



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Proposed update to ComReg's Spectrum Transfer and Lease Framework and Guidelines

Update in light of the European Union
(Electronic Communications Code)
Regulations 2022 (S.I. No. 444/2022)

Consultation

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Chapter 1

1 Introduction

1.1 This consultation document (Document 24/59) sets out ComReg's proposals to update the existing spectrum transfer and lease framework in Ireland in light of the European Union (Electronic Communications Code) Regulations 2022 (the "EECC Regulations")¹ and ComReg's experience relating to a number of spectrum leases over the last four years, with:

- Document 24/59a setting out the proposed procedures, guidelines and notification form (the "Proposed Procedures"); and
- Annex 5 of this document setting out the draft proposed Wireless Telegraphy ("WT") Act regulations ("Draft Regulations").

1.2 This consultation (Document 24/59), the Proposed Procedures (Document 24/59a), and the Draft Regulations (Annex 5) together set out ComReg's proposed framework for spectrum transfers and leases in Ireland (the "Proposed Framework").

1.1 Overview of proposals

1.3 The Proposed Framework is largely based on the existing spectrum transfer and lease framework with a number of proposed updates including:

- in line with Regulation 33(1) and 33(2) of the EECC Regulations, the scope of the Proposed Framework would be broader than the existing framework and encompass all individual spectrum rights of use for electronic communications networks ("ECNs") and services ("ECSs"), except for broadcasting rights of use;
- in line with Regulations 33(3), 33(4) and 33(8) of the EECC Regulations, the existing procedures would be updated to:
 - (i) give greater prominence to the opportunity for notifying parties to make initial queries pre-notification;
 - (ii) set out the preliminary checks that ComReg would expect to carry out once it receives a notification and prior to ComReg carrying out any assessment;

¹ [S.I. 444 of 2022](#), "European Union (Electronic Communications Code) Regulations 2022", 6 September 2022.

- (iii) provide for both a “Standard Procedure” and a “Simplified Procedure” in the Phase 1 Assessment. Depending on the notification received, a “Simplified Procedure” would apply for a proposed transfer or lease that initially appears to have a low likelihood of raising competition concerns and, for all other cases, the “Standard Procedure” would apply;
 - (iv) reflect the consultation time periods identified in Regulation 101 of the EECC Regulations and ComReg's Consultation guidelines Document 24/04²; and
 - (v) publish relevant details of Notifications that have passed ComReg's preliminary checks on a dedicated Spectrum Transfers and Lease webpage in a tabular format, with determinations for the “Standard Procedure” and the “Phase 2 Assessment” being published as per current ComReg practice; and
- ComReg does not propose, at this time, to apply an administrative charge, as provided for in Regulation 33(5) of the EECC Regulations, for the notifying and processing of a proposed transfer or lease.

1.4 As with existing transfer and lease framework, the Proposed Framework would not apply to any transfer that forms part of a merger/acquisition/transaction notified to the Competition and Consumer Protection Commission (“CCPC”) or to the European Commission (“EC”), or which is notified to the CCPC or EC on a voluntary basis, or which is required by the CCPC or the EC to submit a merger notification to it.

1.5 Interested parties are invited to carefully consider and provide comment on any aspect of the Proposed Framework, including the Proposed Procedures and the Draft Regulations.

1.2 Structure of this document

1.6 This rest of this document is structured as follows:

- **Chapter 2** sets out some background information, including information on Regulation 33, 34 and 101 of the EECC Regulations, ComReg's Existing Framework, the spectrum transfers (none) and leases (20 in total) processed to date, and the existing provisions and procedures for spectrum transfers and leases in Other WT Licences;
- **Chapter 3** sets out ComReg's considerations and proposals in relation to two aspects of the Proposed Framework, namely the definitions of a spectrum transfer and spectrum lease, and the WT Licence types to be included in the

² Insert reference

Proposed Framework;

- **Chapter 4** sets out ComReg's considerations and proposals in relation to the key updates in its Proposed Procedures compared to the Existing Procedures, noting that the full detail of the procedures are contained in the Proposed Procedures, published alongside this Document as Document 24/59a;
- **Chapter 5** sets out information on the necessary changes to the WT Licensing Regulations to implement the Proposed Framework; and
- **Chapter 6** sets out information on submitting comments and the next steps.

1.7 Annexes include:

- **Annex 1:** Glossary;
- **Annex 2:** Information on the spectrum leases processed to date;
- **Annex 3:** Regulation 33, 34 and 101 of the EECC Regulations
- **Annex 4:** WT Licence types ComReg's observations and proposals for inclusion in Proposed Framework; and
- **Annex 5** Draft Regulations.

1.8 As noted earlier, the Proposed Procedures is set out in ComReg Document 24/59a.

Chapter 2

2 Background information

2.1 This chapter sets out information on:

- the existing spectrum transfer and lease framework in Ireland;
- the spectrum transfers and leases processed to date, including observations on same;
- Regulations 33, 34 and 101 of the EEC Regulations; and
- the spectrum transfer or lease provisions in Other WT Licences.

2.1 Existing spectrum transfer and lease framework

2.2 In 2014, following consultation³, and in accordance with the legal framework at that time, ComReg established Ireland's spectrum transfer framework, procedures, guidelines and notification form which provided for the transfer of spectrum rights for ECN/ECS in the Radio Spectrum Policy Programme ("RSPP") bands⁴ in line with EU Decision 243/2012/EU⁵.

2.3 In 2017, following consultation⁶, ComReg decided to update this framework to provide for leases and include the 700 MHz Band (694 – 790 MHz) in line with EU Decision (EU) 2017/899 on the 470-790 MHz Band⁷.

2.4 Together with the enabling provisions in the mobile and wireless broadband licences issued in the RSPP Bands and the 700 MHz Band (the "MWBB WT Licences"), and

³ See ComReg Document [12/76](#) published 11 July 2012, and ComReg Document [14/10](#) published 31 January 2014.

⁴ These are the 800 MHz (790-862 MHz), 900 MHz (880-915 MHz paired with 925-960 MHz), 1800 MHz (1710-1785 MHz paired with 1805-1880 MHz), 1900-1920 MHz, 2.1 GHz (1920-1980 MHz paired with 2110-2170 MHz), 2010-2025 MHz, 2.6 GHz (2.5 -2.69 GHz) and 3.6 GHz (3.4-3.8 GHz) Bands.

⁵ Decision [No 243/2012/EU](#) of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme.

⁶ See ComReg Document [17/47](#) published 1 June 2017, and ComReg Document [17/82](#) published 12 October 2017.

⁷ Decision [\(EU\) 2017/899](#) of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union.

their associated Wireless Telegraphy licensing regulations⁸, the existing spectrum transfer and lease framework, procedures, guidelines and notification form (the “Existing Framework”) are set out in the:

- Spectrum Transfer Regulations (S.I. 34 of 2014)⁹; and
- Spectrum Transfer and Lease Procedures, Guidelines and Notification Form (ComReg Document 14/11R) (the “Existing Procedures”)¹⁰.

2.1.1 Existing Spectrum Transfer Regulations (S.I. 34 of 2014)

- 2.5 The existing Spectrum Transfer Regulations (S.I. 34 of 2014) provide for the transfer of spectrum rights of use for ECN/ECS between undertakings in accordance with the published procedures adopted by ComReg (ComReg Document 14/11¹¹).
- 2.6 It is important to note that the Spectrum Transfer Regulations do not apply to any spectrum transfer that forms part of a merger or acquisition which is required to be notified to the Competition Authority (now CCPC) or the EC.¹²
- 2.7 In 2017, and following a public consultation, ComReg updated the framework for spectrum transfers to provide for leases and also to include the 700 MHz Band. Draft regulations titled the *Wireless Telegraphy (Transfer of Spectrum Rights of Use) (Amendment) Regulations 2017* were included in Annex 2 of ComReg Document 17/82 to provide for this.
- 2.8 While these draft regulations were not made, spectrum leasing provisions were included in the two most recent WT licensing regulations made for MWBB WT Licences, being S.I. 532 of 2016 for spectrum rights of use in the 3.6 GHz Band¹³, and S.I. 264 of 2021 for spectrum rights of use in the 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands¹⁴. For MWBB WT Licences issued under these WT

⁸ These are:

- [SI No. 251 of 2012](#) in relation to the MBSA1 Liberalised Use Licences;
- [S.I. No. 264 of 2021](#) as amended in relation to the MBSA2 Liberalised Use Licences;
- [S.I. No 345 of 2002](#) as amended by [S.I. No 340 of 2003](#) and [S.I. No. 265 of 2021](#) in relation to the 3G and 2.1 Liberalised Use Licences; and
- [SI No. 532 of 2016](#) in relation to the 3.6 GHz Band Liberalised Use Licences.

⁹ The Wireless Telegraphy (Transfer of Spectrum Rights of Use) Regulations 2014, S.I. [34 of 2014](#)

¹⁰ ComReg Document [14/11R](#), “*Spectrum Transfer and Lease Framework in Ireland, Procedures and Guidelines, and Notification Form(s)*”, published 12 October 2017.

¹¹ The first iteration of Document 14/11 was published 31 January 2014 and was subsequently revised (as ComReg [14/11R](#)) on 12 October 2017.

¹² Regulation 3(7) of the Spectrum Transfer Regulations.

¹³ The Wireless Telegraphy (3.6 GHz Band Licences) Regulations 2016, [S.I. No. 532 of 2016](#).

¹⁴ The Wireless Telegraphy (Liberalised Use and Related Licences in the 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands) Regulations 2021, [S.I. No. 264 of 2021](#) (as amended).

licensing regulations, there is no impediment to spectrum lease applications being submitted, assessed and processed.¹⁵

2.1.2 Existing Procedures

2.9 The Existing Procedures, guidelines and notification form for spectrum transfers and leases in Ireland are set out in Document 14/11R¹⁶. These were first set out in 2014 when ComReg established the spectrum transfer framework and were updated in October 2017 to address spectrum leases.

2.10 By way of a very high level overview:

- any undertaking intending to transfer or lease spectrum rights of use is obliged to notify same to ComReg and supply the information identified in the notification form;
- if the notification and required information is complete and in order, then details of the notification, and other relevant information, is published and interested parties are provided an opportunity to submit comments on the proposed transfer/lease within a specified timeframe; and
- following receipt of views from interested parties, the proposed transfer/lease is assessed in line with ComReg's assessment guidelines to determine if the proposed transfer/lease (with or without conditions) can be put into effect or whether it would be likely to distort competition.

Ex-ante review procedures

2.11 Chapter 2 of ComReg Document 14/11R sets out the existing *ex-ante* review procedures for the competition assessment of a notified spectrum transfer or lease in Ireland.

2.12 Under these procedures:

- any proposed transfer or lease of spectrum rights of use must be notified to ComReg, by either or both of the notifying parties, and there is an administration fee of €5,000 to be submitted with a transfer notification;

¹⁵ See, for example, 20 spectrum leases considered by ComReg for the 3.6 GHz Band (as detailed in Section 2.3 and Annex 2).

¹⁶ ComReg Document [14/11R](#), "Spectrum Transfer and Lease Framework in Ireland, Procedures and Guidelines, and Notification Form(s)", published 12 October 2017.

- ComReg publishes details of any proposed notified transfer or lease of spectrum rights of use on its website, and affords interested parties the opportunity to make submissions in respect of the proposed transfer or lease;
- Phase 1 review - where ComReg forms the opinion that the result of the transfer or lease would not be likely to distort competition ComReg, within 35 Working Days after the Commencement Date (i.e. the date on which ComReg commences its assessment)¹⁷ informs the notifying parties and any other parties who have made submissions, that it has so determined and ComReg proceeds to publish notice of the making of its determination on its website. A non-confidential version of the text of ComReg's determination is published on its website at the earliest possible date and in any event, no later than two months from the date of the determination;
- Phase 2 review – where, having considered the Phase 1 information provided and all submissions received, ComReg is unable on the basis of the information before it to form a view that the result of a transfer or lease would not be likely to distort competition, ComReg makes a determination to carry out a “full investigation” (i.e. to proceed to a Phase 2 review). A full investigation has an indicative timeframe of 105 Working Days¹⁸ and includes some or all of the following steps:
 - the publication of a notice on ComReg's website that it has decided to conduct a full investigation, and ComReg's engagement with the notifying parties as to the basis for its determination to conduct a full investigation;
 - the provision of further submissions by the notifying parties and other third parties;
 - the potential for ComReg to make an early determination, without proceeding to make an 'Assessment' of the proposed transfer or lease, that the proposed transfer or lease would not be likely to distort competition;
 - the furnishing of an 'Assessment' by ComReg to the notifying parties, where ComReg clearly sets out its concerns regarding the proposed transfer or lease on competition;
 - the submission of a response to the 'Assessment' by the notifying parties;

¹⁷ This is based on the receipt of a valid notification and is subject to paragraph 14 of the Procedures which considers notifications that involve an amendment to a licence condition.

