

**Licence for Digital Terrestrial Television
issued by**

**THE COMMISSION FOR COMMUNICATIONS
REGULATION**

To

**Radio Telefís Éireann (RTÉ) / Broadcasting Commission
of Ireland (BCI)**

Document Number: 07/90a

Digital Terrestrial Television Multiplex Licence

WHEREAS the RTÉ / BCI is empowered to arrange for the establishment, maintenance and operation of multiplexes for Digital Terrestrial Television and associated broadcasting stations, under Licences issued to the RTÉ / BCI by the Commission for Communications Regulation (“the Commission”) and in accordance with any conditions attached by the Commission to such Licences.

The Commission, in exercise of the powers conferred on it by Section 4 of the Telecommunications (Miscellaneous Provisions) Act, 1996 and Section 9 of the Communications Regulation Act, 2002 as amended, and in accordance with Section 5 of the Broadcasting (Amendment) Act 2007, hereby grants to the RTÉ / BCI the Licence set out hereunder:

License

1. (1) For the purpose of carrying out the functions authorised by the Broadcasting (Amendment) Act 2007 the RTÉ / BCI is hereby licensed to:
 - (a) establish, maintain and operate a multiplex for Digital Terrestrial Television and associated broadcasting stations, as described in the Schedule in Part II of this Licence, in accordance with the provisions set out in Part V of this Licence and not otherwise save with the written consent of the Commission,

- (b) establish, maintain and operate additional broadcasting stations at such places, and in accordance with such provisions, as the Commission may from time to time approve in writing, and any such approved additional broadcasting stations shall thereupon be deemed to be added to the Schedule in Part II and Part V of this Licence,
 - (2) Failure to carry out the activities listed in (1) above may result in the Commission imposing sanctions as referred to in Condition 13.
 - (3) Nothing in this Licence shall serve to preclude the Licensee from entering into any contracts, agreements and arrangements incidental or conducive to carrying out the activities listed in (1) above.
2. The Licensee shall not operate any multiplex for Digital Terrestrial Television and associated broadcasting stations without the Commission's specific approval in writing in respect of:
- (i) characteristic frequency,
 - (ii) name and geographical co-ordinates of broadcasting stations,
 - (iii) effective radiated power,
 - (iv) antenna characteristics, and
 - (v) antenna height.
3. The Licensee shall comply with any directions in writing given to it by the Commission in relation to the tolerance on characteristic frequencies and the radiation of spurious emissions or in relation, in any other respect, to the technical operation of the multiplex for Digital Terrestrial Television and associated broadcasting stations mentioned in the preceding paragraphs.
4. The Licensee shall furnish to Commission such information and reports relating to the operation of the multiplex for Digital Terrestrial Television and associated broadcasting stations as the Commission may, from time to time, by notice in writing served on the Licensee.

5. The establishment, maintenance and operation of the multiplex for Digital Terrestrial Television and associated broadcasting stations, as licensed hereunder, shall be in accordance with the conditions set out in Part I of this Licence.
6. If any harmful interference (whether avoidable or not) is caused to any radio navigation service or other safety services, or a radio communications service operating in accordance with the applicable European Community or national regulations, where such service was in existence prior to the establishment of the multiplex for Digital Terrestrial Television and associated broadcasting stations that is licensed hereunder, and which is causing the harmful interference, then the Licensee shall, if the Commission considers it reasonable so to request, pay to any affected party the amount of the expenses incurred by said party in providing for protection against the harmful interference, or in substituting such a service of the same or a different description in another place and providing for the substituted service such protection against the harmful interference as the Commission considers necessary or expedient.
7. The Commission shall not be liable for any costs incurred by the Licensee in averting any harmful interference whatsoever.
8. In respect of any apparatus that forms part of the multiplex for Digital Terrestrial Television and associated broadcasting stations licensed hereunder, the Licensee shall comply with: any radiation emission standards adopted and published by the International Commission for Non-Ionising Radiation Protection (“ICNIRP”) or its successors from time to time; any radiation emission standards adopted and published by the European Committee for Electrotechnical Standards or its successors from time to time; and any other radiation emission standards specified by national and EC law. The Licensee shall ensure that such apparatus is not installed or operated at a location in such a manner as to cause the aggregate of non-ionising radiation emissions to exceed the limits specified by the guidelines published by ICNIRP.
9. The multiplex for Digital Terrestrial Television and associated broadcasting stations, as licensed hereunder shall at all times be operated by persons properly authorised by the Licensee and all reasonable steps shall be taken to ensure that access to the

broadcasting stations associated with the multiplex cannot be obtained by unauthorised persons at any time.

