



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Code of Practice for Complaint Handling

Minimum requirements for postal service
providers

Consultation

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Additional Information

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1 Executive Summary

1. The Commission for Communications Regulation (“ComReg”) is responsible for the regulation of postal service providers in accordance with European Union and national legislation. 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”*.¹
2. ComReg is consulting on proposed minimum requirements for the code of practice for complaints handling that each postal service provider² (hereinafter “**provider**”) must have in accordance with Section 43 of the Communications Regulation (Postal Services) Act 2011 (the “**2011 Act**”).
3. These proposals aim to ensure that every provider’s code of practice sets out procedures, standards and policies for handling complaints³ made by a postal service user⁴ (hereinafter “**user**”), that are transparent, simple, inexpensive, and enable disputes to be settled fairly and promptly in accordance with statutory obligations⁵.
4. ComReg proposes to specify minimum requirements for providers’ codes of practice that reflect experience gained in its regulation of the postal sector including dispute resolution, research undertaken for ComReg by Cullen International, relevant international standards and practices followed in other regulated sectors and other jurisdictions. ComReg has also undertaken a review of providers’ current codes of practice in formulating its proposals.
5. ComReg is aware of issues that may undermine, in particular, the statutory principles of transparency, fairness, simplicity, and promptness including:
 - 5.1. Variations in codes of practice across providers on matters such as how and when a complaint can be notified to a provider; and how and when a provider will respond to a complaint;
 - 5.2. Users encountering obstacles in making complaints (e.g., channel restrictions, provision of a unique complaint reference number, lack of clarity as to the procedures to follow);

¹ Section 10(1)(c) of the Communications Regulation Acts 2002 (as amended).

² 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.

³ Section 43(1) of the 2011 Act.

⁴ 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.

⁵ Section 43(5) of the 2011 Act.

5.3. Delays by providers in responding to users about their complaints; and

5.4. Lack of transparency on compensation and escalation options.

6. To help address these issues ComReg has set out in this consultation its proposals for minimum requirements for codes of practice as follows.

6.1. Proposals related to the first point of contact for complainants:

6.1.1. That all information regarding the procedures to make a complaint and the complaint handling channels to be used by users in making a complaint, are detailed in a clear and comprehensible manner within a provider's code of practice;

6.1.2. that providers offer at least three complaint handling channels with at least one of these channels to be free of charge to include:

- telephone (basic rate only)⁶,
- postal address, and
- electronic means of contact (e.g., email or online form) enabling users to submit documents and retain records;

6.1.3. that providers make a statement in their 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;

6.1.4. that a code of practice clearly states any restrictions in the times during which any complaint handling channel is unavailable and ensures users making a complaint by phone are not transferred to higher costing service during the handling of their complaint; and

6.1.5. that if someone complains through a customer service channel instead of a complaint handling channel, the provider can handle the complaint as if it was submitted correctly or it can either transfer them or redirect them to a complaint handling channel;

6.1.6. that the period within which complaints can be made is standardised to 12 months from the date of posting, aligning with international comparators and record retention obligations.

⁶ See Section 124 (7) of the Consumer Rights Act 2022

6.2. Proposals related to recording a complaint:

- 6.2.1. That providers record key information (including complainant details, key dates, communications exchanged) and issue a unique complaint reference within 2 working days.

6.3. Proposals related to responding to complaints and resolving disputes:

- 6.3.1. that a complaint acknowledgement issues to a complainant within 2 working days from the day on which the complaint was first notified to the provider on a durable medium and contains certain minimum information.
- 6.3.2. That a complaint response issues within 20 working days from the day on which the complaint was first notified to the provider and that this details all resolved and unresolved aspects of the complaint, steps taken in its resolution (or attempted resolution as the case may be), and all escalation options to include referral to ComReg; and
- 6.3.3. that for the purposes of referring a dispute to ComReg for resolution under section 43(3) of the 2011 Act, the procedures of a code of practice will be deemed complete after 20 working days;

6.4. Proposals related to remedies and redress:

- 6.4.1. That a code of practice specifies compensation and reimbursement procedures, including compensation for failure to meet timelines; and
- 6.4.2. that providers specify how compensation/refunds are payable to postal service users and also clearly signpost any limitations on, and criteria for, compensation in their code of practice.

6.5. Proposals related to procedures where there is more than one provider:

- 6.5.1. That a code of practice set out procedures for determining responsibility where more than one provider is involved, including subsidiaries and third parties.

6.6. Proposals related to the retention of records:

- 6.6.1. That all records relating to a complaint, including call recordings, are retained for a period not less than one year after the date the complaint is finally closed; and
- 6.6.2. that a code of practice clearly indicates its record retention policy and clearly and unambiguously sets out the records that a provider retains under its policy.

6.7. Proposals related to other matters:

6.7.1. That a code of practice details how users can request assistance and access alternative formats of the code of practice.

6.8. Proposals related to the publication of a code of practice:

6.8.1. That an up-to-date code of practice is published online, with a working direct link on the provider's website's homepage, and that the code of practice is searchable using common complaint-related terms, so it is returned or displayed; and

6.8.2. that a code of practice only includes information relating to the handling of complaints and resolution of disputes, be dated, and include a version history.

7. To remove ambiguity for providers and users alike ComReg has also set out proposed definitions for "Complaint," "Complainant," "Complaint Acknowledgement," and "Complaint Response".

8. ComReg's draft Regulatory Impact Assessment assesses the impact of its proposals on stakeholders and competition. ComReg's preferred option is to specify new minimum requirements, which it considers are necessary, proportionate, and justified to protect users' interests and ensure providers' compliance with their statutory obligations. While some providers may incur costs for system updates and staff training, ComReg is of the preliminary view that the consequent burden on providers is outweighed by the benefits to users in terms of transparency, fairness, and the prompt resolution of complaints and disputes.

9. ComReg invites written submissions to this consultation to be received by 20 February 2026 and following review of any responses received it intends to publish its Response to Consultation and Decision in June 2026 with the Decision Instrument to take effect four (4) months after.

2 Introduction

10. As noted previously, ComReg is responsible for the regulation of postal services within the State and for ensuring that providers comply with relevant legal obligations imposed on them.
11. ComReg's objectives in the performance of its functions, including the functions set out in section 10(1)(c) of the Communications Regulation Acts 2002 (as amended) ("2002 Act"), include:
 - (i) under section 12(1)(c)(ii) of the 2002 Act, to promote the interests of postal service users within the Community;
 - (ii) under section 12(2A)(d) of the 2002 Act, 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—

(I) ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of the parties involved...."
12. ComReg first set out 'Complaints and Redress Guidelines' in 2003 as part of a suite of matters that ComReg addressed in its '*Directions to An Post under the European Communities (Postal Services) Regulations 2002*' ("**2003 Guidelines**")⁷ following the enactment of the European Communities (Postal Services) Regulations, 2002 (S.I. No. 616/2002)⁸.
13. ComReg subsequently published 'Guidelines for 'Complaints and Dispute Resolution for Postal Service Providers' in accordance with the legislation⁹ in effect at that time ('**2007 Guidelines**')¹⁰ which addressed the following matters:
 - 13.1. Complaints and Dispute Resolution Procedures Information
 - 13.2. Lodging and receiving complaints

⁷ See ComReg 03/50 D11/03 '*Postal Services - Universal Service Obligation, Tariff Principles and miscellaneous issues Directions to An Post under the European Communities (Postal Services) Regulations 2002*', S.I. No. 616 of 2002', Appendix D [Online:] [ComReg 03/50](#).

⁸ [Online:] [S.I. No. 616/2002 - European Communities \(Postal Services\) Regulations 2002](#)

⁹ Regulation 15 of the European Communities (Postal Services) Regulations, 2002 (S.I. No.616/2002) [Online:] [S.I. No. 616/2002 - European Communities \(Postal Services\) Regulations 2002](#)

¹⁰ 'Complaints and Dispute Resolution Guidelines for Postal Service Providers who provide postal services within the scope of the universal service'. [Online:] [ComReg 07/105](#); these were applicable to the Universal Service Provider and any postal service provider with an annual turnover of over €500,000, exclusive of VAT

- 13.3. Minimum requirements for communicating and responding to complaints
- 13.4. Retention of Records
- 13.5. Publication of a Code of Practice; and
- 13.6. Compensation.

14. Since 2011, and the enactment of the 2011 Act, every provider has been required to draw up and implement a code of practice setting out its procedures, standards and policies for handling complaints made by users, which are transparent, simple, inexpensive, and enable disputes to be settled fairly and promptly. Providers are also required to publish their code of practice and make them available, on request, to users free of charge.
15. Section 43(6) of the 2011 Act¹¹ empowers ComReg to direct providers to make such alterations or additions to their code of practice as it considers appropriate and specifies in the direction, and to direct providers as to the form and manner in which a code of practice and information relating to it is published, including information on the number of complaints made and the manner in which complaints have been dealt with. A provider's code of practice is the place that its procedures, standards and policies with respect to complaint handling are set out and section 43(6) of the 2011 Act is one of the mechanisms under statute by which ComReg is given oversight of these matters and the power, amongst other things, to make such alterations and additions as it considers appropriate.
16. ComReg has a broad power under section 43(1)(h) of the 2011 Act to require providers to make provision in their code of practice for "*any other matters [it] considers necessary and appropriate to secure effective protection for postal service users.*"
17. In 2014, following public consultation, ComReg published its "Complaints and Redress Procedures: Guidelines for Postal Service Providers"¹² ("**2014 Guidelines**") to take account of legislative change brought about in particular by section 43 of the 2011 Act.
18. ComReg's aim in publishing the 2014 Guidelines was to assist providers in drawing up, implementing and publishing their code of practice and to help provide certainty for providers as to ComReg's expectations, at that time, regarding the effective handling of complaints in a manner that would be clear, comprehensible and reliable for users.

¹¹ The relevant legal provisions are set out in full at Annex 1.

¹² ComReg 14/06 [online]: [ComReg 14/06](#).

19. Since 2011 ComReg has a statutory function to resolve disputes which remain unresolved after due completion of all the procedures of a provider's code of practice¹³. ComReg has resolved a significant number of disputes since it first commenced its formal dispute resolution procedures¹⁴. ComReg has also gained valuable insights into difficulties encountered by users with the handling of complaints by providers.
20. ComReg is aware that there are variations in providers' codes of practice for complaint handling and that in some instances users have been dissatisfied with their complaint handling experience. The proposals in this consultation are considered appropriate and necessary to ensure compliance with the requirements of section 43 and, in particular, the requirements that codes of practice are transparent, simple, inexpensive and enable disputes to be settled fairly and promptly. The proposals aim to bring about changes which will apply to all providers relating to important aspects of complaint handling procedures, standards and polices, as referred to in section 43(1) of the 2011 Act, and they aim to achieve a more systematic approach to the issue of complaint handling in general.
21. This consultation considers the minimum requirements for codes of practice and complaint handling procedures, in light of experience gained in their implementation by providers and whether alterations and amendments would better protect users in their interactions with providers. ComReg is of the view that while minimum requirements are appropriate and necessary to enable providers to have a clear and unambiguous code of practice for users that complies with statutory requirements, providers are not prevented from making publicly available, via their websites for example, additional information to that required to be contained within their code of practice which they deem relevant to users.
22. 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 objectives¹⁵.

¹³ Section 43(3) of the 2011 Act gives ComReg, or an appointee of ComReg, a discretionary power to resolve disputes which remain unresolved after due completion of all the procedures of a postal service provider's code of practice.

