directly transfer the end-user to a complaint channel, or re-direct them to the relevant channel(s) and to their code of practice. In this regard, end-users should no longer find themselves facing barriers to having a complaint handled simply by reason of them using the incorrect channel.
- (v) Reflecting the increased usage of electronic means to make complaints, to enable end-users to obtain a copy of their written submissions made through at least one electronic means. This is consistent with the principles of fairness and transparency. For example, If an online form is provided as the electronic means of contact the end-user should also have the facility to download or print a copy of what they have submitted via the online form, or this should be provided to the end-user automatically.
- (vi) To ensure providers retain complaints records for a minimum 12-month period. In the interests of fairness and transparency particularly where disputes arise, including those that may be referred to ComReg for resolution, it is important that these records are retained for a reasonable period.
- (vii) To ensure that information in Codes of Practice should not be hidden or obscured by other irrelevant information. Codes of Practice are a source of key information for end users. The requirements seek to prevent this key information from being missed by end-users. Given the importance of weblinks in this context, it is further required that code of practice links from providers home pages must always be working. Codes of practice will also now be a source of information in relation to compensation schemes that providers are required to publish pursuant to other requirements imposed by ComReg. In this way they will have access to this key related information in one place.
- (viii) To align the requirements with the updated statutory scheme and structures.
- (ix) To provide guidance to providers on other issues relevant to complaint handling and dispute resolution to ensure customer-focussed approaches are taken and also that there is consistency among providers and certainty in terms of what is expected of them in particular circumstances.

- (x) To bring to an end poor end-user experience of the past such as:
 - a. End-users experiencing difficulties making a complaint whether by reason of not using a specific word or formula of words, by reason of an agent taking the view that the issue they raise lacks merit, or by reason of having used an incorrect channel.
 - b. End-users having a complaint closed without their knowledge
 - c. End-users not being provided with a complaint reference number, even upon request.
- 11. While new requirements will be placed on providers, ComReg has afforded flexibility to them in some specific instances in terms of how they achieve compliance and the extent of the changes they choose to make to their current practices. In some cases, the requirements are elective or, there are tiered requirements with flexibility given to providers as to which tier they bring themselves in line with, which may reflect their current practices or the approach they choose to take. So long as providers clearly communicate with their customers in these situations, they can manage and control the extent of these additional requirements.
- 12. Ultimately, providers should aspire to limit the volumes of complaints they receive from their customers, and they retain control over this, however where complaints are received, they should be promptly, transparently and fairly addressed. These requirements seek to facilitate these aims.
- 13. The requirements reflect the proposals ComReg set out in the consultation however the following amendments have been made having considered the responses received:
 - (i) Complaint: ComReg has revised the definition of a 'Complaint' to expressly state that no particular word or formula of words is required to be used by an end-user in order for a complaint to be made. ComReg has removed the reference to expressions of dissatisfaction made implicitly or explicitly and instead provided guidance to providers on these matters.
 - (ii) Complaint Acknowledgement: it has been clarified that in the case of a complaint deemed made after 2 working days where there is no initial attempt made prior to that by the provider to resolve the issue, a Complaint Acknowledgement must be issued within a maximum timeframe of 3 working days from the day the issue was raised to the provider by the end-user.
 - (iii) Complaint Update: the proposed requirement for Providers to provide a standalone document called a Complaint Update has been removed and instead the relevant aspects of the information that would have been in the Complaint Update are now included in the Complaint Response.

- (iv) Proposed Complaint Resolution: the word “final” has been removed from the definition of a “Proposed Complaint Resolution”.
 - (v) Effective Date: a 6-month implementation period will be allowed before the Decision comes into effect and before ComReg Decision D04/17 will be revoked and replaced in full. ComReg has removed the explicit requirement for providers to specifically demonstrate within 1 month of the effective date, compliance with regard to minimum requirements of the code of practice.
 - (vi) Transitional Measures: Notwithstanding that ComReg Decision No. D04/17 is revoked on coming into effect of this Decision its provisions shall continue to apply to complaints that are raised by a Complainant to a Service Provider prior to the effective date. Any complaint raised prior to the effective date shall be governed by ComReg Decision No. D04/17.
14. The final requirements are published with this Response to Consultation and Decision in Annex: 1. The responses received to the consultation are published in ComReg Document 25/54s.
 15. All references to requirements in this document refer to the final requirements, as set out in [Annex: 1](#), unless otherwise stated.
 16. The requirements will take effect six (6) months from the date of the publication of this Response to Consultation and Decision.

2 Respondents' views - summary, analysis and ComReg's position

17. In the consultation, ComReg set out the proposed changes with reasons and it sought the views of respondents on them.
18. Comments on the draft revised requirements are addressed under the following headings:
 - (i) General responses;
 - (ii) Definition of a 'Complaint' and related matters:
 - a. Issue to become a complaint after 2 working days if no attempt to resolve;
 - b. An expression of dissatisfaction by an end-user can be explicitly or implicitly made;
 - c. Complaints relating to a provider's complaint handling process; and
 - d. Other comments relating to the definition of a 'Complaint'.
 - (iii) First point of contact for complainants, including the channels for making complaints;
 - (iv) Retention period for records related to a complaint;
 - (v) Definitions of Complaint Acknowledgement, Complaint Update and Complaint Response and Durable Medium;
 - (vi) Accessibility of complaints procedures and information relevant to the code of practice;
 - (vii) Implications and timeframe to implement; and
 - (viii) Other matters raised including comments on the draft Decision Instrument.
19. All legislative references in this document are to the 2023 Act unless otherwise stated.
20. All references to 'ISO 10002:2018' are to ISO 10002:2018 'Quality management — Customer satisfaction — Guidelines for complaints handling in organizations'⁸ of relevance to providers' and use is with permission from NSAI.

⁸ Available from the National Standards Authority of Ireland ('NSAI') [Online:] [ISO 10002:2018 Quality management — Customer satisfaction — Guideline](#)

2.1 General responses

22. Respondents made submissions based on the questions asked by ComReg in the consultation and specific responses are addressed below under relevant headings, however general statements regarding ComReg's overall aims and objectives were made as set out below.
23. Prepay Power shared ComReg's view that the electronic communications sector plays a vital role in supporting customers to live, work and communicate and was *"fully supportive of the enhancement of the complaints process in order to ensure that all customers receive the best service and customer experience possible."*
24. SIRO supported the principle of enhancing transparency and fairness in complaint handling.
25. Sky welcomed ComReg's initiative to ensure end-user protection by updating the minimum requirements for a code of practice for complaint handling of ECS providers.
26. An Post Mobile recognised the need for ComReg to ensure that service providers have in place a code of practice for complaint handling and that end-user complaints are handled in accordance with the provisions of such codes of practice.
27. Age Friendly Ireland welcomed the proposed measures that aimed to help consumers to have their complaints addressed promptly and effectively.
28. Vodafone supported the objective of ensuring that complaint handling procedures are fair, prompt, transparent, inexpensive and non-discriminatory, however it stated that certain elements of the proposed regulatory approach may benefit from further refinement to ensure proportionality. It submitted that ComReg could, as an alternative to its proposals, provide *"a clear statement on expectations on compliance"* and simply update the 2017 Requirements to reflect legislative changes. A similar point regarding intervention generally not being necessary was made by Virgin Media.

2.2 Definition of a ‘Complaint’ and related matters

29. ComReg proposed in the consultation to amend the definition of ‘complaint’ from that defined in the 2017 Requirements.
30. The consultation set out that the key elements of the proposed definition of a complaint are that there is an issue raised, it remains unresolved following an initial attempt to resolve it, and the end-user expresses dissatisfaction or, there is no attempt made to resolve the issue raised.
31. The consultation proposed amendments and respondents commented on the following aspects as set out below.

2.2.1 Issue to become a complaint after 2 working days if no attempt to resolve

32. The consultation noted that inaction by providers to resolve an issue raised by an end-user may frustrate end-users in their pursuit of redress, and in engaging their statutory rights relevant to complaint and dispute resolution.
33. ComReg set out in the consultation (see paragraph 40) that where there is no attempt made by a provider to resolve an issue raised by an end-user through a complaint handling channel set out in the provider's code of practice within 2 working days from the issue being raised, the issue would be deemed to be a complaint made at the time the issue was raised to the provider by the end-user.
34. ComReg noted there must be meaningful, specific and demonstrable engagement by a provider on the resolution of the issue raised by the end-user in order for that engagement to be considered an 'attempt to resolve an issue'.

Respondents' views:

35. Respondents cited the potential for the volume of complaints to increase if issues, in respect of which there is no attempt to resolve within two working days of receipt, are deemed to be complaints:

- (i) eir stated:

“The proposed requirement... risks flooding the complaints process with non-complaints, with the potential to result in bottlenecks and the masking of more urgent matters.”; and

“In the absence of a genuine dispute where the provider has explicitly disagreed with the customer-there is no basis for referral to ComReg's dispute resolution process”.

- (ii) Vodafone stated: *“The automatic escalation of unresolved issues to complaint status may artificially inflate complaint volumes. This could impact internal reporting, regulatory submissions under Section 43 of the 2023 Act, and public perception of customer service performance.”*

36. Respondents cited potential negative impacts on operations:

- (i) An Post Mobile stated that the proposal: *“is unnecessary and only serves to increase the administrative burden for the service provider”*.
- (ii) SIRO disagreed with the proposal regarding deemed complaints and stated that it was: *“disproportionate and inconsistent with international norms”*.
- (iii) Sky stated:

“We consider there is a risk that automatically deeming an issue as a complaint after two working days without agent’s review could dilute true complaints data and hinder our ability to carry out a route cause analysis and ultimately our future customer improvement strategies. It could also overload operational teams with issues that do not reflect actual dissatisfaction and lead to delays in addressing true complaints”; and

“...require a combination of technical development, internal process redesign and quality assurance oversight... [that] will have the effect of delaying other developments and reducing funds available for other developments, which would more obviously enhance customer service”.⁹

Sky further stated that automatically deeming an issue a complaint retroactively could lead to discrepancies in its reporting and compliance tracking and that it could confuse customer service agents and customers regarding timelines and resolution expectations.

37. A similar point was made by Vodafone who also referred to the risk of *“premature escalation to ComReg”*, noting that end-users *“may become eligible to escalate disputes to ComReg more quickly”*.

38. Virgin Media submitted that 2 working days was not enough for practical reasons, and that at least 5 working days was more appropriate. It stated:

“Issues can arise that require technical investigation or a technician visiting a property, which takes time. Service Providers must also engage with end-users through non-real-time formats, like emails and letters, which also necessitates a sufficient (sic) long response timeframe of at least 5 working days”.

⁹ A similar point about the need for systems reconfiguration was made by Vodafone.

39. Some respondents cited potential difficulties in it determining whether an initial attempt had been made to resolve an issue. Vodafone stated: *“The requirement for a “meaningful, specific and demonstrable” attempt to resolve an issue is open to interpretation. Providers may face uncertainty about what qualifies as sufficient engagement, particularly where the issue is complex and requires triage”*.
40. Sky understood and supported the intention to ensure timely and fair treatment of customer issues. However, it sought clarification regarding real-time channels, such as phone calls:
- “Specifically, we would welcome confirmation that where a provider makes genuine attempts to contact the customer (e.g. by phone) but receives no response, this would still be considered an “attempt to resolve” under the proposed definition. This would help ensure providers are not penalised in cases where the lack of engagement is outside of their control. Sky always makes a meaningful and targeted attempt to contact our customers repeatedly to seek to explore and resolve their issues”*.
41. Three stated: *“We seek clarification from ComReg on what constitutes a “sufficient attempt” to resolve an issue*. It gave specific examples involving automatic and ‘holding’ messages.

ComReg’s analysis:

42. In its consultation ComReg emphasised the need for end-users to be able to make complaints and for them not to be frustrated in doing so by providers’ own inaction. It is important to reiterate that the proposal to deem issues to be complaints after 2 working days applies only to issues that have been ignored, or in respect of which there has been no meaningful attempt at resolution.
43. In such circumstances end-users who have been ignored or not had a meaningful attempt by their provider at resolving the issue will, after 2 working days, be able to have a ‘start date’ for their complaint. This can be used by the end-user to calculate when they can subsequently exercise their statutory right under 47(1)(a) of the 2023 Act to refer a dispute with a provider to ComReg when *“a period of at least 10 days has elapsed since the complaint giving rise to the dispute was made”*. Without this, end-users may be frustrated in their attempts to raise a complaint with their provider simply because that provider has failed to meaningfully engage with their issue. They may have no start date to enable them to refer a dispute to ComReg.

44. While certain providers cited the potential for the volume of complaints to increase because of this proposal, it remains the case that providers retain control of this through their ability to meaningfully respond to an issue raised within 2 working days. The issue need not necessarily be resolved within that period. Some issues will require more time to resolve. However, for an issue not to be deemed a complaint after 2 working days, there must have been an initial attempt to resolve it that is either at an end (with the issue resolved), or there has been some meaningful, specific and demonstrable attempt by the provider to resolve the issue raised and that attempt is ongoing. ComReg notes that in other sectors, for example providers of broadcast and on-demand audio-visual services¹⁰, no additional time is afforded for an initial attempt to resolve an issue to be made prior to the issue becoming a complaint.
45. Limiting the volume of complaints for providers is not a factor that is determinative of all others. The potential for complaint volumes to rise if issues are not meaningfully engaged with within 2 working days must be balanced against the need for end-users to have a clear understanding of when a complaint has been made by them. Part 5 of the 2023 Act and the right to refer a dispute to ComReg for resolution requires that an end-user knows the point in time when they made their complaint. Contrary to the submission of one provider, ComReg is of the view that having this understanding will not confuse customers regarding complaint timelines and resolutions – it will do the very opposite. If a provider can unilaterally delay an issue becoming a complaint through inaction, then the statutory scheme that aims to give end-users quick access to a dispute resolution mechanism is undermined and open to abuse.
46. While one provider described a risk of “*premature escalation to ComReg*”, this does not take account of the time allowed to make an attempt to resolve an issue, or of the subsequent time afforded to resolve a complaint once it has attained that status. If these timeframes pass without resolution (or in some cases any attempt to resolve) then escalation to ComReg could not be described as premature. However, ComReg expects that providers will engage in a meaningful way on issues raised in advance of 10 further days elapsing, and that in the vast majority of instances issues will be resolved without a need for referral to ComReg.
47. Furthermore, the 2017 Requirements already require that a Complaint Acknowledgement is provided to an end-user within a maximum timeframe of two working days. This timeframe would be meaningless if it was to run only from the point in time a provider unilaterally decided it would make an initial attempt to resolve an issue.

¹⁰ Section 47 of the Broadcasting Act 2009 (as amended) requires that once a matter raised to a broadcaster and/or an on-demand audio-visual service provider meets certain conditions and 'is made in good faith and is not frivolous and vexatious', it is immediately considered a complaint.

48. Certain providers submitted that this proposal would result in “*non-complaints*” (complaints that were not “*true*” or “*genuine*” or did “*not reflect actual dissatisfaction*”¹¹) becoming part of the complaints process. It is obviously the case that some deemed complaints will derive from issues that could have been resolved without them becoming complaints had there been an initial attempt made to resolve them earlier. However, it is clearly not the case that every deemed complaint will not be genuine. The focus of these submissions instead appears to be on the fact that issues capable of resolution at the initial stage will become complaints without providers having had an opportunity to attempt to resolve them. This is a matter separate to the substance (genuine or otherwise) of the issue raised by the end-user. It is also incorrect however, as the provider will have had 2 working days to meaningfully engage with the end-user to attempt to resolve the issue.
49. Deeming the matter a complaint starts the clock running for the end-user to obtain a Complaint Response and to have the right to refer the matter to ComReg for dispute resolution.¹² It does not deprive the provider of an opportunity to resolve an issue raised or any complaint to which it may give rise. Of itself, it does not automatically increase the volume of complaints, nor does it require the resolution of issues within a specific period. It requires only that there is a meaningful attempt to provide a resolution by the provider within 2 working days.
50. Some providers referenced potential “*overload*”, “*flooding*”, “*burden*” and “*bottlenecks*” for complaints processes arising from deemed complaints. Complaints, by definition, derive from issues. These providers did not explain how the issues that would give rise to such complaints, would not create the very same problems. It is already the case that a Complaint Acknowledgement must be provided to an end-user within 2 working days.

¹¹ The meaning of “*issues that do not reflect actual dissatisfaction*” is unclear/inaccurate in circumstances where delays to making a complaint or having a matter treated as a complaint may themselves give rise to dissatisfaction.

¹² While one provider submitted that it was “unclear” how the 2 working day period to deem a complaint would “*assist end-users in exercising their right to refer a dispute to ComReg for resolution*”, this submission was premised on there being an “absence of a genuine dispute” involving specific disagreement with the customer. This submission appears to overlook the reasons behind the proposal which include better protecting end-users from situations in which they are not able to express dissatisfaction (and thereby make a complaint) because their provider is ignoring their issue or not meaningfully engaging with it. This provider submitted that not responding to an issue/complaint was a compliance issue for ComReg. The proposal seeks to better empower end-users to have their issues and complaints addressed in a timely manner and to be able to refer a dispute to ComReg in a relatively short time if they are dissatisfied with their provider’s response or, indeed, lack of response.

51. A provider, in its response, referred to and emphasised the importance of agent review in the process. It submitted that “*true complaints data*” could be diluted and root cause analysis made more difficult if a deemed complaint arose without prior agent review. The provider did not specifically address how long the process of agent review takes (or should take) nor what the impact of large volumes of issues would be on the timelines for such reviews. These factors are relevant also to the timing and effectiveness of root cause analysis that is dependent on such reviews first having been carried out. The submission also made no reference to any form of triage that may be used to identify urgent or more serious cases.
52. Providers should already be reviewing all issues that end-users may contact them in relation to in order that they may comply with existing requirements, resolve issues in a timely manner and minimise the level of complaints. Such a review will, at its most simplest, involve determining whether an issue is resolved or remains unresolved, and if unresolved whether the attempted resolution of it is ongoing. Issues that have been resolved may be closed or otherwise classified appropriately to reflect their status. Providers should already have the means to review and classify issues as resolved or unresolved and to calculate relevant volumes on their systems.
53. Regarding the submission that deemed complaints may result in “*urgent*” matters being masked, this appears to be premised on urgent matters not being identified through triaging of issues within a 2 working day period. If there is no such existing triaging of issues (whether across some or all complaints channels) within a 2 working day period, then it would already be the case that these urgent issues are not being dealt with any faster than that. In such a scenario the case for deemed complaint status appears stronger than the case against it.
54. Perhaps the very essence and need for the proposal was captured by the submission of one provider who stated:
- “It also stands to reason that a provider cannot prevent or frustrate an end-user in making a complaint and then argue that no complaint was made. For these reasons, we think the current definition is sufficient”.*
55. ComReg is aware of instances where this very position has been taken by providers. Indeed, the submissions referenced above record the opposition of some providers to the proposal thereby evidencing their view that it is different to the current requirements. It is with a view to preventing these frustrating customer experiences from occurring that the proposal is made. It cannot be open to a provider, consistent with good customer service, to unilaterally determine when a customer can progress a complaint.¹³

¹³ ComReg notes that the Timeliness, Responsiveness, Customer-focussed approaches and competence of staff are ‘Guiding Principles’ of ISO 10002:2018.

56. Insofar as providers submitted that the proposal regarding deemed complaints could “*artificially*” inflate the complaints volumes that must be reported to ComReg, this obviously is premised on the current definition of Complaint (as the proposed definition would mean the artificiality referred to would not arise – i.e. a deemed complaint is a form of complaint). The submission therefore appears to be one that the definition of Complaint should not be amended as the scope of complaints would broaden. The reasons for the proposed amendment have been set out and the benefits to end-users are considered to outweigh any disadvantage that may be experienced by providers in having to report a larger volume of complaints. While one provider submitted that the proposal could lead to discrepancies in complaint reporting, if deemed complaints are tracked as having been made 2 working days previously, such discrepancies should not arise.
57. Some providers sought clarification regarding what was a sufficient attempt to resolve an issue and what was to be understood by a “*meaningful, specific and demonstrable*” attempt to resolve an issue. ComReg is of the view that at its most basic, a meaningful attempt to resolve an issue must involve the provider engaging on the specific issue raised by the end-user. Automated, templated or general responses do not meet the threshold of being specific to the issue raised. ‘Holding messages’ that simply point to a future time when a substantive response might be expected similarly fall short of what is required. This is not to suggest that there is anything wrong with using templated/automated or holding responses to acknowledge a contact and perhaps to also convey other relevant information however, to amount to a sufficient attempt to resolve an issue, something more than a response that could be issued to *any* end-user about *any* issue, is required.
58. The attempt to resolve should seek to progress the issue raised in a useful way and be of value to the end-user. It should amount to more than mere acknowledgement or categorisation of the issue raised. A commitment to engage on some future occasion is not a meaningful attempt to resolve an issue.
59. An attempt to resolve an issue does not require that the issue is fully resolved. ComReg accepts and understands that some issues may take longer to resolve than others. What is required is that the provider is actively seeking to resolve the issue through specific and meaningful engagement on it with the end-user. The provider should not unnecessarily or unreasonably prolong this engagement to delay complaint status being reached.

60. The requirement that the attempt to resolve is demonstrable is also important. This is because there may be subsequent disagreements between end-users and providers as to the status of an issue/complaint at a particular point in time. If a provider seeks to establish subsequently that complaint status was not reached or not reached at the point in time claimed by an end-user, the provider will need to be able to demonstrate that it did engage meaningfully with the end-user in an attempt to resolve the issue at the relevant time. The retention obligations set out in [Section 2.4](#) will be relevant in this regard and should be of assistance to providers in demonstrating their attempt to resolve the issue.
61. One provider sought confirmation whether genuine attempts to contact a customer (e.g. by phone) that were not responded to by the customer would be considered an attempt to resolve and whether providers would be “*penalised*” in cases where the lack of engagement was outside of their control. ComReg accepts and agrees that where a provider is prevented from making an initial attempt to resolve an issue due to the non-responsiveness of the customer during the 2 working day period that the matter should not be deemed a complaint at that point. The provider should be able to demonstrate that the contact was attempted and also that it was necessary in order to attempt to resolve the issue. Contact using means that do not enable direct re-contact (such as calling through a general phone number or a ‘no-reply’ email address) are unlikely to be sufficient particularly if the end-user is forced to re-commence the process on re-contacting the provider.
62. One provider submitted that 2 working days was not enough, however this submission appeared to be based on a misunderstanding as to what was required to happen within that timeframe. The submission was to the effect that issues requiring technical investigation or visiting a property would take longer than 2 working days. For the avoidance of doubt, an issue will not become a complaint if a meaningful attempt to resolve it has been made within the first 2 working days and is ongoing at the 2 working day point.
63. By way of example, if an end-user raises an issue on Monday, ‘day 0’, and on Tuesday (day 1) is contacted by an agent who identifies the need for a technical visit to the end-user’s property and that visit is scheduled by agreement for Friday (day 4), which is 4 working days after the issue was raised, this would not be a complaint per the revised definition because at 2 working days following the issue being raised (Wednesday), the provider had made an attempt to resolve the issue which is meaningful, specific to the issue raised, and demonstrable, (e.g. through a record of the details of the arranged technical visit).

64. Regarding the further submission by this provider regarding non-real-time contacts (such as emails and letters), the position is similar – it is only where there has been no, or no meaningful attempt to resolve within 2 working days that such contacts will be deemed complaints. They will not be deemed complaints if, for example, the provider responds to an email and seeks specific information from the end-user regarding the issue and a response is awaited at the 2 working day point. Furthermore, if a resolution is proposed by the provider before the expiry of 2 working days but no response has yet been received by the provider from the end-user, this will also not be a complaint as the attempted resolution will be ongoing, and it cannot be said that the issue is unresolved, owing to the end-user's non-response.
65. While the provider in question sought that “*at least 5 working days*” was allowed to respond to the issue before it became a complaint, the need for this additional time was not justified other than on the basis that the exchange was not in real-time. No principled reason was advanced to justify why end-users using non-real time channels should have to wait 5 working days simply for an initial attempt at resolution.
66. Another provider submitted that there was no evidence to justify, or demonstrated benefit to, the “*re-categorisation of unresolved issues as complaints after 2 working days*”. This submission misunderstands the proposal. If the provider makes no attempt or no meaningful attempt to resolve the issue, it will be deemed a complaint after 2 working days. This does not equate with treating any unresolved issue as a complaint after 2 working days. As noted above, an attempted resolution may be ongoing at this point. ComReg also disagrees with the submission that deeming complaint status will occur “*in the absence of customer intent*”; rather, it occurs in the absence of any (or any meaningful) attempt to resolve by the provider. The justification for and benefit of the proposal made has been addressed in the consultation and elsewhere in this response.
67. The same provider stated that “*customers remain free to lodge a complaint at any time*”. The current definition of Complaint requires, amongst other things, an initial attempt to resolve the issue by the provider. The ability of an end-user to make a complaint is therefore dependent on that initial attempt occurring. Where it does not, an end-user cannot lodge a complaint or, at a minimum, they may be unreasonably delayed in doing so. The provider submitted that “*a more appropriate default threshold for escalation*” would be 10 working days, consistent with the timeframe to refer a dispute to ComReg for resolution “*and would acknowledge that many issues are complex and may reasonably require more time to resolve*”.

