

# DÁIL ÉIREANN

## AN COMHCHOISTE UM IOMPAR AGUS LÍONRAÍ CUMARSÁIDE

### JOINT COMMITTEE ON TRANSPORT AND COMMUNICATIONS NETWORKS

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*Dé Céadaoin, 9 Nollaig 2020*

*Wednesday, 9 December 2020*

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Tháinig an Comhchoiste le chéile ag 11.30 a.m.

The Joint Committee met at 11.30 a.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Joe Carey,	Jerry Buttimer,
Cathal Crowe,	Timmy Dooley.
Michael Lowry,	
Steven Matthews,	
James O'Connor,	
Darren O'Rourke,	
Ruairí Ó Murchú,	
Duncan Smith.	

I láthair / In attendance: Deputy Aindrias Moynihan.

Teachta / Deputy Kieran O'Donnell sa Chathaoir / in the Chair.

## Consumer Complaints Process: ComReg

**Chairman:** The purpose of our meeting with the Commission for Communications Regulation, ComReg, is to discuss consumer complaints about telecommunication companies, protecting customers and potential avenues for redress.

On behalf of the committee I apologise for the delay as we had a few technical issues. We are considering making a complaint to ComReg; whether the delay falls within its remit we shall see. That aside, we apologise for that. I welcome commissioner and chairperson Mr. Garrett Blaney, commissioner Mr. Jeremy Godfrey, commissioner Mr. Robert Mourik. Am I pronouncing that correctly?

**Mr. Robert Mourik:** Yes.

**Chairman:** I welcome Ms Barbara Delaney, director of retail and consumer services. As a note on privilege, all witnesses are reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person, or entity by name or in such a way as to make him, her or it identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative they comply with any such direction.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or against an official either by name or in such a way as to make him or her identifiable.

I call on Mr. Blaney to make his opening statement. As there is one opening statement, he should be conscious of time and be concise, and make it within five minutes.

**Mr. Garrett Blaney:** Go raibh maith agat a Chathaoirligh agus tá muid buíoch as ucht an chuiridh bheith i láthair inniu. I thank the Cathaoirleach and on behalf of the Commission for Communications Regulation, we are happy to appear before the committee to discuss consumer complaints about telecommunications companies, protecting customers and potential avenues for redress. I am joined today by my fellow commissioners and Ms Barbara Delaney, who is our director in this area.

ComReg is the national regulatory authority, NRA, for electronic and postal communications. We promote competition and investment in the sector. We uphold end user rights and we manage the radio spectrum and of our strategic intents, it is key to ensure that consumers can choose and use communication services with confidence. This is an important aspect of ComReg's activities. It has had a greater profile in recent months because of the significant problems that Eir customers have had getting in touch with the company. While any call centre can experience occasional problems with waiting times, Eir customers faced unacceptable waiting times over an extended period during the last couple of months.

It might be helpful if I start by providing the committee with a brief overview of ComReg's role in upholding the rights of consumers.

Our functions in upholding end-user rights derive mainly from EU legislation. Our role includes both sector-specific rights and rights derived from general consumer protection legislation. We provide information to consumers and a redress facility when they cannot resolve

complaints with their service providers. We take action against service providers that fail to meet their obligations or uphold the rights of consumers.

One of the important matters we oversee is ensuring that it is easy for consumers to switch to alternative service providers. We focus our consumer-related activities on issues where there has been greatest harm to consumers, and those areas which have given rise to the greatest number of complaints to ComReg. In recent years, the main issues we have been dealing with have involved matters such as billing, switching, customer contracts and problems with premium rate services. The following are examples of actions we have taken. The information we provide to consumers assists them to make informed choices. To this end we have: conducted awareness campaigns to inform consumers about areas such as complaints handling, mobile experience, premium rate services, among others; and published statistics relating to the number of complaints and queries received by ComReg's consumer line. We have broken these statistics down to give information on a per-operator basis.

Our consumer line deals with individual queries from consumers. This includes informing them about their general rights regarding how to complain to their operators and how to escalate complaints to ComReg if they are not satisfied. We provide online interactive tools and information such as our price comparison tool and our mobile coverage map. We make sure that consumers have redress when things go wrong. For example, we require service providers to have a code of practice for complaints handling. The codes of practice must include a telephone number and other channels for logging complaints. They must adhere to maximum timelines for dealing with complaints and they must inform customers that they can complain to ComReg if they are not satisfied with the complaint resolution.

When customers are not satisfied with the way an operator has resolved their complaint, they can escalate the complaint to ComReg. We then contact the service provider on the customer's behalf. The complaint is typically reviewed by the service provider's escalation team. Consumers who wish to call ComReg's line can dial 01-8049668 or email ComReg at *consumerline@comreg.ie*.

