



Commission for
Communications Regulation

Response To Consultation

Future Regulation of Electronic Communications Networks and Services – Rights of Use for Radio Frequencies

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Foreword

This is ComReg's response to last December's consultation on rights of use for radio frequencies, ComReg 02/115. This was one of a series of consultations examining the impact of the new EU regulatory framework due to be implemented on 25 July 2003. "Rights of use for radio frequencies" will fulfil a similar role to licences issued under the Wireless Telegraphy (WT) Acts; however there will be some changes in the conditions that may be attached to the use of radio frequencies. The aim of the consultation was to highlight the changes required to the current licensing regime, to outline ComReg's proposals in this regard and to seek feedback on related issues such as application procedures and the provision of information relating to rights of use. In developing the proposals, ComReg is keen to ensure a smooth transition from the old to the new regulatory framework so that the benefits of the new regime can be enjoyed with the minimum of disruption to existing licensees.

Decisions will need to be implemented within the national legislative framework to be put in place by the Minister. The particular impact of this is that while ComReg may now indicate the manner in which it considers that spectrum rights will operate, final decisions cannot be finalised until the Directives are transposed into Irish law.

Accordingly, this paper sets out the principles which ComReg believes are appropriate but is subject to the provisions of the Regulations to be made by the Minister. Draft regulations were published for a public consultation which has now closed and can be viewed on the website of the Department of Communications, Marine and Natural Resources. Readers are also advised to consult ComReg's response to the Department's consultation on the draft regulations, which is available on the ComReg web site

ComReg is grateful to all those who responded to the consultation. A number of constructive suggestions have been made which will assist with the implementation of the new framework.

Etain Doyle

Chairperson

Commission for Communications Regulation

Introduction

On 25 July 2003 the legal basis for the provision of electronic communications networks and services will change throughout the European Union (EU) as the new EU regulatory framework is implemented. In December 2002, ComReg issued a consultation paper (02/115) on the regulatory implications of the provisions of the framework relating to rights of use for radio spectrum. This document briefly reports on the views respondents have given and presents ComReg's position on the various issues, in the light of the consultation responses.

It should be noted that ComReg's position on these issues cannot be finalised until the Directives are transposed into Irish Law, as the final decisions will need to be implemented within the national legislative framework to be put in place by the Minister for Communications, Marine and Natural Resources. In this context, draft regulations have been published by the Minister and can be viewed on the website of the Department of Communications, Marine and Natural Resources at <http://www.dcmnr.gov.ie/>. ComReg's response to that consultation, including views on spectrum rights of use is available on the ComReg website at ([document 03/12](#)).

This document is without prejudice to the legal position or the rights and duties of ComReg to regulate the market generally. Any views expressed are not binding and are without prejudice to the final form and content of any decisions that ComReg may make.

1 Background

1.1 The EU Directives

As outlined in earlier papers, a new regulatory framework was agreed in early 2002. The final texts of the four Directives and one Decision were published in the Official Journal¹ in April 2002. A period of 15 months was provided for during which Member States are required to transpose the provisions into national law and make the necessary administrative arrangements to give effect to the new framework. The provisions of the Directives are to be applied from 25 July 2003 in all Member States.

The Directives and Decision are as follows:

- The **Framework Directive** sets the overall context and defines overall principles and approaches.
- The **Authorisation Directive** describes the mechanisms through which services and networks may be provided, including the conditions which may be applied to operators.
- The **Access Directive** describes how networks and service may be accessed and how interconnection between public network and service providers will be regulated.
- The **Universal Service Directive** considers how universal service will be protected and regulated and also addresses consumer rights.
- The **Spectrum Decision** concerns spectrum management issues.

¹ Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive);

Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive);

Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive);

Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)

Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision);

All published in the Official Journal: L 108 Volume 45, 24 April 2002 and may be accessed through [this link to the Commission's website](#)

Additionally, a further **Directive on Privacy and Electronic Communications** was adopted in July 2002².

The Directives include discretionary elements that are variously applied to Member States or National Regulatory Authorities (NRAs). The Minister for Communications, Marine and Natural Resources has responsibility for the enactment of legislation to transpose the Directives into Irish law and has published his proposals for legislation. However, the precise legal framework may not be finalised for some time. Therefore, any proposals or decisions made by ComReg in advance of legislation are without prejudice to final decisions which can only be taken when legislation is enacted. Nevertheless it should be noted that

- the Communications Regulation Act 2002 specifies regulatory objectives contained in the Directives and
- the concept and scope of conditions relating to the use of radio frequencies are set out clearly in the Authorisation Directive.

² Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications). Published in the Official Journal L 201 Volume 45, 31 July 2002 and may be accessed through [this link](#)

2 Scope of Consultation

The consultation focussed on the implications of the EU regulatory framework for the future regulation of radio spectrum in Ireland, in particular the introduction of individual “rights of use for radio frequencies” where a risk of harmful interference exists. Views were sought on a number of issues arising from the new framework, including:

- the scope and emphasis of the new framework with regard to rights of use for radio frequencies,
- processes and procedures for granting rights of use,
- provision of information on rights of use,
- amendments to rights of use and transfer between undertakings, and
- the approach to international harmonisation of the use of radio frequencies.

Chapter 4 of this document addresses each of these areas in turn. In each case, the key issues are outlined, a summary of the responses is presented and the position of ComReg is stated.

3 List of Respondents

Relevant comments were invited from all operators, users or other interested parties. Seven responses were received to the consultation document; they are listed alphabetically below:

- Chorus Communications
- Esat BT
- ESB Telecom
- Meteor Mobile Communications
- O₂
- RTE
- Brent Smith (telecommunications consultant)

ComReg wishes to express thanks to everyone who contributed to the consultation. A copy of the non-confidential elements of the responses is available for inspection at ComReg's offices.

4 Response to Consultation

4.1 Scope and Emphasis of the new Framework

4.1.1 Key Issues for Consultation

The consultation sought views on whether the use of radio frequencies for the provision of electronic communications networks and services that are currently subject to individual licensing of apparatus under the Wireless Telegraphy (WT) Acts should be subject to individual rights of use under the new regulatory regime. Views were also sought on whether the future spectrum management regime should place a greater emphasis on the right to use specific radio frequencies rather than the right to install and use specific radio equipment.

Question 1. *Do you agree with the principle that electronic communication networks and services that are currently subject to individual licensing under the current legislation should be subject to an individual right of use under the new licensing regime? If no, are there any specific services or equipment categories that you believe should not be subject to individual rights of use? Please provide supporting arguments.*

Question 2. *Do you agree that in the future, spectrum management should place more emphasis on the right to use specific frequencies for a specific purpose and less on the right to install and use specific radio equipment?*

4.1.2 Views of Respondents

All respondents were in broad agreement that services currently licensed under the WT Acts should, under the new regulatory regime, continue to be subject to individual rights of use. Two respondents, both network operators, noted that individual rights should only be required when there was a risk of harmful interference and another emphasised the importance of ensuring spectrum availability for essential public safety and utility services. One respondent felt that certain broadcast transmitters, namely those used in digital single frequency networks and low power relay services, should not require individual rights of use.

There was universal support for a shift in regulatory emphasis from equipment to spectrum use. However, one network operator expressed concern that the

spectrum management regime should not dictate specific purposes for spectrum use, while another noted that the conditions attached to rights of use should be adequately defined in terms of technical characteristics.

4.1.3 ComReg's Position

4.1.3.1 Individual Rights of Use

ComReg policy is that rights of use for radio frequencies should only be required where there is a risk of harmful interference either being generated by or suffered by the licensed service. Accordingly ComReg has exempted equipment from the licensing requirement of the WT Act where there is an absence of risk of harmful interference and where no issues arise relating to safety or international obligations. This will remain ComReg's policy, not only in relation to frequencies used for the provision of electronic communications services but also for the general use of radio spectrum. Issues related to safety and international obligations may necessitate the continued licensing of certain categories of maritime or aeronautical equipment even where the risk of harmful interference may be considered negligible.

Whilst ComReg's preference is not to be prescriptive with regard to the specific purpose for which spectrum is used, there are instances where this is necessary to meet other policy objectives. These may include, for example, enabling international operational requirements such as roaming or compliance with specific service commitments made during comparative evaluation procedures. ComReg notes the concerns raised about the licensing of individual broadcasting transmitting stations and will take these into account in determining its future policy with regard to licensing radio spectrum for digital broadcast services.