68. In this scenario, the end-user might have to wait for the expiry of 10 working days for the matter even to reach complaint status. This mirrors the existing timeframe within which a Complaint Response is required. ComReg does not consider that this timeframe would meet the requirement of section 41 of the 2023 Act that procedures for dealing with complaints and for settling disputes are prompt. It is also the case that it would then be a further 10 days before a dispute could be referred to ComReg.
69. The submission that 10 working days was more appropriate “*unless the customer explicitly states otherwise*” overlooks the fact that the proposal addresses, at least in part, circumstances in which the customer is not responded to or is not meaningfully responded to. Therefore, there may be situations in which this explicit statement cannot be made or is made but ignored. However, the provider concluded the submission by stating the 10-working day proposal would be consistent with the additional time needed to resolve complex issues. Again, the proposal does not limit the period to resolve issues; it merely gives end-users who have had no initial attempt made to resolve their issue (or no meaningful attempt) complaint status.
70. ComReg does not agree with the submission that the 2 working day period to deem a complaint is “*disproportionate and inconsistent with international norms*”. The provider does not actually cite what ‘international norms’ it is inconsistent with and, as noted previously, ISO 10002:2018 actually affirms the importance of timeliness in handling complaints which it places as one of the standard’s ‘Guiding Principles’.
71. A Complaint Acknowledgement is currently required to be provided to end-users within a maximum timeframe of 2 working days. A Complaint Response is currently required to be provided within a maximum timeframe of 10 working days. The current definition of a complaint allows for an issue to become a complaint during a single interaction where real-time channels are used. Where this occurs, providers are already required to provide a Complaint Acknowledgement to end-users. In the circumstances, ComReg does not agree with the submission that the 2 working day period to deem a complaint lacks a benchmark.
72. While noting that the proposal is likely to give rise to the need for systems changes, such as the need to identify when 2 working days have elapsed without a meaningful initial attempt to resolve the issue having been made, with associated cost for providers ComReg is of the view that the requirement is necessary, justified and proportionate to the identified aims. The ability to track issue handling is also something that ComReg expects providers are already doing to comply with existing requirements.

73. ComReg is of the view that it is feasible for providers to configure their CRM systems to convert into complaints, by automated means, any unresolved issues where no initial attempt to resolve the issue has been made after two working days. Such conversions could happen, for example, at a fixed point in time every night, by reference to the issue classification at that point in time.
74. Where a provider engages in a meaningful manner with an end-user about an issue raised, the issue will only become a complaint if it remains unresolved following the initial attempt to resolve it. This reflects current practice.
75. At paragraph 41 of the consultation ComReg stated that a deemed complaint engaged all the obligations pertaining to complaints including the requirement to give a Complaint Acknowledgement to the end-user and that there would be an “immediate” obligation to do so. ComReg has further considered this statement in light of the submissions received and issues raised by respondents, including the systems requirements that may arise for providers. ComReg has revised its view on this matter and is affording a longer period to providers within which to provide a Complaint Acknowledgement in the circumstances of a deemed complaint. This necessitates specific provision in the Decision Instrument. It will also afford providers a clear compliance period giving legal certainty.
76. ComReg has taken on board systems requirements arising from the proposals and has factored that into the reckoning of the period for providers to issue a Complaint Acknowledgement in the case of a deemed complaint. ComReg considers that for the purposes of reckoning when a Complaint Acknowledgement should issue in respect of these deemed complaints, regard should be had to the revised definition of complaint and in particular paragraph (b) thereof. That revised definition references two key milestones, firstly, the day the issue is raised to the Provider by an end-user and secondly, the requirement for 2 working days to lapse before the issue becomes a deemed complaint (where there has been no meaningful attempt to resolve the issue). In this regard, ComReg considers that for the purposes of reckoning when a Complaint Acknowledgment must issue, the starting point is the day the issue was raised to the Provider by the end-user. Then 2 working days must pass with no meaningful attempt to resolve. It is at this point that the issue becomes a deemed complaint, which triggers a requirement for a Provider to issue a Complaint Acknowledgment. ComReg considers that providers should have a further timeframe of 1 Working Day to do so. In effect this will mean that Providers must issue a Complaint Acknowledgment in respect of a deemed complaint within a maximum timeframe of 3 working days from the day the issue was raised to the Provider by the end-user (see also paragraph [196](#)).

77. Taking account of the revised definition of complaint and in particular paragraph (b) thereof, ComReg is revising the Decision Instrument to clarify that where an issue is deemed a complaint, a Complaint Acknowledgement is to be provided to the end-user within a maximum timeframe of 3 working days from the day the issue was raised to the Provider by the end-user. ComReg notes that the complaint will already be 2 working days old at the point the deeming of the complaint occurs and so this affords a further working day for providers to issue a Complaint Acknowledgment for a deemed complaint.

ComReg's position:

78. ComReg is of the view that it is appropriate, necessary and proportionate that an issue is deemed to be a complaint in the event that it is ignored or the provider has not made a meaningful, specific and demonstrable attempt to resolve the issue raised within 2 working days from the issue being raised. The issue will be deemed to be a complaint made at the time the issue was raised to the provider by the end-user.
79. Where an issue is deemed a complaint an obligation to issue a Complaint Acknowledgement also arises. The time period to issue a Complaint Acknowledgement in these circumstances is a maximum timeframe of 3 Working Days from the day the issue was raised to the Provider by the end-user.
80. Accordingly, paragraph [5.3.2](#) of the requirements will be revised by adding the following text in bold:

A Provider shall ensure that:

- (i) A 'Complaint Acknowledgement' is provided to the Complainant within a maximum timeframe of 2 Working Days from the day on which the Complaint was first notified to the Provider. **This is subject to 5.3.2(i)(a).**

5.3.2(i)(a) - Where an issue is deemed a Complaint in accordance with paragraph (b) of the definition of a Complaint in this Decision Instrument, a Complaint Acknowledgement shall be provided to the Complainant within a maximum timeframe of 3 Working Days from the day the issue was raised to the Provider by the end-user.

2.2.2 An expression of dissatisfaction by an end-user can be explicitly or implicitly made

81. To avoid situations in which an end-user is prevented from making a complaint to their provider on artificial or technical grounds based around specific wording having been used or not having been used, ComReg proposed in the consultation that an expression of dissatisfaction made by an end-user, in raising an issue or following an initial attempt to resolve an issue, can be explicitly or implicitly made.
82. ComReg also set out in the consultation (see paragraph 47) that for the purposes of meeting the definition of a complaint, the expression of dissatisfaction needs to take account of the initial attempt made by the provider to resolve the issue raised.

Respondents' views:

83. Respondents agreed with ComReg's position that specific wording should not be a prerequisite for determining what is to be treated as a 'complaint'.
- (i) eir stated: *"We agree that customers should not need to use specific wording in order for a Provider to treat a matter as a complaint"*. It considered the intent of the draft measure legitimate.
 - (ii) Sky stated that it did: *"...agree that an explicit statement of dissatisfaction, even where the specific wording of "I want to make a complaint" is not expressly used, should be considered a complaint"*.
 - (iii) An Post Mobile stated that it *"...acknowledges that it should not be necessary for end-users to say explicitly that they are dissatisfied..."*
 - (iv) Virgin Media stated: *"It would be nonsensical for a provider to argue that a complaint was not made just because the end-user did not loudly and explicitly declare – "I wish to make a complaint"*.
84. Respondents cited potential operational difficulties and consequences, including on complaint volumes reported to ComReg, from using of an implicit expression of dissatisfaction in determining what is a complaint:
- (i) An Post Mobile stated: *"Implicit dissatisfaction can be challenging to determine in a digital environment where body language and tone cannot be observed"*, and that *"there should be more tangible and robust parameters in determining implicit dissatisfaction"*. It recommended that at the very least the definition included that the dissatisfaction *"is reasonably implied from the situation or conversation"*.

- (ii) eir stated: “...*the concept of 'implicit' complaints by ComReg has the potential for abuse and is laden with subjectivity*” and “*tone of voice ...is too subjective and difficult to assess for care agents who have to deal with many calls every day*”. It stated that there was no evidence of the proportionality of this proposed measure and that it may result in regulatory uncertainty. It submitted that the proposal may be unworkable, unfair on providers, and may make it slower, more difficult and more expensive, contrary to the requirements for complaints handling processes set out in section 41 of the 2023 Act. It stated its view that “*the consultation’s exclusive focus appears to be on end-users*”, and that ComReg has statutory obligations to providers also. If retained, eir sought “*a basic, unambiguous and consistent assessment test*” from the outset in the Decision.
- (iii) Siro stated: “*Determining implicit dissatisfaction introduces subjectivity and legal uncertainty into complaint categorisation. This could expose providers to retrospective reclassification of queries as complaints, with corresponding regulatory obligations, without any actionable clarity.*” It sought that the retention of the current definition of Complaint or, “*at a minimum to restrict the definition to include only “explicit” expressions of dissatisfaction...*”
- (iv) Vodafone stated the proposal introduced several practical and operational concerns, as it:
- introduced a degree of subjectivity that may create operational problems
 - assumed providers could detect dissatisfaction without a clear verbal or written cue
 - could lead to inconsistent interpretations and compliance hazards
 - may result in over-classification of routine service queries as formal complaints, inflating complaint volumes and distorting reporting metrics
 - may require additional training, script changes and system prompts for staff, increasing burden and slowing down interactions
 - could give rise to premature escalation to ComReg, reputational risk and increased regulatory scrutiny.

85. Sky did not agree with the proposal and submitted that it did not comply with the requirements of fairness and transparency in section 41 of the 2023 Act and that the proposal could hinder its ability to provide up to date and accurate information promptly in cases where customer contacts were high, such as where there was a mass outage. It gave the example of a customer adopting a dissatisfied tone and stated: the *“burden on Sky customer service agents to determine whether or not this was in fact a complaint would be too onerous and involve assumptions and guesswork, which could lead to an issue being logged as a complaint, which is not in fact a complaint”*.
86. Respondents requested that ComReg provide guidance to clarify what approach is taken.
- (i) eir stated: *“Without a clearly defined and objective framework, any attempt to assess compliance with this requirement risks being unworkable and inconsistent”*.
 - (ii) Virgin Media submitted that the amendment was unnecessary. It stated that *“Interpretative guidance by ComReg would be sufficient to address this issue, to such extent that it exists”*. It noted that while the current definition of complaint did not state that dissatisfaction must be expressed in an explicit manner, neither did it state that dissatisfaction expressed in an implicit manner will not be accepted and that amending the definition would not give end-users more protection than they already have: *“It would be nonsensical for a provider to argue that a complaint was not made just because the end-user did not loudly and explicitly declare – “I wish to make a complaint””*.
 - (iii) PrePayPower submitted that the subjectivity arising would create practical challenges for agents and could result in customers entering its complaints process in situations where they might not have wanted or expected this. It stated: *“...we would request that ComReg in its final decision paper provide some practical examples or guidance...”*

ComReg's analysis:

87. ComReg notes there is consensus in industry that end-users should not be expected or required to use specific words in order for an expression of dissatisfaction to be made. This is important, as ComReg has observed instances where specific forms of wording have been required, notwithstanding one provider's submission (correctly made in ComReg's view) that this would be nonsensical.
88. ComReg has also observed instances where expressions of dissatisfaction did not result in recognition of a complaint where this ought to have occurred. Specific examples include the following:
- (i) End-users expressing dissatisfaction with a resolution and being told by a provider that there is nothing further that can be done.
 - (ii) End-users contacting a provider multiple times, expressing frustration over an issue but not being recognised as a complaint and not being given a complaint reference number by the provider.
 - (iii) End-users saying they are unhappy with a resolution proposed by a provider and that they want to speak to a supervisor or manager but none was available.
 - (iv) End-users saying they have been promised that a supervisor or manager will follow up but the end-user is never contacted by a supervisor or manager.
 - (v) End-users dissatisfied that they had multiple attempts to get an issue resolved through a particular channel are then directed to another channel and have to recommence the process.
 - (vi) End-users expressing annoyance after being told by a provider that it has not retained a record of unresolved issues reported previously by the end-user and that the end-user has to re-start the issue handling process.
89. The legitimacy of the aim of ComReg's proposal appeared to be accepted by most providers. Nonetheless, ComReg has considered the submissions made on the proposal and notes the operational and practical challenges identified by providers. ComReg accepts that there could be variations in practice among providers as to what constitutes implicit dissatisfaction in the absence of clear parameters and that a degree of legal uncertainty could therefore potentially arise.
90. ComReg does not intend to make the proposed amendment to the definition of Complaint to expressly refer to implicit dissatisfaction or to set parameters for implicit expressions of dissatisfaction at this time, but intends to keep these matters under review.

91. ComReg notes the submission made by one provider that emphasised that nothing in the current definition of a complaint excluded the expression of implicit dissatisfaction. In addition to the suggestion made by this provider that interpretative guidance would be sufficient, ComReg responds as follows:
- (i) ComReg notes that the definition of Complaint does not exclude the expression of dissatisfaction implicitly.
 - (ii) ComReg expects that providers will properly interpret the provisions and not insist upon a particular word or formula of words for a complaint to be made where the end-user's wishes are apparent from the circumstances and context taken as a whole.
 - (iii) ComReg expects that agents will be appropriately trained to ensure they can identify when an end-user is seeking to make a complaint.
 - (iv) ComReg expects that providers will take a proactive approach and seek to clarify an end-user's satisfaction or otherwise with a proposed resolution if there is any doubt regarding whether they are seeking to make a complaint. In this regard, ComReg again refers providers to ISO 10002:2018: to achieve high customer satisfaction it can be necessary to fulfil an expectation of a customer even if it is neither stated nor generally implied or obligatory.¹⁴
 - (v) Some examples of expressions of implicit dissatisfaction that could arise are set out hereunder. ComReg expects that in these and similar circumstances providers would appropriately inquire as to whether the end-user is seeking to make a complaint:
 - "I'm very upset that I have to call again about this issue"
 - "It's unacceptable that this is the solution you have offered me"
 - "This is the worst experience I've ever had with a company"
 - "You are not listening to me, I'd like to speak to a manager"
 - "Your service is still not meeting my expectations"
 - "That does nothing for me, you lot are useless"
92. ComReg notes that ISO 10002:2018 sets out in Annex B '*guidance*' and '*key areas*' specifically for businesses with '*limited resources*' so they can '*achieve maximum effectiveness and efficiency from a simple [complaints handling] process*'. The key areas include: '*Give information to the customer about what you intend to do about the complaint, and evaluate the customer's response. Is it likely that the action will satisfy the customer?...*'.

93. ComReg has stated its expectations of providers in respect of the treatment of expressions of dissatisfaction by end-users in response to a proposed resolution.

ComReg's position:

94. Based upon the analysis, reasoning and guidance given above ComReg does not intend to amend the definition of a complaint to include express reference to dissatisfaction expressed implicitly (or explicitly) or to set parameters for implicit expressions of dissatisfaction but it will keep these matters under review. ComReg has set out its expectations and provided guidance to providers on this matter and intends to keep it under review.
95. ComReg has amended the definition of 'Complaint' to clarify that a particular word or formula of words is not required when making a complaint.

2.2.3 Complaints relating to providers' complaint handling process

96. Although the definition of a complaint set out in the 2017 Requirements provides that an end-user should be able to raise issues with their provider concerning difficulties experienced in making a complaint, ComReg is aware that end-users have encountered difficulties with complaint handling by providers.
97. To protect against any inadequacies in a provider's complaints handling process that could result in that provider receiving and processing fewer complaints, the consultation set out ComReg's proposal to revise the definition of 'Complaint' so that the scope of a complaint regarding a provider's complaint handling process includes a complaint about difficulty in making a complaint to that provider.

Respondents' views:

- (i) Vodafone stated that *"This provision could lead to a significant increase in the number of issues classified as complaints, even if the original issue was not service-related but procedural. This may lead to unjustified inflation of complaint volumes and will in fact distort reporting metrics under Section 43 of the 2023 Act. ComReg trends are now well established, and operators also provide full details on complaints on a biannual basis which ComReg can monitor."*
- (ii) Virgin Media stated: *"A provider cannot prevent or frustrate an end-user in making a complaint and then argue that no complaint was made."*

ComReg's analysis:

98. Complaints reports received by ComReg since 2024 indicate that customer service/experience consistently ranks highly amongst the categories of complaints made to providers.
99. The divergent positions set out on this issue reaffirms to ComReg that clarity on this matter is required and that there is a need to revise the definition of a complaint to remove any ambiguity in this regard.
100. ComReg stated its view in the consultation that this matter was covered by the current definition and that the proposed amendment was simply clarifying an existing obligation.

ComReg's position:

101. ComReg has had regard to the submissions received from respondents, and based upon the analysis above ComReg is of the view that a complaint relating to a provider's complaint handling process includes a complaint that an end-user has experienced difficulty in making a complaint; and that this requirement will remain unchanged from that outlined in the consultation.

2.2.4 Other comments relating to the definition of a 'Complaint'

102. Merit a determining factor in deeming an issue being considered a complaint
- (i) An Post Mobile stated it "...*recommends that for an issue to be considered a complaint, there needs to be some merit or substance involved. An Post Mobile recommends that ComReg, if introducing this clause, provides some further detail or examples to provide clarity*".
 - (ii) Prepay Power sought guidance on specific examples: dissatisfaction with price, time taken for a technician's attendance at a customer's property, internet speed issues beyond a provider's control where speed meets minimum requirements.
103. Internal escalation/further review before deeming an issue a complaint
- (i) The issue of internal escalation/further review was raised by one provider.
104. Handling of multiple issues that may be raised
- (i) Virgin Media stated: '*...It stands to reason that if an end-user raises two separate issues, and if one issue is resolved but the second is not, then the second issue does not simply go away. However, we believe this is how things operate under the current definition of complaint and we submit that there is no need for a new definition to cover something which is so evidently true. Guidance from ComReg to industry would be sufficient.*'

ComReg's analysis:

105. The current definition of Complaint in the 2017 Requirements covers "*an issue raised by an end-user*" relating to an undertaking's product or service that remains unresolved after an initial attempt to resolve or where no attempt and the end-user expresses dissatisfaction. It is not a definition that is contingent upon the issue raised having merit, and ComReg is not introducing any change in this regard. Therefore, the examples given whereby an end-user expresses dissatisfaction with matters they have agreed to previously, or which may be beyond the provider's control, are still matters that may give rise to a complaint.

106. If a provider could unilaterally determine any issue raised did not have merit and thereby prevent a complaint being raised, the affected end-user would have no ability to challenge this as both the provider's own complaints handling processes (the next level of escalation with the provider) and ComReg's dispute resolution service both relate to complaints.
107. Regarding internal escalation/further review, ComReg notes that the definition of Complaint (both in its current form and as proposed) has certain elements that must be met, however none are contingent upon or affected by the seniority or role of the person to whom the issue is raised. If the elements of the definition are met, the matter is a complaint, irrespective of whether there is a subsequent internal escalation/further review.
108. Finally, and in respect of the situation where multiple issues are raised at the same time and the submission received on this, ComReg notes that the provider in question agreed with ComReg's statement in the consultation on this matter.

ComReg's position:

109. ComReg maintains its positions on these matters as set out in the consultation.

2.3 First point of contact for complainants, including the channels of making complaints

110. In the consultation ComReg addressed considerations in the use of real-time and non-real-time complaints handling channels.
111. ComReg proposed additional requirements for providers at the first point of contact in respect of directing end-users to appropriate complaint handling channels when making a complaint as follows:

“Where an end-user seeks to make a complaint other than through a specified complaints channel and where that channel is one used by the provider for customer service contacts, a provider is entitled to indicate that the complaint needs to be made through a specified complaint channel, but the provider shall in such a scenario:

(i) deal with the complaint in accordance with its code of practice in the same manner as if a specified complaint channel had been used, or

(ii) the provider shall transfer the end-user directly to the appropriate complaint handling channel unless technically infeasible, and where this is technically infeasible re-direct the end-user to the relevant complaint handling channel(s) and to the code of practice so the end-user can make the complaint in accordance with the code of practice.”

Respondents' views:

112. Virgin Media stated:

“We consider both actions to be reasonable and we agree that providers should have flexibility as to which to (sic) action to take...

...However, we consider that both approaches can be taken under the current framework, though if ComReg wishes to amend the framework we have no objection.”

SIRO stated that the obligation to transfer or redirect addressed in paragraph 75 of the consultation “presumes technical feasibility across all platforms.”, and that “Smaller providers or those using outsourced platforms may be unable to redirect from certain channels (e.g. third-party SMS tools).”

113. SIRO also stated:

“While distinguishing real-time and non-real-time channels is helpful, imposing equal evidentiary weight across all media—especially social media—may incentivise abuse of informal platforms and complicate audit trails”.

114. Vodafone submitted that the proposal was contradictory. While ComReg allowed providers to specify complaint-handling channels in their codes of practice, it also required them to handle complaints as if the specified channel had been used or:

“Directly transfer the end-user to the appropriate complaint handling channel, unless this is technically impossible. In such cases, providers must redirect the end-user to the correct channel and provide access to the Code of Practice so the complaint can be submitted appropriately.”

115. Vodafone submitted the requirement was not clear. It also submitted that the proposal significantly broadened the scope of the monitoring and compliance to cover all customer contact points, increasing operational burdens and compliance risk despite the current model being effective.

116. Three stated:

“The revised definition of a complaint includes issues raised through non-complaint handling channels. We recommend that the 10-day timeline for handling issues/complaints should commence once it reaches the appropriate team and channel. As Incorrect channels may not be monitored, and staff in those channels may not be trained to manage such issues and unaware of the timeline for acknowledgement and other requirements. For instance, if a customer contacts the sales team instead of using the formal complaint channel, additional time would be required to escalate or log the issue correctly.”

117. Finally, and in respect of ComReg’s observations regarding real-time and non-real-time channels, ComReg notes general agreement with ComReg’s approach in the consultation on this matter.

ComReg's analysis:

118. ComReg notes that some of the responses received evidenced a misunderstanding of the proposal in respect of directing end-users to appropriate complaint handling channels when making a complaint.
119. ComReg does not agree with the statement made by Three that the revised definition of complaint "*includes issues raised through non-complaint handling channels*". The relevant part of the revised definition of Complaint states "*or an issue that is otherwise handled by the Provider in accordance with section 5.1.3(i) of this Decision Instrument...*"
120. ComReg set out in the consultation that "*where an end-user makes a Complaint other than through a complaint handling channel and where that channel is one used by the provider for customer service contacts, a Provider is entitled to indicate that the Complaint needs to be made through a complaint handling channel specified in the Provider's code of practice, but the Provider shall in such a scenario:*
- (i) deal with the Complaint in accordance with its code of practice in the same manner as if a complaint handling channel specified in the Provider's code of practice had been used, or [emphasis added]*
 - (ii) the Provider shall transfer the End-User directly to the appropriate complaint handling channel unless technically infeasible, and where this is technically infeasible re-direct the End-User to the relevant complaint handling channel(s) and to the code of practice so the End-User can make the Complaint in accordance with the code of practice."*
121. The use of "or" between sub-paragraphs (i) and (ii) above means that the provider must do only one of the two alternative things. Therefore, where an end-user seeks to make a complaint through a non-complaint handling channel a provider can, in response:
- (i) Indicate the complaint must be made through a complaint handling channel and either transfer the end-user directly where technically feasible, or where not, re-direct them to the complaint handling channels and to the code of practice, or
 - (ii) Choose to deal with the complaint through the non-complaint handling channel.

122. This does not oblige providers to deal with complaints through non-complaint handling channels, nor impose '*equal evidentiary weight*' to these channels, with clear alternatives being available to providers in these circumstances.
123. Regarding the submission that both approaches can be taken under the current framework, the proposal intends to require that one of the two approaches must be taken. Currently, if an end-user attempts to make a complaint through a channel that is not a complaint handling channel there is no obligation on the provider to take any particular action and if the end-user continues to engage on that channel they may not be considered to have made a complaint or be facilitated in order to do so. The proposal seeks to address this by requiring that the provider take specific action in such a scenario.
124. ComReg does not agree with the submission that there should be a "*10-day timeline for handling issues/complaints*" which should commence once it reaches the appropriate team and channel.
125. ComReg stated in the consultation that providers' re-direction obligations are limited to those channels they would normally use for customer contacts in any event. Therefore, ComReg does not consider that a 10-day timeline to resolve issues through such channels is warranted. The timelines for resolving complaints are already established and are addressed elsewhere. It would be too arbitrary, and not consistent with the requirement addressed in section 41 of the 2023 Act for complaints and disputes to be handled promptly, if a provider had a 10-day period to handle an issue which period would not even commence until the provider had first determined it had reached the appropriate team and channel.
126. ComReg does not agree with the submission that the transfer/re-direct obligations presume technical feasibility across all platforms. Firstly, the transfer requirement is expressly made subject to technical feasibility (and not technical possibility as it was incorrectly described by one respondent). Second, the obligation is only in respect of contacts made through channels normally used by customers for contacting their provider. The circumstances in which a contact through a channel normally used for that purpose could not be redirected were not made clear however if direct transfer is not technically feasible that obligation is not engaged.
127. ComReg does not agree that the proposal is either contradictory or unclear; the provider either chooses to handle it as if it is a complaint made through a complaint handling channel or it does not, in which case it directly transfers if technically feasible, or redirects if not. The obligation does not extend beyond channels normally used for customer contacts. Providers retain the discretion to decide which of their channels fall within this category, however if a provider chooses to allow customer contacts to be made through a particular channel, then it is reasonable that it should monitor that channel.

