



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# Code of Practice for Complaint Handling

Minimum requirements for postal service providers

Response to Consultation, Decision and Directions

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# 1 Executive Summary

1. The Commission for Communications Regulation (“**ComReg**”) is responsible for the regulation of postal service providers<sup>1</sup> (hereinafter “**provider**”) in accordance with European Union and national legislation.
2. ComReg’s objectives in the performance of its functions include promoting the interests of postal service users<sup>2</sup> (hereinafter “**user**”) within the Community<sup>3</sup> and taking all reasonable measures to promote users’ interests, including:
  - “(i) ensuring a high level of protection for postal service users in their dealings with postal service providers, in particular by-*
    - (l) ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of the parties involved....”*
3. It is a function of ComReg’s “*to monitor and ensure compliance by postal service providers with the obligations imposed on them by or under the Communications Regulation Acts 2002 to 2011 in relation to the provision of postal services*”.<sup>4</sup>
4. ComReg is under a statutory duty to ensure, in carrying out its functions, that measures taken by it are proportionate, having regard to its statutory objectives<sup>5</sup>.
5. Every provider is required under section 43 of the Communications Regulation (Postal Services) Act 2011 (the “**2011 Act**”) to have a code of practice for complaints handling.

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<sup>1</sup> As defined in section 6(1) of the 2011 Act a “postal service provider” means any person providing one or more than one postal service; “postal services” means services involving the clearance, sorting, transport and distribution of postal packets.

<sup>2</sup> Section 6(1) of the 2011 Act defines “postal service user” to mean ‘any person benefiting from postal service provision as a sender or as an addressee’; “sender” means a person responsible for originating postal packets; “addressee”, in relation to a postal packet, means the person to whom it is addressed.

<sup>3</sup> Section 10(1)(c) of the Communications Regulation Acts 2002 (as amended) (“**2002 Act**”).

<sup>4</sup> Section 10(1)(c) of the 2002 Act.

<sup>5</sup> Section 12(3) of the 2002 Act.

6. ComReg notes that a provider's requirement to have a code of practice is provided for in section 43 of the 2011 Act, which transposes requirements of Article 19 of Directive 97/67/EC (as amended) ("**the Postal Services Directive**")<sup>6</sup>. Article 19 requires that providers' procedures for dealing with users' complaints are transparent, simple, inexpensive and that they enable disputes to be settled fairly and promptly with provision, where warranted, for a system of reimbursement and/or compensation and these requirements are transposed in section 43(5) of the 2011 Act.
7. On 16 January 2026 ComReg set out proposed minimum requirements for providers' codes of practice and the reasons for them, in its consultation entitled "*Code of Practice for Complaint Handling; Minimum Requirements for Postal Providers*" (ComReg 26/03)<sup>7</sup> (the "**consultation**").
8. ComReg had regard in the consultation to the "Complaints and Redress Procedures: Guidelines for Postal Service Providers"<sup>8</sup> it published in 2014 ("**2014 Guidelines**"). ComReg had regard to difficulties encountered by users and disputes ComReg has resolved under its formal dispute resolution procedures<sup>9</sup>.
9. ComReg also considered primary research undertaken by Cullen International (hereinafter "**Cullen 2025**")<sup>10</sup>, relevant international standards<sup>11</sup> and to information available to ComReg from other sectors both in Ireland and internationally.
10. ComReg, in the consultation, proposed to:
  - 10.1. Introduce the definition of a 'Complaint';
  - 10.2. Introduce a definition of a 'Complainant';
  - 10.3. Introduce a definition of a 'Complaint Acknowledgment';
  - 10.4. Introduce a definition of a 'Complaint Response';

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<sup>6</sup> The harmonised EU framework for the regulation of postal services under Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as amended by Directive No. 2002/39/EC, and Directive No. 2008/6/EC. The 2011 Act transposed the Postal Directive in the State.

<sup>7</sup> Code of Practice for Complaint Handling; Minimum Requirements for Postal Providers (ComReg Document 26/03) published 16 January 2026 [Online:] [ComReg 26/03.pdf](#)

<sup>8</sup> ComReg 14/06 [online]: [ComReg 14/06](#).

<sup>9</sup> ComReg's revised 'Postal Dispute Resolution Procedures' (ComReg 24/102a) which give effect to Section 43(3) came into effect in March 2025 [Online:] <https://www.comreg.ie/media/2024/12/ComReg-24-102a.pdf>.

<sup>10</sup> Cullen International updated its published research on 18 December 2025 which includes information provided to ComReg. See [Online:] '[End user complaints: procedures and dispute resolution](#)'

<sup>11</sup> Including ISO 10002:2018 'Quality management — Customer satisfaction — Guidelines for complaints handling in organizations' of relevance to providers' ('ISO 10002:2018') and I.S. EN 14012:2019 'Postal services - Quality of service - Complaints handling principles' ('European Standard EN 14012:2019') which is compatible with and aligns with ISO 10002:2018. These are available from the National Standards Authority of Ireland ('NSAI')

- 10.5. Introduce a definition of 'Electronic means of contact';
- 10.6. Require that codes of practice provide up to date information on how to make a complaint and do so in a clear and comprehensible manner;
- 10.7. Require that codes of practice make provision for a first point of contact / complaint handling channel by phone, in writing/by post, and through an electronic means of contact. Where a provider uses more than one electronic means of contact, the provider is to make a statement in its code of practice identifying which of the electronic means of contact will provide a user with a record in a durable form. Providers will also be required to make a statement in their code of practice indicating which complaint handling channels enable a user to obtain and retain a record of their complaint, with at least one being required to do so;
- 10.8. Require that codes of practice make provision for at least one first point of contact / complaint handling channel that can be used free of charge by a user;
- 10.9. Require that codes of practice make clear any restrictions in the times during which complaints can be made to a provider via any applicable complaint handling channel;
- 10.10. Require that codes of practice contain a statement that where a user seeks to make a complaint other than through a specified complaint handling channel, this will not prevent the matter being properly handled and classified as a complaint by the provider. This may involve the provider handling complaints through channels other than those specified in its code of practice (where it chooses to do this), directly transferring the user to the appropriate complaint handling channel or otherwise re-directing them to available complaint handling channels;
- 10.11. Require that codes of practice contain a statement that makes clear that while a complaint is being made, recorded or being dealt with, a user should not be transferred and/or referred to any form of support line, if the transfer results in the user incurring a premium rate or higher call cost rate than that involved in making a complaint;
- 10.12. Require providers to handle complaints made by users within a minimum period of:
  - i. 12 months from the date of posting of a postal packet posted within the State for delivery within the State (herein "**domestic**");
  - ii. 6 months from the date of posting of a postal packet within the State for delivery outside the State (herein "**international outbound**"); and

- iii. 6 months from the date of posting of a postal packet outside the State for delivery within the State (herein “**international inbound**”), and to make a statement in their code of practice regarding the time period within which complaints must be made by users;
- 10.13. Require providers to record a minimum amount of information in relation to a complaint and to make provision in its code of practice for its record retention policy, setting out clearly and unambiguously the records that it retains;
- 10.14. Require providers to generate a unique complaint reference number for each complaint notified to it, to issue the unique complaint reference number within a maximum timeframe of 2 working days from the day on which the complaint is first notified to the provider, to issue this unique reference number through a ‘Complaint Acknowledgement’ (which will contain other relevant information relating to the procedure) on a durable medium and to make provision for these in their code of practice;
- 10.15. Require providers to issue a ‘Complaint Response’ containing specific information relating to a complaint to a Complainant on a durable medium within a maximum timeframe of 20 working days from the day on which the complaint is first notified to the provider and to make provision for this in their code of practice;
- 10.16. Require providers to make provision in their code of practice for any applicable compensation scheme covering loss, theft or damage of a postal packet or any failure to provide a postal service of sufficient quality, covering what a user needs to do in order to seek redress (whether compensation, refunds or reimbursement), covering any limitations on the making of any such payments and the criteria applicable to such limitations, covering the compensation the provider will pay in the event the provider does not meet the timelines set out in its code of practice, and covering the means (including accessible means) by which any payment (of compensation, refunds, or reimbursements) will be made and how soon it will be made;
- 10.17. Require providers to make provision in their code of practice for procedures for determining where responsibility lies in cases where more than one postal service provider is involved (including cases where a postal service is provided by a subsidiary, franchisee, or holding company of the provider or by a third party);

- 10.18. Require providers to make provision in their code of practice for how users requiring assistance in making a complaint should request such assistance, and how any alternative accessible forms of its code of practice may be obtained/accessed by users;
  - 10.19. Requiring providers to ensure that their code of practice is published online, 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 on web pages established by providers for dealing directly with complainants, including web pages established by third parties where possible;
  - 10.20. Require providers to ensure that the code of practice is returned or displayed to 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 user complaints;
  - 10.21. Require providers to remove from their code of practice any information that is extraneous to the issues of complaint handling and resolution of disputes; and
  - 10.22. Require providers to date their code of practice and detail its version history.
11. One respondent, An Post, submitted comments to the consultation. Its comments were limited to certain aspects set out in the consultation namely:
    - 11.1. First point of contact for complainants (and timeframe to make a complaint);
    - 11.2. A means of recording complaints;
    - 11.3. Responding to complaints and resolving disputes; and
    - 11.4. Retention of records of complaints.
  12. This Response to Consultation paper sets out ComReg's consideration of the response received and its final position in this regard is set out in Chapter 2.
  13. ComReg has made minor modifications to its Regulatory Impact Assessment (RIA) as consulted upon to reflect its final position as set out in this Response to Consultation and Decision. ComReg's final RIA is set out in Chapter 3.

14. As ComReg did not receive any substantive comments on the following matters as consulted upon, it has retained the position on these as set out in the consultation:
  - 14.1. Who can make a 'complaint';
  - 14.2. Definition of 'Complaint' and 'Complainant';
  - 14.3. Complaint Handling Channels;
  - 14.4. Information to be recorded;
  - 14.5. Complaint acknowledgment;
  - 14.6. Remedies and redress;
  - 14.7. Compensation and reimbursement;
  - 14.8. Procedures where there is more than one provider;
  - 14.9. Accessibility;
  - 14.10. Publishing a code of practice; and
  - 14.11. Universal Service Provider – Terms and Conditions.
15. The final requirements are published with this Response to Consultation and Decision in [Annex 1](#). The response received to the consultation is published in ComReg Document 26/34s.
16. All references to 'requirements' in this document refer to the final requirements, as set out in [Annex 1](#) unless otherwise stated.

17. ComReg has considered relevant international standards including ISO 10002:2018 '*Quality management — Customer satisfaction — Guidelines for complaints handling in organizations of relevance to providers*' ('**ISO 10002:2018**')<sup>12</sup> and I.S. EN 14012:2019 '*Postal services - Quality of service - Complaints handling principles*' ('**European Standard EN 14012:2019**')<sup>13</sup> which is compatible with and aligns with ISO 10002:2018. Use of European Standard EN 14012:2019 and ISO 10002:2018 is with permission from NSAI. ComReg recommends that postal service providers familiarise themselves with both standards.<sup>14</sup>
18. The requirements seek to take account of experiences gained and lessons learned and 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.
19. Providers are required to comply with the requirements contained in the Decision, Decision Instrument and the Direction pursuant to Section 43(6) of the 2011 Act on or before 13 October 2026.
20. The Universal Service Provider is required to comply with the requirements contained in the Direction pursuant to Section 24(5)(a) and (6) of the 2011 Act on or before 29 September 2026.

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<sup>12</sup> Available from the National Standards Authority of Ireland ('NSAI') [Online:] [ISO 10002:2018 Quality management — Customer satisfaction — Guideline](#)

<sup>13</sup> I.S. EN 14012:2019 is the adopted Irish version of the European Standard EN 14012:2019, Postal services - Quality of service - Complaints handling principles and is available from the National Standards Authority of Ireland ('NSAI') [Online:] [I.S. EN 14012:2019 Postal services - Quality of service - Complaints](#)

<sup>14</sup> The stated intention of European Standard EN 14012:2019 "*...is to provide guidance on how to set up a complaints-handling system for postal service operators. This leads to positive solutions for postal users who complain. It also provides sufficient information about quality of service related to complaints.*"

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

21. In the consultation, ComReg set out the proposed requirements with reasons, and it sought views on them.
22. There was one response. The respondent made submissions based on the specific questions asked by ComReg in the consultation.
23. Comments on the draft requirements are addressed in this chapter under the following headings:
  - 23.1. First point of contact for complainants and recording complaints;
  - 23.2. Timeframe to make a complaint;
  - 23.3. Responding to complaints;
  - 23.4. Resolving disputes; and
  - 23.5. Retention of records of complaints.
24. All legislative references in this chapter are to the Communications Regulation (Postal Services) Act 2011 ("**2011 Act**")<sup>15</sup> Act unless otherwise stated.

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<sup>15</sup> S.I. No. 337/2011 European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011.

## 2.1 First point of contact for complainants and recording complaints

25. ComReg set out in the consultation (see Chapter 4) its proposed requirements in relation to the **first point of contact for complainants** including the complaint handling channels to be provided. ComReg proposed that a minimum of 3 complaint channels were to be offered by a provider, with at least one free of charge, to include phone, post, and at least one electronic channel. ComReg also set out other proposed requirements including that providers must either handle complaints made via non complaint handling channels or transfer/re-direct end-users to the correct channels and provide access to the code of practice.
26. ComReg set out in the consultation (see Chapter 5) its proposed requirements in relation a means of **recording complaints** including information to be recorded by providers. ComReg also proposed that a unique complaint reference must be issued to a complainant within a maximum timeframe of 2 working days from the day on which the complaint is first notified to the provider and that where possible, this unique complaint reference should be issued to a complainant immediately after its receipt by the provider<sup>16</sup>.

### 2.1.1 Respondent's views:

27. In its response, and referring to paragraphs 113 to 117 of the consultation, An Post noted that it is “...*significantly expanding [its] digital access points within an Omni-Channel model to improve customer experience and operational effectiveness*”.
28. An Post stated that its “...*digital-first model provides a more robust and compliant alternative*” and cited the features it is of the view will “*improve both customer experience and regulatory compliance*”.
29. An Post also noted that digital channels “*reduce the risk of inconsistent or incomplete records*” and that “*digital technology will deliver a far more efficient and responsive complaint-support experience*”.
30. An Post stated that its “*existing telephone and written means of contact...will still be available to customers who may have accessibility issues or prefer these means of contact*”.

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<sup>16</sup> ComReg notes that European Standard EN 14012:2019 recommends ‘*Upon receipt of a specific complaint it should be recorded with the necessary supporting information and a unique identifier*’.