4.1.3.2 Spectrum Licensing or Apparatus Licensing Options

ComReg welcomes the support expressed for its proposals with regard to the scope of rights of use for radio frequencies and the future emphasis of the spectrum management process. As indicated in ComReg's response to the consultation on the draft transposing regulations (Section 5) ComReg's view is that appropriate provision should be made for licensing spectrum use rather than maintaining the WT licensing framework of licensing apparatus. However ComReg cannot make such provision as the Minister has the statutory responsibility in this area. Under the draft regulations, the requirement is that WT apparatus licensing be brought into line with the provisions of the Directive.

Accordingly existing WT licences would need to be amended to ensure that they are fully compatible in terms of provisions and procedures with the measures concerning rights of use in the Directives. Except where noted in this paper, ComReg does not expect any substantive changes to arise to existing WT licence conditions as a result of such amendments. WT licence conditions will continue to include provisions relating to the avoidance of harmful interference and ensuring the optimal use of scarce radio spectrum resources.

Should the Minister decide to reconsider the indicated legislative requirement and provide explicitly for spectrum rights of use, it is not anticipated that any additional conditions would be placed on spectrum users – the main effect would be to simplify and accelerate the procedures leading to the granting of rights of use to new services.

4.2 Process and Procedures for granting Rights of Use for radio frequencies

4.2.1 Key Issues for Consultation

In general, ComReg's processes and procedures for granting rights of use already reflect the requirements of the new EU framework. However, the replacement of individual telecommunication licences by general authorisations raises an issue in relation to authorisations awarded by comparative evaluation procedures, where obligations arising from such procedures are currently incorporated into the telecommunications licence. Views were sought on a proposal that under the new regime such obligations should instead be included as conditions attached to an individual right of use. Feedback was also invited on ComReg's current licensing procedures and on the level of information provided by ComReg on radio spectrum licensing.

Question 3 *Are you aware of any aspects of the existing licence application procedures (e.g. application forms) where improvements could be made? If so, please elaborate on the form such improvements might take.*

Question 4 *Do you agree that obligations arising from commitments made during comparative selection procedures will need to be included as conditions attached to the right of use?*

Question 5 *Is the information currently provided by ComReg in relation to licensing adequate?*

Question 6 *Is there any further information that ComReg should make available?*

4.2.2 Views of Respondents

4.2.2.1 *Current ComReg Processes and Procedures*

There were two specific areas where potential changes to existing procedures were identified, namely electronic licensing and extending the duration of rights of use. One network operator felt that an on-line application facility would be particularly useful for fixed links and satellite earth station licensing. Another respondent suggested that the ability to submit technical data in an agreed electronic format such as that developed by the European Radiocommunications Office (ERO) would help to avoid errors and be in keeping with the E-commerce Act. Two respondents, including a network operator, felt that the duration of individual rights of use should reflect the period of investment, while another network operator suggested that a minimum period of 3 years would be appropriate. This respondent also suggested the renewal process could be replaced by notification prior to the renewal date, with sufficient time for ComReg to raise issues.

4.2.2.2 *Conditions arising from Comparative Evaluation Procedures*

All respondents were in broad agreement that conditions arising from comparative evaluation procedures could be included in rights of use, however one network operator argued that this provision in the Authorisation Directive was permissive rather than prescriptive and therefore did not need to be applied as an absolute rule. Two other network operators felt that such conditions should only be included where they could be applied uniformly to all successful applicants.

4.2.2.3 *Information provided by ComReg*

Although the majority of respondents were broadly satisfied with the current level of information provision, a number of areas for possible improvement were identified. One network operator suggested that improvements could be made to the provision of transmitter site and frequency usage data, and that further information could be provided on spectrum that is held in reserve. Four respondents, including three network operators, commented that the information provided should reflect the requirements of the new EU regime, for example with regard to the increased emphasis on spectrum rights of use and the publication of decisions relating to rights of use. One respondent suggested that ComReg should provide seminars or information days on specific market sectors such as broadcasting.

4.2.3 *ComReg's Position*

4.2.3.1 *Electronic Licensing*

ComReg welcomes the interest expressed in electronic licensing. ComReg has implemented the European Communications Committee (formerly the ERC), One Stop Shop Licensing proposals. ComReg is also continuing to introduce measures to enable certain aspects of the licensing process to be dealt with on-line. Currently, applicants may electronically submit the technical information associated with link licence applications and within the next six months, ComReg is planning to introduce an on-line facility for licence renewals, which accounts for the bulk of licensing transactions. Licensees who register for the on-line facility will be able to view their existing licence and account details. Automatic licence renewal notifications will be issued and licensees will be able to process their renewal payments by credit / debit card using the on-line facility, ensuring renewals are completed and paid for in an efficient and timely manner.

