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Rialáil Cumarsáide
Commission for
Communications Regulation

End-user Complaints Reporting and Data Provision

Specifications for providers of Electronic
Communications

Consultation

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1 Lárcheantar na nDugaí, **Sráid** na nGildeanna, BÁC 1, Éire, D01 E4X0.
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.
Teil | Tel +353 1 804 9600 **Suíomh** | Web www.comreg.ie

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1 Executive Summary

1. The Commission for Communications Regulation (“**ComReg**”) is responsible for the regulation of electronic communications networks and electronic communications services (“**ECN**” and “**ECS**” respectively)¹ and associated facilities, in accordance with European Union and national legislation. One of ComReg's objectives is to take all reasonable measures to ensure end-user protection.² In exercising its statutory functions, ComReg has the objectives of promoting competition among providers of ECS, whilst promoting the interests of end-users of ECS.³
2. Section 43(a) of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (“**the 2023 Act**”)⁴ created a new mandatory obligation for a Provider⁵ to report to ComReg every 6 months, on the end-user complaints received by them prior to the reporting date.
3. This reporting obligation is stated in general terms and so in October 2023, in advance of the first reporting deadline of 9 December 2023, ComReg published Regulatory Guidance⁶ by means of an Information Notice to assist providers in respect of their complaint reporting (“**Regulatory Guidance**”). The Regulatory Guidance set out ComReg's expectations at that time with regard to complaints reports and the complaints data they contain.
4. ComReg also published an associated Data Dictionary and Report Template⁷ which detailed reporting parameters⁸ that were derived from information providers were already required to record⁹ (“**Data Dictionary and Report Template**”).
5. ComReg requires clear, comprehensible, reliable and comparable complaints data for the performance of its functions and to fulfil its statutory objectives¹⁰.

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

² Section 12(2)(c)(ii) of the Communications Regulation Act 2002, as amended [Online:] [Communications Regulation Act, 2002](#).

³ As set out in Sections 10 and 12 of the Communications Regulation Act 2002, as amended [Online:] [Communications Regulation Act, 2002](#).

⁴ The 2023 Act commenced on 9 June 2023.

⁵ A “**Provider**” is defined in section 40 of the 2023 Act as meaning: (a) an undertaking within the meaning of the Communications Regulation Act 2002 (as amended); (b) an undertaking within the meaning of Regulation 2 of the European Union (Open Internet Access) Regulations 2019 (S.I. No. 343 of 2019); or (c) an undertaking within the meaning of Regulation 2 of the European Communities (Mobile Telephone Roaming) Regulations 2022 (S.I. No. 315 of 2022).

⁶ “Complaint Reporting; Regulatory Guidance - Requirements for Providers” [Online:] [ComReg 23/99](#).

⁷ “Complaint Reporting Data Dictionary and Report Template” [Online:] [ComReg 23/99a](#).

⁸ See Tab 1, Column D ‘Name’ of ComReg 23/99a.

⁹ In accordance with the minimum requirements for the handling of complaints as specified in ComReg D04/17.

¹⁰ Section 10(1)(da) of 2002 Act.

6. ComReg's aim in publishing the Regulatory Guidance, Data Dictionary and Report Template was to help provide certainty for providers and enable the complaints data reported for ComReg's use to be clear, comprehensible, reliable and comparable.
7. There have been 3 reporting periods to date with associated reporting requirements. From the trends, practices, omissions and other issues observed from the complaint reports received, ComReg has identified areas where the quality of complaints data it receives can be improved and has identified that the specification of Complaint Data to be provided to it is the most appropriate approach.
8. This would put the principles that were set out in ComReg's Regulatory Guidance on a more formal footing. Given this aim, ComReg proposes that its Regulatory Guidance will be withdrawn and superseded by its Decision Instrument, that will require Providers to provide complaints data in a specified form and manner. ComReg proposes that its Decision Instrument will take effect from the first day of the reporting period after the publication date of the Response to Consultation and Decision.
9. The aim of this consultation process is that ComReg will have provided to it, at 6 monthly intervals, comparable complaints data in a specified form. It is proposed to achieve this objective through the utilisation of the statutory mechanism that enables ComReg to specify the form of the comparable complaints data that it receives, namely section 44 of the 2023 Act.
10. This consultation paper sets out ComReg's proposed specifications of requirements for providers for the provision of complaints data to ComReg, and it seeks the views of interested parties on these specifications. ComReg expects that specifying requirements will enhance the manner in which complaints data is provided to ComReg by providers ensuring that it is clear, comprehensible, reliable and comparable. This will better enable ComReg to carry out its functions and to fulfil its objectives.
11. ComReg proposes that the specified complaints data is to be provided to ComReg with the mandatory reporting already required by the 2023 Act. This would mean that all providers would be required to provide the specified data in relation to Complaints to ComReg on a 6 monthly basis.
12. To avoid any duplication of reporting by providers (taking account of the complaints reporting obligation in section 43 of the 2023 Act), it is proposed that compliance with the requirements specified under section 44 will fulfil providers' complaints reporting obligations under section 43.
13. ComReg envisages that in the future provision of complaints data to ComReg will be possible via an online portal.

2 Introduction

2.1 Background and legislative context

14. As is detailed in ComReg's Electronic Communications Strategy Statement: 2023-2025¹¹, ComReg's consumer role is to protect and inform consumers so that harms are overcome, and they can choose and use communications services with confidence.