### 2.1.2 ComReg's analysis:

31. Although An Post referenced paragraphs within Chapter 5 of the consultation ('Recording complaints'), its comments referenced its position regarding digital access points and complaint handling channels and in particular the features of the '*Omni-Channel digital technology*'.
32. ComReg welcomes An Post's commitment to improving its customers' experience and its intention to '*shorten resolution times*' through this. As noted in the consultation (see paragraph 42), ComReg is aware that some users, including customers of An Post, have had negative experiences in the handling of their complaints through to resolution.
33. ComReg notes An Post's ongoing development of its access channels and its intention to incorporate some existing channels for users with accessibility issues or users who prefer the telephone or written means of contact. For the avoidance of doubt, a provider's 'first point of contact' complaint handling channels must be accessible to *all* users in the first instance. As providers cannot restrict their complaint handling channels to only electronic means of contact, users who do not want to submit a complaint via an electronic means of contact will have the option of using the telephone or the postal address complaint handling channels to make a complaint.
34. Additionally, providers must ensure that in their efforts to digitally validate a complaint, a user is not prevented in progressing their submission of a complaint should certain information not be available to them (for example requiring a user to provide information that they may not have available to them e.g. a reference, tracking code, Eircode etc.).

### 2.1.3 ComReg's position:

35. The response received does not cause ComReg to alter its proposals under the headings of first point of contact for complainants and recording complaints, the requirements of which are set out at [5.3](#) of the Decision Instrument set out in [Annex 1](#).

## 2.2 Timeframe to make a complaint

36. ComReg proposed in the consultation (see Chapter 4, Section 4.2) that the procedures, standards and policies with respect to the handling of complaints from users in the code of practice drawn up, and to be implemented, by providers make provision for allowing complaints to be made by a user to the provider for a period of no less than 12 months from the date of posting of a postal packet<sup>17</sup>.
37. ComReg noted in the consultation (see paragraph 103) that research, undertaken for ComReg by Cullen International, indicated that complaints can be made within a period of up to 12 months<sup>18</sup> or more<sup>19</sup> in other countries.
38. ComReg also noted in the consultation (see paragraph 108) that a 12-month period is the equivalent afforded to users of electronic communications services and that this period aligns with the relevant record retention obligations provided for in section 43(1)(g) of the 2011 Act.

### 2.2.1 Respondent's views:

39. In its response, and referring to paragraph 103 of the consultation, An Post stated that it had reviewed the research undertaken for ComReg by Cullen International. As ComReg did not publish this research, ComReg understands that An Post is referring to the separate published research undertaken by Cullen International<sup>20</sup>.
40. An Post listed the same countries identified by ComReg as allowing complaints be submitted within 12 months of the posting of an item. An Post also noted that some countries require complaints to be submitted within a lesser timeframe.
41. An Post stated it does *“not support the proposed 12-month complaint window”* and that its *“current 6 month timeframe aligns with common European practice and reflects the period within which meaningful investigations can be carried out”*.
42. An Post stated that:
  - 42.1. *“Evidence and operational data become increasingly unavailable as time passes, and the likelihood of resolving a complaint either domestic or international is extremely low after 6 months.*

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<sup>17</sup> A 'postal packet' is defined at 6(1) of the 2011 Act to mean *“an item addressed in the final form in which it is to be carried by a postal service provider and includes a letter, parcel, packet or any other article transmissible by post”*.

<sup>18</sup> Belgium, Czechia, Finland, France (domestic mail) and Poland.

<sup>19</sup> Finland (where damage or delay is caused wilfully or grossly negligently).

<sup>20</sup> Cullen International updated its published research on 18 December 2025 which includes information provided to ComReg. See [Online:] [‘End user complaints: procedures and dispute resolution’](#)

42.2. *Delivery-related issues are most often identified immediately and reported quickly, after 6 months elapsing there would be almost no action we could take to resolve complaints effectively.”*

43. An Post also stated that:

43.1. *“[An Post] can only open an international investigation within 6 months of the date of posting as postal operators accept inquiries only within this timeframe.*

43.2. *For standard post, issues regarding items must be reported within three months, after which locating them is no longer feasible.*

43.3. *Allowing complaints to be submitted beyond 6 months and up to 12 months may create a customer expectation that we will be able to conduct a meaningful and thorough investigation, whereas in reality our capacity to do so will be severely limited.*

43.4. *This risks creating unrealistic expectations around the complaint review process and could ultimately lead to greater customer frustration.”*

### 2.2.2 ComReg’s analysis:

44. As set out in the consultation An Post is designated as the universal postal service provider (“USP”) under the 2011 Act.

45. The USP has an obligation to provide a universal postal service on behalf of the State which includes a number of services<sup>21</sup> that involve the clearance, sorting, transport and distribution of postal packets posted:

45.1. within the State for delivery within the State;

45.2. outside the State for delivery within the State; and

45.3. within the State for delivery outside the State (by a designated operator of a signatory to the ‘Universal Postal Convention’<sup>22</sup>).

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<sup>21</sup> In accordance with [Online:] [Section 16 of the 2011 Act](#) and [Online:] [S.I. No. 280/2012 - Communications Regulation \(Universal Postal Service\) Regulations 2012.](#)

<sup>22</sup> The rules of the Universal Postal Union (the agency of the United Nations that coordinates postal policies among member nations and facilitates a uniform worldwide postal system) regarding international postal services, which are applicable to member countries - see [Online:] [Universal Postal Conventions and Regulations.](#)

46. “Designated operators”<sup>23</sup> of the Universal Postal Union (“UPU”) have certain obligations regarding the transmission and handling of postal packets sent via international post. An Post is the designated operator in Ireland<sup>24</sup>.
47. ComReg noted in the consultation (see paragraph 105) that Article 21 of the UPU Convention Manual<sup>25</sup> makes it obligatory for a designated operator to accept inquiries<sup>26</sup> relating to certain items where the inquiry “*is presented by customers within a period of six months from the day after that on which the item was posted.*” Even if a designated operator was not obliged to accept a complaint raised more than six months from the day of posting of the related postal packet, this would not mean it was *prevented* from accepting it – such matters are for each provider to determine based on factors including national legislation and the regulatory conditions in its jurisdiction.
48. As was highlighted by ComReg in the consultation, and noted previously (see paragraph 37), research undertaken by Cullen for ComReg (Cullen 2025) indicated that the “*periods within which complaints can be made in other countries can be up to 12 months or more*”.
49. An Post’s analysis, which as noted previously is of the publicly available Cullen research results<sup>27</sup>, appears to be incorrect as it states that ‘*only 5 of the 22 countries... allow complaints to be submitted within 12 months of posting an item*’. ComReg’s review of that data indicates that over half of the countries surveyed<sup>28</sup> allow 6 months or more from the date of posting of a domestic postal packet to raise a complaint with 6 of these countries allowing up to 12 months. Only 2 countries restrict the timeframe for a domestic complaint to be raised to 3 months or less<sup>29</sup> (such as currently required by An Post) for complaints regarding domestic mail items.

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<sup>23</sup> UPU defines “designated operator” as: “*any governmental or non-governmental entity officially designated by the member country to operate postal services and to fulfil the related obligations arising out of the Acts of the Union on its territory*” (See: Section 1, Article 1, 1.12 of the [Online:] [Convention Manual](#))

<sup>24</sup> UPU details that the designated operator in Ireland is An Post and that Ireland has been a UPU member since 9 September 1923 [Online:] <https://www.upu.int/en/universal-postal-union/about-upu/member-countries?csid=-1&cid=153#mb--1>

<sup>25</sup> See [Online:] p. 341 [Convention Manual](#)

<sup>26</sup> The Universal Postal Convention defines at Section I, Article 1.17 inquiry to mean “*a complaint or query relating to the use of a postal service submitted in accordance with the conditions of the Convention and its Regulations*”.

<sup>27</sup> A subscription to Cullen may be required to access

<sup>28</sup> 12 months: Belgium, Czechia, Finland, France, Netherlands, Poland; 10 months: Denmark; 6 months: Latvia, Lithuania, Romania, Spain, Sweden.

<sup>29</sup> 3 months: Croatia; “no later than 5 days after noticing any irregularities”: Luxembourg

50. An Post did not specifically indicate what the upper limit of the timeframe for complaints regarding domestic postal packets should be. The only timeframe that An Post referenced which could potentially relate to domestic complaints was 3 months, which it referenced as a limit for ‘*standard post*’ (see paragraph [43.2](#)). However, as standard post can be sent under an international outbound or international inbound service, as well as under a domestic service, this statement appears to contradict its position that it can “*open an international investigation within 6 months of the date of posting*” (see paragraph [43.1](#)).
51. ComReg notes that An Post did not provide any reason as to why its capacity would be ‘*severely limited*’ in conducting a ‘*meaningful and thorough investigation*’ into complaints submitted beyond 6 months. An Post also did not explain why locating standard post items would be ‘*no longer feasible*’ after 3 months. These statements have been made without any supporting detail. ComReg does not agree with An Post in this regard in particular standard postal packets that have a barcode affixed for tracking purposes, such as parcels<sup>30</sup> transmitted under An Post’s domestic and international outbound standard services. It is reasonable to expect that tracking data for such standard items, if available, could be used to assist in any complaint made after 3 months of postage.
52. ComReg also notes that all postal packets transmitted under An Post’s domestic registered and insured services have a barcode affixed for tracking purposes.<sup>31</sup> ComReg is also of the view that it is reasonable to expect that the tracking data for these barcoded postal packets would also be used to assist in any complaint. ComReg notes that Section 43(1)(g) of the 2011 Act requires that provision is made for the retention of records of complaints and cites specific records amongst those that must be retained including any documentation considered in the course of a determination in respect of a complaint (see [section 2.5](#) of this document ‘Retention of records of complaints’).
53. ComReg remains of the view that a reasonable period of time should be afforded to users to lodge a complaint, irrespective of what the eventual outcome of the investigation into that complaint may be.

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<sup>30</sup> An Post states “*Can I track my parcel? Yes, you can track your parcel using our Track and Trace service*”. See “Postage Calculator FAQs” [Online:] <https://www.anpost.com/Post-Parcels/Click-and-Post/Postage-Label>

<sup>31</sup> An Post states that it issues a “*Track& Trace ID number*” on the “*transaction receipt*” for its Registered and Insured services. See: “How it Works” [Online:] <https://www.anpost.com/Post-Parcels/Sending/Postal-Rates/Registered-Post#registered-postal-rates>

54. As set out previously the procedures of a code of practice, which include matters relating to the first point of contact and timeframes for providers to respond to complaints, must be transparent, simple and enable disputes to be settled fairly. Users may be confused if a complaint related to a postal packet transmitted under a domestic *standard* service had less time afforded to be submitted than a complaint regarding a postal packet transmitted under a domestic *registered or insured* service. More significantly however, there is no identified reason why such a distinction is required.
55. As noted in the consultation, '*Responsiveness*' and a '*User focused approach*' are two 'Guiding Principles'<sup>32</sup> of European Standard EN 14012:2019. Providing users with clear and up to date information about the circumstances of their complaint and when they can expect to receive a response to it should help manage expectations and mitigate against the negative outcomes An Post is concerned about.<sup>33</sup>
56. Notwithstanding, and to further inform ComReg in its decision regarding an appropriate timeframe within which a complaint should be made, ComReg has reviewed the complaints procedures of providers from countries that were not included in the research undertaken by Cullen for ComReg prior to the consultation.<sup>34</sup> ComReg has noted that the majority of countries in this additional cohort restrict complaints relating to international postal packets to those relating to postal packets posted within 6 months of the date of complaint.
57. ComReg notes An Post's concerns regarding restrictions imposed by other international designated operators in answering complaints submitted more than 6 months from the date of posting. ComReg has decided to amend its position set out in the consultation and reduce the timeframe allowed for a user to make a complaint about an international (outbound or inbound) postal packet to 6 months from the date of posting.
58. As set out previously, An Post did not set out sufficient rationale as to why a 12-month timeframe for complaints regarding domestic postal packets should not be allowed.

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<sup>32</sup> F.3 'Timescales for responses'

<sup>33</sup> As noted in the consultation, research undertaken by the Competition and Consumer Protection Commission ('CCPC') (see [Online:] [Understanding-Consumer-Detriment-in-Ireland](#)), examining customer detriment in Ireland, indicates that consumers experience detriment, including stress or losing time, trying to resolve problems. Addressing the potential for this type of detriment should mitigate against negative outcomes.

<sup>34</sup> 17 NRAs made submissions by email to ComReg of complaints and redress procedures in operation within their country following a request facilitated by the European Regulators Group for Postal Services ("ERGP"). Of these, information relating to 7 further countries were submitted to supplement the research undertaken for ComReg by Cullen.

59. ComReg maintains its position that providers should allow 12 months from the date of posting of a domestic postal packet for users to make a complaint. As stated in the consultation this period of time aligns with that given to ECS end-users and with provider's complaint record retention obligations and so is the most appropriate time period for users in Ireland.
60. While ComReg recognises that a uniform timeframe for domestic and international complaint timeframes would be more straightforward for users in terms of their awareness, the point raised by An Post (see paragraphs [43.1](#) and [57](#) above) have identified practical difficulties (potentially outside of its control) that may prevent the resolution of complaints raised after a 6-month period has elapsed.

### 2.2.3 ComReg's position:

61. To ensure that the procedures for lodging a complaint are transparent and simple in accordance with the requirements of section 43(5) of the 2011 Act, ComReg's position is that the procedures, standards and policies with respect to the handling of complaints from users in the code of practice drawn up, and to be implemented, by providers, must make provision for allowing complaints to be made by a user to the provider for a period of no less than
  - i. 12 months from the date of posting of a domestic postal packet (posted within the State for delivery within the State);
  - ii. 6 months from the date of posting of an international outbound postal packet (posted within the State for delivery outside the State);
  - iii. 6 months from the date of posting of an international inbound postal packet (posted outside the State for delivery within the State).

## 2.3 Responding to complaints

62. ComReg proposed in the consultation (see Chapter 6) that the procedures, standards and policies with respect to the handling of complaints from users in the code of practice drawn up, and to be implemented, by providers make provision for a provider to issue a 'Complaint Response' on a durable medium within 20 working days;

### 2.3.1 Respondent's views:

63. In its response, and referring to paragraph 134 of the consultation, An Post stated that *"updating complainants after 20 working days... is not operationally achievable"* and that the *"...existing 30-day (domestic) and 60-day (international) timeframes remain the only realistic but also reliable periods within which a thorough and accurate investigation can be completed."*
64. An Post stated that *"we do not support introducing a 20-day expectation for resolution or escalation [to ComReg]...Many complaints, particularly those involving international mail, cannot be resolved within 20 working days due to UPU-mandated timelines of up to 60 days, and the proposed threshold does not reflect these operational constraints."*
65. With reference to international investigations An Post stated that *"UPU procedures and agreements permit up to 60 days for partner postal operators to respond and for the case to be resolved. We are bound by these timelines and therefore cannot issue a final resolution sooner."*

### 2.3.2 ComReg's analysis:

66. As ComReg set out in the consultation (see section 6.2) it is aware that some investigations into a complaint can take time or be protracted, however in an era of enhanced communications and ubiquitous use of electronic communication channels (including email, SMS, live web chat etc.) it is reasonable to expect providers to complete the procedures of their code of practice in a shorter timeframe than was the case before such electronic communication means were widely available.
67. ComReg proposed that the 'Complaint Response' would issue within 20 working days from when a complaint is first notified to a provider by a user.
68. Information submitted to ComReg prior to the consultation indicated that many providers already typically issue a complaint response in less than 20 working days.<sup>35</sup>

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<sup>35</sup> ComReg requested written information from each provider, pursuant to section 13F of the 2002 Act in relation to Section 43(1) (a) to (h) and Section 43(2) of the 2011 Act (see paragraph 137 of the consultation).