128. As stated in the consultation, the purpose of having specific complaint handling channels in a code of practice is to facilitate end-users in making complaints, it is not to frustrate them in doing so by creating technical user-unfriendly distinctions. Providers should be proactive in facilitating their customers who seek to make complaints.
129. ComReg has limited the obligation to those channels used by a provider for customer service contacts. If the provider does not use a channel for customer service contacts, then this obligation does not apply. Providers may be explicit in telling end-users that a channel is not one used for customer service contacts, so long as this is done clearly, prominently and comprehensibly, and consequently, the obligations regarding complaint handling or redirection will not apply to that channel.
130. Where a customer service contact channel is used (as opposed to a complaint handling channel) there is no automatic obligation on the provider to deal with a complaint via that channel, and it is only if a provider elects to do so that this obligation would arise.
131. If a provider elects not to deal with a complaint made through a non-complaint channel, its obligation is to redirect. That obligation may be met through direct transfer to a complaint handling channel where technically feasible or, where not technically feasible, by redirecting the end-user to the relevant complaint handling channel(s) and to the code of practice. There are therefore a series of tiered obligations that afford options to providers and take account of technical feasibility, culminating in the minimum obligation which is simply to redirect the end-user to the relevant channel(s) and the code of practice.
132. ComReg notes that the direct transfer obligation affords discretion to the provider to assess themselves what is the appropriate complaint handling channel. This assessment may be influenced by technical feasibility, in the sense that it may only be technically feasible to directly transfer to one/some complaint handling channel(s), but not to all.
133. The minimum obligation can be met in a manner that is most appropriate to the contact channel used. A redirection (if not a direct transfer) is an information provision exercise. Indeed, direction to the code of practice should ensure that first points of contacts for complaints are provided.

134. One provider considered that ComReg was requiring that a provider ensure that all of its staff were proficient in complaint procedures. ComReg understands this statement to relate to paragraphs 74 and 78 of the consultation wherein ComReg stated (amongst other things) that:

“ComReg is of the view that providers should ensure that...personnel understand either how to handle complaints themselves or, to direct end-users appropriately so that their complaint can be handled by someone else...”

...ComReg expects that providers have procedures to ensure personnel dealing directly with end-users are in a position to assist end-users with accessibility requirements, vulnerable end users and end users from non-English speaking backgrounds who wish to make a complaint or require information about the code of practice and complaint handling procedures.”

135. ComReg does not agree that it is disproportionate to expect that an agent, especially one that deals directly with end-users, should either know how to handle a complaint or, where/to whom to refer an end-user who is seeking to make a complaint where the end-user is not doing so through a complaint handling channel¹⁵. The need for this is even greater where the customer may be vulnerable, have accessibility requirements or be from a non-English speaking background.¹⁶
136. ComReg considers the statement that the proposals amount to a “*blanket requirement for all staff to be proficient in complaints procedures*” to be incorrect. Agents should at least be able to identify when an end-user wishes to make a complaint. This already arises from the 2017 Requirements as where an initial attempt is made by an agent to resolve an issue and the issue remains unresolved it may give rise to a complaint. The submission’s reference to escalation would itself require that the agent first identify the need to escalate. The basic requirement of the proposal is only that the agent re-directs or transfers where they identify the end-user wishes to make a complaint.
137. Nothing in ComReg’s proposals prevents or impedes first-line triaging or escalation by agents.

¹⁵ ComReg referenced at FN 31 in the Consultation that ISO 10002:2018 notes what all personnel should be aware of in this regard. As noted previously ‘Competence’ is a ‘Guiding Principle’ of ISO 10002:2018 which provides that ‘...*personnel should have the personal attributes, skills, training, education and experience necessary to handle complaints.*’

¹⁶ ComReg notes that ‘Accessibility’ is also a ‘Guiding Principle’ of ISO 10002:2018 which states ‘...*information should be in clear language. Information and assistance in making a complaint should be made available... in whatever languages or formats that the products and services were offered or provided in, including alternative formats, such as large print, Braille, or audiotape, so that no complainants are disadvantaged*”.

138. ComReg considers that it is reasonable and appropriate that when an end-user is seeking to make a complaint but is attempting to do so through the wrong channel, that their provider, rather than simply turning them away or ignoring the attempted complaint, would appropriately deal with the complaint or redirect the end-user.

ComReg's position:

139. ComReg remains of the view that that the proposal is reasonable and proportionate to the aim of ensuring that end-users who wish to make a complaint to their provider but who use a contact channel that is not a complaint channel, are appropriately dealt with or re-directed by their provider. ComReg therefore maintains its positions on these matters as set out in the consultation.

2.4 Retention period for records related to a complaint

140. ComReg proposed in the consultation to require providers to retain all records relating to a complaint for a period of not less than 12 months after the date the complaint is finally closed.

Respondents' views:

141. Three stated that it was open to sharing a copy of the customer's complaint and the interaction record however, it recommended that internal notes should be excluded from the retention obligation as they often contained shorthand, technical references and internal processes and these may be confusing or misinterpreted by the customer.
142. Virgin Media agreed that complaint records must be retained such as account notes and copies of correspondence. However, it disagreed with the proposal concerning retention of call recordings, noting that section 42(2)(g) of the 2023 Act did not explicitly refer to call recordings and that providers "*have their obligations under the GDPR in respect of data retention*". Virgin Media stated that it would be "*impractical to extrapolate specific complaint recording from general recordings where the retention is less than 12 months.*"
143. eir stated that the proposal "*amounts to a significant cost and logistical burden...including in respect of data protection*" and that there was "*no evidence-base justifying this requirement set out in the Regulatory Impact Assessment from a costs and benefits perspective.*" It continued:
- "This will also have a knock on impact on eir's Data Protection team processes and increases the risk posed by processing of personal data, neither of which have been considered or proven as appropriate..."*
144. eir submitted that providers must be able to employ basic principles of efficiency in call recording retention, without the need for manual or ad hoc amendments. It stated:
- "If a defined period for call recording retention is required...this must be a rule that can be applied to all records e.g. 'retention of records relating to a complaint is required for two months' and not 'retention of records relating to a complaint is required for two months from the date on which a complaint is closed. Efficiency measures mean that providers may not employ differentiated retention policies, in which case this requirement would again result in significant additional cost implications."*

145. SIRO stated:

“The requirements to record all communications...across all platforms including informal or transient channels like social media, imposes a disproportionate compliance burden...”

146. SIRO sought clarification that the record retention obligation applies only to fully resolved complaints and does not extend to queries or informal contacts that never progressed to a complaint.

ComReg’s analysis:

147. The retention of records of complaints is required by the 2023 Act. It is a wide and generally stated obligation. It includes, but is not limited to, copies of the complaint, any response to it, any determination in respect of the complaint and any documentation considered in the course of such a determination.¹⁷ A “record” is broadly defined in the 2023 Act¹⁸ and includes recordings (whether of sound or images or both), any form (including machine-readable form) or thing in which data (such as engineering data or personal data) or information is held or stored manually, mechanically, digitally or electronically and anything that is a part or a copy in any form, of any of, or any combination of, the foregoing, whether claimed as confidential or not.

148. As noted in the consultation, providers were already required to retain similar records under the Universal Service and Users’ Rights Regulations 2011 (S.I. 337/2011) for a period of not less than one year. This is a factor that was not referenced by any respondent who opposed this proposal.

149. Under the 2017 Requirements providers are required to ensure that all complaints are recorded and tracked regardless of contact medium. The minimum information to be recorded is referred to in paragraph 95 of the consultation. This includes written notes of communications with the complainant relating to the complaint, irrespective of their form (shorthand, technical or otherwise). This is an existing requirement. ComReg had not proposed to change it, nor does it see any basis consistent with section 42(2)(g) to do so, notwithstanding the recommendation of one respondent. Indeed, another respondent expressly agreed that complaint records such as account notes “*must be retained*”.

150. Regarding the submission that section 42(2)(g) did not explicitly refer to call recordings, as noted above, such a recording is a “record” within the meaning of the 2023 Act.

¹⁷ Section 42(2)(g).

¹⁸ Section 2(1).

151. Insofar as generally stated obligations under the GDPR are concerned, ComReg remains of the view that a 12-month¹⁹ retention period for complaints records strikes an appropriate balance between data protection principles and rights including the protection of personal data and privacy, providers statutory obligations under the 2023 Act, and ComReg's statutory functions and objectives.²⁰ In accordance with ComReg's End-user Dispute Resolution Procedures²¹ a dispute may be validly referred for resolution if first notified to the provider in accordance with its code of practice for complaints handling within the previous 12 months. As noted in the consultation, ComReg consulted with the Data Protection Commission ("DPC") on this retention proposal.
152. Difficulties separating complaint recordings from "*general*" recordings were also cited by one provider in opposition to the proposal. Call recordings may offer the best evidence if there is a subsequent dispute between the provider and the end-user regarding the contents of an oral conversation. As noted by one respondent, handwritten notes while required to be recorded, can be difficult to decipher and may be confusing. The respondent cited only 'impracticalities' with separating complaints recordings from general recordings; it did not expand on the impracticalities in any detail, nor did it explain why the complaint recording could not be appropriately tagged or otherwise identified in a manner that made it easier to identify and separate.
153. ComReg notes the submission from one respondent to the effect that the proposals amounted to a significant cost and logistical burden including in respect of data protection and that insufficient cost/benefit analysis had been conducted. Providers were already required to retain records of complaints for not less than one year in the twelve-year period from 2011 – 2023 and as noted in the consultation, published codes of practice show that some are still doing so. Since 2023 providers have still had an obligation to make provision for the retention of records in their Codes of Practice. The provider in question did not provide any detail or evidence in support of the claim that significant cost and logistical burden would arise.

¹⁹ ComReg notes that records of complaints made to a broadcaster or provider of an audiovisual on-demand media service are required to be retained, and be made available for inspection, for 2 years from the date of receipt of a complaint - See Section 47(7) and Section 47(8) of the Broadcasting Act 2009 (as amended).

²⁰ As referred to in paragraph 200 of the consultation.

²¹ ComReg 24/22aR1

154. ComReg is aware that call recordings are commonly conducted by providers. This is borne out by the submissions received, which either did not respond on this issue at all or responded to it by reference to the retention period for the call recordings that were acknowledged to be conducted. If it is accepted that call recordings are a common feature of customer service and complaint handling, then the submissions on costs are more properly considered by reference to identifying complaint-specific recordings and retaining them.
155. For providers using call recordings ComReg is of the view that they must already have some means to associate a particular customer case with a call recording, at a minimum, for example, by date and time. If the position was otherwise, then call recordings would not be retrievable/usable by providers in practice and this is not ComReg's experience. While it may be the case that call recordings for complaints and non-complaints are retained together for a period and deleted at the same time, the provider did not address why it would not be possible to have some identifier to filter complaints.
156. Taking account of the relevance and importance of call recordings to complaint handling, their potential to be decisive in the resolution of a dispute between end-user and provider, and in order that ComReg is in a position to monitor and ensure compliance by providers with their obligations in respect of complaint handling where they deal with complaints via telephone, ComReg considers it reasonable and proportionate that providers retain these recordings for a 12 month period.
157. The same respondent took issue with the period in respect of which complaints records are proposed to be retained. The objection appeared to be based on the commencement date for the 12-month period, which is proposed to be the date the complaint is finally closed. The respondent submitted that the date should be capable of applying to "*all records*". ComReg understands this to be a reference to all records relating to a complaint. If the 12-month period runs from the date of the creation of the first record associated with a complaint and records are deleted down on a daily or weekly basis after that, then a complainant who subsequently referred a dispute to ComReg for resolution may find that some, but not all records of their complaint are available due, for example, to the auto-deletion of the earlier records.

158. ComReg notes that the alternative put forward by the provider was a rule that “*retention of records relating to a complaint is required for two months*” and this was put forward on the basis that the rule could be applied “*to all records*”. If this rule was truly to extend to all records, it would be no different in practice to that proposed by ComReg as the two months would have to run from the date of the last record (and not the first). ComReg therefore understands the submission to be that complaint records should be deleted down on a rolling basis, from the date of their creation. This gives rise to the obvious difficulty that the complaints records run the risk of being an incomplete set and becoming a series of individual records, that may be deleted down at different times, depending upon the date of their creation.
159. As unresolved issues give rise to complaints and will therefore relate to them, starting the 12-month period too early may result in key background documents and other communications ceasing to form part of the set of records and therefore undermining the aim of ensuring there is a complete set of records that may be relied upon by the parties should that be necessary.
160. One provider referred to a requirement to retain records of all communications across all platforms including informal or transient channels like social media. For non-complaint handling channels ComReg has addressed above the options available to providers in terms of dealing with attempts by end-users to make complaints. If a channel is not normally used for customer contacts, there should be no relevant records to record. As noted in the consultation (see footnote 33) providers are free to make a prominent statement on such channels that they are not used for this purpose and to re-direct end-users to the relevant complaint handling channel(s) and to the code of practice. If, however, they are to be used for customer contacts and issue handling then relevant records should be retained. It is not obvious to ComReg why, if a particular channel is chosen by a provider to be one considered normally used for customer contacts, that it would be treated differently to, for example, an email used for the very same purpose.
161. Ultimately, a provider has discretion regarding the channels it uses for customer contacts. They are either going to be for issue-handling, or they are not. Providers can control their retention obligations by making it clear to end-users that the channel is not used for those purposes. If doing so however, providers should refer end-users appropriately to the channels that are used.

162. Finally in this regard, clarification was sought by a provider that record retention does not apply to queries or informal contacts that never progress to a complaint. The retention obligation relates to records of complaints and therefore if an issue is resolved/addressed without ever reaching complaint status then the retention obligation does not apply to the relevant records. However, ComReg would caution that records relating to issues that do reach complaint status would come within scope of the retention obligation. Therefore, while providers may delete records in respect of issues that they are satisfied are resolved or will not reach complaint status, they should not delete records that may become associated with a complaint. This is not a new issue arising from ComReg's proposals however, as providers have existing retention obligations in which context these matters will already have arisen for consideration.

ComReg's position:

163. ComReg remains of the view that providers are required to retain all records relating to a complaint for a period of not less than 12 months after the date the complaint is finally closed.

2.5 Definitions of Complaint Acknowledgement, Complaint Update, Complaint Response and Durable Media

164. ComReg proposed to revise the definition of a Complaint Acknowledgement to reflect the statutory requirement to inform the end-user of their right to refer a relevant dispute to the Commission for resolution in accordance with Section 47 of the 2023 Act and to reflect other changes proposed in the consultation.
165. ComReg proposed to revise the definitions of Proposed Complaint Resolution and Complaint Response and to introduce a new definition of Complaint Update.

Respondents' views:

166. eir submitted that the Complaint Acknowledgement definition should be amended at subparagraphs (v) and (viii)(a) to read as follows (addition in bold):

*“(v) any other **known** steps in the Provider’s Complaint handling process”*

*“(viii)(a) a period of at least 10 **working** days has elapsed since the complaint giving rise to the dispute was made”*

167. With regard to the definition of Complaint Response, eir submitted that it should be amended as follows:

*“(iii)(a) the Complainant is dissatisfied with the **complaint dispute** resolution undertaken or proposed by the provider **or the dispute has not been resolved and 10 working days has passed since the complaint was received by the provider.**”*

168. eir submitted that the word “final” should be deleted from the definition of Proposed Complaint Resolution.

169. eir submitted that “*overlapping requirements*” of a ‘Complaint Update’ and a ‘Complaint Response’ created potential confusion for providers and end-users. It stated that it was “*most logical*” that a complaint update is issued at 10 working days if a provider is not yet in a position to offer a complaint response and it suggested that certain references to Complaint Response and Proposed Complaint Resolution were contradictory.

170. SIRO submitted that creating overlapping categories (of Complaint Update and Complaint Response) added complexity without meaningful benefit to consumers and risked inconsistent application and stated that “*The requirement to issue Complaint Acknowledgement within 2 working days (even for “deemed complaints”) and Complaint Response within 10 working days fails to account for complaint complexity or dependencies (e.g., third-party wholesaler queries)*”

171. Sky submitted that the requirement for providers to confirm within a Complaint Acknowledgement the date the complaint was made was “*unduly excessive*” and would require “*significant software and data design*”. It also stated that a ‘Complaint Update’ was an additional communication that would create an “*unnecessary burden on providers*” already required to communicate over several “*regulated touch points*” during a complaint journey.
172. Sky stated that the proposal that complaints communications (Complaint Acknowledgement, Complaint Response, Complaint Update, and Proposed Complaint Resolutions) should be on a durable medium would “*significantly impact (its) current complaint handling processes*”. It cited its use of phone calls to efficiently and quickly resolve complaints. It submitted that tailored communications for complaints rather than system generated templates necessitated manual drafting and issuing of messages and that this introduced a risk of inconsistencies, ambiguity and miscommunication, and would also involve the significant consumption of time.
173. Three noted that it maintained “*clear communication*” with its customers through email “*providing timely updates and a final summary of issues and resolutions*”.
174. Virgin Media did not agree that it was necessary to notify an end-user in writing in all cases as sometimes this was not practical or necessary. It stated that many complaints were “*swiftly resolved by phone*” with the resolutions recorded on the customer’s account. There was no added value in its submission in issuing a separate complaint resolution on a durable medium, and customers’ communication preferences had to also be considered. Time spent “*filling out forms or generating formal correspondence*” was time not dedicated to engaging with customers and resolving issues in its view.
175. Vodafone did not agree with the proposal to amend the definition of Complaint Acknowledgement to include a statement informing end-users of their right to refer a dispute to ComReg under section 47 of the 2023 Act. It stated that:

“Adding information about escalation to ComReg in the initial acknowledgement may complicate the process, confuse or prematurely encourage escalation when (sic) provider intends to resolve the issue promptly. The acknowledgement already provides customers with a direct link to our Code of Practice which contains the relevant information therefore Vodafone deems this proposal unnecessary.”

176. Vodafone expressed concern that the proposed changes regarding complaint communications requirements would create “*additional operational complexity and burden*” and risk confusing customers, particularly a Complaint Update and Complaint Response could be issued close together. While noting the two communications could be combined, Vodafone stated this introduced formatting risks and increased the chance of “*miscommunication*” if not executed precisely. It stated requiring both a Complaint Update and a Complaint Response created unnecessary duplication and potential inconsistency in messaging. The need to monitor whether a resolution would be delayed “*added complexity on internal workflows*” requiring as it did “*precise tracking of complaint timelines*” which, it said, may not be feasible for all providers.
177. Vodafone also raised the matter of having to issue complaints communications on a durable medium where interactions were via real-time channels (e.g. phone calls or webchat). This “*could require significant system changes and increase costs*” it stated and could result in delayed responses thereby undermining the goal of prompt communication. The required systems changes could not be done in 3 months in its view.
178. Vodafone referred to the requirement to include the complaint date and expected response date and stated that the latter wasn’t always available at the time of acknowledgement and that it may not be possible to do this accurately. It submitted that the requirement to issue a Complaint Resolution on a durable medium (may be difficult to implement in real-time channels (e.g. phone or chat) unless supported by automated follow-up systems.
179. Sky welcomed the approach to clarify to customers the specific complaint channel that provides a durable medium.
180. SIRO stated that “*We agree in principle with the inclusion of durable media and digital channels, but automated platforms (e.g., chatbots, or engagement via AI agents) may not support transcript downloads. Mandating this without exceptions risks technical infeasibility or consumer confusion*”.
181. An Post made a similar point stating: “*Chat bot technology is currently developing at pace. At present, not all chat bots incorporate the functionality to download or print copies of chats with end-users. While providers catch up with the newest technology, the capability to save the transcript record by way of a screen shot should suffice*”.

ComReg's analysis:

182. With regard to the submission that a Complaint Acknowledgement should be confined to addressing only “known” steps in the provider’s complaint handling process, the need for this amendment was not explained. Under the 2017 Requirements a Complaint Acknowledgement is already required to address specific information and “other steps” in the process. If there are such steps, they should be known to the provider and if no such steps exist the need for this amendment does not arise. ComReg therefore does not consider it necessary to make this amendment.
183. The submission that subparagraph (viii)(a) in the definition of Complaint Acknowledgment should be amended by changing the reference to 10 “working” days from the proposed “10 days” conflicts with the period within which an end-user may refer a dispute to ComReg for resolution as set out in section 47(1)(a) of the 2023 Act. A similar point regarding 10 working days applies to the submission made regarding the amendment of the definition of Complaint Response.
184. ComReg does not agree that adding information regarding an end-user’s right to refer a dispute to ComReg for resolution will complicate, confuse, or prematurely encourage escalation. It is a statutory requirement already on providers in any event upon receipt of a complaint. ComReg is merely proposing that the appropriate place to comply with this statutory requirement is in the Complaint Acknowledgement.
185. ComReg notes the submission that the word “final” should be removed from the definition of Proposed Complaint Resolution. No rationale was advanced for this proposed amendment. This word was intended to capture the fact that the Proposed Complaint Resolution marked the completion of the provider’s code of practice procedures. This is related to the ability to refer a dispute to ComReg under section 47(1)(b) of the 2023 Act. It is the case, of course, that a provider remains free to resolve a dispute at any time (up to the point in time a resolution is proposed in accordance with section 47(3) of the 2023 Act). ComReg has reconsidered the use of the word “final” in the definition of Proposed Complaint Resolution in this context and is of the view that for clarity, it should be deleted. ComReg considers that its usage could wrongly suggest that no further resolution is possible after a Complaint Response issues and this is not the case. Having said that, in most cases ComReg expects the Proposed Complaint Resolution in the Complaint Response should be the final one and that all aspects of a complaint should by then have been addressed.

186. Some respondents pointed to an overlap between the requirements of a 'Complaint Response' and a 'Complaint Update' and cited the potential for this to result in confusion, burden, complexity, inconsistency, miscommunication, and unnecessary duplication. ComReg has considered the submissions received on this issue and in light of same is revising its proposal regarding Complaint Responses and Complaint Updates.
187. The Complaint Response as consulted upon proposed that the following minimum information was to be conveyed to complainants on a durable medium
- (i) a list of the aspects of the complaint considered;
 - (ii) confirmation that the provider has considered each aspect listed, and confirmation, as applicable:
 - a) of the aspects of the complaint that have been resolved;
 - b) of the Proposed Complaint Resolution for the aspects of the complaint as listed that are not resolved and the related date(s) by which the provider expects these aspects will be resolved; or
 - c) that the provider is unable to take further action(s) to resolve the complaint or aspects of the complaint, or will not do so; and
 - (iii) information to advise that a dispute may be referred to ComReg where either:
 - a) the complainant is dissatisfied with the complaint resolution undertaken or proposed by the provider; or
 - b) the dispute has not been resolved.
188. The Complaint Update as consulted upon proposed that in cases where a provider intended to propose a resolution *after* the expiry of 10 working days from the date on which the complaint was first made, the following key elements would also be advised to a complainant on a durable medium:
- (i) confirmation that it has not been possible for the provider to resolve the complaint within the time frame indicated in the 'Complaint Acknowledgement';
 - (ii) an explanation of why the provider could not resolve the complaint within the time frame indicated in the Complaint Acknowledgement;
 - (iii) details of steps the provider has taken, and is taking, to investigate and resolve the complaint;
 - (iv) any revised date by which the provider will issue a Proposed Complaint Resolution

189. ComReg set out in the consultation its preliminary view that these elements could have been communicated at the same time in a single communication, by way of appropriate headings where appropriate.
190. However, ComReg has noted the submissions made and has decided to amend the definition of a Complaint Response to enable the applicable elements of a Complaint Update (as consulted upon) to be incorporated within a Complaint Response.
191. While ComReg is of the view that it would be good practice for a provider to keep a complainant up-to-date should a complaint take longer to resolve than 10 working days after the date on which the complaint was first made, ComReg does not intend to make a Complaint Update mandatory at this time, but will keep this matter under review.²² ComReg expects providers to make their position in relation to a complaint clear to end-users in any correspondence that may issue after the Complaint Response has issued, particularly if such correspondence contains the provider's final position in relation to a complaint.
192. As previously set out, should an end-user wish to do so they can exercise their statutory right under 47(1)(a) of the 2023 Act to refer a dispute with a provider to ComReg when *"a period of at least 10 days has elapsed since the complaint giving rise to the dispute was made"*. ComReg expects that providers will want to resolve complaints expeditiously not only for the benefit of the end-user, but also for complaint reporting purposes.
193. ComReg does not agree with the submission that the timelines provided for the provision of a Complaint Acknowledgment and a Complaint Response fail to take account of complaint complexity or dependencies. Firstly, these timelines are existing ones apart from the case of deemed complaints. Secondly, ComReg has explained the limited circumstances in which deemed complaints will arise (see [2.2.1](#)). Thirdly, the timeline for a Complaint Response is not a timeline for the resolution of every complaint; it is a point in time at which key information must be provided to the end-user which may or may not include a Proposed Complaint Resolution depending on the circumstances. It is already the case, by virtue of section 47(1)(a) of the 2023 Act, that an end-user may refer a dispute for resolution where 10 days have elapsed since the underlying complaint was made, and this applies irrespective of whether a provider has by then exhausted its efforts at resolution.

²² ComReg notes that ISO 10002:2018 states that *'The complaint should be tracked from initial receipt through the entire process until the complainant is satisfied or the final decision is made. An up-to-date status should be made available to the complainant upon request and at regular intervals, at least at the time of pre-set deadlines'*

194. One provider sought confirmation that it was required to notify an end-user of the right to refer a dispute to ComReg in a Complaint Response even if the issue was still under investigation. ComReg can confirm that this is correct. Nothing prevents the continued investigation of the complaint in these circumstances, but the right of referral will have been engaged by this time under section 47(1)(a) of the 2023 Act. The provider also referred to its internal escalation processes. ComReg's proposals are free-standing and are not dependent upon the completion of any internal escalation process a provider may have. Once again, providers remain free to have such internal escalation procedures that they consider appropriate, however these cannot be in lieu of, or set aside, the proposed requirements and timelines or the relevant provisions of the 2023 Act.
195. While the provider noted that there may be delays in complaint resolution that are owing to pending customer actions, and that these may result in 'unnecessary' escalations to ComReg, it is nevertheless the case that end-users have the right of referral when 10 days have elapsed since the complaint was made. Section 45 of the 2023 Act already obliges providers to inform end-users of their right of referral to ComReg when a complaint is received. ComReg's proposals merely reflect these existing statutory provisions. Furthermore, under the 2017 Requirements providers must already communicate with end-users at the 10-working day point in the form of a Complaint Response and through the provision of an email address to progress the complaint and any other forms of contact. Therefore, the contact requirement at this stage of the process is an existing and well established one.
196. ComReg notes that the requirements in relation to the timeframes for issuance of a Complaint Acknowledgment and a Complaint Response as referenced by SIRO are current requirements under D04/17 and ComReg did not propose in the consultation to revise those timeframes.
197. Deeming the matter a complaint after 2 working days²³ starts the clock running for an end-user to obtain a Complaint Acknowledgement and Complaint Response, and to refer the matter to ComReg for dispute resolution.²⁴
- (i) ComReg considers that a Complaint Acknowledgement is to issue in respect of a deemed complaint within a maximum timeframe of 3 working days from the day the issue was raised to the Provider by the end-user.
 - (ii) Issuing a Complaint Response within 10 working days of a deemed complaint gives clarity to end-users on when they can expect to have their deemed

²³ In accordance with paragraph (b) of the definition of 'Complaint'.