¹⁸ Regulation 7(1) of the Spectrum Transfer Regulations (S.I. 34 of 2014)

- the entering into discussion with the notifying parties and the notifying parties making proposals with regard to the manner in which the transfer or lease may be put into effect, or the adoption of measures to ameliorate any effects of the notified transfer on competition;
- the making of one of the following determinations. That the transfer or lease (a) may be put into effect, (b) may not be put into effect or (c) may be put into effect subject to conditions specified by ComReg being complied with; and
- the publication of a notice of its determination on its website on the same day as when the determination is made, and the publication of a non-confidential version of ComReg's determination¹⁹ on its website within two months after the making of the determination.

Competition assessment guidelines

- 2.13 Chapter 3 of ComReg Document 14/11R sets out guidance on how ComReg would determine whether or not a transfer or lease would likely distort competition.
- 2.14 The competition assessment guidelines set out information on market definition, market concentration, analysis of competitive effects, and other competitive effects.
- 2.15 In relation to the distortion of competition test, this is based on the substantial lessening of competition (SLC) test used by the CCPC in its assessment of mergers and acquisitions, and key elements of this test include whether or not a notified spectrum transfer or lease would likely lead to unilateral effects and/or coordinated effects and/or detriment to consumers.
- 2.16 As noted by ComReg in paragraph 33 of ComReg Document 14/11R, the competition assessment guidelines are interpreted in a flexible manner, as ComReg considers the circumstances of each notification on a case-by-case basis and reserves the right to deviate from the Guidelines where appropriate.

Notification form

- 2.17 Annex 1 of ComReg Document 14/11R sets out the notification form which specifies the information that undertakings intending to transfer or lease spectrum rights of use must provide to ComReg
- 2.18 The existing notification form consists of eight parts, being:

¹⁹ As stated in paragraph 31 of the Procedures, ComReg's final written determination will include "a statement of the facts, a summary of the information, evidence and submissions considered by the Commission and the reasons grounding that determination".

- (i) General information;
- (ii) Description of proposed transfer or lease;
- (iii) Market information;
- (iv) Views of notifying parties;
- (v) Supporting documentation;
- (vi) Licence conditions;
- (vii) Notifying parties declarations; and
- (viii) Declaration and Signature.

2.19 Prior to submitting the notification form, parties may request a 'pre-notification meeting' with ComReg in order to discuss the information required as part of their formal notification. At such a meeting, parties may request to submit less information than is set out in the existing notification form (e.g. if it is very clear that the proposed transfer or lease would not be likely to distort competition) and ComReg may adjust its information requirements accordingly (while reserving its right to require this information at a later stage).

2.20 The notification form may be submitted as a joint notification by both parties, or information may be provided separately.

2.2 Spectrum transfers and leases to date

2.21 Since establishing the Existing Framework in 2014, no spectrum transfers have been notified to ComReg.

2.22 Twenty (20) spectrum lease notifications have been submitted to ComReg and processed as outlined in Annex 2 below.

2.23 For each of these spectrum lease notifications, ComReg determined that the proposed lease could be put into effect for the period identified in the proposed lease agreement as it would not be likely to distort competition.

2.24 While ComReg Document 17/82 set out ComReg's decision to charge an administrative fee of €5,000 per lease notification, no administrative fees were charged by ComReg in relation to these leases.

2.2.1 ComReg observations on spectrum leases to date

2.25 From the 20 spectrum lease notifications processed to date, ComReg makes the following observations:

- (i) Between 2017 and 2019, ComReg received no lease applications;

- (ii) In 2020, following the imposition of COVID-19 measures, ComReg processed 7 spectrum leases. This has been the most spectrum leases processed in any calendar year to date. Since 2020, the number of spectrum leases processed per year has decreased to 5 in 2021, to 4 in 2022, and 4 in 2023. No spectrum lease notifications have been submitted for 2024 to date;
- (iii) Across all 20 leases there were just 2 lessees (Imagine and Eir) and 4 lessors (Dense Air, Eir, Three and Vodafone);
- (iv) All of the spectrum leases processed were in respect of the 3.6 GHz Band, a band which has specific characteristics likely to have facilitated leasing at that time because:
 - a. considerable tranches of 3.6 GHz Band spectrum were unused by the 3.6 GHz band Licensees across Ireland and could therefore be leased, as some Licensees were still in the rolling out process²⁰; and
 - b. some 3.6 GHz Band Licensees (namely Imagine²¹ and Eir²²) had a particular demand for spectrum in the 3.6 GHz band at that time²³. Currently, there are no extant spectrum leases;
- (v) Another potential factor in the submission of these lease applications is the increased and changed traffic demands resulting from the Government's measures to tackle COVID-19. This is cited as relevant background information in the majority (namely 16 out of 20) of the spectrum leases processed;
- (vi) Many leases related to more or less the same spectrum as in a prior lease, in terms of the frequency, quantity and geographic area. Therefore, many leases in effect constituted a continuation of a prior lease;
- (vii) All of the spectrum leases were processed within the Phase 1 review procedure and cleared without any commitments:
 - a. All of the spectrum leases processed were for a short duration of between 3 and 6 months;

²⁰ See for example, figure 2 of ComReg Document [22/43](#) which shows a varying number of 3.6 GHz Band base stations rolled out by the 3.6 GHz Band licensees in each of the 9 regions of the 3.6 GHz Band licence.

²¹ Imagine's demand for spectrum leases first arose in 2020 as a result of the COVID-19 pandemic, as Imagine, Ireland's largest FWA operator, sought to adapt to the new pattern of broadband traffic demand.

²² Eir leased spectrum to provide Fixed Wireless Access (FWA) services to Eir's pre-existing customers in a single remote area, the Black Valley in County Kerry. This enabled Eir to continue providing these services following the expiry of its 3.6 GHz Band Transition Unprotected Licence in July 2022, while Eir put in place an alternative solution to serve these customers.

²³ Eir's demand was at one geographic location for a period of one year from mid-2022 to mid-2023, while Imagine's demand was greater, with Imagine at one stage in early 2020 leasing 15-40 MHz of spectrum at 23 locations, with this demand reducing over time.

- b. All of the spectrum leases processed were for a relatively small amount of 3.6 GHz spectrum (between 14 MHz and 60 MHz);
 - c. All of the spectrum leases processed were for a relatively small area. This ranged from one location to twelve (12) locations, although when combined together Imagine at one stage held leases for 23 locations;
 - d. No amendments to Licence Conditions were proposed in any of the spectrum leases; and
 - e. No submissions were made by any party on any of the spectrum leases proposed;
- (viii) Before the initial spectrum lease notification, initial queries (i.e. 'pre-notification queries') were submitted to inform the notification requirements. This assisted the provision of information in the subsequent notification; and
- (ix) All of the spectrum lease notifications submitted were in the form of a proposed lease agreement between the parties which included information requested by ComReg in its notification form.

2.3 Regulations 33, 34 and 101 of the EECC Regulations

2.26 In December 2018, Directive (EU) 2018/1972²⁴ was adopted establishing the European Electronic Communications Code (the "EECC Directive 2018"). In September 2022, the EECC Regulations were adopted in Ireland giving effect to EECC Directive 2018.

2.27 For present purposes, Regulations 33 and 34 of the EECC Regulations set out the provisions for the spectrum transfer and lease of individual Rights of Use in Ireland, and Regulation 101 sets out provisions relating to consultation and transparency mechanisms.

Regulation 33

2.28 Regulation 33 of the EECC Regulations sets out provisions regarding the transfer or lease of Individual Rights of Use for radio spectrum for ECN/ECS.

2.29 Regulations 33(1), 33(2), 33(3) and 33(4) are set out below, while Annex 3 of this document sets out the full text of Regulation 33.

"Transfer or lease of individual rights of use for radio spectrum

²⁴ Directive [\(EU\) 2018/1972](#) of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast).

33. (1) *The Regulator shall ensure that undertakings may transfer or lease to other undertakings, individual rights of use for radio spectrum.*

(2) *Where an individual right of use for radio spectrum was initially obtained by an undertaking free of charge or assigned for broadcasting, the Regulator may, with the consent of the Minister, determine that paragraph (1) does not apply.*

(3) *An undertaking intending to transfer or lease rights of use for radio spectrum shall notify the Regulator of its intention to do so and of the effective transfer of the rights. The notification shall be in accordance with procedures specified by the Regulator. The Regulator shall ensure that such notifications are made public. In the case of harmonised radio spectrum, any such transfer shall comply with such harmonised use.*

(4) *Where the original conditions attached to the rights of use for radio spectrum are maintained, the Regulator shall allow the transfer or lease of those rights. Without prejudice to the need to ensure the absence of a distortion of competition, in particular in accordance with Regulation 34, the Regulator shall:*

(a) *submit transfers and leases to the least onerous procedure possible;*

(b) *not refuse the lease of rights of use for radio spectrum where the lessor undertakes to remain liable for meeting the original conditions attached to the rights of use;*

(c) *not refuse the transfer of rights of use for radio spectrum unless there is a clear risk that the new holder is unable to meet the original conditions for the right of use.” (“emphasis added”)*

Regulation 34

- 2.30 Regulation 34 of the EECC Regulations sets out a number of provisions relating to competition.
- 2.31 Regulation 34(2)(c) and 34(2)(d) are set out below, while Annex 3 of this document sets out further extracted text of Regulations 34.

“Competition

34. (2) *When the Regulator decides to grant, amend or renew rights of use for radio spectrum, it may take appropriate measures such as:*

...

(c) refusing to grant new rights of use for radio spectrum or to allow new radio spectrum uses in certain bands, or attaching conditions to the grant of new rights of use for radio spectrum or to the authorisation of new uses of radio spectrum, in order to avoid the distortion of competition by any assignment, transfer or accumulation of rights of use;

(d) including conditions prohibiting, or imposing conditions on, transfers of rights of use for radio spectrum, not subject to European Union or national merger control, where such transfers are likely to result in significant harm to competition; (“emphasis added”)

Regulation 101

- 2.32 Regulation 101 of the EEC Regulations sets out a number of provisions relating to consultation and transparency.
- 2.33 Regulations 101(3) and 101(4) are set out below, while Annex 3 of this document sets out the full text of Regulation 101.

“Consultation and transparency mechanism

101. (3) Before taking a measure under paragraph (2) the Regulator or other competent authority shall publish the text of the proposed measure, give the reasons for it, including information as to which of its statutory powers gives rise to the measure, and specify the period within which submissions relating to the proposal may be made by interested parties.

(4) The period referred to in paragraph (3) shall have regard to the complexity of the matter and, except in exceptional circumstances, shall not be shorter than 30 days. (“emphasis added”)

2.4 Transfer and lease provisions in other WT Licences

- 2.34 Outside of the Existing Framework for MWBB WT Licences, there are various spectrum transfer and/or lease provisions set out for other WT Licences (“Other WT Licences”) in their respective WT licensing Regulations, with information for processing these set out in their licence guideline documents.
- 2.35 Regulation 19(1)(b) of the previous Framework Regulations²⁵ allowed for ComReg to provide for undertakings to transfer or lease Individual Rights of Use to other undertakings in accordance with any procedures as may be specified by ComReg. Provisions for the transfer and / or lease of Individual Rights of Use was set out for a number of Other WT Licence types. In the main, the provisions provided that

²⁵ S.I. No. 333/2011 -European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011

undertakings may not transfer (or lease rights, if appropriate) rights of use without ComReg's prior consent.

- 2.36 In general terms, where an undertaking wishes to transfer or lease rights of use it must notify ComReg of same and seek ComReg's approval. Any request is then considered by ComReg taking into account its statutory functions, objectives and duties including, in particular, the objective of promoting competition, encouraging the efficient use and ensuring the effective management of radio frequencies²⁶.
- 2.37 The relevant licence guideline documents capture the details of how to notify ComReg of an amendment / transfer / lease, but in essence they reflect a submission to ComReg in writing, and in some cases, it requires an application form or a fee to be submitted.²⁷

²⁶ See for example, guidelines Documents for Telemetry 14/56R1 and Third Party Business Radio 05/82R5

²⁷ For example for Air Traffic Services, Radionavigation, Radiolocation, and Maritime services licences, the guidelines (Document 11/07R2) provide for the transfer of a licence for a transfer fee of €30 where any proposed amendments to the licences should be via the relevant application form.

Chapter 3

3 The Proposed Framework: Definitions and scope of WT Licence types included

3.1 This Chapter considers two aspects of the Proposed Framework; firstly, the definitions of “spectrum transfer” and “spectrum lease” and, secondly, the scope of the WT Licence types that would be included in the Proposed Framework. It then sets out ComReg’s proposals for same.

