



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

# **End-user Complaints Reporting and Data Provision**

Specifications for providers of Electronic  
Communications

Response to Consultation and Decision

**Reference:** ComReg 25/68R

**Decision No.:** D12/25

**Date:** 27 November 2025

## Additional Information

| Related Publications   | Document Number        |
|--|------------------------|
| 'End-user Complaints Reporting and Data Provision Specifications for providers of Electronic Communications' Submissions to Consultation 25/12 | ComReg 25/68s          |
| 'End-user Complaints Reporting and Data Provision Specifications for providers of Electronic Communications' Consultation                      | ComReg 25/12           |
| 'Code of Practice for Complaint Handling; Minimum Requirements for ECS Providers'  | ComReg 25/54<br>D10/25 |

## Document Revision History

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| 25/68R           | 27/11/2025    | To amend the Decision Instrument at 6.1 where it states: "... [insert date] (the "Effective Date")..." to state: "...1 June 2026 (the "Effective Date")..." |
| 25/68            | 10/10/2025    |   |

# Content

| Section   | Page |
|---|------|
| 1 Executive Summary .....   | 5    |
| 2 Respondents' views - summary, analysis and ComReg's position .....      | 8    |
| 2.1 Complaints Data to be provided to ComReg .....                        | 9    |
| 2.1.1 General.....  | 9    |
| 2.1.2 How to report complaints relating to 'Bundles' .....                | 11   |
| 2.1.3 Reporting Period.....   | 13   |
| 2.2 Form of Complaints Data and Complaints Data fields .....              | 14   |
| 2.2.1 'Classification' and 'Sub-classification' .....                     | 14   |
| 2.2.2 'Date response issued' .....  | 15   |
| 2.2.3 Resolution (Remedial Action) and provision of 'personal data' ..... | 18   |
| 2.2.4 Progression .....   | 20   |
| 2.2.5 Format of fields.....   | 21   |
| 2.3 Complaints Data submission timeframes and method of submission .....  | 22   |
| 2.3.1 Implications and timeframe to implement .....                       | 22   |
| 2.3.2 Future developments and use of data .....                           | 24   |
| 2.3.3 Comments on Regulatory Impact Assessment.....                       | 25   |
| 3 Regulatory Impact Assessment (RIA).....                                 | 27   |
| 3.1 Structure for the RIA.....  | 28   |
| 3.2 Step 1: Describe the policy issue and identify the objectives .....   | 29   |
| 3.3 Step 2 Identify and describe the Regulatory Options.....              | 31   |
| 3.4 Step 3 Determine the impacts on stakeholders .....                    | 32   |
| 3.4.1 Option 1:.....  | 33   |
| 3.4.2 Option 2:.....  | 33   |
| 3.4.3 Option 3:.....  | 34   |
| 3.5 Step 4 Determine the impacts on competition .....                     | 35   |
| 3.6 Step 5: Assess the impacts and choose the best option .....           | 35   |

# Appendices

| <b>Section</b>               | <b>Page</b> |
|------------------------------|-------------|
| Appendix: 1 Legal Basis..... | 37          |

# Annexes

| <b>Section</b>                             | <b>Page</b> |
|--|-------------|
| Annex: 1 Decision Instrument .....         | 39          |
| Annex: 2 Instructions Workbook .....       | 43          |
| Annex: 3 Reporting Workbook .....          | 44          |
| Annex: 4 'Nil return' template .....       | 45          |
| Annex: 5 Submissions to ComReg 25/12 ..... | 46          |

# 1 Executive Summary

1. Every **provider**<sup>1</sup> of electronic communications networks and electronic communications services (“**ECN**” and “**ECS**” respectively)<sup>2</sup> is required under the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (the “**2023 Act**”) to report to the Commission for Communications Regulation (“**ComReg**”) every 6 months, on the end-user complaints received by them.
2. ComReg’s objectives in the performance of its functions include promoting competition<sup>3</sup> (ensuring that all end-users derive maximum benefit in terms of choice, price and quality)<sup>4</sup> and promoting the interests of users in the community<sup>5</sup>. The latter objective includes as aspects, taking all reasonable measures to ensure end-user protection.<sup>6</sup>
3. ComReg requires clear, comprehensible, reliable and comparable complaints data for the performance of its functions and to fulfil its statutory objectives<sup>7</sup>.
4. While providers have been obliged to provide complaints reports to ComReg on a 6 monthly basis since 2023 under Section 43 the 2023 Act, and notwithstanding ComReg publishing Regulatory Guidance<sup>8</sup> and an associated Data Dictionary and Report Template<sup>9</sup> (“**Regulatory Guidance**”) 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.
5. The reporting parameters in the Regulatory Guidance 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.<sup>10</sup>

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

<sup>2</sup> 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.

<sup>3</sup> Section 12(1)(a)(i) of the Communications Regulation Act 2002, as amended [Online:] [[Communications Regulation Act, 2002](#)] (the “2002 Act”).

<sup>4</sup> Section 12(2)(a)(i) of the 2002 Act.

<sup>5</sup> Section 12(1)(a)(iii) of the 2022 Act.

<sup>6</sup> Section 12(2)(c)(ii) of the 2002 Act.

<sup>7</sup> Section 10(1)(da) of 2002 Act.

<sup>8</sup> “Complaint Reporting; Regulatory Guidance - Requirements for Providers” [Online:] [[ComReg 23/99](#)].

<sup>9</sup> “Complaint Reporting Data Dictionary and Report Template” [Online:] [[ComReg 23/99a](#)].

<sup>10</sup> Electronic Communications Complaints Handling Code of Practice - Response to Consultation and Decision (ComReg Document 17/62, D04/17) [Online:] [[ComReg D04/17.pdf](#)].