¹⁴ 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>.

¹⁵ Section 12(3) of 2002 Act.

23. ComReg, in considering the proposals for specifications of requirements for a code of practice for complaints handling by providers, has reviewed not only the approach taken by providers in the postal sector in Ireland but also in other jurisdictions and other sectors including the Electronic Communications sector that ComReg regulates¹⁶ and the utilities sector regulated by the Commission for Regulation of Utilities ('CRU')¹⁷ (energy and water) in Ireland, and the Postal and Communications sectors regulated by Ofcom in the UK.¹⁸ ComReg also obtained information from other international regulatory authorities on the procedures for dealing with postal users' complaints as made available by providers under Article 19 of the European Postal Directive.
24. ComReg has had primary research undertaken by Cullen International to ensure the information on the approach taken in the handling of complaints by providers in other jurisdictions is up to date and this is referenced where appropriate in this consultation (hereinafter "**Cullen 2025**").¹⁹ This research has provided valuable insights regarding several matters, including:
 - 24.1. Requirement for providers to have complaint procedures;
 - 24.2. Rules in raising a complaint to a provider;
 - 24.3. Options for the escalation of a complaint;
 - 24.4. Time limits for raising a complaint and for its resolution by the provider;
 - 24.5. Statistics regarding complaint volumes; and
 - 24.6. Information on the reporting of complaints.
25. ComReg requested written information from each provider²⁰, 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. The information sought addressed, among other things, providers' current approaches in the handling of complaints and the provision of complaints and redress procedures to users. ComReg has reviewed this information, and this is referenced where appropriate in this consultation (hereinafter the "**13F Information**").

¹⁶ See 'Code of Practice for Complaint Handling, Minimum Requirements for ECS Providers' [Online:] [ComReg-2554.pdf](#) ("ComReg 10/25")

¹⁷ See Commission for Regulation of Utilities (CRU) 'Energy and Gas Suppliers' Handbook' [Online:] [Electricity and Gas Suppliers' Handbook](#)

¹⁸ See Ofcom: 'Consumer Protection Condition 3: Complaints Handling and Redress' [Online:] [con3.pdf](#); and 'Guidance for parcel operators on consumer complaints handling procedures' [Online:] [Annex 4 - Guidance on Complaints Handling](#)

¹⁹ 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](#)

²⁰ ComReg publishes a register on its website of all authorised postal providers [Online:] [Register of Authorised Providers](#)

26. 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')²¹ and I.S. EN 14012:2019 'Postal services - Quality of service - Complaints handling principles' ('European Standard EN 14012:2019')²² 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.²³

2.1 Background and legislative context

27. The 2014 Guidelines built on the 2007 Guidelines and were applicable to all providers. The purpose of the 2014 Guidelines was to assist providers implementing, publishing and maintaining their Code of Practice and in particular to provide guidelines in relation to section 43(1) of the 2011 Act which is set out in broad terms.

28. The 2014 Guidelines recommended that a provider's code of practice include:

- 'The first point of contact for Complainants' including minimum points of contact to be provided namely a phone number and dedicated contact addresses (both physical and email).
- 'A means of recording complaints' including "*time limits for submitting a complaint*", information on "*the process that will be followed by the postal service provider once the complaint has been submitted*";
- 'A time frame within which postal service providers shall respond to complaints' to be adhered to by providers including (i) acknowledging receipt of a complaint within 3 working days and (ii) "*maximum timeframes within which complaints should be handled*";
- 'Procedures for resolving disputes' – a mechanism was to be specified by providers that enabled them "*to independently assess the previous actions and decisions taken by the postal service provider regarding the complaint*".

²¹ Available from the National Standards Authority of Ireland ('NSAI') [Online:] [ISO 10002:2018 Quality management — Customer satisfaction — Guideline](#)

²² 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](#)

²³ 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."

- e. 'Remedies and redress, including reimbursement or compensation, or both' mechanism to be set out by providers for circumstances "*where there has been any loss, theft, or damage to a postal packet, or a failure to provide a postal service of sufficient quality*";
- f. 'Procedures for determining where responsibility lies where more than one postal service provider is involved';
- g. 'Retention of records of complaint' for a period of at least one year following the date of resolution of the complaint; and
- h. 'Any other matters necessary and appropriate to secure effective protection for postal service users' including the classification of complaints to help identify problems and trends; and making the code of practice available at the premises of a postal service provider.

29. The 2014 Guidelines also set out ComReg's recommendations to providers for procedures relating to the following:

- a. Publication of complaint information;
- b. Publication of the code of practice; and
- c. Disputes involving providers in more than one member state.

30. The 2011 Act requires that providers' code of practice procedures are transparent, simple, inexpensive, and enable disputes to be settled fairly and promptly.

31. Section 39 of the 2011 Act makes the authorisation of providers subject to the provision of appropriate complaints and redress procedures.²⁴

32. Section 43(1) of the 2011 Act requires that:

"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,*

²⁴ An Post, the universal service provider, published its first code of practice in 2008 on foot of ComReg's 2007 Guidelines. An Post subsequently updated its code of practice to reflect the 2014 Guidelines (last updated 2020 [online:] ['Getting-it-Sorted-August2020.pdf'](#)). Other Authorised Postal Service Providers' codes of practice are also published.

- (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.”*

33. Section 6(1) of the 2011 Act defines the following terms:

- 33.1. “*postal service user*” means any person benefiting from postal service provision as a sender or as an addressee.
- 33.2. “*sender*” means a person responsible for originating postal packets.
- 33.3. “*addressee*”, in relation to a postal packet, means the person to whom it is addressed.

34. Section 43(6) of the 2011 Act provides that ComReg:

“...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.”*

35. Section 43(8) states that:

“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.”

36. Section 43(3) of the 2011 Act enables ComReg undertake the resolution of “*disputes which remain unresolved after due completion of all of the procedures in a code of practice*”.

2.2 Reporting of Complaints by providers

37. As noted, ComReg has the power to give a direction to a provider on the number of complaints made to it and the manner in which they have been dealt with. ComReg intends to separately review the reporting of complaints by providers and accordingly, this matter is not dealt with in this consultation.

2.3 Structure of Document

38. The structure of this consultation paper, including its appendices, is as follows:

38.1. Chapter 4 - Proposed requirements arising from Section 43(1)(a) of the 2011 Act including:

- The first point of contact for complainants
- Complaint handling channels
- Timeframe to make a complaint

38.2. Chapter 5 - Proposed requirements arising from Section 43(1)(b) including:

- A means of recording complaints
- Information to be recorded

38.3. Chapter 6 - Proposed requirements arising from Sections 43(1)(c) and 43(1)(d) including:

- Responding to complaints and resolving disputes
- Complaint acknowledgment
- Complaint response

- Due completion of the code of practice
- Resolving a dispute

38.4. Chapter 7 - Proposed requirements arising from Section 43(1)(e) including:

- Remedies and redress
- Compensation and reimbursement

38.5. Chapter 8 - Proposed requirements arising from Section 43(1)(f) including:

- Procedures where there is more than one provider

38.6. Chapter 9 - Proposed requirements arising from Section 43(1)(g) including:

- Retention of records of complaints

38.7. Chapter 10 - Proposed requirements arising from Section 43(1)(h) including:

- Accessibility

38.8. Chapter 11 - Proposed requirements arising from Section 43(2) including:

- Publishing a code of practice

38.9. Chapter 12 – Draft Regulatory Impact Assessment (RIA)

38.10. Annex 1 sets out the Legal Basis

38.11. Annex 2 sets out the Draft Decision Instrument in full; and

38.12. Annex 3 sets out the Draft Direction

2.4 Effective Date

39. ComReg is proposing that the effective date for its proposed Decision Instrument will be four (4) months after the publication date of the Response to Consultation and Decision.
40. It is proposed that any complaint received by the postal service provider prior to the Effective Date will be processed in compliance with the provider's code of practice in place prior to the Effective Date. Any complaint received on or after the Effective Date must be processed in compliance with this Decision and Decision Instrument.

3 Proposed requirements arising from Section 43(1)

41. Research undertaken by the Competition and Consumer Protection Commission ('CCPC') examining customer detriment in Ireland indicates that in addition to financial costs borne by consumers when things go wrong with products or services bought, many also report negative outcomes and non-financial costs, including stress or losing time with some 93% of respondents having spent personal time trying to resolve problems.²⁵
42. ComReg is aware that users have encountered difficulties with how their complaints have been handled by providers. These difficulties include, but are not limited to, the following:
 - 42.1. contacts made through certain channels not being immediately considered a complaint;
 43. users not being provided, on request, a unique reference number in relation to their complaint;
 - 43.1. users being unable to contact a provider via certain channels set out in a code of practice to make a complaint;
 - 43.2. users being told their complaint does not warrant being considered as a complaint owing to it not having been lodged in a certain timeframe;
 - 43.3. users with a recurring problem being required to treat each instance as unrelated to the previous instance(s);
 - 43.4. users not being responded to in a reasonable timeframe;
 - 43.5. users being ignored and not responded to at all; and
 - 43.6. users having complaints closed without their knowledge.
44. As noted previously, the 2011 Act requires that every provider's code of practice with respect to the handling of complaints from users, makes provision for the matters set out in Section 43(1)(a) to (h).

²⁵ CCPC, 2024 [Online:] [Understanding-Consumer-Detriment-in-Ireland](#)

3.1 Who can make a ‘complaint’

45. As noted previously, (see paragraph [33](#)) the 2011 Act provides that:

45.1. *“postal service user” means any person benefiting from postal service provision as a sender or as an addressee.”*

46. The 2011 Act is unambiguous in its requirements that a code of practice set out procedures, standards and policies with respect to the handling of complaints from all *users* who wish to make a complaint. The provisions of the code of practice and a provider’s complaint handling procedures must be applicable to both senders and addressees of postal packets.

47. This position reflects 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) (“**EU Postal Directive**”)²⁶ which defines a ‘*user*’ as:

“any natural or legal person benefiting from postal service provision as a sender or an addressee”.

48. ComReg further notes that European Standard EN14012:2019 makes ‘Acceptability’ a ‘*Guiding Principle*’ in relation to complaint handling and states that:

*“A complaint can be accepted from the sender or the addressee of a postal item or service”*²⁷

49. ComReg notes from a review of the 13F Information that many providers already allow complaints to be submitted by either the sender or the addressee.

50. Therefore, ComReg considers that both senders and addressees, as users, may make complaints to providers.

²⁶ [Online:] [EUR-Lex - 01997L0067-20080227 - EN - EUR-Lex](#)

²⁷ Section 4.4 of European Standard EN14012:2019. This standard takes account of postal-specific issues including that the complainant may not be the person who paid for the service and the issue of cross-border complaints.