15. Section 43 of the 2023 Act introduced a new obligation for providers⁵ to report to ComReg on complaints they receive:

“Provider to report on end-user complaints

43. A provider shall, within each period of 6 months beginning with the period beginning on the date on which this section comes into operation, report to the Commission on—

(a) complaints made to it by end-users within the preceding 6-month period, and

(b) such other matters relating to complaints by end-users made during that period as may be specified by the Commission.”

16. Section 43 sets both the reporting period (consecutive 6-month periods running from the date of commencement of the 2023 Act, namely 9 June 2023) and the reporting dates (9 December and 9 June) as these are tied to when the section's obligations commenced. Providers were therefore required to report to ComReg for the first time on or before 9 December 2023.

17. Section 44 of the 2023 Act provides that ComReg may require providers to collate and provide to it or publish information on complaints made by end-users:

“Commission may require information regarding end-user complaints

44. The Commission may require providers to collate and—

(a) publish, or

(b) provide to it,

in such form as the Commission may specify, comparable data in relation to complaints made to it by end-users and in relation to the procedures that providers have in place for dealing with complaints and for settling disputes with end-users.”

¹¹ 'Electronic Communications Strategy Statement: 2023-2025' [Online:] [ComReg 23/34.pdf](#).

2.2 Complaints reports

18. As noted previously, ComReg set out reporting parameters in its Regulatory Guidance, Data Dictionary and Report Template. These reporting parameters were based on the minimum requirements specified in ComReg Decision D04/17 (“**D04/17**”) for providers’ codes of practice for complaint handling related to complaints.¹²
19. Since December 2023 providers have submitted complaints reports to ComReg.
20. ComReg set out the desired format of the reporting template in its Regulatory Guidance. However, experience to date has shown that the manner of reporting by providers does not adhere to the format in the Regulatory Guidance in all instances. By way of example only, ComReg has noted blank entries against some reporting parameters (e.g. key dates, resolution), issues with data quality (e.g. complaint recorded as closed before the date of receipt) and issues with alternative data dictionaries provided (e.g. no explanation of different reporting parameters used).
21. ComReg is proposing to engage its power to require providers to collate and provide to it comparable data relating to complaints in a specified form to ensure that the complaint data that ComReg receives from providers at regular intervals is in a consistent and comparable form.
22. The reporting parameters set out in ComReg’s Regulatory Guidance remain relevant however some providers are not using these appropriately and/or consistently. Accordingly, ComReg is concerned that the data currently being provided is not complete or comparable.
23. ComReg is proposing to specify requirements for the provision of complaints data, including specifying complaint data fields which were already included in the Regulatory Guidance, in comparable form. ComReg is proposing to modify certain parameters including aligning the sub-classifications under a related classification and removing the requirement to provide ‘Progression’ data. By doing so, ComReg aims to address inadequacies, inconsistencies and variances in the complaints data provided to ComReg since December 2023. ComReg expects that this will provide certainty for providers in respect of the complaints data that must be provided to ComReg.
24. The specification of requirements for complaints data and the reasons for them, are set out in detail in Chapter [3](#).

¹² Electronic Communications Complaints Handling Code of Practice - Response to Consultation and Decision (ComReg Document 17/62, D04/17) [Online:] [ComReg D04/17.pdf](#).

2.3 Structure of Document

25. This remainder of this consultation paper, and its appendices and annexes, are structured as follows:

Chapter [3](#) – Explanation of the proposed complaints data specifications and consultation question[s]

Chapter [4](#) – ComReg's draft Regulatory Impact Assessment

Chapter [5](#) – How to submit comments and next steps

[Appendix: 1](#) Legal Basis

[Appendix: 2](#) Questions

[Appendix: 3](#) Draft Decision Instrument and Schedules

[Annex: 1](#) Proposed Complaints Data Workbook

[Annex: 2](#) Proposed 'Nil return' template

26. ComReg sets out in Chapter 3 the proposed specifications for the complaints data and an explanation for each. The proposed specifications are addressed under the following headings:

- [Complaints Data to be provided to ComReg](#)
- [Form of Complaints Data and Complaints Data fields](#)
- [Complaints Data submission timeframes and method of submission](#)

3 Proposed specifications

27. ComReg is of the preliminary view that complaints data requirements should be specified to provide certainty to providers and to achieve ComReg's aim of having clear, comprehensible, reliable and comparable complaints data.
28. The proposed specifications are as set out in this section.

3.1 Complaints Data to be provided to ComReg

29. Providers are already required to report on complaints made to them by end-users.
30. While the 2023 Act does not define a complaint, ComReg in D04/17 provided a definition of a "Complaint" for the purposes of the minimum requirements for providers' codes of practice for complaint handling. ComReg's Regulatory Guidance set out that providers were to report on complaints on the basis of this definition.

Proposed specifications:

31. The proposals would require providers to provide complaints data to ComReg on the basis of ComReg's definition of a Complaint as set out in D04/17¹³.
32. No personal data should be in the complaints data provided¹⁴.

3.2 Form of Complaints Data and Complaints Data fields

33. ComReg published an Excel workbook with its Regulatory Guidance which included a 'Data Dictionary' related to the reporting parameters and an indicative reporting template. The template was to facilitate providers submitting their complaints report in a file format that stores tabular data and enable individual complaint reporting (i.e. one complaint per row). As noted previously the reporting parameters ComReg set out in its Regulatory Guidance, Data Dictionary and Report Template were derived from D04/17 and should be considered in that context.