Further enhancements to the facility are also being investigated, including the possibility of on-line processing of licence amendments, such as changes in technical details and new licence applications, each allowing for processing of associated on-line payments.

4.2.3.2 *Duration of Rights of Use*

Currently, most licences issued under the WT Acts are renewable on an annual basis. In the case of WT licences associated with public telecommunications services, the WT licences are renewable for the duration of the corresponding Telecommunications Service Licence. In other cases, there is no specific limit on the duration of WT licences, however ComReg reserves the right to decline renewal on spectrum management grounds, for example where the spectrum is required to accommodate new services or technologies. Such cases would be subject to prior public consultation and appropriate notice would be given to the affected licensee.

Under the new framework, WT licences or rights of use for radio frequencies that have been issued following comparative selection procedures will continue to be renewable annually until the expiry date of the original corresponding telecommunications licence. Where licences or rights of use have been issued on a first come, first served basis, ComReg considers that the current annual

renewal cycle provides an effective opportunity for licensees to review their requirements on a regular basis. ComReg notes the concerns raised about investment life cycles and believes that these can to a large extent be addressed by ensuring early notification and consultation on any proposed changes in spectrum use. However, as noted in ComReg's spectrum strategy document³, ComReg intends in the future to review the current procedures with a view to bringing licence duration more in line with investment cycles, noting that a radio licence does not confer ownership nor a continued right to a particular radio frequency; ComReg plans to consult on the appropriate duration for specific types of right of use for radio frequencies once the regulations transposing the new EU framework have been enacted later this year.

4.2.3.3 Conditions arising from comparative evaluation procedures

With regard to the suggestions that conditions arising from comparative evaluation procedures should only be imposed where they can be applied uniformly, ComReg does not accept this argument. A key objective of comparative selection procedures is to allow operators to differentiate their applications, by offering to accept special conditions that may or may not be offered by other competing applicants. These offerings become part of the evaluation process and help to determine the successful applicant(s) in the comparative selection procedure. For this reason, it is essential that ComReg is able to ensure that the commitments are enforceable and it is wholly appropriate to include such commitments as conditions within the licence or right of use. The alternative would be to render worthless as selection criteria the evaluation of commitments such as coverage, speed of roll out or tariffs and would undermine the selection procedures.

ComReg notes that similar sentiments were raised in response to a previous consultation on the new regulatory framework, and would refer readers with concerns in this regard to the ODTR's response to that consultation (document ODTR 02/51)

Accordingly, the WT licences (or replacement spectrum rights of use if provided for by legislation) in respect of 3G, GSM and FWA services along with MMDS television distribution services will include as mandatory conditions, commitments which licensees made as part of the licence award process. Observance of these conditions is currently mandatory through Part 5 of the

³ Document ODTR 02/43, "Strategic Management of the Radio Spectrum in Ireland"

relevant telecommunications licence and in the case of MMDS, through the conditions of the MMDS licence. Providing for them in a separate legal instrument merely preserves the status quo. It is also necessary to provide for them in this manner as general authorisations with standard conditions will replace the Telecommunications Service Licence framework.

4.2.3.4 Information Provision

ComReg is planning further updates to the on-line “Site viewer” database with a view to further improving access to site and frequency data. General information documents relating to regulatory procedures will be updated to reflect the new EU framework when the Regulations transcribing the provisions of the Directives have been issued. Information relating to the current and planned future use of specific radio frequency bands in Ireland, including spectrum for new services, may be found in the ODTR publication “Strategic Management of the Radio Spectrum in Ireland (document ODTR 02/43) and in the national Table of Frequency Allocations (document ODTR 01/23).

The ODTR has in the past held seminars on a number of specific market sectors such as 3G mobile and broadband. These have been well attended in the past and have played a valuable role in facilitating communication between industry, users and the regulator. ComReg intends to build on this success by holding further seminars on topical issues relating to the electronic communications sector.

4.3 Amendment of Rights of Use and Transfer between undertakings

4.3.1 Key Issues for Consultation

Article 14 of the Authorisation Directive relates to amendment of rights of use and makes specific provisions regarding notification of such amendments, including a minimum four week public consultation period. The Article does not differentiate between minor administrative or technical amendments and more significant amendments that might impact on other parties or on the wider communications market, but stipulates that rights of use should be amended in a proportionate manner. Views were sought on the approach that ComReg should take to dealing with amendments to rights of use, particularly in the case of minor amendments that do not impinge on third parties or the public.