ComReg offers dispute resolution for consumers who remain dissatisfied with their operator's response generally, after all the complaint handling procedures have been exhausted. We ensure that consumers can switch providers easily in order that they may exercise choice and take advantage of alternative offers from competitors. To this end, we have implemented EU law mandating number portability for fixed and mobile phones so that customers can change service provider without having to get a new number. Customers can deal exclusively with their new provider and the new provider will cancel their old service on their behalf. We also ensure compliance with EU law mandating that customers should not be penalised for switching if they are out of contract and that there are no other unreasonable barriers to switching.

When service providers fulfil their consumer obligations, this benefits their customers and it reduces the number of queries and complaints that their call centres have to deal with. ComReg takes enforcement action when we consider that service providers are not fulfilling their obligations. In the past two years, we concluded and published the details of over 25 cases of non-compliance, including prosecutions and substantial fines.

I will turn to the recent problems with Eir customer care. We have experienced a growth in complaints to ComReg this year, largely as a result of consumers complaining about problems contacting Eir. In the first nine months of 2020, ComReg has resolved 5,354 complaints, two thirds of which, 3,477, came from Eir customers. ComReg has taken a number of steps to miti-

gate the impact on customers. We continue to ensure that our contact centre was able to answer queries from Eir customers, including informing them about how to complain to Eir and that they can complain to ComReg if they are unable to make contact with Eir. We provide information on our website, including the phone number and web address for submitting complaints to Eir. The web address is *www.comreg.ie*. We continue to engage on a fortnightly basis with the Eir CEO to understand the status of its care operation and the remediation plans. It is important to note that it is Eir's responsibility to fix the underlying problems with its customer care operation. It is Eir that hires and trains care agents, decides on their mandates and incentives and provides the IT systems. ComReg will continue to press Eir to resolve these matters expeditiously.

Looking to the future, and in light of the significant problems with Eir's call answering times, we have considered what additional steps we could take, and what additional powers would be useful. This consideration has taken into account the changes to the regulatory framework that will come into force when the new European electronic communications code is transposed into Irish law. This new European legislation will replace much of ComReg's existing legislation for electronic communications. The new laws will consolidate and reform the framework for the regulation of telecommunications regulations across the EU. In this directive, telecommunications are called electronic communications services, ECS, and electronic communications networks, ECN.

In terms of information provision, we consider that it would be useful to provide consumers with more information on matters such as quality of service and customer care complaint resolution metrics. This initiative will not only ensure transparency but will also ensure that the data we publish is meaningful and comparable.

In terms of complaint handling, we are monitoring whether service providers are implementing their codes of practice. We consider that it would be useful for legislation to provide for specific sanctions and consequences when service providers fail to implement their complaint handling codes, both generally and in the case of individual customers.

In terms of service providers other obligations, the European electronic communications code will give consumers some useful new rights, including transparency on contract terms, rights when switching broadband service and in respect of missed appointments. We have already published initial advice to service providers on how they should interpret end user obligations in anticipation of the implementation of the code. There are also consumer rights granted by the unfair commercial practices directive. ComReg does not have the power to enforce these rights for consumers of electronic communications services and we consider that this would be a useful addition to our responsibilities.

It is important that ComReg should be in a position to impose much larger sanctions that would be a genuine deterrent to non-compliance. This would give service providers a greater incentive to proactively uphold end user rights, rather than to come into compliance only after ComReg has taken action. The programme for Government contains a commitment to give ComReg the power to impose administrative financial penalties. We welcome this commitment by the Government and other parties and we hope that this important legislative change can be implemented as soon as possible. Promoting the interests of consumers is a core part of ComReg's reason for being. The recent problems faced by Eir customers in contacting customer care are completely unacceptable. We have used our existing powers as much as we can to assist customers and we are in discussions with the Government about what additional powers would be useful.

I want to mention the efforts of thousands of employees across the whole telecommunications industry, who have worked tirelessly during the pandemic to ensure that customers and businesses have been able to use the Internet to support work, education and social life. These workers have made a major contribution to the well-being of society and Eir's recent customer care problems do not invalidate the value of their work. We will be pleased to answer any questions that members have and I thank the committee for allowing me to make this statement of behalf of ComReg.

**Deputy Darren O'Rourke:** I thank Mr. Blaney for his presentation. I want Mr. Blaney to touch on the number of complaints. We had Eir before us in recent weeks. It is receiving tens of thousands of calls and ComReg is receiving a few thousand complaints. Is there some restriction on the number of calls ComReg can receive? Is it the case that the 1901 number does not get referred on to ComReg?

I refer to the prosecutions and substantial fines Mr. Blaney mentioned. What are substantial fines? What scale of sanctions would the witnesses like to have available to them to hold these companies to account? I raised these issues with the Minister in a Topical Issue debate two weeks ago.

On the restricted constraints on ComReg, the Minister said that if there is any call from it for further powers the Government will respond straightaway. However, the witnesses have said they are in discussions with Government. What discussion have taken place? Have they had discussions with the current Minister or did they also have discussions with the previous Minister? What is the delay? If the Minister has said he will respond, where is the hold up? People are really frustrated with performance, in particular of Eir, as the witnesses will appreciate.

