



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Information Notice

Permitted Licence Exemptions of Consumer Premises Equipment and User Equipment for Mobile Telecommunications Services

Information Notice

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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Additional Information

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1: Permitted Licence Exemptions for Customer Premises Equipment and User Equipment

1.1 Introduction

1. Under the Wireless Telegraphy Act 1926, as amended, all apparatus for Wireless Telegraphy requires a licence unless, that apparatus has been specifically exempted from having to be licensed by means of an exemption order made by ComReg.
2. Exemption orders are normally made where the risk of harmful interference between users is negligible. Exemption orders do not provide users with any form of protection from harmful interference caused by other users.
3. The exemption of apparatus from licensing can, where circumstances permit, offer a straightforward and practical means of using spectrum by comparison with the granting of individual licences.
4. In order to determine the most appropriate approach to the authorisation of apparatus, ComReg takes into consideration matters such as the risk of harmful interference or congestion to existing users/services (if any), or to any potential new users/services of the spectrum in question. The possibility of harmful interference or congestion mitigates against the making of an exemption from individual licensing.
5. Where exemption from licensing is considered appropriate, ComReg will typically specify technical parameters to mitigate any potential harmful interference to existing or new users/services.

1.2 Licence Exemptions of Mobile Phones

6. Following a review of the existing exemptions covering mobile phones¹ ComReg has determined that an updated Exemption Order is now required to reflect the

¹ S.I 158 of 2003 – Exemption of mobile telephones (Amendment) – GSM
S.I 107 of 1999 - Exemption of DCS 1800 Mobile Terminals
S.I 409 of 1997 - Exemption of mobile telephones

frequency allocation, assignment and technological changes that have taken place over the last number of years.

7. In particular, it is necessary to add to the list of exempted devices, equipment that is used in spectrum bands awarded by ComReg since the implementation of the existing exemption orders, as well as to make provision for current and future spectrum award processes.
8. The existing exemptions are limited to Mobile Telephones² but there are now many other devices that access mobile networks exclusively for the provision of data services. This means that devices currently on the market that use SIM cards to access the mobile networks but are not Mobile Telephones are not covered by the current exemption(s). Typically, this would include devices such as LTE routers and dongles.
9. Many such devices also use external antennas to improve the indoor signal reception and such antennas are not encompassed by the existing exemptions. To be compliant currently, antennas can only be bought or sold in Ireland as part of an overall mobile phone repeater solution³. Additionally, certain antennas have built in SIM card routers to provide LTE broadband and these too are beyond the scope of the current exemptions. Provided that the devices connected to the external Antennas are compliant with the Radio Equipment Directive (RED)⁴ and the devices gain can be controlled by the Network Operator⁵, ComReg deem the risk of interference from such devices to be very low.
10. In accordance with its statutory objectives, ComReg now proposes to adopt a single exemption order which will repeal all three current exemption orders⁶ for Mobile Telephones/Terminals and place all the relevant requirements into a single exemption order. This exemption order will include all frequency bands allocated for mobile electronic communications services from 700 MHz to 3.6 GHz⁷.

² “mobile telephone” means apparatus for wireless telegraphy capable of originating and receiving a call, being digital apparatus that stands approved under the European Communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations 2001 (S.I. 240 of 2001)

³ [S.I. 283 of 2018 – Exemption of Mobile Phone Repeaters](#)

⁴ https://ec.europa.eu/growth/sectors/electrical-engineering/red-directive_en

⁵ A Network Operator is a company that provides its subscribers with internet and/or telecommunications services via telecommunications network

⁶ S.I. 409 of 1997, S.I. 107 of 1999 & S.I. 158 of 2003,

⁷ 700 MHz, 800 MHz, 900 MHz, 1400 MHz, 1800 MHz, 2100 MHz, 2.3 GHz, 2.6 GHz and 3.6 GHz.

11. Accordingly, a draft new exemption order “Wireless Telegraphy Act 1926 (Section 3) (Exemption of Customer Premises Equipment and User Equipment) Order 2021” is set out in Appendix 2 of this document.
12. The draft exemption order replaces the references to Mobile Telephones in the existing exemption orders and provides for the broader range of devices in use, namely, Customer Premises Equipment (CPE)⁸ and User Equipment (UE)⁹. Devices that have SIM cards must comply with the relevant ETSI standards¹⁰ that Mobile Telephones fall under.
13. IoT or M2M devices are not considered in scope for this new order as they are already licence exempt under Short Range Devices Exemption Order¹¹. Under this Exemption Order the device must supply internet connectivity by connecting to an MNO network with the user having a form of subscription with the MNO.
14. Mobile Phone Repeaters¹² are not included in this updated exemption as they are not directly supplying a network connection to the end user by amplifying the signal between the network and UE. Mobile Phone Repeaters are covered under an existing exemption order¹³.
15. A four week period is being provided for interested parties to submit any comments on the draft Exemption Order, with a deadline of **12:00 hours on Friday 23 April 2021**. Responses must be submitted in written form and sent to the below email address for the attention of Mr. Karl Craine and clearly marked – **Submission to ComReg Document 21/23:**

Email: marketframeworkconsult@comreg.ie

16. ComReg requests that electronic submissions be submitted in an unprotected format so that they can be redacted (if required) and included in a ComReg submissions document for electronic publication¹⁴.