3.2 Definition of 'Complaint' and 'Complainant'

51. There is no definition of a 'Complaint' or 'Complainant' in the 2011 Act.
52. ComReg is aware of variations in the definition of a 'complaint' used or recommended by other national and international regulatory authorities²⁸, by consumer bodies in Ireland²⁹, and used in standards relevant to the postal sector³⁰ and in other sectors regulated by ComReg^{31, 32}.
53. ComReg is proposing to define a 'complaint' to ensure clarity regarding what a provider's code of practice is required to address in the procedures, standards and policies it sets out with respect to the handling of such complaints.
54. ComReg is of the view that absent there being a definition of a 'complaint' in the postal sector there may be confusion for users in their understanding of what matters they can or cannot complain about.
55. As noted previously (see Section 2.2) ComReg intends to review the reporting of complaints made by users to providers, (as referred to in Section 43(6) of the 2011 Act). For this purpose, ComReg will require clear, comprehensible, reliable and comparable complaints data for the performance of its functions and to fulfil its statutory objectives. This can only be achieved if there is an understood definition of a complaint.
56. ComReg is of the view that difficulty experienced by a user in making a complaint about a postal service(s) to a provider, should be capable of constituting a complaint relating to the provider's complaint handling process and therefore treated as a complaint.
57. To amount to a complaint, it is not necessary that the matter raised has merit. For example, if a user expresses dissatisfaction with matters they have previously agreed to or which may be beyond the provider's control, these are still matters that may give rise to a complaint.

²⁸ For example Ofcom in the UK defines complaint to mean “any expression of dissatisfaction made to a postal operator, related to one or more of its products or services or the manner in which the postal operator has dealt with any such expression of dissatisfaction, where a response is explicitly or implicitly required or expected to be provided” [Online:] [Consumer Protection Condition 3: Complaints Handling and Redress](#);

²⁹ For example The Office of the Ombudsman suggests “A complaint is an expression of dissatisfaction by one or more members of the public about an organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation” [Online:] [The Ombudsman's Guide to Developing a Complaint Handling System](#)

³⁰ For example EN14016:2019 defines complaint as an “expression of dissatisfaction made to an organization, related to its products, services, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected”.

³¹ See ComReg D10/25 [Online:] [ComReg-2554.pdf](#)

³² ComReg provided in 2003 that ‘....a complaint being any expression of dissatisfaction or grievance made to a postal service provider by a customer or member of the public but does not include a request for information” (See ComReg 03/50)

58. If a provider could unilaterally determine that any issue raised by a user did not have merit and thereby prevent it being a complaint, the affected user would have no ability to challenge this as both the provider's complaint escalation procedures and ComReg's dispute resolution service relate to complaints that have not been resolved and disputes that arise on foot of this.
59. ComReg is of the view that users should not be expected or required to use specific words in order for an expression of dissatisfaction to be made. ComReg expects that agents of a provider dealing with contacts from users will be appropriately trained to ensure they can identify when a user is seeking to make a complaint. ComReg also expects that providers will take a proactive approach and seek to clarify a user's satisfaction if there is any doubt regarding whether they are seeking to make a complaint.

Proposed approach:

60. ComReg proposes 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, a postal service provider make provision for the handling of complaints based upon the following definition of a complaint:
 - 60.1. '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.
61. Consistent with the above, it is also proposed that a provider's code of practice makes provision for the definition of a complainant as follows:
 - 61.1. 'Complainant' means the postal service user making a Complaint".

3.3 Specific Proposals

62. The proposed requirements ComReg has considered under Sections 43(1)(a) to (h) are set out in Chapters [4](#) to [10](#) of this consultation.
63. The proposed requirements ComReg has considered under Sections 43(2) are set out in Chapter [11](#) of this consultation
64. The proposed requirements ComReg has considered under Sections 24(5)(a) and (6) are set out in Chapter [12](#) of this consultation.

4 The first point of contact for complainants

65. Section 43(1)(a) states that a code of practice shall provide for “*the first point of contact for complainants*”.
66. ComReg’s position is that clear and up to date information must be available to users on how to contact a provider in the event of making a complaint and that assistance in making a complaint should be available to all users, in an accessible manner.
67. ComReg is of the preliminary view that all first points of contact made available for the purpose of making a complaint (“**complaint handling channel**”) must be included in a code of practice to ensure transparency, and information regarding the procedures to make a complaint via a complaint handling channel, including the timeframe within which a complaint must be made, must be conveyed in a clear and comprehensible manner.³³
68. ComReg notes from its review of the 13F Information, and a review of published codes of practice, that providers offer a variety of means by which they can be first contacted about a complaint. The majority of providers offer telephone, postal and email channels to allow complaints to be made via these means. Some providers also have social media channels through which users can engage with them (see paragraph [75](#)) and a small number of providers host online contact and complaints forms on their websites.
69. ComReg is of the preliminary view that where there are restrictions in the times that complaints can be made to a provider, these details should also be set out in the provider’s code of practice. As noted previously (see paragraph [14](#)) every provider has a statutory obligation³⁴ to publish³⁵ its code of practice and to make it available, on request, ‘*free of charge*’ to a user. Providers are also obliged³⁶ to ensure that the procedures of its code of practice are ‘*inexpensive*’.

³³ To note that while Section 43(1)(a) of the 2011 Act refers to the “first” point of contact, ComReg is of the view that a user should not be prevented from making a second or subsequent contact via the same means.

³⁴ Section 43(2) of the 2011 Act

³⁵ Matters relating to publication and availability of the code of practice are dealt with in Chapter 11

³⁶ Section 43(5)(c) of the 2011 Act

4.1 Complaint Handling Channels

70. In the years since the 2011 Act and the 2014 Guidelines were published, the numbers of channels of communications have increased while the cost of using many of these channels declined³⁷ (e.g. in respect of telephone channels certain call or broadband costs may be included in a bundle).³⁸
71. It is reasonable that having identified specific complaints handling channels in their code of practice, providers should be able to direct users to these channels to make a complaint.
72. However the purpose of having specific complaint handling channels in a code of practice is to facilitate users in making complaints, it is not to frustrate them in doing so. Complaint handling channels should be clear and accessible. ComReg is of the preliminary view that a code of practice must include at least one free complaint handling channel by which a user can make a complaint.
73. ComReg is of the preliminary view that where a user seeks to make a complaint other than through a specified complaint handling channel, this should not prevent the matter being properly handled and classified as a complaint by a 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.³⁹
74. As noted previously, the 13F Information provided indicates that providers currently offer various means for users to contact them to make a complaint, including a dedicated postal and/or email address, by phone, messaging apps⁴⁰ and online forms.⁴¹

³⁷ Data available from ComReg's QKDR data [online: [Data Portal](#)] shows that average revenue per user has remained static, while data indicates that end-users receive more data, calls and texts and next generation services (5G and fibre) in return for their monthly subscription.

³⁸ See [Online:] [ComReg reduces costs for businesses and organisations offering 1800 Freephone services](#); [Online:] [ComReg 22/83 Mobile Consumer Experience Quantitative Research](#); [Online:] [ComReg 23/76 Broadband Connectivity Survey](#)

³⁹ ComReg has previously set out, in its Decision ComReg D10/25, a position reflective of this regarding complaints made to ECS providers.

⁴⁰ Including WhatsApp and Messenger

⁴¹ The [Commission](#) for Regulation of Utilities (CRU) has taken the position that “*At a minimum a customer should be able to initiate their complaint by post, over the phone or by electronic communication.*” [Electricity and Gas Suppliers' Handbook 2023](#).

75. ComReg notes that some providers also manage various online communication channels, including social media platforms⁴² and webchat⁴³, which can be used by users to communicate with providers on a variety of matters which may include a complaint.
76. Many providers will already accept a complaint notified to it outside a designated complaint handling channel. ComReg is of the preliminary view that all providers should facilitate users in this manner so that the experience is uniform across providers and that users are not prevented from, or frustrated in, making complaints.
77. Users can contact providers via different complaint handling channels which ComReg considers can be grouped as follows:
 - 77.1. real-time exchanges – including phone calls, live web chat⁴⁴, in person; and
 - 77.2. non-real-time exchanges - e.g. submissions that require processing - including online forms, emails, physical mail and social media posts⁴⁵.
78. It is necessary to briefly address certain considerations that arise from these different complaints handling channels.

4.1.1 Telephone

79. The 13F Information confirmed that most providers already offer a phone number for users to call to make an enquiry or a complaint.
80. ComReg considers it appropriate that users should be able to contact their provider via telephone to make a complaint and is of the preliminary view that at a minimum, every provider must offer at least one dedicated phone number for this purpose.
81. During certain seasonal periods (e.g. Christmas) or adverse weather events services may be negatively impacted leading to an increase in the likelihood of users needing to contact their provider about a problem or a question they may have about a particular product or service. ComReg is also aware of social media reports of users experiencing long wait times for the answering of calls, calls ending prematurely, and instances where users have had to make repeated calls to progress their complaint.
82. Many user contacts to providers are by telephone⁴⁶.

⁴² See, for example, [Online:] [Budget-Parcel | Facebook](#), [Online:] [GLS Ireland \(@GLS_Ireland\) / X](#), [Online:] [Lettershop Postal | LinkedIn](#), [Online:] [An Post | Instagram](#)

⁴³ An Post offers a webchat facility via its 'OscarBot'

⁴⁴ ComReg notes that some web chats have the option to save a transcript into a file or receive a copy via email.

⁴⁵ ComReg notes that real-time exchanges are also possible on some social media channels.

⁴⁶ See, for example: An Post Annual Report 2024, Published March 2025 [Online:] [An Post Annual Report 2024](#)

83. European Standard EN 14012:2019 provides that:

“All postal organizations should offer users a ‘local rate’ telephone number to enable complaints to be made”

84. ComReg also notes that the Consumer Rights Act 2022⁴⁷ provides that:

“Where a trader operates a telephone line for the purpose of enabling a consumer to contact the trader in relation to a contract concluded by the consumer with the trader, the trader shall ensure that the telephone line is available to the consumer at a charge that does not exceed the basic rate...”

85. The 13F Information confirms that most providers already offer a geographic telephone number⁴⁸ as a complaint channel. ComReg is aware that calls to these numbers would be charged at standard rates or included in inclusive minutes of most phone providers' price plans.

86. ComReg proposes to require that providers offer a telephone number for users to contact them as a first point of contact in relation to complaints⁴⁹ and that this complaint channel should be available during normal business hours.

87. ComReg's position is that any telephone number offered as a complaint channel must not be one that incurs a premium rate or higher call cost rate than the standard rate. As providers appear to already make telephone numbers available that do not exceed the basic call charge rate, and given other statutory requirements as referred to above, ComReg is not proposing to intervene on this matter. However, ComReg will keep the position under review, and will take such action as it considers appropriate should users be faced with premium charges for making complaints by telephone.

88. ComReg is of the preliminary view that while a complaint is being made, recorded or being dealt with, a user must 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.

4.1.2 Electronic means of contact

89. As noted previously, there have been significant technological advancements in communication channels since the 2014 Guidelines were published, with new channels and enhanced electronic means of contact available to providers to facilitate them in communicating with users.

⁴⁷ Section 124(1) [Online:] [Consumer Rights Act 2022](#)

⁴⁸ A geographic telephone number is a landline-style number used with a designated area code (e.g. prefixed with 01 for Dublin, 021 for Cork etc.) which enables callers identify where the phone provider is based.

⁴⁹ Providers that use an Interactive Voice Response (IVR) should, where possible, indicate in the IVR prompt wording a relevant option for complaint resolution.

90. The 13F Information indicates that the majority of providers offer email as a complaints channel so users can communicate with them regarding a complaint and do so free of charge.
91. ComReg notes from the 13F Information that some providers enable the submission of complaints via other electronic means. Such means include chat bots, web-based chat, direct messaging tools (or equivalents to these) and online forms.
92. Considering the ubiquitous use of email and other electronic means of contact, ComReg proposes that a code of practice should include, at a minimum, one electronic means of contact that enables complaints to be made free of charge.
93. ComReg is of the view that this should enable users to:
 - 93.1. submit supporting documentation to a provider that relates to a complaint (e.g. proof of posting such as a counter receipt etc.);
 - 93.2. retain records related to their complaint on a durable medium⁵⁰; and
 - 93.3. provide proof of correspondence with a provider (e.g. copies of the complaint, any response to the complaint and any determination made by the provider in respect of the complaint).
94. A provider may use more than one electronic means of contact. In this scenario, ComReg proposes to require that a provider 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.

