



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Consultation on the management of Radio Spectrum Interference Complaints

Consultation

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1 Introduction

1. The Commission for Communications Regulation (ComReg) is the statutory body responsible for the regulation of the electronic communications sector (telecommunications, radio communication and broadcasting networks) postal, and premium rate sectors in Ireland in accordance with European Union (EU) and Irish law. ComReg also manages Ireland's radio frequency spectrum and the national numbering resource.
2. One of ComReg's core statutory functions is to manage the radio frequency spectrum ("radio spectrum" or "spectrum"). Radio spectrum is a valuable, finite national resource underpinning many important economic and social activities.
3. As part of its remit ComReg's Spectrum Intelligence & Investigations Unit (SIU) is responsible for ensuring the integrity of the spectrum resource which includes the investigation of reports of radio frequency interference ("RFI")¹ to licensees.²
4. In its Spectrum Intelligence & Investigations Annual Report 2018 - 2019³ Document 19/86, ComReg highlights the need for proper management of the radio spectrum so that radio communication systems can operate with minimum interference. This is mainly achieved through international harmonisation, appropriate allocation of radio frequency bands and by assigning individual rights of use for radio frequencies in those bands, with appropriate conditions attached. However, even with such measures, some degree of harmful interference⁴ is inevitable, through legal or illegal use of radio equipment or other electronic equipment.

¹ Radio frequency interference (RFI) describes radio frequency signals that disrupt legitimate electronic communications services, whether altogether or temporarily or partially. RFI can affect any radio communication service including but not limited to emergency services, air traffic control, mobile phone services, business radio, microwave links and broadcast services.

² If a consumer suspects that they are experiencing interference then a first step is to report it to their service provider. If the service provider, having investigated, believes that interference is occurring then the service provider can inform ComReg, who will consider the matter as appropriate. Each interference investigation is unique; some are resolved quite quickly while in other cases it can be difficult to locate the source of the interference. For legal reasons ComReg does not discuss the details of any individual investigation with third parties.

³ <https://www.comreg.ie/publication/spectrum-intelligence-investigations-annual-report-2018-2019>

⁴ The Framework Regulations S.I 333 of 2011 define "harmful interference" as *interference which endangers the functioning of a radio navigation service or other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with a requirement under the International Telecommunication Union Radio Regulations, a Regulation of the European Union or legislation giving effect to an act, or a provision of an act, adopted by an institution of the European Union relating to the provision of an electronic communications service, electronic communications network or an associated facility or the radio frequency spectrum or regulations made under the Act of 1926*

5. Unintentional interference can be caused by incorrectly or poorly installed radio systems or by faulty or non-compliant electrical or electronic equipment. Unlawful devices, such as mobile phone boosters are a common source of interference. While these are useful examples, effectively any electrical or electronic device has the potential to be a source of radio interference given the right circumstances.
6. When interference is suspected, typically a complaint is submitted to the SIU for investigation. Due to the number of complaints received and its limited resources, ComReg currently prioritises interference complaints based on the service being provided, with emergency services and so called “safety of life” operations generally receiving the highest priority.
7. ComReg’s existing prioritisation approach is now in operation for a number of years and while it has served the radio spectrum community and consumers at large well, ComReg believes it is now timely to review it in keeping with best practice and particularly given the rate of proliferation of wireless devices along with the greater complexity of spectrum use that has resulted. ComReg, continuously seeks to further improve its processes to reflect today’s radio environment and this consultation runs in parallel with other initiatives. A further outline of these activities can be found in section 2.1.
8. The purpose of this consultation therefore is to set out ComReg’s proposals for the revision of the current RFI complaint classification process, in order to enable ComReg to respond to radio interference complaints in the most effective manner possible reflecting the current radio environment, while making best use of its limited resources. ComReg welcomes views on the proposals set out in this consultation and currently plans to implement a revised case prioritisation process following the completion of this consultation process. ComReg’s proposals, which are detailed later in this consultation, can be summarised as follows;

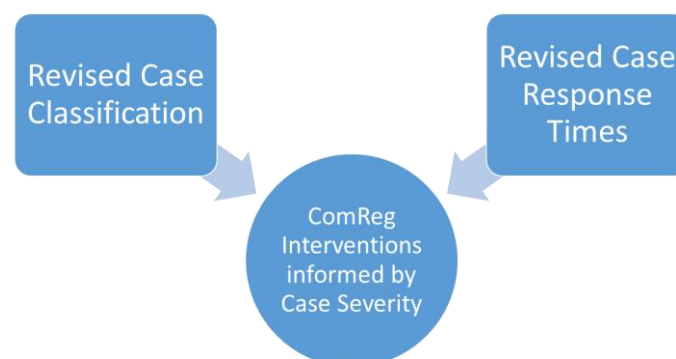


Figure 1 - ComReg’s RFI Case Proposals

This consultation document is structured as follows:

- Chapter 2 sets out a brief background on ComReg's Spectrum Intelligence & Investigations unit (SIU), the ongoing work involved in maintaining the radio spectrum and minimising instances of harmful RFI. Chapter 2 also sets out the current process for the management of radio spectrum interference complaints;
- Chapter 3 sets out ComReg's proposal's for updating the triaging process and any updates to new classification system;
- Chapter 4 – Regulatory Impact Assessment Consideration (RIA) ;
- Chapter 5 – Outlines the next steps in this consultation process;
- Annex 1 – Complaint Reporting Requirements;
- Annex 2 – Legal Basis.