69. Users are entitled to expect the prompt resolution of disputes. This is required under national and EU law. It is a further legal requirement that disputes are resolved fairly.
70. ComReg notes that the UPU manual conveys that inquiries should be dealt with in a timely manner, i.e. “*as soon as possible*”, and while it provides an outer limit of 2 months in some circumstances, these relate to where electronic means are *not* used for inquiries or where a designated operator has an agreement in place for a reply time of later than 30 days:
- 70.1. Article 21-001 “*1 Within the period of time prescribed in article 21 of the Convention, inquiries shall be accepted as soon as the problem is reported by the sender or the addressee...*”
- 70.2. Article 21-002 “*1.6 The first designated operator to receive the CN 08 form and accompanying documents from a customer shall invariably complete its investigations within ten days and forward the CN 08 form and accompanying documents to the corresponding designated operator. The form and documents shall be returned to the designated operator which originated the inquiry as soon as possible and at the latest within two months from the date of the original inquiry or within 30 days from the date of the original inquiry if the case was reported by fax or any other electronic means.... Where there is an agreement about the use of an electronic system for letter-post items, the reply times shall be as set out in the agreement between the relevant designated operators, but shall be no longer than those specified in this paragraph”.* (emphasis added)
- 70.3. Article 21-002 “*1.9 If the sender asserts that, despite the designated operator of destination’s attestation of delivery, the addressee claims not to have received the item under inquiry, the following procedure shall be followed. At the express request of the designated operator of origin, the designated operator of destination shall be obliged to provide the sender as soon as possible and, at the latest, within a period of 30 days from the date of sending of such a request, through the designated operator of origin, confirmation of the delivery by letter, CN 07 advice of delivery or some other means, signed in conformity with article 18-108.4.1 or 18-103.3.2, as appropriate or a copy of a signature of acceptance or some other form of evidence of receipt from the recipient in conformity with article 18-101.5.6, 18-001.6.1.7, 17-205.3 or 18-001.6.2.5.1”.* (emphasis added)
71. Given the advancement of electronic communications in recent years, ComReg expects that the majority of international enquiries between designated operators are now made via electronic means, and so it is reasonable to expect most replies would be issued within 30 days of the original inquiry.

72. At certain times of the year 30 calendar days can actually equate to a shorter period of time than 20 working days. To illustrate if a complaint was made on 18 December 2026, 30 calendar days later is 17 January 2027 whereas 20 working days later is 19 January 2027.
73. ComReg notes that while An Post cited operational constraints in resolving disputes it did not provide any substantive reasons as to why it cannot issue users with a 'Complaint Response' within 20 working days.
74. ComReg also notes that An Post's published code of practice for complaint handling<sup>36</sup> states
- 74.1. *"While we aim always to resolve your complaints within 10 working days, the sheer volume of mail that we deliver (over 2.5 million pieces each working day) means that this is not always possible.*
- 74.2. *We do, however, promise to resolve your complaints within the following timescales:*
- *Mail within Ireland: 30 calendar days.*
  - *Mail from/to Europe, Canada, New Zealand, Australia and certain other countries: 40 calendar days\*.*
  - *Mail to all other destinations: 60 calendar days or sooner\*<sup>37</sup>.*
75. While ComReg expects that in most cases all aspects of a complaint would be resolved within 20 working days, ComReg welcomes commitments made by providers to resolve complaints within a shorter period of time, such as An Post's 'aim' of resolving complaints within 10 working days.
76. Notwithstanding, and as was set out in the consultation, the Complaint Response does cater for circumstances where it has not been possible to resolve a complaint within the 20-working day timeframe. In such circumstances a provider must explain what steps have been taken, and are being taken, to investigate and resolve the complaint, and either its proposed resolution for the aspects of the Complaint as listed that resolved and the related date(s) by which the provider expects these aspects will be resolved or confirmation that it is unable to take further action(s) to resolve the complaint or aspects of the Complaint, or will not do so - any next steps/options for internal escalation (where applicable) and information to advise that a dispute may be referred to ComReg.

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<sup>36</sup> See An Post's Code of Practice 'Getting it Sorted' [Online:] <https://www.anpost.com/AnPost/media/PDFs/Getting-it-Sorted-August2020.pdf>

<sup>37</sup> \* An Post states: "Complaints regarding services to or from overseas take longer to resolve as we have to rely on information coming from other postal administrations."

77. The issuing of a Complaint Response by a provider will, for the purpose of section 43(3) of the 2011 Act and ComReg's 'Postal Dispute Resolution Procedures' (ComReg 24/102a)<sup>38</sup>, be considered to be due completion of all the procedures of the provider's code of practice, entitling the user to refer a dispute for resolution by ComReg under section 43 should they wish to do so.
78. For the avoidance of doubt, this does not mean that a provider's attempts at resolution must come to an end on the issuing of a Complaint Response and/or the expiry of 20 working days. Providers can and should, unless there is good reason not to do so, continue with any ongoing attempts at resolution after 20 working days.

### 2.3.3 ComReg's position:

79. The response received does not cause ComReg to alter its proposals set out in the consultation under the heading of '*Complaint response*', the requirements in relation to which are set out at [5.5](#) of the Decision Instrument in [Annex 1](#): .

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<sup>38</sup> See ComReg 24/102a [online:] [ComReg-24-102a.pdf](#) and ComReg 24/102; D25/24 [online:] [ComReg-24-102.pdf](#)

## 2.4 Resolving disputes

81. ComReg proposed in the consultation (see Chapter 6) that the procedures, standards and policies with respect to the handling of complaints from users in the code of practice drawn up, and to be implemented, by providers make provision for:
- 81.1. where a period of 20 Working Days has elapsed since the day on which the complaint was first notified to a provider by a user, and the complaint remains unresolved, including in circumstances where no Complaint Response has been issued by the provider, the user will be deemed to have duly completed all of the procedures of the provider's code of practice and the user may refer a dispute to ComReg for resolution under Section 43 of the 2011 Act; however the user may remain in the provider's complaint handling process should they wish to do so; and
  - 81.2. that clear information is set out regarding any escalation process offered by a provider and the related timeframes.

### 2.4.1 Respondent's views:

82. In its response, and referring to paragraph 159 of the consultation, An Post stated that *"...we do not support introducing a 20-day expectation for resolution or escalation. Many complaints, particularly those involving international mail, cannot be resolved within 20 working days due to UPU-mandated timelines of up to 60 days, and the proposed threshold does not reflect these operational constraints."*
83. An Post asserted that it *"...already provides clear information on escalation routes, including ComReg's contact details, and does not impede users from escalating at any stage"*.
84. An Post added that *"Our internal process is appropriately structured and should remain unchanged; customers may choose to escalate early, but this should not drive amendments that encourage bypassing established complaint-handling steps."*

### 2.4.2 ComReg's analysis:

85. As ComReg set out in the consultation (see section 6.4) the 2011 Act sets out in Section 43(1)(d) that a code of practice shall provide for *"procedures for resolving disputes"*; Section 43(3) provides that users can refer unresolved disputes to ComReg for resolution and Section 43(5) requires that both providers and ComReg operate procedures that enable disputes to be settled fairly and promptly.

86. The 2011 Act requires that a user has already completed “*all the procedures of a code of practice*”, before ComReg can resolve a dispute.
87. ComReg remains of the view, as set out in the consultation, that complaints should ideally be resolved at first instance by providers and in a prompt manner. A user’s right to have a dispute resolved promptly should not be frustrated by unnecessarily prolonging the completion of the procedures of a code of practice or in circumstances where a provider fails to adhere to the timeframe set out in its code of practice for the completion of procedures.
88. ComReg notes that the timeframe advised by An Post for when users can expect to complete both of the steps of its code of practice procedures<sup>39</sup> (to include its Customer Service response (see paragraph 74) and the response from the Customer Advocate<sup>40</sup>), is up to 60 calendar days (c. 8 weeks) for a complaint regarding a domestic postal packet<sup>41</sup> and up to 90 calendar days (c. 12 weeks) for a complaint regarding an international postal packet<sup>42</sup>.
89. The research published by Cullen<sup>43</sup> indicates that users in the majority of European countries reported<sup>44</sup> can escalate a complaint to an entity that is independent of the provider, in a shorter timeframe to that here in Ireland; with users most often being able to escalate a dispute between 4 to 6 weeks as summarised in Table 1.

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<sup>39</sup> See An Post’s Code of Practice ‘Getting it Sorted’ [Online:]

<https://www.anpost.com/AnPost/media/PDFs/Getting-it-Sorted-August2020.pdf>

<sup>40</sup> An Post procedures state “*If your complaint isn’t resolved to your satisfaction, or if you find it difficult to understand the way in which it was resolved, you may ask to have it reviewed by An Post’s Customer Advocate.... The Advocate will issue a decision within 30 days of receiving the complaint*”

<sup>41</sup> Up to 30 days for Customer Service to resolve + up to 30 days for Customer Advocate decision to issue

<sup>42</sup> Up to 60 days for Customer Service to resolve + up to 30 days for Customer Advocate decision to issue

<sup>43</sup> See ‘Complaint escalation procedures’ [Online:] [End user complaints: procedures and dispute resolution](#)

<sup>44</sup> Published data is incomplete for Denmark, Estonia, Finland, Netherlands, Portugal and Sweden.

Table 1: Earliest practical escalation point for users

Country	Provider timeframe to respond – Domestic	Provider timeframe to respond – International	If unsatisfied with the outcome of the first instance when is escalation permitted	Earliest practical escalation point (Domestic/ International) After...
Luxembourg	10 days	10 days	After unsatisfactory reply or no response	10 days / 10 days
Lithuania	10–14 days	10–14 days	After provider stage or after no response	2 weeks / 2 weeks
Latvia	15 days (30 if investigation)	30 days	After provider stage	2–4 weeks / 1 month
Estonia <sup>45</sup>	10 working days–1 month	Up to 2 months	After provider stage	2–4 weeks / 2 months
Austria	4 weeks	4 weeks	After unsatisfactory reply or no response	1 month / 1 month
Belgium	30 days	40 days / up to 3 months	After unsatisfactory reply or no response	1 month / 1.5–3 months
Czech Republic	30 days	30 days	After provider stage	1 month / 1 month
Denmark <sup>46</sup>	1 month	1 month	After provider stage	1 month / 1 month
Netherlands <sup>47</sup>	30 days	30 days	After provider stage	1 month / 1 month
Croatia	30 days	60 days	After provider stage	1 month / 2 months
Spain	1 month	2 months	After unsatisfactory reply or no response	1 month / 2months
Italy	45 days	45 days	After provider stage or after no response	1.5 months / 1.5 months
Norway	14–30 working days	14–30 working days	After provider stage	3–6 weeks / 3–6 weeks
Germany	Not specified	Not specified	ADR paused until 2 months elapsed	2 months / 2 months
France	Up to 2 months	Up to 2 months	After provider stage or after no response	2 months / 2 months
Romania	3 months	3 months	After complaint to provider	3 months / 3 months
United Kingdom	Up to 90 days	Up to 90 days	After 90 days pass	3 months / 3 months
Finland	Not specified	Not specified	After complaint to provider	
Portugal	Not specified	Not specified	After provider stage	
Sweden	Not specified	Not specified	After complaint to provider	

<sup>45</sup> Data provided to ComReg by Cullen included information for Estonia “Omniva should reply within ten working days, if not possible, then within one month at the latest. For international deliveries, the timeline is two months”.

<sup>46</sup> Data provided to ComReg by Cullen included information for Denmark “The complaints must be solved within one month”.

<sup>47</sup> Data provided to ComReg by Cullen included information for Netherlands “PostNL aims to respond to a complaint within 30 days”.

### 2.4.3 ComReg's position:

90. The response received does not cause ComReg to alter its proposals set out in the consultation under the heading of *‘Due completion of the code of practice’* and *‘Resolving a dispute’*, the requirements in relation to which are set out in [5.5](#) of the Decision Instrument in [Annex 1](#).

## 2.5 Retention of records of complaints

91. ComReg proposed in the consultation that the procedures, standards and policies with respect to the handling of complaints from users in the code of practice drawn up, and to be implemented, by providers make provision for the following matters:

91.1. that all records relating to a complaint are retained for a period not less than one year after the date the complaint is finally closed.

91.2. that a provider's record retention policy include a clear and unambiguous statement setting out the records that it retains under this policy.

### 2.5.1 Respondents' views:

92. In its response, and referring to paragraphs 187-190 of the consultation, An Post stated that *"We note ComReg's view that "records" under section 43(1)(g) encompass electronic data and audio recordings. While we understand the intention to ensure consistency across complaint-handling channels, any retention requirements must remain compliant with GDPR storage-limitation and data-minimisation principles.*

93. An Post stated that it *"already applies proportionate retention measures. Email addresses and phone numbers are partially redacted after a set period, now reducing to 90 days, without impacting our ability to investigate complaints, which rely on tracking numbers rather than contact-detail fields."*

94. An Post added *"CCTV footage is retained for a maximum of 30 days, in line with national standards, and we intend to reduce call-recording retention to six months, reflecting concerns raised by the Data Protection Commission. We would like to reduce the call-recording retention to meet the data minimisation GDPR principle. Given the DPC's position on retention of high-risk data such as CCTV and call recordings, we request that ComReg consult the DPC to confirm that any proposed extended retention periods - particularly for audio recordings - are fully compatible with GDPR. Until such clarification is provided, we consider our current and planned retention policies to be proportionate and compliant while supporting effective complaint investigation."*

### 2.5.2 ComReg's analysis:

95. The retention of records of complaints for a period of at least 1 year is required by the 2011 Act. 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.<sup>48</sup> As set out in the consultation, it is ComReg's view that records that providers are required to retain include not only hard copy written records but also electronic records including recordings.
96. It is ComReg's view that call recordings may offer the best evidence if there is a subsequent dispute between a provider and a user regarding the contents of an oral conversation. 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 a user and a 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.
97. The deletion of a call-recording that is a record of a complaint in a lesser timeframe than one year, as An Post indicates it intends to do, would clearly run contrary to legislative obligations in this regard.
98. It is not clear to ComReg in what circumstances CCTV footage recorded by An Post would relate to a complaint. ComReg did not propose any specifications regarding the retention of CCTV footage.
99. An Post requested that "*ComReg consult the DPC [The Data Protection Commission] to confirm that any proposed extended retention periods - particularly for audio recordings - are fully compatible with GDPR*"
100. Insofar as generally stated obligations under the GDPR are concerned, ComReg is of the view that a 12-month<sup>49</sup> retention period for complaint records strikes an appropriate balance between data protection principles and rights including the protection of personal data and privacy, providers statutory obligations under the 2011 Act, and ComReg's statutory functions and objectives.<sup>50</sup>

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<sup>48</sup> Section 43(1)(g)

<sup>49</sup> ComReg notes that ECS providers in Ireland are required to retain records of complaints for 12 months in accordance with ComReg Decision 10/25. 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).

