



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Information Notice on the Permitted Licence Exemptions for Terminals for Satellite Services

Information Notice

Reference: ComReg 20/48

Date: 19/06/2020

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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Additional Information

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Date:	19 th June 2020

1: Permitted Licence Exemptions for terminals for Satellite Services

1.1 Introduction

1. Under the Wireless Telegraphy Act 1926, as amended, all apparatus for Wireless Telegraphy require a licence unless that apparatus has been specifically exempted from licensing by means of an exemption order. Exemption orders are normally established where the risk of harmful interference between users is negligible. Exemption orders do not provide users with any form of protection from other users.
2. When considering the authorisation of apparatus for wireless telegraphy in line with the Wireless Telegraphy Act 1926, ComReg can either grant licences for apparatus, or make regulations to exempt apparatus from licensing. Generally, the exemption of apparatus from licensing offers the lowest barrier for using spectrum when compared to the granting of individual licences.
3. In order to determine the appropriate approach to the authorisation of apparatus, ComReg considers the risk of harmful interference or congestion to existing users/services (if any), or any potential new users/services of the spectrum in question. Harmful interference or congestion could negate the benefits of any barrier reductions gained from the exemption from individual licensing.
4. Where the exemption from licensing is considered the most appropriate approach to ensure the optimal use of spectrum and to reduce competitive and economic barriers, equipment and technical parameters are specified to mitigate any potential harmful interference to existing or new users/services.

1.2 Exemption Orders for Terminals for Satellite Services

5. In its Radio Spectrum Management Strategy Statement for 2019 – 2021¹, ComReg committed to conducting a review of the current exemption orders for Terminals for Satellite Services (“TSS”), and to update, amend and/or implement new exemption orders as appropriate.
6. ComReg has completed its review of the current exemption orders for TSS and has decided to adopt a single exemption order (Wireless Telegraphy Act 1926 (Section 3) (Exemption of Terminals for Satellite Services) Order 2020) to cover all TSS

¹ ComReg 18/118 – Radio Spectrum Management Strategy Statement 2019 - 2021

equipment that is the subject of an ECC Decision as long as the equipment does not raise concerns about harmful interference in Ireland. ComReg will maintain a separate technical document (ComReg Document 20/47²) that specifies the equipment covered by the exemption order.

7. Six of the eight existing exemption orders are superseded by the new exemption order. The first version of the technical document reflects four new or updated ECC Decisions³ that have been published since the original exemption orders were published. Additionally, six new ECC Decisions⁴ are included in the technical document to ensure that TSS in specific spectrum bands can be deployed in the market.
8. Two existing exemption orders will remain in effect. S.I. 214 of 1998⁵ implemented an ECC decision that has subsequently been revoked. This exemption order will be reviewed as part of ComReg's forthcoming review of the Satellite Services Licensing regime (which will begin in the 2020-2021 operating year). The ECC decision implemented by S.I. 173 of 2000⁶ is currently under review by the CEPT's ECC⁷ and ComReg will consider bringing a future revised version of ERC/DEC/(99)06⁸ within the scope of the new exemption order after the revised version is published, which is to be in 2021.
9. Accordingly, a new exemption order "Wireless Telegraphy Act 1926 (Section 3) (Exemption of Terminals for Satellite Services) Order 2020" has been adopted to supersede and repeal six existing satellite exemption orders⁹, as well as to implement the ten new/updated ECC Decisions.
10. The accompanying technical document has also been published alongside the new Exemption order, "ComReg 20/47 – Permitted Licence Exemptions for Terminals for Satellite Services", that defines the technical and operational characteristics of TSS equipment, as set out in the relevant ECC Decisions, eligible for exemption under the new exemption order.

² ComReg 20/47 , Permitted Licence Exemptions for Terminals for Satellite Services , published 19th June 2020

³ ECC/DEC/(05)11, ECC/DEC/(12)01, ECC/DEC/(05)10 & ECC/DEC/(06)03

⁴ ECC/DEC/(06)02, ECC/DEC/(09)04, ECC/DEC/(13)01, ECC/DEC/(15)04, ECC/DEC/(18)04 & ECC/DEC/(18)05

⁵ <http://www.irishstatutebook.ie/eli/1998/si/214/made/en/print>

⁶ <http://www.irishstatutebook.ie/eli/2000/si/173/made/en/print>

⁷ <https://www.cept.org/ecc/>

⁸ <https://www.ecodocdb.dk/document/788>

⁹ S.I. 7 of 2004, S.I. 128 of 2005, S.I. 273 of 2000, S.I. 343 of 2008, S.I. 398 of 2001 & S.I. 505 of 2003

1.3 Related ECC Decisions

ECC Decision (05)09

11. ECC Decision (05)09 was reviewed by ComReg upon its publication in 24 June 2005. Following careful consideration, ComReg decided not to implement ECC/DEC/(05)09 as the frequency range 5925-6425 MHz is allocated, and extensively licensed, to Fixed Services in Ireland. ComReg is of the view that there is a high risk of harmful interference to the existing Fixed Services if ECC Decision (05)09 were to be implemented. ECC Decision (05)09 has been revised three times since its publication in 2016, 2017 and 2019, however, those revisions have not changed ComReg's view with regards to the implementation of ECC/DEC/(05)09.

ECC Decision (17)04

12. A work item to revise ECC/DEC/(17)04 is currently being considered by the ECC's WG FM44 project team. The proposed revision will consider what, if any, amendments need to be made to ECC/DEC/(17)09 following the adoption and publication of a revision to ETSI standard EN 303 980. The ETSI expect that the revised standard will be available in Q2 2021.¹⁰ ComReg will monitor the discussions and developments at both the CEPT and ETSI in regard to this matter, and at a future date, ComReg will, in line with its policies, consider the most appropriate way to permit the use of TSS equipment that complies with the revised ETSI standard. Depending on timing, this may be considered as a stand-alone ComReg work item or as part of ComReg's forthcoming review of the Satellite Services Licensing regime, which will begin in the 2020-2021 operating year

1.4 Next steps

13. ComReg will continue to engage with and monitor the development of ECC Decisions for TSS. ComReg will consider the appropriate implementation of any future ECC Decisions with regard to the risk of harmful interference to and protection of existing communication services and networks in Ireland.

¹⁰ https://portal.etsi.org/webapp/workProgram/Report_Schedule.asp?WKI_ID=58933