2 Background

2.1 Introduction to SII Functions

9. ComReg’s Spectrum Intelligence & Investigations unit (“SIIU”), which sits within ComReg’s Market Framework Division, is responsible for ensuring the integrity of the radio spectrum resource. Within SIIU, work is divided into four work streams:

- Market Surveillance of products;
- Radio frequency interference investigations;
- Radio spectrum monitoring; and
- Compliance and enforcement.



Figure 2 SIIUs work streams

10. Generally, SIIU takes a proactive approach to managing the radio spectrum. Some of the proactive measures include:

- The establishment of the SII Operators Forum, which aims to deepen engagement between ComReg and licensees by discussing topics of shared interest and future trends;
- Ongoing market surveillance to prevent non-compliant radio equipment from reaching the Irish Market and removing devices that have been found to be non-compliant;
- Engagement with Customs & Excise based at Dublin Airport, Dublin Port and An Post mail centres to detect and detain non-compliant radio devices at the point of entry into the State;
- The establishment of a Spectrum Monitoring Network that is used to gather intelligence in relation to unlawful spectrum usage, as well as supporting interference investigations.

2.2 Radio Frequency Interference Investigations

11. ComReg is responsible for maintaining the integrity of the radio spectrum and thus the SIU responds to complaints of RFI. While proactive interventions are designed to reduce our case load, and demonstrably are doing so, ComReg still investigates circa 100 cases every year. Figure 3 below presents the number of cases received each year since 2015.

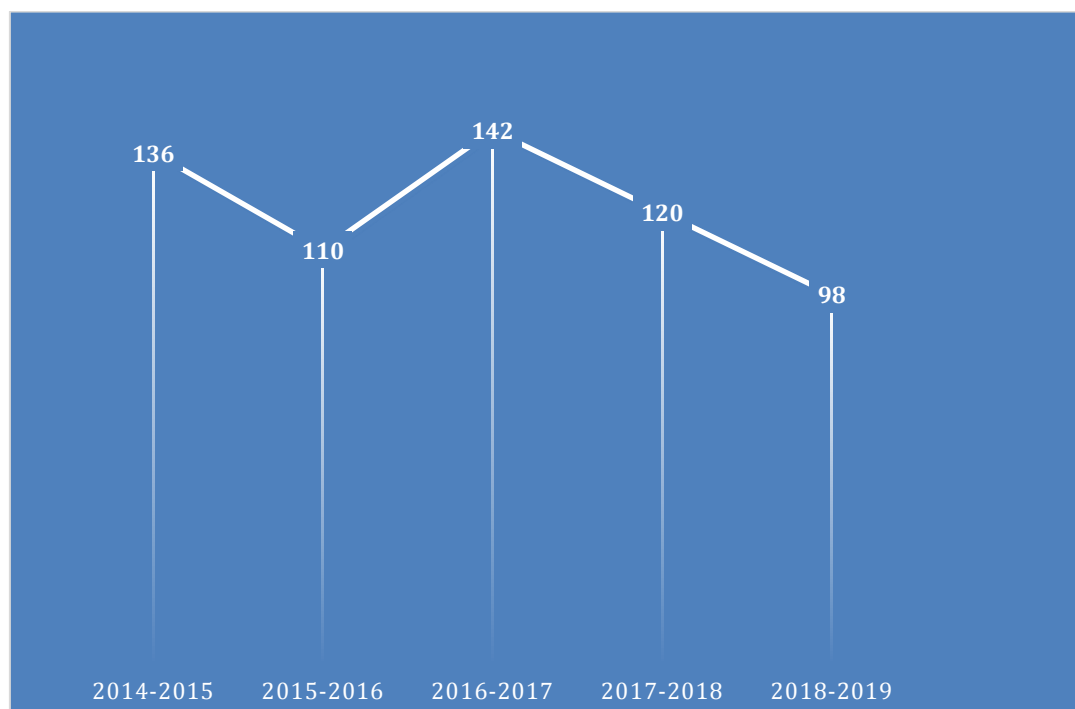


Figure 3 Cases received by year

12. In 2007, and due, in no small part to the significant number of RFI complaints being received, the current classification process was put in place in order to enable ComReg to process cases of alleged interference as efficiently as possible, while dedicating its finite resources to the areas requiring the most attention.
13. While the volume of interference complaints might suggest a downward trend, the reality is that the radio environment has greatly changed in recent years with the placement of an ever growing range of wireless devices on the market utilising a broader range of frequencies. This has led to far more complex RFI cases, requiring more time and resources to bring to a conclusion.
14. Consequently, ComReg is of the view that while this current prioritisation approach has been very useful for both ComReg and complainants, it is opportune to review its utility in the current environment.
15. All complaints of radio spectrum interference are submitted to interference@comreg.ie. Complainants are required to submit associated screenshots along with any other supporting documents of alleged interference in order for the SIU to accurately triage and assess the nature of the RFI being experienced.
16. All complaints of interference are triaged and ranked according to the criteria below, with Class 1 complaints afforded the highest priority. Response times are based on the assigned class. The five classes are as follows:
 - Class 1 – Interference that is an imminent threat to safety-of-life and serious interference caused to emergency services, air traffic control and maritime traffic control which seriously hampers radio communications. Response time – as soon as possible within 24 hours
 - Class 2 – Interference that renders a licensed channel unusable or has a detrimental effect on the economic interests of a licensee. Response time – within 3 working days
 - Class 3 – Interference that is a nuisance to a licensed user but does not render the licensed channel unusable or severely impact the economic interests of the licensee, or severe interference to domestic reception and amateurs. Response time – within 7 working days
 - Class 4 – Occasional or minor interference to a licensed user that has no detrimental effect on the licensee's operations, or nuisance interference to domestic reception and amateurs. Response time – within 15 working days
 - Class 5 – Spurious complaints that do not warrant the direct intervention of ComReg. Response time – N/A

Current Response Time Definition – A complaint is deemed to have been responded to once a mutually agreed date for an on-site investigation has been set with the complainant. The time and date scheduled do not necessarily have to fall within the ‘response time’ period. All response times are calculated from the time a complaint is received.