<sup>50</sup> Section 12(3) of 2002 Act.

101. Notwithstanding, ComReg did engage with the DPC on the matter of retention of records of complaint. The DPC confirmed to ComReg that it shares ComReg's view *that the records that providers are required to retain include not only hard copy written records but also electronic records including audio recordings* and that the retention of call recordings that relate to a complaint for a period of 12 months, would be in compliance with the GDPR.
102. ComReg notes An Post's assertion that its partial redaction of certain contact-detail information does not impact on its ability to "*investigate complaints*"; however clearly redacting this information prior to the undertaking or the completion of an investigation and prior to a determination actually being issued in respect of a complaint would render the record incapable of being retained in its complete form for the required period.
103. ComReg reminds providers that in accordance with its Postal Dispute Resolution Procedures<sup>51</sup> 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. The commencement date for the 12-month period should be the date the complaint is finally closed. This is important as if the 12-month period was to run from the date of the creation of the first record associated with a complaint, 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. If records were to be deleted down on a rolling basis, from the date of their creation it would give rise to the obvious difficulty that the 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.
104. It is ComReg's view that providers should not take an unduly narrow approach to records of contact it receives and which may have the potential to become related to a complaint or a dispute. The premature deletion of a record that could potentially become related to a complaint may disadvantage one or more parties and lead to a negative outcome should a party wish to rely on such record in the course of a dispute. If a record is capable of becoming related to a complaint, its premature deletion 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. As stated, disputes may be referred to ComReg for resolution within 12 months of first being notified to the provider.

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<sup>51</sup> ComReg 24/102a

105. Taking account of the potential for such records to be decisive in the resolution of a dispute between a provider and user, and the inability of either party being able to rely upon a deleted record to prove or disprove the conduct or manner in which a complaint may have been handled, which may lead to a finding against the provider by ComReg in the resolution of a dispute, ComReg considers it reasonable and proportionate that providers retain such records (including call recordings) for a 12 month period.
106. ComReg would caution that records that could reach complaint status would come within scope of the retention obligation. Therefore, providers should not delete records that may become associated with a complaint but instead adopt a cautious approach to avoid an incorrect decision regarding the retention of records. While it will be for providers to manage their retention obligations appropriately, any decision to delete records in a manner that does not adequately take account of the above considerations may ultimately have adverse consequences for a postal service provider should a dispute arise.
107. Providers can also control their retention obligations by making it clear to users which channels are complaint handling channels and refer users appropriately to these.

### 2.5.3 ComReg's position:

108. The response received does not cause ComReg to alter its proposals set out in the consultation under the heading of *'Retention of records of complaints'*, the requirements in relation to which are set out in full at [5.8](#) of the Decision Instrument in [Annex 1](#).

## 2.6 Other matters

### 2.6.1 Reporting of Complaints by providers

#### i. Respondents' views:

109. An Post noted that *"it is essential that any regulatory developments, whether through new reporting requirements or more prescriptive operational rules strike the right balance."*

#### ii. ComReg's analysis:

110. ComReg set out in the consultation that as it intends to separately review the reporting of complaints by providers, this matter was not dealt with in the consultation.

#### iii. ComReg's position:

111. ComReg will consult on this matter in 2027.

### 2.6.2 Regulatory Burden

#### i. Respondents' views:

112. An Post also stated that *"Regulation should meaningfully enhance customer outcomes without imposing disproportionate financial or administrative burdens on postal operators. Striking this balance is essential to preserving an effective regulatory environment that supports both customer needs and operational sustainability"*.

#### ii. ComReg's analysis:

113. ComReg, in Chapter 13 of the consultation, set out its draft Regulatory Impact Assessment (RIA) on the effect of the imposition of the proposed minimum requirements for inclusion in providers' codes of practice for complaint handling on stakeholders and competition.

114. ComReg notes that An Post did not make any specific comments on the RIA.

#### iii. ComReg's position:

115. ComReg's RIA (see Chapter 3), sets out ComReg's position concerning the impact of its requirements and how it does not envisage these will impose disproportionate financial or administrative burden on providers.

### 2.6.3 Effective Date

116. Section 24(2)(b) of the 2011 Act provides that the USP's terms and conditions must include

116.1. *"...terms and conditions relating to, and its procedures for dealing with, complaints made by postal service users relating to the universal postal service provision."*

117. Section 24(6) of the 2011 Act provides that

117.1. *"Where a universal postal service provider amends or modifies its terms and conditions pursuant to subsection (4) or (5), as the case may be, it shall publish notice of the amendment or modification on its website and by such other means as the Commission may direct and the amendment or modification shall not come into effect earlier than 14 days after the date of publication of such notice or such other period as may be agreed with the Commission"*.

118. The legislative requirement that universal service terms and conditions are published at least 14 days *before* they come into effect means that if the effective dates were to run concurrently the USP's procedures for dealing with complaints made by postal service users relating to the universal postal service provision would be published within the terms and conditions (in accordance with section 24(2)(b) of the 2011 Act) but not actually take effect for two further weeks.

119. To avoid a lacuna where the procedures of the USP's Code or Practice are published but not yet in effect, ComReg is affording a further two weeks (in addition to that consulted upon) for compliance with the requirements of the Decision Instrument.

120. Therefore, the Direction at Annex 3 requires that revised terms and conditions are published on or before 29 September 2026 and that the revised terms conditions take effect from 13 October 2026. The requirements of the Decision Instrument, in accordance with the Direction at Annex 2, will also have to be complied with by all providers by 13 October 2026. In the case of the USP this will ensure that the revised framework (Code of Practice and revised terms and conditions) commences at the same time.

## 3 Regulatory Impact Assessment (RIA)

121. ComReg has published RIA Guidelines<sup>52</sup> (ComReg 07/56a), in accordance with a Ministerial Policy Direction to ComReg<sup>53</sup>, 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.
122. The analysis presented in this section represents ComReg's RIA setting out ComReg's conclusions on the effect of the imposition of the proposed minimum requirements for inclusion in providers' codes of practice for complaint handling on stakeholders and competition.
123. ComReg is empowered by the 2011 Act to specify matters it considers necessary and appropriate for providers to make provision for in their code of practice to secure effective protection for users. It is further empowered to give directions to providers for the purposes of ensuring compliance with section 43 of the 2011 Act which section addresses:
- 123.1. The requirement to draw up and implement a code of practice
- 123.2. Procedures, standards and policies for complaints handling
- 123.3. The provisions of a code of practice, including:
- The first point of contact for complainants
  - Means of recording complaints
  - The timeframe for responding to complaints
  - Procedures for resolving disputes
  - Remedies and redress
  - Procedures for determining where responsibility lies where more than one provider is involved
  - Retention of records of complaints
- 123.4. Publication requirements for codes of practice, including the requirement to provide a code of practice to users free of charge on request

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<sup>52</sup> 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.

<sup>53</sup> Ministerial Policy Direction made by Dermot Ahern T.D. Minister for Communications, Marine and Natural Resources on 21 February 2003.

- 123.5. Dispute resolution by ComReg, including the establishment of procedures by ComReg and the power to issue binding resolutions to providers to comply with measures
  - 123.6. The requirement that the procedures established by providers for complaints handling are transparent, simple, inexpensive, and enable disputes to be settled fairly and promptly
  - 123.7. The coordination of cross-border disputes by ComReg upon request.
124. More specifically, and without prejudice to the generality of the direction that ComReg may give under section 43(6) of the 2011 Act to providers to ensure compliance with section 43, it may give a direction as to:
- 124.1. the form and manner in which a code of practice referred to in section 43(1) and information relating thereto shall be published, including information on the number of complaints made and the manner in which they have been dealt with, and,
  - 124.2. the making of such alterations or additions to its code of practice as ComReg considers appropriate and specifies in the directions.
125. Section 43 of the 2011 Act transposes Article 19 of the EU Postal Directive. Recital 35 to that Directive noted the need for improvement of quality of service and the necessity to have disputes settled quickly and efficiently through procedures which are transparent, simple and inexpensive and enable all relevant parties to participate.
126. Overall, the statutory scheme, deriving from European law, is designed to create a framework for the fair, efficient and timely resolution of disputes between users and providers in a manner that is simple, transparent, inexpensive, accessible and inclusive. ComReg is given the role to monitor and ensure compliance by providers with the requirements of section 43 and, as noted and to this end, it is given broad powers to impose requirements and issue directions.

127. 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. A RIA is also to ensure that any specific requirements imposed are appropriate, proportionate<sup>54</sup> and justified in light of the analysis conducted. The proposed requirements set out in this draft consultation, have regard to ComReg's functions and objectives under the Communications Regulation Act 2002 (as amended), have regard to general objectives to be pursued by it in the context of its regulatory tasks, and have regard to its objectives of ensuring that procedures for complaints handling and resolution of disputes comply with the requirements of section 43 of the 2011 Act.
128. Consistent with the RIA Guidelines, ComReg's RIA considers the effect on stakeholders and competition of ComReg's decision to specify requirements and give directions for the handling of complaints and the resolution of disputes. It also considers the scope of the options open to ComReg having carefully considered the response to Consultation 26/03.
129. Having regard to the evidence collated during the consultation process, and to the RIA Guidelines, the following sets out ComReg's final RIA.

### Structure for the RIA

130. In assessing the available regulatory options, ComReg's approach to the RIA involves the following five steps, requiring that it:
- **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.

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<sup>54</sup> 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.

131. 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:<sup>55</sup>
- promote the development of the postal sector<sup>56</sup>; and
  - promote the interests of users within the Community, including by ensuring a high level of protection for users in their dealings with providers by ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of parties involved, and addressing the needs of specific social groups, in particular users with disabilities.<sup>57</sup>
132. In addition, ComReg is guided by regulatory principles and obligations provided for under the 2011 Act that procedures for handling complaints and settling disputes, including through code of practice, are transparent, simple, inexpensive, and enable disputes to be settled fairly and promptly.

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

133. ComReg noted in the consultation that its proposals aimed to provide a more simple, transparent, efficient and consistent approach to complaint handling for the benefit of all stakeholders by setting minimum requirements, that providers are free to go beyond for the benefit of users. The experience gained in the application of the 2014 Guidelines made this an opportune time to review and assess the minimum requirements.
134. ComReg has also observed certain practices in complaint handling by providers that have the potential to make the current framework unfair to users and lacking in transparency, with long complaint handling processes that may not achieve the statutory requirement that disputes are resolved promptly. The cost to users, in terms of not only money but also the time and effort required to have their complaint handled is a further important consideration. This is linked both to the channels used to make complaints but also to the burden placed on users in having to pursue correspondence and other contacts with providers for extended periods before obtaining a response to their complaint. Complaint handling is required to be a simple process.

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<sup>55</sup> Section 12(3) of the 2002 Act.

<sup>56</sup> Section 12(1)(c)(i) of the 2002 Act.

<sup>57</sup> Sections 12(1)(c)(ii) and 12(2A)(d) of the 2002 Act.

135. The postal sector plays a vital role in supporting both users and businesses to, live, work and communicate. In the provision of their products and services to 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 users.
136. ComReg has previously published guidelines for providers (the 2014 Guidelines for Postal Service Providers). The aim of those guidelines was to assist authorised postal service providers in drawing up and implementing their code of practice and setting out their complaints and redress procedures in accordance with section 43 of the 2011 Act. This in turn was to help inform postal service users of their rights, of the process that would be followed in the event of a complaint, and of the remedies available to them which may include reimbursement or compensation, or both, as appropriate<sup>58</sup>.
137. Notwithstanding the 2014 Guidelines, and as noted above, ComReg is aware that the experience of users in the handling of their complaints by some providers, since these guidelines were published in 2014, has been mixed, with users encountering various difficulties. ComReg now seeks to address these difficulties and to protect the interests of users.
138. ComReg has received complaints from users regarding the way complaints are being handled, with users having encountered the difficulties including (but not being limited to) the following:
  - 138.1. contacts made through certain channels not being immediately considered a complaint;
  - 138.2. users not being provided, on request, a unique reference number in relation to their complaint;
  - 138.3. users being unable to contact a provider via certain channels set out in a code of practice to make a complaint;
  - 138.4. users being told their complaint does not warrant being considered as a complaint owing to it not having been lodged in a certain timeframe;
  - 138.5. users with a recurring problem being required to treat each instance as unrelated to the previous instance(s);
  - 138.6. users not being responded to in a reasonable timeframe;
  - 138.7. users being ignored and not responded to at all; and

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<sup>58</sup> [Online:] [ComReg 1406](#) - 2014 Guidelines for Postal Service Providers

138.8. users having complaints closed without their knowledge.

139. Taking account of the obligations on providers in section 43 of the 2011 Act and having regard to ComReg's statutory objectives and functions and in particular ComReg's function to monitor and ensure compliance by providers with their obligations under section 43, ComReg is specifying minimum requirements and giving directions to providers in relation to the procedures, standards and policies that they have in place for dealing with complaints and for resolving disputes.

## **Step 2: Identify and describe the regulatory options**

140. ComReg recognises that any regulatory measure should be kept to the minimum necessary whilst ensuring the needs of providers and users are met.

141. In considering ComReg's aims, the following options need to be taken into account:

- Option 1 - Do nothing (i.e. retain the *status quo*);
- Option 2 - Specify new minimum requirements and give directions in relation to the procedures, standards and policies that providers have in place for dealing with complaints and for resolving disputes and to ensure compliance with section 43 of the 2011 Act.

## **Step 3: Determine the impacts on stakeholders**

142. Step 3 assesses the likely impact of the proposed regulatory measures on stakeholders. Pursuant to Section 43 of the 2011 Act, the proposed policy decisions will apply to all providers<sup>59</sup>. The impacts envisaged for providers, users and competition, are considered against the two options set out above.

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

143. Under option 1, providers would continue to operate as at present. In practice this would mean that providers would continue to be bound by section 43 of the 2011 Act.

144. 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.

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<sup>59</sup> As defined in Section 6 of the 2011 Act.