The Authorisation Directive also includes provisions relating to transfer of rights of use between undertakings. Views were sought on whether the current ComReg rules relating to transfer of licences between undertakings should apply to individual rights of use under the new framework.

Question 7 *Do you agree with the interpretation that it would not be appropriate or proportionate to require minor amendments to rights of use which do not impinge upon the public or other third parties to be subject to public consultation?*

Question 8 *Do you have a view on the type of amendment that should be subject to public consultation?*

Question 9 *Do you have any further comments with regard to the implications of Article 14 of the Authorisation Directive for holders of rights of use for radio frequencies?*

Question 10 *What do you feel is an appropriate notice period for substantive changes to the conditions attached to rights of use for radio frequencies (e.g. changes to frequencies or technical characteristics)?*

Question 11 *Do you agree that the current rules relating to transfer of Licences, as described in section 3.1, should be applied to rights of use for radio frequencies when the new EU framework is adopted?*

4.3.2 Views of Respondents

4.3.2.1 Amendments to Rights of Use

Six of the seven respondents agreed that minor amendments not affecting the public or third parties should not be subject to public consultation, however three of these (all network operators) were concerned that clear definitions should exist about what would constitute such minor amendments. Two of these felt that ComReg should provide specific guidance in this regard. The type of amendments that respondents felt ought to be subject to public consultation included those that:

- alter a spectrum user's business case,
- cause or have the potential to cause interference to, or otherwise adversely affect, existing spectrum users,
- has the potential to impact on the market or on competition generally,
- relate to commitments arising from comparative selection procedures,
- involve technical conditions such as signal strength, site locations or changes in spectrum use, or

- relate to fees, charges or levies.

Four respondents, including three network operators, felt that the notice period applying to substantive changes to conditions should be longer than the minimum four weeks indicated in the Directive. Periods of 6 months, 4 months, 3 months and 8 – 12 weeks were suggested. Another respondent suggested that the notice period should depend on factors such as the purpose for which the spectrum was being used and whether any compensation was involved. One network operator suggested that a notification procedure could be used for minor amendments, with a period of 28 days for objections to be lodged, in which case a formal 3 month consultation process could be initiated.

One respondent felt that all changes, however minor, should be notified to the public.

4.3.2.2 Transfer of Rights of Use between undertakings

Five respondents, including three network operators, were in broad agreement that the current rules relating to transfer of licences should apply to rights of use under the new regime, although one thought that this should only apply to commercial services and not to providers of essential public safety or utility services. Of the two respondents who did not agree, one network operator felt that the current rules will need to be extended under the new framework to accommodate provisions on harmonisation, while the other respondent felt that a notification procedure, where ComReg would have a right to intervene on specific grounds within a reasonable timescale, would be more appropriate. Two network operators suggested that ComReg should consider secondary trading of spectrum in the future.

4.3.3 ComReg's Position

4.3.3.1 Amendments

Having considered both the responses and Article 6 of the Framework Directive relating to transparency and consultation, ComReg considers that public consultation should apply only to amendments that have a significant impact on the relevant market. It is, therefore, not anticipated that amendments to the technical characteristics of rights of use (e.g. technical conditions, change of equipment, measures for the prevention of interference, location or change in number of radios) would, in general, be subjected to a formal public consultation procedure as this would put an unnecessary burden on many existing licensees (such as business radio, radio links, community repeaters, etc) and could substantially delay the processing of future amendment requests. Under current

legislation, amendment requests relating to such services are submitted by the licensee using the appropriate application form and are processed immediately. ComReg considers this to be the optimum approach from both spectrum management and administrative efficiency perspectives. ComReg has made a recommendation in this regard in its recent response to the Department of Communications, Marine and Natural Resources consultation on draft legislation relating to the new framework (document 03/12).

With regard to notice periods, ComReg considers it important to strike a balance between the need to provide adequate time for consideration of proposals and the avoidance of undue delay and market uncertainty. Having considered the responses, ComReg considers that the 28 day period specified in Article 14 of the Authorisation Directive provides sufficient time for effective consultation whilst ensuring that new initiatives can be progressed with expediency.