17. Table 1 below outlines ComReg’s current target response times versus actual response times. It should be noted that ComReg has, generally bettered response times over all classes of RFI. ComReg is of the view that these response times may no longer meet the requirements of the current radio environment and has set out its proposals for re-defining response times in Chapter 3 of this document.

Class	Target	Actual
Class 1	24 hours	Immediate
Class 2	3 working days	1-2 working days
Class 3	7 working days	2-3 working days
Class 4	15 working days	3 working days

[Table 1 Response times](#)

2.3 Statistics

18. This section presents relevant statistics concerning RFI in recent years. Figure 4 below illustrates complaints per class received since 2016. Approximately 80% of all cases received fall into Class 3 and 4, under the current classification system.

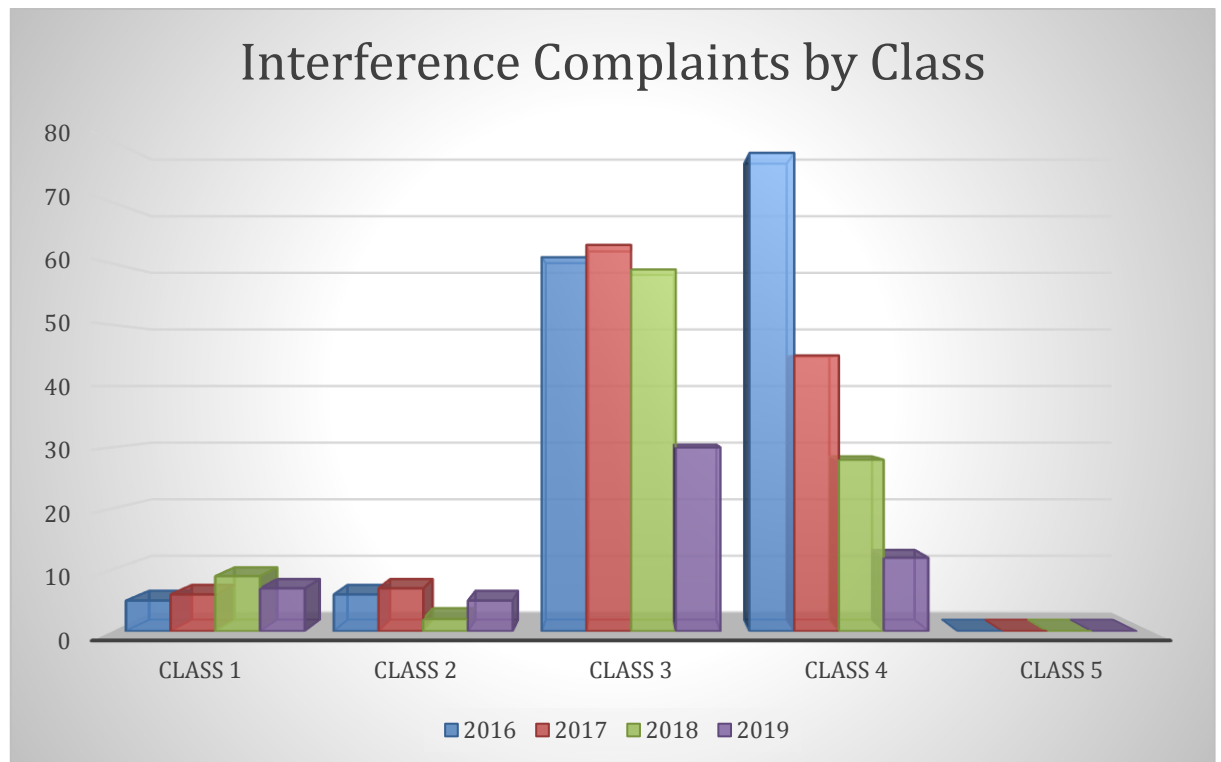


Figure 4 Interference Complaints by Class

19. Taking account of its finite resources and the time consuming nature of many investigations, ComReg, in 2017 outsourced the investigation of many of its Class 3 and 4 complaints, to Butler Technologies⁵, following a competitive tendering process.

20. This initiative has proven very successful, in allowing ComReg to concentrate its finite resources on matters of highest priority, being those with significant levels of interference and impact (Class 1 and 2), and on more proactive activities such as radio spectrum monitoring and market surveillance.

⁵ <http://www.butlergroup.ie>

21. Figure 5 illustrates the categories of complaints received by service affected. Complaints to mobile phone networks represent approximately half of the overall number of complaints received.