6. To address inadequacies, inconsistencies and variances in the complaints data provided to date, ComReg, in accordance with section 44 of the 2023 Act, proposed specifications of requirements for the provision of complaints data by providers in a comparable form and the reasons for them in its consultation entitled “End-user Complaints Reporting and Data Provision; Specifications for providers of Electronic Communications”<sup>11</sup> (the “**Consultation**”). ComReg also published an associated Data Workbook<sup>12</sup> which detailed reporting parameters<sup>13</sup> derived from information providers are already required to record<sup>14</sup> (“**Data Workbook**”).
7. The specifications proposed in the Consultation were based upon the Regulatory Guidance which has been relied upon by providers for the submission of complaints reports to date.
8. ComReg has since revised the requirements for providers’ codes of practice for complaint handling related to complaints. The new requirements, as specified in ComReg Decision D10/25, come into effect on 2 March 2026 (“**D10/25**”).<sup>15</sup> The requirements in D10/25 build on the requirements in D04/17 and do not conflict with the complaint reporting specifications proposed in the Consultation. Providers will need to take account of the requirements of D10/25 in their complaints reporting when the requirements as published with this Response to Consultation and Decision in [Annex: 1](#) become effective.
9. To avoid any duplication of reporting by providers (taking account of the complaints reporting obligation in section 43 of the 2023 Act), ComReg proposed that compliance with the requirements specified under Section 44 would fulfil providers’ complaints reporting obligations under Section 43.
10. Six (6) respondents submitted comments to the consultation namely:
  - An Post Mobile
  - Eircom Limited (trading as 'eir' and 'open eir'), collectively referred to as 'eir Group' (“eir”)
  - Sky Ireland (“Sky”)
  - Three Ireland (“Three”)

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<sup>11</sup> ‘End-user Complaints Reporting and Data Provision; Specifications for providers of Electronic Communications’ (ComReg Document 25/12) published 28 February 2025 [Online:] [ComReg 2512.pdf](#).

<sup>12</sup> ‘End-user Complaints Reporting and Data Provision; Proposed Complaints Data Workbook’ [Online:] [ComReg 25/12a](#).

<sup>13</sup> See Tab 1, Column D ‘Name’ of ComReg 23/99a.

<sup>14</sup> In accordance with the minimum requirements for the handling of complaints as specified in ComReg D04/17.

<sup>15</sup> ‘Code of Practice for Complaint Handling, Minimum Requirements for ECS Providers’ Response to Consultation and Decision (ComReg Document 25/54, D10/25) [Online:] [ComReg 25/54, D10/25](#).

- Virgin Media Ireland Limited (“Virgin Media”)
  - Vodafone Ireland (“Vodafone”)
11. This Response to Consultation paper sets out ComReg's consideration of these responses and ComReg's final position is set out in Chapter 2.
  12. ComReg's objective in setting these requirements is to eliminate the inconsistencies and variances in the complaints data provided to ComReg and aims to provide certainty for providers in respect of the complaints data that must be provided to ComReg moving forward. The power to obtain complaints data is consistent with the functions and objectives cited above (see paragraph [2](#)).
  13. As noted in the consultation, 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.
  14. The final requirements are published with this Response to Consultation and Decision in [Annex: 1](#). The responses received to the consultation are published in ComReg Document 25/68s.
  15. All references to 'requirements' in this document refer to the final requirements, as set out in [Annex: 1](#), unless otherwise stated.
  16. The requirements will be in effect for the reporting period of 1 June 2026 - 30 November 2026 onwards.

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

17. In the consultation, ComReg set out the proposed requirements with reasons and it sought the views of respondents on them.
18. Comments on the draft requirements are addressed under the following headings:
  - 18.1. Complaints Data to be provided to ComReg:
    - (i) General responses
    - (ii) How to report complaints relating to 'Bundles'
    - (iii) Reporting Period
  - 18.2. Form of Complaints Data and Complaints Data fields:
    - (i) Classification and Subclassification
    - (ii) Complaint Response
    - (iii) Resolution (remedial action) and provision of 'personal data'
    - (iv) Progression
    - (v) Format of fields (e.g. date)
  - 18.3. Complaints Data submission timeframes and method of submission:
    - (i) Implications and timeframe to implement
    - (ii) Future developments and use of data
    - (iii) Comments on the Regulatory Impact Assessment
19. All legislative references in this document are to the 2023 Act unless otherwise stated.



## 2.1 Complaints Data to be provided to ComReg

21. Respondents made submissions based on the specific questions asked by ComReg in the consultation, with other general submissions also being made. The submissions are addressed below under relevant headings.

### 2.1.1 General

22. An Post Mobile stated that the *“proposed specification of complaints data as laid out in the Proposed Complaint Data Workbook (ComReg Document 25/12a) appears to be workable”*.
23. Eir requested that *“the complaint data as collected be simplified to data that has the potential to be more meaningfully comparative”* and *“also asked for the exclusion of certain categories of Data from ComReg’s published reports...”*.
24. Sky welcomed ComReg’s initiative to ensure all providers follow the same approach in providing comparable complaints Data to ComReg and enhance consumer protection through standardised complaints reporting.
25. Virgin Media expressed its support of ComReg’s overall objective. It stated that it had no objection to amending the Regulatory Guidance and any related materials to such extent as may reasonably be required, but submitted that it wasn’t necessary to move from Regulatory Guidance to a *“full Decision Instrument”*. It submitted that a form of pre-consultation engagement with providers is necessary before ComReg consults.
26. Vodafone acknowledged that a defined template for complaints data could help ensure consistency and comparability across providers. It noted that it had sought to align its reporting capability to the existing ComReg template set out in the Regulatory Guidance, that it had deployed updated reporting capability in December 2023 which had allowed it to capture data in the *“ComReg specified format for future reports”*. Vodafone submitted that there should be ongoing engagement between ComReg and providers.

### ComReg’s analysis:

27. As set out in the consultation providers have been required to report on complaints, based on the definition of a complaint set out in ComReg D04/17, since 2023. ComReg proposed that the complaints data to be provided under the new requirements would be based upon ComReg’s existing definition of a complaint.

28. ComReg also proposed that no personal data<sup>16</sup> should be in the complaints data provided.
29. As set out in the consultation (see paragraph 36) ComReg is of the view that 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, and that where no complaints have been made to a provider by end-users during a relevant period, a 'Nil return' must be made. ComReg proposed that it would 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). Respondents did not comment on this proposal.
30. ComReg recently consulted upon and subsequently issued a revised definition of a complaint in the context of 'Code of Practice for Complaint Handling, Minimum Requirements for ECS Providers' ComReg Decision D10/25 ("**D10/25**") which will become effective on 2 March 2025<sup>17</sup>. ComReg, in D10/25, also set out a number of positions related to the definition of a complaint including that a complaint is not contingent upon the matter of complaint having merit; and that a complaint concerning difficulties experienced by an end-user in making a complaint is a complaint about the provider's complaint handling process.