²⁴ Age Friendly Ireland in its submission referenced the importance of clarity on response timeframes so that older consumers know when their issue will be resolved.

complaint resolved, or at the very least be made aware of what steps their provider has taken and is taking to address their complaint.

By way of a worked example:

- An end-user raises an issue on Monday 2 March 2026 (day 0).
- By close of business Wednesday 4 March 2026 (day 2) the issue is ignored, or has had no meaningful attempt to resolve it. This issue becomes a deemed complaint per the revised definition of 'Complaint'.
- The Complaint Acknowledgment is sent to the end-user on Thursday 5 March 2026 (day 3).
- The Complaint Response is sent to the end-user on Monday 16 March 2026 (day 10).²⁵

198. Some providers submitted that it may not be possible to identify the date of a complaint and an accurate expected response date in a Complaint Acknowledgement. Regarding the former submission, it is not apparent to ComReg having regard to the proposed definition of a Complaint why it would not be possible to identify the date it was made²⁶ and no specific reason was advanced. Regarding the expected response date, the revised definition of a Complaint Response allows flexibility to providers to update end-users at the 10-working day point as to when a Proposed Complaint Resolution may be provided.

²⁵ Worked example uses working days to calculate i.e. excludes 2 Saturdays and 2 Sundays and has no public holidays.

²⁶ While another provider submitted that confirming the date a complaint was made in a Complaint Acknowledgement would require systems design and build, this is a separate point to a provider simply being able to identify that date in the first instance.

199. With regard to the submission that the requirement to include “*the exact date the customers themselves made a complaint*”, is “*unduly excessive*”, ComReg is of the view that the date the complaint is made is the commencement point in the complaint handling process. ComReg reiterates the position as set out in the consultation that by its definition a Complaint Acknowledgment records a complaint already made and is not itself the point in time when a complaint is made. ComReg is aware of difficulties experienced by end-users in obtaining a complaint reference, and thus an acknowledgement of their complaint. ComReg is of the view that the requirement to include the date the complaint is made provides a clear and unambiguous timeframe for end-users, who are entitled to have their complaints dealt with expeditiously. The date the complaint is made and the date the Complaint Acknowledgment issues may differ in some scenarios, however in every case there is a requirement to issue a Complaint Response within 10 working days of the date the complaint is made. The inclusion of the date the complaint was made in the Complaint Acknowledgment should assist in avoiding disputes between end-users and providers at a later stage as to when a complaint was made, for example when a dispute is referred to ComReg. Timelines will continue to underpin complaint handling requirements, and they are also tied to the statutory right of referral to ComReg.
200. ComReg also notes that the requirement for providers to record the date the complaint was raised by the end-user already exists under section 4.2.3(ii) of D04/17 and therefore is of the view that the proposed requirement to now include that information within the Complaint Acknowledgment is not overly burdensome on providers.
201. Some providers submitted that providing key information to end-users on a durable medium would “*introduce delays*”, “*operational complexity*” and increase costs.
202. Providers regularly send end-users correspondence such as bills, contractual information and promotional information, using templated content combined with customer specific information held (e.g. drawn from data fields held on a CRM system or other source) and that such correspondence is issued via various communication channels, including email and post, and at varying intervals (on a rolling basis e.g. monthly bills or ‘once off’ e.g. promotional mail shots). ComReg is aware of the use by some providers of systems, including CRMs, to convey templated information by SMS that can be populated from or reference pre-entered data sources (e.g. usage notifications when roaming).

203. While ComReg acknowledges that the configuration of templates may be required, particularly for larger providers, the creation of templated correspondence and the incorporation of merge fields from a data source in order to send tailored correspondence, including via automated means, to end-users is unlikely to be an exercise without precedent amongst these providers. Such customer data management and communication systems are already in use by many providers and can be leveraged to maximise efficiencies and reduce complexity in a cost-effective manner.
204. As noted previously (see paragraph [194](#)), providers are statutorily required²⁷ under the 2023 Act to inform a complainant of their right to refer a relevant dispute to ComReg on receipt of a complaint. It is reasonable that this information, which can be templated, is conveyed when a provider formally acknowledges receipt of a complaint in the form of a Complaint Acknowledgement. ComReg further notes that since 2015 traders that have either '*committed or are obliged to use an ADR entity to resolve disputes with consumers*' are required to provide information about the ADR entity, if it is to be used to settle a dispute, in writing or on another durable medium.²⁸
205. Furthermore, much of the other information to be provided in a Complaint Acknowledgment (i.e. appropriate contact details, steps in the complaint handling process, a web link and a statement regarding an end-user's right to refer a Relevant Dispute to ComReg) is not variable and so can readily be templated.
206. ComReg reminds providers that certain information specific to an individual end-user's complaint is *already* required to be recorded²⁹, including the date a complaint is made, and the unique reference number attributed to identify and track an individual complaint, and so this information will be available to a provider to be included in a Complaint Acknowledgment and any other correspondence.

²⁷ Section 45 of the 2023 Act

²⁸ See Regulation 18 of S.I. 343/2015 - European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015. Section 53 of the 2023 Act requires that ComReg is listed as an ADR entity and it is so listed.

²⁹ See 4.2.3 of D04/17 "*i. The complainant's name, account number and contact details including a phone number; ii. The date the complaint was raised by the end-user and dates of all communication throughout the life cycle of the complaint to final closure; iii. A copy of the written complaint or notes made from the voice / online communications with the complainant relating to the complaint; iv. All communications with the complainant including details of the response to the complaint, final resolution and any determination in respect of the complaint with associated documentation*"

207. The references in submissions to the proposals requiring ‘tailored’ responses that would be time-inefficient, are considered overstated. The only changes to the contents of a Complaint Acknowledgement relate to the inclusion of the date the complaint was made and the date of the expected Complaint Response. Regarding the date a complaint was made, this is information that is already required to be recorded. A Complaint Response, by its very nature, needs a tailored response and this is an existing requirement.
208. The date a Complaint Response will issue could, for example, be described in terms of the maximum timeframe (i.e. 10 working days from the day on which the complaint is notified to the provider), a calculated date (e.g. drawn from a calculated field within a CRM system that automatically adds 10 working days to the date a complaint is made) or a manually entered date (e.g. a date earlier than 10 days working days from the day on which the complaint is notified to the provider).
209. With reference to the impact of issuing communications on a durable medium following interaction held on real-time channels, ComReg notes that most webchat applications allow for a transcript of webchats held to be e-mailed following the closure of the chat. ComReg also notes that during and/or following any phone call held with an end-user regarding a complaint, agents should already be accurately noting the details of such interactions and recording this information against the case³⁰ and as such, this proposal is not likely to introduce significant additional handling time in most scenarios to that already required.
210. At the level of principle, ComReg does not consider that an end-user making a complaint through a real-time channel should be in any worse a position in terms of having key information relating to their complaint made available to them, than an end-user who uses a non-real-time channel. ComReg set out in the consultation its views that at least one electronic means of contact must enable a record to be provided to the end-user in durable form, but that where multiple electronic means of contact were used by a provider it should identify those that provide a record in durable form and those that do not, and also how an end-user may obtain and retain a record of their complaint.³¹ ComReg notes submissions made by Age Friendly Ireland which called for additional requirements such as the provision of hard copy communications to end-users.

³⁰ By virtue of the provisions of section 4.2.3(iii) of the 2017 Requirements.

³¹ See paragraphs 90 and 183.

211. ComReg notes the observations made by providers that certain evolving technologies (e.g. chat bots and AI) may not currently support the download or printing of chats. As noted in the consultation a provider is required to identify any electronic means of contact that do not provide the end-user with a record in a durable form and indicate how the end-user may obtain and retain a record of their complaint.

ComReg's position:

212. ComReg has revised the definition of a Complaint Response to mean:

a response issued to a Complainant on a Durable Medium, which includes the following minimum information:

- (i) a list of all the aspects of the Complaint;
- (ii) confirmation that the Provider has considered each aspect listed and details of the steps the Provider has taken, and is taking to investigate and resolve the Complaint; and confirmation, as applicable:
 - (a) of the aspects of the Complaint that have been resolved;
 - (b) of any aspects(s) of the Complaint that have not been resolved; reasons why that it has not been possible for the Provider to resolve the Complaint and details of the steps the Provider has taken, and is taking, to investigate and resolve the Complaint;
 - (c) of the Proposed Complaint Resolution for the aspects of the Complaint as listed that are not resolved and the related date(s) by which the Provider expects these aspects will be resolved; or
 - (d) that the Provider is unable to take further action(s) to resolve the Complaint or aspects of the Complaint, or will not do so; and
- (iii) information to advise that a dispute may be referred to ComReg where either:
 - (a) the Complainant is dissatisfied with the complaint resolution undertaken or proposed by the Provider; or
 - (b) the dispute has not been resolved.

213. ComReg has removed the definition of a Complaint Update and the requirement for one to be issued.

2.6 Accessibility of complaints procedures and information relevant to the code of practice

214. ComReg noted in the consultation that following the transposition of the European Accessibility Act (“**EAA**”)³² into national law³³, providers now have new requirements to comply with, including the provision of accessible information about their accessible ECS. ComReg is a Compliance Authority in accordance with S.I. 636/2023³⁴.
215. ComReg set out in the consultation (see paragraph 67) that the content and presentation of providers’ codes of practice differs. ComReg set out its view (see paragraphs 68 and 69) that to ensure the transparency of the code of practice for end-users, providers must ensure that only information relating to the handling of complaints and resolution of disputes is included in a code of practice and that extraneous information that is not relevant to complaint handling or the resolution of disputes is omitted.
216. ComReg further set out in the consultation (see paragraph 78) that providers are expected to have procedures to ensure personnel dealing directly with end-users are in a position to assist end-users with accessibility requirements, vulnerable end-users and end-users from non-English speaking backgrounds who wish to make a complaint or require information about the code of practice and complaint handling procedures.

Respondents’ views:

217. In general, respondents did not disagree with ComReg’s position regarding these measures.
218. Prepay Power stated: *“We are fully supportive of the enhancement of the complaints process in order to ensure that all customers receive the best service and customer experience possible”*
219. Virgin Media Ireland stated *“We agree with the above proposals. It is reasonable to update D04/17 to reflect the terminology of the 2023 Act, a link to a code of practice should appear on the homepage of a provider’s website, and a code of practice should be clear and concise.”*
220. Sky stated that it *“..agrees that provider Codes should only provide information relating to complaints.”*

³² The European Accessibility Act, Directive 2019/882; Available [Online:] Directive (EU) 2019/882

³³ Effective since 28 June 2025

³⁴ S.I. No. 636/2023 - European Union (Accessibility Requirements of Products and Services) Regulations 2023

221. Air stated that it “...consider(s) the issues section of our code to satisfy ComReg's requirement to limit the content to matters "relating to the handling of complaints".”
222. Age Friendly Ireland (“AFI”) welcomed ComReg’s proposed measures, which AFI stated “...aim to help consumers to have their complaints addressed promptly and effectively”.
223. AFI in its response stated that “Digital literacy is a major issue for many older people” and “Complaints processes for telecommunication providers need to be available in easy to use formats and offer choice for how older customers which to lodge a complaint and communicate with their provider on the resolution of the complaint.” AFI in its response called for additional measures to be provided for in providers’ codes of practice, as follows:
- (i) Older consumers should be directly asked about their preferred methods for receiving communication;
 - (ii) For ‘vulnerable’ customers, the option for the older customer to assign a family member to speak on their behalf or support them with the complaint process should be in place;
 - (iii) ‘Plain English’ version of complaints policies should be available;
 - (iv) Complaints Policy should be explained verbally by customer service staff
 - (v) Hard copy of policy to be sent by post to older consumers who lodge complaint
 - (vi) Hard copy of key communications to be issued by post
 - (vii) Options to speak directly with a customer service representative should be available, without long waiting times.
 - (viii) Complaints Department should have a direct dial landline number available for contact (with the option of other methods of contact such as forms, email, chatbot). Older consumers wishing to lodge a complaint or engage in resolution should not have to engage with ‘interactive voice response’ which may present a barrier to making a complaint.
 - (ix) In addition to the reference number, customer service agents should be able to search for the specific complaint by customer name, address etc so that the reference number is not the sole identifier for the complaint

224. AFI pointed to its Age Friendly Communication training for providers' customer service teams.
225. SIRO was opposed to any prescription around the publication of codes of practice:
- (i) *“Mandating that only complaint handling content be included in the code of practice risks removing valuable context (e.g. escalation routes, SLA definitions, complaint metrics), which assist consumers and reduce regulatory complaints.”, and*
 - (ii) *“We recommend ComReg retain the general obligation to publish accessible codes of practice, without prescriptive content and publication methods”.*

ComReg's analysis:

226. ComReg notes that providers are required to ensure that their complaints handling procedures are accessible and fair and ComReg emphasised these requirements in the consultation.³⁵
227. AFI are the only consumer protection organisation that responded to the consultation. The majority of respondents did not make any comment in respect of the accessibility requirements.
228. In its submission AFI seeks further specification of measures as referenced above, for example in relation to the ability to make contact with a human customer service agent, requirements for customer service agents to orally explain the complaints process and the provision of communications by hard copy post.
229. ComReg Decision D04/14 (ComReg 14/52)³⁶ set out measures to ensure equivalence in access and choice for disabled end-users in relation to requirements that providers must make available specific services and information, including accessible complaints processes. ComReg notes that certain of the measures sought by AFI should already be made available by providers, such as the ability to nominate a third-party representative, and the requirement that complaints policies be made available in 'plain English'. In its decision D04/14 ComReg specified at 4.2 thereof the requirements for accessible information; 4.2(III) provides that information in respect of Undertakings complaints handling procedures, including the code of practice are “...easy to read and understandable...”

³⁵ Section 41(1) of the 2023 Act

³⁶ Electronic Communications: - Measures to Ensure Equivalence in Access and Choice for Disabled End-Users (ComReg Document 14/52, D04/14) [Online:] [ComReg D04/14](#)

230. ComReg notes the requirements of the EAA as regards accessibility of customer support services, where such supports are available and ComReg welcomes that the European Commission has requested, amongst other things, that a customer support standard is drafted in support of the Directive. ComReg further notes that the revision of harmonised standards relating to accessibility requirements for ICT products and services (harmonised standard EN 301 459) and accessibility following a design for all approach in products, goods and services (harmonised standard En 17161:2019) will be available in 2027.
231. In addition to requirements under S.I. No. 636/2023, providers are required to have regard to ComReg decision D04/14, which already sets out requirements for providers' accessible complaints measures; to include an obligation to "...*develop, publish and maintain in accessible format...*" an Accessibility Statement. The content of such a statement is further specified to include information on accessible contact methods and details to assist disabled end-users; information about the providers' approach and policy in respect of providing services and information to disabled end-users. D04/14 mandates further requirements, to include accessible complaints procedures.
232. In 2024-2025, ComReg carried out a review of the accessibility measures that are in place, including the above matters and published an Information Notice³⁷ on 25 March 2025, following a public consultation, which asked for feedback on the measures in place in D04/14. It was not proposed in this consultation to impose specific measures relating to the accessibility measures in place arising from D04/14, and such measures were not consulted on.
233. ComReg is aware that many providers provide staff training which addresses disability awareness, which ComReg views as both positive and necessary. In this regard ComReg notes the Age Friendly Communication training referenced by AFI in its submission and would encourage providers, who have not already done so to engage with AFI to ensure the content of this training is onboarded.

³⁷ Accessibility of Electronic Communications Service Information Notice [Online:] [ComReg-2504R.pdf](#)

234. Only one provider opposed ComReg's view that only information relating to the handling of complaints and resolution of disputes should be included in a code of practice and that extraneous information that is not relevant to complaint handling or the resolution of disputes should be omitted. The basis for this objection was that contextual information (escalation routes, SLA definitions, complaint metrics) which assist consumers and reduce complaints could be removed. ComReg notes that insofar as escalation routes and SLA definitions could be said to relate to the handling of complaints and resolution of disputes, they may not necessarily be excluded by its proposal. This would depend on the circumstances, and the emphasis is on informing end-users about how *their* complaints will be handled rather than on providing general statistical information about complaint handling. In this regard, it is less obvious to ComReg how complaint metrics could be said to relate to the handling of complaints and resolution of disputes and be consistent with the transparency requirements of section 41 of the 2023 Act.
235. It would be unwieldy at best if a complaints handling code of practice contained every piece of consumer related information that *may* assist an end-user. ComReg notes that providers are not prevented from making publicly available, via its website for example, additional information to that required to be contained within the code of practice which it may deem relevant to consumers, such as service level agreements and 'complaint metrics' as suggested by SIRO. ComReg notes that many websites provide a Frequently Asked Questions (FAQ) section which can point end-users to consumer related information for example. ComReg suggests this may be something a provider, who wishes to provide further information or assistance to its customers, may wish to consider.

ComReg's position:

236. ComReg is of the view that the accessibility obligations on providers, including both under regulatory obligations and those arising under the EAA, are broad and extensive, and relate to accessible information, complaint and query handling and more broadly provide that providers must train staff appropriately. Providers' complaints handling processes must have different channels for end-users to make a complaint. Providers will need to take account of accessibility requirements in ensuring that their channels are accessible for end-users. Complaints derive from unresolved issues and the two are inextricably linked. Providers should take account of this so as to ensure that end-users are not prevented from making complaints on accessibility grounds.

237. It is ComReg's view that it is not appropriate, at this time to specify further accessibility measures for providers as they were not considered in this consultation, and neither were they considered in ComReg 23/80³⁸. ComReg however, notes the responses, in particular that of AFI and will keep the need for such measures under review.
238. ComReg is of the view:
- (i) that it is necessary and appropriate to maintain the requirements as set out in Section 4.5 of D04/17 relating to the manner of publication, subject to minor amendments as set out in the consultation,
 - (ii) that a working direct link to a provider's code of practice is clearly displayed, and
 - (iii) that the content of providers' codes of practice be limited to include information relating to the handling of complaints and resolution of disputes.
239. Accordingly, paragraph [5.5](#) of the requirements will remain unchanged from that outlined in the consultation.

³⁸ Call for Inputs Review of Measures to ensure equivalent access to and choice of Electronic Communications Services (ECS) for end users with Disabilities: [ComReg-2380.pdf](#)

2.7 Implications and timeframe to implement

240. ComReg set out in the consultation that 3 months is an appropriate and reasonable timeframe to allow providers make the necessary changes to their processes.

Respondents' views:

241. Generally, those Respondents that made submissions on the proposed implementation period did not agree with ComReg's position that 3 months was a sufficient period of time to implement the proposed requirements:

(i) eir stated: *"A three month time period for implementation of this is insufficient.....at a minimum eir would require 6 months to implement the changes proposed which it considers achievable. In this regard, we have not included in this estimate the required time period for implementation of a 12 month retention period for call recordings or implementation of some means to capturing all issues across all customer care channels over a two day period..."*.

eir also queried how providers were to demonstrate compliance, to ComReg's satisfaction, that they were compliant with the Decision within one month of the Effective date as required by section 6.1 of the draft Decision Instrument.

(ii) Vodafone stated: *"The 3-month timeframe cannot be achieved with some of the proposals put forward by ComReg. This includes the requirement to include bespoke dates (complaint receipt and expected resolution date) within the acknowledgement text and the changes in relation to durability."*

(iii) Sky stated: *"In any event, if ComReg decides that providers are required to implement changes as per the current proposal, we believe the proposed effective date — three months after publication of the final decision — is too short. Given the development, testing, and training implications described above, which are required to implement such changes we respectfully request that ComReg considers a longer lead-in period of at least 9 months to ensure compliance without disruption to service or reporting accuracy."*

- (i) Prepay Power stated: *“given the volume of administrative changes that will be required once the final decision is published i.e. updating our Codes of Practice, website, training material, customer communications as well as retraining all staff on the new processes we would be of the view that a 6-month implementation period following the publication of the final decision would be essential.”*

ComReg’s analysis:

242. ComReg notes that a 3-month implementation period was proposed in the consultation. ComReg is of the view that it is important that the proposed requirements are in place as soon as possible, to ensure end-users can benefit from the proposed requirements. ComReg envisaged that providers would require time, to make the necessary changes to their processes. However, given ComReg’s view that providers already have the necessary systems in place to address the current requirements of D04/17, ComReg did not anticipate that the addition of the proposed requirements would be excessively burdensome or complex.
243. Regarding eir’s submission that an extended period of 6 months does not take into account the additional time that would be required to implement the proposed requirement to retain records of complaints for 12 months, ComReg has addressed this elsewhere in this paper, specifically providers obligations to retain records of complaints are long standing statutory obligations. Furthermore the 2017 requirements place obligations on providers regarding the recording of complaints. As outlined previously (see section [2.4](#)) since 2023 providers still have an obligation to make provision for the retention of records in their Codes of Practice. ComReg has not been furnished with any detail or evidence to support the claim that the retention of records for a period of 12 months will give rise to a significant cost and logistical burden.
244. With regard to providers having to demonstrate compliance to ComReg’s satisfaction that they are compliant with the Decision within one month of the Effective date, as was required by section 6.1 of the draft Decision Instrument, this was a provision proposed to be maintained from the 2017 Requirements. ComReg has taken on board the submission regarding the lack of certainty on this provision and rather than retain it, ComReg proposes to remove it and to monitor compliance in the ordinary way in accordance with its statutory functions and objectives.
245. ComReg notes that respondents have indicated that changes to their current processes and systems will be required, together with training requirements.

ComReg's position:

246. In light of respondents' views, and having considered the proposals further, Comreg has decided to extend the implementation period to 6 months from the effective date of the Decision. This extended implementation period provides sufficient time to allow providers to implement the changes providers have indicated are necessary to incorporate the proposed requirements into their complaint handling processes.
247. ComReg's approach balances the need not to delay the benefit of the proposed requirements to end-users and the minimisation of the burden on providers.
248. ComReg will revise its Decision Instrument to remove the requirement for providers to specifically demonstrate compliance within 1 month of the effective date.

2.8 Other matters raised

2.8.1 Comments on the draft Decision Instrument

249. ComReg also set out in the consultation (see paragraph 9) that it proposed to revoke and replace ComReg Decision No. D04/17 for the ease of end-users and providers alike and to ensure readability.

Respondents' views:

250. Respondents agreed with ComReg's position that D04/17 required revision, however some providers questioned the necessity to revoke and replace the decision.
251. Vodafone stated: *"We recognise a revised Decision is required however that Decision should be used to confirm the updates to requirements arising as a result of the Code rather than set out on an unnecessary overhaul of regulatory requirements".* Vodafone noted that *"A separate guidance could then address ComReg points of clarification where they feel operators are not complying with the existing Code of Practice requirements. New requirements are not necessary when complaint volumes into ComReg have reduced so significantly."*
252. Sky stated that *"Section 1.1(vi) refers to having regard to the analysis and reasoning set out by the Commission in (1) D13/01; (2) D16/03; and (3) D04/17. Sky considers that it would be more helpful to providers to have all of the relevant analysis and reasoning for the decision in the body of the decision itself. In addition, we note that section 9.1 of the draft Decision Instrument proposes to "revoke and replace ComReg Decision No. 04/17" so it is not clear how this draft decision can have regard to the analysis and reasoning contained in D04/17."*
253. SIRO stated that *"The proposed instrument exceeds the proportionality principle enshrined in Recital 9 of Directive 2018/1972. It may conflict with Article 3(4) of the same Directive, which encourages flexibility in regulatory implementation based on market circumstances."*
254. eir submitted that specific amendments should be made to the definitions of Complaint Acknowledgement, Complaint Response, and Proposed Complaint Resolution. These are addressed in section 2.5 above.