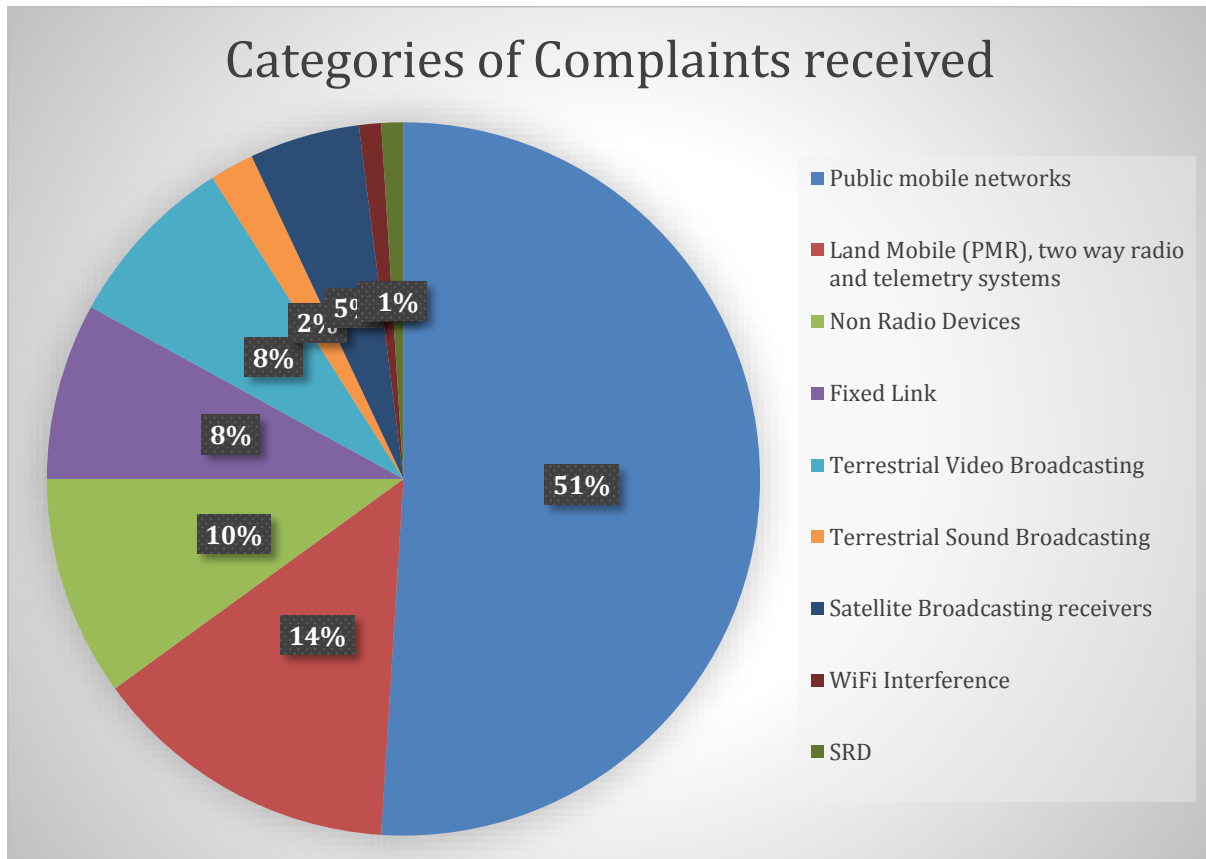


Figure 5: Categories of complaints received

22. The most common sources of RFI to mobile networks are:

- Mobile phone boosters; and
- Faulty TV antenna masthead amplifiers.

23. Interference cases concerning land mobile (PMR), two way radio and telemetry systems also account for a significant number of complaints received. Figure 6 below presents the interference sources to all categories of RFI found over the past number of years. As shown, mobile phone boosters account for 67% of all offending devices.