3.1 Definitions of spectrum transfer and spectrum lease

3.1.1 Existing Framework

3.2 In the Existing Framework:

(i) a spectrum transfer is defined as:

“transfer” means the assignment by a licensee (“the transferor”) of some or all of a right of use granted under a licence to another party (“the transferee”) (Regulation 2(1) of Spectrum Transfer Regulations); and

For the purposes of these Regulations a transfer occurs when a transferee lawfully acquires one or more rights of use from a transferor and the transferor divests itself of all such rights of use. The transferor and the transferee must be undertakings. (Regulation 3(3) of the Spectrum Transfer Regulations); and

(ii) a spectrum lease is defined as:

“lease” means the lease by a Licensee (the “lessor”) of some or all of a right of use granted under a licence for a period less than the remaining duration of the right of use to another party (the “lessee”), after which the right of use reverts to the lessor (footnote 1 of ComReg Document 14/11R).

3.1.2 EECC Regulations

3.3 The EECC Regulations and the EECC Directive 2018 do not provide definitions for a spectrum transfer or a spectrum lease, or guidance to inform these definitions.

3.1.3 ComReg's experience to date and proposed definitions

3.4 From ComReg's experience of processing spectrum leases to date it appears that the characteristics of a spectrum lease were generally understood by the notifying parties, being that:

- the lessor would continue to remain responsible for all licence obligations and conditions; and
- the lease would generally be for a short period of time after which the leased rights of use revert to the Lessor.

3.5 Given the expanded scope of the WT Licence types that can be included in the Proposed Framework (see Section 3.2 below), and that some of these have a short licence duration, ComReg has reviewed its definition of a lease and proposes to remove the requirement that a lease be for a period "*less than the remaining duration of the right of use*", noting that the key characteristic of a lease would remain. I.e. that the Lessor remains responsible for all licence obligations and conditions.

3.6 In addition, ComReg observes that in the spectrum lease licences issued to date, ComReg included Licence Conditions of a technical nature in the Lessee's licence which govern how it must keep, have possession of, install, maintain, work and use apparatus for wireless telegraphy (i.e. "Technical Conditions"). ComReg proposes to add this into the definition of a lease.

3.7 In light of the above, ComReg's proposed definition of a "spectrum lease" is:

- a "Lease" means the assignment by a Licensee (the "Lessor") of some or all of the Individual Rights of Use for radio frequencies granted under a Licence to another party (the "Lessee"), where the Lessor remains responsible for all the Licence Conditions including the payment of fees, and the Lessee is responsible for the Technical Conditions.

3.8 In relation to definition of a "spectrum transfer", ComReg does not propose any substantive changes to this aside from some editorial changes to:

- reflect the 'individual rights' aspect of the EECC Regulations; and
- combine the two existing aspects of the spectrum transfer definition into one (currently, regulations 2(1) and 3(3) the Spectrum Transfer Regulations).

3.9 ComReg's proposed definition of a "spectrum transfer" is:

- a "Transfer" means the assignment by a Licensee ("the Transferor") of some or all of the Individual Rights of Use for radio frequencies granted under a

Licence to another party (“the Transferee”) where the Transferor must divest itself of all rights of use transferred.

3.2 WT Licence types included in the Proposed Framework

3.2.1 Current status

3.10 For the MWBB WT Licences issued in respect of the RSPP Bands and the 700 MHz Band, the ability to transfer or lease spectrum rights of use is provided for in the Existing Framework.

3.11 For Other WT Licences, the ability to transfer or lease spectrum depends on the provisions of the respective WT licensing Regulations.

3.2.2 EECC Regulations

3.12 Regulations 33(1) and 33(2) of the EECC Regulations oblige ComReg to ensure that undertakings may transfer or lease Individual Rights of Use to other undertakings, and also provides that Individual Rights of Use initially obtained free of charge or assigned for broadcasting may be excluded from the spectrum transfer and lease framework with the consent of the Minister of the Environment, Climate and Communications.

“33(1) The Regulator shall ensure that undertakings may transfer or lease to other undertakings, individual rights of use for radio spectrum.”

33(2) Where an individual right of use for radio spectrum was initially obtained by an undertaking free of charge or assigned for broadcasting, the Regulator may, with the consent of the Minister, determine that paragraph (1) does not apply.” (emphasis added)

3.2.3 Regulation 33(1) and 33(2) of the EECC

3.13 In Ireland, the ability for WT apparatus, or radio equipment, to use spectrum rights of use is provided for via two mechanisms:

- A WT Licence which grants the Licensee rights of use to specific radio spectrum at specified locations or areas in Ireland subject to specific Licence Conditions; and
- A WT licence-exemption which exempts specified radio equipment from requiring a WT licence to use specified spectrum rights subject to the radio equipment operating in accordance with specified technical parameters (e.g. power limits, spectrum access and interference mitigation requirements etc.) set out in the licence exemption order.

Licence-exempt spectrum rights

- 3.14 The spectrum rights relevant to WT licence-exemptions are shared spectrum rights between all the licence-exempt radio equipment (e.g. Wi-Fi)²⁸ that can use that spectrum right. The licence-exempt radio equipment also operates on a non-interference, non-protected basis²⁹.
- 3.15 As these rights are not individual spectrum rights, they are not relevant to the Proposed Framework.

Spectrum rights in a WT Licence can be individual and/or shared rights

- 3.16 For spectrum rights held pursuant to a WT Licence, these can be individual and/or shared rights depending on the specifics of the particular WT Licence type. As detailed in Annex 4, and as listed in Table 1 below, there are currently 37 different types of WT Licences available in Ireland which can be categorised into the following four categories as discussed below:
- (a) WT Licence types for shared rights - which are not proposed to be included in the Proposed Framework;
 - (b) MWBB WT Licence types for individual rights - which are proposed to be included in the Proposed Framework;
 - (c) Broadcasting WT Licence types for individual rights - these are not proposed to be included in the Proposed Framework; and
 - (d) Other WT Licence types for individual rights – these are proposed to be included in the Proposed Framework.

²⁸ In Ireland and globally, there are a large number of licence-exempt radio systems (e.g. Wi-Fi, mobile phones, car fobs). Information on the list of licence exemptions in Ireland is available on ComReg's website at: <https://www.comreg.ie/industry/radio-spectrum/licence-exemptions/list-of-licence-exemptions/>

²⁹ This means that the radio equipment may not cause interference to other devices and may not claim protection from any interference received.

Table 1: List of 37 WT Licence types in Ireland

A) Shared rights		B) Individual rights -MWBB WT Licences		C) Individual rights - Broadcasting licences		D) Individual rights - Other WT Licences	
1. Aircraft Station,	10. 3G Licence & 2.1 GHz Band Liberalised Use,	18. Coimisiún na Meán,	22. 26 GHz Band National Point-to-Point,	31. Fixed Radio Link & Temporary			
2. Amateur Station,	11. 3.6 GHz Band Liberalised Use,	19. RTÉ Analogue Sound Broadcasting Services,	23. 400 MHz Band,	Radio Link Licences,			
3. Automatic Identification System (“AIS”)	12. 3.6 GHz Band Spectrum Lease,	20. RTÉ Digital Sound Broadcasting Multiplex,	24. Fixed Wireless Access Local Area (“FWALA”),	32. Satellite Earth Station (“SES”) Licence			
4. Wireless Public Address System (“WPAS”)	13. 3.6 GHz Band Transition Protected	21. RTÉ Digital Terrestrial Television Broadcasting Services	25. Regional Telemetry (On-Site, Local Area and Wide Area),	33. Mobile Radio Systems (Trunked Radio) Licences			
5. Temporary Business Radio,	14. MBSA1 Liberalised Use,		26. National Telemetry	34. Air Traffic Services,			
6. Test (Research and Development)	15. MBSA2 Liberalised Use,		27. Third Party Business Radio	35. Maritime Services,			
7. Trial (Third Party Trial)	16. MBSA2 Spectrum Lease,		28. GSM for Railway (“GSM-R”),	36. Radiolocation,			
8. Business Radio	17. MBSA2 2.3 GHz Band Transition		29. Mobile Satellite Service and Complementary Ground (“MSS with CGC”),	37. Radionavigation			
9. Community Repeater			30. Emergency Service Digital Radio (“ESDR”)				

A) WT Licences for shared rights

3.17 Of the 37 different WT Licence types currently available in Ireland, 9 are solely for shared rights, with general reasons for this being:

- (i) The spectrum rights are issued for shared bands. This applies to Aircraft Station Licences, Amateur Station Licences, Automatic Identification System (“AIS”) and Wireless Public Address System (“WPAS”) Licences;
- (ii) The spectrum rights are issued on a non-interference and non-protected basis and are thus shared with other users/Licensees. This applies to Temporary Business Radio Licences (also known as Programme Making and Special Events (“PMSE”) licences), Test (Research and Development) Licences and Trial (Third Party Trial) Licences; and
- (iii) It is a standard licence condition that channels (i.e. spectrum rights) in a WT Licence must be operated on a shared basis. This applies to the Business Radio Licence and the Community Repeater Licence.

- 3.18 ComReg does not propose to include any of the above 9 WT Licence types in the Proposed Framework because the spectrum rights are shared rights and not individual rights as contemplated in Regulation 33(1) of the EECC Regulations.
- 3.19 Separate to ComReg's proposals for the Proposed Framework, ComReg observes that for two of the above WT Licence types (i.e. Aircraft Station Licences and Automatic Identification System (AIS) Licences)), there are provisions in their licensing regulations which facilitate the transfer of these WT Licence types. This arises in cases where the ownership of the relevant aircraft, vessel or structure in which the licensed apparatus is installed is to be transferred to the other party together with ownership of the apparatus (a "Shared Rights Licence Transfer").
- 3.20 In ComReg's view, this facility should continue for these two WT Licence types as it provides a practical mechanism for facilitating changes of ownership in relation to these licence types and a least onerous approach which does not require the new owner to resubmit a full application for a licence.

B) MWBB WT Licences for individual rights

- 3.21 Of the remaining 28 WT Licence types for individual rights, 8 are MWBB WT Licence types, being:
- 2.1 GHz Band 3G Licence & 2.1 GHz Band Liberalised Use licence³⁰;
 - 3.6 GHz Band Liberalised Use licence;
 - 3.6 GHz Band Spectrum Lease licence;
 - 3.6 GHz Band Transition Protected licence;
 - MBSA1 Liberalised Use licence;
 - MBSA2 Liberalised Use licence;
 - MBSA2 Spectrum Lease licence; and
 - MBSA2 2.3 GHz Band Transition licence.
- 3.22 As detailed in Annex 4, ComReg proposes to include each of these WT Licence types in the Proposed Framework noting, however, that a transfer or lease spectrum rights in two types is not possible in practice given licensing conditions.
- 3.23 In particular, these are the 3.6 GHz Band Transition Protected Licence and the

³⁰ While the 2.1 GHz Band 3G Licence & 2.1 GHz Band Liberalised Use licence are two WT Licences, for the purpose of this document, they are treated as one WT licence.

MBSA2 2.3 GHz Band Transition Licence where, aside from the existing Licensees (Imagine for the 3.6 GHz Band Transition Protected Licence and Eir for the MBSA2 2.3 GHz Band Transition Licence), there are no other undertakings eligible to be assigned rights in these WT Licence types.

C) Broadcasting WT Licences for individual rights

3.24 Of the remaining 20 WT Licence types for individual rights, 4 are issued for broadcasting services, being:

- the Coimisiún na Meán Broadcasting Licence;
- the RTÉ Analogue Sound Broadcasting Services Licence;
- the RTÉ Digital Sound Broadcasting Multiplex Licence, and
- the RTÉ Digital Terrestrial Television Broadcasting Services Licence.

3.25 As detailed in Annex 4, ComReg does not propose to include the Broadcasting WT Licences in the Proposed Framework noting, among other things, that:

- each of these WT Licences can only be issued to one undertaking, namely Coimisiún na Meán or RTÉ; and
- Regulation 33(2) of the EECC Regulations allows ComReg, subject to obtaining the consent of the Minister, to determine that transfers or leases do not apply to Individual Rights of Use assigned for broadcasting.

D) Other WT Licences for individual rights

3.26 Of the remaining 16 WT Licence types for individual rights which are for a range of Other WT Licence types, ComReg proposes to include each of these in the Proposed Framework, noting that for:

- (i) 3 of these WT Licence types the ability to transfer or lease spectrum rights is not currently possible in practice given current market circumstances (see below for further details).
- (ii) 7 of these WT Licence types the transfer or lease of spectrum rights is for the full licence only (i.e. transfer or lease a licence with same apparatus / apparatus set-up as in original licence) (see below for further details); and
- (iii) 4 of these WT Licence types the ability to transfer or lease spectrum rights also requires the prior approval of the external body responsible for carrying out the technical assessment and/or technical approval (see below for further details).