**Mr. Garrett Blaney:** I will ask my fellow commissioner to answer questions on the consumer side and come back at the end on the discussions we have had with Government.

**Mr. Robert Mourik:** The Deputy mentioned the level of complaints. Our complaint line is a general complaint line and, as he said, we get thousands of complaints on a monthly and yearly basis. A lot of the complaints are requests for information. The thousands of complaints Mr. Blaney mentioned in his opening statement are those that required follow-up and we were able to make a difference. That is the main difference.

Customers can always ring us, but the procedure we have involves mandating all operators to have a so-called code of conduct for complaints handling. The consumer first goes to the operator to make a complaint. If the matter is not resolved within ten days, we can step in.

**Deputy Darren O'Rourke:** I refer to sanctions. There is reference to substantial fines. What type of fines might companies expect to be imposed?

**Mr. Robert Mourik:** I will ask my colleague, Mr. Godfrey, to answer the question on fines and powers.

**Mr. Jeremy Godfrey:** On fines, the scale of the fine will depend on the scale of the-----

**Deputy Darren O'Rourke:** What sort of range-----

**Mr. Jeremy Godfrey:** Fines can be up to €10 million or so, depending on the sanction. Certain types of regulatory obligations or breaches can affect the operation of competition in the marketplace. They can be based on the turnover of the company in the relevant market, which

could involve very large fines.

**Deputy Darren O'Rourke:** Consumer support is a major issue. What sort of fines might a company expect to be imposed if it does not meet its agreed targets around performance for consumer support?

**Mr. Jeremy Godfrey:** I cannot give the Deputy a fixed figure for that, but in calculating a fine, we examine the damage that had been caused to consumers.

**Chairman:** What is the highest fine ComReg has levied on an operator?

**Mr. Jeremy Godfrey:** I cannot remember the highest penalty we have had under the current regime. Mr. Blaney can correct me if I am wrong, but I understand people have paid us under settlement agreements. One of the highest payments was about €3 million. When we take criminal prosecutions, typically they are in the District Court and the maximum fine is €5,000 per count.

It is not just a question of the level of the fine; it is also the process by which the fine is arrived at and administered. It is important that ComReg imposes an administrative fine and financial sanction. Under the current regime we have to go to the lower courts for criminal prosecutions, which involves low numbers, or go to the High Court and ask it to impose a financial section. We have found it extremely important to have administrative financial sanctions. That is something which is available to some of the other regulators in Ireland. It is available to most of our peers across Europe. It is in line with the Law Reform Commission.

**Deputy Darren O'Rourke:** A fine of up to €10 million strikes me as quite a powerful tool to influence the behaviour of companies. However, the customer support in Eir is dreadful yet ComReg does not seem to be able to do anything about it. Where is the gap? The witnesses have said they need additional sanctions but have also said that a fine of up to €10 million can be imposed.

**Mr. Jeremy Godfrey:** My answer was that we would like to be able to impose a fine of up to that amount, but we do not have those powers at the moment. We do not have any powers to impose fines ourselves.

**Senator Timmy Dooley:** I would like one of the witnesses to make a clear statement as to whether they find the approach taken by Eir to be unacceptable. I will follow on from that.

**Mr. Garrett Blaney:** I refer the Senator to our statement. We clearly said we think it is unacceptable and that there needs to be an improvement.

**Senator Timmy Dooley:** The witnesses stated that they do not believe they have the appropriate tools to make eir comply with-----

**Chairman:** The Senator will appreciate that Eir representatives are not here.

**Senator Timmy Dooley:** I accept that, but they have come before the committee and it is hoped they will do so again. We will give them plenty of opportunities. The witnesses do not have the tools to impose fines. I ask them to bring forward recommendations to us, as well as to the Government.

My recollection is that ComReg's only connection with the parliamentary process is that it reports to us on an annual basis, for which I thank its officials. I ask them to share with us

as a committee what they believe to be the tools they require to make this company which, for historical reasons, has had a monopoly, comply with the regulations.

Like others, I could go through a list of people who have been in contact with me. The issue is not just a failure to respond or the length of time people have to waste on the phone. There are also other concerns. I am dealing with the case of a woman in Cratloe, County Clare, who has had the most appalling experience with Eir. Her husband suffered a massive stroke, but because he is the owner of the phone, she is still receiving threats of legal action regarding the payment of a bill despite having provided documentation to the company. That is just one example. There are more and more coming out of the woodwork since our last meeting.

Eir has decided for what I presume are commercial reasons to allow customer care to do what it does but not have any impact on it, and ComReg it does not have the power to deal with that. We need to bring this to a head pretty quickly. I welcome the witnesses bringing forward what they believe can assist them in righting the situation.