4.1.3 In writing/by post

95. Research undertaken by ComReg in 2025 highlights the importance of post to many users, with the majority of over 65s viewing letter post-delivery on every working day as 'very important', highlighting the essential nature of this service for this group, in particular.⁵¹

⁵⁰ 'Durable medium' has the same meaning as in Section 2 of the Consumer Rights Act 2022. ComReg is of the preliminary view that the availability of certain information in durable medium for later reproduction will assist end-users, in particular elderly and vulnerable customers and those with accessibility requirements, and providers alike in their interactions with each other and help ensure that both sides can engage on an equal footing.

⁵¹ ComReg 25/65 'Postal Services Survey' [Online:] <https://www.comreg.ie/media/2025/09/2565.pdf>

96. ComReg is of the preliminary view that a channel of communication (that is not email or telephone) must be provided in the code of practice by providers to enable users who want to send a complaint in writing by post such as those with an affinity to the postal service or those unable to access other channels of communication to easily do so. ComReg is proposing to require that a postal address is provided in the code of practice for complaints in writing/by post to be sent to.
97. ComReg notes that European Standard EN 14012:2019 provides that a 'Freepost' address can "...ensure complainants are not charged for simply making a complaint"⁵². Provider's may wish to consider providing a Freepost address to users if not already doing so.

4.1.4 In person/face to-face (e.g. at a post office counter)

98. ComReg notes that European Standard EN 14012:2019 provides that postal organisations that have '*official postal premises that are dedicated to contact with customers*' should enable users to make complaints in person.
99. The 13F Information provided to ComReg also indicates that some providers currently facilitate the submission of a complaint in person.
100. ComReg is of the preliminary view that details of how users can make a complaint should be made available to users and be known by all personnel working at premises of the provider which are accessible to the public, including the premises of agents.
101. ComReg is of the view that where possible a provider should enable a user to make a complaint in person, however where a provider chooses not to facilitate in-person complaints the provider should re-direct the user to a 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.

Proposed approach:

102. ComReg proposes 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 a provider make provision for the following matters:
 - 102.1. that all complaint handling channels offered by a provider are included in its code of practice and that information regarding the procedures to make a complaint via a complaint handling channel is conveyed in a clear and comprehensible manner.

⁵² Annex C.2.3

102.2. that at least one free means by which to make a complaint is included in its code of practice and that the following minimum complaint handling channels are provided for:

- a) A telephone number (and a general description of the related charges, which cannot exceed standard local call (basic) rates),
- b) A postal address (not including an email address); and
- c) An electronic means of contact that enables users to:
 - (i) submit supporting documentation to a provider that relates to a complaint (e.g. proof of posting such as a counter receipt etc.);
 - (ii) retain records related to their complaint in a durable form; and
 - (iii) provide proof of correspondence with a provider (e.g. copies of the complaint, any response to the complaint and any determination made by the provider in respect of the complaint).

102.3. where a provider uses more than one electronic means of contact, that a statement is made 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 indicating which of the channels the user is able to obtain and retain a record of their complaint through.

102.4. that a clear statement is made detailing any restrictions in the times during which complaints can be made to the provider via any applicable complaint handling channel.

102.5. that a clear statement is made informing users that while a complaint is being made, the provider will not transfer a complainant to any form of information technology support line or other service if the transfer results in the complainant incurring a higher call cost rate than involved in making a complaint.

102.6. that a clear statement is made regarding how a provider will deal with complaints made other than through a complaint handling channel that is consistent with the following requirements:

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 will be 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:

- (a) 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
- (b) transfer the user directly to the appropriate complaint handling channel unless technically infeasible, and where this is technically infeasible redirect 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.

4.2 Timeframe to make a complaint

103. ComReg notes from research it has undertaken⁵³ that there are variations in the time afforded to users to submit a complaint to their provider either from the date of receipt or the date of posting of an item. ComReg notes from codes of practice it has reviewed that this can range from just a few days up to 6 months in Ireland. ComReg notes from research it has undertaken (Cullen 2025) that in other countries, periods within which complaints can be made can be up to 12 months⁵⁴ or more⁵⁵.

104. ComReg is of the preliminary view that users must be made aware of the time frame(s) within which a complaint must be made to their provider for it to be accepted.

105. Article 21 of the Universal Postal Union ("UPU") Convention Manual provides⁵⁶ that

105.1. *“...each designated operator shall be bound to accept inquiries⁵⁷ relating to parcels or registered or insured items posted in its own service or that of any other designated operator, provided that the inquiries are presented by customers within a period of six months from the day after that on which the item was posted. The transmission and processing of inquiries between designated operators shall be made under the conditions laid down in the Regulations. The period of six months shall concern relations between claimants and designated operators and shall not include the transmission of inquiries between designated operators.”* (emphasis added)

106. ComReg is of the view that a reasonable period of time should be afforded to users to lodge a complaint. Firstly, it may not be immediately obvious, in particular if the complainant is the sender, that there have been issues with the transmission by post of a postal packet. Further, ComReg is of the view that it is appropriate that time is afforded to users who experience problems with international post (either incoming or outgoing) as these may necessitate enquiries with an overseas provider.

⁵³ Desk research and information provided via 13F Information

⁵⁴ Belgium, Czechia, Finland, France (domestic mail) and Poland.

⁵⁵ Finland (where damage or delay is caused wilfully or grossly negligently).

⁵⁶ See [Online:] p. 341 [Convention Manual](#)

⁵⁷ 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”.

107. In order to ensure there is no ambiguity for users, and 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 is proposing that a timeframe of 12 months be afforded to all users (senders and addressees) for all post (domestic and international) to make a complaint to their provider.
108. This period is the equivalent afforded to users of electronic communications services and it also aligns with the relevant record retention obligations provided for in section 43(1)(g) of the 2011 Act. It also takes account of the range of international comparators referenced above.

Proposed approach:

109. ComReg proposes 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 the postal packet⁵⁸.

Q. 1 Do you have any comments on the proposed approach ComReg has set out in Chapter 4 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

⁵⁸ 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".

5 A means of recording complaints

110. Section 43(1)(b) of the 2011 Act states that a code of practice shall provide for "a means of recording complaints".

5.1 Information to be recorded

111. Providers are required under Section 43(5) of the 2011 Act to ensure that the procedures of their codes of practice are transparent, simple, inexpensive and enable disputes to be settled fairly and promptly.

112. It is important that sufficient information about the complaint and details of the complainant are recorded by a provider to enable it to handle the complaint in a fair, efficient and timely manner that is transparent and inclusive. Section 43 of the 2011 Act sets requirements relating to, amongst other things, the recording of complaints, timeframes to respond to complaints, and the appropriate retention of records by providers. These various requirements reflect the general obligation of transparency contained in section 43.

113. ComReg is aware from the 13F Information that some providers have Customer Relationship Management ("CRM") systems in place that record complaints and other information related to such complaints. These systems may generate a unique reference number for the complaint once it is logged. In general, such systems serve to collate all information relating to the complaint and assist in managing and tracking the progress of the complaint from the first point of contact to the resolution of the complaint.

114. Regardless of the technology used, ComReg is of the view that all providers should be able to demonstrate how they record, log and track complaints made to them by users. This process will ensure users are kept up to date as to the status of their complaint on a regular basis - even if no progress has been made at a particular stage of the complaints handling process.

115. ComReg is aware that in some instances users are provided with a unique complaint reference immediately following their complaint being notified to a provider (e.g. via auto-response email to an online form). ComReg is also aware of difficulties experienced by users in obtaining a complaint reference.

116. It can be problematic for users if they are not provided with a unique complaint reference, especially those who have need to re-contact their provider about the complaint but are unable to evidence any prior interaction with the provider. This can result in users having to recommence the process.

117. However, ComReg is cognisant that it may not always be possible for a unique complaint reference to be immediately issued following a user submitting a complaint e.g. if a complaint is submitted out of hours or sent via a non-real time complaint channels. To mitigate against this ComReg is of the preliminary view that a provider must make provision for in its code of practice, and implement, a procedure that ensures that users are issued with a unique complaint reference to record a complaint made as soon as practicable, but in all instances within a maximum timeframe of 2 working days from the day on which the complaint is first notified to the provider. ComReg notes from the 13F Information that many providers are already providing unique reference numbers to users making complaints.

Proposed approach:

118. ComReg proposes 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 in relation to the means of recording of a complaint:

118.1. the minimum information to be recorded in relation to a complaint, which must include:

- (i) the complainant's name and contact details, including a phone number (as applicable);
- (ii) the date the complaint was made 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; and
- (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.

118.2. a clear statement that the provider will generate a unique complaint reference for each complaint notified by a user to it and provide this to the complainant within a maximum timeframe of 2 working days from the day on which the complaint is first notified to the provider.

119. Where possible, this unique complaint reference should be issued to a complainant immediately after its receipt by the provider⁵⁹. Notwithstanding, ComReg proposes to require 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.

Q. 2 Do you have any comments on the proposed approach ComReg has set out in Chapter 5 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

⁵⁹ 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*'.

6 Responding to complaints and resolving disputes

120. Providers are required to have procedures, standards and policies for the handling of a complaint, including regarding response times. Key aspects of the transparency requirements in section 43 include that users know that their complaint has been received and is being considered and also that they know how the complaint handling process will proceed and the timeframe within which it should be concluded.
121. ComReg is of the view that it is reasonable for users to expect to be informed by their provider of the expected time to receive answers during the different stages of the handling of a complaint.
122. Section 43(1)(c) states that a code of practice shall provide for "*a time frame within which the postal service provider concerned shall respond to complaints*". As is apparent therefore, a complaint response is required in every case.
123. ComReg is of the view that the requirement to 'respond' should be broadly considered to include the initial acknowledgment of the complaint, update(s) on its investigation where appropriate, through to the issuance of the final response by the provider following completion of its investigation.
124. ComReg is aware from its review of the 13F Information provided to it that providers vary in their approaches to these issues.

6.1 Complaint acknowledgment

125. With regard to the acknowledgment of complaints received, ComReg notes that both the format of the acknowledgement and the timeframe within which it is issued can vary between providers.
126. ComReg is also aware from disputes that are referred to it for resolution that while some providers offer a level of personalisation in acknowledgments, there is also a custom of issuing templated acknowledgements that are automatically generated.
127. ComReg is of the preliminary view that the time frame for a complaint to be responded to must be clearly set out in a code of practice and must include (i) the timeframe for issuing an acknowledgment to confirm receipt of the complaint and (ii) the timeframe for issuing a complaint response.

