

Press release

Government commences new legislation to empower consumers and strengthen ComReg's regulatory toolbox

From [Department of the Environment, Climate and Communications](#)
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Published on 9 June 2023

Last updated on 15 June 2023

Greater protections and means of redress for consumers provided by Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023

Minister for the Environment, Climate and Communications, Eamon Ryan, and Minister of State for Communications and Circular Economy, Ossian Smyth, have both welcomed the commencement of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023.

The legislation provides greater protections and means of redress for customers, including:

- greater powers for ComReg to enforce operators' obligations
 - the establishment of an enhanced alternative dispute resolution process
 - new powers for ComReg to set minimum quality of service standards that operators must guarantee to their consumers
 - a new compensation scheme that will entitle consumers to compensation for specific customer service failings on the part of their operator
 - a new "Customer Charter" that will clearly set out the standards consumers can expect their services to provide
- Commenting on this development, Minister Ryan said:

- provisions regarding the improved security of electronic communications networks

"I am delighted that the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 has commenced in its entirety. This Act succeeds in establishing a regulatory landscape fit for the digital age and within which Ireland's electronic communications sector can thrive."

Together the Act and the European Union (Electronic Communications Code) Regulations 2022, which also commence today, transpose the European Electronic Communications Code. This represents a revision of the entire EU regulatory framework for the telecommunications sector.

Minister Smyth said:

"The communications sector is a vital component of our modern society, and this has never been truer than in the last couple of years when we have relied on it more than ever. Making sure that ComReg have the tools to effectively regulate the sector is key not only to facilitating competition, but also to helping consumers receive the best service possible."

The legislation will strengthen ComReg's regulatory toolbox – enabling them to act more effectively and efficiently. It provides them with a new civil enforcement regime and an updated criminal enforcement procedure for the electronic communications sector, fulfilling a key commitment in the Programme for Government 2020.

Another vital component of the Bill is the transposition of the security provisions of the Code (Articles 40 and 41). These provide a mechanism for the Minister to specify security measures by Regulation, to make guidelines relating to network security and to provide a legislative basis to enforce [Electronic Communications Security Measures](/en/press-release/71ff9-government-agrees-measures-to-enhance-the-security-of-electronic-communications-including-5g-networks/). (</en/press-release/71ff9-government-agrees-measures-to-enhance-the-security-of-electronic-communications-including-5g-networks/>).

Minister Smyth added:

"Digital connectivity has become a vital part of all our lives. This Bill will ensure that the operators of electronic communications networks and services are implementing rigorous security measures to protect their networks, whilst giving ComReg the appropriate powers to enforce on that high level of security."

ComReg Chair and Commissioner Robert Mourik was also pleased with the commencement of the legislation, saying:

"ComReg welcomes commencement of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 and the EU (Electronic Communications Code) Regulations 2022 as an important milestone in the development of telecoms regulation in Ireland. This legislation will transpose the European Electronic Communications Code and ensure that the telecoms regulatory framework in Ireland is strengthened in this digital age.

"This legislative package brings ComReg's regulatory powers into line with those of other Irish regulators, and with telecoms regulators across the EU. It will give ComReg more effective regulatory tools to carry out its mandate. ComReg welcomes the introduction of a substantial number of new consumer protection measures in the legislation which provide for the establishment of minimum quality of service standards, a new compensation scheme that will entitle consumers to compensation for failings by operators, and an enhanced alternative dispute resolution mechanism for consumers. This legislation will benefit consumers, businesses and ultimately for the economy and society as a whole. Once all supporting Statutory Instruments are also in place, this legislative package will enable ComReg to exercise the full range of new powers provided for in the legislation."

ENDS

Notes to the Editor

What the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 does

The Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (<https://data.oireachtas.ie/ie/oireachtas/act/2023/4/eng/enacted/a0423.pdf>) achieves the following key objectives:

- the Act designates ComReg as the competent authority for the purpose of enforcing the Code and transposes the enforcement elements of this Directive
- the Act provides ComReg with a new civil enforcement regime and an updated criminal enforcement procedure for the electronic communications sector. These new enforcement procedures will give effect to the enforcement provisions of the Code, but will also be used for enforcement of other relevant communications legislation going forward. Providing ComReg with an updated enforcement regime is a Programme for Government 2020 commitment
- the Act transposes the security provisions of the Code (Article 40 and 41) and, in so doing, provides a mechanism for the Minister to specify security measures by Regulation and to make guidelines relating to network security and to provide a legislative basis to enforce the Electronic Communications Security Measures (<https://www.gov.ie/en/policy-information/5e101b-network-and-information-security-cyber-security/>)
- the Act provides for an enhanced alternative dispute resolution process for consumers, a new power for ComReg to set minimum quality of service standards that operators must guarantee to their consumers, a new compensation scheme that will entitle consumers to compensation for specific customer service failings on the part of their operator and a new “Customer Charter” that will clearly set out the standards consumers can expect their services to provide
- the Act makes several amendments to the Communications Regulation Act 2002, updating ComReg’s investigatory and prosecutorial powers

- the Act makes provisions regarding the security of electronic communications networks which set out how a risk assessment will be conducted, aligned with the principles of the EU 5G Security Toolbox. These provisions also set out how certain vendors will be identified and will provide for Ministerial notices to restrict or ban such vendors on networks as a whole or specific parts of the networks
- the Act amends the Digital Hub Development Agency Act 2003 to reduce the membership of the Agency from fourteen to eight, and to reduce the number of a quorum from six to four
- the Act amends the Postal and Telecommunications Act 1983 to enable €10 million per annum to be provided to the post office network, and to provide a legal basis for funding granted from the EU's Brexit Adjustment Reserve (BAR) to be directed to An Post
- parts 10 and 11 of the Act, which deal with the amendments to the Digital Hub Development Agency Act 2003 and Postal and Telecommunications Act 1983, commenced in March

What the European Electronic Communications Code does

The European Electronic Communications Code (<https://digital-strategy.ec.europa.eu/en/policies/eu-electronic-communications-code>) represents a revision of the entire EU regulatory framework for the telecommunications sector. It aims to develop a legislative framework that is fit for the digital age, and within which the sector can thrive.

Directive 2018/1972, (<https://eur-lex.europa.eu/eli/dir/2018/1972/oj>) which establishes the Code, repeals and replaces the previous legislation governing the area – that is, the Framework Directive, the Authorisation Directive, the Access Directive, and the Universal Services Directive.

More specifically, the Code updates the following key areas:

- the end-user rights enjoyed by consumers of electronic communications services in the Union
- the Universal Services regime applicable to electronic communications
- the rules governing the assignment and use of radio spectrum

- the regime governing access to infrastructure obligations on operators deemed to have Significant Market Power
- expansion of scope of the regulatory framework to include new market players
- the Code will be transposed by way of the Communications Regulation Bill and the European Union (Electronic Communications Code) Regulations

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