255. Air sought clarity in relation to components of the Decision Instrument, as follows:
- (i) *“Section 6.1 requires that Providers must ‘demonstrate to ComReg’s satisfaction that they are in compliance with this Decision within 1 month of the Effective Date’. Clarification on what exactly ComReg requires for this is required, the absence of which again will result in regulatory uncertainty.”*
 - (ii) *“Section 9.1 of the Draft Decision instrument states... However, Appendix 1 states... This difference is highlighted for correction; however it is assumed that the Draft Decision Instrument is the correct intention.”*
256. In addition, Sky in its submission proposed amendments to the Decision Instrument, as follows:
- (i) *“Section 3.1 includes a definition of “Working Day” which “means a day other than a Saturday, Sunday, or public holiday”. We suggest adding the wording “in Ireland” after “public holiday”.*
 - (ii) *Section 8.1 We suggest that at the end of this section where it refers to “or other Decision Instruments” this should be lowercase as Decision Instrument is defined as “this Decision Instrument ComReg Document [XX/XX]”.*

ComReg’s analysis:

257. ComReg notes that due to amendments to the legislative framework relevant to D04/17 and experience gained in the application of D04/17, ComReg is of the view that additional requirements (referred to in the consultation as “proposed requirements”) as now consulted on are required.
258. ComReg notes that the proposal to revoke and replace D04/17 arises where it is proposed to make various amendments to the current decision, therefore ComReg is of the view that the most appropriate way to proceed in the interests of clarity is to replace D04/17. A new decision which sets out the retained requirements, in addition to the proposed requirements which have now been consulted on is required and to give that new decision effect, it is necessary to revoke D04/17.
259. ComReg disagrees with the categorisation of the proposed requirements as *“an unnecessary overhaul of regulatory requirements”*, for the reasons set out in the consultation and also as referred to throughout this response to consultation.
260. ComReg notes Sky’s submission *“that it would be more helpful to providers to have all of the relevant analysis and reasoning for the decision in the body of the*

decision itself", and further states "...we note that section 9.1 of the draft Decision Instrument proposes to "revoke and replace ComReg Decision No. 04/17" so it is not clear how this draft decision can have regard to the analysis and reasoning contained in D04/17." This submission appears to be a misunderstanding of the position, and in this regard ComReg references its previous decisions D13/01³⁹; D16/03⁴⁰ and D04/17⁴¹. The foregoing documents are publicly available and set out the basis of those consultations, in addition to the responses to consultation, and consequent decisions. ComReg disagrees with the suggestion that the revocation and replacement of D04/17 is a barrier to ComReg relying on the analysis and reasoning relied upon by ComReg in the making of D04/17 in respect of this consultation also. The proposal to revoke and replace is not based on any mistake in law or fact relied upon in the making of D04/17, but for clarity and ease of readability alone due to the amendments proposed. ComReg notes that decision D04/17 is contained in the Response to Consultation and Decision document, ComReg 17/62, however it is ComReg's view that the revocation of the Decision Instrument D04/17 does not affect the Response to Consultation as set out in ComReg 17/62.

261. The issue of the proportionality of the proposals is addressed in this response under various headings and in the RIA.
262. eir in its submission has sought clarity from ComReg on the meaning of Section 6.1 of the draft Decision Instrument. Providers are required to ensure that their Codes of Practice for Complaint Handling, comply with the proposed draft Decision Instrument in the timeframe specified. In this regard, it is expected that Providers will have put in place the requirements of the proposed DI by the implementation date. As noted previously (see paragraph [243](#)) ComReg has removed the requirement for providers to specifically demonstrate within 1 month of the effective date, compliance with regard to minimum requirements of the code of practice.
263. eir in its submission has highlighted a discrepancy in the draft Decision Instrument at Section 9.1 thereof, and Appendix 1. ComReg is grateful for this submission and confirms that the correct wording is as contained in Section 9.1 of the draft Decision Instrument.

³⁹ Codes of Practice for the Handling of Consumer Complaints by Telecommunications Operators (Document ODTR 01/67, D13/01) [Online:] [ODTR 01/67](#)

⁴⁰ Users' Rights to Communications Services, Protecting users in a developing communications market (ComReg 03/86, D16/03) published 25 July 2003 [Online:] [ComReg 03/86](#)

⁴¹ Electronic Communications Complaints Handling Code of Practice - Response to Consultation and Decision (ComReg Document 17/62, D04/17) [Online:] [ComReg D04/17.pdf](#)

264. Sky in its submission has suggested an amendment to Section 3.1 in the draft Decision Instrument, in relation to the proposed definition of “Working Day”. ComReg notes that this Decision Instrument is applicable to Providers operating in the Republic of Ireland and as such does not see the necessity for the suggested amendment by Sky.
265. Sky in its submission has suggested an amendment to Section 8.1 in the draft Decision Instrument, in relation to the reference to “*or other Decision Instruments*”. ComReg is grateful for this suggestion and proposes to adopt the amendment as suggested by Sky and amend “*Decision Instruments*” to “*decision instruments.*”

ComReg's position:

266. ComReg remains of the view that the most appropriate way to proceed is to revoke and replace D04/17 and maintains its position in this regard. ComReg is grateful for the submissions from respondents on this proposal and the necessary amendments have been made to the Decision Instrument.
267. ComReg remains of the view, as expressed in paragraph 25 of the Consultation that any complaint received by a provider prior to the effective date (i.e. up to and including Sunday 1 March 2026) will be processed in compliance with ComReg Decision No. D04/17 and the provider’s code of practice in place prior to the effective date. Any complaint received on or after the effective date (i.e. on or after Monday 2 March 2026) must be processed in compliance with this Decision and Decision Instrument. ComReg has revised its decision instrument to make clear the transitional arrangements which shall apply to complaints raised by end-users to service providers prior to the effective date of this Decision and Decision Instrument and makes clear that notwithstanding that ComReg Decision No. D04/17 is revoked on coming into effect of this Decision the provisions of ComReg Decision No. D04/17 shall continue to apply to complaints that are raised prior to the effective date.

3 Regulatory Impact Assessment (RIA)

268. ComReg has published RIA Guidelines⁴² (ComReg 07/56a), in accordance with a Ministerial Policy Direction to ComReg⁴³, which states that ComReg will conduct a RIA in any process that may result in the imposition of a regulatory obligation, or the amendment of an existing obligation to a significant degree, or which may otherwise significantly impact on any relevant market or any stakeholders or consumers.
269. The analysis presented in this section represents ComReg's RIA setting out ComReg's conclusions on the effect of the specification of new minimum requirements for inclusion in providers' codes on practice for complaint handling on stakeholders and competition.
270. ComReg is empowered by the 2023 Act to specify requirements to be met by providers to ensure the procedures they have in place for dealing with complaints and settling disputes with end-users are accessible, fair, prompt, transparent, inexpensive and non-discriminatory. Providers are required to prepare, publish, keep updated and implement a code of practice for dealing with complaints and settling relevant disputes. Codes of practice are required to provide for various matters set out in section 42(2) of the 2023 Act and ComReg is empowered to specify requirements to ensure compliance with these requirements.
271. ComReg's aim in conducting a RIA is to establish whether regulation is necessary, identify any positive or negative effects that might result from a regulatory measure being introduced, and to ensure that any specific requirements imposed are appropriate, proportionate⁴⁴ and justified in light of the analysis conducted, the responses received to the Consultation⁴⁵, having regard to its functions and objectives under the Communications Regulation Act 2002 (as amended)⁴⁶ ("the Act"), having regard to general objectives to be pursued by it in the context of its regulatory tasks, and having regard to its objectives of ensuring that procedures for complaints handling and settling disputes comply with the requirements of sections 41 and 42 of the Act of 2023.
272. Consistent with the RIA Guidelines, ComReg's RIA considers the effect on stakeholders and competition of ComReg's decision to specify requirements for the handling of complaints and resolution of disputes. It also considers the scope of the options open to ComReg having carefully considered the responses to Consultation 25/23, including those on the draft RIA.
273. Having regard to the evidence collated during the consultation process, and to the RIA Guidelines, the following sets out ComReg's final RIA.

3.1 Structure for the RIA

274. In assessing the available regulatory options, ComReg’s approach to the RIA is based on the following five steps:

- **Step 1:** describes the policy issue and identifies the objectives;
- **Step 2:** identifies and describes the regulatory options;
- **Step 3:** determines the likely impacts on stakeholders;
- **Step 4:** determines the likely impacts on competition; and
- **Step 5:** assesses the likely impacts and chooses the best option.

275. Of themselves, the RIA Guidelines and the Ministerial Policy Direction on Regulatory Impact Assessment do not determine how much weight should be given to the positions and views of each stakeholder group (Step 3); or the impact on competition (Step 4). Accordingly, ComReg has been guided by its primary statutory objectives which it is obliged to seek to achieve when exercising its functions.

- (i) promote competition⁴⁷;
- (ii) contribute to the development of the internal market⁴⁸;
- (iii) promote the interests of users within the Community⁴⁹; and
- (iv) ensuring a high level of protection for consumers in their dealings with suppliers⁵⁰.

⁴² ComReg (2007), Guidelines on ComReg’s Approach to Regulatory Impact Assessment [online](#) which have regard to the RIA Guidelines issued by the Department of An Taoiseach in June 2009.

⁴³ Ministerial Policy Direction made by Dermot Ahern T.D. Minister for Communications, Marine and Natural Resources on 21 February 2003.

⁴⁴ ComReg is required, in carrying out its functions, to seek to ensure that the measures taken by it are proportionate having regard to the objectives set out in Section 12 of the Communications Regulation Act 2002. Regulation 4(5) of the European Union (Electronic Communications Code) Regulations 2022 (S.I. 444/2022) (“the Code Regulations”) provides that ComReg, in pursuit of the policy objectives referred to in Regulation 4(3), shall apply impartial, objective, transparent, non-discriminatory and proportionate regulatory principles.

⁴⁵ Consultation 25/23.

⁴⁶ As set out in sections 10 and 12 of the Communications Regulation Act 2002 (as amended) (“the Act”).

⁴⁷ Section 12 (1)(a)(i) of the 2002 Act

⁴⁸ Section 12 (1)(a)(ii) of the 2002 Act

⁴⁹ Section 12(1)(a)(iii) of the 2002 Act

⁵⁰ Section 12(2)(c)(ii) of the 2002 Act

276. In addition, ComReg is guided by regulatory principles and obligations provided for under the 2023 Act that procedures for handling complaints and settling disputes, including through codes of practice, are fair, prompt, transparent, inexpensive, non-discriminatory and accessible.

3.2 Step 1: Describe the policy issue and identify the objectives

277. ComReg noted in the Consultation that its proposals aimed to provide a more transparent and consistent approach to complaint handling for the benefit of all stakeholders and that the requirements were minimum ones, which providers were free to go beyond. Recent legislative changes and the experience gained in the application of the 2017 Requirements made this an opportune time to review and assess the minimum requirements.
278. The electronic communications sector plays a vital role in supporting both end-users and businesses to, live, work and communicate. In the provision of their products and services to end-users, there can be instances of dissatisfaction in the delivery of these products and services and with the service received from providers. These instances of dissatisfaction can lead to the making of complaints by end-users.
279. As was noted recently in the context of ComReg's "Implementing a Customer Charter: Response to Consultation"⁵¹:

"...customer service⁵² is a vital aspect of a customer's experience in any service industry. In a well-functioning, competitive market, quality of service should be a key aspect that service providers compete on to attract and retain customers. However, ComReg is of the view that the electronic communications market in Ireland continues to leave significant room for improvement in terms of consumer satisfaction with the quality of customer service received from service providers."

⁵¹ ComReg 25/38 D08/25 [Online:] [Implementing a Customer Charter Response to Consultation and Decision](#)

⁵² These were noted to include the "core customer service elements of handling of customer queries, issues and complaints".

280. The electronic communications service sector as a whole consistently ranks as one of the lowest sectors in Ireland for customer service.⁵³ ComReg continues to receive contacts regarding access to complaints processes, whether in relation to complaint information not being available to end-users or them having difficulty making a complaint.⁵⁴ Complaints reports submitted to ComReg indicate that customer service and customer experience rank highly among complaints made to providers. Research published by the European Commission in 2024 states that *“knowledge of consumer rights remains insufficient”* with only 28% of consumers across the EU demonstrating a high knowledge of their rights.⁵⁵ A 2025 survey undertaken on behalf of the European Commission also noted that *“There has been almost no change since 2022 in the proportions demonstrating low, medium or high knowledge of their rights”*⁵⁶. ComReg aims to proactively uphold end-user rights and ensure they have timely and effective customer care, complaint handling and redress mechanisms.⁵⁷
281. Section 42(1) of the 2023 Act requires that every provider: CPC
- “...shall prepare, publish, keep updated and implement a code of practice for dealing with complaints and for settling relevant disputes.”*
282. Section 42(2) sets out the matters that a code of practice must provide for namely:
- “(a) first point of contact for complainants, including the channels of making complaints;*
- (b) a means of recording complaints;*
- (c) time-frames within which a provider shall respond to and resolve complaints;*
- (d) procedures for resolving complaints;*
- (e) informing the complainant that a dispute may be referred to the Commission where—*
- (i) the dispute has been resolved in accordance with the code of practice and the complainant is dissatisfied with the resolution, or*
- (ii) the dispute has not been resolved and at least 10 working days have passed*

⁵³ For example see [online:] CCPC [‘Consumer Helpline Report H1 2025’](#)

⁵⁴ [Online:] [CC Statistics Report Q1 25](#); [CC Statistics Report Q4 24](#); [CC Statistics Report Q3 24](#); [CC Statistics Report Q2 24](#)

⁵⁵ [Online:] [‘European Commission Staff working document Fitness Check of EU consumer law on digital fairness 3.10.24’](#) (*“Consumer Awareness of their rights”*).

⁵⁶ [Online:] [‘Consumers’ Attitudes Towards Cross-border Trade and Consumer-related Issues’](#)

⁵⁷ [Online:] [ComReg 2025-2027 Strategy Statement](#), at page 21.

since the day on which the complaint was first notified to the provider;

(f) cases where reimbursement of payments, payments of compensation and payments in settlement of losses incurred will be made;

(g) retention of records of complaints (including copies of the complaint, any response to it, any determination in respect of the complaint and any documentation considered in the course of such determination).”

283. It is a function of ComReg to ensure compliance by providers with their obligations in relation to the supply of and access to electronic communications services.
284. In accordance with Section 42(3) of the 2023 Act, ComReg may specify requirements which providers must meet to ensure compliance with Section 42(1) of the 2023 Act. ComReg may also specify requirements for providers to meet regarding the manner of publication of a code of practice. In considering whether to specify requirements ComReg aims to ensure compliance by providers with their obligations to have in place procedures for dealing with complaints and for settling disputes with end-users that are accessible, fair, prompt, transparent, inexpensive and non-discriminatory.
285. ComReg has previously specified requirements for providers in accordance with the legislative regime in place at the time (the 2017 Requirements). The aim of those requirements was to standardise the approach taken by providers to the minimum information to be provided in a code of practice including that concerning the contact channels, complaint handling processes and related timeframes through the life cycle of the complaint handling.
286. Notwithstanding the 2017 Requirements, and as noted above, ComReg is aware that the experience of end-users in the handling of their complaints by some providers, since these requirements were specified in 2017, has been mixed. In the Consultation, ComReg referred, at paragraph 34, to types of difficulties encountered by end-users. ComReg proposed to amend the 2017 Requirements in several respects with a view to addressing some of these difficulties and also to reflect the revised and updated legislative scheme.
287. ComReg has received complaints from end-users that their complaints to their providers are not being handled in accordance with the provisions of those providers' codes of practices and ComReg has also undertaken related investigations. Issues highlighted include difficulties encountered by end-users in raising a complaint, having an issue deemed to be a complaint and/or being accepted as a complaint by a provider, delays in the issuance of a complaint reference number and complaints not handled in accordance with the timeframes set out in a code of practice.

288. The 2023 Act introduced new legislative provisions regarding the provision of certain information related to the escalation of a complaint to ComReg that also needs to be reflected in providers' codes of practice.
289. ComReg's objectives in the performance of its functions include promoting competition⁵⁸ (ensuring that all end-users derive maximum benefit in terms of choice, price and quality)⁵⁹ and promoting the interests of users in the community⁶⁰. In relation to these objectives, ComReg is required to take all reasonable measures aimed at achieving them, including by ensuring a high level of protection for consumers in their dealings with suppliers (in particular by ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of the parties involved)⁶¹, by promoting the provision of clear information⁶², and by addressing the needs of specific social groups, in particular disabled users⁶³.
290. Having regard to its objectives and functions as set out in the 2002 Act and in the Code Regulations⁶⁴, and in the context of its regulatory obligations, ComReg is specifying minimum requirements in relation to the procedures that providers have in place for dealing with complaints and for settling disputes.

3.3 Step 2: Identify and describe the regulatory options

291. ComReg recognises that any regulatory measure should be kept to the minimum necessary whilst ensuring the needs of providers and end-users are met.
292. In considering ComReg's aims, several options need to be taken in to account: –
- (i) Option 1 - Do nothing (i.e. retain the *status quo*);
 - (ii) Option 2 - Specify new minimum requirements for providers' codes of practice for complaint handling;

⁵⁸ Section 12(1)(a)(i)

⁵⁹ Section 12(2)(a)(i)

⁶⁰ Section 12(1)(a)(iii)

⁶¹ Section 12(2)(c)(ii)

⁶² Section 12(2)(c)(iv)

⁶³ Section 12(2)(c)(vi)

⁶⁴ Regulation 4(3)(d) of the Code Regulations sets out a general objective of ComReg to promote the interests of the consumers and businesses in the State by, among other things, ensuring a high and common level of end-users through the necessary sector-specific rules and by addressing the needs of specific social groups, in particular end-users with disabilities, elderly end-users and end-users with special social needs, and choice and equivalence of access for end-users with disabilities. It should be noted that Article 25 of the Code Directive (Directive (EU) 2018/1972) provides for Out-of-court dispute resolution. This is addressed in Part 5 of the 2023 Act. The processes and procedures in place in respect of dispute resolution provided for in that Part take account of providers' procedures for the resolution of disputes, including their codes of practice for complaints handling.

- (iii) Option 3 - Specify minimum Quality of Service standards for complaint handling.

3.4 Step 3: Determine the impacts on stakeholders

293. Step 3 assesses the likely impact of the proposed regulatory measures on stakeholders. Pursuant to Section 42 of the 2023 Act, the proposed policy decisions will apply to all providers⁶⁵. The impacts envisaged for providers, end-users and competition, are considered against the three options set out in section 3.3 above.

3.4.1 Option 1 – Do nothing (i.e. retain the *status quo*)

294. Under option 1, providers would continue to operate as at present. In practice this would mean that providers would continue to be bound by sections 41 and 42 of the 2023 Act and the 2017 Requirements.

295. There would be financial and administrative benefit for providers in retaining the *status quo* as there would not be any additional administrative burden or costs for them as the process would remain unchanged. However, providers are already required to have codes of practice for complaints handling and to comply with minimum requirements in respect of them similar to those proposed and proposed to be maintained.

296. ComReg is aware that end-users have encountered difficulties with complaints handling by providers. These difficulties include, but are not limited to, the following:

- (i) an unanswered issue not being considered a complaint;
 - (ii) issues raised through different channels than those set out in a code of practice not being considered a complaint;
 - (iii) end-users who raise several issues within a complaint not having all of these issues considered;
 - (iv) end-users with a recurring problem being required to treat each instance as unrelated to the previous instance(s);
 - (v) end-users having issues and/or complaints closed without their knowledge;
 - (vi) end-users not being provided with a complaint reference number on request;
- and

⁶⁵ As defined in Section 40 of the 2023 Act.

(vii) end-users being told their issue does not warrant a formal complaint.

297. The 2023 Act introduced new provisions, rights, obligations and definitions in the area of complaint handling and dispute resolution that require to be reflected in the minimum code of practice requirements.
298. ComReg is cognisant of the new requirement introduced by section 45 of the 2023 Act for providers to inform end-users of their right to refer a relevant dispute to ComReg for resolution when a complaint is received from the end-user.
299. ComReg is also cognisant of the right, introduced by section 47(1)(a) of the 2023 Act, for end-users to refer disputes for resolution to ComReg when 10 days have elapsed since the complaint giving rise to the dispute was made.
300. ComReg has taken into account the fundamental importance of ‘complaint status’ in the regulatory and statutory structures around complaint handling and dispute resolution that necessitate clear start and endpoints in order for end-user rights to be engaged. ComReg has also considered the balance of power between providers and end-users within these structures and the potential for circumstances to be abused by either.
301. A properly functioning complaints handling process is necessary for end-users’ statutory right to refer disputes to ComReg for resolution to be effective. The scheme introduced by Part 5 of the 2023 Act envisages and requires fair, prompt and transparent complaint handling processes with a statutory right to refer disputes to ComReg within 10 days of making a complaint whether providers have exhausted their own code of practice procedures by that point or not. This emphasises the importance of clarity around timelines within providers’ procedures for complaints handling, and code of practices requirements must reflect and be framed by the overall statutory scheme and the principles set by it.
302. Sections 41 and 42 of the 2023 Act require procedures for complaint handling and dispute resolution that are non-discriminatory. ComReg is aware of varying practices among providers in terms of the form and nature of information provided to end-users depending upon the channel used to make a complaint.
303. ComReg has had regard to the fact that providers are required under the 2023 Act to retain records of complaints, but that unlike the Universal Service and Users’ Rights Regulations (S.I. 337/2011) (“Universal Service Regulations”) before it, no specific retention period is set out in the 2023 Act. This creates a risk of varying practices amongst providers and has the potential to undermine ComReg’s statutory function to monitor and ensure compliance by providers with their obligations in respect of complaint handling.

304. Experience in the application of the 2017 Requirements has shown that there are certain technical issues that could also be improved (e.g. the definition of an 'Electronic means of contact' and the issue of broken weblinks experienced sometimes by end-users) and also developments in the technology and contact channels available to end-users that require consideration in order to ensure, in particular, fairness and non-discrimination in treatment.
305. Having considered the additional cost and administrative burden likely to be incurred by providers in relation to the proposed changes, ComReg is of the view that many of the proposals do not involve changes to existing requirements that would incur significant cost to address, and they merely build upon established concepts and processes. Other proposals are dictated by legislative change. To the extent that the more significant proposed changes will incur costs (including I.T. systems development and staff training), ComReg is of the view that these costs are necessary and proportionate to achieving the aims, objectives and benefits of the proposals. ComReg is mindful in this regard, of the fact that the need for, and the scale of necessary I.T. systems development and training will be impacted by customer numbers, levels of complaints, and existing processes, amongst other factors. It will therefore not be the case that a common level of costs will be incurred by providers and these may vary significantly.
306. Conversely, maintaining the *status quo* may have a detrimental effect on end-users who currently experience difficulties and delays in making complaints and in having their complaints resolved by providers. The identified benefits for end-users may not be realised if further minimum requirements are not specified and these matters are left to providers to address. The 2017 Requirements are now long established, and providers may not be incentivised to make the identified changes in the absence of further requirements being imposed on them. To the extent that some providers may be so incentivised, having an industry-wide minimum set of requirements provides certainty and consistency for stakeholders.
307. It is also the case that certain legislative changes necessitate revision to the 2017 Requirements and therefore certain additional costs for providers are unavoidable, albeit that it is accepted that not all costs involved fall into this category.
308. Taking account of the foregoing, ComReg's view is that it is necessary to make changes to the 2017 Requirements and that these will lead to a more efficient, prompt, fair, non-discriminatory, transparent and accessible process for end-users that addresses identified issues with current processes, which will assist in managing the expectations of end-users, and which will provide more clarity for providers when classifying complaints.
309. ComReg's approach is to ensure that any requirements placed on providers are appropriate and proportionate.

3.4.2 Option 2 – Specify new minimum requirements for providers' codes of practice for complaint handling

310. ComReg identified proposed new minimum requirements for a code of practice and procedures for dealing with complaints and settling disputes that it considered fair, prompt, transparent, inexpensive and non-discriminatory; and requirements regarding the manner of publication of a code of practice that it deemed appropriate. Option 2 would mean that different requirements to those currently in place would be specified.
311. ComReg proposed to:
- (i) Revise the definition of a Complaint
 - (ii) Revise the definition of a Complaint Acknowledgement
 - (iii) Revise the definition of a Proposed Complaint Resolution
 - (iv) Add a new definition of Complaint Update
 - (v) Revise the definition of a Complaint Response
 - (vi) Replace the definition of Undertaking with a new definition of Provider
 - (vii) Add a new definition of end-user
 - (viii) Enable Complainants to obtain a copy of their written submissions in certain instances where an Electronic Means of Contact is used
 - (ix) Make additional and minor amendments to reflect revised legislative terminology
 - (x) Add requirements for providers at the first point of contact in respect of directing end-users to appropriate complaint handling channels when making a complaint
 - (xi) Add requirements for providers in respect of the minimum information they are required to record in relation to complaints. to include the following additional minimum information to that specified in D04/17, as follows:
 - a. The dates of communications throughout the lifecycle of the complaint to the date the complaint is finally closed;
 - b. Any communications with the complainant.
 - (xii) Add requirements for providers in respect of response timeframes and resolution procedures, to include:
 - a. Notification to an end-user of their right to refer a complaint to ComReg;

- b. The provision of a Complaint Acknowledgement to a complainant, within a maximum timeframe of 2 working days from the day on which the Complaint was first notified to the Provider, on a durable medium;
 - c. Additional minimum information requirements for inclusion in Complaint Acknowledgment;
 - d. Updated provisions in respect of the requirement to issue a Complaint Update (in certain circumstances) and a Complaint Response in respect of all complaints, on a durable medium.
- (xiii) Add requirements for providers in respect of publishing a code of practice, to include:
- a. A requirement that providers ensure a direct link to their code of practice from the home page of the corporate website is at all times a working link, and
 - b. A requirement that providers ensure their code of practice does not contain information other than information relevant to the handling of complaints and resolution of disputes.
- (xiv) Add a requirement for providers to retain records of complaints for a period not less than one year from the date the complaint is finally closed.

3.4.3 Definition of a Complaint

Legislative references

312. ComReg proposes to revise the definitions used in the Universal Service Regulations and replace them with those used in the 2023 Act. ComReg is of the view that these revisions are necessitated by legislative change and in order to provide for a coherent scheme for complaint handling and dispute resolution.

Complaints relating to a provider's complaint handling process

313. ComReg proposed to clarify that a complaint relating to a provider's complaint handling process includes a complaint that an end-user has experienced difficulty in making a complaint. Complaint handling is already something in respect of which end-users may raise issues and which can give rise to complaints and the proposed amendment aims to provide certainty on this matter. ComReg expressed the view in the consultation that this was a matter already covered by the existing definition of a complaint and the change was proposed only to provide clarity.⁶⁶ It is therefore of the view that this proposal should not have any significant impact on providers and is of benefit to end-users as it adds clarity.

⁶⁶ Paragraph 38 of the Consultation.