4.3.3.2 Transfer between undertakings

Under the existing ComReg rules, most types of licence may be transferred, subject to ComReg's consent, where there is a change of ownership or control of the licence holder. In such cases, agreement is normally granted except where competition issues are involved - for example, it was indicated at the time of the proposed Telenor/Telia merger, that the linkage of the eircell and digifone licences would not be acceptable. ComReg believes that this pragmatic approach best meets the needs of rights of use holders and is in keeping with the requirements of the new EU Framework. No changes to this policy are therefore envisaged.

ComReg notes the interest shown by two respondents in the potential trading of radio spectrum between holders of rights of use. Where this involves the selling off of a business and a consequent transfer of licence, ComReg's existing rules on transfer of undertakings generally permits licences to be transferred, subject to maintaining/developing competition and continuing to fulfil licence terms. Some key commentators on spectrum trading see this as the appropriate use of the term. However, if spectrum trading were to involve secondary trading in the right to use parts of spectrum blocks, ComReg considers that this presents significant practical difficulties with regard to legal, competition, national spectrum policy and international co-ordination and harmonisation. ComReg does not therefore, envisage direct transfer of spectrum resources between

undertakings except in cases where the entire right of use is transferred in accordance with the existing rules.

4.4 International Harmonisation

4.4.1 Key Issues for Consultation

The Directives and Decision that underpin the new framework include specific provisions relating to the harmonisation of spectrum use within Europe, including constraints on the imposition of national conditions, criteria or procedures that might adversely affect such harmonisation. Harmonisation of spectrum for services such as GSM mobile phones and PMR446 two-way radio has helped to bring about an open European market for radio products, leading to reduced prices and greater convenience for consumers. However, there continues to be scope for national initiatives such as the provision of MMDS services in the 2.5 GHz band or licence-exempt fixed wireless services in the 5 GHz band. The consultation sought views on how new requirements for spectrum should be dealt with where the spectrum concerned may be subject to possible harmonisation moves in the future.

Question 12 *Do you have a view on how Ireland should approach the introduction of new services that require access to radio spectrum, in particular where there is the possibility of longer-term moves to harmonise the use of the spectrum concerned?*

Question 13 *How should spectrum that has been earmarked for future harmonisation be used in the interim period, prior to the launch of harmonised services which may be many years away?*

4.4.2 Views of Respondents

A number of views were expressed with regard to spectrum harmonisation and how spectrum that is earmarked for future harmonisation might be used in the interim. Two respondents, including a network operator, felt that it was important to support European harmonisation measures and a further two, also including a network operator, emphasised the economic importance of encouraging new spectrum uses in a broader sense. One respondent argued that the benefits of harmonisation should be balanced against the drawback of not having designated spectrum available for other services, while one of the network operators was concerned that existing users should have sufficient time to recoup their investments in spectrum use.

One respondent thought licensing of earmarked spectrum should be encouraged in the interim to facilitate investment and maximise benefits for end users. Two other respondents, including a network operator, were also supportive of allowing interim use of spectrum. One of these thought that such use should be subject to similar rights of use to those that apply to other spectrum, while the other, the network operator, thought that a co-ordination process may be more appropriate. However, one respondent was strongly against interim use, on the grounds that once there is an installed base of consumer equipment it may be extremely difficult to change the use of the spectrum concerned.

4.4.3 ComReg's Position

ComReg welcomes the support for European harmonisation activities and will continue to play a proactive role in European regulatory fora to ensure that harmonisation proposals provide benefits to Irish industry and consumers. We will also continue to seek opportunities within the international regulatory framework to accommodate new, innovative services on a national basis where this does not conflict with harmonisation objectives. ComReg notes the comments made on the potential benefits and drawbacks of interim spectrum use, and will consider opportunities for such use on a case by case basis as they arise, taking account of the concerns raised.

5 Impact of Proposals

5.1 Impact on Spectrum Users

The proposals which ComReg has indicated in this paper will largely be neutral on spectrum users. No new conditions are proposed in respect of existing WT licences and accordingly there will be no additional costs to spectrum users. If a new and flexible legislative framework for licensing is adopted by the Minister as part of the transposition process, ComReg considers that the administrative burden on users could be lightened. In particular, the introduction of application procedures for new and innovative radio services, a lengthy process normally requiring the development of new secondary legislation, could be accelerated and simplified.

5.2 Impact on end-Users

ComReg considers that end-users could benefit through greater competition in the provision of communication services as a streamlined process for granting rights of use can facilitate service providers in introducing new services.