¹³ References to D04/17 or to specific provisions of D04/17 in this paper (which includes the Annexes and Appendices thereto) should be understood as referring to that decision/those provisions as may be amended by ComReg from time to time and/or to any Decision made by ComReg replacing D04/17, whether in whole or in part. To the extent that the provisions of any ComReg Decision replacing D04/17 (whether in whole or in part) express the same idea in a different form of words but are in substance the same as those in D04/17, the idea in the new ComReg Decision shall not be taken to be different merely because a different form of words is used.

¹⁴ "Personal data" is defined in Article 4(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016. See also 'What is Personal Data' on the Data Protection Commission website [online]: <https://www.dataprotection.ie/en/dpc-guidance/what-is-personal-data>.

34. ComReg proposes to specify a Complaints Data Template to be used for providing complaints data against specified complaint data fields. ComReg proposes to publish a Complaints Data Template¹⁵ and a Complaints Data Workbook which will also provide instructions and a data dictionary to inform providers regarding the complaints data to be provided.
35. ComReg considers it appropriate that the complaint data fields should reflect the types of information providers are currently required (since 2017) to record in the handling of complaints under their code of practice. This means that providers already have requirements in respect of attributing and recording information related to each complaint handled, over the life cycle of each complaint. This information can assist providers in their own identification of issues and trends, in decision-making, and in targeting resources to deliver quality improvements.
36. The obligation to report to ComReg under Section 43 of the 2023 Act extends to providers that have received no complaints during a relevant period. In respect of complaints data ComReg is of the preliminary view that where no complaints have been made to a provider by end-users during a relevant period, a 'Nil return' must be made. ComReg proposes to specify the form that a 'Nil return' for complaints data should take. A 'Nil return' means no complaints from end-users were received by the Provider making the return in respect of the relevant 6-month period. On this basis, ComReg proposes to treat a 'Nil return' for the purposes of Section 44(b) as meaning that a Provider has not received any complaints during the relevant 6-month period for the purposes of Section 43(a).

Proposed specifications:

37. Complaints data to be submitted to ComReg should be in a file format that stores tabular data and enables individual complaint assessment (i.e. one complaint per row) - examples of this format include CSV (comma separated values), XLSX (spreadsheet e.g. excel), XLSB (excel binary file format) and XML (Extensible Markup Language). The form of the template to be used by providers in submitting complaints data to ComReg, unless otherwise advised by ComReg, is set out in the 'Complaints Data Template' (see Annex 1 to the Decision Instrument).¹⁶
38. The Complaints Data Workbook includes instructions and a data dictionary to inform providers regarding the complaints data to be provided and sets out the

¹⁵ It is proposed that the Complaints Data Template will be used to report Mobile, Fixed Voice and Broadband complaints separately (see paragraph 39).

¹⁶ ComReg recommends that Excel 2016 or a more recent version of Excel is used.

values for channels, classifications and sub-classifications to be used¹⁷. Complaint Data will be provided in its own workbook¹⁸.

39. ComReg also expects providers to identify, where applicable, whether a complaint is related to Mobile¹⁹, Fixed Voice²⁰, or Broadband²¹ service provision. ComReg proposes to require that complaints for Mobile, Fixed Voice, and Broadband service provision, where applicable, are provided as clearly identified individual sheets within the complaints data submission.
40. Complaints data for any subsidiary, related company, or sub-brand, must be provided as separate data submissions.
41. Insofar as a provider has received no complaints from end-users within a relevant 6-month period, that provider is to submit a 'Nil return' to ComReg in the form set out in Annex 2 to the Decision Instrument unless otherwise advised by ComReg.
42. Complaints data is to be provided and completed in accordance with the instructions set out in the Complaints Data Workbook. The Complaints data fields are as follows:
 - 42.1. **'Individual complaint reporting reference'**: Reference (for reporting purposes only²²) to indicate a unique complaint [e.g. 001,002,003 etc...]
 - 42.2. **'Channel'**: First point of contact channel used to raise the complaint by the end-user.²³
 - 42.3. **'Date received'**: The date the complaint was raised to the provider by the end-user.²⁴
 - 42.4. **'Date acknowledged'**: The date that the 'Complaint Acknowledgment' is issued to the end-user.²⁵
 - 42.5. **'Date response issued'**: The date that the 'Complaint Response' is issued to the end-user.²⁶
 - 42.6. **'Date closed'**: The date the complaint was finally closed.²⁷

¹⁷ ComReg will monitor the Complaints Data it receives and may carry out periodic reviews as to whether amendments are required to the Channels, Classifications and/or Sub-classifications options.

¹⁸ For ease of reference and illustrative purposes a single workbook containing relevant templates, instructions and information can be found in Annex 1 to the Decision Instrument.

¹⁹ Meaning Mobile Broadband (MBB) and Mobile to Mobile (M2M).

²⁰ Meaning Fixed Voice services (PSTN, ISDN and VOIP).

²¹ Meaning Cable Broadband, DSL Broadband, VDSL Broadband, FTTP Broadband, Satellite Broadband and FWA Broadband.

²² This should not include personal data.

²³ Please refer to D04/17, section 4.1.1.

²⁴ Please refer to D04/17, section 4.2.3(ii).

²⁵ Please refer to D04/17, section 4.3.1(i).

²⁶ Please refer to D04/17, section 4.3.1(ii).

²⁷ Please refer to D04/17, section 4.2.3(ii).