**Chairman:** To put flesh on that, what specifically does ComReg need?

**Mr. Garrett Blaney:** We share Senator Dooley's frustration. Customers contact us directly. That is a clear representation of the frustration that is out there. I will ask Mr. Godfrey to talk to the specifics of what we have asked for in terms of the new legislation and powers.

**Mr. Jeremy Godfrey:** In terms of powers, the most important thing is that there should be proper sanctions. It does not matter what the obligations are if there are no financially significant deterrents. That would be a much less effective regulatory regime.

At the moment, we investigate non-compliance. We have to go through due process, reach a preliminary conclusion and give the operator a chance to say what it thinks. We can then reach a final opinion of non-compliance. At that point, we have to go to the High Court and ask it to issue a declaration. We can suggest the financial penalty to the High Court and it can agree with us. It is a cumbersome process and is not frightening enough.

Rather than having to go to the High Court, we would like to be able to impose a fine. There would have to be an appeal mechanism. If we can impose the fine directly, it means that we can apply discounts for co-operation with investigations and for fixing issues quickly. It is a powerful tool.

**Senator Timmy Dooley:** I will ask a final question. Does ComReg believe that Eir is using current structures to benefit itself? It knows about the complaints. It is getting them and ComReg is getting the second bite of the complaints cherry, as it were. Eir also knows that the fines process is cumbersome. Is Eir effectively gaming the system because it knows how long it takes and how much red tape is involved? The process is drawn out and, in some cases, people just give up.

**Mr. Jeremy Godfrey:** I cannot comment on Eir's motivation. Aside from the regulatory compliance issues, the most important thing we do is help individual consumers. The Senator raised the case of the unfortunate lady in Clare whose husband had a stroke. Please get her to contact our call centre. We will be able to take up her case with Eir. We can help her to make a formal complaint to Eir, resolve the situation or escalate it. It is important that we do things like that. The bit of the process where ComReg is the backstop has worked effectively. Mr. Mourik spoke about the-----

**Senator Timmy Dooley:** Will ComReg report to us on what it thinks about the legislation?

**Mr. Jeremy Godfrey:** Yes.

**Senator Timmy Dooley:** It is worth noting that Eir has not passed on the recent VAT reduction to customers.

**Mr. Robert Mourik:** May I make an additional point in answer to the Senator's question? Many of the problems that result in complaints or calls to the call centre are because of failures in an operator's systems or the billing has gone wrong. People ring for a reason. Using the fines regime, we would like to address the root causes of some of the problems and ensure that companies bill properly and have systems in place that are fit for purpose. In this way, we would get the volume of calls to drop because people would have less reason to ring. That is the direction we want to go.

**Chairman:** Can ComReg fine a phone operator as matters stand-----

**Mr. Jeremy Godfrey:** We-----

**Chairman:** -----or must it go to court to have a fine imposed? That is a weakness. ComReg cannot impose a fine directly; it must go to court. Is that the District Court, Circuit Court or High Court? I ask that the witnesses be brief. I do not want to go into this in too much detail because we have little time.

**Mr. Jeremy Godfrey:** It is a bit of both.

**Chairman:** If I am a phone operator and I am falling down in my customer care, ComReg is toothless to impose sanctions unless it takes me to court. Am I correct?

**Ms Barbara Delaney:** There is an exception. We have powers under the consumer protection legislation in respect of fixed payment notices. We have used those powers previously.

**Chairman:** What fine would be imposed in such circumstances?

**Ms Barbara Delaney:** In the region of hundreds of euro for each instance.

**Chairman:** Is that €100?

**Ms Barbara Delaney:** It is the same kind of thing-----

**Chairman:** In terms of substantial fines, must ComReg go to court?

**Ms Barbara Delaney:** Yes.

**Chairman:** That is a weakness. We need ComReg to write to us and tell us specifically what legislation is required. This is the nub of the issue. ComReg is toothless when it comes to the phone operators. It has no power to sanction and it must take operators to court, but the courts are slow and customers are waiting.

There are issues of confidentiality, but the CEO of Eir, Ms Carolan Lennon, appeared before us recently and vehemently disagreed with Mr. Mourik's view that what is happening is unacceptable. The term he used in the recent edition of "Prime Time" in this regard was "exceptional". Furthermore, she stated that ComReg and Eir have been having fortnightly meetings since last June. What has been happening at those meetings?

**Mr. Robert Mourik:** Issues started to occur suddenly. The customer care issues in Eir suddenly grew. This was-----

**Chairman:** With respect, two thirds of the complaints to ComReg up to September related to Eir. That was hardly sudden.

**Mr. Robert Mourik:** No, but what I am trying to explain is that we saw all operators dealing with the Covid reality at the beginning of the year, but we did not see Eir coming out of that. Actually, we saw a deterioration in Eir's customer care performance, and that is-----

**Chairman:** Why does Mr. Mourik think that was? He can tell us what happened at the meetings with Ms Lennon. She vehemently disagreed with his assessment on "Prime Time". What happened at Eir that, by its own admission, caused its customer care service to deteriorate so rapidly? People were waiting on the phone for 30 minutes or longer. Was it a lack of staff? What was the reason?