⁸ Customer Premises Equipment (CPE): any terminal and associated equipment located at a subscriber's premises and connected with a carrier's telecommunication channel(s) at the Network Termination Points (NTPs)

⁹ User Equipment (UE): a device allowing a user access to network services

¹⁰ <https://www.etsi.org/standards>

¹¹ <http://www.irishstatutebook.ie/eli/2006/si/160/made/en/print>

<http://www.irishstatutebook.ie/eli/2002/si/405/made/en/print>

¹² “Mobile Phone Repeater” means apparatus for wireless telegraphy, which is used specifically to amplify signals between a Mobile Device and a network operator’s Mobile Base Station, either indoors or in-vehicle

¹³ <http://www.irishstatutebook.ie/eli/2018/si/283/made/en/pdf>

¹⁴ For further information on ComReg consultation procedures, see ComReg Document 11/34 - Information Notice on ComReg Consultation Procedures – published 6 May 2011 and see also ComReg Document 05/24 – Guidelines on the treatment of confidential information – published 23 March 2005.

2 Next Steps

17. ComReg will continue to review and update exemption orders for Wireless Telegraphy as new frequency bands are allocated and assigned for use and new devices come on to the market.
18. ComReg will have due regard to all comments received before publishing the final version of the Wireless Telegraphy Act 1926 (section 3) (Exemption of Customer Premises Equipment and User Equipment) Order 2021.

Appendix 1: Draft Exemption Order

Wireless Telegraphy Act 1926 (section 3) (Exemption of Customer Premises Equipment and User Equipment) Order 2021

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of [-].

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 3(6)(a) of the Wireless Telegraphy Act 1926 (No. 45 of 1926), (inserted by section 11(c) of the Wireless Telegraphy Act 1972 (No. 5 of 1972)), transferred to the Commission for Communications Regulation by section 4(2) of the Communications Regulation (Amendment) Act 2007 (No. 22 of 2007), hereby makes the following Order:

Citation

1. This Order may be cited as the Wireless Telegraphy Act 1926 (section 3) (Exemption of Customer Premises Equipment and User Equipment) Order 2021.

Interpretation

2. (1) The [Interpretation Act 2005](#) (No. 23 of 2005), applies to this Order.

(2) In this Order—

“Act of 1926” means the [Wireless Telegraphy Act 1926](#) (No. 45 of 1926);

“Apparatus for Wireless Telegraphy” has the same definition herein as in the Act of 1926;

“Hertz” means Unit of Frequency;

“MHz” means megahertz (1,000,000 Hertz);

“GHz” means gigahertz (1,000,000,000 Hertz);

“700 MHz band” means 703-788 MHz;

“800 MHz band” means 791-821 MHz paired with 832-862 MHz ;

“900 MHz band” means 880-915 MHz paired with 925-960 MHz;

“1400 MHz band” means 1452-1492 MHz;

“1800 MHz band” means 1710-1785 MHz paired with 1805-1880 MHz;

“2100 MHz band” means 1920-1980 MHz paired with 2110-2170 MHz;

“2.3 GHz band” means 2300-2400 MHz;

“2.6 GHz band” means 2500-2690 MHz;

“3.6 GHz band” means 3410-3435 MHz and 3475-3800 MHz;

“Mobile Base Station” means Apparatus for Wireless Telegraphy connected to a backhaul network, which provides a Radiocommunication Service to Mobile Devices;

“Customer Premises Equipment” means any terminal and associated equipment located at a subscriber's premises and connected with a carrier's telecommunication channel(s) at the Network Termination Points (NTPs);

“User Equipment” means a device allowing a user access to mobile network services;

“Radio Equipment Directive” means Directive 2014/53/EU of the European Parliament and of the Council, of 16 April 2014, on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity;

“Radio Equipment Regulations” means the European Union (Radio Equipment) Regulations 2017 (S.I. No. 248 of 2017); and

“ETSI” means the European Telecommunications Standards Institute.

Limitation

3.. This Order only applies within the jurisdiction of the State and only applies to Consumer Premises Equipment and User Equipment which are in conformance with the Radio Equipment Directive and the Radio Equipment Regulations.

Applicability

4. Section 3 of the Act of 1926 does not apply to classes of Consumer Premises Equipment and User Equipment described as, and fulfilling the requirements set out in, this Order.

Conditions

5. Consumer Premises Equipment and User Equipment to which this Order applies shall comply with the following conditions:

(a) The Consumer Premises Equipment and User Equipment shall comply with the relevant ETSI standards for connecting to Mobile Base Stations;

(b) The frequencies which the Consumer Premises Equipment and User Equipment are capable of using shall be limited to those frequencies that are used in the State for mobile phone services, namely:

700 MHz band;

800 MHz band;

900 MHz band;

1400 MHz band;

1800 MHz band;

2100 MHz band;

2.3 GHz band;

2.6 GHz band; and

3.6 GHz band.

6. The following statutory instruments are hereby revoked:

(1) Statutory Instrument Number 409 of 1997, the Wireless Telegraphy Act 1926 (Section 3)(Exemption of Mobile Telephones) Order 1997;

(2) Statutory Instrument Number 107 of 1999, the Wireless Telegraphy Act 1926 (Section 3)(Exemption of Dcs 1800 Mobile Terminals) Order 1999;

(3) Statutory Instrument Number 158 of 2003, the Wireless Telegraphy Act 1926 (Section 3)(Exemption of Mobile Telephones) Order 2003;

GIVEN under the official seal of the Commission for Communications Regulation,

[-] 2021.

[Commissioner],

For and on Behalf of the Commission for Communications Regulation.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order provides for the exemption of certain wireless telegraphy apparatus, namely Consumer Premises Equipment and User Equipment, which meet certain conditions stated in the face of the order, from the requirement to be licensed under the Wireless Telegraphy Act 1926.