- 42.7. **‘Classification’**: The classification used to categorise the complaint; to be ascertained from the written complaint or notes made from the voice / online communications with the end-user relating to the complaint.²⁸
- 42.8. **‘Sub-classification’**: The sub-classification provides further detail to identify the type of complaint within a Classification; to be ascertained from the written complaint or notes made from the voice / online communications with the end-user relating to the complaint.²⁹
- 42.9. **‘Resolution (remedial action)’**: The remedial action(s) undertaken, excluding monetary payment.³⁰
- 42.10. **‘Resolution (monetary payment)’**: The financial value/amount awarded, including credits applied, compensation, refunds paid etc.³¹

3.3 Complaints Data submission timeframes and method of submission

43. As noted previously (see paragraph [16](#)), Section 43 of the 2023 Act determines both the required reporting periods and the reporting dates for providers.
44. In its Regulatory Guidelines ComReg set out that complaint reports were to be submitted each 6 months as follows:
- 44.1. on or before the reporting date of 9 June to include complaints made by end-users within the period commencing 1 December and ending 31 May; and
- 44.2. on or before the reporting date of 9 December to include all complaints made by end-users within the period 1 June and ending 30 November.
45. ComReg proposes to require that complaints data is submitted for these same time periods and on or before the same reporting dates.
46. ComReg has provided a dedicated email address to facilitate providers in submitting their complaints data via email to date³². ComReg proposes to similarly provide a dedicated email address for providers to submit complaints data.

²⁸ Please refer to D04/17, section 4.2.3(iii).

²⁹ Please refer to D04/17, section 4.2.3(iii).

³⁰ Please refer to D04/17, section 4.2.3(iv).

³¹ Please refer to D04/17, section 4.2.3(iv).

³² This email address has also been used to raise any queries regarding complaint reporting.

47. ComReg proposes that its Decision Instrument will take effect from the first day of the relevant period after the publication date of the Response to Consultation and Decision³³.
48. ComReg envisages that providers will be able to submit complaints data using an online data portal³⁴ in the future.
49. ComReg also set out in its Regulatory Guidance that a complaints report should be presented in a format that is accessible to ComReg. ComReg also considers that complaints data provided to it should be presented in a format that is accessible to ComReg.

Proposed specification:

50. ComReg proposes to specify that complaints data is required to address complaints made by end-users within these same two periods (1 December to 31 May and 1 June to 30 November) in each given year as follows:

Relevant period	Complaints data submission date (on or before)	Complaints data required
1	9 June	in relation to complaints made by end-users commencing on 1 December and ending on 31 May
2	9 December	in relation to complaints made by end-users commencing 1 June and ending on 30 November

51. Complaints data should be sent as an attachment, to ecscomplaintsreport@comreg.ie or via a secure file transfer system³⁵, unless otherwise advised by ComReg. If the complaints data file is password protected, the password must be provided to ComReg on the same date as the complaints data is submitted but in a separate communication to that providing the complaints data itself.
52. ComReg proposes that its Decision Instrument will take effect from the first day of the relevant period after the publication date of the Response to Consultation and Decision.

³³ This means if the Response to Consultation and Decision is published on or before 30 May 2025, complaints data relating to complaints received between 1 June 2025 and 30 November 2025 would be submitted to ComReg on or before 9 December 2025 using the proposed 'Complaints Data Template' (see Annex 1 to the Decision Instrument).

³⁴ In a similar manner to that used by those providers that submit Quarterly Key Data Reports.

³⁵ This may require ComReg's prior consent.

Q. 1 Do you have any comments on the proposed specification of complaints data requirements that ComReg proposes? Please explain the basis of your response in full referring to the appropriate paragraph number and provide any relevant information to support your response.

4 Draft Regulatory Impact Assessment (RIA)

53. ComReg has published RIA Guidelines³⁶ (ComReg 07/56a), in accordance with a Ministerial Policy Direction to ComReg³⁷, which state 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.
54. The analysis presented in this section represents ComReg's draft RIA. It sets out ComReg's preliminary conclusions on the likely effect of the specification of requirements for the provision of complaints data on stakeholders and competition.
55. ComReg's aim in conducting a RIA is to ensure that any specific requirements imposed are appropriate, proportionate and justified in light of the analysis conducted, having regard to its functions and objectives under the Communications Regulation Act 2002 (as amended).

4.1 Structure for the RIA

56. In assessing the available regulatory options, ComReg's approach to the RIA is based on the following five steps
- **Step 1:** describes the policy issue and identifies the objectives;
 - **Step 2:** identifies and describes the regulatory options;
 - **Step 3:** determines the likely impacts on stakeholders;
 - **Step 4:** determines the likely impacts on competition; and
 - **Step 5:** assesses the likely impacts and choose the best option.
57. 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:
- 57.1. promote competition³⁸;

³⁶ Which have regard to the RIA Guidelines issued by the Department of An Taoiseach in June 2009.

³⁷ Ministerial Policy Direction made by Dermot Ahern T.D. Minister for Communications, Marine and Natural Resources on 21 February 2003.

³⁸ Section 12 (1)(a)(i) of the 2002 Act.

- 57.2. contribute to the development of the internal market³⁹; and
- 57.3. promote the interests of users within the Community⁴⁰; and ensuring a high level of protection for consumers in their dealings with suppliers⁴¹;
58. In addition, ComReg is guided by regulatory principles and obligations provided for under the Act. Such principles and obligations are outlined further at [Appendix: 1](#).