**Mr. Robert Mourik:** The only people that can drill down and tell the Chairman the exact detail of what went wrong are those in Eir. I was interested in seeing the end result, which was pretty bad for consumers where-----

**Chairman:** What was discussed at the meetings?

**Mr. Robert Mourik:** The meetings were held for two reasons. First, we wanted to ensure that Eir's management was doing everything in its power to resolve the situation. In the end, this is Eir's customer care service and solving the problem is Eir's responsibility, but I wanted to ensure that Eir's CEO knew that we were concerned and that we were watching the situation.

**Chairman:** Did ComReg tell Eir that it would take Eir to court if necessary?

**Mr. Robert Mourik:** No, we did not.

**Chairman:** Why not?

**Mr. Robert Mourik:** We do not have the power to do so on this specific issue.

**Chairman:** Hold on a second. A minute ago, I was informed that ComReg would have to go to court to impose sanctions. Now Mr. Mourik is telling me that ComReg was not even able to go to court over what was happening in Eir. Am I correct in that?

**Mr. Robert Mourik:** The Chairman will understand that we work within the limits of the law. The law gives us-----

**Chairman:** Just explain why ComReg is unable to take Eir to court over its disastrous customer care.

**Mr. Robert Mourik:** The law does not allow us to do so. That is a matter for the judgment of lawmakers to-----

**Chairman:** Why does the law not allow for that?

**Mr. Robert Mourik:** The law does not allow us to set every aspect of an operator's customer care. What the law-----

**Chairman:** But-----

**Mr. Robert Mourik:** -----tells us to do is ensure that there are-----

**Chairman:** So there are-----

**Mr. Robert Mourik:** -----arrangements for customer complaints. That is what we-----

**Chairman:** Are there sanctions of any form that ComReg can impose on a company like Eir that has had such disastrous customer care?

**Mr. Robert Mourik:** We can definitely carry out investigations into matters, but not specifically call durations, for example. As we stated earlier, we investigate root causes. For example, has the billing system-----

**Chairman:** Mr. Mourik is telling me that, as matters stand, ComReg does not have the power to impose a fine or sanction on Eir directly or through the courts in respect of Eir's disastrous customer care. Is that correct?

**Mr. Robert Mourik:** Correct. Mr. Godfrey wishes to add something.

**Mr. Jeremy Godfrey:** Long waiting times in themselves are not a breach of any regulatory obligation under the law as it stands. However, one of the reasons long waiting times develop is that there are many calls. The reasons underlying the calls may themselves be----

**Chairman:** I accept all of that-----

**Mr. Jeremy Godfrey:** I am just trying to explain the situation.

**Chairman:** No. I have a very simple question. As matters stand, can ComReg impose sanctions directly or through the courts on a phone operator whose customer care system is disastrous?

**Mr. Jeremy Godfrey:** We can only take action if the complaint-handling part of the customer care system does not meet the standards.

**Chairman:** What does that-----

**Mr. Jeremy Godfrey:** We do not regulate the operational metrics of the front line-----

**Chairman:** No. In simple terms, that means that-----

**Mr. Jeremy Godfrey:** I am sorry. We do not set, and do not have the power to set, a metric to say that an operator must answer the phones within a certain time, but-----

**Chairman:** Well then-----

**Mr. Jeremy Godfrey:** -----when customers have complaints, we can tell operators that they must have an effective way for customers to log those complaints. If operators fall down on that part of the process, we can pursue sanctions.

**Chairman:** In summary, it looks to me like ComReg is utterly toothless in respect of Eir's customer care. The law needs to be changed. We ask the witnesses to write to us on the matter.

**Deputy Ruairí Ó Murchú:** To follow up on what the Chairman said, he is looking for the ability to impose fines rather than having to go to court. On the basis of the previous meeting, I imagine his ask also concerns other legislative tools to examine some of the breaches we found

by Eir and at least have the threat of sanction. Have the witnesses had those conversations with the Government? Have they asked the current Minister? What was the conversation between them and his officials? Did they deal with the former Minister, Deputy Bruton, previously and put these asks on the table?

**Mr. Garrett Blaney:** This has been a long-standing question. It was brought up originally by the Law Reform Commission. The ask for extra powers for ComReg is not a new ask. We have had it with a number of Ministers. We got great heart from the fact that it went into the programme for Government and we certainly welcome any support from this committee in terms of making sure that that can be expedited. There are many different items of legislation but this would be important legislation from our perspective.

**Deputy Ruairí Ó Murchú:** All the asks, therefore, are before the Government and have been before the Government for a considerable period.

**Mr. Garrett Blaney:** The key asks, yes. We will continue to refine them. If we can make further refinements in light of the experience we will do that.

