



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

ComReg issues a Notification of a Finding of Non-Compliance to Vodafone Ireland Limited with respect to the Wireless Telegraphy (3.6 GHz Band Licences) Regulations

Information Notice

Reference: 22/107

Date: 15/12/2022

1. On 15 December 2022, the Commission for Communications Regulation (“ComReg”) notified Vodafone Ireland Limited (“Vodafone”) of findings of non-compliance with respect to Regulation 6(1) of the Wireless Telegraphy (3.6 GHz Band Licences) Regulations 2016 (S.I. No. 532 of 2016) (“the 3.6 GHz Band Licence Regulations”) and, in particular:
 - (i) Paragraph 1 of Sub-section 2 of Section 4 of Part 4 of Vodafone’s 3.6 GHz Band Liberalised Use Licence (Licence Number: M3L1002) (“the Licence”);
 - (ii) Paragraph 2 of Sub-section 2 of Section 4 of Part 4 of the Licence; and
 - (iii) Regulation 6(13) of the 3.6 GHz Band Licence Regulations.
2. The notification of non-compliance was made in accordance with Regulation 16(3) of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (“the Authorisation Regulations”).
3. The non-compliance concerns Vodafone not:
 - a. working and using the required 15 Rollout Base Stations for the South East Region¹ within 3 years of the Licence Commencement Date for same Region; and
 - b. working and using the required 15 Rollout Base Stations in at least 4 counties for the South East Region.
4. A graphical representation of the Regions is shown in Figure 1 below.

¹ See Section 2.2 of ComReg Document 16/71 for information regarding the Regions where 3.6 GHz Band spectrum rights of use were awarded.

https://www.comreg.ie/media/dlm_uploads/2016/08/ComReg-1671-1.pdf

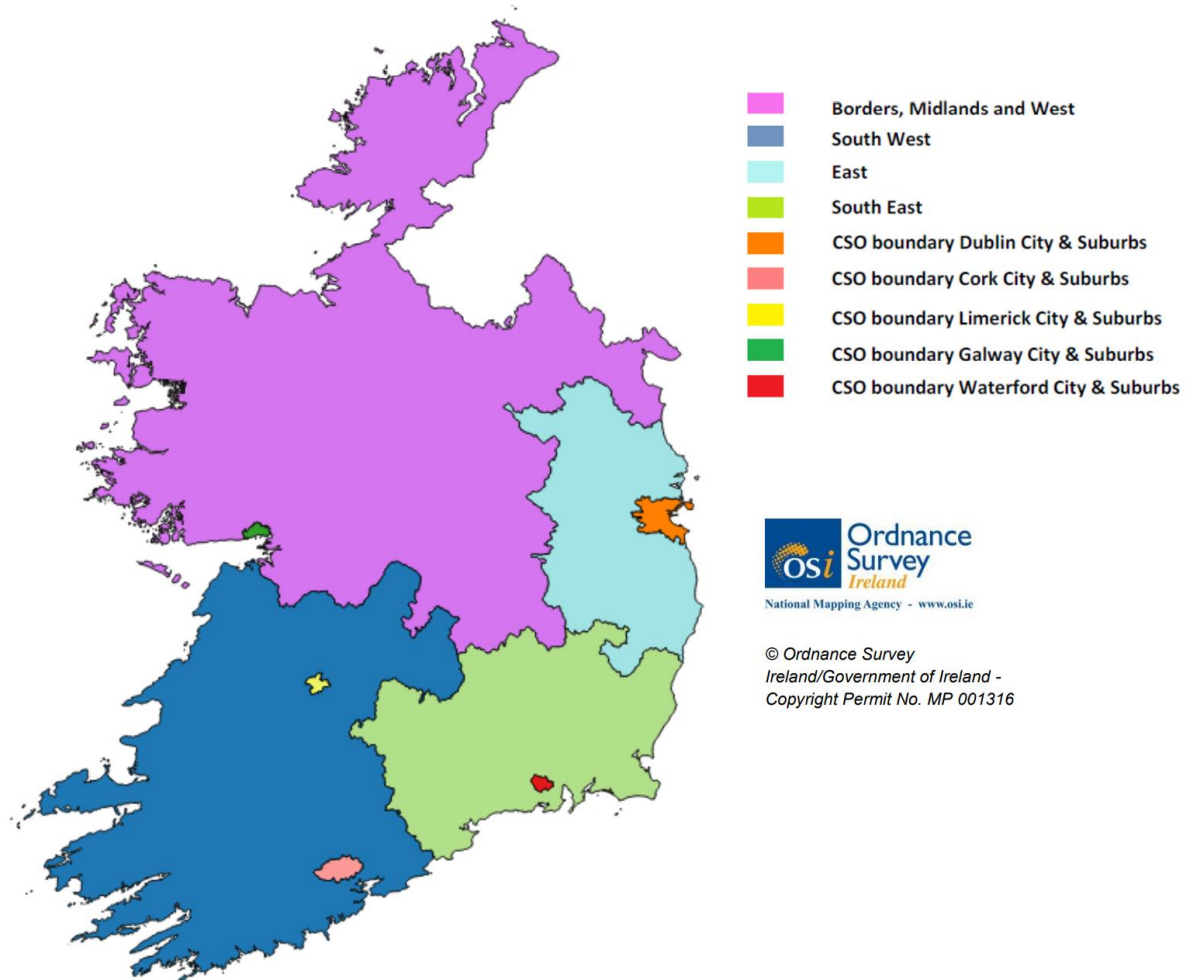


Figure 1. Graphical representation of the nine (9) Regions for award

5. Vodafone has until 16 January 2023 to state its views, including its proposal to remedy the non-compliance within a reasonable time frame.
6. Regulation 16(6) of the Authorisation Regulations provides that if, at the end of the period referred to above, ComReg is of the opinion that an undertaking has not complied with its obligations, ComReg may apply to the High Court for such an order as the Regulator may consider appropriate.