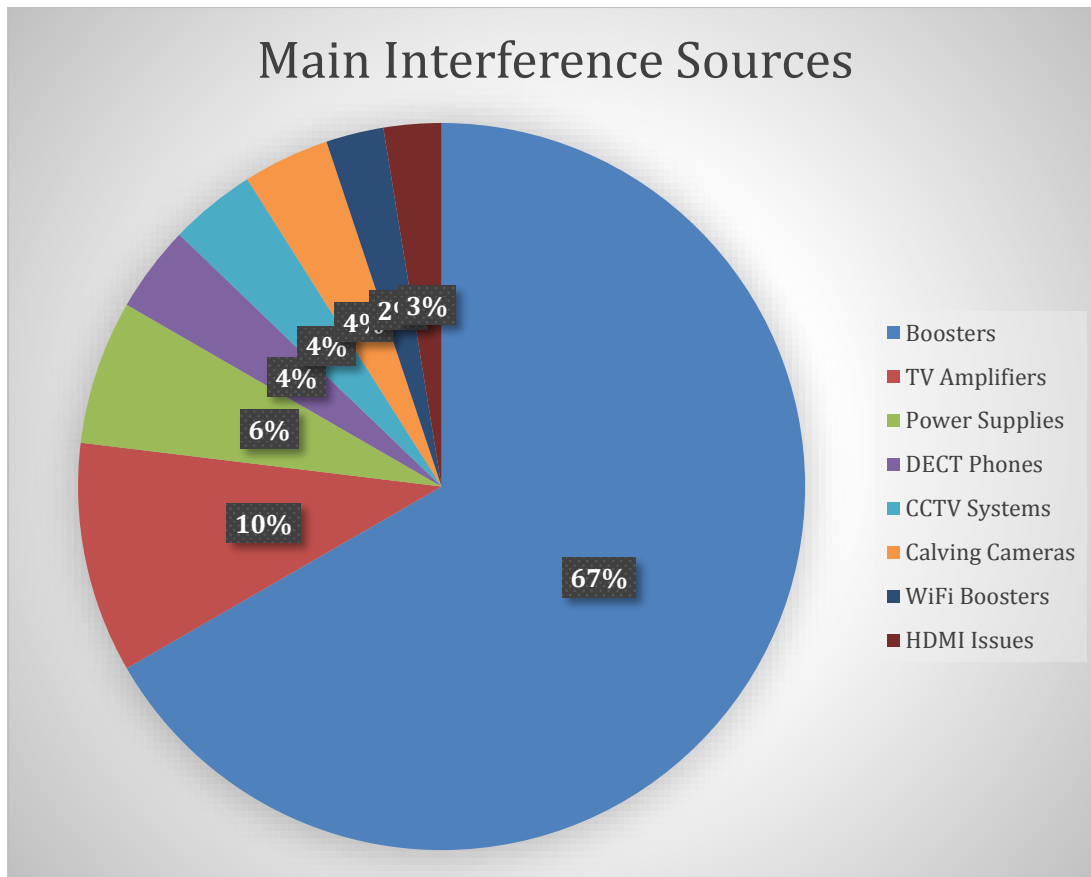


Figure 6 Main Interference Sources

3 Proposed revised case classification

24. The current complaint classification system seems to be more typically focused on the **identity** of the complainant rather than on the **impact** the interference has on the complainant's ability to provide service. Consequently, some complainants might be enjoying a higher priority for certain complaints than is necessary or appropriate. For example, the mere association of certain organisations with "safety of life" may be artificially raising the importance of individual complaints. As a result ComReg's proposals as set out in this consultation, endeavour to direct resources to areas where they are needed most and where the impact of harmful interference has the greatest effect.
25. For ComReg's proposals to operate optimally, it follows that detailed and reliable information, in support of the complainant's case, is required. In this regard, ComReg recently introduced a revised RFI reporting protocol for all complainants. This protocol requires complainants to provide more focused and in depth information to assist ComReg in its triage and prioritisation of complaints. For convenience, these obligatory information requirements in support of any RFI case are set out in Annex 1 of this document.
26. This protocol makes clear that ComReg is unable to investigate a report of RFI unless it is satisfied that the interference is 'harmful', outside of the complainants control and that all reasonable steps have been taken by the complainant to minimise the effect.
27. Once a complainant is satisfied that the interference it is experiencing is, in its view, harmful, outside of its control and that the affected apparatus is functioning correctly, then a complaint can be submitted to interference@comreg.ie accompanied by the supporting material as outlined in Annex 1 for information.
28. ComReg acknowledges all complaints received to interference@comreg.ie on the day of receipt. Complaints received outside of work hours⁶ are acknowledged on the next working day.

⁶ ComReg's hours of work are 9:00 am to 5.30 pm, Monday to Friday. ComReg staff do not operate on an "on call basis".

3.1 Proposed new complaint classification

29. As outlined earlier, the majority of interference complaints received under the current classification regime tend to fall into the Class 3 and 4 categories.
30. Interference complaints falling into Class 1 and 2 tend to be exceptional in nature. For example, during 2018 ComReg received five Class 1 complaints and two Class 2 complaints. ComReg seldom receives any complaints falling into Class 5 but does receive a large volume of general enquiries which are not captured under the current approach. Based on the evidence obtained from the current classification system, ComReg is of the view that reducing the number of complaint categories from five to three, better reflects the current RFI environment.
31. The proposed new classification approach would be based on three Case Types. **Type A** would in essence be a combination of the current Class 1 and 2 complaints, if captured by the general description outlined below. It is proposed that **Type B** would in essence be an amalgamation of Class 3 and 4, subject to the general description outlined beneath, while **Type C** would now also capture queries so as to best inform ComReg's future interventions.

Proposal for Type A

32. ComReg proposes that RFI cases falling into the Type A category would generally be exceptional in nature and based on the current complaints received ComReg anticipates that very few cases would fall into this category. Typically such cases would have a severe impact on an operators ability to continue to provide a radio communications service and may result in a complete loss of service to users.
33. Cases falling into this category would need to fit the following general description:
- Depending on the type of radio communications service being provided there would need to be multiple stations⁷ experiencing interference simultaneously;
and
 - The licensee would have no alternative back up channel to switch its service to⁸
and
 - Large numbers of users would need to be experiencing loss of service.

⁷ *Station* is defined by the ITU as one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radio communications services or the radio astronomy service.

⁸ ComReg notes that depending on the type of service being provided a licensee may not have access to a backup channel.

34. Examples of Type A cases could include:

- Instances where multiple TV and radio broadcasting transmitters are experiencing harmful interference such that it is not possible to provide any service to a large number of users.
- Harmful interference to a number of base stations on a mobile network such that significant number of users are unable to use their mobile phones
- Aeronautical or emergency services are interfered with to such an extent that it is impossible for any communications service to be provided to the end user. This may result in the grounding or redirection of aircraft in the case of aeronautical interference.

Proposal for Type B

ComReg proposes that cases falling under the Type B category would typically be those that fall short of the description for Type A, and are currently classified as Class 3 and Class 4, save those where a significant impact is demonstrated. This would likely constitute the majority of cases received.

35. Type B cases would typically have the following general description:

- Depending on the type of radio communications service being provided there would generally be one or two stations experiencing interference; **and**
- The licensee would have an alternative back-up channel to switch its service to; **and**
- Relatively small number of users would be experiencing loss or degradation of service.

36. Examples of Type B cases could include:

- Instances where a radio link is experiencing harmful interference such that it cannot operate as licensed;
- Harmful interference to a base station on a mobile network such that a single sector of the base station has to be turned off; and
- Harmful interference to a base station such that there is a degradation in the quality of service being provided to the end users.