**Deputy Ruairí Ó Murchú:** I refer to what Deputy O'Rourke mentioned. He said the Minister, Deputy Ryan, stated that if there are asks from ComReg the Government will have no difficulty in following through on those but the witnesses put these in front of him. What has he said to them?

**Mr. Garrett Blaney:** We have been working through his officials. We have had an ongoing engagement with-----

**Deputy Ruairí Ó Murchú:** With the Minister's officials, not the Minister.

**Mr. Garrett Blaney:** We have also mentioned it to the Minister. When we met him, we raised it as one of the important issues. It is one of our primary issues, to be frank. Our No. 1 ask is that we get these extra powers in legislation. We mentioned that to him but in terms of the detail, we have been working through that with his officials. We have had good engagement with them. We have heard positive noises in terms of the priorities-----

**Deputy Ruairí Ó Murchú:** Lately.

**Mr. Garrett Blaney:** Yes, in the past weeks. This has been an ongoing discussion with them; it is not a new discussion.

**Deputy Ruairí Ó Murchú:** In fairness, the witnesses are going to write to us with these asks. We also need to write to the Minister.

I have one further question. It relates to the Wireless Telegraphy Act 1926. There have been difficulties with companies' antennas. I believe some of them have had engagement with ComReg, which stated that those antennas allow them to use, say, a network operator to provide mobile broadband, particularly in rural areas, which National Broadband Ireland, NBI, has not come close to touching but that some of those antennas are in breach of the Act. Do we need to update the legislation or is there some facility for allowing those antennas to be used because they are helping many people get through a gap at this point in time?

**Mr. Garrett Blaney:** I might ask my colleague, Mr. Godfrey, to answer on the specifics of that. We are keen to do anything we can about that.

**Mr. Jeremy Godfrey:** All the antennas, masts and facilities used by the mobile operators are perfectly lawful under the Wireless Telegraphy Act 1926, one of the only Acts that is older than I am, so I do not think that is a problem. One issue we have been dealing with is that there are customers who have reasonable mobile coverage outside their homes but the signal strength is not strong enough to come into their homes. One way of dealing with that is to use repeaters. There was a problem a few years ago because unlicensed repeaters could cause interference with the mobile networks themselves-----

**Deputy Ruairí Ó Murchú:** I accept that.

**Mr. Jeremy Godfrey:** -----so one of the things we did about two years ago was introduce a licensing or an exemption scheme for repeaters that were smart enough not to cause interference. We have worked with the industry and the distribution channels to make those available. There now is a legal and effective way for people to use repeaters but we ask everyone to make sure they use the legal repeaters because they can cause problems-----

**Deputy Ruairí Ó Murchú:** I accept that in respect of the repeaters but is there a difficulty sometimes with certain antennas being used?

**Mr. Jeremy Godfrey:** If the Deputy would like to write to me-----

**Deputy Ruairí Ó Murchú:** That would make sense.

**Mr. Jeremy Godfrey:** I am not immediately aware of what he has in mind.

**Deputy Ruairí Ó Murchú:** That would be brilliant and it would probably make much more sense. I might also make more sense.

**Deputy Cathal Crowe:** I wish to raise a few issues. The first concerns an email that came in the other day from a company in Ennis. The VAT reduction rate announced on 1 September has not been passed on to them and what they have seen in their bills since September is that the tariff has gone up and the VAT has come down. Basically, they are paying the exact same bill so they have adjusted their tariff and reduced the VAT. That is immoral. That VAT reduction was brought about just across from us in the Dáil a few short weeks ago to alleviate pressures felt by individuals and companies during this time of economic ravage brought on by Covid-19. It is immoral that Eir continues to do that. It is wrong that it has adjusted tariffs without any communication with its customer base, as far as I can see. It has adjusted it so that one is paying the same at the end of the month. The same amount leaves one's bank account. That is wrong. I would like to hear the witnesses' views on that.

Second, as others were speaking I was going through the mobile phone coverage map of the nation, which has various colour codings signalling areas with good and bad coverage and no coverage in some cases. It is broken down by company. I made the point at our previous meeting that in some parts of County Clare there is a proliferation of mobile phone masts. There could be ten or 12 in a small community and companies apply to extend these 6 m masts to 12 m and they sell space very lucratively to competitors. In the rural parts of the county there is no coverage. If someone goes off to work they are entirely uncontactable to family and whoever else might need to reach them if they go to western or northern parts of the county. That is wrong. The companies are not fulfilling their full obligations. This does not come down to 4G, 5G and that crazy debate that happens online and at the fringes of society. It is not about that; it is about some populated communities being overloaded with infrastructure when they already have super coverage and other communities being cast aside.

The final issue I want to raise is that of eircodes. I believe that issue is not fully within the ComReg's remit but, nonetheless, eircodes are a prerequisite for homeowners in Ireland to get connected to the Internet. There is something fundamentally flawed in that. We have debated in this committee the situation where they generate eircodes on a quarterly basis. If one does not get taken into that net of eircode generation one is cast aside for a few months and left without broadband at a time when it is crucial that people are enabled to work from home.