128. A complaint acknowledgement should ideally be provided to a user on receipt⁶⁰, however this may not always be practicable, and the date of receipt may be different from the date on which a user submits a complaint (e.g. out of business hours, via a non-real time channel etc.).
129. As noted previously (see paragraph [119](#)) ComReg is of the preliminary view that a unique complaint reference must be provided to a complainant in all circumstances and ComReg is proposing that this unique complaint reference must issue no later than 2 working days from the day on which the complaint was first notified to the provider. The 13F Information indicates that many providers are already providing a complaint acknowledgment before 3 working days, with some providing acknowledgements on the date a complaint is received.
130. ComReg considers that a complaint acknowledgment is a key communication to issue to a complainant and that it should contain all the information relevant for a user to understand what the complaint handling process will involve and the expected timeframe for the issuing of a final response to the complaint.
131. Considering the importance of the information contained within the complaint acknowledgement, ComReg is of the preliminary view that it should be provided to an end-user as soon as practicable but within a maximum timeframe of 2 working days from the day on which the complaint was first notified to the provider, and that it must be issued on a durable medium. ComReg is of the view that this strikes an appropriate balance between the provider having time to process the complaint but also the user knowing their complaint has been received, that it is being considered, and the timeline to a final response.

6.2 Complaint response

132. ComReg expects providers to advise complainants who may make enquiries as to the status of their complaint during the course of the complaint handling process, as to what they can expect next and what the timeframe is for the final response to their complaint.⁶¹
133. Providers should be proactive in updating a complainant should the expected timeframe for the final response change during the complaint handling process (e.g. owing to the need for further investigation).

⁶⁰ ComReg notes that ISO 10002:2018 recommends '*receipt of each complaint should be acknowledged to the complainant immediately*'. Section 4.5 of European Standard EN 14012:2019 states that where a complaint cannot be immediately dealt with, receipt should be acknowledged.

⁶¹ As recommended in section 4.5 of European Standard EN 14012:2019.

134. ComReg is also of the view that it would be good practice for a provider to keep a complainant up-to-date should a complaint take longer to resolve than 20 working days after the date on which the complaint was first made. ComReg notes from the 13F Information that most providers already update complainants during the course of a complaint, however the timeframes for these updates vary. ComReg is aware that investigations into a complaint can take time and be protracted, particularly in circumstances where the sender or the addressee is not domiciled within the State.
135. However, in an era of enhanced communications and with the ubiquitous use of electronic communication channels (including email, SMS, live web chat etc.) ComReg is of the view that it is reasonable to expect providers to complete the procedures of their code of practice in a shorter timeframe than would have been the case in times before such electronic communication means were widely available.
136. ComReg notes that '*Responsiveness*' and a '*User focused approach*' are two 'Guiding Principles' of European Standard EN 14012:2019 and that it recommends that users are provided with the expected time for them to receive answers about their complaints.⁶²
137. ComReg notes from the 13F Information that many providers will typically issue a complaint response in less than 20 working days.
138. ComReg is aware of cases where providers have not issued *any* response or resolution to complaints, despite evidence of the complaints having been raised to, and received by, the provider.
139. ComReg is also aware of cases where there has been no meaningful attempt at resolving complaints including cases where templated pro-forma responses have issued that do not address the facts of a complaint, and cases that cite incorrect references to the circumstances of the complaint.
140. ComReg is of the preliminary view that in all instances a 'Complaint Response' must issue to a complainant on a durable medium, which sets out the salient details of the case including the provider's attempt to resolve the complaint, the outcome of this, and any next steps for the user to consider as applicable including escalation.

⁶² F.3 'Timescales for responses'

141. 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. Neither of these requirements are fulfilled where a provider does not adhere to its own timelines and by so doing also postpones (and potentially frustrates) a user's statutory right to refer a dispute for resolution by ComReg. To ensure compliance with section 43 ComReg is of the preliminary view that it is necessary that providers issue a Complaint Response in a timely manner but no later than 20 working days from the day on which the complaint was first notified to it. The Complaint Response should note the availability of dispute resolution by ComReg but should also note, as applicable, ongoing attempts at resolution by the provider.

6.3 Due completion of the code of practice

142. The procedures of a code of practice must be deemed completed within a reasonable timeframe so users can make an informed decision as to what action they wish to take regarding a complaint that has not been resolved by a provider.
143. The prompt resolution of disputes is required by the 2011 Act. Research conducted by ComReg indicates that many sectoral complaint handling processes have timelines shorter than some of those observed in the Irish postal sector.
144. While ComReg notes from the 13F Information that many providers offer some form of escalation path for users, it is aware of instances where the requirement to escalate a complaint has actually frustrated complainants in completing their provider's code of practice – e.g. where, following a period of time after their complaint, users are prevented in accessing the escalation procedures owing to the absence of a first instance response from the provider.
145. Any requirements that a provider may have for its escalation process should not place an undue burden on the user, and users should not be frustrated in progressing a complaint or the completion of a provider's code of practice by reason of a provider not responding to the complaint either at all or in a timely manner.
146. ComReg has also noted cases where users have been prevented from progressing a dispute for resolution with ComReg simply because a provider has not met the timelines set out in its own code of practice. The fair and prompt resolution of disputes is required, and a provider should not be able to unilaterally and unfairly elongate its complaint handling processes through its own delay in a manner that prevents or unduly delays a user referring a dispute to ComReg for resolution.
147. It is necessary, therefore, in order to ensure compliance with these requirements of the 2011 Act, that there is a maximum period within which the complaint handling process of a provider should be complete so a user may refer a dispute to ComReg for resolution.

148. To ensure users can engage their statutory rights relevant to dispute resolution and to guard against inaction by providers or untimely completion of the code of practice which may frustrate users in their pursuit of redress, ComReg is of the preliminary view that a provider should issue a Complaint Response within 20 working days from the day on which the complaint was first notified to it. 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)⁶³, 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. 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.

6.4 Resolving a dispute

149. Section 43(1)(d) of the 2011 Act states that a code of practice shall provide for "*procedures for resolving disputes*".
150. As noted previously Section 43(3) of the 2011 Act provides that users can refer unresolved disputes to ComReg for resolution. Section 43(5) of the 2011 Act requires that both providers and ComReg operate procedures that enable disputes to be settled fairly and promptly.
151. ComReg is of the view that unresolved disputes include cases where a user is dissatisfied with a provider's complaint handling process, where a user remains dissatisfied following a provider having issued its 'Complaint Response', or where no Complaint Response has issued and 20 working days have elapsed since the complaint was first notified to the provider.
152. ComReg is of the view that ideally complaints are resolved at first instance with providers and in a prompt manner. Nonetheless ComReg is of the view that users should not be frustrated in their attempts to have their disputes referred to ComReg for resolution in accordance with Section 43(3) of the 2011 Act, on the basis that the procedures of a code of practice have not been completed, where the reason for the non-completion of those procedures is the provider's failure to adhere to the timeframe set out in its own code of practice. ComReg is also of the view that it would undermine the section 43(3) statutory dispute resolution processes if users were prevented from accessing it for similar reasons.

⁶³ See ComReg 24/102a [online:] [ComReg-24-102a.pdf](#) and ComReg 24/102; D25/24 [online:] [ComReg-24-102.pdf](#)

153. ComReg is of the preliminary view that providers must make provision in their code of practice for a user's right to seek the resolution of a dispute concerning a complaint that remains unresolved and the means by which they can do that, which can include internal or external redress (i.e. by a person independent of the provider) and for those means to include referral of a dispute for resolution to ComReg under section 43 of the 2011 Act.
154. Providers can continue to offer information about any existing adequate escalation channel⁶⁴, and this may be either internal or external to the postal service provider, to enable a complaint to be reviewed and reassessed as necessary, however complainants must not be precluded from pursuing other avenues of redress available.
155. Any independent assessment offered by a provider should review the previous actions and decisions taken by the provider regarding the complaint and operate independently of a provider's customer service and operations sections. Such escalation processes cannot prevent a user referring a dispute for resolution after 20 working days have elapsed from the day the complaint was first notified to the provider. A provider's escalation process will either have to be completed within the 20 working day period or, in circumstances where the attempted resolution is ongoing at the expiry of that period and the user is happy to remain the escalation process, it may continue beyond that period, but the user will be free at that stage to leave the escalation process and refer a dispute to ComReg for resolution once the 20 working day period has elapsed.
156. ComReg is also proposing that due completion of a code of practice will not be dependent upon the completion of any escalation process a provider may have. While a user may choose to engage with any internal escalation channel provider's may offer, ComReg proposes to deem a code of practice as being complete after 20 working days from the day on which the complaint was first notified to it so as not to prevent a user leaving such escalation procedures prior to their completion, should they choose to do so. This is the case irrespective of whether a Complaint Response has actually been issued to the user within the 20-working day period.
157. It would run contrary to the EU Directive and the 2011 Act if a provider could frustrate users exercising their statutory rights, simply by prolonging the completion of its own code of practice. A key aim of ComReg's proposal is to engage users' rights that are founded upon them having made a complaint, and to enable the prompt resolution of disputes reflecting legislative requirements.

⁶⁴ ComReg in its 2014 Guidelines recommended that providers provide for escalation procedures to be made available in the form of a 'postal service user advocate' that would operate either internal or external to the postal service provider but independent of their customer service and operations sections. This was intended to facilitate a timely independent assessment of the previous actions and decisions taken by the postal service provider regarding the complaint by the provider itself.

158. For the avoidance of doubt, the proposed requirement that the procedures of a code of practice are to be deemed completed after 20 working days is to create a point in time at which a user may refer a dispute to ComReg for dispute resolution. It does not mean that where a complaint is being handled by a provider but is legitimately taking some time to resolve that the provider cannot continue to attempt resolution for the user beyond the 20-working day period. A provider can, and should unless there is good reason not to do so, continue to attempt resolution beyond the 20-working day period, however beyond the 20-working day period the user may elect to leave the provider's process and refer a dispute to ComReg for resolution. The procedures of the provider's code of practice will, in these circumstances, be deemed to be 'complete' for the purposes of section 43 of the 2011 Act and ComReg's 'Postal Dispute Resolution Procedures' (ComReg 24/102a) on the basis that the complaint has not been resolved within the maximum period. This is necessary in order to bring an end to situations in which users are left stranded in complaint handling processes that are exceeding code of practice timelines in some instances by many months⁶⁵.

159. Nothing in this consultation prevents the provider from continuing to attempt resolution after 20 working days. Indeed, even if a dispute is referred to ComReg for resolution, there are obvious reasons why it may be in both parties' interests for the provider to continue to attempt resolution. ComReg's dispute resolution procedures enable a dispute to be withdrawn by a user post-referral, and this mechanism can be utilised where agreement is reached between the parties.

6.5 Proposed approach:

160. ComReg proposes 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 shall make provision for the following matters ↴

160.1. that a Complaint Acknowledgement will be issued to a complainant 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, to include the following minimum information:

- (i) an acknowledgement of the receipt of the complaint;
- (ii) confirmation of the date the complaint was made;

⁶⁵ ComReg has observed disputes where users have spent long periods of time to complete the code of practice procedures. These include complaints to a provider regarding the redirection service [Sample Case 1 took complaints (240 days and Sample and Case 2 took 216 days] and a lost package [Sample Case 3 took complaints (130 days and Sample Case 4 took 116) days] to complete. During these periods ComReg could not consider the disputes for resolution for the relevant users could not refer a dispute for resolution by ComReg as the provider had not completed the steps of its code of practice.

- (iii) details of the unique reference number the provider has attributed to identify and track the individual complaint⁶⁶;
- (iv) appropriate contact details for the user to use in order to contact the provider;
- (v) any other steps in the provider's complaint handling process;
- (vi) the date the provider expects to issue its complaint response;
- (vii) details of where the code of practice can be accessed, to include a web link where available; and
- (viii) a statement informing the complainant of their right to refer a dispute to ComReg following due completion of all the procedures of a code of practice.