### ComReg's position:

31. ComReg remains of the view that complaints data to be provided is to be based on ComReg's definition of a complaint.
32. ComReg remains of the view that where no complaints have been made to a provider by end-users during a relevant period, a 'Nil return' must be made by that provider.
33. ComReg also remains of the view that no personal data should be in the complaints data provided.

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<sup>16</sup> "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>.

<sup>17</sup> 'Code of Practice for Complaint Handling, Minimum Requirements for ECS Providers' (ComReg 25/54, ComReg D10/25) [online]: <https://www.comreg.ie/media/2025/09/ComReg-2554.pdf>

## 2.1.2 How to report complaints relating to ‘Bundles’

34. ComReg set out in the consultation (see paragraph 39) that it expects providers to identify, where applicable, whether a complaint is related to Mobile<sup>18</sup>, Fixed Voice<sup>19</sup>, or Broadband<sup>20</sup> service provision; and that complaints for Mobile, Fixed Voice, and Broadband service provision, where applicable, are provided as clearly identified individual sheets within the complaints data submission.

### Respondents’ views:

35. **Eir** requested *“clarification on how bundle queries should be reported in circumstances where separate sheets are required for each reporting workbook relating to Mobile, Fixed Voice and Broadband. An example of a complaint could be relating to a discount for a bundle rental price”*.
36. **Vodafone** raised a similar point stating: *“The split of Fixed Voice and Broadband – this is not always an appropriate separation. For example, a billing query on fixed voice and broadband goes into which category? It may be that ComReg only requires this split when it relates to Fixed Voice or Fixed Broadband technical queries”*.
37. **Sky** noted that
- 37.1. *“Our current system design does not split complaints between Fixed Voice and Broadband services, which means we would need to redesign our systems to accommodate this separation.”*
- 37.2. *Additionally, we have numerous cases where a complaint may relate to both Fixed Voice and Broadband services because our Fixed Voice service relies on Broadband service. In such scenarios, the complaint pertains to both services, and we would need to report this on an additional individual sheet (for complaints related to both services) rather than duplicating it across both Fixed Voice and Broadband sheets. This approach would prevent inflating the number of actual complaints received within the relevant period.*
- 37.3. *...we believe ComReg should allow flexibility in reporting complaints that span multiple services to avoid inflating complaint numbers”*.

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<sup>18</sup> Meaning Mobile Broadband (MBB) and Mobile to Mobile (M2M).

<sup>19</sup> Meaning Fixed Voice services (PSTN, ISDN and VOIP).

<sup>20</sup> Meaning Cable Broadband, DSL Broadband, VDSL Broadband, FTTP Broadband, Satellite Broadband and FWA Broadband.

### **ComReg's analysis:**

38. End-users may choose to have a 'bundle' of services or a bundle of services and terminal equipment provided from one provider (for example a fixed broadband service with their landline).
39. If something goes wrong with a service provided in a bundle, the complaint may relate to one or more of the elements of the bundle. ComReg is of the view that it is the circumstances of the individual complaint that will dictate how it is to be reported. However, ComReg is of the view that in certain limited instances an approach may be taken to such complaints that focusses on the predominant complaint made.
40. Providers should not engage in any practice that seeks to merge two or more complaints for reporting purposes or limit them to an individual complaint unless the complaints in question are not genuinely and inextricably linked to the extent that they are, in all material respects, the same complaint.
41. If two or more complaints are made at the same time by an end-user in respect of bundled services for example, and each complaint could individually be made in its own right separately to the other, these should be reported as separate complaints in the relevant sheets. It is only in circumstances where two or more complaints made in respect of bundled elements are, in all material respects, the same individual complaint, that the predominant complaint analysis may be applied.
42. ComReg reminds providers of their obligation to ensure the accuracy and reliability of the complaints data they report pursuant to their statutory obligations. ComReg will utilise its information gathering and enforcement powers as necessary to ensure compliance, noting in particular that it may invoke powers under sections 13D, 38 and/or section 39 of the 2002 Act to investigate compliance with complaints reporting requirements.

### **ComReg's position:**

43. ComReg is of the view that:
  - 43.1. Where a complaint relates to only one of the services in the bundle, it is to be recorded against that single service only.
  - 43.2. Where a complaint relates to a number of services in a bundle and these are in all material respects, the same individual complaint, the predominant complaint is to be recorded on the relevant service sheet (Mobile or Fixed Voice or Broadband).

- 43.3. If there are different complaints (e.g. billing and customer service) raised by an end-user whose services are provided in a bundle, these complaints should be recorded as separate complaints on the relevant service sheet(s) that they relate to.

### 2.1.3 Reporting Period

#### Respondents' views:

44. **Virgin Media** raised the timeframe allowable *'in which to gather, prepare and review six months of [complaints] data before submitting'* stating *"ComReg should allow a period of at least one month"* to prepare the report given that it *"has discretion...as the Act does not specify a due date"*.

#### ComReg's analysis:

45. Section 43 (1) of the 2023 Act provides that:

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

- (a) complaints made to it by end-users within the preceding 6 month period, and*  
*(b) such other matters relating to complaints by end-users made during that period as may be specified by the Commission."*

46. Section 43 came into operation on 9 June 2023. As such, the time periods for the submission of reports are fixed under the legislation<sup>21</sup>. This is a matter upon which ComReg cannot exercise any discretion and providers should plan the preparation and submission of their reports accordingly. It is also the manner in which reporting has been carried out since 2023.

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<sup>21</sup> See paragraph 16 of the consultation.

## 2.2 Form of Complaints Data and Complaints Data fields

47. ComReg set out in the consultation (see paragraph 42) the ten Complaints data fields to be completed by providers when completing their Complaints Data Workbook.
48. Respondents made submissions on some of the Complaints Data fields and the responses are addressed below under the relevant headings below.

