



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Spectrum Transfer and Lease Framework

Notification Form

(Editable pdf version of the Notification Form set out in Annex 2 of ComReg Document 24/86)

Notification Form

Reference: ComReg 24/86a

Date: 22/10/2024

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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Introduction

- A 1.1 Undertakings involved in a proposed Transfer or Lease of spectrum rights of use to which the [Draft] Wireless Telegraphy (Transfer and Lease of individual rights of Use for radio spectrum for the provision of electronic communications networks and services) Regulations 2024¹ (Statutory Instrument No. __ of 2024) (the “Regulations”) apply, must submit this Notification Form to ComReg.
- A 1.2 Undertakings must make a joint Notification, such that all Notifying Parties give consent for ComReg to consider the Notification of a proposed Transfer or Lease.
- A 1.3 All elements of Part 1 of the Notification Form must be completed.
- A 1.4 In addition, Part 2 of the Notification Form must be submitted where the Standard Procedure is expected to apply to the Notification (See Table 3 below).
- A 1.5 ComReg, at its discretion, may form the view that the Standard Procedure may apply to any Notification and seek that Part 2 also be completed as part of the Notification.
- A 1.6 Notifying Parties must identify on the Notification Form whether any information is genuinely confidential providing the appropriate rationale in support of the claim. If the Notification does not contain confidential information, Notifying Parties are to state this as part of the Notification. Should ComReg not receive a statement regarding confidentiality, the process to publish the information cannot proceed until this is determined as ComReg may need to apply its guidelines on the treatment of confidential information.²

¹ All subsequent references to Regulations in this document refers to the draft Regulations contained in Annex 1 of Document 24/85.

² ComReg Document 05/24, as may be amended.

Table 1: Current ECN/ECS licence types where the Simplified or Standard Procedure would be expected to apply (October 2024)

Simplified Procedure	Standard Procedure	Licence types to which the Transfer and Lease Framework does <u>not</u> apply
1. 3.6 GHz Band Transition Protected 2. 400 MHz Band 3. Air Traffic Services 4. Emergency Service Digital Radio (ESDR) 5. Fixed Radio Link & Temporary Fixed Radio Link 6. Fixed Wireless Access Local Area (FWALA) 7. GSM for Railway (GSM-R) 8. Maritime Services 9. MBSA2 2.3 GHz Band Transition 10. Mobile Radio Systems (Trunked Radio) 11. Mobile Satellite Service and Complementary Ground component (MSS with CGC) 12. Radiolocation, 13. Radionavigation 14. Satellite Earth Station (SES) 15. Telemetry (National) 16. Telemetry Regional (On-Site, Local Area and Wide Area) 17. Third Party Business Radio	18. 26 GHz Band National Point-to-Point 19. 3G Licence & 2.1 GHz Band Liberalised Use 20. 3.6 GHz Band Liberalised Use 21. 3.6 GHz Band Spectrum Lease 22. MBSA1 Liberalised Use 23. MBSA2 Liberalised Use 24. MBSA2 Spectrum Lease	25. Aircraft Station 26. Amateur Station 27. Automatic Identification System (AIS) 28. Business Radio 29. Coimisiún na Meán, 30. Community Repeater 31. RTÉ Analogue Sound Broadcasting Services, 32. RTÉ Digital Sound Broadcasting Multiplex, and 33. RTÉ Digital Terrestrial Television Broadcasting Services 34. Temporary Business Radio (including PMSE), 35. Test (Research and Development) 36. Trial (Third Party Trial) 37. Wireless Public Address System (WPAS)

Part 1 Information that must be submitted for all Notifications

Part 1a: General information

A 1.7 Please provide all the relevant details as set out in the tables below.

Table 1: General information³ - Transferor/Lessor

No.	Transferor / Lessor details	Information provided
1a1	Legal name	
1a2	Trading name	
1a3	Provider Name ⁴ (as listed on ComReg's Electronic Register of Authorised Undertakings (ERAU))	
1a4	Business address ⁵	
1a5	Website	
1a6	ComReg's eLicensing account number	
1a7	Contact person – name	
1a8	Contact person - telephone	

³ ComReg is bound by GDPR legislation, the personal and account information identified below will not be published by ComReg in its publication of the Notification: ComReg's e-licensing account number Contact person – name, telephone and e-mail address.