Licence Fees

10. (1) The annual licence fee payable to the Commission shall in the period up to 1 July 2012 be €57,000. The fee shall first be payable to the Commission on the date the Licence is granted, and shall be payable on that same date every year thereafter for the term of the Licence.

(2) For the remainder of the licence period after 1 July 2012, the Licensee shall pay to the Commission an annual licence fee of €14,000, indexed to reflect the rate of inflation annually using the Consumer Price Index. The first indexation shall take place with effect from 1 July 2013 based on the increase in the Consumer Price Index in the period 1 July 2012 to 30 June 2013.

(3) Fees shall be paid to the Commission by way of banker's draft or such other means and on such terms (including terms as to the place of payment) as the Commission may deem acceptable. Where the date of payment falls on a Saturday, a Sunday or a public holiday payment shall be made on or before the last working day before the date of payment.

(4) An amount payable by a Licensee may be recovered by the Commission as a simple contract debt in any court of competent jurisdiction.

(5) If a Licence is withdrawn, suspended or revoked, then the Licensee shall not be entitled to be repaid any part of the fee paid by the Licensee but shall still be liable to pay any sums (including interest) that are outstanding.

(6) Where payment by the Licensee is not made in due time, then interest shall be payable by the Licensee at the rate per annum standing specified for the time being in section 26 of the Debtors (Ireland) Act, 1840 (1840 c.105), on the fee or part thereof in respect of the period between the date when such fee or part fell due and the date of payment of such fee or part.

Breach of Licence

11. (1) Where the Commission finds that the Licensee has not complied with one or more of the conditions of the Licence conferred hereunder, the Commission shall notify the Licensee of those findings and give the Licensee a reasonable opportunity to state its views or remedy any breaches within:
- (a) one month after notification,
 - (b) a shorter period agreed by the Licensee or stipulated by the Commission in the case of repeated breaches, or
 - (c) a longer period decided by the Commission.
- (2) The Commission may publish, in such manner as it thinks fit, any notification given by it under this Condition subject to the protection of the confidentiality of any information which the Commission considers confidential.
12. Where, at the end of the period referred to in Condition 11, the Commission is of the opinion that the Licensee has not complied with the condition, it shall take appropriate and proportionate measures aimed at ensuring compliance.

Sanctions

13. (1) The Commission may, in cases of serious and repeated breaches of the conditions of the Licence, revoke, suspend, withdraw or reduce the geographical coverage area of the Licence, where measures aimed at ensuring compliance as referred to in Condition 12 have failed.
- (2) Prior to any such revocation, suspension, withdrawal or reduction of the geographical coverage area, the Commission shall serve notice on the Licensee specifying the reason for such sanction and shall give the Licensee a reasonable opportunity to make representations about the proposed revocation, suspension, withdrawal or reduction.

(3) Where the geographical coverage area of a Licence has been reduced, no reduction will be made in the amount of the licence fee payable.

Prevention of Interference

14. (1) If the Commission:
- (a) is satisfied that the use of the multiplex for Digital Terrestrial Television and associated broadcasting stations licensed hereunder, or any part thereof, is causing or represents an immediate and serious threat to public safety, public security or public health, or will create serious economic or operational problems for other providers or users of electronic communications networks or services, and
 - (b) serves on the Licensee an interim notice requiring that the use of such multiplex for Digital Terrestrial Television and associated broadcasting stations, or part thereof as may be specified in such notice, cease forthwith or on or before such date and time as may be so specified;

The Licensee shall cease to use the multiplex for Digital Terrestrial Television and associated broadcasting stations or part thereof as may be specified, unless and until such notice has been withdrawn by the Commission.