4.2 Step 1: Describe the policy issues and identify the objectives

59. The electronic communications sector plays a vital role in supporting both consumers and businesses to, live, work and communicate. In the provision of their products and services to end-users, there can be instances of dissatisfaction in the delivery of these products and services and with the customer service received from providers. These instances of dissatisfaction can lead to the making of complaints by end-users.
60. Prior to the commencement of the 2023 Act there was no obligation on providers to report to ComReg on the end-user complaints they received. There was also no specific power for ComReg to seek the provision of complaints data in a specific form. The introduction of sections 43 and 44 reflected a legislative intent that ComReg have greater insight into end-user complaints for the purposes of its statutory functions and objectives.
61. Section 43(a) of the 2023 Act creates a mandatory obligation for providers to report to ComReg within specific periods on the complaints it received from end-users. The provisions of section 43(a) were engaged upon commencement of the legislation, on 9 June 2023.
62. ComReg requires clear, comprehensible, reliable and comparable complaints data for the performance of its functions and to fulfil its statutory objectives.⁴²
63. While providers have been obliged to provide complaints reports to ComReg on a 6 monthly basis since 2023, and notwithstanding ComReg publishing Regulatory Guidance⁶ to assist them in the form of that reporting, the complaints data reported by some providers to date has been incomplete, inconsistent and unreliable for the purposes of comparability.

³⁹ Section 12 (1)(a)(ii) of the 2002 Act.

⁴⁰ Section 12(1)(a)(iii) of the 2002 Act.

⁴¹ Section 12(2)(c)(ii) of the 2002 Act.

⁴² Section 10(1)(da) of 2002 Act.

64. Consequently, the aims of obtaining clear, comprehensible, reliable and comparable complaints data are undermined.
65. Section 44 of the 2023 Act enables ComReg to impose requirements on providers, amongst other things, to collate and provide to it in a specified form, comparable data in relation to end-user complaints and the procedures that providers have in place for dealing with complaints and for settling disputes with end-users.
66. It is a function of ComReg under section 10(1)(da) of the 2002 Act, for the purpose of contributing to an open and competitive market and also for statistical purposes, to collect, compile, extract, disseminate and publish information from undertakings relating to the provision of electronic communications services, electronic communications networks and associated facilities and the transmission of such services on those networks.
67. ComReg's objectives in the performance of its functions include promoting competition⁴³ (ensuring that all end-users derive maximum benefit in terms of choice, price and quality)⁴⁴ and promoting the interests of users in the community⁴⁵. The latter objective includes as aspects, ensuring a high level of protection for consumers in their dealings with suppliers (in particular by ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of the parties involved).⁴⁶
68. The power to obtain complaints data is consistent with the functions and objectives cited above. ComReg intends to use complaints data it receives to aid it in the performance of its functions, including but not limited to, providing input to policy considerations, provision of transparent information to end-users and to assist in identifying potential harms or other issues in the market.
69. Having comparable data will provide transparency regarding the volume and type of complaints received by providers on a regular and timely basis. This will better inform ComReg as to whether any measures are necessary to better protect end-users from poor experiences including, by way of example, in respect of service provision and complaints handling.
70. Further, obtaining clear, comprehensible, reliable and comparable complaints data from providers not only ensures that ComReg can better fulfil its statutory functions and objectives but it also ensures that providers' data can be clearly understood and is comparable. The current variances in the manner of reporting puts these aims at risk.

⁴³ Section 12(1)(a)(i).

⁴⁴ Section 12(2)(a)(i).

⁴⁵ Section 12(1)(a)(iii).

⁴⁶ Section 12(2)(c).

71. Having regard to its objectives and functions as set out in the 2002 Act and in the Code Regulations, and in the context of its regulatory tasks, ComReg now aims to specify the form of comparable data that providers must collate and provide to ComReg in relation to complaints made by end-users and in relation to the procedures that providers have in place for dealing with complaints and for settling disputes.

4.3 Step 2 Identify and describe the Regulatory Options

72. ComReg recognises that any regulatory measure should be kept to the minimum necessary whilst ensuring the needs of providers and end-users are met.
73. ComReg, in this consultation, gives consideration to a number of regulatory options relating to the specification of requirements for the form of comparable complaints data that providers are to provide to ComReg.
74. ComReg's approach is to ensure that any requirements placed on providers are appropriate and proportionate.
75. In that context, ComReg is of the preliminary view that in considering its aims a number of options need to be taken in to account:–
1. the necessity for specifying requirements in the form of comparable complaints data to be provided by providers;
 2. the types of complaints required to be included in the complaints data;
 3. the form of complaint data and complaints fields to be used; and
 4. the timeframe, frequency and method of submission of complaints data.
76. ComReg considers that it is reasonable and proportionate that providers ensure that complaints data is collated and provided to ComReg. This is because complaints data is already being recorded by providers thorough their complaints handling obligations.
77. ComReg considers that it is reasonable and proportionate to require providers to ensure that complaints data is collated and provided to ComReg bi-annually, and that this complaints data relates to complaints received in the preceding 6 months. This is because providers are already obligated to submit a Complaints Report on this basis to accord with their obligation to do so under section 43(a) of the 2023 Act.

78. Some providers have advised ComReg that they have not received any complaints in a reporting period, and accordingly ComReg considers that it is reasonable and proportionate that a provider use a templated 'Nil return' set out by ComReg in the event that it has not received any complaints in a relevant 6-month period.
79. Other providers have submitted complaints reports having regard to the Regulatory Guidance, Data Dictionary and Reporting Template previously published by ComReg. Accordingly, ComReg considers that it is reasonable and proportionate to require providers to ensure that complaints data is collated and provided in a templated, comparable form set out by ComReg and in an accessible file format that stores tabular data and enables individual complaint assessment against specified complaint data fields.
80. ComReg is proposing to impose a requirement on Providers that have not received any complaints from end-users during a relevant 6-month period, to submit a 'Nil Return'. ComReg is of the preliminary view that given the existing complaints reporting obligations contained in section 43(a) of the 2023 Act, which require Providers to report on the complaints they receive from end-users on a 6-month basis, Providers will already have to engage in an exercise in assessing whether or not complaints have been received during a relevant 6 month period. ComReg is proposing a short form of 'Nil Return' (in the form set out in Annex 2 to the Decision Instrument) is submitted by Providers in these circumstances. This represents a minimal burden for Providers and has the benefit of ensuring clarity of Providers' complaints positions for relevant periods.