(i) Not currently possible in practice given market circumstances

- 3.27 The 3 WT Licence types where it is not currently possible in practice to transfer or lease spectrum rights given current market circumstances are the GSM for Railway ("GSM-R"), Mobile Satellite Service and Complementary Ground ("MSS with CGC"), and Emergency Service Digital Radio ("ESDR") licences, noting that:
- a. The existing Licensees of these WT Licence types (Irish Rail for the GSM-R Licence, Tetra Ireland for the ESDR Licence, and Inmarsat Ventures Ltd. and Solaris Mobile Ltd. (now EchoStar) for the MSS with CGC Licences) are currently the only undertakings eligible to be issued a WT Licence in these WT Licence types; and
 - b. The spectrum rights for each of these WT Licence types are harmonised under European harmonisation decisions, thus ensuring that only transfers or leases complying with the respective harmonised use are allowed. The harmonised decisions are:
 - Decision (EU) 2021/1730³¹ for GSM-R;
 - Decision 2007/98/EC³², Decision No 626/2008/EC³³, Decision No. 2009/449/EC³⁴ Decision 2011/667/EU³⁵ for MSS with CGC; and
 - CEPT ECC Decision (08)05³⁶ for PPDR; and

(ii) Full licence transfer

- 3.28 The 7 WT Licence types where the transfer or lease of spectrum rights is for the full licence only (i.e. transfer or lease a licence with same apparatus / apparatus set-up as in original licence) are the Fixed Radio Link & Temporary Radio Link Licences, Satellite Earth Station ("SES") Licences, Mobile Radio Systems (Trunked Radio) Licences, Air Traffic Services ("ATS") Licences, Maritime Services Licences, Radiolocation Licences, and Radionavigation Licences.
- 3.29 For each of these WT Licence types, the licence issued has unique Licence Conditions based on a technical assessment and/or technical approval process of each licence application received.
- 3.30 The unique Licence Conditions relate to the specific apparatus and/or system set-up to be used in the licence, and is necessary to:

³¹ See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D1730>

³² See <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32007D0098>

³³ See <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008D0626>

³⁴ See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009D0449>

³⁵ See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011D0667>

³⁶ See <https://docdb.cept.org/document/416>

- provide a degree of certainty that the services provided by the licence will operate without experiencing harmful interference from other Licensees, noting that some of these WT Licence types are used for safety of life applications; and
- minimise the potential interference to other Licensees, noting that some of these WT Licence types (e.g. Fixed Radio Links) are extensively used in Ireland, and it is important that the radio spectrum resource is effectively managed to ensure the efficient use of this resource.

3.31 Note, separate to the Proposed Framework, amendments of the Licence Conditions of a licence can be requested through the normal licensing process, where in effect the licence is cancelled from the licensing database and a new licence is issued.

(iii) Prior approval of an external body

3.32 The 4 WT Licence types where the ability to transfer or lease spectrum rights also requires the prior approval of the external body responsible for carrying out the technical assessment and/or technical approval are the Air Traffic Services, Maritime Services, Radiolocation and Radionavigation WT Licence types:

- For Air Traffic Services, Radiolocation and Radionavigation WT Licences with spectrum rights in the aeronautical bands, prior approval is required from the Irish Aviation Authority (IAA);
- For Radiolocation and Radionavigation WT Licences for maritime use, prior approval is required from the Commissioner of Irish Lights (CIL)³⁷; and
- For Maritime Services Licences with spectrum rights which have a land-based 'Maritime Mobile' International Telecommunications Union ("ITU") allocation, prior approval is required from the maritime division under the aegis of the Department of Transport.

Note, for a Maritime WT Licence with spectrum rights for land based 'Private Maritime' which do not have an ITU allocation for 'Maritime' use, approval is required from ComReg³⁸.

3.2.4 ComReg's proposal

3.33 Based on the above considerations and assessment, Table 2 below summarises

³⁷ The Commissioner of Irish Lights (CIL) is responsible for the provision, superintendence and management of maritime aids to navigation (i.e. lighthouses, buoys, radio and radar beacons, leading lights etc.) throughout the island of Ireland and its adjacent seas and islands. All maritime radio aids to navigation in Ireland must be operated with the permission of the CIL, granted by issuance of a Statutory Sanction.

³⁸ This is managed and co-ordinated by ComReg for use by marinas, yacht clubs and other like groups, to assist in the co-ordination and operation of sailing regattas, competitions and other such localised events.

ComReg’s proposals on the WT Licence types to be included in the Proposed Framework.

Table 2: WT Licence types proposed for inclusion in Proposed Framework

A) Shared rights	B) Individual rights - MWBB WT Licences	C) individual rights - Broadcasting Licences	D) Individual rights - Other WT Licences	
Do not include in the Proposed Framework	Include in the Proposed Framework.	Do not include in the Proposed Framework	Include in Proposed Framework	
1. Aircraft Station, 2. Amateur Station, 3. Automatic Identification System (AIS) 4. Wireless Public Address System (WPAS) 5. Temporary Business Radio, 6. Test (Research and Development) 7. Trial (Third Party Trial) 8. Business Radio and 9. Community Repeater	10. 3G Licence & 2.1 GHz Band Liberalised Use, 11. 3.6 GHz Band Liberalised Use, 12. 3.6 GHz Band Spectrum Lease 13. 3.6 GHz Band Transition Protected (Note 1) 14. MBSA1 Liberalised Use, 15. MBSA2 Liberalised Use, 16. MBSA2 Spectrum Lease, 17. MBSA2 2.3 GHz Band Transition (Note 1)	18. Coimisiún na Meán 19. RTÉ Analogue Sound Broadcasting Services, 20. RTÉ Digital Sound Broadcasting Multiplex, and 21. RTÉ Digital Terrestrial Television Broadcasting Services	22. 26 GHz Band National Point-to-Point, 23. 400 MHz Band, 24. Fixed Wireless Access Local Area (FWALA), 25. Regional Telemetry (On-Site, Local Area and Wide Area) 26. National Telemetry 27. Third Party Business Radio 28. GSM for Railway (GSM-R), (Note 2) 29. Mobile Satellite Service and Complementary Ground (MSS with CGC), (Note 2) 30. Emergency Service Digital Radio (ESDR) (Note 2)	31. Fixed Radio Link & Temporary Radio Link Licences (Note 3) , 32. Satellite Earth Station (SES) Licence (Note 3) 33. Mobile Radio Systems (Trunked Radio) Licences (Note 3) 34. Air Traffic Services (Note 3 and 4) , 35. Maritime Services (Note 3 and 4) , 36. Radiolocation (Note 3 and 4) , and 37. Radionavigation (Note 3 and 4)

Note 1: A transfer or lease of spectrum rights in these WT Licence types is not possible in practice given licensing conditions as aside from the existing Licensee (Imagine for the 3.6 GHz Band Transition Protected Licence and Eir for the MBSA2 2.3 GHz Band Transition Licence) there are no other undertakings eligible to be assigned rights in these WT Licence types.

Note 2: The transfer or lease of spectrum rights in these licence types is not currently possible in practice given market conditions as the existing Licensees (Irish Rail for the GSM-R Licence, Tetra Ireland for the ESDR Licence, and Inmarsat Ventures Ltd. and Solaris Mobile Ltd. (now EchoStar) for the MSS with CGC Licences) are the only undertakings currently eligible to be issued a licence in these WT Licence types.

Note 3: The transfer or lease of spectrum rights in these licence types is for the full licence only (i.e. transfer or lease a licence with same apparatus / apparatus set-up as in original licence).

Note 4: The transfer or lease of spectrum rights in these licence types is also subject to the prior approval of the external body (IAA, Department of Transport, Commissioners for Irish Lights (CIL) as appropriate) responsible for carrying out the technical assessment and/or technical approval. Licence amendments can be requested in the standard licensing process as per the licensing guidelines.

Chapter 4

4 The Proposed Framework: procedures, guidelines, notification and fees

- 4.1 This chapter provides an overview of the primary changes proposed to the procedures, guidelines, notification form and administration of same on foot of the EECC Regulations and ComReg's experience of processing spectrum leases to date.
- 4.2 The Proposed Procedures is published alongside this document as Document 24/59a. ComReg proposes that Document 24/59a will replace the Existing Procedures as set out in Document 14/11R.
- 4.3 Interested parties are invited to consider and provide comment on any aspect of the Proposed Procedures which are published as part of this consultation in Document 24/59a.
- 4.4 The chapter is structured as follows:
- **Initial Queries, Notification and preliminary checks prior to publication of the Notification:** outlines the initial aspects of the procedures prior to the publication of the Notification
 - **Assessment Procedures:** outlines the procedures that ComReg will apply in assessing a proposed transfer or lease;
 - **Guidelines for Competition assessment:** sets out the minor changes to ComReg's approach to carrying out its competition assessment;
 - **Publication of relevant details of traded Individual Rights of Use:** outlines ComReg's approach to making available on its website relevant details of the traded Individual Rights of Use in accordance with Regulation 33(8) of the EECC Regulations; and
 - **Administrative charge:** sets out ComReg's current views with regard to administrative charging.

4.1 Initial Queries, Notification and Preliminary checks

4.1.1 Summary of Existing Framework.

- 4.5 Currently, undertakings intending to transfer or lease spectrum rights of use must

notify ComReg using the notification form in Document 14/11R.

- 4.6 In accordance with footnote 4 of Document 14/11R, there is the possibility for interested parties to request a pre-notification meeting with ComReg in advance of it submitting the Notification Form.
- 4.7 On receipt of a Notification, ComReg carries out a number of checks on the Notification and publishes a notice on its website³⁹ setting out the details of the Notification received and seeks submissions within 10 Working Days of the publication of the notice.

4.1.2 EECC Regulations

- 4.8 Regulation 33(3) of the EECC Regulations sets out the regulation related to the Notification by undertakings and the publication of Notifications by ComReg:

“33 (3) An undertaking intending to transfer or lease rights of use for radio spectrum shall notify the Regulator of its intention to do so and of the effective transfer of the rights. The notification shall be in accordance with procedures specified by the Regulator. The Regulator shall ensure that such notifications are made public. In the case of harmonised radio spectrum, any such transfer shall comply with such harmonised use.” (emphasis added)

4.1.3 ComReg's preliminary analysis and proposals

- 4.9 Set out below are ComReg's proposed updates to its procedures from initial queries to the completion of its preliminary checks to consider whether a Notification can proceed to the Phase 1 Assessment and the subsequent publication of a Notification.

Opportunity for initial queries

- 4.10 ComReg has processed 20 notifications for spectrum leases since 2020. Prior to notifying ComReg of their first spectrum lease⁴⁰, relevant parties have invariably contacted ComReg seeking guidance on the information required for the notification of the proposed lease and other related queries. This has proven beneficial for both undertakings and ComReg.
- 4.11 Noting that the Proposed Framework would be broadened to include all Individual Rights of Use (except those assigned to Broadcasting), the opportunity to discuss initial queries may become more essential as:

³⁹ Regulation 5(1) of S.I. 34 of 2014 states that this is carried out within 7 Working Days of the receipt of the notification while paragraph 15 of Document 14/11r states within 5 Working Days.

⁴⁰ Noting that many of the 20 leases were repeat lease application for the same or very similar spectrum amounts.

- ostensibly at least, the Proposed Framework would encompass a greater number of interested parties notifying a Transfer or Lease; and
- for many of these WT Licence types (e.g. radio links) there is no scarcity of supply and consequently there may well be more expedient licensing approaches available.

4.12 In this regard, ComReg strongly advocates that undertakings avail of the initial queries opportunity prior to Notification submission and this is reflected in the Proposed Procedures.

Notification Form

4.13 Noting that the Proposed Framework would be broadened to include all Individual Rights of Use (except those assigned to Broadcasting), ComReg has reviewed its Notification Form with a view to simplifying and clarifying the information being submitted wherever possible.

4.14 Annex 1 of the Proposed Procedures contains the proposed new Notification Form.

4.15 While the new Notification Form has similar requirements to its predecessor, it streamlines its collation by:

- tailoring the information being collected to the proposed Notification. There are two parts to the Notification Form. Part 1 collects information that is needed for all Notifications, while Part 2 is only required to be completed in cases where the Notification is to be considered using the “Standard Procedure” (as explained further in Section 4.2.3 below);
- where possible, collecting the information in a tabularised format; and
- proposing to provide the Notification Form in an editable form on its website such that Notifying Parties can electronically input information of their proposed Transfer or Lease on the Notification Form.

Notification of the effective transfer or lease of rights of use

4.16 Regulation 33(3) requires Undertakings to notify ComReg of the date of the effective transfer of rights and the proposed new Notification Form set out in Annex 1 of the Proposed Procedures will request this information from the Notifying Parties.

4.17 In relation to the date of the effective transfer of rights, ComReg observes that:

- in practice this is the date when the new or amended rights of use come into effect in the spectrum transfer or lease licence(s) issued by ComReg after processing the Notification; and

- the Notifying Parties have two generic options as discussed below in relation to proposing a date.

4.18 Firstly, the Notifying Parties could request that the date of effective Transfer of the rights would be “as quickly as possible”, which in effect would be determined by the length of time required to process the Notification and issue the licence. As discussed in Section 4.2 below the length of time required will depend on the complexity of the proposed Transfer or Lease, and indications of these minimum time periods are set out in Sections 2.3.5 and 2.4 of the Proposed Procedures.