Proposal for Type C

37. ComReg proposes that matters falling under Type C would typically be queries of the following types:

- Questions submitted to interference@comreg.ie that ComReg can respond to and address without recording as a formal complaint.
- Those cases of harmful interference submitted to interference@comreg.ie where, due to the nature of the service provided, the complainant is not entitled to any protection⁹ from harmful interference by ComReg or is outside of ComReg's remit.
- Those cases of harmful interference submitted to interference@comreg.ie where the complainant does not provide sufficient information for ComReg to be able to properly evaluate the complaint.

38. Examples of Type C cases would include:

- Reports of harmful interference to TV satellite receivers; and
- Reception issues to domestic TV.

Proposed New Response Time Definition

39. The nature of radio spectrum interference is such that:

- it is often intermittent;
- the causes of interference can be from a legitimate source; and
- the resolution may require intervention by the complainant that may take some time to put in place.

40. As such the detection and elimination of interference from a radio communications service can be complex and require several site visits before resolution. Consequently, it is not possible to set defined close out times for interference cases.

41. Currently the response time is defined as the time by which ComReg and complainant have agreed a date for ComReg to visit the site in question to conduct an investigation. This does not mean however that the investigation will be conducted in that time.

⁹ Licence exempt radio equipment operates on a non-interference, non-protected basis and in radio spectrum that is shared with other radio devices. Licence exempt equipment may not cause interference to other devices and may not claim protection from any interference received.
<https://www.comreg.ie/industry/radio-spectrum/licence-exemptions/list-of-licence-exemptions/>

42. ComReg is of the view that it is appropriate to revise its current definition of response time to mean deployment of staff, or its agents on site to investigate the complaint. The measurement of response time can only commence once all the required information has been provided by the complainant to ComReg. Absent this information ComReg cannot evaluate or triage the complaint to determine how best to respond. ComReg believes that this amended definition would incentivise genuine complainants to submit supporting information, thereby promoting valid cases over those that are undocumented or spurious, ultimately improving our efficiency and effectiveness.

43. ComReg’s proposed new definition of response time is set out below.

Response time means the time taken, from receipt of all the required information from the complainant, to ComReg, or its agents, being deployed into the field to investigate the cause of interference.¹⁰

44. It is important to note that ComReg’s business hours are Monday to Friday 9.00am to 5.30pm. ComReg does not operate on a 24/7 basis and does not have an “on-call” team to response to complaints outsider of office hours. As such complaints received outside of office hours may not be responded to until the next working day.

Complaint Type	Response Time
Type A	Immediate ⁶
Type B	5 working Days
Type C	N/A

Table 2 New Response times

45. Figure 7 below presents ComReg’s revised complaint handling process. Under the proposals set out in this consultation all cases of interference would be acknowledged by email by a member of the SIIU within 1 working day. Providing all required supporting information is submitted, in order for ComReg to accurately triage all cases, it would be assigned to the appropriate level and responded to within the timelines set out above. Complainants would be required to submit any outstanding supporting information to ComReg within 2 working days. Once ComReg or its agent resolve a case, the complainant would be required to check its systems and confirm that the receive signal levels have returned to normal and the interference has ceased. On confirmation of this, an acknowledgment would be sent by ComReg within 1 working day confirming that the case is closed.

¹⁰ This response time is on the basis that the complainant makes engineering staff available to assist ComReg or its agent on site. In the event that a complainant cancels or fails to attend a pre-arranged site visit, the period from cancellation or non-attendance, to ComReg or its agent’s site visit will not be counted as part of the response time.