⁴ Undertakings need to hold a General Authorisation (unless exempt in accordance with [Document 03/90](#)) and the Provider Name (where required) needs to be the same as the Legal name provided. See ComReg website for further details on obtaining a [General Authorisation | Commission for Communications Regulation \(comreg.ie\)](#).

⁵ Complete postal address of registered office or, if it does not have a registered office, the principal place where it carries on business

No.	Transferor / Lessor details	Information provided
1a9	Contact person – e-mail address	
1a10	Contact person – postal address	

Table 2: General information - Transferee/Lessee

No.	Transferee / Lessee details	Information provided
1a11	Legal name	
1a12	Provider Name ⁶ (as listed on ComReg's Electronic Register of Authorised Undertakings (ERAU))	
1a13	Trading name	
1a14	Business address ⁷	
1a15	ComReg's eLicensing account number (if held)	
1a16	Website	
1a17	Contact person – name	
1a18	Contact person - telephone	
1a19	Contact person – e-mail address	

⁶ Undertakings need to hold a General Authorisation (unless exempt in accordance with [Document 03/90](#)) and the Provider Name (where required) needs to be the same as the Legal name provided. See ComReg website for further details on obtaining a [General Authorisation | Commission for Communications Regulation \(comreg.ie\)](#).

⁷ Complete postal address of registered office or, if it does not have a registered office, the principal place where it carries on business

No.	Transferee / Lessee details	Information provided
1a20	Contact person – postal address	

Part 1b: Description of the proposed Transfer or Lease

A 1.8 Please specify the information requested in the table below:

Table 3: Description of the proposed Transfer or Lease

No.	Description of proposed Transfer or Lease	Information provided
1b1	Is the spectrum rights of use being transferred or leased?	
1b2	Licence type being transferred or leased (e.g. Fixed radio link, Telemetry (National), MBSA2 Liberalised Use licence etc...)	
1b3	ComReg Licence reference number(s)	
1b4	Frequencies or frequency ranges to be transferred /leased (kHz, MHz, GHz) (please provide all relevant frequencies)	
1b5	For an area-defined licence (e.g. a national licence or a licence not limited to specific sites/stations) what is the geographic extent of the proposed Transfer or Lease (For example, entire area covered by existing Licence, county or geographic contour, specific site only. For anything other than the “ <i>entire area covered by existing licence</i> ” please provide all relevant details)	

No.	Description of proposed Transfer or Lease	Information provided
1b6	Proposed effective start date of Transfer or Lease ⁸	
1b7	Proposed end date of Lease ⁹	
1b8	Intended use of the spectrum following the Transfer or Lease	
1b9	<p>General description of the proposed Transfer or Lease</p> <p>(Additional information may be submitted alongside this Notification Form. For example, the proposed Transfer / Lease agreement between Notifying Parties)</p>	

⁸ The effective date is subject to the Procedures necessary for ComReg to make a determination in relation to any notified Transfer or Lease. Notifying parties should aim to take into account the indicative time periods set out in the Procedures in providing this date. ComReg cannot provide any guarantee that the determination will be made by the proposed effective start date.

⁹ If a Transfer the expiry date on the licence will be the end date.

No.	Description of proposed Transfer or Lease	Information provided
1b10	<p>Please provide information to demonstrate the ability of Transferee / Lessee (if appropriate) to meet any existing Licence Conditions</p>	
1b11	<p>Details of the existing spectrum holdings (i.e. the quantum of spectrum held under all licences) of each Notifying Party in Ireland (including details that the parties' subsidiaries hold).</p> <p>(For example in the case of Fixed Links Party A has 10 Fixed link licences, each licence is for 2x50 MHz. Party B has 5 Fixed Link Licences, each is for 2 x 50 MHz. Party A's existing spectrum holdings for the licence type is 2 x 500 MHz or 1000MHz, Party B's existing spectrum holdings for the licence type is 2 x 250 MHz or 500 MHz)</p> <p>For licence types that are indicated to fall under the simplified procedure, please provide details of the existing spectrum holdings for the licence type subject to the Transfer or Lease.</p> <p>At its discretion, ComReg may request that Notifying Parties submit all existing spectrum holdings.</p>	

No.	Description of proposed Transfer or Lease	Information provided
	For licence types that are indicated to fall under the standard procedure , please provide details of all existing spectrum holdings.	