**Mr. Garrett Blaney:** I will ask Ms Delaney to cover the issue on the VAT. My colleague, Mr. Godfrey, will cover both the masts in Clare and the eircode issue.

**Deputy Cathal Crowe:** Very good. I thank Mr. Blaney.

**Ms Barbara Delaney:** I thank the Deputy for the question on VAT. That business might make contact with me as we have had some consumer questions regarding that. We know the VAT reduction was not necessarily mandated to be passed on. Nonetheless, we would be interested in the particular contract the customer has, the price that was signed up to and so on. It would be examined on a case-by-case basis but I would ask the business referred to, or the Deputy, to refer it to me and we can look at it.

**Deputy Cathal Crowe:** We will gladly do that. I thank Ms Delaney.

**Mr. Jeremy Godfrey:** I thank the Deputy for the comments on the coverage map and on mobile coverage. We believe this is a very important issue. People having connectivity on the move is very important. It is a matter that the previous committee discussed with ComReg quite often. One of the things we have done is provide the coverage maps. Some people may have good coverage from one operator but not from another so it is easy for them to choose the right operator. We have done a few things to help people with indoor service, as I mentioned earlier. While we are all very happy to have better service in more populous communities, we are concerned about communities being left behind. We did some studies and to cover 100% of the land area of Ireland would be phenomenally expensive. We are in a forthcoming spectrum auction so probably in the first or second quarter next year we will have major licence awards. One of the important characteristics of that will be the coverage obligations that go with those new licences. We have proposed much more demand in coverage obligations than have been in previous licences. We will ask operators to provide a 3 Mbps service to 99% of the population and 92% of the geographic area of Ireland, and a 30 Mbps service, which is a much faster service, to 95% of the population, as well as to cover areas like motorways, primary roads and specific locations like business and technology parks, hospitals, higher education campuses, transport hubs, and visitor attractions. While that will not result in 100% coverage, it is something that we think is at the upper limit of what is commercially and financially feasible to do. We will make sure that happens within a reasonable time.

**Deputy Cathal Crowe:** I ask that ComReg champion the whole concept of co-location. This is about having great coverage nationwide but not a proliferation. Places like Sixmilebridge and Ennis, have their tenth and 12th mobile phone masts being put up in a small community. If one goes to Corofin, it is like walking off the edge of the world as there is no mobile phone signal. That is wrong and it needs to be built into licensing. As a national regulator, ComReg needs to watch and scrutinise the whole principle of co-location because it became a buzzword in planning about nine years ago, but it seems to have dropped off. Mobile phone companies are flaunting it. They are driven by the profits. I think it costs about €10,000 or €12,000 per unit space one rents on a mast. It makes sense because it is lucrative in an urban environment but in a rural environment why bother, as it is hassle.

**Mr. Jeremy Godfrey:** Co-location is very important because it is a way of reducing the cost of providing the coverage, particularly in rural areas. When the operators need to meet those enhanced coverage obligations, they may have to put new masts in less populous areas. If they share such masts it would be cheaper for the three of them than if they each built their own mast, from a planning perspective and an economic perspective.

**Deputy Cathal Crowe:** Perhaps ComReg's database might map out the co-located masts in order that we know where it is and is not happening nationally.

**Mr. Jeremy Godfrey:** It is not on the coverage map but we have another map on our website which is more for people who are interested in the engineering, a site viewer, which does have the location of the mast and who is on each mast.

**Deputy Cathal Crowe:** It does have that. That is good.

**Chairman:** We will move on to the Eircode issue and let Deputy Matthews ask a similar question.

**Deputy Steven Matthews:** I will probably have a question for Mr. Godfrey as well. The Eircode postcodes are rolled out on a quarterly basis or they are supposed to be, I believe there is some delay with that. Eir suggested when I put the question to them, that a roll-out of Eircode postcodes on a monthly basis would assist them. Would it be the view of ComReg that increasing the frequency of rolling out Eircode postcode addresses would assist with some of the issue we have with telecoms providers?

On the masts issue, it is the local authority that generally gives the planning permission for a mast. Does ComReg think local authority planners have sufficient support to be able to identify whether there is an over-saturation of masts or whether a mast is actually necessary in an area, following on from Deputy Crowe's point?

Third, I asked Eir about setting up a dedicated phone and email address for public representatives to be able to put questions to them. Would ComReg support the view that providers should provide that service to public representatives because we are often the ones who get the first call on these? Do they have to and would ComReg be of the view that they should?

**Ms Barbara Delaney:** I will answer that last question first and then come back. I know certain operators have them in place and we have a process in place as well. There is not a requirement, as far as we know, but equally there is not anything inhibiting it happening and we would strongly encourage that it would be made available.