160.2. that a Complaint Response will be issued 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 to include the following minimum information:

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

⁶⁶ If the complaint acknowledgment is the first correspondence being issued to the complainant, it must contain the unique complainant reference. However, if the unique complaint reference has issued to the complainant in advance of the complaint acknowledgment (e.g. in an auto response) the same unique complaint reference must be cited within the complaint acknowledgment.

- (a) the complainant is dissatisfied with the Complaint Response; or
- (b) a complaint remains unresolved.

160.3. that 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; however the user may remain in the provider's complaint handling process should they wish to do so; and

160.4. that clear information is set out regarding any escalation process offered by a provider and the related timeframes.

Q. 3 Do you have any comments on the proposed approach ComReg has set out in Chapter 6 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

7 Remedies and redress

161. Section 43(1)(e) states that a code of practice shall provide for "*remedies and redress, including reimbursement or compensation, or both, as appropriate*".
162. Providers are required to have procedures, standards and policies for the handling of a complaint, including regarding reimbursement and compensation.
163. ComReg is of the view that it is reasonable for users to expect to be informed by their provider through a code of practice of the remedies and redress available to them and the means by which they can request these.

7.1 Compensation and reimbursement

164. Section 43(1) of the 2011 Act clearly requires that a code of practice set out the procedures, standards and policies a provider has in place with respect to complaints, in particular complaints relating to loss, theft, damage or quality of service.
165. ComReg is of the preliminary 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.
166. ComReg is of the preliminary view that a code of practice must set out what users need to do to seek remedies and redress (including both reimbursement and compensation) and that the procedure involved should be transparent, simple, inexpensive, fair and prompt. Where applicable, providers should advise users that any compensation entitlement will be determined in part by the terms and conditions of the service used and details of any relevant terms and conditions should be clearly signposted. If 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. Users should know, at a minimum, when they may be entitled to compensation or a refund, how to seek it, and the levels of compensation available.

167. ComReg is of the preliminary view that a provider should address in its code of practice the compensation it will pay in the event that it does not meet the timelines set out in its code of practice.⁶⁷ ComReg has previously taken the position in the Guidelines that providers should pay an additional small compensatory amount to be awarded to a complainant in these circumstances. This is a compensatory principle that has been in place since 2014 and ComReg is of the view that it incentivises the prompt resolution of disputes and is appropriate where there have been delays in complaint handling and/or where users have experienced difficulty in completing the procedures of a code of practice.⁶⁸

168. ComReg is of the preliminary view that a code of practice should provide the means by which any compensation payable and/or refund to issue to a user will be made and any related conditions, however such conditions must not cause any unfair burden, and a charge must not be imposed on the user.

169. ComReg notes from the 13F Information that providers inform users of compensation through varying methods such as website, on request, email or letter rather than specifically referring to this matter in their code of practice.

170. ComReg is of the preliminary view that codes of practice should state that where payable, compensation and/or refunds will be paid promptly and in an easily accessible manner that does not impose a charge or any unfair burden on the recipient user. All compensation or refunds should be in Euro (€).

171. ComReg is also of the view that a code of practice should specify that where there has been any loss⁶⁹, theft, or damage to a postal packet, or a failure to provide a postal service of sufficient quality, then the provider concerned will, at a minimum, place the user in the position which he, she or it would have been in had there been no such loss, theft, or damage to the postal packet or had there been no failure to provide a postal service of sufficient quality, subject to any *force majeure* having occurred and excluding all consequential losses.

172. To this end ComReg is of the view that a code of practice should specify that, at a minimum, compensation in respect of any loss, theft, or damage to a postal packet or any failure to provide a postal service of sufficient quality will include:

- A refund of the cost of postage;

⁶⁷ By way of example ComReg notes that the USP An Post has provided €15 in some instances where it has not met the timeframe in its code of practice

⁶⁸ The CRU requires Suppliers to give clear commitments on payments for failure to respond within the set times in (CRU) 'Energy and Gas Suppliers' Handbook' [Online:] [Electricity and Gas Suppliers' Handbook](#). It also requires Suppliers to notify their customers of the timescales for each stage of the complaint handling process and investigation and to give clear commitments to response times and details of any company standards.

⁶⁹ Complaints about lost items also covers items that are substantially delayed. Substantial delay for domestic mail is to be considered as any item that has not been received within 7 calendar days and for cross border mail within 10 calendar days. This reflects the position as set out in ComReg 07/105 and ComReg 14/06.

- Recompense for the cost of any wrapping or protective material used in the postal packet; and
- Recompense for any other relevant and reasonable costs incurred.

Proposed approach:

173. ComReg proposes 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 shall make provision for the following matters:

- 173.1. the compensation the provider will pay in the event that it does not meet the timelines set out in its code of practice.
- 173.2. any limitations on the levels of compensation and/or refunds the provider will pay and any related standard criteria linked with these limits.
- 173.3. details of how compensation/refunds are payable to users, a statement that any compensation/refunds will be paid promptly and in an easily accessible manner, and details of any related conditions a postal service user should be aware of.

Q. 4 Do you have any comments on the proposed approach ComReg has set out in Chapter 7 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

8 Procedures where there is more than one provider

174. Section 43(1)(f) of the 2011 Act states that a code of practice shall provide for "*procedures for determining where responsibility lies in cases where more than one postal service provider is involved*".
175. ComReg notes from the 13F Information provided that there are variations in providers' codes of practice with regard to how this is addressed.
176. A provider may subcontract one or more elements of the postal service to another party, who may be another provider, or the original provider may deliver the postal packet(s) concerned into the postal network operated by An Post, the current sole designated provider of the universal postal service.
177. ComReg is of the view that where a complaint concerns a postal service which has been subcontracted in this manner, or where the postal packet(s) concerned have been passed into the postal network operated by An Post, then a code of practice should provide that the original provider, who first agreed and undertook to provide the postal service, should be responsible for handling and resolving any such complaint and the code of practice of that original provider should apply in respect of any such complaint.
178. ComReg is of the view 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.
179. ComReg expects that any provider whose service includes accessing the network of the universal postal service provider (or who subcontracts out the service), should ensure that any inter-operator contract in place properly reflects its code of practice. As such, complaints relating to a postal service which has been delivered by means of an access or sub-contract agreement should be treated in the same manner as those that are not.

Proposed approach:

180. ComReg proposes 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 shall make provision for the following matters:
 - 180.1. the provider's procedures for determining where responsibility lies in cases where more than one provider is involved. Those procedures at a minimum should address cases where there is the involvement of a third party, or a sub-contractor, subsidiary, franchisee, or holding company of the provider.

Q. 5 Do you have any comments on the proposed approach ComReg has set out in Chapter 8 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

9 Retention of records of complaints

181. Section 43(1)(g) of the 2011 Act states that a code of practice must make provision for the “*retention of records of complaint 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”*

182. Providers are therefore required by statute to make provision in their code of practice for retention of records of complaints and are required to do so for a period of not less than one year following the resolution of the complaint.
183. ComReg notes the important and often pivotal role that records of complaints can play not only in complaints handling but also in dispute resolution. The subsequent availability of these records may be fundamental to the determination of legal rights and remedies. In this regard, a user may need to request copies of records of their complaint from their provider in order to seek and obtain redress.
184. ComReg’s functions include ensuring compliance by providers with their obligations.⁷⁰ ComReg has a statutory objective to promote the interests of postal service users within the Community⁷¹ and to take all reasonable measures aimed at achieving that objective including by ensuring a high level of protection of users in their dealings with providers.⁷²
185. The retention of records of complaints is required by the 2011 Act. It is a wide and generally stated obligation. It includes, but is not limited to, copies of the complaint, any response to it, any determination in respect of the complaint and any documentation considered in the course of such a determination.⁷³
186. ComReg notes from the 13F Information that the majority of providers already retain records for periods equal to or exceeding 12 months.

⁷⁰ Section 10(1)(c) of the 2002 Act.

⁷¹ Section 12(1)(c)(ii) of the 2002 Act.

⁷² Section 12(2)(d)(i) of the 2002 Act.

⁷³ Section 43(1)(g).

187. ComReg is of the view that the records that providers are required to retain under section 43(1)(g) include not only hard copy written records but also electronic records including audio recordings. There is no definition of “record” in the 2011 Act. The 2002 Act is construed as one with the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 contains a definition of a “record”⁷⁴ that includes data and recordings (whether of sound or images or both) and information held manually, mechanically, digitally or electronically.

188. Other statutory definitions of “records” are similarly broad. For example, the definition in Section 2 of the Freedom of Information Act 2014.

includes—

“... (c) a disc, tape or other mechanical or electronic device in which data other than visual images are embodied so as to be capable, with or without the aid of some other mechanical or electronic equipment, of being reproduced from the disc, tape or other device,

...

(e) a copy or part of any thing which falls within paragraph ... (c)”

189. A voice recording, which is audio data, falls within this definition.

190. In ComReg’s view, record retention should not be different across different complaint handling channels. Users raising complaints by telephone, for example, should not be in any worse position in terms of the retention of records than a user making a complaint through a different complaint handling channel.

191. The records to retain include written notes of communications with the complainant relating to the complaint, irrespective of their form (shorthand, technical or otherwise). ComReg is of the preliminary view that the one-year retention period running from the resolution of the complaint strikes an appropriate balance between data protection principles and rights including the protection of personal data and privacy.

⁷⁴ “record” is defined as meaning any memorandum, book, report, statement, register, plan, chart, map, drawing, specification, diagram, program, algorithm, data, code, software, formula, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form (including machine-readable form) or thing in which data (such as engineering data or personal data) or information is held or stored manually, mechanically, digitally or electronically and anything that is a part or a copy in any form, of any of, or any combination of, the foregoing, whether claimed as confidential or not.

Proposed approach:

192. ComReg proposes 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 shall make provision for the following matters:

192.1. 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.

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

Q. 6 Do you have any comments on the proposed approach ComReg has set out in Chapter 9 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

10 Other matters

193. Section 43(1)(h) of the 2011 Act states that a code of practice shall provide for "any other matters the Commission considers necessary and appropriate to secure effective protection for postal service users".

10.1 Accessibility

194. Following the transposition of the European Accessibility Act ("EAA")⁷⁵ into national law there are new requirements for many organisations to comply with, including the provision of accessible information regarding certain products and services.⁷⁶

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

196. ComReg notes that European Standard EN 14012:2019 provides examples of '*alternative formats*' for printed or electronic documents and verbal communications it recommends regarding communications to users regarding postal provider's complaint handling processes⁷⁷.

197. Clear and easily accessible complaints channels are necessary in order for providers to meet the requirements of transparency, simplicity and fairness as set out in section 43(5) of the 2011 Act. In relation to these requirements Ofcom has stated its expectation that operators ensure that "*clear and easily accessible contact channels are available to all consumers (including consumers with additional accessibility needs).*"⁷⁸

198. ComReg is of the preliminary view that providers in drawing up their code of practice should provide details of any alternative formats of its code of practice available to users and how such alternative formats can be accessed by users. ComReg is of the view that this information would be best conveyed in a statement within the code of practice that indicates that the provider will advise a postal service user that requires an alternative format of the code of practice of how they can access any alternative format available.

⁷⁵ The European Accessibility Act, Directive 2019/882; Available [Online:] [Directive \(EU\) 2019/882](#)

⁷⁶ While postal services are not directly in scope of the EAA, the EAA does cover digital services including e-commerce services and consumer banking services and so organisations providing such services will need to consider their relevant obligations in this regard.