Part 1c: Prior approval for certain licence types

A 1.9 For the following licence types, prior approval of the external body¹⁰ responsible for carrying out the technical assessment and/or technical approval is required.

- Air Traffic Services,
- Maritime Services,
- Radiolocation, and
- Radionavigation.

¹⁰ External body for prior approval is as follows:

- For Air Traffic Services, Radiolocation and Radionavigation WT licences with spectrum rights in the aeronautical bands, prior approval is required from the Irish Aviation Authority (IAA);
- For Radiolocation and Radionavigation WT licences for maritime use, prior approval is required from the Commissioner of Irish Lights (CIL); and
- For Maritime Services Licences with spectrum rights which have a land-based 'Maritime Mobile' International Telecommunications Union ("ITU") allocation, prior approval is required from the maritime division under the aegis of the Department of Transport.

Table 4: Licence specific information

No.	Licence specific information	Information provided	
1c1	Is prior approval from another authority being supplied as part of the Notification?	Yes	No
1c2	If yes, please provide a description of the information being submitted and attach the information to the Notification Form.		

Part 1d: Preliminary Checks

A 1.10 To facilitate ComReg conducting its Preliminary Checks as set out in Section 2.2 of the procedures and to facilitate an efficient process, Notifying Parties are required to consider the preliminary checks and confirm that all of the checks are satisfied.

Table 5: Preliminary checks checklist

No.	Checks to be carried out	Answer
(i)	Confirmation that all the required information has been furnished ^{11, 12}	
(ii)	Confirmation to ensure that all Notifying Parties hold a General Authorisation and are Undertakings ¹³	
(iii)	Confirmation that it is a Transfer or Lease, or both, to which the Regulations apply. This may include Notifying Parties considering whether the proposal needs to be notified to the CCPC or the EC and is subject to merger control and should be notified to the CCPC or the EC.	
(iv)	Confirmation that the proposed use complies with the purpose/services allowed in a particular licensing regime	
(v)	Confirmation that all licence fees in respect of the particular rights of use have been paid and are up to date	
(vi)	Confirmation that ComReg has not served a notice(s) in relation to the revocation or suspension of the licence(s) subject to the proposed Transfer or Lease (Regulation 15 of the EECC Regulations 2022)	
(vii)	Confirmation that, in the case of rights issued pursuant to an EC harmonisation decision, the proposed Transfer or Lease complies with such harmonised use (Regulation 33(9) of the EECC	Yes N/A

¹¹ See Part 1 of the Notification for all proposed Transfers or leases and Part 2 of the Notification Form for any Proposed transfer or lease that is to be considered as part of the Standard Procedure.

¹² For the Standard Procedure ComReg may, at its discretion, waive the requirement for Notifying Parties to provide specific information, in particular as set out in Part 2 of the Notification Form.

¹³ See the ComReg Website [General Authorisation | Commission for Communications Regulation \(comreg.ie\)](https://www.comreg.ie)

No.	Checks to be carried out	Answer
	Regulations 2022).	
(viii)	<p>Confirmation that the proposed Transfer and Lease for the following licence types is for the full licence (<i>i.e. Transfer or Lease a licence with same apparatus and technical conditions as in original licence</i>):</p> <ul style="list-style-type: none"> • Fixed Radio Link & Temporary Radio Link Licences, • Satellite Earth Station (SES) Licence • Mobile Radio Systems (Trunked Radio) Licences • Air Traffic Services, • Maritime Services, • Radiolocation, and • Radionavigation. 	<p>Yes</p> <p>N/A</p>
(ix)	<p>Confirmation that the proposed Transfer and/or Lease for the following licence types has the prior approval of the external body¹⁴ responsible for carrying out the technical assessment and/or technical approval.</p> <ul style="list-style-type: none"> • Air Traffic Services, • Maritime Services, • Radiolocation, and • Radionavigation. 	<p>Yes</p> <p>N/A</p>

¹⁴ External body for prior approval is as follows:

- For Air Traffic Services, Radiolocation and Radionavigation WT licences with spectrum rights in the aeronautical bands, prior approval is required from the Irish Aviation Authority (IAA);
- For Radiolocation and Radionavigation WT licences for maritime use, prior approval is required from the Commissioner of Irish Lights (CIL); and
- For Maritime Services Licences with spectrum rights which have a land-based 'Maritime Mobile' International Telecommunications Union ("ITU") allocation, prior approval is required from the maritime division under the aegis of the Department of Transport.

