



GIBRALTAR REGULATORY
AUTHORITY

Consumer Disputes

Procedures for handling disputes

18th July 2023

C03/23

FOREWORD

These procedures apply to unresolved disputes between a consumer or other end-user, and a service provider who is authorised by the GRA to provide public electronic communications networks and/or services.

Relevant disputes must relate to products and services which are subject to the provisions of the Communications Act 2006 and subsidiary legislation.

CONTENTS

INTRODUCTION	1
SUBMISSION OF REQUEST FOR THE RESOLUTION OF A DISPUTE	1
GRA REMIT AND INITIAL ASSESSMENT.....	2
INVESTIGATION	2
DECISION	3

INTRODUCTION

These procedures apply to unresolved disputes between a consumer or other end-user, and a service provider who is authorised by the GRA to provide public electronic communications networks and/or services (see [Register of Authorised Persons](#)). A dispute must relate to a product or service which is subject to the provisions of the Communications Act 2006 (the "Act") and/or Communications Regulations.

Regulation 29(11) of the Communications (Universal Service and Users' Rights) Regulations 2006 (the "Regulations"), provide that the GRA must resolve disputes which remain unresolved, after due completion of the dispute resolution procedure contained in a code of practice implemented by a service provider, with regards to the handling of complaints and disputes.

SUBMISSION OF REQUEST FOR THE RESOLUTION OF A DISPUTE

The Dispute Resolution Request Form ("DRRF") can be found on the GRA website¹ and this can be submitted directly from the website or downloaded and completed offline. Instructions on how to submit these can be found on the form.

DRRF submitted by email, post or in person, can be submitted as follows:

Communications Division
Gibraltar Regulatory Authority
2nd Floor, Eurotowers 4
1 Europort Road
Gibraltar
Email: communications@gra.gi

DRRFs must include sufficient detailed information about the matter being raised, including any supporting evidence such as bills, correspondence with the relevant service provider or relevant third parties etc. If a reference number has been provided by the service provider, this should also be provided.

In order to deal with a dispute efficiently, the GRA may need to disclose the information to the service provider or other relevant third party. **It is therefore important to indicate if any of the information submitted within the DRRF is confidential.**

¹ <https://www.gra.gi/communications/consumers/disputes>

Please note that the GRA is under an obligation to comply with the requirements of the Gibraltar General Data Protection Regulation and the Data Protection Act 2004. To learn more about how we process personal data, please view our [privacy notice](#).

GRA REMIT AND INITIAL ASSESSMENT

All dispute resolution requests are important to the GRA as they provide a useful account of whether a service provider is failing to comply with its requirements. The GRA will log and acknowledge every request that it receives. Following receipt of a complete DRRF, the GRA will carry out a process of initial assessment using the following criteria:

- The GRA will first consider whether the request is within the GRA's remit to resolve. If the dispute does not fall under the GRA's remit, it will inform the applicant that the dispute cannot be resolved by the GRA. **The GRA aims to make this assessment within 5 working days of receiving the DRRF.**
- Should the GRA deem the matter to fall within its remit, it may contact and request the service provider to make its own representations regarding the dispute. Additional information may also be requested from the applicant where necessary. **The GRA aims to obtain any relevant information within 10 working days of receiving the DRRF.**
- Based on the information it has received, the GRA will then decide if it should investigate further or not. If the GRA decides not to investigate the matter any further, it will inform the applicant of its reasoning and conclusion. If alternatively, the GRA finds that the service provider may have acted contrary to its responsibilities towards the applicant, the GRA will commence an investigation.

INVESTIGATION

Once an investigation is initiated, the applicant and the service provider will be informed. **The GRA will endeavour to complete its investigation and arrive at a preliminary decision within 20 working days of having taken the decision to investigate the matter.**

DECISION

Following the investigation, the GRA will prepare a draft decision on the context of the matter raised by the applicant. This draft decision may be subject to change in light of the subsequent representations provided by any party.

The GRA's draft decision will contain the following:

- a summary of the dispute as understood by it;
- a summary of the material parts to which the dispute relates;
- the provisions of the Act, Regulations, conditions, obligations or any other requirements which the GRA deems are relevant and applicable to the case;
- the GRA's assessment of whether any breaches of the above have occurred and the reasons behind that assessment; and
- The GRA's resolution and relevant next steps to be taken by the parties to the dispute.

Once the GRA has issued its draft decision, it will forward this assessment to the relevant parties and request representations within 10 working days.

Following the consideration of any representations received on its draft decision, the GRA will reach its final decision and inform both parties of the outcome of the dispute accordingly. **The GRA aims to make its final decision within 10 working days of receiving any representations from the parties.**

Regulation 29(14) of the Regulations provide the GRA with the power to issue a direction to comply with such measures which the GRA may specify for the resolution of a dispute. This direction may include a requirement for the service provider to reimburse payments, including payments in settlement of losses incurred.

Whenever the GRA is unable to assess and/or complete the resolution of a dispute within any of the time limits specified above, it will provide reasons for the delay. If a party to the dispute seeks an extension to a time limit, it should explain in writing to the GRA why it believes it is appropriate.

These procedures are not seeking to duplicate or replace requirements under legislation or regulatory requirements imposed by the GRA. They are also without prejudice to compliance with such requirements.

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