145. ComReg is aware of varying practices among providers in terms of complaints and redress procedures. ComReg is further aware of user dissatisfaction with certain practices by providers. These practices cause measurable harm to users in terms of time, effort and inconvenience. If complaints and redress procedures do not meet the requirements of section 43 there is a risk that users may not obtain appropriate redress. This may be because the procedures simply fail to provide adequate redress, however it may also be due to failures within the procedures (whether on the basis they are complicated, unduly prolonged, unclear and/or unfair).
146. In accordance with its statutory functions, ComReg has reviewed current practices of providers against the background of national and international comparators and recognised international standards including postal-specific complaint handling standards.
147. Where complaint and redress procedures are inadequate, this creates a further risk that users may perceive redress to be out of their reach or unduly hard to obtain such that they may not seek redress in the first instance. This serves to undermine the complaints and redress process as a whole. Users must not only be aware of complaints and redress procedures, and be able to access and understand them, but they must have also have sufficient confidence and belief in them to seek to utilise them.
148. Providers must also be incentivised to handle complaints properly. ComReg provided guidelines for providers in 2014 in terms of their complaint handling procedures, however the legal obligations stem from the 2011 Act and in particular section 43 thereof. As was set out in the consultation, the issues identified and user experiences raised concerns regarding the extent to which the current framework remained fit for purpose and whether providers were complying with the requirements of section 43.
149. Experience in the application of the 2014 Guidelines has shown that there are certain issues that could also be improved (e.g. the definition of an 'Electronic means of contact', the issue of complaint response delays experienced sometimes by users) and also developments in the technology and contact channels available to users that required consideration in order to ensure, in particular, fairness and non-discrimination in treatment.

150. ComReg is cognisant of its oversight role in respect of complaints and redress procedures in the postal sector and of its statutory objectives to promote users' interests and ensure a high level of protection for them in their dealings with providers<sup>60</sup>, and is of the view that maintaining the *status quo* and continuing to rely upon the provisions of section 43 read in light of the guidelines will not ensure compliance with section 43's principles and requirements.
151. ComReg is also of the view that to secure the effective protection of users it is necessary to specify other matters for which provision must be made in code of practice in addition to those currently set out in section 43(1) of the 2011 Act.
152. Having considered the additional cost and administrative burden likely to be incurred by providers in relation to the changes proposed in the consultation, ComReg is of the view that many of the new requirements do not involve changes that would incur significant cost to address, and they merely build upon established concepts and processes. 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. The sole respondent to the consultation has also set out at length the asserted benefits of its *new digital* complaint handling in the context of ComReg's proposed requirements.
153. Conversely, maintaining the *status quo* may have a detrimental effect on users who currently experience difficulties and delays in making complaints and in having their complaints resolved by providers. The identified benefits for users may not be realised if further minimum requirements are not put in place and these matters are left to providers to address. The 2014 Guidelines are now long established, and providers may not be incentivised to make the identified changes in the absence of 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 and ensures compliance with the requirements of section 43 of the 2011 Act.

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<sup>60</sup> Including by addressing the needs of specific social groups, in particular disabled postal service users.

154. Taking account of the foregoing, ComReg's view is that it is necessary to establish minimum requirements for providers' codes of practice and that these should lead to a more efficient, transparent, simple, inexpensive, accessible, fair and prompt process for 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 in relation to complaints and complaints handling.
155. ComReg's approach is to ensure that any measures imposed on providers are appropriate and proportionate.

**Option 2 – Specify new minimum requirements and give directions in relation to the procedures, standards and policies that providers have in place for dealing with complaints and for resolving disputes and to ensure compliance with section 43 of the 2011 Act**

156. ComReg identified new minimum requirements for complaints and redress procedures that it considers are fair, prompt, transparent, inexpensive, non-discriminatory and appropriate; and requirements regarding the manner of publication of a code of practice that it deemed appropriate. Option 2 would mean that new requirements would be specified.
157. ComReg proposed to:
- Introduce the definition of a 'Complaint';
  - Introduce a definition of a 'Complainant';
  - Introduce a definition of a 'Complaint Acknowledgment';
  - Introduce a definition of a 'Complaint Response';
  - Introduce a definition of 'Electronic means of contact';
  - Require that codes of practice provide up to date information on how to make a complaint and do so in a clear and comprehensible manner;
  - Require that codes of practice make provision for a first point of contact / complaint handling channel by phone, in writing/by post, and through an electronic means of contact. Where a provider uses more than one electronic means of contact, the provider is to make a statement in its code of practice identifying which of the electronic means of contact will provide a user with a record in a durable form. Providers will also be required to make a statement in their code of practice indicating which complaint handling channels enable a user to obtain a retain a record of their complaint, with at least one being required to do so;

- Require that codes of practice make provision for at least one first point of contact / complaint handling channel that can be used free of charge by a user;
- Require that codes of practice make clear any restrictions in the times during which complaints can be made to a provider via any applicable complaint handling channel;
- Require that codes of practice contain a statement that where a user seeks to make a complaint other than through a specified complaint handling channel, this will not prevent the matter being properly handled and classified as a complaint by the provider. This may involve the provider handling complaints through channels other than those specified in its code of practice (where it chooses to do this), directly transferring the user to the appropriate complaint handling channel or otherwise re-directing them to available complaint handling channels.
- Require that codes of practice contain a statement that makes clear that while a complaint is being made, recorded or being dealt with, a user should not be transferred and/or referred to any form of support line, if the transfer results in the user incurring a premium rate or higher call cost rate than that involved in making a complaint;
- Require providers to handle complaints made by users at a minimum, within a period of 12 months from the date of posting of a postal packet the subject of the complaint (providers being free to handle complaints made more than 12 months after the date of posting of the relevant postal packet) and to make a statement in their code of practice regarding the time period within which complaints must be made by users;
- Require providers to record a minimum amount of information in relation to a complaint and to make provision in its code of practice for its record retention policy, setting out clearly and unambiguously the records that it retains;
- Require providers to generate a unique complaint reference number for each complaint notified to it, to issue the unique complaint reference number within a maximum timeframe of 2 working days from the day on which the complaint is first notified to the provider, to issue this unique reference number through a 'Complaint Acknowledgement' (which will contain other relevant information relating to the procedure) on a durable medium and to make provision for these in their code of practice;

- Require providers to issue a 'Complaint Response' containing specific information relating to a complaint to a Complainant on a durable medium within a maximum timeframe of 20 working days from the day on which the complaint is first notified to the provider and to make provision for this in their code of practice;
- Require providers to make provision in their code of practice for any applicable compensation scheme covering loss, theft or damage of a postal packet or any failure to provide a postal service of sufficient quality, covering what a user needs to do in order to seek redress (whether compensation, refunds or reimbursement), covering any limitations on the making of any such payments and the criteria applicable to such limitations, covering the compensation the provider will pay in the event the provider does not meet the timelines set out in its code of practice, and covering the means (including accessible means) by which any payment (of compensation, refunds, or reimbursements) will be made and how soon it will be made;
- Require providers to make provision in their code of practice for procedures for determining where responsibility lies in cases where more than one postal service provider is involved (including cases where a postal service is provided by a subsidiary, franchisee, or holding company of the provider or by a third party);
- Require providers to make provision in their code of practice for how users requiring assistance in making a complaint should request such assistance, for how any alternative accessible forms of its code of practice may be obtained/accessed by users;
- Requiring providers to ensure that in terms of the publication of their code of practice that it is published online, 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 on web pages established by providers for dealing directly with complainants, including web pages established by third parties where possible;
- Require providers to ensure in terms of publication of their code of practice that the code of practice is returned or displayed to 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 user complaints;
- Require providers to remove from their code of practice any information that is extraneous to the issues of complaint handling and resolution of disputes; and

- Require providers to date their code of practice and detail its version history.

### 3.1.1 The first point of contact for complainants

158. Section 43 of the 2011 Act already requires that codes of practice make provision for the first point of contact for complainants. The 2014 Guidelines set out ComReg's view that complaints should be able to be made by telephone or in writing (regulator post or email) and to all offices of the postal service provider.
159. 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. It is introducing a definition of an 'Electronic means of contact'.
160. ComReg requirements maintain telephone and written complaints (not email) as necessary complaints handling channels. Reflecting changes in communications practices and the prevalence and usage of electronic means of contact, ComReg is requiring that codes of practice make provision for at least one electronic means of contact. At least one complaint handling channel must be free for users, and this is most likely to be the electronic means of contact. The electronic means of contact is also a means by which providers will be able to comply with additional proposed requirements concerning provision of documents and records on a durable medium. However, providers must ensure that users who do not want to submit a complaint via an electronic means of contact do have the option of using the telephone or the postal address complaint handling channels to make a complaint.
161. ComReg noted from the 13F Information that many providers already provide some or all of these complaint handling channels. Indeed, some providers offer additional electronic means of contact aside from email. Where a provider uses more than one electronic means of contact the provider can make a statement in its code of practice identifying the electronic means of contact used, those that provide the user with a record in a durable form and those that do not, and indicate which of the channels the user is able to obtain and retain a record of their complaint through.
162. On the basis of the long-standing Guidelines and current practices amongst providers, it is considered reasonable and proportionate to require that at a minimum the three identified complaint handling channels are available to all users and the regulatory impact on providers in providing these is considered to be low with significant benefits likely to arise for users who will be able to readily make a complaint to their provider.
163. It is vitally important to the accessibility of complaints and redress procedures that users are not forced to incur costs to make a complaint. Therefore, ComReg

is requiring that each provider must provide at least one free means by which users can make complaints.

164. Complaints made by telephone may be subject to standard or basic rate charges but not premium charges. Complaints made by post, in the absence of a freepost service, will also incur a cost for users. It is necessary to have one means of making a complaint that should not incur a cost for the end-user and therefore there is a strong case for making an electronic means of contact a mandatory requirement. This case is supported also by the ability of this means to be prompt, to utilise automated responses, through which necessary information can be provided to users and also by the fact that most providers are already using email services to contact customers and/or can readily do so at minimal cost.
165. Related to the need for users not to be forced to incur costs to make a complaint, it would not be consistent with the principle in section 43(5) that complaint and redress procedures must be inexpensive if, when a complaint was being made, a provider transferred the complainant, to any form of information technology support line or other service that resulted in the complainant incurring a higher call cost rate than involved in making a complaint. Therefore, providers must adhere to this and make a statement to this effect in their code of practice. If a customer needs to be transferred in the process of making a complaint, then there should be no additional burden of cost on the resulting call. The potential regulatory burden created by this proposal is considered very low and it benefits users who are protected from excessive cost associated with making a complaint. Indeed, the risk of high call charges could act as disincentive to making a complaint.
166. Where a 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:
  - 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
  - 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 user can make the complaint in accordance with the code of practice.

167. Complaints made by users should 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 users alike in terms of what they can expect (and in the case of providers, what is expected of them). It is important to guard against overly technical or overly literal approaches by providers however, that may result in adverse experiences and outcomes for users.
168. Providers should be proactive in dealing with situations in which 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 user to the appropriate channel by direct transfer unless this is not technically feasible, in which case the user is to be re-directed to the relevant complaints handling channel(s) and to the code of practice.
169. The potential regulatory burden for providers by this requirement has been considered and the re-direction obligation will be confined 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 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.
170. The 13F Information indicated that most providers will already handle a complaint that is not made through a designated complaint handling channel and therefore this proposal should not present any significant additional burden for those providers.
171. 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.
172. This benefits users who seek to make a complaint, but who use an incorrect channel to do so.

173. 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.
174. 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.
175. It does not require all staff to be proficient in complaint handling. The requirement is that no more than first line agents are in a position to identify when a user is seeking to make a complaint.
176. ComReg considers that this requirement is justified to avoid the user harm of being unable to make a complaint by reason only of not having used the correct channel. Users should be facilitated and not frustrated in this regard.
177. ComReg has balanced the need to protect users against the additional burden that may arise for providers and is satisfied that the requirement is proportionate to the aims.
178. ComReg is also requiring that providers make provision in their code of practice for up-to-date information about how complaints may be made by any means and to do so in a clear and comprehensible manner, consistent with the principles of simplicity and transparency in section 43 of the 2011 Act. Any restrictions on when complaints may be made should form part of this information. These are statements that can be readily added to a code of practice by providers without incurring any significant cost or impacting the provider's processes. They benefit users by making the process simpler and transparent.
179. ComReg has considered comments made in relation to digitally validating a complaint, and cautions providers to ensure that users are not prevented in submitting a complaint via an electronic means of contact should certain information not be available to them (for example requiring a user to provide a complaint reference, tracking code, Eircode etc.).

### 3.1.2 A means of recording complaints

180. To record a complaint, one must know how to identify it. There is no definition of a 'Complaint' in the 2011 Act or the EU Postal Directive. The absence of a clear and consistent definition of what a complaint is presents challenges in terms of ensuring that the requirements of section 43 are being complied with, as there is a risk that the very concept of a complaint may vary from provider to provider.
181. At a basic level, every user, to be in a position to obtain the benefit of the statutory rights and protections that exist for them, needs to be able to know when they have in fact made a complaint to their provider.
182. Obligations that relate to complaint handling may not be fully understood and complied with, if the provider is unsure of when a complaint has been made or how to identify one.
183. ComReg has therefore defined a complaint, relying upon international standards and national and international comparators as follows:
- 183.1. 'Complaint' means an expression of dissatisfaction made by a postal service user to a postal service provider through one of the complaint handling channels in the postal service provider's code of practice for complaints handling, relating to the postal service provider's products, services, or its complaint handling process (which includes difficulty experienced making a complaint), where a response or resolution is expected.
184. This definition is sufficiently broad but also precise and incorporates the well-recognised elements of an expression of dissatisfaction, through a complaint handling channel, relating to a product/service or the complaint handling process. ComReg is of the view that this definition is one that should not interrupt existing complaint handling processes or require any significant systems re-adjustments or retraining of staff.
185. This definition is also important as it is linked directly to other new definitions namely: 'Complainant', 'Complaint Acknowledgement' and 'Complaint Response'. These other definitions would themselves run into interpretational challenges if the concept of a 'Complaint' wasn't clearly understood by providers and users alike.

186. Providers must make provision in their code of practice for a means of recording complaints.<sup>61</sup> The recording of complaints is important for a variety of reasons. Firstly, it enables the complaint to be handled properly by the provider. Second, it starts the clock for the purposes of any timeframes associated with complaint handling. Third, as the complaint progresses there is a log of interactions, meaning the user is not required to repeat interactions with each agent afresh every time there is contact. Fourth, the same log of interactions may find its way into another forum and the fact that it exists may make the evidential position of the provider or the user, as the case may be, far stronger than without it.
187. ComReg is requiring that specific information must be recorded in respect of a complaint. ComReg has considered the regulatory impact of requiring the retention of this information. ComReg is of the view that the information to be retained represents basic and key information that any reasonable provider would need to retain in order to properly handle a complaint, to be in a position to communicate promptly and effectively with the user about their complaint as the need arises, and to evidence the attempts they made to resolve the complaint and when they made them. The prompt and fair resolution of disputes in a simple and straightforward way necessitates the recording of this information. This benefits users and providers alike. The alternative, whereby this information was not recorded, could gravely undermine the effectiveness of a provider's complaint and redress procedures and conflict with the requirements and principles set out in section 43 of the 2011 Act. The 2011 Act clearly envisages the recording of complaints. The recording of this specific information will also ensure consistency of practice amongst providers and give clarity and transparency to users in terms of what they can expect of their provider.
188. In terms of the burden on providers by the proposed measure, ComReg notes from the 13F Information that most providers have CRM or other electronic systems to record complaint details when they are received and already use these systems for this purpose, and therefore the introduction of the measure should not represent a disproportionate burden or cost to providers.

