

Regulators Focus on Consumer Law Enforcement in Response to COVID-19 Crisis

Whilst businesses face unprecedented pressure in the context of the Covid-19 crisis, consumer law regulators have acted swiftly to (i) remind businesses that consumer laws continue to apply, (ii) enhance consumer protections, (iii) investigate suspected breaches, and (iv) review the ability of providers of the day-to-day services we rely on to ensure service continuity during the crisis. For example:

- On 23 March 2020, the Irish consumer and competition regulator (the CCPC) published a reminder to businesses that consumer law requirements remain in place. The CCPC stated that it is actively monitoring compliance with consumer law requirements, noting that there is a heightened risk in these circumstances that a small minority of traders, in particular of sanitiser / protective products, may engage in practices which are damaging to consumer welfare.
- In late April 2020, Irish authorities with consumer and telecoms responsibility announced a commitment by Telecommunications Industry Ireland, the industry group for the telecoms sector, to provide extra assistance and flexibility to telecoms consumers at a time when working remotely and staying connected has become a priority (see further details below).
- Investigations into alleged excessive ‘price gouging’ practices are ongoing in Italy (relating to hand sanitiser and protective masks) and Poland (relating to personal protective equipment).

Thus, at this time, Irish businesses need to anticipate additional engagement from consumer law regulators and to take extra care to avoid what could possibly be regarded as:

- **Misleading statements** about their products/services to consumers;
- **Aggressive commercial practices** or pressurised sales tactics towards consumers; and
- **Unfair contract terms** such as attempts to limit consumers’ legal rights directly or indirectly (for example by imposing a dispute resolution process/jurisdiction which is inaccessible to the consumer) and disproportionate default / early termination charges.

Consumer Welfare Initiatives in Ireland

See below further information on recent actions by Irish regulators with consumer law functions.



Competition and Consumer Protection Commission (“CCPC”)

As noted above, the CCPC has made clear that it will continue to carry out its market surveillance and consumer law enforcement mandate with focus on the risks for vulnerable consumers at this time.

The CCPC has also sought to educate consumers of their consumer law rights, including by publishing a [Q&A](#) on 12 March 2020 covering the most frequently asked questions from consumers on travel, insurance and shopping online during Covid-19 and also provides a list of other sources of information on areas covered which provide more information on these areas.

Finally, the CCPC has been closely monitoring sales of protective products given the above-noted risk of abusive practices. For example, on 20 April 2020, the CCPC urged for consumer caution when shopping for personal protective products online. In particular, the CCPC has expressed concern that claims by online traders that donations are being made to hospitals etc, should not automatically be considered to be valid or an indication of product suitability. Further, the CCPC has made available guidance by the EU Commission on instances when consumers should be cautious of online **traders**.



Commission for Communications Regulation (“ComReg”)

As noted above, due the imposition of necessary public health measures to curb the spread of Covid-19, we are now depending more heavily on electronic communications, through both personal and professional commitments. ComReg has welcomed the introduction of a series of consumer commitments established by the Telecommunications Industry in response to our increased reliance on this type of communication. The Covid-19 Consumer Commitments are as **follows**:

- Any fixed broadband customers who do not have unlimited usage already as standard will be given the opportunity, if they require, to upgrade their package (which may be on a temporary basis), with their current service provider.
- Any customer who does not have fixed broadband and who relies solely on mobile access to the internet will have the opportunity to avail of an affordable unlimited mobile data access package from their service provider.
- Fair usage policies will not be automatically applied to unlimited fixed and mobile data packages.
- Service providers may implement appropriate permitted traffic management measures to avoid network congestion.
- Access to healthcare and educational resource websites identified by the Government will be zero-rated for all customers where technically feasible.
- So that customers can remain connected during the crisis, service providers will engage with any customer that contacts them who is in financial difficulty as a result of Covid-19 and has difficulty paying their bills to agree the best way of keeping them connected to voice and data.
- Service Providers will work with ComReg in the event of complaints raised to ComReg by consumers who consider they are not being treated in accordance with these commitments.

The above commitments will remain available to consumers until 30 June 2020 at a minimum.

ComReg has also sought to assist telecoms consumers by publishing a [summary](#) of ways in which consumers of various networks can add phone credit to pre-paid mobile accounts, or to top-up a friend or family’s account without the need to leave their home.

Finally, with the objective of ensuring service continuity and in light of the steep increase in the use of mobile networks, **ComReg announced** the release extra radio spectrum in order to provide additional capacity for mobile phone and broadband services. This follows ComReg’s issue of a [consultation paper](#) which provides guidance to operators in utilising this spectrum as quickly as possible.



The Commission for Regulation of Utilities (“CRU”)

The CRU has extended customer protection measures in particular by extending the moratorium on domestic electricity and gas disconnections to **16 June 2020**. The aim is to provide appropriate protection and reassurance for customers. Along with the moratorium on disconnections, on 16 March the CRU decided to increase emergency credit levels for all gas prepayment customers from €10 to €100. As gas credit cannot be purchased online, this measure has been applied to allow customers to remain connected for a period even if they cannot continue to purchase credit regularly as usual in a retail outlet.

In addition, with the objective of ensuring service continuity, the CRU has stated that it is in constant contact with the Transmission System Operators, Eirgrid, Gas Networks Ireland and Irish Water to monitor the implementation of their individual business continuity plans to ensure energy and water supplies remain uninterrupted during the pandemic.



Central Bank of Ireland (“CBI”)

The CBI has published notice of its continued enforcement of consumer rights and its alertness of the potential for fraudsters to take advantage of the current situation and promote new scams relating to Covid-19.

The CBI has also sought to educate consumers of their pre-existing consumer law rights, including by publishing an [article](#) with information for consumers affected by Covid-19 and who may be facing financial difficulties resulting from the impact of the measures taken to tackle the public health emergency.

In addition, with the objective of ensuring service continuity, The CBI further stated that it is working with the government, the Banking and Payments Federation Ireland, banks and payment providers to ensure consumers continue to have access to cash, can use payment cards and that payment processing continues as normal. The CBI is also working closely with a number of European authorities as well as all regulated firms to ensure markets continue to serve consumers.