No.	Checks to be carried out	Answer
(x)	In the case of a licence amendment request forming part of the Notification can the request be considered ¹⁵ in parallel to its Phase 1 assessment.	Yes N/A
(xi)	Confirmation that any claims of confidentiality are appropriately clarified in the Notification along with supporting rationale in accordance with ComReg's guidelines on the treatment of confidential information ¹⁶ .	Yes

Part 2 Information that must be submitted for licence types that are to be considered in ComReg's Standard Procedure

A 1.11 Detailed information of each of the Notifying Parties:

- the jurisdiction in which it is incorporated and its respective geographical area of activity.
- a description of each Notifying Party, their business activities in the State, including their respective corporate groups (if relevant), in the proposed Transfer or Lease.
- the turnover of each of the Notifying Parties (including that of their respective corporate groups), both worldwide and in the State for the last financial year for which such information is available and for any available interim period in the current year.

A 1.12 Detailed description of proposed Transfer or Lease:

- description of the nature of the proposed Transfer or Lease.
- details of the commercial objectives sought to be achieved by the proposed Transfer or Lease (e.g., pre and post-Transfer/Lease capacity utilisation, strategic alternatives such as equipment upgrades or spectrum farming, network investment plans).
- any contractual arrangements made in relation to the Transfer or Lease - this can be in the form of a draft Transfer or Lease agreement between the parties;

¹⁵ A key consideration in this regard is whether the resultant licence conditions are permitted and provided for in the respective licensing regulations.

¹⁶ Document 05/24 or may be amended or replaced from time to time.

- in the case of partial Transfers, a proposal for the division of spectrum usage fees in accordance with the relevant licensing regulations between the licence holder and the Transferee so that there is no net reduction in the spectrum usage fees payable to ComReg as a result of the Transfer. In the case of a Lease and noting whether the proposed fees would be provided for under the licensing regulations, the Lessor shall continue to remain responsible for paying the licence fees.

A 1.13 Market information:

- a description and definition of what the Notifying Party/Parties consider to be the relevant upstream and downstream markets that may be affected by the proposed spectrum Transfer or Lease. This should be informed by the proposed usage of the spectrum which it is proposed to be transferred or leased
- an estimate of the size of the markets described above, information on recent entry, any potential entry, cost of entry, comment on the minimum efficient scale and minimum spectrum requirements for a viable business.

A 1.14 Views of Notifying Parties:

- views as to why the Notifying Parties consider that the Transfer or Lease will not distort competition in the markets described by you above in the State.
- estimates of the shares of each of the Transferee or Lessee (including aggregated market share of any relevant group companies) and of the Transferor or Lessor in the market(s) described by you above. Provide also estimates of the shares of competitors in these markets and explain the basis of these estimates.
- views as to possible efficiencies which may occur as a result of the Transfer or Lease. Please quantify these efficiencies and the extent to which consumers would benefit from them.
- views as to why the Notifying Parties are of the view that the Transfer or Lease does not create a risk of harmful radio interference.

A 1.15 Supporting Documentation:

- a copy of the most recent audited annual report for each of the Notifying Parties.
- a copy of any reports or other documentation relating to any analysis undertaken on the:
 - impact of the transaction on network operations or performance

- competitive effect of the transfer or lease on any market.

A 1.16 Ancillary Restraints:

- Provide details of any arrangements constituting restrictions which you believe are directly related and necessary to the implementation of the proposed transaction. Justify how, in your view, each such arrangement is directly related and necessary to the implementation of the proposed transaction in the State

Contact details for notifying ComReg

A 1.17 All Notifications and queries relating to any proposed Transfer or Lease of Individual Rights of Use must be submitted by e-mail to ComReg's Spectrum Licensing team as detailed below:

Reference: Proposed Spectrum Transfer / Lease (as appropriate)

email: licensing@comreg.ie