4.4 Step 3 Determine the impacts on stakeholders

81. Step 3 assesses the likely impact of the proposed regulatory measures on stakeholders.
82. Pursuant to Section 44 of the 2023 Act, the proposed policy decisions will apply to all providers⁴⁷. The impacts envisaged for providers, end-users and competition, are considered against the following three identified options:
- Option 1: Do nothing (i.e. maintain the status quo),
 - Option 2: Require providers to submit complaints data with alternative specified requirements; and
 - Option 3: Introduce a requirement for providers to provide comparable complaints data to ensure the data is as accurate and reliable as possible and provide this collated comparable data on a bi-annual basis to ComReg.

⁴⁷ As defined in section 40 of the 2023 Act.

83. Under option 1, there would be no change to the status quo, and ComReg would not seek to implement any new requirements in pursuit of ensuring clarity, comprehensibility, reliability and comparability of complaints data.
84. Under option 2, ComReg would define alternative requirements to those set out in this consultation.
85. Under option 3 ComReg would seek to define the requirements for Section 44 complaints data and require comparable complaints data relating to complaints received from end-users in the preceding 6 months to be provided to ComReg on a bi-annual basis, in the templated form required by ComReg, using the complaints data fields specified by ComReg.

Option 1:

86. Under option 1, providers would continue to operate as at present. In practice this would mean that providers would continue to submit complaints reports in accordance with Section 43(a).
87. To date the information provided to ComReg by providers in relation to complaints received from end-users has not been fully comparable. This means that ComReg is unable to fully use this data for the performance of its regulatory functions and objectives as referred to above.
88. Option 1 would not change this position. It would not support the consumer protection and promotion objectives of ComReg.

Option 2:

89. ComReg has identified key complaints data fields that it deems appropriate for providers to collate and provide to ComReg on a comparable basis. Option 2 would mean that different requirements from those identified by ComReg would be specified.
90. ComReg requires comparable complaints data on the key complaint fields in order to fully understand key information regarding the handling of complaints by providers and to identify potential issues and trends in the market that may require regulatory intervention.
91. Without this information ComReg may be prevented from fulfilling its regulatory obligations to promote the interests of users within the Community⁴⁸; and ensuring a high level of protection for consumers in their dealings with suppliers⁴⁹ and Option 2 would not address this information gap.

⁴⁸ Section 12(1)(a)(iii) of the 2002 Act.

⁴⁹ Section 12(2)(c)(ii) of the 2002 Act.

92. Additionally, ComReg does not think it appropriate to have a greater number of complaints data fields than proposed. ComReg must weigh the benefit from additional complaints data fields against any burden to providers to collate and provide. In this context ComReg is of the preliminary view that at this time the complaints data fields proposed are appropriate, reasonable and proportionate and will enable ComReg to identify issues and trends that may warrant further review. ComReg may review this position in the future.
93. Option 2 could result in ComReg considering an alternative timeframe to that proposed (whereby complaints data from the preceding 6 months would be provided to ComReg on a bi-annual basis) for the submission of complaints data.
- 93.1. More frequent provision of complaints data (for example every 3 months) may create an unjustified burden for providers particularly taking account of existing Section 43 reporting obligations.
- 93.2. A less frequent timeframe may also result in the complaints data provided by providers being out of date regarding issues and trends and so of lesser value to ComReg in the performance of its functions and objectives.

Option 3:

94. Option 3 would impose new requirements on providers, who would be required to provide comparable complaints⁵⁰ data to ComReg every 6 months, on complaints received during the preceding 6 months, on the basis of ComReg's definition of a Complaint as set out in D04/17.
- 94.1. Under option 3 providers would be required to provide comparable complaints data covering the same periods set out in the Regulatory Guidance as applicable to Section 43 complaint reporting obligations. This should mitigate against any significant additional regulatory burden.
- 94.2. Option 3 should result in end-users being better protected as ComReg would be able to use clear, comprehensible, reliable and comparable complaints data to understand key information regarding the handling of complaints by providers and identify potential issues and trends in the market that may require regulatory intervention on a 6 monthly basis.
95. ComReg will accept a single submission for statutory requirements under Section 43(a) and Section 44(b) if that single submission meets the requirements ultimately imposed as part of the process.

⁵⁰ The definition of a complaint as set out in D04/17.

4.5 Step 4 Determine the impacts on competition

96. 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.
97. The requirements proposed by ComReg will apply to Providers.
98. It is possible that new regulatory obligations act unevenly in the market and may impact smaller providers and market entrants to a disproportionate extent. ComReg does not have discretion to apply these obligations selectively on providers. Even if it did, ComReg is of the view that end-users of services provided by smaller enterprises are entitled to expect the same protections as end-users who are customers of larger enterprises.
99. 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.