(2) Following the issuing of an interim notice, the Commission shall give the Licensee a reasonable opportunity to make representations about the interim notice and to propose any remedies.

(3) The Commission, having taken into account any representations or proposed remedies made under paragraph (2) may confirm, amend or withdraw the measure.

Restrictions on the Licensee

15. The Licensee shall not, without the prior consent in writing of the Commission (such consent not to be unreasonably withheld), assign the Licence (or lease, or let the Licence). Any consent to transfer granted by the Commission under this paragraph,

may be subject to such further conditions as the Commission considers appropriate in the circumstances.

16. The provisions of the International Telecommunication Convention, and of any international convention or international agreement relating to the use of frequencies to which the State may be, or may become, a party during the continuance of this Licence, shall be complied with.

Other authorisations and responsibilities

17. Nothing in this Licence shall absolve the Licensee from obtaining all approvals, consents, licences, permissions and authorisations required to design, construct, install, work and put in place the multiplex for Digital Terrestrial Television and any associated broadcasting stations.

Variation of licence

18. The Commission may amend, or vary, the terms of the Licence, following such public consultation as is deemed appropriate by Commission, at any time and the Licensee shall be given reasonable opportunity to make representations regarding the proposed amendment or variation and the Commission shall consider those representations in making any variation.

Licence Duration

19. This Licence shall operate from (date) and, without prejudice to the right of the Commission to revoke or suspend the Licence in the case of non-compliance with the provisions of the Licence by the Licensee, shall be valid and continue in force until (date) and shall then expire.

Definitions

20. In this Licence:
 - (a) a reference to a Schedule is to a Schedule to this Licence, unless it is indicated that reference to some enactment is intended;
 - (b) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs,

unless it is indicated that reference to some other provision is intended;

- (c) a reference to an enactment shall be construed as a reference to the enactment as amended or extended by or under any subsequent enactment.

21. (1) In this Licence, except where the subject or context requires otherwise, the following expressions have the meanings hereby assigned to them, that is to say:

“broadcasting station” has the same meaning as in the Wireless Telegraphy Acts, 1926-1988;

"Commission" means the Commission for Communications Regulation established by Part 2 of the Communications Regulation Act, 2002;

“Digital Terrestrial Television System” means a Digital Terrestrial Television System (DTT) used for the transmission of a modulated data stream containing Digital Multiplexes in the broadcasting bands III, IV and V intended for direct reception by the general public;

“DTT” means Digital Terrestrial Television;

“harmful interference” means interference which endangers the functioning of a radionavigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radiocommunications service operating in accordance with the applicable European Community or national regulations;

“International Telecommunication Convention” means the International Telecommunication Convention signed at Nairobi on the 6th day of November 1982 and the Radio Regulations and additional Radio Regulations in force thereunder, and includes any Convention and Regulations which may from time to time be in force in substitution therefor, or in amendment thereof;

“Licensee” means the holder of the Licence, in this case the RTÉ / BCI;

“multiplex” means an electronic system which combines programme material and related other data in a digital form and the transmission of that material and data so combined by means of wireless telegraphy directly or indirectly for reception by the general public;

“wireless telegraphy” and “apparatus for wireless telegraphy” have the same meaning as in the Wireless Telegraphy Acts, 1926 to 1988.

(2) A word or expression which is used in this Licence and which is also used in the European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2003 has, unless the context otherwise requires, the same meaning in this Licence that it has in the European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2003.

(3) A word or expression which is used in this Licence and which is also used in the European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations 2003 has, unless the context otherwise requires, the same meaning in this Licence that it has in the European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations 2003.

GIVEN under the official seal of the Commission for Communications Regulation this day of

Chairperson

PART I – Technical Conditions

PART II - List of transmitter sites

PART III – Licensed System

Digital Terrestrial Television System

PART IV – Licence Area

National Licence

PART V – Rollout

PART VI – Licensee’s Address