4.19 The second option for the Notifying Parties is “propose a specific date”. In doing so, the Notifying Parties should bear in mind that any proposed date:

- would need to give sufficient time to allow the Notification to be processed, as proposing a date shorter than this would likely be unachievable. Indications of the minimum time periods are set out in the Proposed Procedures; and
- cannot be too far into the future, noting that Regulation 8(3) of the Draft Regulations provides that a Transfer or Lease must put into effect within 12 months of ComReg giving its approval.

4.20 In relation to any proposed date, ComReg cannot provide any guarantee that it will be able to provide its determination by the notified proposed date as ComReg will need to fully consider all requests in line with its obligations and the Proposed Procedures.

Preliminary Checks: Can ComReg commence the Phase 1 Assessment?

4.21 ComReg's preliminary checks are outlined in Section 2.2.1 of the Proposed Procedures. Following receipt by ComReg, a Notification will be checked as soon as practicable to determine whether it can progress to the next stage of the process, i.e. the Phase 1 Assessment. In particular ComReg will:

- (i) check that all the required information has been furnished⁴¹;
- (ii) check to ensure that all Notifying Parties hold a General Authorisation and are undertakings⁴²;

⁴¹ For the Standard Procedure ComReg may, at its discretion, waive the requirement for Notifying Parties to provide specific information, in particular as set out in Part 2 of the Notification Form.

⁴² See the ComReg Website [General Authorisation | Commission for Communications Regulation \(comreg.ie\)](https://www.comreg.ie)

- (iii) check that it is a Transfer or Lease, or both, to which the Regulations apply. This may include considering whether the proposed Transfer or Lease has been notified to the CCPC or the EC and is subject to merger control and should be notified to the CCPC or the EC;
- (iv) check that the proposed use complies with the purpose/services allowed in a particular licensing regime;
- (v) check that all licence fees in respect of the particular rights of use have been paid and are up to date;
- (vi) check that ComReg has not served a notice(s) in relation to the revocation or suspension of the licence(s) subject to the proposed Transfer or Lease (Regulation 15 of the EECC Regulations);
- (vii) check that, in the case of rights issued pursuant to an EC harmonisation decision, the proposed Transfer or Lease complies with such harmonised use (Regulation 33(9) of the EECC Regulations);
- (viii) check that the proposed Transfer and Lease for the following licence types is for the full licence (i.e. transfer or lease a licence with same apparatus / apparatus set-up as in original licence):
 - Fixed Radio Link & Temporary Radio Link Licences,
 - Satellite Earth Station (SES) Licence
 - Mobile Radio Systems (Trunked Radio) Licences
 - Air Traffic Services,
 - Maritime Services,
 - Radiolocation, and
 - Radionavigation

- (ix) check that the proposed Transfer and Lease for the following licence types has the prior approval of the external body⁴³ responsible for carrying out the technical assessment and/or technical approval:
 - Air Traffic Services,
 - Maritime Services,
 - Radiolocation, and
 - Radionavigation.
- (x) check whether a licence amendment request⁴⁴ forms part of the Notification, and whether the proposed licence amendment can be considered in parallel to its Phase 1 Assessment below; and
- (xi) check that any claims of confidentiality are appropriately addressed and resolved in accordance with ComReg's guidelines on the treatment of confidential information⁴⁵.

4.22 Should ComReg identify any issue in the course of its checks then it may, and at its discretion:

- refuse the proposed Transfer or Lease where the Notifying Parties would have to re submit the Notification once the issues are resolved; or
- inform the parties of the issue(s), providing them an opportunity to resolve same.

4.2 Assessment Procedures and Guidelines

4.2.1 Summary of Existing Procedures

4.23 A summary of ComReg's existing procedures for considering a proposed Transfer or Lease under the Existing Framework and for the Other WT Licences is as set out

⁴³ External body for prior approval is as follows:

- For Air Traffic Services, Radiolocation and Radionavigation WT Licences with spectrum rights in the aeronautical bands, prior approval is required from the Irish Aviation Authority (IAA);
- For Radiolocation and Radionavigation WT Licences for maritime use, prior approval is required from the Commissioner of Irish Lights (CIL); and
- For Maritime Services Licences with spectrum rights which have a land-based 'Maritime Mobile' International Telecommunications Union ("ITU") allocation, prior approval is required from the maritime division under the aegis of the Department of Transport.

⁴⁴ For licence amendment requests not provided for under the relevant licensing regulations, absent amendment of the licensing regulations ComReg would not have the powers to issue the necessary licence(s) on foot of the proposed transfer or lease.

⁴⁵ Document 05/24 or may be amended or replaced from time to time.

above in Sections 2.1.2 and Section 2.4 respectively.

4.24 In summary, in the Existing Framework,

- every Notification that has passed ComReg's preliminary checks undergoes a competition assessment which consists of a Phase 1 Assessment, with the possibility of a Phase 2 Assessment if required.
- ComReg publishes relevant details of such Notifications and provides the opportunity for interested parties to provide comment on any proposed transfer or lease. As part of the Phase 1 Assessment, ComReg permits 10 Working Days⁴⁶ and 15 Working Days⁴⁷ in the case of Phase 2 Assessments.
- At the end of the process ComReg will provide a determination to the Notifying Parties (and subsequently publish a non-confidential version of same) and grant or amend WT Licences as appropriate.

4.2.2 EECC Regulations

4.25 Regulation 33(3) of the EECC Regulations provides that “*procedures*” shall be “*specified by the Regulator*”.

4.26 Regulation 33(4) specifies that:

“(4) Where the original conditions attached to the rights of use for radio spectrum are maintained, the Regulator shall allow the transfer or lease of those rights. Without prejudice to the need to ensure the absence of a distortion of competition, in particular in accordance with Regulation 34, the Regulator shall:

(a) submit transfers and leases to the least onerous procedure possible;

(b) not refuse the lease of rights of use for radio spectrum where the lessor undertakes to remain liable for meeting the original conditions attached to the rights of use; and

(c) not refuse the transfer of rights of use for radio spectrum unless there is a clear risk that the new holder is unable to meet the original conditions for the right of use.” (“emphasis added”)

4.27 Regulation 34 of the EECC Regulations sets out a number of provisions relating to competition, with Regulation 34(2) setting out provisions on the measures that

⁴⁶ Paragraph 15 of Document 14/11R

⁴⁷ Paragraph 23 of Document 14/11R

ComReg may take in relation to the granting, amending or renewing of rights of use for radio spectrum.

“Competition

34. (2) When the Regulator decides to grant, amend or renew rights of use for radio spectrum, it may take appropriate measures such as:

...

(c) refusing to grant new rights of use for radio spectrum or to allow new radio spectrum uses in certain bands, or attaching conditions to the grant of new rights of use for radio spectrum or to the authorisation of new uses of radio spectrum, in order to avoid the distortion of competition by any assignment, transfer or accumulation of rights of use;

(d) including conditions prohibiting, or imposing conditions on, transfers of rights of use for radio spectrum, not subject to European Union or national merger control, where such transfers are likely to result in significant harm to competition;” (“emphasis added”)and

4.28 Regulation 101 of the EECC Regulations sets out a number of provisions relating to consultation and transparency, with Regulations 101(3) and 101(4) set out below.

“Consultation and transparency mechanism

101. (3) Before taking a measure under paragraph (2) the Regulator or other competent authority shall publish the text of the proposed measure, give the reasons for it, including information as to which of its statutory powers gives rise to the measure, and specify the period within which submissions relating to the proposal may be made by interested parties.

(4) The period referred to in paragraph (3) shall have regard to the complexity of the matter and, except in exceptional circumstances, shall not be shorter than 30 days.” (“emphasis added”)

4.2.3 ComReg's preliminary analysis and proposal

A transfer or lease needs to be in accordance with Regulation 33 and 34 of EECC Regulations

4.29 In considering any proposed transfer or lease of Individual Rights of Use ComReg needs to establish whether the proposed transfer or lease is in accordance with Regulation 33 and 34 of the EECC Regulations. Therefore, ComReg proposes to update the procedures document to reflect this.

Procedures for different licence types

- 4.30 In considering any proposed transfer or lease, ComReg is obliged to ensure the absence of a likely distortion of competition while submitting proposed transfers and leases to the least onerous procedure possible (See Regulation 33(4)).
- 4.31 In the Existing Framework, ComReg first considers any proposed transfer or lease as part of its Phase 1 Assessment and depending on the case may proceed to carry out a full investigation (also called a Phase 2 Assessment). ComReg proposes to maintain the overall structure of conducting a Phase 1 Assessment following by a Phase 2 Assessment where required.

Phase 1 assessment - two procedures

- 4.32 As part of its Phase 1 Assessment, ComReg considers the potential competition impacts for a proposed transfer or lease.
- 4.33 Noting that the Proposed Framework would be broadened to include all Individual Rights of Use except those assigned to Broadcasting, and that the potential competition impacts of a proposed transfer and lease may vary greatly between the different 37 WT Licence types proposed for inclusion in the Proposed Framework, ComReg proposes to provide for two procedures within its Phase 1 Assessment:
- (i) **Standard Procedure:** This is expected to be used for WT licence types where the risk of a distortion of competition would likely not be considered low; and
 - (ii) **Simplified Procedure:** This is expected to be used for WT licence types where the risk of a distortion of competition would likely be considered low.

(i) WT Licence Types in Standard Procedure

- 4.34 ComReg proposes that a proposed Transfer or Lease of the following licence types, including any subsequent Leases, would be considered using the Standard Procedure:
- MBSA1 Liberalised Use Licences;
 - MBSA2 Liberalised Use Licences;
 - 3G Licence & 2.1 GHz Band Liberalised Use Licence (both currently held by Eircom Limited);
 - 3.6 GHz Band Liberalised Use Licences; and

- 26 GHz Band National Point-to-Point. Licences.

4.35 Key reasons informing this view are that:

- (i) the licences were awarded as part of a competitive selection procedure;
- (ii) actual/potential competition issues were identified at the time of making the award of the licences;
- (iii) competition measures were put in place at the time of the award (i.e. caps); and
- (iv) licences are not open now for undertakings to obtain another licence.

4.36 Within the Standard Procedure, ComReg will carry out an assessment of the proposed Transfer or Lease (including a competition assessment), which includes a public consultation on ComReg's website on the proposed Transfer or Lease.

(ii) WT Licence types in Simplified Procedure

4.37 For all Other WT Licence types within the Proposed Framework, ComReg proposes that the Simplified Procedure would generally apply as the risk of a distortion of competition would likely be generally low, noting:

- (i) firstly, that at the time of making these WT Licence types available there were no specific competition measures applied; and
- (ii) secondly, that many of these WT Licence types remain open for applications with no immediate shortage of supply and licences are issued on a first come first serve basis.

4.38 Considering the details of a proposed Transfer or Lease for these Other WT Licence types, ComReg may, at its discretion, prior to publishing the relevant details of a Notification on its website, form the view that the Standard Procedure will apply to this Notification. Should this be the case ComReg will inform the Notifying Parties of same.

Phase 2 Assessment

4.39 As part of its Phase 1 Assessment for either the Standard or Simplified Procedure ComReg may determine that the Phase 2 Assessment is required.

Period for comment on Notifications

4.40 ComReg has recently updated its Consultation Procedure Guidelines (Document 24/04) to take into account Regulation 101 of the EECC Regulations.

- 4.41 In Document 24/04, ComReg states that it will not run consultations for shorter than 30 days except in exceptional circumstances:

“Where a period of less than 30 days is required due to exceptional circumstances, or otherwise, ComReg will, unless it is not possible in the circumstances, allow the minimum period of two weeks recommended by Government Guidance. In all cases where a period of less than 30 days is allowed for consultation, ComReg will give reasons for doing so” (emphasis added)

Phase 1 Assessment (Standard Procedure) and Phase 2 Assessments

- 4.42 In light of Regulation 101 of the EECC Regulations and ComReg's Consultation Procedure Guidelines (Document 24/04), ComReg proposes to increase the period for consultation for both Phase 1 (Standard Procedure) and Phase 2 submissions to 30 calendar days.

Phase 1 Assessment (Simplified Procedure)

- 4.43 With the objective of setting out procedures that:

- (i) are as least onerous as possible; and
- (ii) promote the Transfer and / or Lease of Individual Rights of Use in the most expedient way possible for licence types that would likely have limited if any competition concerns while remaining within the obligations of the EECC Regulations and ComReg's Consultation Procedure Guidelines;

ComReg proposes that it would be appropriate to have a shorter time period for comment in cases where ComReg forms the view that the Simplified Procedure can apply.

- 4.44 ComReg proposes to provide two weeks for comment which is equivalent to the 10 Working Days period in the Existing Framework⁴⁸.

4.3 Guidelines for competition assessment

4.3.1 Summary of Existing Framework.

- 4.45 Section 2.1.2 above provides a summary of ComReg's existing guidelines for conducting a competition assessment, noting that:

⁴⁸ ComReg notes that this is also in keeping with the Governments guidance of a minimum of 2 weeks for consultation.