### **3.1.3 Timeframe that a 'complaint' can be made to provider within**

189. In order to provide time periods to submit a complaint that benefit postal service users, ComReg proposed that the current set of provisions for domestic and international mail were updated, in order to give users additional time to submit a complaint.

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<sup>61</sup> Section 43(1)(b) of the 2011 Act.

190. Comparative analysis of other European countries shows that in many countries significantly longer time frames are given for users to make a complaint to their provider. 6 to 12 months is a timeframe observed in many European countries with one country allowing up to 3 years for complaints to be made in specific cases.
191. ComReg has considered the response received on the timeframe for submitting complaints, which focussed principally on restrictions imposed by other international designated operators in answering complaints. ComReg has decided to revise its proposal regarding the period of time allowed to users that wish to make a complaint regarding a postal packet transmitted by international post and has amended the timeframe to a period of 6 months from the date of posting – this timeframe reflects that currently provided by the USP in its code of practice for such complaints.
192. ComReg is requiring that the minimum time to be allowed for a user to make a complaint to a provider is
  - i. 12 months from the date of posting of a domestic postal packet (posted within the State for delivery within the State);
  - ii. 6 months from the date of posting of an international outbound postal packet (posted within the State for delivery outside the State); and
  - iii. 6 months from the date of posting of an international inbound postal packet (posted outside the State for delivery within the State).
193. ComReg is of the view that a longer timeframe will be beneficial to users who wish to make a complaint about a domestic postal packet and will align with the timeframe given to end-users of electronic communications services and with a provider's record retention obligations.
194. ComReg has considered the potential regulatory impact on providers of a longer period within which complaints can be made. This will likely lead to more (valid) complaints, greater administrative and resource requirements and additional associated costs. However, this has to be weighed against the benefits for users who would be able to make a complaint, in accordance with section 43, for a period of 12 months after the date of postage of a domestic postal packet at issue. This serves to protect and promote the interests of these users and gives sufficient time for issues to become apparent.
195. The revised proposal strikes a balance between the issues raised by An Post, in its capacity as designated universal postal service provider, and the need to ensure that users are given an appropriate timeframe within which to make a complaint.

### 3.1.4 Complaint acknowledgment

196. Recording complaints also involves letting the user know that their complaint has been received. This is consistent with the requirement of transparency in section 43 of the 2011 Act. Unsurprisingly, the 13F Information indicated that most providers already provide some form of complaint acknowledgement, with most citing email as a means by which this may be done.
197. ComReg is introducing a definition of a 'Complaint Acknowledgement' and specifying information that must be contained in it. In addition to formally acknowledging receipt, it will confirm the date of receipt (important for all associated timelines) detail the unique reference number (which most providers indicated in the 13F Information that they are already providing users in any event), provide contact details, details of the code of practice, next steps, estimated timelines and contain a statement that a dispute may be referred to ComReg where a complaint remains unresolved following due completion of the provider's code of practice procedures or following the issuing of a Complaint Response.
198. These are all considered key parts of the complaints and redress procedures of a provider and providing them to the user is, in ComReg's view, entirely consistent with the principles and requirements of section 43, and in particular the requirements of simplicity, transparency, promptness and fairness.
199. A 'Complaint Acknowledgment' is an important document and considering the importance of the information contained within it, ComReg's view is that it should be provided to the user as soon as practicable but within a maximum timeframe of two (2) working days from the day on which the complaint was first notified to the provider.
200. Taking account of the importance of a Complaint Acknowledgement for a user and the uses to which it may be put, the information in the Complaint Acknowledgement is to be personally addressed, and include a unique reference number and provided in a form that enables storage and future unchanged reproduction. For these reasons ComReg is also requiring that the Complaint Acknowledgement is provided on a durable medium.
201. A Complaint Acknowledgement is to issue through the same channel as the complaint originates from where applicable.
202. ComReg's requirement that the Complaint Acknowledgement is personally addressed and is provided on a durable medium may create additional burden for providers; however ComReg is of the view that this burden and the associated cost are proportionate to the aims of having complaints procedures for users that are accessible, fair, prompt and transparent.

203. 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 users.
204. Procedures for complaint handling and dispute resolution should also be non-discriminatory. This requirement will mean every user receives a Complaint Acknowledgement on a durable medium and not just a sub-set of users.
205. ComReg is requiring that a user's right to refer a dispute to ComReg for resolution is contained within the Complaint Acknowledgment.
206. The benefit to 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.
207. 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.
208. 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 20 working days from the day on which the complaint was first notified to the provider.
209. While ComReg accepts that the changes 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".
210. While the requirements may necessitate 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 some providers, particularly larger ones.

211. The communication of the date a complaint is made is important in order that 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 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 users.
212. ComReg has assessed the regulatory impact this will have for both providers and 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 requirement are proportionate to the aims, provide certainty for stakeholders, enhance user protection, and are consistent with the principles of, fairness, promptness and transparency as set out in sections 43 of the 2011 Act.
213. For smaller providers with fewer customers, they are likely to receive commensurately smaller volumes of complaints than larger providers. The need for automated responses and more sophisticated I.T. systems may not necessarily arise for smaller providers if complaint volumes are lower and can be managed in a more manual manner. For example, a Complaint Acknowledgment could be sent in the form of an email with templated text and case-specific details inserted manually.

### **3.1.5 Unique reference number**

214. ComReg has observed postal service users not being provided with a unique reference number, even upon request. ComReg has also observed postal service users contacting a postal service provider multiple times, expressing frustration over an issue, but not being recognised as a complaint and not being given a unique reference number by the provider.
215. ComReg has also observed that users are provided with multiple references depending on the channel through which they are directed or redirected to. This causes confusion as to when the complaint has been acknowledged and what reference to use when describing the complaint going forward.
216. "Unique reference number" is a number that is used to exclusively identify and locate records in relation to the individual postal service user's complaint. It can be an account number, phone number or other unique number.

217. ComReg is requiring that, at a minimum a user is provided with details of the unique reference number the provider has attributed to identify and track the individual complaint.
218. As unique reference numbers should be issued with a Complaint Acknowledgement ComReg and providers should thereafter use this reference as the customer's unique identifier for the complaint through its duration. ComReg notes from the 13F Information that most providers already assign unique reference numbers to Complainants and do so irrespective of the complaint handling channels involved. It is important however that all providers do this and that users of all postal services have the same complaint handling experience.
219. Use of unique reference numbers is considered beneficial for providers also as it helps to prevent the mishandling of complaints, it enables complaints to be better tracked, and it should therefore help providers ensure compliance with their obligations arising under section 43 of the 2011 Act.

### **3.1.6 Requirement for certain information to be on durable medium**

220. Having a record in a durable form for later reproduction should be of great assistance to users and providers alike in their interactions with each other, where both sides can engage on an equal footing.
221. The requirements for information provision on a durable medium should bring tangible benefits to users, in particular elderly and vulnerable users and those with accessibility requirements.
222. ComReg is of the view that providing a Complaint Acknowledgment and Complaint Response complaint on a durable medium, ensures that a clear and accurate record of the key information is provided to all users.
223. Providers are required to ensure at least one electronic means of contact available to make a complaint and that it must enable a record of the complaint on a durable medium be made available to the user. This will advance the transparency and fairness of the process .

### **3.1.7 Time frame to respond to complaints**

224. Providers are now required to issue a complaint response to a complainant on a durable medium within a maximum timeframe of 20 working days from the day on which the complaint was first notified to the provider and this is to include the following minimum information:
- a list of all the aspects of the complaint;

- 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:
    - (i) of the aspects of the complaint that have been resolved;
    - (ii) 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;
    - (iii) of the proposed 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
    - (iv) that the provider is unable to take further action(s) to resolve the complaint or aspects of the complaint, or will not do so.
  - any next steps/options for internal escalation (where applicable) and information to advise that a dispute may be referred to ComReg where either:
    - (i) the complainant is dissatisfied with the complaint response; or
    - (ii) a complaint remains unresolved
225. ComReg is of the view that there are obvious benefits for users in receiving detailed responses regarding the status of their complaint in a reasonable time frame.
226. ComReg is of the view that the time frame of 20 working days is a reasonable time for a complaint to be investigated and a detailed response provided.
227. The issuance of the Complaint Response will provide improved transparency for users. They will have a defined deadline by which they will receive a clear update with detailed information on all aspects of their complaint and the provider's actions up to that point. Clear timelines and updates on unresolved and resolved issues will manage expectations and reduce customer frustration. They aid the simplicity and transparency of the process and incentivise the prompt handling of complaints.
228. ComReg recognises that introducing the requirements associated with a Complaint Response will create additional administrative requirements on providers in order to achieve the requirement in the proposed time which will have cost and resource implications. ComReg also notes that staff training and system enhancements may be required to meet this requirement. These impacts have to be weighed against the user dissatisfaction and harm that arises from complaint handling processes that are unnecessarily long and in which there is inadequate communication with users from providers.

229. ComReg has taken account of user dissatisfaction expressed, in particular, in the context of disputes referred to it, with the lengthy complaint handling processes currently in place. It has had regard to national and international comparators and to the 13F Information that was provided, which indicates that most providers already handle complaints within the proposed timeframe or are aiming to do so.
230. ComReg is aware that certain cases can take longer to resolve, such as those involving international mail. Nonetheless, the period of 20-working days is considered to afford sufficient time for providers to take necessary steps to resolve these matters. Furthermore, and to reiterate, the introduction of the 20-working day period does not mean that the complaint handling process must come to a stop at this point if inquiries and efforts are ongoing by a provider. The process may continue so long as a Complaint Response issues updating the user as to the position and indicating that they may refer a dispute for resolution to ComReg if they so wish. Indeed, the more ample and explanatory a Complaint Response is in terms of detailing the steps taken by a provider, the more likely the user will be to remain within the provider's complaint handling process.
231. Section 43(3) of the 2011 Act envisages that users should be able to have unresolved disputes referred to ComReg for resolution. It would undermine this legislative aim of promptness and frustrate users in obtaining redress, if a postal service provider could prevent this from happening simply by not making any attempt to resolve a complaint or being significantly delayed in doing so. ComReg referred in the consultation to sample cases where periods far in excess of what can be considered reasonable are being taken to respond to complaints. This creates a power imbalance between providers and users and frustrates and undermines the statutory scheme and users' rights. The time period to complete the procedures of a provider's code of practice cannot be open-ended, consistent with the requirement of prompt procedures.
232. ComReg is requiring that a provider issue, in all instances, a Complaint Response [on a durable medium] to a user within 20 working days from the day on which the complaint was first notified to it. This complaint response is to contain information to advise that a dispute may be referred to ComReg if a complaint is still open after this period.
233. Users will be able to escalate a complaint to ComReg 20-working days after the day on which the complaint was first notified to the provider, in circumstances where there is a failure by a provider to respond to a complaint or where no meaningful attempt has been made at resolving a complaint.

234. ComReg notes that it is unlikely that *all* users would refer disputes to ComReg at the 20 working day point and providers retain a large degree of control over how this process point is managed insofar as a detailed and reasonable complaint update that sets out the steps taken and to be taken by a provider is likely to be well-received by a user. In such circumstances, and if the matter is referred to ComReg for dispute resolution, the Complaint Response issued will also serve as evidence of the reasonableness of the provider's approach.
235. ComReg is of the view that the burden of introducing this requirement is to be balanced against the positive impact for users in securing their protection and upholding their statutory rights and that the proposed measure is therefore reasonable, proportionate and justified.
236. The requirement has a key aim of engaging users' rights that are given upon them having made a complaint. Section 43(3) of the 2011 Act envisages that users should be able to have unresolved disputes referred to ComReg for resolution. It would undermine this legislative aim and frustrate users in obtaining redress, if a postal service provider could prevent this from happening simply by not making an attempt to resolve a complaint.
237. Should a complainant remain dissatisfied following a provider having reviewed the complaint, and as such the user is in dispute with the provider, procedures for resolving disputes must be advised to the complainant.
238. It is important to highlight that this is to protect users who do not feel that their complaint is being actioned in a timely manner and to allow them an avenue to refer the complaint to ComReg.
239. A user can choose to keep their complaint open with the provider if they so choose. This is not a requirement to refer the complaint to ComReg. ComReg considers this a reasonable option to allow customers to pursue a dispute without depending on their provider's response to complete the code of practice.
240. ComReg is of the view that a provider has minimal additional cost or administrative requirements in the customer being informed of this option.

### **3.1.8 Remedies and redress**

241. Section 43(1)(e) requires that codes of practice make provision for remedies and redress, including reimbursement or compensation, or both, as appropriate.

242. ComReg is of the view that there is an obvious benefit for users having a clear understanding from a provider's code of practice of what redress is available to them including compensation, reimbursement or refunds that they can expect in where service or delivery issues arise. In the context of postal services, the availability of redress is a matter that may be considered by users before they use a postal service, particularly where important or valuable items are being sent by post or there is a time-sensitivity involved in using the service. The availability of information allows customers to choose and use services with confidence based on clearly stated procedures.
243. ComReg is of the view that a code of practice must specify, where applicable, any compensation scheme in respect of any loss, theft, or damage of a postal packet or any failure to provide a postal service of sufficient quality. It should also address the amounts providers will pay to users where they fail to meet the timelines in their own code of practice.
244. Transparency requires that the code of practice also set out what users need to do to obtain redress, the means by which any financial redress will be paid, and any other relevant terms and conditions associated with the process. Codes of practice must make clear, consistent with the requirements of section 43 of the 2011 Act, that financial redress will be paid promptly.
245. Where there are services that limit the levels of compensation and/or refunds provided based on standard criteria (e.g. destination, value declared at time of posting etc.) the limits and the standard criteria should also be clearly signposted in the code of practice. ComReg understands that it would not be possible (or practical) to list all limitations on compensation in the providers code of practice. The limitations on compensation should, however, already be available in the provider's terms and conditions and so ComReg is requiring that the code of practice clearly signposts where a user can review these in the required detail.
246. A provider should already have this information available and up to date. Provision has required to be made in codes of practice since 2011 for remedies and redress. ComReg is simply setting minimum requirements for all providers in terms of how their code of practice must address this issue in the interests of transparency, simplicity and to protect the interests of users. On this basis, ComReg is of the view that the requirements should not impose any significant administrative burden or additional cost for providers and to the extent that any burden or cost is incurred it is proportionate and justified in light of the stated aims.

### **3.1.9 Retention of records of complaints**

247. ComReg is requiring that all records relating to a complaint are retained for a period not less than one year after the date the complaint is finally closed.

Retention for a minimum period of one year is already required by default under section 43(1)(g) of the 2011 Act. Therefore, no additional burden is being imposed on providers by the proposals than already exists under statute.