Expression of dissatisfaction by an end-user explicitly or implicitly made

314. ComReg proposed to revise the definition of a complaint so that the expression of dissatisfaction can be made explicitly or implicitly. This proposal has the potential to result in more matters meeting the definition of a complaint with consequent impacts for providers. It was ComReg's preliminary view that these are merely different tests to assess dissatisfaction and that dissatisfaction will be present in either scenario, with only the manner in which it is expressed being different.
315. ComReg has considered the responses received to the Consultation on this proposal. While noting general agreement that a specific form of wording should not be required for a provider to treat a matter as a complaint ComReg notes several potential impacts for providers:
- (i) Operational difficulties and consequences for over-classification of complaints caused by subjective interpretations as to what constitutes an implicit expression of dissatisfaction;
 - (ii) Difficulties detecting dissatisfaction without a clear verbal or written cue;
 - (iii) Variations in practice among providers to the treatment of dissatisfaction implicitly made;
 - (iv) Legal uncertainty;
 - (v) Increased training requirements for staff.
316. Against this, ComReg must also consider the potential impacts for end-users who may be impeded or prevented from making a complaint due, for example, to technical distinctions made by agents regarding the particular language used by an end-user that do not reflect the nature of an interaction taken in context.
317. ComReg has also had regard to the potential for interpretative guidance to instead be used in this specific instance in place of a specific regulatory intervention. Balancing these competing positions, ComReg is of the view that at this time it will provide guidance to providers on this issue and set out its clear expectation as to how these issues are to be addressed.
318. ComReg has also revised the definition of a Complaint to expressly state that no particular word or formula of words is required to be used by an end-user in order for a complaint to be made. This proposition was generally accepted by respondents.

Issue to become a complaint after 2 working days if no attempt to resolve

319. An end-user who raises an issue to their provider and expresses dissatisfaction with the attempted resolution by the provider and the matter remains unresolved, will have made a complaint. A complaint can be made in this scenario at the first point of contact. Where a provider makes no attempt to resolve an issue the provider should be in no better position – and the end-user in no worse position – than if an attempt had been made to resolve the issue. There should be no incentive for providers to ignore issues raised by their customers through complaints handling channels to prevent them becoming complaints. As noted above, ComReg has been contacted in cases where end-users have been unable to make a complaint to their provider and where no attempt has been made by the provider to resolve the issue raised by the end-user. It is important that an end-user can make a complaint and that it is not within the gift of their provider to prevent this from happening once a reasonable opportunity has been provided to the provider to resolve the issue.
320. ComReg proposes to expressly provide that where a provider makes no attempt to resolve an issue raised by an end-user through a complaint handling channel then after 2 working days the issue raised will be deemed to be a complaint made when the issue was raised by the end-user to the provider.
321. End-users have not been able to make a complaint where there has been no attempt made to resolve an issue raised through a complaint handling channel.
322. ComReg's proposal aims to make clear the specific point in time by which an attempt must be made to resolve an issue. This does not mean that in all cases a Proposed Complaint Resolution must be provided by this time (i.e. two working days after the issue is raised). What is required is that there is "an attempt to resolve" the issue. To amount to an attempt to resolve, the engagement by the provider must be specific to the issue raised and be a meaningful attempt to resolve it. It is not sufficient that an automated or generic response has been issued by the provider.
323. A key aim of this proposal is to engage end-users' rights that are founded upon them having made a complaint. Section 47 of the 2023 Act reflects the legislative intention that end-users should be able to have unresolved complaints referred to ComReg for resolution within a relatively short period of time. It would undermine this legislative aim and frustrate end-users in obtaining redress if a provider could prevent this from happening simply by not making an attempt to resolve an issue.
324. Deeming a complaint made does not mean the matter is immediately referable to ComReg for dispute resolution however, and the criteria in Section 47(1) of the 2023 Act would still have to be met by the end-user in order to refer a dispute for resolution.

325. Where no attempt is made to resolve an issue raised by an end-user, ComReg is of the view that an end-user should not have to make further contact with their provider to express dissatisfaction in order for the issue to become a complaint. Furthermore, an end-user may be unsure how long they have to wait for a response to their issue before expressing dissatisfaction and they may also be unsure how long they must wait after such an expression of dissatisfaction. Accordingly, in such circumstances ComReg is proposing that no expression of dissatisfaction is required from the end-user. This is a simple but important measure to safeguard against adverse outcomes for end-users, particularly in circumstances where end-users may feel they are being deliberately frustrated by their provider.
326. ComReg is of the view that while this proposal does impose a regulatory burden on providers, consistent with the statutory requirement in Section 41(1) of the 2023 Act that providers' complaints handling procedures are accessible, fair, prompt, transparent, inexpensive and non-discriminatory, those procedures cannot be permitted to prevent a complaint being made through a provider's own inaction. Therefore, ComReg considers the measure to be justified, necessary and proportionate to the identified aims.
327. ComReg has considered the submissions made on this proposal in response to the Consultation. Some providers submitted that this proposal was unnecessary and would increase administrative burden. Providers identified the potential for complaints volumes to increase due to what they described variously as "*non-complaints*", disputes that were not "*genuine*" or "*true*" or did not "*reflect actual dissatisfaction*". Some providers submitted that ComReg had failed to identify consumer harm justifying the proposal. However, providers generally did not engage at all with ComReg's point that it was necessary that end-users have a point in time after which time should run for the purposes of engaging their rights and that providers should not be able to unilaterally frustrate these rights through their own inaction. Indeed, "*premature*" escalation to ComReg was specifically referenced as a reason why ComReg should not proceed with the proposal. It was also unclear from responses, how providers currently comply with the existing requirement to provide a Complaint Acknowledgment within a maximum timeframe of 2 working days.
328. ComReg has had regard to the submissions made by providers regarding the meaning of a "*meaningful, specific and demonstrable*" attempt to resolve an issue, and has provided guidance in its response on particular points raised.
329. To mitigate concerns raised by respondents regarding deeming of complaints and associated system changes required, ComReg has clarified that a Complaint Acknowledgement is to issue in respect of a deemed complaint within a maximum timeframe of 3 working days from the day the issue was raised to the Provider by the end-user.

330. Providers are already required to track issues and complaints, and it is assumed that they do so in order to provide good customer service and to comply with their existing regulatory obligations. Providers may use automated processes to track issue handling and to classify issues for example as resolved, unresolved or ongoing, removing or reducing the need for manual actions. If being monitored regularly, these automated processes may be used to manage the potential issue of deemed complaints and avoid what one respondent describes as 'issue flooding'. The additional period afforded to providers to issue a Complaint Acknowledgement in respect of a deemed complaint should also facilitate the automation of that process.
331. ComReg accepts that its proposals are likely to necessitate systems re-design and implementation for some providers with associated costs. The extent of this will depend on the size of the provider's customer base, the volume of complaints it receives, the particular channels it uses for complaint handling, its current practices and other factors. Providers did not make specific submissions on these issues, nor did they estimate the costs involved for them. ComReg is of the view that the burden and cost associated with the proposal are justified and proportionate to the aims, the principle one being that end-users are not frustrated in the exercise of their rights through inaction or inadequate responses from their provider. This is a key aspect of the statutory scheme created by Part 5 of the 2023 Act.
332. ComReg has sought to ensure that the intervention is proportionate by confining it to those circumstances in which no meaningful and specific attempt has been made to resolve an issue and 2 working days have elapsed since the issue was raised with the provider. These should be the minority of cases and ComReg has provided guidance to providers to assist their understanding of what is required of them. Providers also have the ability to avoid issues being deemed complaints through their own processes.
333. Deemed complaints are not focussed on resolution completion times but rather on the commencement of the lifecycle of a complaint. Providers retain the ability to resolve issues before they are deemed complaints and to resolve complaints before they may be escalated to ComReg. Some responses to the Consultation evidenced a misunderstanding of the proposal in these regards.

334. ComReg considers that the 2 working day period to make a meaningful and specific attempt to resolve an issue is reasonable and proportionate. It reflects the existing timeframe within which a Complaint Acknowledgement is required to be given and is an appropriate timeframe in the context of the statutory scheme as a whole and its associated timelines. One respondent sought a longer time period of 5 days, however this was based on a misunderstanding of what is required to be done within the 2 working day period in order for an issue not to be deemed a complaint and while another submitted that a 10-working day period was appropriate, this is currently the time period afforded under the 2017 Requirements to propose a complaint resolution. To delay complaint status commencing until 10 working days have elapsed would, in ComReg's view, be detrimental to end-users and not be consistent with the requirement that procedures for complaint handling are prompt.

First point of contact for complaints, including the channels of making complaints

335. ComReg proposes to make it explicit that complaints made by end-users need to be made through a complaint handling channel specified in the provider's code of practice unless the provider elects to deal with the complaint in some other way. This provides certainty for providers and end-users alike in terms of what they can expect (and in the case of providers, what is expected of them). There is a consequent additional proposal however, which seeks to guard against overly literal approaches by providers that result in adverse experiences and outcomes for end-users. The proposal is that providers are proactive in dealing with situations in which end-users seek to make complaints through a channel used by the provider for customer service contacts but not a specified complaints channel (alternative means) and that they either proceed to deal with the complaint or, they re-direct the end-user to the appropriate channel by direct transfer unless this is not technically feasible, in which case the end-user is to be re-directed to the relevant complaints handling channel(s) and to the code of practice.
336. The potential regulatory burden for providers by this proposal has been considered and it is proposed to confine the re-direction obligation to instances where the alternative means are used by the provider for customer service contacts. In this way providers' re-direction obligations are limited to those channels they would normally be using for customer contacts in any event. Providers may be explicit in telling end-users that a channel is not one used for customer service contacts, so long as this is done clearly, prominently and comprehensibly, and consequently, the obligations regarding complaint handling or redirection will not apply to that channel.
337. ComReg has considered the responses to the Consultation on this issue. Some responses demonstrated a possible misunderstanding of the proposal or, at a minimum, did not take account of the alternative options available to providers.
338. In the first instance, there is no obligation to handle complaints through non-complaint handling channels. The only situation in which this arises is where the provider elects to do this. If the provider does not so elect, it is required to directly transfer the end-user to the appropriate channel. However, this obligation is subject to a technical feasibility exception. In other words, if it is not technically feasible for the provider to directly transfer the customer it may comply through the next level requirement namely that it re-direct the customer to the relevant complaint handling channel(s) and to the code of practice.
339. The proposal benefits end-users who seek to make a complaint but who use an incorrect channel to do so.

340. There is an impact on providers in terms of the actions they must take in respect of channels that may not be identified as complaint handling channels, and this impact may have associated costs for providers in terms of system development and implementation and/or staff training. ComReg has sought to minimise the burden on providers however, by affording them various means to comply.
341. There are a range of tiered obligations proposed that afford providers the flexibility to choose the non-complaint handling channels they wish to use for customer contacts, that enable them to insulate themselves from monitoring obligations through the provision of clear, prominent and comprehensible statements, that limit complaint handling requirements on such channels to cases in which the provider elects to do this, that impose transfer obligations subject to technical feasibility and that otherwise require no more of providers than that they re-direct their customers to complaint handling channels and their code of practice.
342. While some providers submitted that ComReg's proposals required them to ensure all staff were proficient in complaint handling, ComReg does not agree with this statement. The proposals require no more than that first line agents are in a position to identify when an end-user is seeking to make a complaint. This should already be the case based upon the current definition of a Complaint.
343. ComReg considers that the proposal is justified to avoid the end-user harm of being unable to make a complaint by reason only of not having used the correct channel. End-users should be facilitated and not frustrated in this regard.
344. ComReg has balanced the need to protect end-users against the additional burden that may arise for providers and is satisfied that the proposal is proportionate to the aims.

Retention period for records related to a complaint

345. ComReg proposes to require that providers retain complaint records for a period not less than 12 months from the date the complaint was finally closed. ComReg notes that the retention of "*records of complaints (including copies of the complaint, (and) any response to it...*" arises directly from Section 42(2)(g) of the 2023 Act. In ComReg's view this obligation extends across the various complaint handling channels (or non-complaint handling channels they choose) that may be utilised by providers and extends to call recordings where that particular channel is used to handle complaints.

346. ComReg is of the view is that a 12-month retention period for complaints records strikes a balance between data protection principles and rights including the protection of personal data and privacy, ComReg's objectives to promote and protect the interests of end-users, and ComReg's functions to monitor and ensure compliance by providers with their obligations. As providers are required by statute to retain these records and as providers must report to ComReg at 6-monthly intervals on complaints received by them, and taking account of existing and current practices of providers in respect of retention of these records, ComReg considers that the proposed retention period should not impose any significant burden or significant additional cost on providers and is proportionate to the benefits identified in this consultation for retaining the records for this period. ComReg must ensure that codes of practice for dealing with complaints and for settling relevant disputes are fair, prompt, transparent, inexpensive and non-discriminatory.
347. ComReg has had regard to the submissions on this issue in the Consultation. Providers who disagreed with the proposal focussed mainly on the retention of call recordings, associated practical and cost implications, and their obligations under data protection law.
348. The requirement to retain records of complaints comes from the 2023 Act and has been in place since 2011. Until 2023 the retention period was 12 months under statute. Since then, there is no specific retention period. The requirement to retain records does not derive from ComReg's proposals and only the duration of their retention is at issue. ComReg noted in the Consultation that a "record" under the 2023 Act includes a call recording. It also noted that call recordings are already widely used by providers. In this regard, ComReg does not accept that a disproportionate cost and burden stands to be visited upon providers by reason of these proposals.
349. The duration of the retention of complaint records was the subject of prior consultation with the DPC. As such, ComReg does not agree that the proposal should impact providers in terms of their data protection obligations.
350. ComReg notes the submission made that there may be practical impacts for providers in terms of having to separate 'general' recordings from those related to complaints. The impracticalities referenced were not detailed and ComReg considers that there are reasonable means available to providers to appropriately reference or identify recordings associated with complaints.

351. The benefit of retaining records of complaints is already established by reason of the statutory requirement that it must be done. The cost-benefit analysis one provider submitted had not been engaged in sufficiently can be approached only from the perspective of the duration of retention of those records. ComReg has identified the benefit in end-users having a full suite of documents associated with their complaint and not having auto-deletion processes result in an incomplete set if, as they are entitled to do, they refer a dispute to ComReg for resolution at a later date (which can be up to 12 months after a complaint is made). ComReg is of the view that the additional burden and cost associated with this retention period as compared to a shorter period, is justified on these grounds and proportionate to the aims of having procedures that are fair and transparent for end-users and providers alike.
352. In ComReg's experience, complaints recordings, including call recordings, can be decisive in having complaints handled and disputes resolved between end-users and their providers. The retention of these records is also relevant to ComReg's statutory function to monitor and ensure compliance by providers with their obligations related to complaint handling and dispute resolution. The absence of such records could hinder the performance of this function.

Definition of Complaint Acknowledgement, Complaint Update and Complaint Response and Durable Medium

353. Complaint Acknowledgements, Proposed Complaint Resolutions, Complaint Updates and Complaint Responses all reflect existing concepts within the 2017 Requirements.
354. Taking account of the importance of a Complaint Acknowledgement for an end-user and the uses to which it may be put (referenced above), it is proposed that the information in the Complaint Acknowledgement is personally addressed (noting it already requires a unique reference number) and provided in a form that enables storage and future unchanged reproduction. For these reasons ComReg is also proposing that the Complaint Acknowledgement is provided on a durable medium.
355. These considerations apply also to the Proposed Complaint Resolution, and the Complaint Response in respect of which similar proposals are made. It is the case however, that a Proposed Complaint Resolution forms part of the required contents of a Complaint Response and therefore a single durable medium may be used for both.

356. ComReg notes that providers currently must provide a Complaint Acknowledgement “*in the same medium the complaint was made*”. For some channels in particular, ComReg’s proposals that the Complaint Acknowledgement is personally addressed and is provided on a durable medium will create additional burden for providers. ComReg is of the view that this burden and the associated cost are proportionate to the aims of having complaints procedures for end-users that are accessible, fair, prompt and transparent. Where the information required to be given in each of these instances is not given in a manner than enables easy storage and unchanged future reproduction there could be subsequent disagreements regarding the nature of the information given or statements made. This scenario serves neither the interests of providers nor end-users. Procedures for complaint handling and dispute resolution should also be non-discriminatory. ComReg’s proposal will mean every end-user receives a Complaint Acknowledgement and Complaint Response on a durable medium and not just a sub-set of them.
357. With regard to a Complaint Acknowledgement, ComReg proposed that an end-user’s right to refer a dispute to ComReg for resolution would be contained within it. In terms of assessing impact for providers, it is important to note that the obligation to inform end-users of this right when they make a complaint is already required under statute and ComReg’s proposal is only to incorporate that into the Complaint Acknowledgement. The benefit to end-users is receiving relevant information relating to their complaint in a single communication. This should also be of benefit to providers for the same reason.
358. ComReg has considered the responses received from providers on Complaint Responses and Complaint Updates which focussed principally on duplication, complexity, unnecessary regulatory burden, potential miscommunication, confusion and added workflows. In light of same ComReg has decided to revise its proposal regarding the Complaint Response and the Complaint Update so that a single Complaint Response communication will be issued to end-users within 10 working days of them making a complaint which will incorporate aspects of what was the Complaint Update, to ensure end-users are informed appropriately regarding the status of their complaint.
359. The revised proposal strikes a balance between the issues raised by providers and the need to ensure that end-users receive the necessary information regarding their complaint at appropriate times.

360. ComReg has also had regard to the submissions received regarding the practical difficulties and additional work that may be involved in recording the date a complaint was made in a Complaint Acknowledgement and accurately identifying an expected response date. These submissions were unspecific and lacking in detail, however ComReg understands that providers may not be able to issue an entirely templated Complaint Acknowledgement if end-user specific information is required to be recorded in it.
361. ComReg notes that providers already have to track when complaints are made in order to comply with their existing complaint handling obligations⁶⁷ and therefore there should not be additional burden on them in this regard (with the possible exception of deemed complaints which are addressed above). The additional regulatory obligation is to state the relevant date in a Complaint Acknowledgement. While ComReg accepts that this will likely require some providers to have to implement changes to their I.T. processes and thereby incur costs, as some case-specific information will require to be added to the Complaint Acknowledgement and a completely templated response may not be possible, the additional information is a date that will readily be available to an agent and should not require any significant time to input. It is also the case however, that a Complaint Acknowledgement issued on the same day the complaint could be templated in this regard, for example through a date stamp and reference to the complaint being made “today”.
362. Providers will also have to provide an estimated date for a response. While ComReg would encourage providers to be as specific as is possible in this case, providers would comply with their obligations in this regard if they indicated they would provide a Complaint Response within a maximum timeframe of 10 working days from the day on which the complaint was first notified to the provider.
363. While the proposals may require limited ‘tailoring’ and the configuration of templates, the creation of templated correspondence from a data source including via automated means is likely to be an exercise that is familiar to providers, particularly larger ones. A Complaint Response, by its very nature, needs to be tailored and this is an existing requirement.

⁶⁷ Section 4.2.3(ii) of D04/17.

364. The communication of the date a complaint is made is important in order that end-users know the stage of the process they are at and when their statutory rights are engaged. ComReg is also of the view that providing it will bring clarity to end-users and providers alike and may avoid disputes at later stages regarding when a complaint was made. Providing this information on a durable medium ensures that a clear and accurate record of the key information is provided to all end-users. Durable media are widely used by providers to communicate with their customers. The proposal to require information be provided in a durable medium is supported by the submissions from Age Friendly Ireland which called for additional requirements such as the provision of hard copy communications to end-users.
365. ComReg has taken note of developments in the breadth of communications channels available and which providers use to facilitate their customers in interacting and engaging with them. ComReg is of the view that providers should provide end-users with an option to download or print a copy of a 'chat' or message if they have used chat bots, web-based chat, or direct messaging tools as their electronic means of contact or provide this to the end-user automatically. If an online form is provided as the electronic means of contact the end-user should also have the facility to download or print a copy of what they have submitted via the online form, or this should be provided to the end-user automatically. This proposal seeks to advance the transparency and fairness of the process by ensuring that end-users in these circumstances have a record of their submission on a durable medium similar to those end-users who may use a different electronic means of contact. ComReg notes in this regard that some providers' webchats already have the option to save a transcript into a file or receive a copy via email.
366. Providers may use multiple channels but at least one electronic means of contact must enable a record to be provided to the end-user in durable form. With a view to minimising the burden on providers by this requirement and ensuring that it is proportionate to the aims, ComReg proposes to require a provider to make a statement in its code of practice identifying the electronic means of contact used, those that provide the end-user with a record in a durable form and those that do not and indicating how the end-user may obtain and retain a record of their complaint.

367. ComReg has assessed the regulatory impact this will have for both providers and end-users. Providers will face I.T and/or training costs associated with either of these alternative options. They have a choice however, in terms of how they comply with the proposed requirements and can therefore choose the approach that is most suitable for their circumstances, with the ability to revise this approach over time if they see fit. ComReg is of the view that the costs likely to be incurred by providers associated with this proposal are proportionate to the aims, provide certainty for stakeholders, enhance end-user protection, and are consistent with the principles of accessibility, fairness, promptness and transparency as set out in sections 41 and 42 of the 2023 Act.

3.4.4 Option 3 – Specify minimum Quality of Service standards for complaint handling with related compensation obligations in the event of a breach of those standards.

368. Option 3 would involve ComReg specifying minimum quality of service standards under Section 37(1) of the 2023 Act. In respect of complaint handling, this could include standards in respect of available complaint handling channels, acknowledgement times, and time taken to resolve a dispute. ComReg has considered this option and is of the view that there is a significant overlap with the complaint handling standards that could be imposed and existing requirements in respect of complaints handling (including the 2017 Requirements).

369. Under Section 39 of the 2023 Act ComReg may specify as a compensable failure a failure to comply with a minimum quality of service standard specified under Section 37. This could apply to any minimum quality of service standard specified in respect of complaint handling.

370. At this time ComReg is not proposing to specify minimum quality of service standards under Section 37(1) with associated compensation obligations under Section 39 in order to implement the proposed changes, including those necessitated by legislative change. However, ComReg proposes to keep complaints handling quality of service under review and it may move to impose minimum quality of service standards and associated compensation obligations in the future if it considers this appropriate.

371. It should be noted however, that in forming its view on Option 3 ComReg has had regard to the proposed minimum requirements to be imposed as part of this Decision.

3.5 Step 4: Determine the impacts on competition

372. Step 4 assesses the impact on competition, of the various regulatory options available to ComReg. In that regard, ComReg notes that it has various statutory functions, objectives and duties which are relevant to the issue of competition.

373. The requirements proposed by ComReg will apply to providers.
374. It is possible that new regulatory obligations act unevenly in the market and may impact smaller providers and market entrants to a disproportionate extent.
375. ComReg does not have discretion to apply these obligations selectively on providers. Even if it did, ComReg is of the view that end-users of services provided by smaller enterprises are entitled to expect the same protections as end-users who are customers of larger enterprises. Customer levels, complaint volumes and existing procedures, will have a bearing on the extent of the impact of certain of the proposals, particularly in terms of systems developments and staff training.
376. Therefore, while some impact on competition is conceivable and even likely as a result of these measures, it is not a reason to disapply or vary the requirements for providers.

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

377. In light of its analysis and having regard to its objectives and functions and respondents' views, ComReg has considered the options available to it in terms of imposing the regulatory obligations. ComReg is of the view that the most appropriate option is Option 2, to specify requirements to ensure a code of practice and procedures for dealing with complaints and settling disputes are fair, prompt, transparent, inexpensive and non-discriminatory, and requirements regarding the manner of publication of a code of practice.
378. By doing so, ComReg aims to ensure that new legislative provisions set out in the 2023 Act are reflected in providers codes of practice and address problems experienced by end-users in their use of providers codes of practice which have been highlighted to ComReg through complaints it has received and compliance investigations.
379. ComReg expects this will provide certainty for providers in respect of minimum information requirements for a code of practice and the requirements regarding the manner of publication of a code of practice. ComReg also expects that this will assist end-users in comparing the level of service they can expect from a provider.
380. The other options considered would either, in the case of Option 1, not contribute to a significant change in terms of the existing requirements for a code of practice and thereby leave identified issues unaddressed; or, in the case of Option 3, could place additional regulatory and financial burden on providers.

Appendix: 1 Tracked changes to 2017 Requirements

Table 1: Differences between 2017 Requirements and the final requirements

The steps of the requirements have each been numbered. The new paragraph number relates to that in the Decision and Decision Instrument at Annex: 1. When the new paragraph number is clicked it will direct the reader to the appropriate paragraph in Annex: 1.