- these guidelines are to be interpreted in a flexible manner as the precise assessment will depend on the specifics of the Notification; and
- key elements of ComReg's distortion of competition test include whether or not a notified spectrum Transfer or Lease would likely lead to unilateral effects and/or coordinated effects and/or detriment to consumers.

4.3.2 EECC Regulations

4.46 Regulation 33(4) and 34 of the EECC Regulation sets out provisions related to ComReg's role in ensuring no distortions of competition due to a transfer or lease of rights of use.

4.47 In particular, Regulation 34 considers the measures ComReg may take and the items it needs to take into account in applying any measure. The relevant extracts of these regulations are set out in Annex 3.

4.3.3 ComReg's preliminary analysis and proposals

ComReg's experience to date

4.48 ComReg has not at any point received any requests for a spectrum transfer but has processed 20 applications for spectrum leases. In determining whether there would be any likely distortion of competition due to the proposed lease, each of the spectrum lease determinations were conducted using the procedures in the Phase 1 Assessment. No application for a spectrum lease required ComReg to proceed to a Phase 2 Assessment.

4.49 Given ComReg's experience to date there is no evidence to suggest that an amendment to the current Guidelines is required.

EECC Regulations

4.50 As Regulation 33(4) and 34 hold relevance for conducting a competition assessment, ComReg proposes that the Proposed Procedures (including its guidelines) are updated to provide the relevant references to the EECC Regulations. This would assist Notifying Parties understanding of the approach to be taken in conducting a competition assessment.

4.51 A further proposed amendment to the guidelines, on foot of the EECC Regulations, is that where the existing guidelines referred to an assessment to be conducted in relation to rights of use in certain "spectrum bands" suitable for mobile and wireless broadband, the text of the guidelines has been amended to reflect that the assessment will relate to all Individual Rights of Use in accordance with Regulation 33(1) and (2).

Update of CCPC's procedures for the assessment of mergers and acquisitions.

- 4.52 ComReg's Existing Procedures (including its guidelines) are informed by and aligned with those of CCPC's Mergers and Acquisitions Procedures and take the approach of an ex-ante assessment consistent with that envisaged in Regulation 34(3) of EECC Regulations.
- 4.53 ComReg has reviewed the CCPC's current guidelines⁴⁹ to ensure that ComReg's proposed guidelines continues to align with those of the CCPC.

ComReg's proposal

- 4.54 Except for the minor updates noted above, ComReg is not proposing to amend the substance of the guidelines for competition assessment.

4.4 Publication of relevant details of traded Individual Rights of Use

4.4.1 Summary of Existing Framework

- 4.55 In accordance with the Existing Procedures, details of the traded spectrum rights are published on ComReg's website following the completion of ComReg's assessment⁵⁰.
- 4.56 For the Other WT Licence types, ComReg has had no requirement for procedures for publishing details of any transferred rights of use in these licence types.

4.4.2 EECC Regulations

- 4.57 Regulation 33(8) sets out the approach to be taken with respect to making relevant details of individual rights publicly available in light of a transfer or lease.

33 (8) In light of any transfer or lease of rights of use for radio spectrum, the Regulator shall make relevant details relating to tradable individual rights publicly available in a standardised electronic format when the rights are created and keep those details for as long as the rights exist." (emphasis added)

4.4.3 ComReg's analysis and proposal

- 4.58 ComReg's proposals to publish relevant details of the tradable rights of use on a

⁴⁹ [Merger Analysis \(ccpc.ie\)](https://www.ccpc.ie/merger-analysis)

⁵⁰ For example Document 23/95 sets out ComReg's determination with respect to the lease of spectrum rights in the 3.6 GHz Band from Vodafone Ireland Limited to Imagine Communications Ireland Limited where details of the traded spectrum are set out.

ComReg Spectrum Transfer and Leasing webpage is outlined below:

Simplified Procedure and Standard Procedure

4.59 For both the Simplified Procedure and the Standard Procedure, ComReg proposes to publish relevant details of the tradeable Individual Rights of Use in tabular format as follows:

Table 3: Example tabular information on tradable Individual Rights of Use

ComReg Reference	Licence type	Licence reference	Transferor / Lessor	Transferee / lessee	Description (e.g. Frequency /location/time/conditions)	Notification Date	ComReg’s determination	Effective transfer date	End date of transfer / lease agreement
TL2024_01	Fixed radio link	PP1234	Party A	Party B	18GHz link/Dublin /3 months / conditions maintained	10/01/2024	20/01/2024	20/01/2024	01/09/2024

Determination: Standard Procedure or Phase 2 Assessment

4.60 For any determination under the Standard Procedure or a Phase 2 Assessment, ComReg will inform the Notifying Parties and publish a notice of the making of its determination on its website.

4.61 At the earliest possible date thereafter (and in any event, no later than two months from the date of the determination) ComReg will publish on its website a non-confidential version of the text of its determination, including relevant details of its assessment.

4.5 Administrative charge

4.5.1 Existing Framework

4.62 The Existing Framework imposes an administrative fee of €5000 in respect of spectrum transfers. No administrative fees apply to spectrum leases.

4.5.2 EECC Regulations

4.63 Regulation 33(5) of the EECC Regulations states that:

“33(5) Any administrative charge imposed by the Regulator on undertakings in connection with processing an application for the transfer

or lease of rights of use for radio spectrum shall comply with Article 16 of the Directive⁵¹.”

4.5.3 ComReg proposal

- 4.64 Given the expected low volume of spectrum Transfers and Leases, ComReg at this time does not propose to set any administration charge. ComReg will reflect this proposal in the Draft Regulations.
- 4.65 ComReg reserves the right to apply an individual administration charge for the processing of spectrum Transfers or Leases in the future should it be appropriate to do so.

⁵¹ Article 16 of Directive 2018/1972 (the European Electronic Communications Code) sets out requirements for administrative charges imposed on undertakings providing electronic communications networks or services under the General Authorisation or to which a right of use has been granted.

Chapter 5

5 Necessary changes to WT Licensing Regulations to implement the Proposed Framework

- 5.1 ComReg grants WT Licences pursuant to various WT Licence Regulations made under Section 5 of the 1926 Act⁵². This chapter outlines what amendments to these regulations will be required to implement the Proposed Framework and ComReg's proposed approach.
- 5.2 First, five of the WT Licence Regulations for WT Licence types which do not come within the scope of the Proposed Framework – for example for rights of use for broadcasting or shared use – contain existing transfer and/or lease provisions. ComReg proposes to amend these regulations to remove these provisions.
- 5.3 Second, the WT Licence types that ComReg proposes to include in the Proposed Framework are encompassed by sixteen WT Licence Regulations overall. ComReg proposes to make appropriate amendments to these sixteen WT Licence Regulations, so as to facilitate the transfer and lease of rights of use under these WT Licence types under the Proposed Framework. This is further outlined in Section 5.1 below.
- 5.4 Third, certain WT Licence Regulations contain existing transfer provisions which permit transfers of licences as distinct from transfers of rights of use under WT Licences. As noted earlier (Chapter 3), ComReg proposes to retain this facility outside of its Proposed Framework and its proposals for the relevant amendment of such WT Licence Regulations are set out in Section 5.2 below.
- 5.5 Overall, ComReg's proposed approach is to make the necessary amendments to the relevant WT Licence Regulations in a consistent manner, as set out in detail in the Draft Regulations in Annex 5.

⁵² Further detail on which specific WT licensing regulations are applicable to each WT Licence type is set out in Annex 4.

5.1 Proposed Approach to Amending WT Licence Regulations for WT Licences to be included in Proposed Framework

5.1.1 Enabling Provisions

5.6 In order to allow and facilitate Transfers and Leases for the WT Licence types to be included in the Proposed Framework, the relevant WT Licence Regulations will require the following enabling provisions:

Provisions for Notification and allowing Transfers and Leases

1. An obligation on Licensees to notify ComReg of their intention to transfer rights of use for radio frequencies attaching to a licence in accordance with the Proposed Framework;
2. An obligation on Licensees to notify ComReg of their intention to lease rights of use for radio frequencies attaching to a licence in accordance with the Proposed Framework;
3. Powers for ComReg to allow Spectrum Transfers in accordance with the Proposed Framework;
4. Powers for ComReg to allow Leases in accordance with the Proposed Framework;

Provisions to reflect Transfers in WT Licences

5. Powers for ComReg to amend the original WT Licence of a Transferor⁵³;
6. Powers for ComReg to revoke the original WT Licence of a Transferor;
7. Powers for ComReg to specify how a Transferee may apply for a WT Licence⁵⁴;
8. Powers for ComReg to grant a WT Licence to a Transferee;

Provisions to reflect Leases in WT Lease Licences

9. Powers for ComReg to specify how a Lessee may apply for a WT Lease Licence;
10. Powers for ComReg to grant a WT Lease Licence to a Lessee;

⁵³ E.g. in order to remove certain rights of use from a Transferor's Licence in the case of a partial Transfer.

⁵⁴ E.g. in order to revoke a Transferor's Licence where all relevant rights of use which transfer over to a Licence granted to a Transferee in the case of a full Transfer.

11. Powers for ComReg to revoke, suspend or withdraw a WT Lease Licence if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn; and

Fees Provisions

12. Powers for ComReg to charge appropriate licence fees to Transferees.

5.7 Consequently, ComReg proposes to amend the relevant WT Licence Regulations to ensure that they include the necessary enabling provisions identified above:

- by inserting these enabling provisions where they are currently absent; and
- by updating any existing enabling provisions for spectrum transfers and leases to ensure consistency with the corresponding relevant enabling provisions identified above, as necessary.

5.1.2 Proposed implementation of amendments for enabling provisions in relevant WT Licence Regulations

5.8 ComReg proposes to add schedules for WT Lease Licences where currently absent in the relevant WT Licence Regulations. How ComReg proposes to implement the other relevant amendments to various WT Licence Regulations is contingent on the level of detail of the existing transfer and/or lease provisions in those regulations:

- For WT Licence Regulations⁵⁵ that already contain extensive and detailed existing enabling provisions for transfers and leases that are very similar to those in the Proposed Framework, ComReg would amend these existing provisions inline where they occur.
- For WT Licence Regulations that contain existing but basic⁵⁶ or less detailed⁵⁷ provisions for transfers/leases, ComReg proposes to delete any existing transfer/lease provisions. For these WT Licence Regulations and for those WT Licence Regulations that contain no existing provisions for transfer/leases, ComReg will provide most of the relevant amendments for the enabling provisions in a new self-contained regulation added to the end of the regulations⁵⁸.

⁵⁵ i.e. S.I. No. 532 of 2016 for 3.6 GHz Band Licences and S.I. No. 264 of 2021 for MBSA2 Licences.

⁵⁶ i.e. the various WT Licence Regulations for the non-MWBB WT Licence types to be included in the Proposed Framework.

⁵⁷ i.e. S.I. No. 345 of 2002 for 3G and 2.1 GHz Band Liberalised Use Licences.

⁵⁸ Except where for consistency and/or clarity it is more appropriate to amend an existing regulation or add a new separate regulation – e.g. by amending existing fees regulations so ComReg may charge licence fees

- For the WT Licence Regulations for MBSA1 Licences⁵⁹, ComReg proposes to amend the existing detailed transfer provisions inline where they occur. As these regulations contain no existing lease provisions, ComReg proposes to insert the enabling provisions for leases in a new self-contained regulation added to the end of the regulations.

5.1.3 Other relevant amendments

- 5.9 ComReg also proposes to update certain existing definitions (e.g. definitions for licences) in relevant WT Licence Regulations and to insert other relevant definitions (e.g. for Leases and Transfers) as required. Further, and in the interests of consistency, ComReg proposes to amend some regulations and to update certain references⁶⁰ where appropriate.

5.2 Proposed Approach to ensuring that existing provisions for licence transfers for shared rights of use will be maintained in certain WT Licence Regulations

- 5.1 As discussed earlier, ComReg recognises that for two WT Licence types proposed to be excluded from the Proposed Framework (Aircraft Station Licences⁶¹ and Automatic Identification System (AIS) Licences⁶²) there is a provision in their licensing regulations to facilitate the transfer of these licences, and ComReg is of the view that this facility should continue for these two WT Licence (a “Shared Rights Licence Transfer”).
- 5.2 For Aircraft Station Licences, retaining the relevant existing provisions in their existing form in the relevant WT Licence Regulations would allow Shared Rights Licence Transfers to continue.
- 5.3 For AIS Licences, the relevant WT Licensing regulations⁶³ also provide for four Other WT Licence types that ComReg proposes to include in the Proposed Framework⁶⁴.

to Transferees, or adding a previously missing withdrawal and suspension regulation to the Third Party Business Radio Licence Regulations which would apply to all licence types under those regulations..

⁵⁹ S.I. No. 251 of 2012.