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

100. ComReg is of the preliminary view that the most appropriate option is Option 3, to specify requirements for the provision of complaints data in comparable form. By doing so, ComReg aims to address inadequacies, inconsistencies and variances in the complaints data previously provided to ComReg and expects that this will provide certainty for providers in respect of the complaints data that must be provided to ComReg. ComReg also aims to ensure that it will be provided with clear, comprehensible, reliable and comparable complaints data.
101. The other options considered would either, in the case of Option 1, not contribute to a significant change to the complaints data provided to ComReg in terms of comparability or the quality of complaints data received; or, in the case of Option 2, could place additional regulatory burden on providers.
102. In choosing between Options 2 and 3, ComReg has weighed up the reasonableness proportionality and appropriateness of the proposed obligations, taking account of its stated aims.
103. The statutory intent is clear that providers must report to ComReg on complaints made by end-users. ComReg is not imposing an additional obligation or requiring providers provide complaints data at a greater frequency than is already required. This proportionate and reasonable approach is being taken to ensure all providers follow the same approach in providing comparable complaints data to ComReg, and that the data submitted will not be liable to be misunderstood or mis-interpreted.

104. Option 3 ensures that the requirements regarding providing comparable complaints data are appropriate, proportionate and justified in light of the analysis conducted, having regard to our functions and objectives under the Communications Regulation Act 2002 (as amended).

<p>Q. 2 Do you have any comments on ComReg's draft regulatory impact assessment? Please provide detailed reasons and supporting evidence for your view.</p>

5 Submitting comments and next steps

105. The consultation period will run from 28 February 2025 to 31 March 2025, during which ComReg welcomes written comments. It is requested that comments be cross-referenced to the relevant question numbers from this document.
106. Responses must be submitted in written form (post or email) to the following address/email and clearly marked “Submission to ComReg 25/12”: Commission for Communication Regulation One Dockland Central 1 Guild Street North Dock Dublin 1 D01 E4XO Ireland Email: retailconsult@comreg.ie
107. Having analysed and considered the comments received, ComReg intends to publish a response to consultation and decision in May 2025.
108. 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 Information⁵¹. 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.

⁵¹ ComReg 05/24.

Appendix: 1 Legal Basis

A 1.1 Section 44 of the 2023 Act provides as follows:

The Commission may require providers to collate and—

- (a) publish, or*
- (b) provide to it,*

in such form as the Commission may specify, comparable data in relation to complaints made to it by end-users and in relation to the procedures that providers have in place for dealing with complaints and for settling disputes with end-users.

A 1.2 The functions of ComReg under section 10(1) of the 2002 Act include –

(da) for the purpose of contributing to an open and competitive market and also for statistical purposes, to collect, compile, extract, disseminate and publish information from undertakings relating to the provision of electronic communications services, electronic communications networks and associated facilities and the transmission of such services on those networks

A 1.3 Section 10(3) of the 2002 Act provides that ComReg –

“shall have all such powers as are necessary for or incidental to the performance of its functions under this or any other Act”

A 1.4 The objectives of ComReg under section 12 of the 2002 Act in exercising its functions include –

(1)(a) in relation to the provision of electronic communications networks, electronic communications services and associated facilities—

(i) to promote competition,

(ii) ...

(iii) to promote the interests of users within the Community.

A 1.5 In relation to ComReg’s objectives referred to above, section 12(2) of the 2002 Act requires ComReg to take all reasonable measures which are aimed at achieving those objectives, including –

(a) in so far as the promotion of competition is concerned—

- (i) ensuring that users, including disabled users, derive maximum benefit in terms of choice, price and quality

(c) in so far as promotion of the interests of users within the Community is concerned—

(i) ensuring that all users have access to a universal service,

(ii) ensuring a high level of protection for consumers in their dealings with suppliers, in particular by ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of the parties involved,

(...)

(iv) promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services,

(...)

(vi) addressing the needs of specific social groups, in particular disabled users,

Appendix: 2 Questions

Section	Page
Q. 1 Do you have any comments on the specifications of complaints data that ComReg proposes? Please explain the basis of your response in full referring to the appropriate paragraph number and provide any relevant information to support your response.....	14
Q. 2 Do you have any comments on ComReg's draft regulatory impact assessment? Please provide detailed reasons and supporting evidence for your view.	23

Appendix: 3 Draft Decision Instrument and Schedules

Draft Decision Instrument

1 Statutory Functions and Powers

- 1.1 This Decision and Decision Instrument is made by the Commission for Communications Regulation (“**ComReg**”) established under Section 6 of the Communications Regulation Act 2002, as amended (“**the 2002 Act**”) and is made:
- (i) Having regard to the functions and objectives of ComReg as set out in Sections 10 and 12 of the 2002 Act,
 - (ii) Pursuant to the functions and powers conferred upon ComReg pursuant to Section 44 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (“**the 2023 Act**”), and
 - (iii) Having regard to the functions of Section 43 of the 2023 Act, and
 - (iv) Having regard to the definition of Complaint and the minimum recording requirements as specified in ComReg Decision D04/17 (“**D04/17**”).

2 Definitions

- 2.1 In this Decision Instrument terms used are as defined in the 2002 Act, the 2023 Act or the European Union (Electronic Communications Code) Regulations 2022 (S.I. 444/2022), unless the context otherwise admits.
- 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 References to ComReg Decision Number D04/17 in this Decision Instrument, its Appendices or Annexes, shall be construed as references to that Decision, or any part thereof, as may be amended by ComReg from time to time, or to any Decision made by ComReg replacing D04/17, whether in whole or in part. To the extent that the provisions of any ComReg Decision replacing D04/17 (whether in whole or in part) express the same idea in a different form of words but are in substance the same as those in D04/17, the idea in the new ComReg

Decision shall not be taken to be different merely because a different form of words is used.⁵²

2.4 Words in the singular form shall be construed to include the plural, and vice versa, unless the context otherwise admits or requires.