⁷⁷ See Annex B 'Customer complaint processes – channels and mechanisms for communicating complaint handling processes to postal users' of European Standard EN 14012:2019, at B3

⁷⁸ [Online:] [Guidance for parcel operators on consumer complaints handling procedures](#). Ofcom has further stated in this document that "*The obligation for postal operators to have simple and transparent complaints procedures should benefit all consumers, including those who may have additional accessibility needs. It is essential that contact channels are fully accessible to disabled consumers with additional accessibility needs, for example, for consumers with hearing or sight impairments.*"

199. Providers should have procedures to ensure that personnel dealing directly with users are able to assist users with accessibility requirements, vulnerable users and users from non-English speaking backgrounds who wish to make a complaint or require information about a code of practice and complaint handling procedures.

Proposed approach:

200. ComReg proposes 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 shall make provision for the following matters:

200.1. details of how users, that require assistance in making a complaint, should request such assistance.

200.2. a statement that indicates that the provider will, upon request, advise users of the alternative formats of its code of practice that are available to users, how a user can access any alternative formats available and that on request the provider will, without undue delay, provide a copy of the code of practice to a postal service user in a format accessible to them.

Q. 7 Do you have any comments on the proposed approach ComReg has set out in Chapter 10 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

11 Publishing a code of practice

201. Section 43(5) of the 2011 Act requires that providers' procedures with respect to the handling of complaints are '*transparent*', '*simple*', '*inexpensive*' and '*enable disputes to be settle fairly and promptly*'.

202. Section 43(2) of the 2011 Act states that:

"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."

203. Under Section 43(6) of the 2011 Act ComReg may give directions to providers to ensure compliance with section 43(1) including:

"the form and manner in which a code of practice referred to... and information relating thereto shall be published".

204. Visibility is a guiding principle of complaint handling, and it is important that information on how and where to complain to a provider is readily available and accessible to users.⁷⁹

205. ComReg is of the preliminary view that it is necessary and appropriate in order to ensure compliance with section 43 of the 2011 Act that providers publish their code of practice on their company website (where applicable), in their product/service offering terms and conditions, and by way of notice prominently displayed in all public offices owned or controlled by the provider.

206. ComReg proposes to require that all providers ensure that a working direct link to an up-to-date code of practice is clearly displayed on the home page of their corporate website, and on web pages established by providers for dealing directly with complaints, including web pages established by third parties where possible. This proposed requirement for a working direct link to an up-to-date code of practice is, in ComReg's preliminary view, necessary to ensure that users have easy access in a transparent manner to this important information.

⁷⁹ Section 4.4 of European Standard EN14012:2019.

207. ComReg proposes to require that postal service providers 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. This proposed requirement is, in ComReg's preliminary view, necessary to ensure that users can find this important information so as to enable them to have a complaint/dispute considered in a fair and prompt manner and to ensure that complaints procedures are provided in a transparent manner.
208. As noted previously (see paragraph [160.1](#)), ComReg also proposes to ensure that details of where the code of practice can be accessed, to include a web link to the code of practice where available, is included in the Complaint Acknowledgement.
209. Section 43(1) of the 2011 Act sets out the matters a code of practice shall provide for. ComReg considers that to ensure the transparency of the code of practice for postal service users, in accordance with Section 43(5) of the 2011 Act, providers must ensure that only information relating to the procedures, standards and policies with respect to the handling of complaints from users is included in a code of practice. Providers should not include in their code of practice extraneous information that is not relevant to complaint handling or the resolution of disputes.
210. ComReg considers it appropriate that the code of practice should be dated, and the details of any version history included, so as to ensure transparency for postal service users that may need to refer to the code of practice and also to ensure that they are following the correct procedures regarding their complaint.
211. ComReg is aware of instances where the website of a provider has provided a different version of some of the information included in the provider's code of practice on the procedures to be followed to make a complaint. ComReg is of the view that there should be consistency between the information given to users in these contexts and that there should be no disparity in information published by a postal service provider regarding its complaints and redress procedures and its code of practice.

Proposed approach:

212. ComReg proposes to require that all providers ensure that a working direct link to an up-to-date code of practice is clearly displayed on the home page of the corporate website, and web pages established by providers for dealing directly with complaints, including web pages established by third parties where possible.
213. ComReg proposes to require that providers ensure that their 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.

214. ComReg proposes to require that a code of practice is dated with a version history detailed, and that it only contains information relating to its procedures, standards and policies with respect to the handling of complaints and excludes other extraneous material.

Q. 8 Do you have any comments on the proposed approach ComReg has set out in Chapter 11 or other comments on this chapter? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

12 Universal Service Provider – Terms and Conditions

215. Section 24(2)(b) of the 2011 Act provides that the terms and conditions of the Universal Service Provider (“**USP**”) must include

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

216. An Post was designated as USP for 6 years, from 2 August 2023⁸⁰.

217. An Post’s terms and conditions for the universal postal service⁸¹ as approved by ComReg⁸² incorporate the content of its code of practice for complaint handling (Schedule 5).

218. As it will be necessary for An Post to alter and amend its code of practice to comply with the proposed Decision and Direction of ComReg, it will in turn necessitate the amendment of An Post’s terms and conditions. As a consequence of the amendment, An Post will be required to publish its amended terms and conditions.

219. Accordingly, and for the purposes of efficiency, ComReg has set out in Annex 4 to the consultation a proposed Direction under Section 24(5)(a) of the 2011 in Annex 4 applicable only to An Post as the USP, in this regard.

Q. 9 Do you have any comments on the Draft Decision Instrument and/or Directions? Please explain the basis of your response in full, referring to the appropriate paragraph number and provide any relevant information to support your response.

⁸⁰ See ComReg 23/53, Decision D03/23 [Online:] [ComReg-2353.pdf](#)

⁸¹ Effective on and from 2 August 2023

⁸² See ComReg 23/65 [Online:] [ComReg-2365.pdf](#)

13 Regulatory Impact Assessment (RIA)

220. ComReg has published RIA Guidelines⁸³ (ComReg 07/56a), in accordance with a Ministerial Policy Direction to ComReg⁸⁴, 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.

221. 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.

222. 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:

222.1. The requirement to draw up and implement a code of practice

222.2. Procedures, standards and policies for complaints handling

222.3. 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

222.4. Publication requirements for codes of practice, including the requirement to provide a code of practice to users free of charge on request

⁸³ 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.

⁸⁴ Ministerial Policy Direction made by Dermot Ahern T.D. Minister for Communications, Marine and Natural Resources on 21 February 2003.

- 222.5. Dispute resolution by ComReg, including the establishment of procedures by ComReg and the power to issue binding resolutions to providers to comply with measures
- 222.6. The requirement that the procedures established by providers for complaints handling are transparent, simple, inexpensive, and enable disputes to be settled fairly and promptly
- 222.7. The coordination of cross-border disputes by ComReg upon request.
- 223. 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:
 - 223.1. 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,
 - 223.2. the making of such alterations or additions to its code of practice as ComReg considers appropriate and specifies in the directions.
- 224. 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.
- 225. 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.

226. 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, proportionate⁸⁵ 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.

227. 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 which it has considered in this draft consultation.

228. The following sets out ComReg's draft RIA.

13.1 Structure for the RIA

229. 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.

230. 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:⁸⁶

- promote the development of the postal sector⁸⁷; and

⁸⁵ 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.

⁸⁶ Section 12(3) of the 2002 Act.

⁸⁷ Section 12(1)(c)(i) of the 2002 Act.

- 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.⁸⁸

231. 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.

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

232. ComReg's proposals aim 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 make this an opportune time to review and assess the minimum requirements.

233. 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.

234. 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.

⁸⁸ Sections 12(1)(c)(ii) and 12(2A)(d) of the 2002 Act.

235. 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 appropriate⁸⁹.

236. 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, through this consultation, seeks now to address these difficulties and to protect the interests of users.

237. 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:

- 237.1. contacts made through certain channels not being immediately considered a complaint;
- 237.2. users not being provided, on request, a unique reference number in relation to their complaint;
- 237.3. users being unable to contact a provider via certain channels set out in a code of practice to make a complaint;
- 237.4. users being told their complaint does not warrant being considered as a complaint owing to it not having been lodged in a certain timeframe;
- 237.5. users with a recurring problem being required to treat each instance as unrelated to the previous instance(s);
- 237.6. users not being responded to in a reasonable timeframe;
- 237.7. users being ignored and not responded to at all; and
- 237.8. users having complaints closed without their knowledge.

⁸⁹ [ComReg 1406](#) - 2014 Guidelines for Postal Service Providers

238. 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.

13.3 Step 2: Identify and describe the regulatory options

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

240. 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.

13.4 Step 3: Determine the impacts on stakeholders

241. 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 providers⁹⁰. The impacts envisaged for providers, users and competition, are considered against the two options set out in section 12.3 above.

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

242. 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.

243. 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.

⁹⁰ As defined in Section 6 of the 2011 Act.

244. 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).

245. 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. ComReg is of the preliminary view that to ensure compliance with the requirements of section 43 of the 2011 Act and to secure effective protection for end-users it is necessary to take the measures proposed in this consultation.

246. 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.

247. 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. The issues identified in this consultation paper and user experiences raise concerns regarding the extent to which the current framework remains fit for purpose and whether providers are complying with the requirements of section 43.

248. 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 end-users that require consideration in order to ensure, in particular, fairness and non-discrimination in treatment.

249. 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 providers⁹¹, and is of the preliminary view that maintaining the *status quo* and continuing to rely upon the provisions of section 43 read in light of the guidelines would not ensure compliance with section 43's principles and requirements.

250. ComReg is also of the preliminary 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.

251. Having considered the additional cost and administrative burden likely to be incurred by providers in relation to the proposed changes, ComReg is of the view that many of the proposals do not involve changes to existing requirements that would incur significant cost to address, and they merely build upon established concepts and processes. 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.

252. 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.

253. Taking account of the foregoing, ComReg's view is that it is necessary to take the proposed measures and 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.

⁹¹ Including by addressing the needs of specific social groups, in particular disabled postal service users.

254. ComReg's approach is to ensure that any measures imposed on providers are appropriate and proportionate.

13.4.2 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

255. ComReg has identified proposed measures for complaints and redress procedures that it considers are fair, prompt, transparent, inexpensive, non-discriminatory and appropriate. Option 2 would mean that different requirements to those currently in place would be specified.

256. ComReg proposes 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.

The first point of contact for complainants

257. 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.

258. 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 proposing to introduce a definition of an 'Electronic means of contact'.
259. ComReg's proposals 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 proposing to require 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.
260. ComReg notes 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 it is proposed that the provider makes 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 indicates which of the channels the user is able to obtain and retain a record of their complaint through.
261. 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.
262. 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 proposing that each provider must provide at least one free means by which users can make complaints.
263. As noted, 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.

264. 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, it is proposed that providers 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.

265. It is proposed that 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.

266. ComReg proposes that 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.

267. The proposal is that providers are 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.

268. The potential regulatory burden for providers by this proposal has been considered and it is proposed to confine the re-direction obligation to instances where the alternative means are used by the provider for customer service contacts. In this way providers' re-direction obligations are limited to those channels they would normally be using for customer contacts in any event. Providers may be explicit in telling 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.
269. The 13F Information indicates 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.
270. 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.
271. The proposal benefits users who seek to make a complaint, but who use an incorrect channel to do so.
272. 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.
273. 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.
274. It does not require all staff to be proficient in complaint handling. The proposals require no more than that first line agents are in a position to identify when an end-user is seeking to make a complaint.