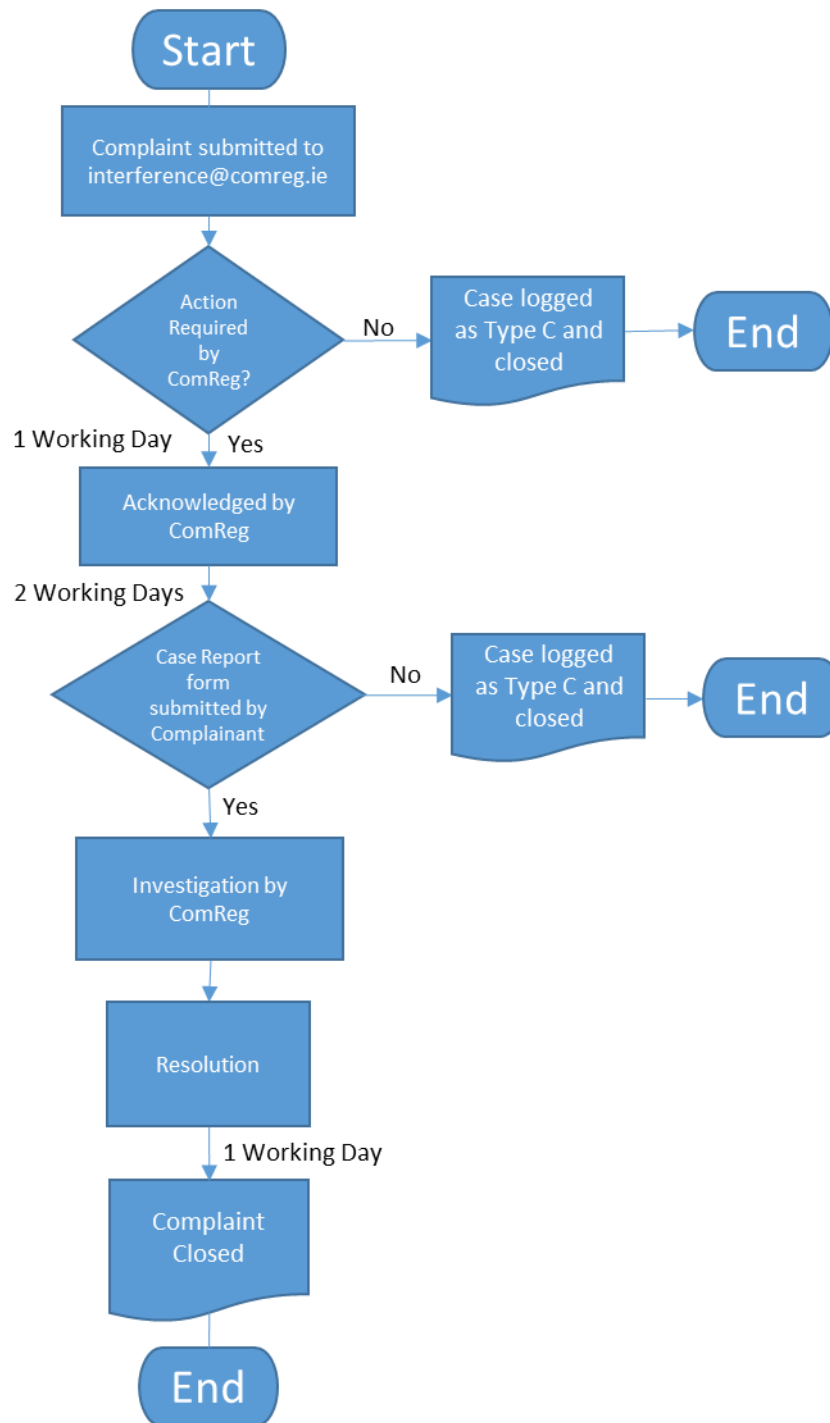


Figure 7 New complaint handling process

4 Regulatory Impact Assessment (RIA)

46. As outlined in Consultation 19/25, ComReg has published RIA Guidelines¹¹, (Document 07/56a) (“the Guidelines”), in accordance with a policy direction to ComReg¹², which state that ComReg will conduct a RIA in any process that may result in the imposition of a regulatory obligation, or the amendment of an existing obligation to a significant degree, or which may otherwise significantly impact on any relevant market or any stakeholders or consumers. However, the Guidelines also note that in certain instances it may not be appropriate to conduct a RIA and, in particular, that a RIA is only considered mandatory or necessary in advance of a decision that could result in the imposition of an actual regulatory measure or obligation, and that where ComReg is merely charged with implementing a statutory obligation then it will assess each case individually and will determine whether a RIA is necessary and justified.
47. In this case, the review of the current management of radio spectrum interference complaints, ComReg considers that a RIA is not required as a new regulatory obligation is not being imposed.
48. ComReg is simply improving its processes, at an operational level, for the mutual benefit of ComReg and stakeholders. Therefore, a RIA is not being undertaken on this occasion.

¹¹ Which have regard to the RIA Guidelines issued by the Department of An Taoiseach in June 2009

¹² 9 Ministerial Policy Direction made by Dermot Ahern T.D. Minister for Communications, Marine and Natural Resources on 21 February, 2003

5 Next Steps

5.1 Submitting Comments

49. All input and comments are welcome. In particular:

- do respondents agree with the proposed revised complaints classification set out above in Chapter 3 of this consultation?
- do respondents agree with the proposed new definition of response time set out above in paragraph 43 of this consultation?
- do respondents have any other comments in relation to the subject matter of this consultation?

50. It will make the task of analysing responses easier if comments are referenced to the relevant section/ paragraph number in each chapter and annex in this document. Please also set out your reasoning, and all supporting information for any views expressed.

51. Recognising that this consultation spans the Christmas period and that the mobilisation of resources may be challenging during this time, ComReg has provided an additional two weeks over the four outlined in ComRegs Consultation Procedures¹³. The consultation period will run until 17:00 17th January 2020 during which time ComReg welcomes written comments on any of the issues raised in this paper.

52. Responses must be submitted in written form (post or email) to the following recipient, clearly marked – Submissions to ComReg 19/108:

Ms. Ciara Norton

Commission for Communications Regulation

One Dockland Central

Guild Street

Dublin 1

Ireland

¹³ Document 11/34

D01 E4X0

Email: marketframeworkconsult@comreg.ie

53. We request that electronic submissions be submitted in an unprotected format so that they can be included in the ComReg submissions document for electronic publication.
54. ComReg appreciates that respondents may wish to provide confidential information if their comments are to be meaningful. In order to promote openness and transparency, ComReg will publish all respondents submissions to this consultation as well as all substantive correspondence on matters relating to this document, subject to the provisions of ComReg's guidelines on the treatment of confidential information¹⁴. In that regard, respondents are requested to provide both a confidential and non-confidential version of their submission to the consultation, providing supporting reasoning as to why they consider material to be confidential. Alternatively, respondents are requested to place confidential material in a separate annex to their response, again providing supporting reasoning in that annex as to why such material is confidential.
55. When it has concluded its review of all submissions received and other relevant material, ComReg's intends to adopt and publish new procedures for the management of radio spectrum complaints.

¹⁴ ComReg Document 05/24, —Guidelines on the treatment of confidential information, March 2005.

Annex: 1 Case Reporting Requirements

56. In order for ComReg to open an investigation into alleged interference, all reports of interference from radicomunications service providers must be accompanied by the following information. This information must be provided by the complainant within 2 working days of ComReg’s acknowledgement of the complainant’s report of suspected interference. Failure to provide the required information within the required timescale will result in the case being logged as a query but no further action will be taken by ComReg.