### 2.2.1 'Classification' and 'Sub-classification'

49. ComReg proposed in the consultation (see paragraphs 42.7 and 42.8) a number of classifications to be used to categorise a complaint and sub-classifications to be used to provide further detail to identify the type of complaint within each classification. ComReg noted that this information may be ascertained from the written complaint or notes made from the voice / online communications with the end-user relating to the complaint.

#### Respondents' views:

50. **An Post Mobile** stated that *"clear explanations of each sub-classification are required"*.
51. **Eir** noted that, in its view, a number of the sub-classifications *"can be described as customer service queries' and 'that these are not valid complaints but rather arise due to a consumer misunderstanding or an unreasonable expectation of a product or service'.* Eir also stated that *"Data that falls within these categories must be excluded from ComReg's published reports, to avoid misrepresenting Industry by way of misleading information"*.
52. **Three Ireland** requested clarifications as to whether it could *"add new sub-classifications"* and whether the tab *"4a.Classification\_4b.Subclass"* was the correct place for such additions.
53. **Virgin Media** stated it has *"no objection to the proposal to modify certain reporting parameters, to include aligning the sub-classifications under a related classification..."*.

#### ComReg's analysis:

54. ComReg is of the view that the explanation fields as provided are of sufficient clarity to be usable by, and relevant to, all providers. However, ComReg will continue to engage with providers that require further clarification regarding their reporting obligations.

55. As previously set out (see paragraph [30](#)), ComReg has recently revised the definition of a 'complaint' and this should be applied to the collation of data for these purposes. However, and for the purposes of clarity, complaints raised by consumers about a provider's complaints handling process must be included in the data provided to ComReg. Furthermore, as this data falls within the definition of a complaint it does not misrepresent industry as it represents valid issues raised by end-users. A complaint that ultimately is not resolved in an end-user's favour may still be a valid complaint per the definition. For these reasons, the data sought would not be misleading.
56. Providers can add new subclassifications in the requisite tab on the excel sheet. Further details on how to do this can be found in the template provided. ComReg will continue to engage with providers to clarify such issues as and when they arise.
57. Although the explanations for most classifications and sub-classifications on the template are self-evident, for the avoidance of doubt ComReg has also provided indicative explanations for *all* classifications and sub-classifications within the template.

#### **ComReg's position:**

58. ComReg has had regard to the submissions received from respondents and based upon the analysis above ComReg will retain the classifications and sub classifications outlined in the consultation.

### **2.2.2 'Date response issued'**

59. ComReg proposed in the consultation (see paragraphs 42.5) that the date that the 'Complaint Response' is issued to the end-user is to be included in a provider's complaints report for each complaint.

#### **Respondents' views:**

60. **Eir** submitted that the complaints data template in the data workbook should include 'Date Received', 'Date Acknowledged' and 'Date Closed' fields and that the 'Date Response Issued' field should be removed. It was also noted that there may be multiple engagements with a customer and if the data required was to reflect the 'Date Response Issues' field then this would also conform with the 'Date Closed' field. Eir, having reviewed its procedures, confirmed that the final response date on the resolution of a complaint now aligned with the closed date.

61. Eir added *“While we acknowledge the statutory footing of this complaint reporting requirement, and the powers of specification in this given to ComReg, we also note that requirements imposed by ComReg must be appropriate, proportionate and justified, in light of a related analysis conducted. In this regard, if ComReg is not agreeable to removing this field, we ask that the rationale and definition for this be set out clearly, including evidence that is relied upon to demonstrate this as meaningful.”*
62. **Sky** also sought clarification on the difference between the data fields ‘Date Response Issued’ and ‘Date Closed’. Noting the requirements of D04/17, Sky pointed out that throughout the lifecycle of a complaint it engages in multiple communications with the customer via various channels in order to expedite the resolution process. It notes that the ‘Complaint Response’ in a written format is typically issued at the same time the complaint is closed. Sky sought *“clarification on whether ComReg expects providers to report all communications with the customer (as per footnote 27), including those conducted via telephone or other channels, throughout the lifecycle of the complaint”*. noting that reporting all communications *“would require an even more extended implementation period”*.

### **ComReg’s analysis:**

63. ComReg, in D10/25, has set out the definition of a ‘Complaint Response’ and has specified that such Complaint Response must be provided to a Complainant, within a maximum timeframe of 10 Working Days from the day on which the Complaint was first notified to the provider.
64. Issuing a Complaint Response is a requirement on all providers and is a necessary step in the end-user complaints process. The complaints data relating to the Complaint Response is required by ComReg to accurately quantify the length of time taken to issue a Complaint Response to end-users and, as such, is a requirement of the process.
65. In collecting complaints data in the requested format ComReg is seeking a specific data set that will be applicable across numerous providers. The fields set out in Data Workbook meet this requirement for cross-comparability. Thus, the data set required is proportionate to the aims. It is designed to be applicable across the sector rather than being overly specific to one provider.
66. Where a date coincides with a similar date for another step in the process then the same value can be ascribed to both fields, and for example in circumstances where the ‘Date response issued’ and ‘Date closed’ coincide the same date can be provided for both events. However, if there is further engagement with the end-user and the complaint does not close on the same date but closes on a later date, this will be captured also.



67. ComReg did not set out in the consultation that providers were to report on the dates of *all* communications prior to the date a complaint is finally closed (namely the date to be recorded in the 'Date closed' field), nor does it require that data.
68. The data required by ComReg represents fixed points in time when certain stages of the complaints process have been carried out. These are reflective of the requirements on providers and thus should not necessitate an extension to the implementation process.

**ComReg's position:**

69. ComReg has had regard to the submissions received from respondents, and based upon the analysis above ComReg is of the view that the inclusion of the date a Complaint Response issued remains appropriate.
70. ComReg has amended the field name from 'Date response issued' to 'Date complaint response issued' to reflect changes made in ComReg 10/25.

### 2.2.3 Resolution (Remedial Action) and provision of 'personal data'

71. ComReg proposed in the consultation (see paragraphs 42.9) that details of the remedial action(s) undertaken, excluding monetary payment are to be included in a provider's complaints report for each complaint.