248. It is important to note that section 43(1)(g) envisages the one-year period commencing “*following the resolution of the complaint*”. If the one-year period was started earlier than that in the complaint handling process this could 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.
249. Section 43(1)(g) also requires that provision is made generally for “retention of records” and it cites specific records amongst those that must be retained namely:
- 249.1. copies of the complaint and any response thereto, and
  - 249.2. any determination in respect of the complaint and any documentation considered in the course of such determination,
250. Consistent with existing requirements, ComReg is requiring that a code of practice clearly indicates a provider’s record retention policy relating to complaints and that a provider must clearly and unambiguously set out the records that it retains under this policy in its code of practice. This requirement aims to ensure transparency and will make users aware of the records associated with their complaint that their provider will retain. This may assist the user later in terms of any dispute it may wish to refer for independent review, but it also informs them regarding the process and the information that the provider should be gathering on their complaint.
251. The 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. ComReg notes that there may be practical impacts for providers in terms of having to separate ‘general’ call recordings from those related to complaints. ComReg considers that there are reasonable means available to providers to appropriately reference or identify recordings associated with complaints. In particular, having a dedicated complaint handling telephone line should greatly assist in this regard.

252. In ComReg's experience, complaints recordings, including call recordings, can be decisive in having complaints handled and disputes resolved between 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
253. ComReg considered the comments received on data retention. The duration of the retention of records of complaints, including audio recordings, was the subject of subsequent engagement with the DPC; nothing arose to require an alteration in ComReg's approach. ComReg is of the view that the data retention requirement should not impact providers in terms of their data protection obligations.
254. ComReg is of the view is that a one-year retention period for complaints records strikes an appropriate 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 users, and ComReg's functions to monitor and ensure compliance by providers with their obligations.
255. ComReg considers that the retention period, given it reflects the existing statutory minimum requirement, should not impose any additional burden or significant additional cost on providers and is proportionate to the benefits identified in this draft consultation for retaining the records for this period. Specifying this minimum requirement aims to achieve certainty and consistency among providers. ComReg must ensure that codes of practice for dealing with complaints and for settling relevant disputes are fair, prompt, transparent, and inexpensive. ComReg further sees no good reason why different users should have different treatment in terms of record retention, simply by reason of the contact channel they have used to make a complaint.

### **3.1.10 Procedures where there is more than one provider**

256. Section 43(1)(f) requires that codes of practice contain procedures for determining where responsibility lies in cases where more than one provider is involved. ComReg considers that where a complaint concerns a postal service provided by a franchisee or subsidiary company of the original provider, the code of practice of the original provider (being the franchisor or holding company) will apply. It is ComReg's view that in order to comply with section 43(1)(g) a code of practice must specifically address the code of practice that applies to any relevant complaint where more than one provider is involved and, where there may be ambiguity around where responsibility lies between such providers, the code of practice must set out procedures for determining this issue.

257. Providers will know the nature of their business arrangements and the extent to which these issues will arise, however it is necessary in the interests of transparency, that users are on notice, via the code of practice, of the relevant procedures.

### 3.1.11 Accessibility

258. ComReg is of the view that providers should set out in their code of practice how users, that require assistance in making a complaint, should request such assistance.

259. ComReg is also of the view that providers should, where possible, provide details in their code of practice of any alternative formats of its code of practice that are available to users and how such alternative formats can be accessed by users.

260. Due to the transposition of the European Accessibility Act (“EAA”) into national law<sup>62</sup> providers of specific services have additional accessibility obligations. These obligations relate to a variety of matters, including website presentation, the provision of electronic information, and support services. Providers will have to assess themselves whether the particular services<sup>63</sup> they provide come within the scope of the EAA, however if they are within scope this may have an impact on the matters addressed in this consultation.

261. Where large volumes of extraneous material are contained in user-facing documents users may suffer from fatigue and/or information overload and the key information may not be clearly identifiable, comprehensible or accessible and/or it may be obscured. The simplicity and transparency of procedures required by section 43 dictates that codes of practice should contain no more than they are required to contain and they should not be difficult to navigate. Ultimately, codes of practice should be a roadmap for the operation of complaint and redress procedures. Where they are unduly long or complicated, the user may lose their way with the net effect that they do not or cannot make a complaint. In this way, the clarity and simplicity of codes of practice is directly linked to the effective protection of users’ rights.

262. ComReg notes from codes of practice it has reviewed, that the content and presentation of codes of practice differs amongst providers. If the content of codes of practice is limited to information relating to the handling of complaints and the resolution of disputes, then there should be greater consistency between them, and they should be easier to use.

263. The requirements under this heading are considered to impose minimal burden on providers, requiring only that such alternative and accessible formats of the

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<sup>62</sup> S.I. 636/2023 [Online:] <https://www.irishstatutebook.ie/eli/2023/si/636/made/en/print>

<sup>63</sup> Regulation 3 of the S.I. 636/2023 (hyperlink above) addresses the services within scope of those regulations.

code of practice as the provider makes available are provided for, and that providers remove from their code of practice any information extraneous to the issues of complaint handling and the resolution of disputes. The requirements are justified and proportionate by reference to the identified aims of accessibility, simplicity and transparency. The fairness of complaints and redress procedures must start from the basic position that a user is capable of accessing them in the first place.

### **3.1.12 Publication**

264. Section 43(2) of the 2011 Act requires providers to publish their code of practice. Section 43(6)(a) empowers ComReg to direct providers as to the form and manner in which a code of practice and information relating thereto is to be published.
265. Providers are required to publish their code of practice on their corporate website. The 13F Information indicates that many providers do this already. ComReg's view is that publication on the corporate website is the optimum way to ensure the visibility of the code of practice, visibility (awareness) being a guiding principle of complaint handling processes.
266. To ensure a seamless process in finding published codes of practice online it is necessary that they are easy to search for and find. Therefore, a working direct link to an up-to-date code of practice must be clearly displayed on a provider's corporate website and web pages established by the Postal Service Provider for dealing directly with Complaints including web pages established by third parties where possible.
267. Related to this, where a user searches using terms that include 'code of practice', 'complaint', 'how to make a complaint' or 'how to complain' using the search facility of a provider's corporate website and any web pages created for dealing directly with complaints, the code of practice must be returned or displayed to the user.
268. ComReg is aware that these requirements may result in additional costs for providers however the costs involved are considered to be relatively moderate and are justified given the important statutory requirement of publication and the need for codes of practice to be 'visible' to users.

269. In considering the impact of these requirements ComReg has considered the 13F Information and providers' current publication practices and notes that many providers already have a corporate website and publish their code of practice there. For those providers who may not have a corporate website or who do but do not currently publish their code of practice on it, ComReg's view is that the costs and burden of the proposed measures is justified, reasonable and proportionate given the importance of the availability and accessibility of codes of practice to users in the context of the complaints and redress procedures required by section 43 of the 2011 Act.
270. Further, potential alternatives such as publication in prominent publications would themselves incur costs for providers and would not have the same 'reach' as the worldwide web. An indirect consequence of ComReg's requirement is that providers are less likely to be asked to provide copies of their code of practice in hard copy form where it is available to view online. This will have the effect of saving costs for providers.
271. ComReg therefore considers that online publication via a link from the corporate website that is returned from the typical searches cited above is the most efficient and effective way for providers to publish their code of practice.

### **3.1.13 Universal Service Provider - Terms and Conditions**

272. For completeness, it is noted that the universal postal service provider has incorporated into its approved terms and conditions for universal postal service provision, its code of practice to be drawn up and implemented under section 43(1) of the 2011 Act.
273. The new requirements necessitate the amendment of the current universal postal service provider's (An Post's) code of practice which forms part of its universal postal service terms and conditions. This in turn necessitates the publication by the universal service provider of the amended terms and conditions. This is a consequence of the requirements which have been separately assessed.
274. It is not considered that the amendment of the code of practice forming part of the universal postal service terms and conditions will impose any significant burden or have any adverse impact on An Post as the universal postal service provider. To the extent that it imposes any burden or has any impact on the universal postal service provider, this is considered to be proportionate and reasonable and necessary to give effect to the proposals.

### **Step 4: Determine the impacts on competition**

275. 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.

276. The new requirements apply to all providers.
277. It is possible that new regulatory obligations act unevenly in the market and may impact smaller providers and market entrants to a disproportionate extent.
278. ComReg does not have discretion to apply these obligations selectively on providers. Even if it did, ComReg is of the view that users of services provided by smaller providers are entitled to expect the same protections as users who are customers of larger providers. 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.
279. 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.
280. Consistent and uniform practices in the area of complaint and redress procedures is itself something that is capable of driving competition. This is particularly relevant where users are sending important or expensive items through the post, or where the items being sent require urgent delivery. In such cases, a very relevant consideration for users before selecting a provider may be the redress available to them should there be a failure (in whole or part) of the postal service. Further, the procedure around obtaining redress is something a user may wish to familiarise themselves with prior to selecting a provider. The availability of easily accessible and clear procedures in a code of practice can therefore facilitate user choice and competition.

### **Step 5: Assess the impacts and choose the best option**

281. In light of its analysis and having regard to its objectives and functions 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.
282. This option will help to ensure that legislative provisions set out in the 2011 Act are reflected in providers' codes of practice in a manner that best achieves the requirements of section 43 of the 2011 Act and addresses identified problems experienced by users which have been highlighted to ComReg through complaints it has received.
283. ComReg expects this will provide certainty for providers and users alike in respect of minimum requirements for a code of practice and the manner of its publication. It should further lead to consistent practices across the sector.

## Appendix: 1 Legal Basis

284. The European Postal Services Directive (97/67/EC) (as amended) provides at Article 19:

*“1. Member States shall ensure that transparent, simple and inexpensive procedures are made available by all postal service providers for dealing with postal users' complaints, particularly in cases involving loss, theft, damage or non-compliance with service quality standards (including procedures for determining where responsibility lies in cases where more than one operator is involved), without prejudice to relevant international and national provisions on compensation schemes.*

*Member States shall adopt measures to ensure that the procedures referred to in the first subparagraph enable disputes to be settled fairly and promptly with provision, where warranted, for a system of reimbursement and/or compensation.*

*Member States shall also encourage the development of independent out-of-court schemes for the resolution of disputes between postal service providers and users.*

*2. Without prejudice to other possibilities of appeal or means of redress under national and Community legislation, Member States shall ensure that users, acting individually or, where permitted by national law, jointly with organisations representing the interests of users and/or consumers, may bring before the competent national authority cases where users' complaints to undertakings providing postal services within the scope of the universal service have not been satisfactorily resolved.*

*In accordance with Article 16, Member States shall ensure that the universal service providers and, wherever appropriate, undertakings providing services within the scope of the universal service, publish, together with the annual report on the monitoring of their performance, information on the number of complaints and the manner in which they have been dealt with.”*

285. Section 10(1)(c) of the Communications Regulation Act 2002 (“the 2002 Act”) provides for the Commission:

*“...to monitor and ensure compliance by postal service providers with the obligations imposed on them by or under the Communications Regulation Acts 2002 to 2011 in relation to the provision of postal services”.*

286. Section 12(2A)(d) of the Communications Regulation Acts 2002 (as amended) provides for the Commission to take reasonable measures to promote the interests of postal service users, including:

*“(i) ensuring a high level of protection for postal service users in their dealings with postal service providers, in particular by—*

*(l) ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of the parties involved...*

*(ii) addressing the needs of specific social groups, in particular, disabled postal service users.”*

287. Section 12(1)(c) of the 2002 Act provides that the Commission’s objectives in exercising its functions in relation to the provision of postal services are:

*“(i) to promote the development of the postal sector and, in particular, the availability of a universal postal service within, to and from the State at an affordable price for the benefit of all postal service users,*

*(ii) to promote the interests of postal service users within the Community, and*

*(iii) subject to paragraph 1, to facilitate the development of competition and innovation in the market for postal service provision”.*

288. Section 24(5) of the 2011 Act provides:

*“The Commission may, following a public consultation process, give a direction to a universal postal service provider requiring it to modify its terms and conditions—*

*(a) where the Commission considers such modification is appropriate having regard to the obligations imposed on a universal postal service provider by or under the Communications Regulation Acts 2002 to 2011 in respect of the provision of a universal postal service and the reasonable needs of postal service users”*

289. Section 24(6) of the 2011 Act provides:

*“Where a universal postal service provider amends or modifies its terms and conditions pursuant to subsection (4) or (5), as the case may be, it shall publish notice of the amendment or modification on its website and by such other means as the Commission may direct and the amendment or modification shall not come into effect earlier than 14 days after the date of publication of such notice or such other period as may be agreed with the*

*Commission.”*

290. Section 39 of the 2011 Act provides:

*“(1) Subject to subsection (2), an authorisation is subject to compliance by the postal service provider concerned with the obligations imposed on it by or under the Communications Regulation Acts 2002 to 2011 and, in particular, compliance with the following:*

*(a) the provision of complaints and redress procedures in accordance with section 43”.*

291. Section 43(1) of the 2011 Act provides:

*“Every postal service provider shall draw up and implement a code of practice setting out procedures, standards and policies with respect to the handling of complaints from postal service users, in particular, complaints relating to loss, theft, damage or quality of service, and such a code of practice shall make provision for the following matters—*

*(a) the first point of contact for complainants,*

*(b) a means of recording complaints,*

*(c) a time frame within which the postal service provider concerned shall respond to complaints,*

*(d) procedures for resolving disputes,*

*(e) remedies and redress, including reimbursement or compensation, or both, as appropriate,*

*(f) procedures for determining where responsibility lies in cases where more than one postal service provider is involved,*

*(g) retention of records of complaints for such period, of not less than one year, as the Commission may specify following the resolution of the complaint, including—*

*(i) copies of the complaint and any response thereto, and*

*(ii) any determination in respect of the complaint and any documentation considered in the course of such determination,*

*and*

*(h) any other matters the Commission considers necessary and appropriate to secure effective protection for postal service users.”*

292. Section 43(2) of the 2011 Act provides:

*"A postal service provider shall publish the code of practice drawn up under subsection (1) and, on a request being made for that purpose, make the code of practice available, on request, to postal service users free of charge."*

293. Section 43(3) of the 2011 Act provides:

*"The Commission, or a person appointed by the Commission, possessing, in the opinion of the Commission, the requisite degree of independence from the postal service provider concerned, may, in accordance with procedures established and maintained by the Commission, resolve disputes which remain unresolved after due completion of all the procedures of a code of practice drawn up under subsection (1)..."*

294. Section 43(4) of the 2011 Act provides:

*"The Commission shall publish any procedures established by it pursuant to subsection (3) and any amendments thereto."*

295. Section 43(5) of the 2011 Act provides:

*"The procedures referred to in subsections (1) and (3) shall be—*

*(a) transparent,*

*(b) simple,*

*(c) inexpensive, and*

*(d) enable disputes to be settled fairly and promptly.*

296. Section 43(6) of the 2011 Act provides:

*"The Commission may give directions to a postal service provider to whom subsection (1) relates for the purposes of ensuring compliance with this section including directions as to—*