2.5 A reference to a section, clause, schedule or annex is a reference to a section, clause, schedule or annex of this Decision Instrument, unless the context otherwise admits or requires.

2.6 In this Decision Instrument:

“Additions Template” means the template at Tab 7 of the Complaints Data Workbook.

“Complaint” has the meaning assigned to it in ComReg Decision Number D04/17.

“Complaints Data” means the data relating to end-user complaints received by a Provider during a Relevant Period, as specified in the Complaints Data Workbook.

“Complaints Data Template” means the template at Tab 6 of the Complaints Data Workbook.

“Complaints Data Workbook” means the Excel Workbook at Annex 1 to this Decision Instrument.

“Data Dictionary” means the Data Dictionary at Tab 2 of the Complaints Data Workbook.

“Provider” has the meaning assigned to it by section 40 of the 2023 Act.

“Relevant Period” means, as the context may require:

- (1) the period from 1 December in a given calendar year to 31 May in the subsequent calendar year, or
- (2) the period from 1 June in a given calendar year to 30 November in the same calendar year.

⁵² ComReg D04/17, 30th June 2017, paragraph 60. Please note that per ComReg’s Annual Action Plan 2024-2025 ComReg is consulting on “Review of ECS Code of Practice for Complaints Handling” in the first half of 2025. This consultation process may impact the references and definitions used herein, in particular the definition of “Complaint”. There will be an opportunity for interested parties to make submissions on any proposal that may be made to amend or replace the current definition.

3 Scope and Application

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

3.2 Pursuant to Section 44 of the 2023 Act, a Provider shall:

- (i) Collate and provide to ComReg Complaints Data received by the Provider during the most recent Relevant Period on or before the dates specified in paragraph (viii).
- (ii) Provide Complaints Data to ComReg in a file format that stores tabular data and enables individual complaint assessment (i.e. one complaint per row). Examples of this format include CSV (comma separated values), XLSX (spreadsheet e.g. excel), XLSB (excel binary file format) and XML (Extensible Markup Language).
- (iii) Provide Complaints Data in accordance with the instructions contained in the “Instructions” and “Data_Dictionary” Tabs of the Complaints Data Workbook.
- (iv) Provide Complaints Data in the form of the Complaints Data Template and, where applicable, the Additions Template.
- (v) Provide Complaints Data related to Mobile⁵³, Fixed Voice⁵⁴ and Broadband⁵⁵ service provision on clearly identified individual sheets within the Complaints Data submission.
- (vi) Provide Complaints Data for any subsidiary, related company, or sub-brand, must be provided as separate data submissions.
- (vii) Insofar as the Provider has received no complaints from end-users during a Relevant Period, submit a ‘Nil return’ to ComReg in the form set out in Annex 2 to this Decision Instrument, unless otherwise advised by ComReg.
- (viii) Provide Complaints Data to ComReg in each calendar year, relating to the most recent Relevant Period, on or before –
 - a. 9 June, and
 - b. 9 December.
- (ix) Provide Complaints Data as an attachment to ecscomplaintsreport@comreg.ie or via a secure file transfer system⁵⁶, unless otherwise advised by ComReg.

⁵³ Meaning Mobile Broadband (MBB) and Mobile to Mobile (M2M).

⁵⁴ Meaning Fixed Voice services (PSTN, ISDN and VOIP).

⁵⁵ Meaning Cable Broadband, DSL Broadband, VDSL Broadband, FTTP Broadband, Satellite Broadband and FWA Broadband.

⁵⁶ This may require ComReg's prior consent.

- (x) Present Complaints Data to ComReg in an accessible format and in conformity with the Complaints Data Workbook. If the Complaints Data as provided is password protected, this password shall be provided to ComReg on the same date as the report is provided to ComReg.

4 Statutory Powers Not Affected

- 4.1 Nothing in this Decision Instrument shall operate to limit ComReg in the exercise and performance of its statutory duties conferred on it under any primary or secondary legislation (in force prior to or after the Effective Date of this Decision Instrument) from time to time.

5 Maintenance of Obligations

- 5.1 If any section or clause contained in this Decision Instrument is found to be invalid or prohibited by the Constitution, by any other law or judged by a court to be unlawful, void or unenforceable, that section or clause shall, to the extent required, be severed from this Decision Instrument and rendered ineffective as far as possible without modifying the remaining section(s) or clause(s) of this Decision Instrument and shall not in any way affect the validity or enforcement of this Decision Instrument.

6 Effective Date and Duration

- 6.1 This Decision and Decision Instrument is fully effective from [insert date], unless otherwise amended by ComReg.

Annex: 1 Proposed Complaints Data Workbook

A 1.1Published as ComReg Document 25/12a

Annex: 2 Proposed ‘Nil return’ template

A 2.1 Insofar as a Provider coming within the scope of the complaints data requirements has received no complaints from end-users within a relevant 6-month period, that Provider, unless otherwise advised by ComReg, is to make a submission to ecscomplaintsreport@comreg.ie in the following format, with relevant information inserted into the brackets as is appropriate:

“In accordance with Section 44(b) of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023, **[PROVIDER NAME]** submits to the Commission for Communications Regulation that for the 6-month period from **[day, month, year]** to **[day, month, year]** no complaints were made to it by end-users.”