#### Respondents' views:

72. In general, respondents did not disagree with ComReg's position regarding the provision of 'Resolution (remedial action)' data.
73. **Three Ireland** noted that there was no separate tab for Resolution (remedial action) and indicated that it will include remedies and actions per case within the 'Resolution' column itself.
74. **Vodafone** stated that ComReg requires that no personal data is provided in this process yet it also required resolution data. It suggested that *"a drop-down classification should be provided for resolutions"*. It noted that whilst *"Free text [entries] had been suggested up to 200 [character limit] this still exposes a risk of personal data disclosure unnecessarily"* providing that it believes it to be *"not proportionate to require a line-by-line review of the case detail provided"*.

#### ComReg's analysis:

75. With reference to Three Ireland's comments ComReg notes that this is the correct approach in these circumstances.
76. ComReg notes the suggestion that it provide a pre-populated listing for resolutions that could be selected from a 'drop-down' list. ComReg notes that remedial action(s) undertaken by a provider as part of the resolution of a complaint may be a single action and/or one taken to resolve other complaints. However, the resolution of a complaint may be bespoke or require multiple remedial actions. A free text field gives providers complete flexibility to enter the remedial actions taken and recorded by their agents.
77. Notwithstanding, ComReg expects that providers undertake regular analysis of their own data to see the actions taken by their agents to remedy complaints and identify systematic, recurring problems and trends to help eliminate the underlying causes of complaints.
78. Providers remain free to compile a standardised list of options from such analysis for its staff to attribute the remedial actions taken in a complaint, should it think this helpful. ComReg expects that such entries would be transparent, with sufficient detail provided to ensure they are easily understood when reported upon.

79. The processing and security of personal data is the responsibility of the individual data processor, as defined under the GDPR. Thus, providers must take all requisite steps to preserve and protect same. ComReg is not now and will not seek such personal data for the purposes of this complaints reporting requirement.

**ComReg's position:**

80. ComReg has had regard to the submissions received from respondents, and based upon the analysis above, ComReg remains of the view that the inclusion of the details of the remedial action(s) undertaken, excluding monetary payment is appropriate in the complains data to be reported.

## 2.2.4 Progression

81. ComReg set out in the consultation (see paragraph 23) that its proposals did not require the provision of 'Progression' data.

### Respondents' views:

82. In general, respondents did not oppose ComReg's proposal that it would not require 'Progression' data.
83. **Three Ireland** noted that the template excludes the progression column for complaints to ComReg and enquired whether they should now remove this.
84. **Virgin Media** stated it has *"no objection to the proposal to modify certain reporting parameters, to include ... removing the requirement to provide 'Progression' data."*

### ComReg's analysis:

85. Section 47(1) of the 2023 Act enshrines the rights of end-users to refer a relevant dispute to ComReg to progress it for dispute resolution<sup>22</sup>.
86. Section 45 of the 2023 Act requires that *'where a provider receives a complaint from an end-user in respect of its services, the provider shall inform the end-user of his or her right to refer a relevant dispute to the Commission for resolution in accordance with section 47'*.
87. The rationale for the required data fields was set out in the consultation.

### ComReg's position:

88. ComReg remains of the view that it is not necessary to provide 'Progression' data in a complaints report.

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<sup>22</sup> *"An end-user may refer a dispute with a provider to the Commission and, where the Commission is satisfied that the dispute is a relevant dispute, and— (a) a period of at least 10 days has elapsed since the complaint giving rise to the dispute was made, or (b) the procedures for the resolution of disputes provided for in the provider's code of practice have been completed"*.

## 2.2.5 Format of fields

89. ComReg set out the form of the proposed template to be used by providers in submitting complaints data to ComReg in the 'Complaints Data Template'.

### Respondents' views:

90. **Three Ireland** observed that the date format in the template is DDMMYYYY and asked if it could be updated to DD/MM/YYYY as the existing format would require Three to carry out considerable system modifications.

### ComReg's analysis:

91. While ComReg notes the submission made by Three Ireland, it was the only respondent to raise this systems issue.
92. ComReg's requirement is for providers to omit the '/' from dates so as to provide dates in the format DDMMYYYY. ComReg notes that this is how dates are formatted by providers, including Three Ireland, in their submission of other data to ComReg e.g. Quarterly Key Data Report ("QKDR") data<sup>23</sup>.
93. As ComReg envisages that providers will be able to submit complaints data using an online data portal in the future (see also section [2.3.2](#)), ComReg has endeavoured to align any known system requirements to minimise further amends that may be needed to the Complaints Data Template when such system is implemented.
94. The omission of the '/' from dates ensures there is a standardised date format to ensure optimal configuration of IT systems. This is a normalised way to format dates, and an established way to format dates for providers that currently upload data to ComReg.
95. ComReg requires providers who have yet to transition the formatting of date fields to omit '/' to do so in advance of the submission of the first report using the new template. ComReg can engage with providers on issues regarding date formats as it has done in other contexts, however it does not agree that a disproportionate level of systems modifications will be required to configure the required date format for complaints reporting purposes.

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<sup>23</sup> The requirement for a DDMMYYYY date format for QKDR submissions is in place a number of years [Online:] [Quarterly Key Data Report Guidance Documents](#). See for example: 'Date of Installation (DDMMYYYY)' within 'leasedlines\_wholesaleOperator\_2025H1' excel workbook

### ComReg's position:

96. ComReg requires providers to present dates in the format DDMMYYYY and omit the ' / ' in the 'Complaints Data Template'.

## 2.3 Complaints Data submission timeframes and method of submission

### 2.3.1 Implications and timeframe to implement

97. ComReg proposed in the consultation (see paragraph 52) that the Decision Instrument would take effect *"from the first day of the relevant period after the publication date of the Response to Consultation and Decision"*.

### Respondents' views:

98. Generally, those Respondents that made submissions on the proposed implementation period did not agree with ComReg's proposal and submitted that it gave insufficient time to implement the proposed requirements.
99. **An Post Mobile** stated: *"To accommodate these new data provisions and any others that may be included in the final template, our Customer Relationship Management (CRM) system would have to be adjusted accordingly. In addition, our Customer Services representatives would require additional training to ensure that these new data requirements were recorded correctly"*.
100. **Sky** noted similar concerns stating: *"Due to the complexity of the required changes, we need sufficient implementation time before the requirements specified by any future decision become binding. Making changes to our reporting systems is a time-consuming process that involves significant effort and resources"*. Sky added that it recommended 'specifying the implementation period' and that *"allowing a longer transition period would enable providers to adequately prepare and ensure compliance with the decision issued as a result of this consultation"*.
101. **Virgin Media** considered the proposed timeframe for providers to implement the reporting changes to be *"far too short"*, stating *"Providers would have too little time to implement the required report specifications. In addition, some Providers might be unable to retrospectively provide data for dates that precede the date of implementation of changes to report specifications/ parameters"*.