275. ComReg considers that the proposal 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.
276. ComReg has balanced the need to protect users against the additional burden that may arise for providers and is satisfied that the proposal is proportionate to the aims.
277. ComReg is also proposing 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.

A means of recording complaints

278. 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.
279. 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.
280. 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.
281. ComReg is therefore proposing to define a complaint, relying upon international standards and national and international comparators as follows:
 - 281.1. '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.

282. 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 preliminary 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.

283. This proposed 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.

284. Providers must make provision in their code of practice for a means of recording complaints.⁹² 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.

285. In this consultation ComReg proposes 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 preliminary 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.

⁹² Section 43(1)(b) of the 2011 Act.

286. 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.

Timeframe that a 'complaint' can be made to provider within

287. In order to provide time periods to submit a complaint that benefit postal service users, the current set of provisions for domestic and international mail requires updating, in order to give users additional time to submit a complaint.

288. 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.

289. Therefore, ComReg is proposing to require that the minimum time to be allowed for a user to make a complaint to a provider is 12 months.

290. ComReg is of the preliminary view that a standardised timeframe for reporting complaints will be beneficial to users. Removing the different timeframes currently used by postal service providers when accepting a complaint is a more fair and accessible option to users. It brings transparency and consistency to processes and mitigates any potential unfairness that could arise for example, where the circumstances forming the basis of a complaint take some time to manifest and/or are not known to a user for an extended period after the date of postage of the postal packet in question. In this regard, ComReg notes from the 13F Information that several providers only allow certain complaints to be made within one month of the date of postage. ComReg is of the preliminary view that this is unduly limiting and has the potential to operate unfairly for users.

291. 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 the postal packet at issue. This serves to protect and promote the interests of users. It gives sufficient time for issues to become apparent, particularly where international mail is concerned. Noting that the 2011 Act itself requires retention of records of complaints for a minimum period of 12 months, this is a strong indication that time periods of less than that to make a complaint are inconsistent with section 43 and do not fulfil the requirements of fairness and simplicity set out in that section.

Complaint acknowledgment

292. 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.
293. ComReg is proposing to introduce a definition of a 'Complaint Acknowledgement' and to specify information that must be contained in it. In addition to formally acknowledging receipt, it would 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.
294. 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.
295. A 'Complaint Acknowledgment' is an important document and considering the importance of the information contained within it, ComReg's preliminary 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.
296. Taking account of the importance of a Complaint Acknowledgement for a user and the uses to which it may be put, it is proposed that the information in the Complaint Acknowledgement is personally addressed, requires a unique reference number and provided in a form that enables storage and future unchanged reproduction. For these reasons ComReg is also proposing that the Complaint Acknowledgement is provided on a durable medium.
297. ComReg proposes that a complaint acknowledgement should be available to issue through the same channel as the complaint originates from where applicable.
298. ComReg's proposal that the Complaint Acknowledgement is personally addressed and is provided on a durable medium may create additional burden for providers. ComReg is of the view that this burden and the associated cost are proportionate to the aims of having complaints procedures for users that are accessible, fair, prompt and transparent.

299. 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.
300. Procedures for complaint handling and dispute resolution should also be non-discriminatory. ComReg's proposal will mean every user receives a Complaint Acknowledgement on a durable medium and not just a sub-set of users.
301. ComReg proposes that a user's right to refer a dispute to ComReg for resolution would be contained within the Complaint Acknowledgment.
302. 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.
303. 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.
304. 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.
305. 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".
306. While the proposals may require limited 'tailoring' and the configuration of templates, the creation of templated correspondence from a data source including via automated means is likely to be an exercise that is familiar to some providers, particularly larger ones.
307. 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.

308. 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 proposal 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.

309. 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.

Unique reference number

310. 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.

311. 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.

312. “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.

313. ComReg proposes to require 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.

314. 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.

315. 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.

Requirement for certain information to be on durable medium

316. 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.

317. The proposals involving information provision on a durable medium should bring tangible benefits to users, in particular elderly and vulnerable users and those with accessibility requirements.

318. 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.

319. The proposals regarding complaints made through an electronic means of contact seek to advance the transparency and fairness of the process by ensuring that users making complaints in this way have a record of the complaint notified to a provider on a durable medium. At least one electronic means of contact must be available to make a complaint, and it must enable a record of the complaint on a durable medium to be available to the user.

Time frame to respond to complaints

320. ComReg proposes: To require that a complaint response is issued 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 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

321. 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.

322. ComReg proposes this time frame be 20 working days. ComReg is of the view that this is a reasonable time for a complaint to be investigated and a detailed response provided.

323. ComReg is of the preliminary view that this 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.

324. 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.

325. 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.

326. 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.

327. The proposed measures also have a key aim of engaging users' rights. 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 has referred in this 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.

328. Without a change to current practices, users may continue to have negative experiences, such as those that have been highlighted to ComReg whereby they have been unable to escalate their complaint to ComReg for various reasons. These experiences can range from a lack of an initial response to no meaningful attempt at resolving the complaint at all.

329. ComReg also 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.

330. 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.

331. 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.
332. ComReg is of the preliminary view that 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.
333. ComReg is proposing to require 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.
334. 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.
335. 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.
336. Without a change to this requirement, postal service users may continue to experience what has been highlighted to ComReg namely, that users have been unable to escalate their complaint to ComReg for various reasons. These can include administrative grounds, lack of initial response, to no meaningful attempt at resolving the complaint.
337. In considering this amendment ComReg is of the view that a provider has minimal additional cost or administrative requirements in the customer being informed of this option.
338. ComReg also note that this would only apply to a certain subset of customers who have both an unresolved complaint and a desire to pursue escalation with ComReg following the expiration of the 20 working days.

Remedies and redress

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

340. ComReg is of the preliminary 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.

341. ComReg is of the preliminary 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.

342. 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.

343. 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 proposing that the code of practice clearly signposts where a user can review these in the required detail.

344. 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 preliminary view that the proposed measures 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.

Retention of records of complaints

345. ComReg proposes to require 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.

346. 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.
347. 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:
 - 347.1. copies of the complaint and any response thereto, and
 - 347.2. any determination in respect of the complaint and any documentation considered in the course of such determination,
348. Consistent with existing requirements, ComReg proposes to require 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 proposed 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.
349. In ComReg's view this obligation extends across the various complaint handling channels (or non-complaint handling channels they choose) that may be utilised by providers and extends to call recordings where that particular channel is used to handle complaints. 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.
350. 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

351. 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.
352. ComReg considers that the proposed 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.

Procedures where there is more than one provider

353. 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 preliminary 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.
354. 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.

Accessibility

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

357. Due to the transposition of the European Accessibility Act (“EAA”) into national law⁹³ 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 services⁹⁴ 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.

358. 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.

359. 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.

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

Publication

361. 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.

⁹³ <https://www.irishstatutebook.ie/eli/2023/si/636/made/en/print>

⁹⁴ Regulation 3 of the S.I. 636/2023 (hyperlink above) addresses the services within scope of those regulations.

362. ComReg is proposing that providers publish their code of practice on their corporate website. The 13F Information indicates that many providers do this already. ComReg's preliminary 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.
363. 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, ComReg is proposing that a working direct link to an up-to-date code of practice is 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.
364. 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.
365. ComReg is aware that these proposals 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.
366. In considering the impact of these proposals 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 preliminary 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.
367. 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 proposal 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.
368. 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.

Universal Service Provider - Terms and Conditions

369. 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.
370. In the event that ComReg was to proceed with its proposals this would 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 amendment would in turn necessitate the publication by the universal service provider of the amended terms and conditions. This is a consequence of proposals which have been separately assessed.
371. It is not considered that the amendment of the code of practice forming part of the universal postal service terms and conditions would 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.

13.5 Step 4: Determine the impacts on competition

372. Step 4 assesses the impact on competition, of the various regulatory options available to ComReg. In that regard, ComReg notes that it has various statutory functions, objectives and duties which are relevant to the issue of competition.
373. The requirements proposed by ComReg will apply to providers.
374. It is possible that new regulatory obligations act unevenly in the market and may impact smaller providers and market entrants to a disproportionate extent.
375. ComReg does not have discretion to apply these obligations selectively on providers. Even if it did, ComReg is of the view that 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.
376. Therefore, while some impact on competition is conceivable and even likely as a result of these measures, it is not a reason to disapply or vary the requirements for providers.

377. 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.

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

378. 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.

379. 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.

380. 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.

14 Submitting comments and next steps

381. The consultation period will run from 16 January 2026 to 20 February 2026, during which ComReg welcomes written comments. It is requested that comments be cross-referenced to the relevant question numbers from this document.
382. Responses must be submitted in written form (post or email) to the following address/email and clearly marked “Submission to ComReg 26/03”: Commission for Communication Regulation One Dockland Central 1 Guild Street North Dock Dublin 1 D01 E4XO Ireland Email: retailconsult@comreg.ie
383. Having analysed and considered the comments received, ComReg intends to publish a response to consultation and decision in June 2026.
384. In order to promote further openness and transparency, ComReg will publish respondents' submissions to this consultation subject to the provisions of ComReg's Guidelines on the Treatment of Confidential Information⁹⁵. If Respondents believe that parts of their responses are confidential or contain confidential information, the confidential elements of responses should be clearly marked as such and be set out in a separate confidential version of the response, which must be provided to ComReg by the closing date indicated above. Respondents should ensure that a non-confidential version of their response is also provided by the above closing date.

⁹⁵ ComReg 05/24

Annex 1: Legal Basis

385. 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.”

386. 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”.

387. 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—

(I) 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.”

388. 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”.

389. 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”

390. 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.”

391. 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”.

392. 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.”

393. 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."

394. 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)..."

395. 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."

396. 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.*

397. 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."*

398. 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."

399. 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."

400. 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")."

401. 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"

402. 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 2: Draft 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, and ComReg 24/102 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 (XX/XX) which is made pursuant to Section 43 of the 2011 Act.

'Direction' means the Direction contained at Annex XX 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 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. XX) 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 Providers' 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 Providers' code of practice and information relating thereto to be implemented and compiled with by Providers.
- 4.2 Decision No. XX applies to all Providers pursuant to a Direction under Section 43(6) of the 2011 Act, which Direction is contained at Annex XX.

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

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 no less than 12 months from the date of posting of the postal packet that is the subject of the complaint.

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 Users that require 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 and the Directions) 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 Instrument and Direction given by ComReg pursuant to Section 43(6) of the 2011 Act and contained at Annex XX to this Decision Instrument will take effect 4 months following the date of its publication (the Effective Date) and 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 the Effective Date.
- 9.2 The Direction given by ComReg pursuant to Section 24(5)(a) and (6) of the 2011 Act and contained at Annex YY to this Decision Instrument will take effect 4 months following the date of its publication (the Effective Date).

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 3: Draft Direction pursuant to Section 43(6) of the 2011 Act

The Direction of the Commission for Communication Regulation is:

That pursuant to Section 43(6) of the 2011 Act, [all Postal Service Providers] 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. XX 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. XX 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. XX ; 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. XX

Annex 4: Draft Direction pursuant to Section 24(5)(a) and (6) of the 2011 Act

The Direction of the Commission for Communication 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 in 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.

15 Questions

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