Legend:

New: **Text is in red**

Deleted: ~~Text is single strikethrough~~

D04/17 Ref #	D04/17 (ComReg 17/62)	Tracked	New Para Ref #	Text of Requirement
1.	STATUTORY FUNCTIONS AND POWERS			STATUTORY FUNCTIONS AND POWERS
	This Decision and Decision Instrument (“Decision Instrument”) is hereby made by ComReg for the purposes of imposing minimum requirements to ensure access to and compliance with a uniform code of practice for complaints handling which is fair, prompt, transparent inexpensive and non-discriminatory and to ensure that end-users are informed in respect of the complaints handling services provided by ECN and ECS Providers (Electronic Communications Providers).	This Decision and Decision Instrument (“Decision Instrument”) is hereby made by the Commission for Communications Regulation (“ComReg”) established under Section 6 of the Communications Regulation Act 2002, as amended (“the 2002 Act”) and is made: for the purposes of imposing minimum requirements to ensure access to and compliance with a uniform code of practice for complaints handling which is fair, prompt, transparent inexpensive and non-discriminatory and to ensure that end-users are informed in respect of the complaints handling services	1.1	This Decision and Decision Instrument (“Decision Instrument”) is made by the Commission for Communications Regulation (“ComReg”) established under Section 6 of the Communications Regulation Act 2002, as amended (“the 2002 Act”) and is made:

D04/17 Ref #	D04/17 (ComReg 17/62)	Tracked	New Para Ref #	Text of Requirement
		provided by ECN and ECS Providers (Electronic Communications Providers).		
		Having regard to the functions and objectives of ComReg as set out in Sections 10 and 12 of the 2002 Act, and Regulations 12 and 16 of the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011.	1.1(i)	Having regard to the functions and objectives of ComReg as set out in Sections 10 and 12 of the 2002 Act,
	Pursuant to Regulations 27(1), 27(2) and 27(3) of The Universal Service Regulations;	Pursuant of the functions and powers conferred upon ComReg by sections 41 and 42 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023,	1.1(ii)	Pursuant of the functions and powers conferred upon ComReg by sections 41 and 42 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023,
	Pursuant to Regulation 30 of the Universal Service Regulations;			
	Having regard to the provisions of Regulation 27 of the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013			
		Having regard to Directive 2018/1972 of the European Parliament and of the Council of 11 December 2018	1.1(iii)	Having regard to Directive 2018/1972 of the European Parliament and of the Council of 11 December 2018

D04/17 Ref #	D04/17 (ComReg 17/62)	Tracked	New Para Ref #	Text of Requirement
		establishing the European Electronic Communications code (Recast),		establishing the European Electronic Communications code (Recast),
		Having regard to European Union (Electronic Communications Code) Regulations 2022 (“S.I. 444 of 2022”),	1.1(iv)	Having regard to European Union (Electronic Communications Code) Regulations 2022 (“S.I. 444 of 2022”),
		Having regard to S.I. No. 636/2023 - European Union (Accessibility Requirements of Products and Services) Regulations 2023,	1.1(v)	Having regard to S.I. No. 636/2023 - European Union (Accessibility Requirements of Products and Services) Regulations 2023,
	Having regard to the analysis and reasoning set out by ComReg in Decision No D13/01 (Document ODTR 01/67) Codes of Practice for the Handling of Consumer Complaints by Telecommunications operators and in Decision D16/03 (Document 03/86) Users’ Rights to Communications Services – Protecting users in the developing communications market (25 July 2003):	Having regard to the analysis and reasoning set out by the Commission in: Decision No (1) D13/01; (Document ODTR 01/67) Codes of Practice for the Handling of Consumer Complaints by Telecommunications operators and in (2) Decision D16/03; and (Document 03/86) Users’ Rights to Communications Services – Protecting users in the developing communications market (25 July 2003); and D04/17,	1.1(vi)	Having regard to the analysis and reasoning set out by the Commission in: (1) D13/01; (2) D16/03; and D04/17,
	Having regard to the analysis and reasoning set out by ComReg in ComReg 16/118 ECS Complaints Handling Code of Practice’ (22 December 2016); and			

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	Having regard to the analysis and reasoning set out in the responses to consultation and final decision document entitled ComReg Document No. 17/62 which shall, where appropriate, be construed together with this Decision Instrument.			
	Having regard to the Commission's functions and objectives under sections 10 and 12 respectively of the Communications Regulation Act 2002 (as amended) and Regulations 12 and 16 of the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011.	Moved to 1.1 (i)		
		Having regard to the analysis and reasoning set out by the Commission in ComReg Document No. 25/23 and ComReg Document No. 25/54,	1.1(viii)	Having regard to the analysis and reasoning set out by the Commission in ComReg Document No. 25/23 and ComReg Document No. 25/54,
	Having, pursuant to Section 13 of the 2002 Act, complied with Ministerial Policy Directions where applicable.	[full stop replaced by comma]	1.1(viii)	Having, pursuant to Section 13 of the 2002 Act, complied with Ministerial Policy Directions where applicable,
		Having regard to Sections 43 and 44 of the 2023 Act concerning the provision of information to the Commission by	1.1(ix)	Having regard to Sections 43 and 44 of the 2023 Act concerning the provision of information to the Commission by

D04/17 Ref #	D04/17 (ComReg 17/62)	Tracked	New Para Ref #	Text of Requirement
		providers in relation to end-user complaints,		providers in relation to end-user complaints,
		Having regard to Section 45 of the 2023 Act concerning the right of an end-user to refer a dispute to ComReg for resolution,	1.1(x)	Having regard to Section 45 of the 2023 Act concerning the right of an end-user to refer a dispute to ComReg for resolution,
		Having regard to sections 47 and 48 of the 2023 Act concerning the resolution of disputes by the Commission, and	1.1(xi)	Having regard to sections 47 and 48 of the 2023 Act concerning the resolution of disputes by the Commission, and
		Having regard to section 56 of the 2023 Act concerning the continuation of measures under the under the Universal Service and Users' Rights Regulations (S.I. 337/2011).	1.1(xii)	Having regard to section 56 of the 2023 Act concerning the continuation of measures under the under the Universal Service and Users' Rights Regulations (S.I. 337/2011).
		Interpretation	2	Interpretation
		In this Decision Instrument terms used are as defined in the 2002 Act, the 2023 Act or the European Union (Electronic Communications Code) Regulations 2022 (S.I. 444/2022), unless the context otherwise admits or requires.	2.1	In this Decision Instrument terms used are as defined in the 2002 Act, the 2023 Act or the European Union (Electronic Communications Code) Regulations 2022 (S.I. 444/2022), unless the context otherwise admits or requires.
		References to European legislation, primary or secondary national legislation shall be construed as	2.2	References to European legislation, primary or secondary national legislation shall be construed as references to that

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		references to that legislation (as amended from time to time).		legislation (as amended from time to time).
		Words in the singular form shall be construed to include the plural, and vice versa, unless the context otherwise admits or requires.	2.3	Words in the singular form shall be construed to include the plural, and vice versa, unless the context otherwise admits or requires.
		Examples shall not be construed to limit, expressly or by implication, the matters they illustrate.	2.4	Examples shall not be construed to limit, expressly or by implication, the matters they illustrate.
		A reference to a section, clause, schedule or annex is a reference to a section, clause, schedule or annex of this Decision Instrument, unless the context otherwise admits or requires.	2.5	A reference to a section, clause, schedule or annex is a reference to a section, clause, schedule or annex of this Decision Instrument, unless the context otherwise admits or requires.
2.	Definitions		3	Definitions
	The following words and phrases shall have the following meaning unless the context otherwise requires	In this Decision Instrument, the following words and phrases shall have the following meaning unless the context otherwise requires	3.1	In this Decision Instrument, the following words and phrases shall have the following meaning
	"The 2002 Act" means the Communications Regulation Act 2002 (as amended)	[full stop added]		'The 2002 Act' means the Communications Regulation Act 2002 (as amended).
		'The 2023 Act' means the Communications Regulation and Digital		'The 2023 Act' means the Communications Regulation and Digital

D04/17 Ref #	D04/17 (ComReg 17/62)	Tracked	New Para Ref #	Text of Requirement
		Hub Development Agency (Amendment) Act 2023.		Hub Development Agency (Amendment) Act 2023.
		"The Code Regulations" means the European Union (Electronic Communications Code) Regulations 2022 (S.I. 444/2022).		'The Code Regulations' means the European Union (Electronic Communications Code) Regulations 2022 (S.I. 444/2022).
	'Complaint' means an issue raised by an end-user to an undertaking relating to that undertakings product or service or its complaints handling process where the issue remains unresolved following an initial attempt by the undertaking to resolve it or where there has been no attempt by the undertaking to resolve it and the end-user expresses dissatisfaction, through one of the channels set out in the code of practice, that the issue remains unresolved.	'Complaint' means an issue raised by an end-user to an undertaking a Provider through one of the complaint handling channels in the Provider's code of practice for complaints handling or an issue that is otherwise handled by the Provider in accordance with section 5.1.3(i) of this Decision Instrument, relating to that undertakings the Provider's product, or service or its complaints handling process (which includes difficulty experienced making a complaint) and either: where (a) the issue remains unresolved following an initial attempt by the undertaking Provider to resolve it and the end-user expresses dissatisfaction, or (b) where there has been no attempt by the undertaking Provider to resolve it and the end-user expresses dissatisfaction, through one of the channels set out in		'Complaint' means an issue raised by an end-user to a Provider through one of the complaint handling channels in the Provider's code of practice for complaints handling or an issue that is otherwise handled by the Provider in accordance with section 5.1.3(i) of this Decision Instrument relating to the Provider's product, service, or its complaint handling process (which includes difficulty experienced making a complaint) and either: (a) the issue remains unresolved following an initial attempt by the Provider to resolve it and the end-user expresses dissatisfaction, or (b) there has been no attempt by the Provider to resolve the issue and 2 Working Days have elapsed since the issue was raised to the Provider by the

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		<p>the code of practice, that the issue remains unresolved. and 2 Working Days have elapsed since the issue was raised to the Provider by the end-user; in such circumstances the issue will be deemed to be a Complaint from the date the issue was raised to the Provider by the end-user.</p> <p>It shall not be necessary for an end-user to use of a particular word or formula of words to make a Complaint.</p>		<p>end-user; in such circumstances the issue will be deemed to be a Complaint from the day the issue was raised to the Provider by the end-user.</p> <p>It shall not be necessary for an end-user to use a particular word or formula of words to make a Complaint.</p>
	'Complainant' means the end-user making the complaint and includes non-customers.	'Complainant' means the end-user making the a Complaint and includes non-customers.		'Complainant' means the end-user making a Complaint
	'Complaint Acknowledgment' means a response from an undertaking, in the same medium the complaint was made which includes the following minimum information:	'Complaint Acknowledgment' means a response issued from an undertaking a Provider, issued to a Complainant in the same medium the complaint was made on a Durable Medium , which includes the following minimum information:		'Complaint Acknowledgment' means a response from a Provider, issued to a Complainant on a Durable Medium, which includes the following minimum information:
	(i) Acknowledgement of the complaint,	(i) an A acknowledgement of the receipt of the eComplaint;		(i) an acknowledgement of the receipt of the complaint;
	(ii) Confirmation that the complaint is recorded,	(ii) C confirmation of the date the eComplaint was made is recorded;		(ii) confirmation of the date the Complaint was made;

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	(iii) A timeframe for Complaint Response and Resolution and any other steps in the process;			
	(iv) Details of the unique reference number to identify and track the individual complaint	(iv) (iii) details of the unique reference number the Provider has attributed to identify and track the individual eComplaint ;		(iii) details of the unique reference number the Provider has attributed to identify and track the individual Complaint;
	(v) Appropriate contact details for the end-user to use in order for the consumer to contact the undertaking	(v) (iv) A ppropriate contact details for the end-user Complainant to use in order to contact the undertaking Provider ;		(iv) appropriate contact details for the Complainant to use in order to contact the Provider
	(vi) Next steps in the process	(vi) (v) Next any other steps in the process Provider's Complaint handling process ;		(v) any other steps in the Provider's Complaint handling process;
		(vi) the date the Provider expects to issue the 'Complaint Response' ;		(vi) the date the Provider expects to issue the 'Complaint Response';
	(vii) Details of the internet/world wide web link to the Code of Practice	(vii) Details of the internet/world wide web link to the Code of Practice ; and		(vii) Details of the web link to the code of practice; and
		(viii) a statement informing the Complainant of their right to refer a relevant dispute to ComReg for resolution when either:		(viii) a statement informing the Complainant of their right to refer a relevant dispute to ComReg for resolution when either:

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		<p>(a) a period of at least 10 days has elapsed since the complaint giving rise to the dispute was made, or</p> <p>(b) the procedures for the resolution of disputes provided for in the provider's code of practice have been completed.</p>		<p>(a) a period of at least 10 days has elapsed since the complaint giving rise to the dispute was made, or</p> <p>(b) the procedures for the resolution of disputes provided for in the provider's code of practice have been completed.</p>
	<p>'Complaint Response' means a communication from the undertaking to the end-user that addresses all aspects of the complaint raised by the end-user and provides reasons, where Complaint Resolution is not provided as part of the response, for any delay and the steps being undertaken by the undertaking in investigating and resolving the complaint together with a provisional resolution date where available.</p>	<p>'Complaint Response' means a communication response issued from the undertaking to the end-user a Complainant on a Durable Medium, which includes the following minimum information:</p> <p>(i) a list of all the aspects of the Complaint;</p> <p>(ii) confirmation that the Provider has that addresses all considered each aspects of the complaint raised by the end-user listed and details of the steps the Provider has taken, and is taking to investigate and resolve the Complaint; and confirmation, as applicable:</p> <p>(a) of the aspects of the Complaint that have been resolved;</p> <p>(b) of any aspects(s) of the Complaint that have not been</p>		<p>'Complaint Response' means a response issued to a Complainant on a Durable Medium, which includes the following minimum information:</p> <p>(i) a list of all the aspects of the Complaint;</p> <p>(ii) confirmation that the Provider has considered each aspect listed and details of the steps the Provider has taken, and is taking to investigate and resolve the Complaint; and confirmation, as applicable:</p> <p>(a) of the aspects of the Complaint that have been resolved;</p> <p>(b) of any aspects(s) of the Complaint that have not been resolved; reasons why it has not been possible for the Provider to resolve the Complaint and details</p>

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		<p>resolved; reasons why it has not been possible for the Provider to resolve the Complaint and details of the steps the Provider has taken, and is taking, to investigate and resolve the Complaint;</p> <p>(c) of the Proposed Complaint Resolution for each aspect of the Complaint as listed that are not resolved and provides reasons, where Complaint Resolution is not provided as part of the response, for any delay and the steps being undertaken by the undertaking in investigating and resolving the complaint together with a provisional resolution and the related date(s) where available. by which the Provider expects these aspects will be resolved; or</p> <p>(d) that the Provider is unable to take further action(s) to resolve the Complaint or will not do so; and</p>		<p>of the steps the Provider has taken, and is taking, to investigate and resolve the Complaint;</p> <p>(c) of the Proposed Complaint Resolution for each aspect of the Complaint as listed that are not resolved and the related date(s) by which the Provider expects these aspects will be resolved; or</p> <p>(d) that the Provider is unable to take further action(s) to resolve the Complaint or will not do so; and</p> <p>(iii) information to advise that a dispute may be referred to ComReg where either:</p> <p>(a) the Complainant is dissatisfied with the complaint resolution undertaken or proposed by the provider; or</p> <p>(b) the dispute has not been resolved.</p>

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		<p>(iii) information to advise that a dispute may be referred to ComReg where either:</p> <p>(a) the Complainant is dissatisfied with the complaint resolution undertaken or proposed by the provider; or</p> <p>(b) the dispute has not been resolved.</p>		
	'ComReg' means the Commission for Communications Regulation established under Section 6 of the 2002 Act.	[no change]		'ComReg' means the Commission for Communications Regulation established under Section 6 of the 2002 Act.
		'Durable Medium' has the same meaning as in Section 2 of the Consumer Rights Act 2022.		'Durable Medium' has the same meaning as in Section 2 of the Consumer Rights Act 2022.
	"Decision Instrument" means this Decision Instrument ComReg Document 17/62 D04/17 which is made pursuant to, inter alia, Regulation 27 of the Universal Service Regulations.	"Decision Instrument" means this Decision Instrument ComReg Document 25/54 D10/25 which is made pursuant to, inter alia, Sections 41 and 42 of the 2023 Act.		'Decision Instrument' means this Decision Instrument ComReg Document 25/54 D10/25 which is made pursuant to, inter alia, Sections 41 and 42 of the 2023 Act.
	"Distance Selling Regulations" means the European Union (Consumer Information, Cancellation and Other			

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	Rights) Regulations 2013, S.I. No. 484 of 2013.			
	'Electronic Communications Provider' means an undertaking providing Electronic Communications Networks (ECN) or Electronic Communications Service (ECS);			
	'Electronic means of contact' is a method of conveyance of the complaint over the internet or world wide web without any limitations or restrictions on attaching documents, with no word character restriction and provides the end-user with a record in durable form.	'Electronic means of contact' is a method of conveyance of the complaint if it is sent initially and received at its destination by means of electronic equipment for the processing (this expression includes digital compression) or storage of data, and entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means over the internet or world wide web without any limitations or restrictions on attaching documents, with no word character restriction and provides the end-user Complainant with a record in durable form.		'Electronic means of contact' is a method of conveyance of the complaint if it is sent initially and received at its destination by means of electronic equipment for the processing (this expression includes digital compression) or storage of data, and entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means without any limitations or restrictions on attaching documents, with no word character restriction and provides the Complainant with a record in durable form.
	'Framework Regulations' means the European Communities (Electronic			

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	Communications Networks and Services) (Framework) Regulations 2011, S.I. No. 333 of 2011.			
	'Internal Escalation Process' means the process where a person or persons handling the complaint conducts a further investigation of the complaint with a view to final resolution of the complaint.			
	"Ministerial Policy Directions" Means the policy Directions made by Dermot Ahern TD, then Minister for Communications, Marine and Natural Resources, pursuant to Section 13 of the Communications Regulation Act 2002 (as amended), dated 21 February 2003 and 26 March 2004.	['Means' replaced by 'means']		'Ministerial Policy Directions' means the policy Directions made by Dermot Ahern TD, then Minister for Communications, Marine and Natural Resources, pursuant to Section 13 of the Communications Regulation Act 2002 (as amended), dated 21 February 2003 and 26 March 2004.
	'Proposed Complaint Resolution' means a resolution offered by an undertaking to an end-user to resolve the complaint.	'Proposed Complaint Resolution' means a resolution offered by an undertaking to an end-user a response issued to a Complainant on a Durable Medium, which sets out the resolution offered by a Provider to an end-user Complainant to resolve the complaint.		'Proposed Complaint Resolution' means a response issued to a Complainant on a Durable Medium, which sets out the resolution offered by a Provider to an end-user to resolve the complaint.

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	'Undertaking' has the same meaning as it has in Regulation 2 of the Framework Regulations.			
	'Unique reference number' is a number that is used to exclusively identify and locate records in relation to the individual end user's complaint. It can be an account number, phone number or other unique number.	'Unique reference number' is a number that is used to exclusively identify and locate records in relation to the individual end user Complainant's eComplaint . It can be an account number, phone number or other unique number.		'Unique reference number' is a number that is used to exclusively identify and locate records in relation to the individual Complainant's Complaint. It can be an account number, phone number or other unique number.
	'The Universal Service Regulations' means the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations, S.I. 337 of 2011.			
		'Working Day' means a day other than a Saturday, Sunday, or public holiday		'Working Day' means a day other than a Saturday, Sunday, or public holiday
	References to European Union legislation or to Irish primary legislation or secondary legislation shall be construed as references to that legislation as amended from time to time.			

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	Words in the singular form shall be construed to include the plural and vice versa, unless the context otherwise admits or requires.			
	Examples shall not be construed to limit, expressly or by implication, the matters they illustrate.			
	Other terms that are used in this Decision Instrument shall have the same meaning as when they are used in the Universal Service Regulations and the Framework Regulations, unless the context otherwise admits or requires.			
3.	Scope	[no change]	4	Scope
3.1	This Decision Instrument applies to all undertakings providing electronic communications networks (ECN) or services (ECS).	This Decision Instrument applies to and is binding upon undertakings Providers. providing electronic communications networks (ECN) or services (ECS).	4.1	This Decision Instrument applies to and is binding upon Providers.
	This Decision Instrument specifies minimum requirements to be implemented and complied with by undertakings in complaint handling codes of practice.	This Decision Instrument specifies minimum requirements to be implemented and complied with by undertakings Providers in respect of complaint handling codes of practice, and for dealing with Complaints and settling disputes.	4.2	This Decision Instrument specifies minimum requirements to be implemented and complied with by Providers in respect of complaint handling codes of practice, and for dealing with Complaints and settling disputes

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		Application	5	Application
4.1	First point of contact for Complainants	[no change]	5.1	First point of contact for Complainants:
4.1.1	Undertakings shall ensure that their Code of Practice contains details of all first points of contact offered to end-users and the following minimum information shall be included through which end-users can make contact:	Undertakings Providers shall ensure that their Code of Practice code of practice contains details of all first points of contact offered to end-users and the following minimum information shall be included through which end-users can make contact:	5.1.1	5.1.1 Providers shall ensure that their code of practice contains details of all first points of contact offered to end-users and the following minimum information shall be included through which end-users can make contact:
(i)	A Freephone (1800) number or a 19XX Customer Support Short Code number or a geographic or mobile telephone number or a number that is free to all end-users and	A Freephone (1800) number or a 19XX Customer Support Short Code number; or a geographic or mobile telephone number or a number that is free to all end-users and	5.1.1(i)	A Freephone (1800) number or a 19XX Customer Support Short Code number;
(ii)	An electronic means of contact and	[; added]	5.1.1(ii)	An Electronic means of contact; and
(iii)	An address (excluding an address for an electronic means of contact);	[; replaced with full stop]	5.1.1(iii)	An address (excluding an address for an electronic means of contact).
		Where a Provider offers more than one first point of contact for Complainants electronically and only one of these is an Electronic means of contact providing a Complainant with a record in a durable form, the Provider shall make a statement in its code of practice	5.1.2	5.1.2 Where a Provider offers more than one first point of contact for Complainants electronically and only one of these is an Electronic means of contact providing a Complainant with a record in a durable form, the Provider shall make a statement in its code of

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		proximate to where it details its first points of contact for complaints, identifying the other electronic first points of contact used (the “other means”), confirming that the other means will not provide the Complainant with a record on a Durable Medium, identifying the Electronic means of contact that will provide such a record on a Durable Medium, and indicating how the Complainant may obtain and retain a record of a Complaint made using the other means.		practice proximate to where it details its first points of contact for complaints, identifying the other electronic first points of contact used (the “other means”), confirming that the other means will not provide the Complainant with a record on a Durable Medium, identifying the Electronic means of contact that will provide such a record on a Durable Medium, and indicating how the Complainant may obtain and retain a record of a Complaint made using the other means.
		Where an end-user is making a Complaint other than through a complaint handling channel and where that channel is one used by the provider for customer service contacts, a Provider is entitled to indicate that the Complaint needs to be made through a complaint handling channel specified in the Provider’s code of practice, but the Provider shall in such a scenario:	5.1.3	Where an end-user is making a Complaint other than through a complaint handling channel and where that channel is one used by the provider for customer service contacts, a Provider is entitled to indicate that the Complaint needs to be made through a complaint handling channel specified in the Provider’s code of practice, but the Provider shall in such a scenario:
		(i) deal with the Complaint in accordance with its code of practice in the same manner as if a complaint handling channel specified in the	5.1.3(i)	deal with the Complaint in accordance with its code of practice in the same manner as if a complaint handling

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		Provider's code of practice had been used, or		channel specified in the Provider's code of practice had been used, or
		(ii) the Provider shall transfer the end-user directly to the appropriate complaint handling channel unless technically infeasible, and where this is technically infeasible re-direct the end-user to the relevant complaint handling channel(s) and to the code of practice so the end-user can make the Complaint in accordance with the code of practice.	5.1.3(ii)	the Provider shall transfer the end-user directly to the appropriate complaint handling channel unless technically infeasible, and where this is technically infeasible re-direct the end-user to the relevant complaint handling channel(s) and to the code of practice so the end-user can make the Complaint in accordance with the code of practice.
4.1.2	While a complaint is being made, an undertaking shall not transfer a complainant, to any form of information technology support line or other service if the transfer results in the complainant incurring a premium rate or higher call cost rate than the standard rate of calling a geographic or mobile telephone number involved in making a complaint	['An undertaking' changed to 'a Provider']	5.1.4	While a Complaint is being made, a Provider shall not transfer a Complainant, to any form of information technology support line or other service if the transfer results in the Complainant incurring a premium rate or higher call cost rate than the standard rate of calling a geographic or mobile telephone number involved in making a Complaint.
4.2	A means of recording complaints	[no change]	5.2	A means of recording Complaints
4.2.1	Undertakings shall ensure that all complaints are recorded and tracked regardless of contact medium.	['Undertaking' changed to 'Provider']	5.2.1	Providers shall ensure that all Complaints are recorded and tracked regardless of contact medium.
4.2.2	Undertakings shall specify in their code of practice how they record and track	['Undertaking' changed to 'Provider']	5.2.2	Providers shall specify in their code of practice how they record and track

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	complaints and provide details of how a unique reference number is used in their complaint tracking process.			Complaints and provide details of how a unique reference number is used in their Complaint tracking process.
4.2.3	Undertakings shall ensure the minimum information recorded in relation to a complaint includes:	['Undertaking' changed to 'Provider']	5.2.3	Providers shall ensure the minimum information recorded in relation to a Complaint includes:
(i)	The complainant's name, account number and contact details including a phone number;	[no change]		The Complainant's name, account number and contact details including a phone number;
(ii)	The date the complaint was raised by the end-user and dates of all communication throughout the life cycle of the complaint to final closure;	The date the c Complaint was raised made by the end-user Complainant and dates of all communication throughout the life cycle of the e Complaint up to and including the date the Complaint is finally closed ure;	5.2.3(ii)	The date the Complaint was made by the Complainant and dates of all communication throughout the life cycle of the Complaint up to and including the date the Complaint is finally closed';
(iii)	A copy of the written complaint or notes made from the voice / online communications with the complainant relating to the complaint;	A copy of the any written e Complaint or notes made from the voice / online any communications with the e Complainant relating to the e Complaint;	5.2.3(iii)	A copy of any written Complaint or notes made from any communication with the Complainant relating to the Complaint;
(iv)	All communications with the complainant including details of the response to the complaint, final resolution and any determination in respect of the complaint with associated documentation;	All communications with the complainant including copies of: (a) the Complaint, details of the (b) any response to the e Complaint, final resolution and		All communications with the complainant including copies of (a) the Complaint, (b) any response to the Complaint,

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		(c) any determination in respect of the eComplaint and (d) with associated any documentation considered in the course of such determination.		(c) any determination in respect of the Complaint and (d) any documentation considered in the course of such determination.
4.3	Response timeframes and Resolution Procedures	[no change]	<u>5.3</u>	Response timeframes and Resolution Procedures
4.3.1	Undertakings shall inform End-Users of the code of practice at the first point of contact on making a complaint.	['Undertaking' changed to 'Provider']	<u>5.3.1</u>	Providers shall inform end-users about the code of practice at the first point of contact on making a Complaint.
	An undertaking shall ensure that:	['Undertaking' changed to 'Provider']	<u>5.3.2</u>	A provider shall ensure that:
(i)	The Complaints Acknowledgement is provided to the end-user (including the communication of the unique identifier to be used in respect to complaints and an internet/world wide web link to their code of practice) within a maximum timeframe of two Working Days;	The A 'Complaints Acknowledgement' is provided to the end-user-Complainant (including the communication of the unique identifier to be used in respect to complaints and an internet/world wide web link to their code of practice) within a maximum timeframe of two 2 Working Days from the day on which the Complaint was first notified to the Provider. This is subject to 5.3.2(i)(a).	<u>5.2.3(i)</u>	A 'Complaint Acknowledgement' is provided to the Complainant within a maximum timeframe of 2 Working Days from the day on which the Complaint was first notified to the Provider. This is subject to 5.3.2(i)(a).
		Where an issue is deemed a Complaint in accordance with paragraph (b) of the definition of a Complaint in this Decision Instrument, a Complaint	<u>5.2.3(i)(a)</u>	Where an issue is deemed a Complaint in accordance with paragraph (b) of the definition of a Complaint in this Decision Instrument, a Complaint

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		Acknowledgement shall be provided to the Complainant within a maximum timeframe of 3 Working Days from the day the issue was raised to the Provider by the end-user.		Acknowledgement shall be provided to the Complainant within a maximum timeframe of 3 Working Days from the day the issue was raised to the Provider by the end-user.
(ii)	The Complaints Response is provided to the end user within a maximum timeframe of 10 Working Days;	(ii) A 'Complaint Response' is provided to a Complainant, within a maximum timeframe of 10 Working Days from the day on which the Complaint was first notified to the Provider.	5.3.2(ii)	A 'Complaint Response' is provided to a Complainant, within a maximum timeframe of 10 Working Days from the day on which the Complaint was first notified to the Provider
(iii)	The Proposed Complaints Resolution responds to all aspects of the complaint raised;			
(iv)	Where a Complaint remains unresolved after 10 Working days the escalations team must communicate to the end user an email address to progress the complaint in addition to any other forms of contact.			
4.4	Refunds and reimbursements	[no change]	5.4	Refunds and reimbursements
4.4.1	Undertakings shall specify in their code of practice the mechanism whereby end-users can avail of refunds.	Undertakings Providers shall specify in their code of practice the mechanism whereby end-users can avail of refunds reimbursement of payments, payments	5.4.1	Providers shall specify in their code of practice the mechanism whereby end-users can avail of reimbursement of payments, payments of compensation and payments in settlement of losses.