### ComReg's analysis:

102. ComReg notes Respondents' views that the proposed implementation period in the consultation was insufficient for implementation.

103. ComReg is of the view that it is important that the requirements for complaint reporting are in place as soon as possible. As set out in the consultation, ComReg is also of the view that providers are required to have systems in place to address the current requirements to record data based on the minimum requirements specified by ComReg for providers' codes of practice for complaint handling related to complaints.<sup>24</sup>
104. While ComReg does not anticipate that the addition of the proposed requirements for complaints reporting to be excessively burdensome or complex, it has taken on board the concerns raised in this regard.
105. ComReg has also had regard to its recent Decision on the 'Code of Practice for Complaint Handling, Minimum Requirements for ECS Providers' and notes the effective date of D10/25 is 2 March 2026.

### **ComReg's position:**

106. In light of respondents' views, and having considered the proposals further, ComReg has decided that the first complaints report to be submitted in line with the requirements of this Decision will be required on or before 9 December 2026 to include all complaints made to providers between 1 June 2026 and 30 November 2026.
107. ComReg considers that this provides sufficient time to allow providers to implement the changes they have indicated are necessary to comply with the requirements.
108. ComReg's approach balances the need not to delay the benefit of the proposed requirements and the time allowed for implementation.

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<sup>24</sup> See D04/17 and D10/25

## 2.3.2 Future developments and use of data

### 1) Portal/Upload

109. ComReg noted in the consultation (paragraph 48) that it envisages providers will be able to submit complaints data using an online data portal in the future.

#### Respondents' views:

110. **Three Ireland** requested a test upload before the obligation to submit commences so that it could identify any issues that might arise prior to the actual date for uploading live data.
111. **Vodafone** requested that ComReg confirms when the proposed online portal for the submission of complaints reporting data would be operational and that it should be in place for the submission date applicable after the publication of a decision on the part of ComReg.

#### ComReg's analysis:

112. The date the proposed online portal will come into operation has not yet been determined. ComReg commits to keeping providers updated in this regard and will work with providers to give effect to the system which is envisaged to be similar to the QKDR system in functionality.

#### ComReg's position:

113. ComReg will update providers regarding any change in the method of submission of their complaint reports (e.g. from email to an on-line portal). ComReg will work with providers to ensure that the reporting framework runs in a smooth and efficient manner during any associated implementation phase.

### 2) Use of Data

#### Respondents' views:

114. **Vodafone** submitted that *“ComReg has not engaged at a bilateral level to understand any context to the data that Vodafone has provided [and] would welcome clarification if that is going to be the case moving forward”*. It also stated that *“it should be made very clear that a much higher bar for comparability is required if ComReg intend at any stage to publish details regarding operator complaints data”*.



### ComReg's analysis:

115. The data required from providers is for the purposes of reporting pursuant to sections 43 and 44 of the 2023 Act.
116. The legislature has already determined that providers should report on the complaints they receive, and the requirements are concerned with how, and not whether, that should be done.
117. As ComReg has set out previously, the data reported by providers must be comprehensive such that it would allow for cross comparability between providers (see paragraph 65). Section 44 and its application in this context, does not represent a '*higher bar*' as the requirement to provide such data, which should be accurate and reflective of the complaints made to a provider by end-users, has been in place since the commencement of the 2023 Act. It is for providers to ensure the accuracy and reliability of the complaints data they report.
118. As set out in the consultation (see paragraph 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.

### 2.3.3 Comments on Regulatory Impact Assessment

119. ComReg sought comments on the draft regulatory impact assessment set in the consultation.

#### Respondents' views:

120. **An Post Mobile** stated that "*ComReg should ensure ...that a balance is struck between consumer protection and not disproportionately increasing the regulatory reporting burden, particularly on the smaller providers in the mobile telecommunications sector.*"
121. **Eir** stated it wished to "*highlight the importance of the evidence base being relied upon, particularly in respect of the value of the data that was being collected*".
122. **Sky** stated that "*it agrees with the ComReg assessment that imposing an additional obligation or requiring providers to provide complaints data at a greater frequency than is already required would create an unjustified burden for providers*". It also added that it believes an "*implementation period is required to allow providers to adequately prepare and ensure compliance with the decision...*"

123. **Virgin Media** reiterated its *“overall view that the current guidance-based framework is fit for purpose and could be amended to address ComReg’s concerns quite quickly and easily, such that switching to a new decision-based framework would be unnecessary, excessive and overly burdensome”*.
124. **Vodafone** stated its view that *“the Regulatory Impact Assessment talks at an extremely high level regarding the purpose of collection of data”*. With reference to the proposed withdrawal of the Regulatory Guidance it stated, *“there has been no separate engagement on the process in advance of deciding to move to a formal requirement”*. Vodafone also stated that it *“believes that the Quarterly Consumer line statics reports, and information published by the CCPC provides enough insight for ComReg”*. Vodafone also pointed out the burden on the operators and called for greater engagement with operators in issues such as this.

### **ComReg’s analysis:**

125. Complaint reporting is a statutory requirement. ComReg can specify the data required from providers for this purpose. The provision of the required data, being data that providers are already required to collect and report on, is not considered onerous or disproportionate. The data requirements as now set out by ComReg reflect the necessity to produce a data set that is fair, accurate, comparable and representative of all providers. It has been created with a broad applicability in mind. The data in question is key complaints data that providers are already required to retain and are already reporting on.
126. These proposed requirements have followed a public consultation in which stakeholders have had the opportunity to make submissions, which submissions have been fully considered.