GENERAL DETAILS

<u>NAME OF LICENSEE</u>	
<u>ADDRESS</u>	
<u>PHONE NUMBER</u>	
<u>EMAIL ADDRESS</u>	
NAME OF PERSON REPORTING INTERFERENCE	

CASE DETAILS

LICENCE NUMBER OF AFFECTED SERVICE	
DATE OF FIRST OCCURRENCE OF INTERFERENCE	
REGULARITY	
FREQUENCY OF INTERFERING SIGNAL (MHz)	
MEASURED LEVEL (dBm)	
POLARISATION	
BANDWIDTH	
LOCATION OF APPARATUS EXPERIENCING INTERFERENCE – EASTING AND NORTHING	

<p>LICENCE NUMBER OF AFFECTED SERVICE</p>	
<p>WHAT WORK HAS BEEN DONE BY YOU TO RULE OUT AN INTERNAL FAULT IN YOUR SYSTEM?</p> <p>PLEASE ATTACH DOCUMENTARY EVIDENCE TO SUPPORT THIS</p>	
<p>DO YOU SUSPECT THE SOURCE OF INTERFERENCE TO BE COMING FROM ANY SPECIFIC LOCATION OR SOURCE?</p> <p>IF YES PLEASE PROVIDE DETAILS.</p>	
<p>PLEASE PROVIDE A SCREENSHOT SHOWING THE INTERFERENCE HAPPENING?</p> <p>IF YOU CANNOT PLEASE STATE WHY.</p>	

Closing Cases

57. Once an interference complaint has been resolved by ComReg or its agent, the following steps will be taken:

- Contact will be made with the complainant outlining a summary of on-site findings including the source of the interference, this may include screenshots showing the absence of interference on the channel concerned. In cases where a prosecution may be likely to be taken the details of interference will not be disclosed.
- An outline of any actions that must be taken by complainant in order to remedy the situation will be given in an email; and
- An acknowledgement that the case has been closed will be sent to the complainant with the corresponding case number.

Annex: 2 Legal Basis

The core statutory functions of the Commission for Communications Regulation (“ComReg”) are set out in section 10 of the Communications Regulation Act 2002, as amended (“2002 Act”)¹⁵ while its objectives, in the exercise of those functions, are set out in section 12 of the 2002 Act and in Regulation 16 of the Framework Regulations 2011.¹⁶ ComReg’s functions under the 2002 Act that are particularly relevant to this consultation are as follows:

- (a) to ensure compliance by undertakings with obligations in relation to the supply of and access to electronic communications services, electronic communications networks and associated facilities and the transmission of such services on such networks ...
- (b) to manage the radio frequency spectrum ...
- (d) to carry out investigations into matters relating to—
 - (i) the supply of, and access to, electronic communications services, electronic communications networks and associated facilities and the transmissions of such services on such networks ...
- (e) to ensure compliance, as appropriate, by persons in relation to the placing on the market of communications equipment and the placing on the market and putting into service of radio equipment.

ComReg’s objectives in exercising its functions are, in summary, to promote competition, to contribute to the development of the internal market, to promote the interests of users within the Community, and to ensure the efficient management and use of the radio frequency spectrum and numbers.

Section 12 of the 2002 Act expands upon each of these objectives and section 12(2A) sets out various reasonable measures that ComReg shall take to achieve its objectives.

In addition, Regulation 16(2) of the Framework Regulations 2011 requires ComReg, in pursuit of its objectives, to apply objective, transparent, non-discriminatory and proportionate regulatory principles and describes various means by which ComReg may apply those principles.

ComReg is also the designated surveillance and enforcement authority in the State for each of the following:

¹⁵

https://www.lawreform.ie/_fileupload/RevisedActs/WithAnnotations/HTML/EN_ACT_2002_0020.htm

¹⁶ European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (S.I. 333/2011) transposing Directive 2002/21/EC

- Wireless Telegraphy Act 1926, as amended (“1926 Act”);
- European Union (Radio Equipment) Regulations 2017¹⁷ (“RE Regulations”);
- European Communities (Electromagnetic Compatibility) Regulations 2016 and European Communities (Electromagnetic Compatibility) Regulations 2017¹⁸ (together the “EMC Regulations”).

The 1926 Act requires a person to hold a valid licence in order to possess or use, anywhere in the State, any type of “apparatus for wireless telegraphy”, as defined therein. Such licences are granted by ComReg on foot of regulations made by ComReg pursuant to section 5 and 6 of the 1926 Act.¹⁹

A wireless telegraphy licence is also the legal instrument for assigning right of use for radio frequencies to authorised undertakings who apply for the same, in accordance with applicable provisions of the Framework Regulations 2011 and Authorisation Regulations 2011.²⁰

Amongst other things, a licence sets out the specific radio frequencies that the licensee may use and attaches conditions to the use of those frequencies, subject to list of possible conditions set out in Part B of the Schedule to the Authorisation Regulations 2011.

The 1926 Act makes it an offence to interfere, deliberately or otherwise, with lawful wireless telegraphy and ComReg’s investigatory powers include the power to enter and search premises, if necessary by force, under a warrant granted by a Judge of the District Court.

¹⁷ S.I. 248/2017, transposing Directive 2014/53/EU

¹⁸ S.I. 145/2016 and S.I. 69/2017, both transposing Directive 2014/30/EU

¹⁹ Subject to the required consent of the Minister from Communications, Climate Action and Environment under section 37 of the 2002 Act.

²⁰ European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (S.I. 335/2011) transposing Directive 2002/20/EC