⁶⁰ E.g. In the S.I. No. 435 of 2002 for Mobile Radio Systems, existing references to the “Director” need to be updated with references to the “Commission” to be consistent with new Transfer and Lease provisions which refer to the Commission.

⁶¹ Specifically Regulation 7(1)(d) of the Wireless Telegraphy (Aircraft Station Licence) Regulations 2009 (S.I. No. 193 of 2009).

⁶² Specifically Regulation 7(1)(d) of the Wireless Telegraphy (Radiodetermination, Air Traffic and Maritime Services) Regulations 2009 (SI No. 369 of 2009);

⁶³ the Wireless Telegraphy (Radiodetermination, Air Traffic and Maritime Services) Regulations 2009 (SI No. 369 of 2009)

⁶⁴ Air Traffic Services, Maritime Services, Radiolocation and Radionavigation Licences

Therefore, ComReg proposes that it would be appropriate for those regulations to include distinct separate provisions that allow Shared Rights Licence Transfers for AIS Licences under existing conditions⁶⁵. This would be in addition to Transfer and Lease provisions for the other four WT Licence types.

⁶⁵ In SI 369 of 2009, AIS licences are for the lifetime of the apparatus specified in the licence, where a licence amendment or a transfer of a licence has a fee of €30.

Chapter 6

6 Submitting comments and next steps

6.1 Submission of responses

6.1 A six week period is being provided to Interested Parties for the submission of comments on this consultation, with a deadline of 17:00 hours on Wednesday 11 September 2024.

6.2 Responses must be submitted in written form and sent to the below email address for the attention of Mr. Pat McMahon and clearly marked – Submissions to ComReg Document 24/59:

Email: marketframeworkconsult@comreg.ie

6.2 Format of responses

6.3 Submissions should be submitted in an unprotected format so that they can be redacted (if required) and included in a ComReg submissions document for electronic publication.

6.4 Comments should be referenced to the relevant section / paragraph number in each chapter and annex in this document and any document published alongside this consultation, as this will facilitate analysis of responses.

6.5 Please also provide reasoning and supporting information for any views expressed.

6.2.1 Submission of Confidential Information

6.6 In order to promote openness and transparency, ComReg will publish all respondents' submissions to this consultation, as well as all substantive correspondence on matters relating to this document and consultation process. However, ComReg appreciates that respondents may wish to provide confidential information if their comments are to be meaningful, so publication of such documents will be subject to the provisions of ComReg's guidelines on the treatment of confidential information (Document 05/24⁶⁶).

6.7 Respondents should submit views in accordance with the instructions set out below. When submitting a response to this consultation that it considers contains confidential information, a respondent must choose one of the following options:

⁶⁶ ComReg Document 05/24 – *Guidelines on the treatment of confidential information* – published 23 March 2005.

- A. Submit both a non-confidential version and a confidential version of the response. The confidential version must have all confidential information clearly marked and highlighted in accordance with the instruction set out below. The separate non-confidential version must have actually redacted all items that were marked and highlighted in the confidential version.

OR

- B. submit only a confidential version and ComReg will perform the required redaction to create a non-confidential version for publication. With this option, respondents must ensure that confidential information has been marked and highlighted in accordance with the instructions set out below.

6.2.2 Instructions for Marking Confidential Information

- 6.8 In relation to the confidential version of the response - under both Option A and Option B above - respondents must mark and highlight all confidential information in their submission as follows:

- (a) Confidential information contained within a paragraph must be highlighted with a chosen particular colour;
- (b) Square brackets must be included around the confidential text – one at the start and one at the end of the relevant highlighted confidential information; and
- (c) A scissors symbol (Symbol code: Wingdings 2:38) must be included after the first square bracket. For example, “Redtelecom has a market share of [✂ 25%].”
 - This will clearly identify any confidential information in relation to Option A and assist analysis and is required for ComReg to perform the redactions under Option B.
 - Where confidential information has not been marked in accordance with the instructions above, then ComReg will not create the non-confidential redacted version and the respondent will be required to provide the redacted non-confidential versions in accordance with Option A above.

6.3 Next Steps

- 6.9 Following receipt and consideration of submissions in response to this, and other relevant material, ComReg intends to publish its response to consultation document.
- 6.10 If deemed appropriate following consultation, ComReg will publish its updated Spectrum Transfer and Leasing Framework at the same time, and it will present Regulations to the Minister of the Department of for the Environment, Climate and

Communications (the "DECC") seeking consent to implement the proposed updated Spectrum Transfer and Leasing Framework into law.

Annex 1: Glossary

1.1 Definitions

A 1.1 The definitions in this glossary shall apply to this Consultation Document as a whole save that they shall not apply to the Draft Regulations in Annex 5.

A 1.2 Where a term in this glossary is defined by reference to a definition in a section or paragraph and an explanation of that term is provided in this glossary, the latter explanation is for convenience only and reference should be made to the appropriate part of the document for the definitive meaning of that term in its appropriate context.

A 1.3 Any reference to any provision of any legislation shall include any modification, re-enactment or extension thereof.

A 1.4 Any reference to an Interested Party shall include that Interested Party’s successors and assigns.

A 1.5 The headings contained in this Consultation Document are inserted for convenience of reference only and shall not in any way form part of or affect or be taken into account in the construction or interpretation of any provision of this consultation or the Annexes hereto.

A 1.6 Terms defined in this Consultation Document shall, unless the context otherwise requires or admits, have the meaning set out below:

1800 MHz Band	Means spectrum in the range 1710 – 1785 MHz paired with spectrum in the range 1805 – 1880 MHz
1926 Act	Means the Wireless Telegraphy Act 1926 (No. 45 of 1926) as amended.
2.1 GHz Band	Means spectrum in the range 1920 – 1980 MHz paired with spectrum in the range 2110 – 2170 MHz.
2.1 GHz Band Liberalised Use Licence	Means a WT Licence in the form set out in Schedule 6 of the Wireless Telegraphy (Third Generation and

	GSM Licence) Regulations, 2002 (S.I No. 345 of 2002).
2.3 GHz Band	Means spectrum in the range 2300 – 2400 MHz.
2.6 GHz Band	Means spectrum in the range 2500 – 2690 MHz.
26 GHz Band National Point-to-Point Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (National Point-to-Point Block Licences) Regulations 2018 (S.I. No. 158 of 2018).
3.6 GHz Band	Means spectrum in the range 3410 – 3435 MHz and 3475 – 3800 MHz.
3.6 GHz Band Liberalised Use Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (3.6 GHz Band Licences) Regulations 2016 (S.I. No. 532 of 2016).
3.6 GHz Band Spectrum Lease Licence	Means a WT Licence in the form set out in Schedule 2 of the Wireless Telegraphy (3.6 GHz Band Licences) Regulations 2016 (S.I. No. 532 of 2016).
3.6 GHz Band Transition Protected Licence	Means a WT Licence in the form set out in Schedule 4 of the Wireless Telegraphy (3.6 GHz Band Licences) Regulations 2016 (S.I. No. 532 of 2016).
3G Licence	Means a WT Licence for the purpose of providing 3G and GSM mobile telephony in the form set out the Wireless Telegraphy (Third Generation and GSM Licence) Regulations, 2002 (S.I No. 345 of 2002), including as set out in Schedules 1 to 5 of those regulations.

400 MHz Band Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (400 MHz Band Licences) Regulations 2019 (S.I. No. 489 of 2019).
700 MHz Band	Means spectrum in the range 694 – 790 MHz.
700 MHz Duplex	Means spectrum in the range 703 – 733 MHz paired with spectrum in the range 758 – 788 MHz.
800 MHz Band	Means spectrum in the range 791 – 821 MHz paired with spectrum in the range 832 – 862 MHz.
900 MHz Band	Means spectrum in the range 880 – 915 MHz paired with spectrum in the range 925 – 960 MHz.
Air Traffic Service System	Means services provided by ground based equipment and systems utilising apparatus for wireless telegraphy, used or intended to be used, in connection with the safety, security or operation of aircraft in flight or on the ground, and excludes public electronic communications networks and Radiodetermination Services.
Air Traffic Services (ATS) Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Radiodetermination, Air Traffic and Maritime Services) Regulations 2009 (SI No. 369 of 2009) granted for the purpose of the provision of Air Traffic Service Systems.
Aircraft Station Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Aircraft Station Licence) Regulations 2009 (S.I. No. 193 of 2009).

Amateur Station Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Amateur Station Licence) Regulations 2009 (S.I. No. 192 of 2009).
Automatic Identification System (or “AIS”)	Means an automated, short range, maritime tracking system used on vessels and aids to navigation and by vessel traffic services for identifying and locating vessels and aids to navigation by electronically exchanging data with other nearby vessels and vessel traffic service stations, which operates using radio frequencies identified for use by such systems on a worldwide basis by the International Telecommunication Union.
Automatic Identification System (AIS) Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Radiodetermination, Air Traffic and Maritime Services) Regulations 2009 (SI No. 369 of 2009) granted for the purpose of the provision of Automatic Identification Systems services.
Broadcasting Act	Means the Broadcasting Act 2009 (No. 18 of 2009) as amended.
Business Radio Licence	Means a WT Licence in the form set out in the First Schedule of the Wireless Telegraphy (Business Radio Licence) Regulations, 1949 (S.I. No. 320 of 1949) (as amended).
CCPC	Competition and Consumer Protection Commission
CEPT	The European Conference of Postal and Telecommunications Administrations.
CEPT ECC Decision (08)05	Means ECC Decision (08)05 on “ <i>The harmonisation of frequency bands for the implementation of digital Public Protection and Disaster Relief (PPDR) narrow</i> ”

	<i>band and wide band radio applications in bands within the 380-470 MHz range.”, amended 8 March 2019.</i>
CIL	Commissioner of Irish Lights
Coimisiún na Meán Broadcasting Licence	Means a WT Licence issued to Coimisiún na Meán under Section 59 of the Broadcasting Act which authorises a broadcasting contractor to operate a sound broadcasting transmitter and provide a sound broadcasting service under a broadcasting contract issued by Coimisiún na Meán under section 63 or section 64, as the case may be, of the Broadcasting Act.
Community Repeater Licence	Means a WT Licence in the form set out in the First Schedule of the Wireless Telegraphy (Community Repeater Licence) Regulations, 1988 (S.I. No. 83 of 1988).
ComReg	The Commission for Communications Regulation.
ComReg’s Consultation Procedure Guidelines	Means ComReg Document 24/04 , “Consultation Procedure Guidelines”, published 11 January 2024.
Decision (EU) 2017/899	Means Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union.
Decision (EU) 2021/1730	Means Commission Implementing Decision (EU) 2021/1730 of 28 September 2021 on the harmonised use of the paired frequency bands 874,4-880,0 MHz and 919,4-925,0 MHz and of the unpaired frequency band 1 900-1 910 MHz for Railway Mobile Radio.

Decision 2007/98/EC	Means Commission Decision of 14 February 2007 on the harmonised use of radio spectrum in the 2 GHz frequency bands for the implementation of systems providing mobile satellite service, Decision 2007/98/EC .
Decision 2011/667/EU	Means Commission Decision of 10 October 2011 on modalities for coordinated application of the rules on enforcement with regard to mobile satellite services (MSS) pursuant to Article 9(3) of Decision No 626/2008/EC of the European Parliament and of the Council, Decision 2011/667/EU .
Decision No 626/2008/EC	Means Decision No 626/2008/EC of the European Parliament and of the Council of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (MSS).
Decision No. 2009/449/EC	Means Commission Decision of 13 May 2009 on the selection of operators of pan-European systems providing mobile satellite services (MSS), Decision No. 2009/449/EC .
DECC	Department of for the Environment, Climate and Communications
Dense Air	Dense Air Limited
Draft Regulations	Means the Draft Wireless Telegraphy (Transfer and Lease of Individual Rights of Use for Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations 2024, as set out in Annex 5 of this document.
EC	European Commission.