### **ComReg's position:**

127. ComReg has taken account of respondent’s submissions on the RIA and has set out its final RIA in Chapter 3.

## 3 Regulatory Impact Assessment (RIA)

128. ComReg has published RIA Guidelines<sup>25</sup> (ComReg 07/56a), in accordance with a Ministerial Policy Direction to ComReg<sup>26</sup>, which states that ComReg will conduct a RIA in any process that may result in the imposition of a regulatory obligation, or the amendment of an existing obligation to a significant degree, or which may otherwise significantly impact on any relevant market or any stakeholders or consumers.
129. The analysis presented in this section represents ComReg's RIA setting out ComReg's conclusions on the effect of the specification of new minimum requirements for inclusion in providers' codes of practice for complaint handling on stakeholders and competition.
130. ComReg is empowered by the 2023 Act to specify requirements to be met by providers to ensure the procedures they have in place for dealing with complaints and settling disputes with end-users are accessible, fair, prompt, transparent, inexpensive and non-discriminatory. Providers are required to prepare, publish, keep updated and implement a code of practice for dealing with complaints and settling relevant disputes. Codes of practice are required to provide for various matters set out in section 42(2) of the 2023 Act and ComReg is empowered to specify requirements to ensure compliance with these requirements.

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<sup>25</sup> ComReg (2007), Guidelines on ComReg's Approach to Regulatory Impact Assessment [online](#) which have regard to the RIA Guidelines issued by the Department of An Taoiseach in June 2009.

<sup>26</sup> Ministerial Policy Direction made by Dermot Ahern T.D. Minister for Communications, Marine and Natural Resources on 21 February 2003.

131. ComReg’s aim in conducting a RIA is to establish whether regulation is necessary, identify any positive or negative effects that might result from a regulatory measure being introduced, and to ensure that any specific requirements imposed are appropriate, proportionate<sup>27</sup> and justified in light of the analysis conducted, the responses received to the Consultation<sup>28</sup>, having regard to its functions and objectives under the Communications Regulation Act 2002 (as amended)<sup>29</sup> (“the Act”), having regard to general objectives to be pursued by it in the context of its regulatory tasks, and having regard to its objectives of ensuring that procedures for complaints handling and settling disputes comply with the requirements of sections 41 and 42 of the Act of 2023.
132. Consistent with the RIA Guidelines, ComReg’s RIA considers the effect on stakeholders and competition of ComReg’s decision to specify requirements for the handling of complaints and resolution of disputes. It also considers the scope of the options open to ComReg having carefully considered the responses to Consultation 25/23, including those on the draft RIA.
133. Having regard to the evidence collated during the consultation process, and to the RIA Guidelines, the following sets out ComReg’s final RIA.

### 3.1 Structure for the RIA

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

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<sup>27</sup> ComReg is required, in carrying out its functions, to seek to ensure that the measures taken by it are proportionate having regard to the objectives set out in Section 12 of the Communications Regulation Act 2002. Regulation 4(5) of the European Union (Electronic Communications Code) Regulations 2022 (S.I. 444/2022) (“the Code Regulations”) provides that ComReg, in pursuit of the policy objectives referred to in Regulation 4(3), shall apply impartial, objective, transparent, non-discriminatory and proportionate regulatory principles.

<sup>28</sup> Consultation 25/23.

<sup>29</sup> As set out in sections 10 and 12 of the Communications Regulation Act 2002 (as amended) (“the Act”).

135. 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.

135.1. promote competition<sup>30</sup>;

135.2. contribute to the development of the internal market<sup>31</sup>;

135.3. promote the interests of users within the Community<sup>32</sup>; and

135.4. ensuring a high level of protection for consumers in their dealings with suppliers<sup>33</sup>.

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

136. As ComReg noted in the Consultation, 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.

137. 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.

138. 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.

139. ComReg requires clear, comprehensible, reliable and comparable complaints data for the performance of its functions and to fulfil its statutory objectives.<sup>34</sup>

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<sup>30</sup> Section 12 (1)(a)(i) of the 2002 Act

<sup>31</sup> Section 12 (1)(a)(ii) of the 2002 Act

<sup>32</sup> Section 12(1)(a)(iii) of the 2002 Act

<sup>33</sup> Section 12(2)(c)(ii) of the 2002 Act

<sup>34</sup> Section 10(1)(da) of 2002 Act.

140. While providers have been obliged to provide complaints reports to ComReg on a 6 monthly basis since 2023, and notwithstanding ComReg publishing Regulatory Guidance<sup>8</sup> 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.
141. Consequently, the aims of obtaining clear, comprehensible, reliable and comparable complaints data are undermined.
142. 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.
143. 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.
144. ComReg's objectives in the performance of its functions include promoting competition<sup>35</sup> (ensuring that all end-users derive maximum benefit in terms of choice, price and quality)<sup>36</sup> and promoting the interests of users in the community<sup>37</sup>. 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).<sup>38</sup>
145. 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.
146. 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.

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<sup>35</sup> Section 12(1)(a)(i).

<sup>36</sup> Section 12(2)(a)(i).

<sup>37</sup> Section 12(1)(a)(iii).

<sup>38</sup> Section 12(2)(c).

147. 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.
148. 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.

### **3.3 Step 2 Identify and describe the Regulatory Options**

149. ComReg recognises that any regulatory measure should be kept to the minimum necessary whilst ensuring the needs of providers and end-users are met.
150. 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.
151. ComReg's approach is to ensure that any requirements placed on providers are appropriate and proportionate.
152. 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 complaints data and complaints fields to be used; and
  4. the timeframe, frequency and method of submission of complaints data.
153. 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 through their complaints handling obligations.

154. 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.
155. 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.
156. 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 complaints data fields.
157. 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 3 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.

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

158. Step 3 assesses the likely impact of the proposed regulatory measures on stakeholders.
159. Pursuant to Section 44 of the 2023 Act, the proposed policy decisions will apply to all providers<sup>39</sup>. 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),

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<sup>39</sup> As defined in section 40 of the 2023 Act.



- 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.
160. 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.
161. Under option 2, ComReg would define alternative requirements to those set out in this consultation.
162. 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.

### 3.4.1 Option 1:

163. 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).
164. 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.
165. Option 1 would not change this position. It would not support the consumer protection and promotion objectives of ComReg.

### 3.4.2 Option 2:

166. 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.
167. 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.