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		of compensation and payments in settlement of losses.		
		A code of practice shall refer to any compensation scheme a Provider is required to publish in accordance with Section 39 of the 2023 Act and a working direct link to any such published compensation scheme shall be contained within the code of practice.	5.4.2	A code of practice shall refer to any compensation scheme a Provider is required to publish in accordance with Section 39 of the 2023 Act and a working direct link to any such published compensation scheme shall be contained within the code of practice.
4.5	Manner of publication		5.5	Manner of publication
4.5.1	Undertakings shall ensure that a direct link to the code of practice is clearly displayed on the Home page of the corporate website, and web pages established by the Undertakings for dealing directly with end-user complaints including web pages established by third parties where possible.	Undertakings Providers shall ensure that a working direct link to the an up-to-date code of practice is clearly displayed on the Home page of the corporate website, and web pages established by the Undertakings Provider for dealing directly with end-user complaints including web pages established by third parties where possible.	5.5.1	Providers shall ensure that a working direct link to an up-to-date code of practice is clearly displayed on the Home page of the corporate website, and web pages established by the Provider for dealing directly with end-user Complaints including web pages established by third parties where possible.
4.5.2	Undertakings shall ensure that the code of practice is returned or displayed to end-users using search terms which include 'code of practice', 'complaint', 'how to make a complaint' or 'how to complain', using the search facility of its corporate website and any web pages	['Undertaking' changed to 'Provider']	5.5.2	Providers shall ensure that the code of practice is returned or displayed to end-users using search terms which include 'code of practice', 'complaint', 'how to make a complaint' or 'how to complain', using the search facility of its corporate

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	created for dealing directly with end-user complaints.			website and any web pages created for dealing directly with end-user complaints.
4.5.3	Undertakings shall ensure that details of an internet/web link to the code of practice is included in the Complaint Acknowledgement; and on receipt of a request from an end-user, undertakings shall without undue delay, provide a copy of the code of practice to the end-user in a format accessible to that end-user.	['Undertaking' changed to 'Provider']	5.5.3	Providers shall ensure that details of an internet/web link to the code of practice is included in the Complaint Acknowledgement; and on receipt of a request from an end-user, Providers shall without undue delay, provide a copy of the code of practice to the end-user in a format accessible to that end-user.
		Providers shall ensure that a code of practice does not contain information other than information relating to the handling of Complaints and resolution of disputes.	5.5.4	Providers shall ensure that a code of practice does not contain information other than information relating to the handling of Complaints and resolution of disputes.
		Retention of records of complaints	5.6	Retention of records of complaints
		Providers shall ensure that records relating to a Complaint are retained for a period not less than 12 months after the date the complaint is finally closed.	5.6.1	Providers shall ensure that records relating to a Complaint are retained for a period not less than 12 months after the date the complaint is finally closed.
•	STATUTORY POWERS NOT AFFECTED	[no change]	6	Statutory powers not affected
o	Nothing in this Decision Instrument shall operate to limit ComReg in the exercise	[no change]	6.1	Nothing in this Decision Instrument shall operate to limit ComReg in the exercise

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	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.			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.
•	MAINTENANCE OF OBLIGATIONS	[no change]	7	Maintenance of obligations
o	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.	[no change]	7.1	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.
•	EFFECTIVE DATE AND DURATION	Revocation and EFFECTIVE DATE effective date AND DURATION	8	Revocation and effective date

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o	This Decision and Decision Instrument is effective from the date of its publication (the Effective Date), and shall remain in full force unless otherwise amended by ComReg.	This effective date of t This Decision and Decision Instrument is 2 March 2026 effective from the date of its publication (the Effective Date), and shall remain in full force unless otherwise amended by ComReg. When this Decision and Decision Instrument take effect ComReg Decision No. 04/17, will thereby be revoked. ComReg Decision No. 04/17 remains effective until revoked.	8.1	The effective date of this Decision and Decision Instrument is 2 March 2026, unless otherwise amended by ComReg. When this Decision and Decision Instrument take effect ComReg Decision No. 04/17, will thereby be revoked. ComReg Decision No. 04/17 remains effective until revoked.
		Transitional Arrangements	9	Transitional Arrangements
		Notwithstanding that ComReg Decision No. D04/17 is revoked on coming into effect of this Decision and Decision Instrument the provisions of ComReg Decision No. D04/17 shall continue to apply to complaints that are raised prior to the effective date of this Decision and Decision Instrument. Any complaint raised prior to the effective date shall be governed by ComReg Decision No. D04/17.	9.1	Notwithstanding that ComReg Decision No. D04/17 is revoked on coming into effect of this Decision and Decision Instrument the provisions of ComReg Decision No. D04/17 shall continue to apply to complaints that are raised prior to the effective date of this Decision and Decision Instrument. Any complaint raised prior to the effective date shall be governed by ComReg Decision No. D04/17.

Appendix: 2 Legal Basis

381. ComReg's objectives under Section 12(1)(a) of the Communications Regulation Act 2002 (as amended) in exercising its functions in relation to the provision of electronic communications networks, electronic communications services, and associated facilities, are to (i) to promote competition; (ii) to contribute to the development of the internal market, and (iii) to promote the interests of users within the Community. In relation to its objectives, ComReg is required to take all reasonable measures which are aimed at achieving those objectives, including in so far as promotion of the interests of users within the Community is concerned, ensuring a high level of protection for consumers in their dealings with suppliers [Section 12(2)(c)(ii)].
382. It is an objective of ComReg under Regulation 4(3)(d) of the European Union (Electronic Communications Code) Regulations 2022 ("the ECC Regulations") to promote the interests of the consumers and businesses in the State, by ensuring connectivity and the widespread availability and take-up of very-high-capacity networks, including fixed, mobile and wireless networks, and of electronic communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining the security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as affordable prices, of specific social groups, in particular end-users with disabilities, elderly end-users and end-users with special social needs, and choice and equivalent access for end-users with disabilities.
383. It is a function of ComReg under Section 10(1)(a) of the Communications Regulation Act 2002 (as amended) to ensure compliance by undertakings with obligations in relation to the supply of and access to electronic communications services, electronic communications networks and associated facilities and the transmission of such services on such networks.
384. Section 10(3) of the Communications Regulation Act 2002 (as amended) provides that the Commission shall have all such powers as are necessary for or incidental to the performance of its functions under this or any other Act.
385. Section 41(1) of the 2023 Act requires that every provider:
- ...shall ensure that it has in place procedures for dealing with complaints and for settling disputes with end-users that are accessible, fair, prompt, transparent, inexpensive and non-discriminatory.
386. Section 41(2) of the 2023 Act provides that ComReg:

...may specify requirements to be met by a provider for the purpose of ensuring compliance....

387. Section 42(1) of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (“the 2023 Act”) requires that every provider:

...shall prepare, publish, keep updated and implement a code of practice for dealing with complaints and for settling relevant disputes.

388. Section 42(2) of the 2023 Act details that every provider’s code of practice must provide:

(a) first point of contact for complainants, including the channels of making complaints;

(b) a means of recording complaints;

(c) time-frames within which a provider shall respond to and resolve complaints;

(d) procedures for resolving complaints;

(e) informing the complainant that a dispute may be referred to the Commission where—

(i) the dispute has been resolved in accordance with the code of practice and the complainant is dissatisfied with the resolution, or

(ii) the dispute has not been resolved and at least 10 working days have passed since the day on which the complaint was first notified to the provider;

(f) cases where reimbursement of payments, payments of compensation and payments in settlement of losses incurred will be made;

(g) retention of records of complaints (including copies of the complaint, any response to it, any determination in respect of the complaint and any documentation considered in the course of such determination).

389. Section 42(3) of the 2023 Act provides that ComReg:

...may specify requirements to be met for the purpose of ensuring compliance with subsection (1) and the manner of publication of a code of practice referred to in that subsection including, without limitation, any requirements to ensure that the code of practice and procedures for dealing with complaints and settling disputes are fair, prompt, transparent, inexpensive and non-discriminatory.

390. Section 43 of the 2023 Act provides that:

A provider shall, within each period of 6 months beginning with the period beginning on the date on which this section comes into operation, report to the Commission on— (a) complaints made to it by end-users within the preceding 6 month period, and (b) such other matters relating to complaints by end-users made during that period as may be specified by the Commission.

391. Section 44 of the 2023 Act provides that the Commission may require providers to collate and— (a) publish, or (b) provide to it, in such form as the Commission may specify, comparable data in relation to complaints made to it by end-users and in relation to the procedures that providers have in place for dealing with complaints and for settling disputes with end-users.
392. Section 45 of the 2023 Act provides that where a provider receives a complaint from an end-user in respect of its services, the provider shall inform the end-user of his or her right to refer a relevant dispute to the Commission for resolution in accordance with section 47.
393. Section 47 of the 2023 Act provides for the resolution of relevant disputes by Commission where:
- (1) An end-user may refer a dispute with a provider to the Commission and, where the Commission is satisfied that the dispute is a relevant dispute, and—
 - (a) a period of at least 10 days has elapsed since the complaint giving rise to the dispute was made, or
 - (b) the procedures for the resolution of disputes provided for in the provider's code of practice have been completed,the Commission, or such independent person as may be appointed by the Commission, shall, in accordance with such procedures as may be specified by the Commission under section 48, carry out a dispute resolution process and propose a resolution to the dispute referred.
 - (2) Where the Commission proposes a resolution under subsection (1) the end-user that referred the dispute may elect to accept the resolution proposed and where the end-user so elects the resolution shall be binding on the provider concerned.
 - (3) An end-user who has referred a dispute to the Commission for resolution under this section may withdraw the dispute at any stage up to the time at which the Commission, or such independent person as may be appointed by the Commission, proposes a resolution to the dispute, by notifying the Commission, or the person, in writing to that effect, or, where there is an oral hearing in relation to the dispute, by notifying the Commission, or the person, at the hearing.

394. Section 48 of the Act of 2023 provides that the Commission may specify procedures for the resolution of disputes; in particular section 48(1) provides that:

The Commission may specify procedures for the resolution of disputes under section 47 and such procedures shall—

- (a) be transparent, non-discriminatory, simple, and inexpensive,
- (b) enable disputes to be settled fairly and promptly, and
- (c) be made publicly available by the Commission, together with any amendments to such procedures.

395. Section 56 of the 2023 Act provides for the continuation of measures under the USR:

(1) Any measure that is in force under Regulation 27 of the Universal Services Regulations on the coming into operation of this section shall continue in force and be deemed to have been made under, and in accordance with, this Part.

(2) Without prejudice to the generality of subsection (1), for the purposes of this section “measure” includes any decision, specification, requirement, direction, notification and notice, and any other act of an equivalent nature.

Annex: 1 Decision Instrument

1. Statutory Functions and Powers

- 1.1 This Decision and Decision Instrument (“**Decision Instrument**”) is made by the Commission for Communications Regulation (“**ComReg**”) established under Section 6 of the Communications Regulation Act 2002, as amended (“**the 2002 Act**”) and is made:
- (i) Having regard to the functions and objectives of ComReg as set out in Sections 10 and 12 of the 2002 Act,
 - (ii) Pursuant of the functions and powers conferred upon ComReg by sections 41 and 42 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023,
 - (iii) Having regard to Directive 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications code (Recast),
 - (iv) Having regard to European Union (Electronic Communications Code) Regulations 2022 (“S.I. 444 of 2022”),
 - (v) Having regard to S.I. No. 636/2023 - European Union (Accessibility Requirements of Products and Services) Regulations 2023,
 - (vi) Having regard to the analysis and reasoning set out in ComReg Decisions D13/01; (2) D16/03; and (3) D04/17,
 - (vii) Having regard to the analysis and reasoning set in ComReg Document No. 25/23 and ComReg Document No. 25/54,
 - (viii) Having, pursuant to Section 13 of the 2002 Act complied with Ministerial Policy Directions where applicable,
 - (ix) Having regard to Sections 43 and 44 of the 2023 Act concerning the provision of information to ComReg by providers in relation to end-user complaints,
 - (x) Having regard to Section 45 of the 2023 Act concerning the right of an end-user to refer a dispute to ComReg for resolution,
 - (xi) Having regard to sections 47 and 48 of the 2023 Act concerning the resolution of disputes by the Commission, and
 - (xii) Having regard to section 56 of the 2023 Act concerning the continuation of measures under the under the Universal Service and Users’ Rights Regulations (S.I. 337/2011).

2. Interpretation

- 2.1 In this Decision Instrument terms used are as defined in the 2002 Act, the 2023 Act or the European Union (Electronic Communications Code) Regulations 2022 (S.I. 444/2022), unless the context otherwise admits or requires.
- 2.2 References to European legislation, primary or secondary national legislation shall be construed as references to that legislation (as amended from time to time).
- 2.3 Words in the singular form shall be construed to include the plural, and vice versa, unless the context otherwise admits or requires.
- 2.4 Examples shall not be construed to limit, expressly or by implication, the matters they illustrate.
- 2.5 A reference to a section, clause, schedule or annex is a reference to a section, clause, schedule or annex of this Decision Instrument, unless the context otherwise admits or requires.

3. Definitions

- 3.1 In this Decision Instrument, the following words and phrases shall have the following meaning:

'The 2002 Act' means the Communications Regulation Act 2002 (as amended).

'The 2023 Act' means the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023.

'The Code Regulations' means the European Union (Electronic Communications Code) Regulations 2022 (S.I. 444/2022).

'Complaint' means an issue raised by an end-user to a Provider through one of the complaint handling channels in the Provider's code of practice for complaints handling or an issue that is otherwise handled by the Provider in accordance with section 5.1.3(i) of this Decision Instrument relating to the Provider's product, service, or its complaint handling process (which includes difficulty experienced making a complaint) and either:

- (a) the issue remains unresolved following an initial attempt by the Provider to resolve it and the end-user expresses dissatisfaction, or

- (b) there has been no attempt by the Provider to resolve the issue and 2 Working Days have elapsed since the issue was raised to the Provider by the end-user; in such circumstances the issue will be deemed to be a Complaint from the day the issue was raised to the Provider by the end-user.

It shall not be necessary for an end-user to use a particular word or formula of words to make a Complaint.

‘Complainant’ means the end-user making a Complaint.

‘Complaint Acknowledgment’ means a response from a Provider, issued to a Complainant on a Durable Medium, which includes the following minimum information:

- (i) an acknowledgement of the receipt of the Complaint;
- (ii) confirmation of the date the Complaint was made;
- (iii) details of the unique reference number the Provider has attributed to identify and track the individual Complaint;
- (iv) appropriate contact details for the Complainant to use in order to contact the Provider;
- (v) any other steps in the Provider’s Complaint handling process;
- (vi) the date the Provider expects to issue the ‘Complaint Response’;
- (vii) Details of the web link to the code of practice; and
- (viii) a statement informing the Complainant of their right to refer a relevant dispute to ComReg for resolution when either:
 - (a) a period of at least 10 days has elapsed since the Complaint giving rise to the dispute was made, or
 - (b) the procedures for the resolution of disputes provided for in the Provider’s code of practice have been completed.

‘Complaint Response’ means a response issued to a Complainant on a Durable Medium, which includes the following minimum information:

- (i) a list of all the aspects of the Complaint;
- (ii) confirmation that the Provider has considered each aspect listed and details of the steps the Provider has taken, and is taking to investigate and resolve the Complaint; and confirmation, as applicable:
 - (a) of the aspects of the Complaint that have been resolved;

- (b) of any aspects(s) of the Complaint that have not been resolved; reasons why it has not been possible for the Provider to resolve the Complaint and details of the steps the Provider has taken, and is taking, to investigate and resolve the Complaint;
 - (c) of the Proposed Complaint Resolution for the aspects of the Complaint as listed that are not resolved and the related date(s) by which the Provider expects these aspects will be resolved; or
 - (d) that the Provider is unable to take further action(s) to resolve the Complaint or aspects of the Complaint, or will not do so; and
- (iii) information to advise that a dispute may be referred to ComReg where either:
- (a) the Complainant is dissatisfied with the complaint resolution undertaken or proposed by the Provider; or
 - (b) the dispute has not been resolved.

‘ComReg’ means the Commission for Communications Regulation established under Section 6 of the 2002 Act.

‘Durable Medium’ has the same meaning as in Section 2 of the Consumer Rights Act 2022.

‘Decision Instrument’ means this Decision Instrument ComReg Document 25/54 D10/25 which is made pursuant to, inter alia, Sections 41 and 42 of the 2023 Act.

‘Electronic means of contact’ is a method of conveyance of the complaint if it is sent initially and received at its destination by means of electronic equipment for the processing (this expression includes digital compression) or storage of data, and entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means without any limitations or restrictions on attaching documents, with no word character restriction and provides the Complainant with a record in durable form.

‘Ministerial Policy Directions’ means the policy Directions made by Dermot Ahern TD, then Minister for Communications, Marine and Natural Resources, pursuant to Section 13 of the Communications Regulation Act 2002 (as amended), dated 21 February 2003 and 26 March 2004.

‘Proposed Complaint Resolution’ means a response issued to a Complainant on a Durable Medium, which sets out the resolution offered by a Provider to a Complainant to resolve the complaint.

‘Unique reference number’ is a number that is used to exclusively identify and locate records in relation to the individual Complainant’s Complaint. It can be an account number, phone number or other unique number.

‘Working Day’ means a day other than a Saturday, Sunday, or public holiday.

4. Scope

4.1 This Decision Instrument applies to and is binding upon Providers.

4.2 This Decision Instrument specifies minimum requirements to be implemented and complied with by Providers in respect of complaint handling codes of practice, and for dealing with Complaints and settling disputes.

5. Application

5.1 First point of contact for Complainants:

5.1.1 Providers shall ensure that their code of practice contains details of all first points of contact offered to end-users and the following minimum information shall be included through which end-users can make contact:

- (i) A Freephone (1800) number or a 19XX Customer Support Short Code number;
- (ii) An Electronic means of contact; and
- (iii) An address (excluding an address for an Electronic means of contact).

5.1.2 Where a Provider offers more than one first point of contact for Complainants electronically and only one of these is an Electronic means of contact providing a Complainant with a record in a durable form, the Provider shall make a statement in its code of practice proximate to where it details its first points of contact for complaints, identifying the other electronic first points of contact used (the “other means”), confirming that the other means will not provide the Complainant with a record on a Durable Medium, identifying the Electronic means of contact that will provide such a record on a Durable Medium, and indicating how the Complainant may obtain and retain a record of a Complaint made using the other means.

5.1.3 Where an end-user is making a Complaint other than through a complaint handling channel and where that channel is one used by the provider for customer service contacts, a Provider is entitled to indicate that the Complaint needs to be made through a complaint handling channel specified in the Provider’s code of practice, but the Provider shall in such a scenario:

- (i) deal with the Complaint in accordance with its code of practice in the same manner as if a complaint handling channel specified in the Provider's code of practice had been used, or
- (ii) the Provider shall transfer the end-user directly to the appropriate complaint handling channel unless technically infeasible, and where this is technically infeasible re-direct the end-user to the relevant complaint handling channel(s) and to the code of practice so the end-user can make the Complaint in accordance with the code of practice.

5.1.4 While a Complaint is being made, a Provider shall not transfer a Complainant, to any form of information technology support line or other service if the transfer results in the Complainant incurring a premium rate or higher call cost rate than the standard rate of calling a geographic or mobile telephone number involved in making a Complaint.

5.2 A means of recording Complaints:

5.2.1 Providers shall ensure that all Complaints are recorded and tracked regardless of contact medium.

5.2.2 Providers shall specify in their code of practice how they record and track Complaints and provide details of how a Unique reference number is used in their Complaint tracking process.

5.2.3 Providers shall ensure the minimum information recorded in relation to a Complaint includes:

- (i) The Complainant's name, account number and contact details including a phone number;
- (ii) The date the Complaint was made by the Complainant and dates of all communication throughout the life cycle of the Complaint up to and including the date the Complaint is finally closed;
- (iii) A copy of any written Complaint or notes made from any communication with the Complainant relating to the Complaint;
- (iv) All communications with the Complainant including copies of:
 - (a) the Complaint,
 - (b) any response to the Complaint,
 - (c) any determination in respect of the Complaint and
 - (d) any documentation considered in the course of such determination.

5.3 Response timeframes and Resolution Procedures

5.3.1 Providers shall inform end-users about the code of practice at the first point of contact on making a Complaint.

5.3.2 A Provider shall ensure that:

(i) A 'Complaint Acknowledgement' is provided to the Complainant within a maximum timeframe of 2 Working Days from the day on which the Complaint was first notified to the Provider. This is subject to 5.3.2(i)(a).

(a) Where an issue is deemed a Complaint in accordance with paragraph (b) of the definition of a Complaint in this Decision Instrument, a Complaint Acknowledgement shall be provided to the Complainant within a maximum timeframe of 3 Working Days from the day the issue was raised to the Provider by the end-user.

(ii) A 'Complaint Response' is provided to a Complainant, within a maximum timeframe of 10 Working Days from the day on which the Complaint was first notified to the Provider.

5.4 Refunds and reimbursements

5.4.1 Providers shall specify in their code of practice the mechanism whereby end-users can avail of reimbursement of payments, payments of compensation and payments in settlement of losses.

5.4.2 A code of practice shall refer to any compensation scheme a Provider is required to publish in accordance with Section 39 of the 2023 Act and a working direct link to any such published compensation scheme shall be contained within the code of practice.

5.5 Manner of publication

5.5.1 Providers shall ensure that a working direct link to an up-to-date code of practice is clearly displayed on the Home page of the corporate website, and web pages established by the Provider for dealing directly with end-user Complaints including web pages established by third parties where possible.

5.5.2 Providers shall ensure that the code of practice is returned or displayed to end-users using search terms which include 'code of practice', 'complaint', 'how to make a complaint' or 'how to complain', using the search facility of its corporate website and any web pages created for dealing directly with end-user complaints.

5.5.3 Providers shall ensure that details of an internet/web link to the code of practice is included in the Complaint Acknowledgement; and on receipt of a request from an end-user, Providers shall without undue delay, provide a copy of the code of practice to the end-user in a format accessible to that end-user.

5.5.4 Providers shall ensure that a code of practice does not contain information other than information relating to the handling of Complaints and resolution of disputes.

5.6 Retention of records of complaints

5.6.1 Providers shall ensure that records relating to a Complaint are retained for a period not less than 12 months after the date the complaint is finally closed.

6. Statutory powers not affected

6.1 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.

7. Maintenance of obligations

7.1 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.

8. Revocation and effective date

8.1 The effective date of this Decision and Decision Instrument is 2 March 2026, unless otherwise amended by ComReg. When this Decision and Decision Instrument take effect ComReg Decision No. 04/17, will thereby be revoked. ComReg Decision No. 04/17 remains effective until revoked.

9. Transitional Arrangements

9.1 Notwithstanding that ComReg Decision No. D04/17 is revoked on coming into effect of this Decision and Decision Instrument the provisions of ComReg Decision No. D04/17 shall continue to apply to complaints that are raised prior to the effective date of this Decision and Decision Instrument. Any complaint

raised prior to the effective date shall be governed by ComReg Decision No. D04/17.

Annex: 2 Submissions to ComReg 25/23

A 2.1 Published as ComReg 25/54s