**Deputy Steven Matthews:** Can ComReg make that recommendation to service providers that they should provide that?

**Ms Barbara Delaney:** We can make the recommendation for sure but it is not-----

**Deputy Steven Matthews:** We would appreciate that.

**Chairman:** It could be incorporated in ComReg's request for legislation as well. There is an absolute lacuna in terms of enforcement of consumer rights and powers *vis-à-vis* ComReg and the operators. We need that in detail so we can expedite it with the Minister and we want to support ComReg in that. Mr. Mourik's conversations with Ms Carolan Lennon, CEO of Eir, did not yield anything. The fact that ComReg is toothless in terms of imposing sanctions, in my view, very much undermined the position of ComReg in enforcing consumer rights. I will let

Deputy Matthews conclude and then maybe Mr. Mourik can come in on that.

**Mr. Jeremy Godfrey:** I will talk about Eircode postcodes and masts and Mr. Mourik can talk about how the conversations with Ms Carolan Lennon assisted us to help consumers. On the Eircode postcodes, we are certainly aware that the industry has moved to using Eircode postcodes as a unique identifier for addresses. It is certainly useful to have a unique identifier for addresses and we are aware of the problems that can be caused by new builds and the time it takes for an Eircode postcode to be issued. We do not regulate the operational processes of the operators and we do not regulate the Eircode allocation process. I take the Deputy's point about the quicker that process is, obviously the better from this point of view. We have also had discussion with the industry about what they might do to help consumers in those premises who do not yet have an Eircode postcode, to see if there is anything that can be done.

**Deputy Steven Matthews:** Could Mr. Godfrey offer that as a recommendation as well?

**Chairman:** I am very conscious of time. I want to zone in as we have one more speaker and we have to be out of here by 1.30 p.m. because of Covid regulations.

**Mr. Jeremy Godfrey:** On masts, there are broadband offices in every local authority. A lot has been done over the past two years to make sure the local authorities have the skills and information necessary to handle mast applications expeditiously and sensibly.

**Chairman:** Deputy Moynihan must be rigid on time.

**Deputy Aindrias Moynihan:** Yes, I will be brief. It relates to the blue commercial zone providing broadband in those areas and where Eir seem to be very slow in rolling out fibre to those householders. What realistic expectations should householders have and how quickly should they expect to get fibre broadband, once houses are built? For example, 16 months on from moving into houses in Heathfield, Ballincollig, residents are still waiting for fibre to be laid. Construction has moved on to phase 3 and ducts are in place. While Eircode postcodes have been available since last February, there is no date set or a timeline rolled out. What kind of expectations should householders have? Does ComReg set targets with Eir, does it meet them and is ComReg able to pursue them on it to ensure that they provide fibre broadband in those blue areas in a timely manner?

I note that when people raise queries, ComReg will say there are alternatives available but the alternative realistically is a 3 Mbps contentious line providing only 1 Mbps. It is not realistic to expect householders to enter into a contract for a year or more where there will not be alternatives available to them. As commercial operators are not interested in coming into those areas, they are not realistic alternatives.

**Chairman:** Deputy Moynihan will have to allow the witness to respond.

**Mr. Jeremy Godfrey:** Under the current legislation we operate under, we are able to set targets for the installation of voice lines but not for broadband lines. Eir meets the targets for provision of voice service in places like Ballincollig, where the Deputy is talking about. Under the new electronic communications code, which will be transposed into Irish law shortly, it will be possible to designate universal service providers for what is called adequate broadband. The issue can be dealt with under that new law when it comes into force.

**Deputy Aindrias Moynihan:** Is there a timeline as to when Mr. Godfrey is expecting that?

**Mr. Jeremy Godfrey:** That is imminent. The precise time of the transposition is a matter for the Department but it is a matter of weeks or months, not any longer than that.

**Chairman:** What did the meeting with Ms Carolan Lennon yield in terms of improved customer service for consumers of Eir?

**Mr. Robert Mourik:** Those meetings in our view had two purposes. First, as I told the committee, was to make sure that they fixed the problem as quickly as possible. The second aim we had with those meetings was that we had a lot of complaints coming into ComReg and they needed to be addressed. We learned a lot through those meetings in order to help those customers.

**Chairman:** Does Mr. Mourik think Eir was starting to address them?

**Mr. Robert Mourik:** Yes, because of that interaction, we brought the number of outstanding complaints, that is, of people who had complained to us but we could not get to them, from more than 400 back to normal numbers.

**Chairman:** On that point, we ask that ComReg expedite getting a letter to us on what legislation is needed in order that we can go to the Minister and get it through as quickly as possible on behalf of the consumers of all these operators, namely, phone and other broadband operators. The meeting is now adjourned. The next meeting of the joint committee will be a private virtual meeting at 4 p.m. on Tuesday, 15 December 2020. The next public meeting of the joint committee will be at 11.30 a.m. on Wednesday, 16 December 2020. I thank all present and I apologise for the rushed nature of the meeting.

The joint committee adjourned at 1.30 p.m. until 4 p.m. on Tuesday, 15 December 2020.