168. Without this information ComReg may be prevented from fulfilling its regulatory obligations to promote the interests of users within the Community<sup>40</sup>; and ensuring a high level of protection for consumers in their dealings with suppliers<sup>41</sup> and Option 2 would not address this information gap.
169. 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.
170. 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.
- 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.
  - 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.

### 3.4.3 Option 3:

171. Option 3 would impose new requirements on providers, who would be required to provide comparable complaints<sup>42</sup> 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.
172. 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.

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<sup>40</sup> Section 12(1)(a)(iii) of the 2002 Act.

<sup>41</sup> Section 12(2)(c)(ii) of the 2002 Act.

<sup>42</sup> The definition of a complaint as set out in D04/17.

173. 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.
174. 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.

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

175. 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.
176. The requirements proposed by ComReg will apply to Providers.
177. 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.
178. Therefore, while some impact on competition is conceivable and even likely as a result of these measures, it is not a reason to disapply or vary the requirements for providers.

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

179. 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.
180. 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.

181. 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.
182. 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 misinterpreted.
183. 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).

## Appendix: 1 Legal Basis

184. 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.*

185. 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*

186. 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”*

187. 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.

188. 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,

# Annex: 1 Decision Instrument

## 1. Statutory Functions and Powers

- 1.1 This Decision and Decision Instrument (“**Decision Instrument**”) is made by the Commission for Communications Regulation (“**ComReg**”) established under Section 6 of the Communications Regulation Act 2002, as amended (“**the 2002 Act**”) and is made:
- (i) Having regard to the functions and objectives of ComReg as set out in Sections 10 and 12 of the 2002 Act,
  - (ii) Pursuant 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**”),
  - (iii) Having regard to the functions of ComReg in Section 43 of the 2023 Act,
  - (iv) Having regard to ComReg 23/99 and ComReg 23/99a,
  - (v) Having regard to the definition of “Complaint” and the minimum recording requirements as specified in ComReg Decisions D04/17 (“**D04/17**”) and D10/25 (“**D10/25**”), and
  - (vi) Having regard to the analysis and reasoning set out in ComReg 25/12 and having considered the responses received thereto.

## 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 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 At the time of publication ComReg Decision Number D04/17 will remain in full force unless otherwise amended by ComReg. Pursuant to ComReg Decision D10/25, ComReg Decision D04/17 will be revoked from 2 March 2026. This Decision Instrument will apply to Complaints Data from 1 June 2026. Therefore, and from that time, the definitions used in ComReg Decision D10/25 will be applicable. For the avoidance of doubt however, the definitions used in ComReg Decision D04/17 will continue to apply to complaint reporting unless and until that Decision is amended or revoked. References in this Decision Instrument, its Appendices or Annexes, to ComReg Decision D10/25 shall be construed accordingly.

- 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, the following words and phrases shall have the following meaning:

**“Additions Template”** means the template at the Additions Tab of the Reporting Workbook.

**“Complaint”** has the meaning assigned to it in ComReg Decision Number D10/25.

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

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

**“Instructions Workbook”** means the Excel Workbook at Annex 2 to this Decision Instrument.

**“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.

**“Reporting Templates”** mean the Broadband Complaints, Fixed Voice Complaints, and Mobile Complaints template tabs of the Reporting Workbook.

**“Reporting Workbook”** means the Excel Workbook at Annex 3 to this Decision Instrument.



### 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 Instructions Workbook.
- (iv) Provide Complaints Data in the form of the Reporting Templates and, where applicable, the Additions Template.
- (v) Provide Complaints Data related to the service provision of Mobile<sup>43</sup> on the Mobile Complaints Tab, the service provision of Fixed Voice<sup>44</sup> on the Fixed Voice Complaints tab and the service provision of Broadband<sup>45</sup> on the Broadband Complaints tab within the requisite and clearly identified individual sheet within the Complaints Data Reporting Templates.
- (vi) Provide Complaints Data for any subsidiary, related company, or sub-brand, which 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 4 to this Decision Instrument, on or before the dates specified in paragraph (viii), 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.

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<sup>43</sup> Meaning Mobile Broadband (MBB) and Mobile to Mobile (M2M).

<sup>44</sup> Meaning Fixed Voice services (PSTN, ISDN and VOIP).

<sup>45</sup> Meaning Cable Broadband, DSL Broadband, VDSL Broadband, FTTP Broadband, Satellite Broadband and FWA Broadband.

- (ix) Provide Complaints Data as an attachment to [ecscomplaintsreport@comreg.ie](mailto:ecscomplaintsreport@comreg.ie) or via a secure file transfer system<sup>46</sup>, unless otherwise advised by ComReg.
- (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 powers or duties conferred on it under any primary or secondary legislation (in force prior to or after the Effective Date of this Decision Instrument) from time to time.

#### **5. Maintenance of obligations**

- 5.1 If any section or clause or provision 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 or provision or portion thereof shall, to the extent required, be severed from this Decision Instrument and rendered ineffective as far as possible without modifying the remaining section(s), or clause(s), or provision(s) or portion thereof of this Decision Instrument and shall not in any way affect the validity or enforcement of this Decision Instrument or other decision instruments.

#### **6. Effective date, duration and revocation**

- 6.1 This Decision and Decision Instrument is fully effective from 1 June 2026 (the "Effective Date"), unless otherwise amended by ComReg. On the Effective Date, ComReg 23/99 and ComReg 23/99a, will thereby be revoked. ComReg 23/99 and ComReg 23/99a remain effective until revoked.

#### **7. Transitional arrangements**

- 7.1 Any complaint raised prior to the effective date of ComReg Decision D10/25 shall be governed by ComReg Decision D04/17. Any complaint raised after the effective date of ComReg Decision D10/25 shall be governed by ComReg Decision No. D10/25. Complaints Data shall be reported on this basis.

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<sup>46</sup> This may require ComReg's prior consent.

# Annex: 2 Instructions Workbook

A 2.1 Published as ComReg 25/68a

# Annex: 3 Reporting Workbook

A 3.1 Published as ComReg 25/68b

## Annex: 4 ‘Nil return’ template

A 4.1 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](mailto: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.”

# **Annex: 5 Submissions to ComReg 25/12**

A 5.1 Published as ComReg 25/68s