*(a) the form and manner in which a code of practice referred to in subsection (1) and information relating thereto shall be published, including information on the number of complaints made and the manner in which they have been dealt with, and*

*(b) the making of such alterations or additions to its code of practice as the Commission considers appropriate and specifies in the directions."*

297. Section 43(7) of the 2011 Act provides:

*"A person may, where the dispute involves postal service providers in more than one Member State, request the Commission to co-ordinate its efforts with any relevant regulatory authority in another Member State with a view to bringing about a resolution of the dispute."*

298. Section 43(8) of the 2011 Act provides:

*"Where the Commission is of the opinion that a postal service provider is failing, or has failed, to comply with any of the requirements of this section, the Commission may give a direction to the postal service provider concerned to ensure compliance with the requirement concerned."*

299. Section 51(1) of the 2011 Act provides:

*"This section applies to a direction given by the Commission under any of the provisions of this Part to a universal postal service provider or a postal service provider, as the case may be (in this section referred to as a "direction")."*

300. Section 51(2) of the 2011 Act provides:

*"The Commission may, as it considers appropriate, having regard, amongst other matters, to the reasonable needs of postal service users, publish a direction"*

301. Section 51(3) of the 2011 Act provides:

*"A direction shall—*

*(a) be in writing,*

*b) be addressed to the universal postal service provider or postal service provider concerned, and*

*(c) state the reasons on which it is based."*

# 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) Having regard to Section 39 of the Communications Regulation (Postal Services) Act 2011 (“**the 2011 Act**”),
- (iii) Having regard to Section 43 of the 2011 Act,
- (iv) Having regard to and pursuant to the functions and powers conferred upon ComReg by section 24 of the 2011 Act,
- (v) Pursuant to the functions and powers conferred upon ComReg by section 43 and 51(1) – (3) of the 2011 Act,
- (vi) Having regard to Directive 97/67 EC of the European Parliament and of the Council of 15 December 1997 as amended by Directives 2002/39 EC and 2008/6/EC,
- (vii) Having regard to S.I. No. 636/2023 - European Union (Accessibility Requirements of Products and Services) Regulations 2023,
- (viii) Having regard to the analysis and reasoning set out by the Commission in: (1) Comreg 12/80, (2) Comreg 14/06, (3) ComReg 24/102, and (4) ComReg 26/03, and
- (ix) Having, pursuant to Section 13 of the 2002 Act, complied with relevant Ministerial Policy Directions where applicable.

## 2. Interpretation

- 2.1 In this Decision Instrument terms used are as defined in the Communications Regulation Acts 2002 Act (as amended) and the Communications Regulation (Postal Services) Act 2011 (as amended), 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 2011 Act'** means the Communications Regulation (Postal Services) Act 2011 (as amended).

**'Complaint'** means an expression of dissatisfaction made by a Postal Service User to a Postal Service Provider through one of the Complaint Handling Channels in the Postal Service Provider's code of practice for complaints handling, relating to the Postal Service Provider's products, services, or its Complaint Handling Process (which includes difficulty experienced making a Complaint), where a response or resolution is expected.

**'Complainant'** means the Postal Service User making a Complaint.

**'Complaint Acknowledgment'** means a response from a Postal Service Provider, issued to a Complainant on a Durable Medium, which includes the following minimum information:

- a) an acknowledgement of the receipt of the Complaint;
- b) confirmation of the date the Complaint was made;
- c) details of the unique reference number the Postal Service Provider has attributed to identify and track the individual Complaint;
- d) appropriate contact details for the Postal Service User to use in order to contact the Postal Service Provider;
- e) any other steps in the Postal Service Provider's Complaint Handling Process;
- f) the date the Postal Service Provider expects to issue the Complaint Response;
- g) details of where the code of practice can be accessed (to include a web link where available); and

- h) a statement informing the Complainant of their right to refer a dispute to ComReg following:
- (i) due completion of all the procedures of a code of practice, or
  - (ii) 20 Working Days from the day on which the Complaint was first notified to the Postal Service Provider.

**‘Complaint Handling Channel’** means a first point of contact offered by a Postal Service Provider to allow a Postal Service User to make a Complaint.

**‘Complaint Handling Process’** means a Postal Service Provider’s procedures, standards and policies with respect to the handling of Complaints.

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

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

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

**‘Decision Instrument’** means this Decision Instrument ComReg Document (26/34) which is made pursuant to Section 43 of the 2011 Act.

**‘Direction’** means the Direction contained at Annex 2 to this Decision Instrument which is given by ComReg pursuant to Section 43(6) of the 2011 Act or as the case may be to the Direction contained at Annex 3 which is given by ComReg pursuant to Section 24(5)(a) and (6) of the 2011 Act.

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

**‘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 Postal Service User 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.

**‘Provider’** means a Postal Service Provider.

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

**‘User’** means a Postal Service User.

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

## 4. Scope

- 4.1 This Decision Instrument (Decision No. D0/26) applies to Postal Service Providers (hereinafter **“Provider”** or **“Providers”**). It specifies minimum requirements to be implemented and complied with by Providers in respect of the content and implementation of a Provider’s code of practice setting out procedures, standards and policies with respect to the handling of complaints from Postal Service Users (hereinafter **“User”** or **“Users”**). It also specifies requirements for the publication of a Provider’s code of practice and information relating thereto to be implemented and complied with by Providers.

4.2 Decision No. D06/26 applies to all Providers pursuant to a Direction under Section 43(6) of the 2011 Act, which Direction is contained at Annex 2.

4.3 Providers shall make provision in their Code of Practice for the matters set out in Section 5 of this Decision No. D06/26.

## **5. Matters that ComReg considers necessary and appropriate to secure effective protection for Users (“Minimum requirements”)**

5.1 A Provider shall make provision in its code of practice for the time frame within which complaints must be notified to it by Users.

5.2 A Provider shall accept a complaint first notified to it by a User within a period of:

- i. no less than 12 months from the date of posting of the postal packet (that is the subject of the complaint) within the State for delivery within the State that is the subject of the complaint, or
- ii. no less than 6 months from the date of posting of the postal packet (that is the subject of the complaint) outside the State for delivery within the State, or
- iii. no less than 6 months from the date of posting of the postal packet (that is the subject of the complaint) within the State for delivery outside the State.

### **5.3 First point of contact for Complainants**

5.3.1 A Provider shall ensure that its code of practice makes provision for all first points of contact offered to Users through which they are able to make a complaint. At a minimum, a Provider shall make provision in its code of practice for the following first points of contact:

- i. A telephone number (and a general description of the related charges, which cannot exceed standard local call (basic) rates),
- ii. A postal address (not including an email address), and
- iii. An Electronic Means of Contact that enables Users to:
  - a. submit supporting documentation relating to the Complaint;
  - b. retain records relating to the Complaint on a Durable Medium; and
  - c. provide proof of correspondence with a Provider.

5.3.2 A Provider shall ensure that its code of practice makes provision for the following:

- i. clear and comprehensible information outlining the procedure for notifying a Complaint through a Complaint Handling Channel,
- ii. at least one Complaint Handling Channel through which a User can notify a Complaint free of charge,
- iii. where a Provider offers more than one Complaint Handling Channel 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 Complaint Handling Channels, identifying the other electronic Complaint Handling Channels used (the “other means”), confirming those other means that provide a User with a record on a Durable Medium and those that do not, and indicating which of the other means may allow a User to obtain and retain a record of their Complaint, and
- iv. any restrictions on the availability of its Complaint Handling Channels.

5.3.3 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 involved in making a Complaint.

5.3.4 Where a User is making a Complaint other than through a Complaint Handling Channel and where that channel is one used by a 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. transfer the User directly to the appropriate Complaint Handling Channel unless technically infeasible, and where this is technically infeasible re-direct the User to the relevant Complaint Handling Channel(s) and to the code of practice so the User can make the Complaint in accordance with the code of practice.

## 5.4 A means of recording Complaints

- 5.4.1 A Provider shall ensure that all Complaints are recorded and tracked regardless of contact medium.
- 5.4.2 A Provider shall issue a unique complaint reference to a Complainant within a maximum timeframe of 2 Working Days from the day on which the Complaint was first notified to the Provider.
- 5.4.3 A Provider 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 first notified to it by the User 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.

## 5.5 Response timeframes and Resolution Procedures

- 5.5.1 A Provider shall ensure that in respect of a Complaint made by a User:
- i. A 'Complaint Acknowledgement' is provided to the User on a Durable Medium within a maximum timeframe of 2 Working Days from the day on which the Complaint was first notified to the Provider;
  - ii. A 'Complaint Response' is provided to the User on a Durable Medium within a maximum timeframe of 20 Working Days from the day on which the Complaint was first notified to the Provider.
- 5.5.2 A Provider shall in its code of practice make provision for clear, accurate and up-to-date information on any escalation process offered by it and the related timeframes.
- 5.5.3 For the purposes of Section 43(3) of the 2011 Act, where a period of 20 Working Days has elapsed since the day on which the Complaint was first notified to a Provider by a User, and the Complaint remains unresolved,

including in circumstances where no Complaint Response has been issued by the Provider, the User will be deemed to have duly completed all of the procedures of the Provider's code of practice and the User may refer a dispute to ComReg for resolution under Section 43 of the 2011 Act.

## **5.6 Remedies and redress**

5.6.1 A Provider shall in its code of practice make provision for any remedies and redress, including refunds, reimbursement and compensation (such compensation to include compensation payable in the event that a Provider fails to meet the timeframes specified in its code of practice) together with the means, including easily accessible means, whereby Users can avail of refunds, reimbursement of payments and payments of compensation, together with any related conditions, to include any limitations on levels of refunds, reimbursements and compensation and any related criteria linked to those limitations.

5.6.2 A Provider shall ensure that any refunds, reimbursements and compensation amounts are paid promptly and make provision for this in their code of practice.

## **5.7 Procedures where there is more than one provider**

5.7.1 A Provider shall in its code of practice make provision for determining where responsibility lies in cases where more than one Provider is involved. For the avoidance of doubt, a Provider in this context can include, but is not limited to, a third party, or a sub-contractor, subsidiary, franchisee, or holding company of a Provider.

5.7.2 A Provider shall ensure that at a minimum, its code of practice makes provision for addressing Complaints where a third party, or a sub-contractor, subsidiary, franchisee, or holding company of a Provider is involved.

## **5.8 Retention of records of complaints**

5.8.1 A Provider shall ensure that records relating to a Complaint are retained for a period of not less than one year following the date of resolution of the Complaint.

5.8.2 A Provider shall ensure that its code of practice makes provision for its record retention policy for Complaints and the records retained thereunder.

## **5.9 Accessibility**

5.9.1 A Provider shall in its code of practice make provision for addressing Users' accessibility requirements, to include the following:

- i. information on how a User that requires assistance in making a Complaint, should request such assistance,
- ii. information on accessible formats of their code of practice, and how a User can access any alternative formats available, and
- iii. a statement that on request they will, without undue delay, provide a copy of the code of practice to a User in a format accessible to them.

5.9.2 A Provider shall without undue delay, provide a copy of its code of practice to a User in a format accessible to that User.

## **6. Manner of Publication**

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

6.2 A Provider shall ensure that its code of practice is returned or displayed to 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 Complaints.

6.3 A Provider shall ensure that its code of practice is dated with a version history detailed, and that its code of practice only contains information relating to its procedures, standards and policies with respect to the handling of Complaints and excludes other extraneous material.

## **7. Statutory powers not affected**

7.1 Nothing in this Decision Instrument or the Directions 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.

## **8. Maintenance of obligations**

8.1 If any section, clause or provision or portion thereof contained in this Decision Instrument or the Directions 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 or the Directions 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 or the Directions, and shall not in any way affect the validity or enforcement of this Decision Instrument or other Decision Instruments, or the Directions.

## 9. Revocation and effective date

- 9.1 This Decision and Decision Instrument and the Directions contained at Annex 2 and Annex 3 to this Decision Instrument will take effect following the date of their publication (the “**Effective Date**”).
- 9.2 Providers shall comply with this Decision Instrument and Direction given by ComReg pursuant to Section 43(6) of the 2011 Act and contained at Annex 2 to this Decision Instrument from 13 October 2026. This Decision Instrument and Direction contained at Annex 2 to this Decision Instrument will revoke and replace “Annex: 1 Complaints and Redress Procedures: Guidelines for Postal Service Providers” contained in ComReg Document Reference 14/06, which remains effective up to 13 October 2026, unless otherwise revoked.
- 9.3 The Universal Service Provider shall comply with the Direction given by ComReg pursuant to Section 24(5)(a) and (6) of the 2011 Act and contained at Annex 3 to this Decision Instrument from 29 September 2026.

## 10. Duration

- 10.1 This Decision and Decision Instrument and the Directions shall remain in full force and effect from the Effective Date, unless otherwise amended by ComReg.

## **Annex 2: Direction pursuant to Section 43(6) of the 2011 Act**

The Direction of the Commission for Communications Regulation is:

That in accordance with Section 51(3) and pursuant to Section 43(6) of the 2011 Act, all Postal Service Providers, including the Universal Postal Service Provider, are required to:

- i. comply with the minimum requirements as specified by Statute pursuant to Section 43(1)(a) – (g), (2) and (5) of the 2011 Act, and as specified by ComReg pursuant to Section 43(1)(h) of the 2011 Act, in Decision No. D06/26 as necessary and appropriate to secure the effective protection for Postal Service Users, in respect of the content and implementation of their code of practice setting out procedures, standards and policies with respect to the handling of complaints from Postal Service Users;
- ii. alter and amend their code of practice to comply with the minimum requirements as specified by Statute pursuant to Section 43(1)(a) –(g), (2) and (5) of the 2011 Act, and as specified by ComReg pursuant to Section 43(1)(h) of the 2011 Act, in Decision No. D06/26 as necessary and appropriate to secure the effective protection for Postal Service Users;
- iii. publish their code of practice for the handling of complaints in the form and manner specified by ComReg in Decision No. D06/26; and
- iv. publish information relating to their code of practice for the handling of complaints in the form and manner specified by ComReg in Decision No. D06/26.

## **Annex 3: Direction pursuant to Section 24(5)(a) and (6) of the 2011 Act**

The Direction of the Commission for Communications Regulation is:

That pursuant to Section 24(5)(a) and (6) of the 2011 Act, having regard to the obligations imposed on the universal postal service provider by or under the Communications Regulation Acts 2002 to 2023 in respect of the provision of a universal postal service and the reasonable needs of postal service users, and considering it appropriate to do so, An Post as the Universal Service Provider is required to:

- i. modify its terms and conditions (within the meaning of section 24 of the 2011 Act) for the purposes of incorporating its code of practice setting out procedures, standards and policies with respect to the handling of complaints from Postal Service Users drawn up and implemented in accordance with section 43(1) of the 2011 Act, and published in accordance with section 43(2) of that Act, and as altered and amended pursuant to the Direction of the Commission for Communication Regulation given under Section 43(6) of the 2011 Act.