ECC	Electronic Communications Committee (of CEPT).
EECC Directive 2018	Means Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast).
EECC Regulations	Means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022).
European Electronic Communications Code (EECC)	Means Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast).
Eir	Eircom Limited and Meteor Mobile Communications Limited (trading as ‘eir’ and ‘open eir’), collectively referred to as ‘eir Group’ or ‘eir’.
electronic communications network (ECN)	Has the meaning ascribed to it in the EECC Regulations, where <i>“electronic communications network”</i> means <i>“transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including internet) and mobile networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed.”</i>

<p>electronic communications service (ECS)</p>	<p>Has the meaning ascribed to it in the EECC Regulations, where “<i>electronic communications service</i>” means “<i>a service normally provided for remuneration via electronic communications networks, which encompasses, with the exception of services providing, or exercising editorial control over, content transmitted using electronic communications networks and services, the following types of services:</i></p> <p style="margin-left: 40px;">(a) <i>‘internet access service’ within the meaning of Article 2 of Regulation (EU) 2015/2120;</i></p> <p style="margin-left: 40px;">(b) <i>interpersonal communications service; and</i></p> <p style="margin-left: 40px;">(c) <i>services consisting wholly or mainly in the conveyance of signals such as transmission services used for the provision of machine-to-machine services and for broadcasting.</i>”</p>
<p>Emergency Service Digital Radio (ESDR) Licence</p>	<p>Means a WT Licence in the form set out in Regulation 7 of the Wireless Telegraphy (Use of the Band 380-400 MHz by Emergency Services) Regulations, 2008 (S.I. No. 324 of 2008).</p>
<p>European Electronic Communications Code (EECC)</p>	<p>Means Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast).</p>
<p>Existing Framework</p>	<p>Means the existing framework for spectrum transfers and leases in Ireland, as set out in:</p> <ul style="list-style-type: none"> • The Wireless Telegraphy (Transfer of Spectrum Rights of Use) Regulations 2014, S.I. 34 of 2014; and • ComReg Document 14/11R, “<i>Spectrum Transfer and Lease Framework in Ireland, Procedures and Guidelines, and Notification Form(s)</i>”, published 12 October 2017.
<p>Existing Procedures</p>	<p>Means ComReg’s existing procedures for considering a proposed transfer or lease under the Existing Framework, as set out in ComReg</p>

	Document 14/11R , “ <i>Spectrum Transfer and Lease Framework in Ireland, Procedures and Guidelines, and Notification Form(s)</i> ”, published 12 October 2017.
Fixed Radio Link Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Fixed Radio Link Licence) Regulations 2023 (S.I. No. 593 of 2023), which has been granted for a period of one year and which is renewable.
Fixed Wireless Access Local Area (FWALA) Licence	Means a WT Licence in the form set out in the First Schedule of the Wireless Telegraphy (Fixed Wireless Access Local Area Licence) Regulations, 2003 (S.I. No. 79 of 2003).
Framework Regulations	Means the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (S.I. No 333 of 2011).
General Authorisation	Means an authorisation for an undertaking to provide an electronic communications network or service under and in accordance with Regulation 6 of the EECC Regulations.
Global System for Mobile Communications - Railway (GSM-R)	Means a digital communications system for rail network communications, based on the use of GSM technology.
GSM for Railway (GSM-R) Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (GSM for Railway Licence) Regulations 2013 (S.I. No. 213 of 2013).
IAA	Irish Aviation Authority
Imagine	Imagine Communications Ireland Limited

<p>Individual Rights of Use</p>	<p>Means the individual rights of use for radio spectrum to use certain radio frequencies for electronic communications networks or services as specified in a WT Licence and subject to Licence Conditions.</p>
<p>ITU</p>	<p>International Telecommunication Union</p>
<p>Lease</p>	<p>Means the assignment, under the Proposed Framework, by a Licensee (the “Lessor”) of some or all of the Individual Rights of Use for radio frequencies granted under a WT Licence to another party (the “Lessee”), where the Lessor remains responsible for all the Licence Conditions, including the payment of fees, and the Lessee is responsible for the Technical Conditions.</p>
<p>Licence Conditions</p>	<p>Means all conditions and restrictions as prescribed by the WT Licence itself or by any regulations governing the WT Licence made by the Commission under section 6 of the Act of 1926.</p>
<p>Licensee</p>	<p>Means the holder of a WT Licence for the time being in force.</p>
<p>Maritime Mobile Service</p>	<p>Means a mobile service between coast stations and ship stations, between ship stations, or between associated on-board communication stations.</p>
<p>Maritime Service System</p>	<p>Means services provided by equipment and systems not installed on vessels, utilising apparatus for wireless telegraphy, used or intended to be used, in connection with:</p> <ul style="list-style-type: none"> (a) the safety, security or operation of vessels; or (b) the training of personnel in the Maritime Mobile Service,

	and excludes public electronic communications networks and Radiodetermination Services.
Maritime Services Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Radiodetermination, Air Traffic and Maritime Services) Regulations 2009 (SI No. 369 of 2009) granted for the purpose of the provision of Maritime Service Systems.
MBSA1	Means the 2012 Multi-Band Spectrum Award in relation to spectrum in the 800 MHz, 900 MHz and 1800 MHz Bands, for which the final results were announced in ComReg Document 12/131 on 5 December 2012.
MBSA1 Liberalised Use Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Liberalised Use and Preparatory Licences in the 800 MHz, 900 MHz and 1800 MHz Bands) Regulations, 2012 (S.I. No. 251 of 2012).
MBSA2	Means the 2022 Multi-Band Spectrum Award in relation to spectrum in the 700 MHz, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands, for which the final assignment plan was announced in ComReg Document 23/06 on 12 January 2023.
MBSA2 2.3 GHz Band Transition Licence	Means a WT Licence in the form set out in Schedule 4 of the Wireless Telegraphy (Liberalised Use and Related Licences in the 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands) Regulations 2021 (S.I. No. 264 of 2021).
MBSA2 Liberalised Use Licence	Means a licence in the form set out in Schedule 1 of the Wireless Telegraphy (Liberalised Use and Related Licences in the 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands) Regulations 2021 (S.I. No. 264 of 2021).

MBSA2 Spectrum Lease Licence	Means a WT Licence in the form set out in Schedule 2 of the Wireless Telegraphy (Liberalised Use and Related Licences in the 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands) Regulations 2021 (S.I. No. 264 of 2021).
Minister	Means the Minister for the Environment, Climate and Communications.
MNO	Mobile Network Operator
Mobile Radio Systems (Trunked Radio) Licence	Means a WT Licence in the form set out in the First Schedule of the Wireless Telegraphy (Mobile Radio Systems Regulations, 2002 (S.I. No. 435 of 2002).
Mobile Satellite Service and Complementary Ground (MSS with CGC) Licence	Means a WT Licence in the form set out in the Schedule of the Wireless Telegraphy (Mobile Satellite Service and Complementary Ground Component) Regulations 2018 (S.I. No. 282 of 2018).
MWBB	Mobile and Wireless Broadband
MWBB WT Licence	Means a 3G Licence, a 2.1 GHz Band Liberalised Use Licence, a MBSA1 Liberalised Use Licence, a 3.6 GHz Band Liberalised Use Licence, a 3.6 GHz Band Spectrum Lease Licence, a 3.6 GHz Band Transition Protected Licence, a MBSA2 Liberalised Use Licence, a MBSA2 Spectrum Lease Licence, or a MBSA2 2.3 GHz Band Transition Licence.
National Telemetry Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Telemetry Licence) Regulations 2024 (S.I. No. 266 of 2024), granted for

	the purpose of operating a national Telemetry System.
Notification	Means a notification of a proposed Transfer or Lease made to the Commission under the Proposed Framework.
Notification Form	The notification form, as specified in Annex 1 of the Proposed Procedures, which must be submitted to ComReg as part of a Notification of a Transfer or Lease.
Notifying Parties	Means the parties submitting a Notification to ComReg under the Proposed Framework.
Other WT Licence	Means a WT Licence that is not a MWBB WT Licence.
Phase 1 Assessment	Means the Phase 1 Assessment, as set in Chapter 2 of Document 24/59a.
Phase 2 assessment	Means the Phase 2 Assessment, as set in Chapter 2 of Document 24/59a.
PMSE	Programme Making and Special Events
PPDR	Public Protection and Disaster Relief
Proposed Framework	Means ComReg's proposals to update the existing spectrum transfer and lease framework in Ireland in light of the EECC Regulations, as set out in:

	<ul style="list-style-type: none"> • Document 24/59a - which sets out the proposed procedures, guidelines and notification form; and • Annex 5 of this document – which sets out the draft Wireless Telegraphy Act regulations.
Proposed Procedures	Means ComReg’s proposed procedures for considering a proposed Transfer or Lease under the Proposed Framework, as set out in Document 24/59a, “ <i>Spectrum Transfer and Lease Framework: Draft Procedures including Guidelines and Notification Form</i> ”.
Radio Spectrum Decision	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 EU.
Radiodetermination	Means the determination of the position, velocity and/or other characteristics of an object, or the obtaining of information relating to these parameters, by means of the propagation properties of radio waves.
Radiodetermination Services	Means services provided by apparatus for wireless telegraphy for the purpose of Radiodetermination.
Radionavigation	Means Radiodetermination used for the purposes of navigation, including obstruction warning.
Radiolocation	Means Radiodetermination used for purposes other than those of radionavigation.
Radiolocation Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Radiodetermination, Air Traffic and Maritime Services) Regulations 2009

	(SI No. 369 of 2009) granted for the purpose of the provision of Radiolocation services.
Radionavigation Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Radiodetermination, Air Traffic and Maritime Services) Regulations 2009 (SI No. 369 of 2009) granted for the purpose of the provision of Radionavigation services.
Regional Telemetry (On-Site, Local Area and Wide Area) Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Telemetry Licence) Regulations 2024 (S.I. No. 266 of 2024), granted for the purpose of operating an on-site Telemetry System (where the transmitter and receiver are within a geographic area less than 1 km radius), a local area Telemetry System (within a geographic area greater than 1 km radius but less than 12.5 km radius from the base station) or a Wide-area Telemetry System (within a geographic area greater than 12 km radius but less than 25 km radius from the base station), as the case may be.
RSPP	Means the Radio Spectrum Policy Programme of the European Union established by the RSPP Decision.
RSPP Bands	Means the 800 MHz (790-862 MHz), 900 MHz (880-915 MHz paired with 925-960 MHz), 1800 MHz (1710-1785 MHz paired with 1805-1880 MHz), 1900-1920 MHz, 2.1 GHz (1920-1980 MHz paired with 2110-2170 MHz), 2010-2025 MHz, 2.6 GHz (2.5 - 2.69 GHz) and 3.6 GHz (3.4-3.8 GHz) Bands, in line with paragraph 8 of Article 6 of the RSPP Decision.
RSPP Decision	Means Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme.

RTÉ	Radió Teilifís Éireann
RTÉ Analogue Sound Broadcasting Services Licence	Means a WT Licence in the form set out in Schedule 3 of the Wireless Telegraphy (Public Service Television and Sound Broadcasting Licences) Regulations, 2019 (S.I. No. 197 of 2019).
RTÉ Digital Sound Broadcasting Multiplex Licence	Means a WT Licence in the form set out in Schedule 2 of the Wireless Telegraphy (Public Service Television and Sound Broadcasting Licences) Regulations, 2019 (S.I. No. 197 of 2019).
RTÉ Digital Terrestrial Television Broadcasting Services Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Public Service Television and Sound Broadcasting Licences) Regulations, 2019 (S.I. No. 197 of 2019).
Satellite Earth Station (SES) Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Satellite Earth Station Licence) Regulations 2024 (S.I. No. 96 of 2024).
Shared Rights Licence Transfer	Means the transfer, separate to the Proposed Framework, of an Aircraft Station Licence or an Automatic Identification System (AIS) Licence, where the ownership of the relevant aircraft, vessel or structure in which the licensed apparatus is installed is to be transferred to another party together with ownership of the apparatus.
Simplified Procedure	Means the Simplified Procedure for the considering by ComReg of a proposed Transfer or Lease, as set in Chapter 2 of Document 24/59a.
Spectrum Transfer Regulations (S.I. 34 of 2014)	Means the Wireless Telegraphy (Transfer of Spectrum Rights of Use) Regulations 2014, S.I. No. 34 of 2014 .

<p>Standard Procedure</p>	<p>Means the proposed Standard Procedure for the considering by ComReg of a proposed Transfer or Lease, as set in Chapter 2 of Document 24/59a.</p>
<p>Technical Conditions</p>	<p>Means those Licence Conditions that are of a technical nature which relate to how a Licensee must keep, have possession of, install, maintain, work and use apparatus for wireless telegraphy.</p>
<p>Telefonica O2</p>	<p>Telefónica Ireland Ltd (trading as O2)</p>
<p>Telemetry System</p>	<p>Means a Wireless Telegraphy system by which automated measurements are made and other data collected at remote or inaccessible locations, and transmitted to receiving stations for monitoring, recording or remote control purposes.</p>
<p>Temporary Business Radio Licence</p>	<p>Means a WT Licence granted under the Wireless Telegraphy (Business Radio Licence) Regulations, 1957 (S.I. No. 181 of 1957).</p>
<p>Temporary Radio Link Licence</p>	<p>Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Fixed Radio Link Licence) Regulations 2023 (S.I. No. 593 of 2023), which has been granted for a period up to a maximum of eleven months and which is not renewable.</p>
<p>Test (Research and Development) Licence</p>	<p>Means a WT Licence in the form set out in the Schedule of the Wireless Telegraphy (Research and Development Licence) Regulations, 2005 (S.I. No. 113 of 2005).</p>
<p>Third Party Business Radio (TPBR) Licence</p>	<p>Means a WT Licence in the form set out in the Schedule of the Wireless Telegraphy (Third Party Business Radio Licence) Regulations, 2005 (S.I. No. 646 of 2005).</p>

Three	Three Ireland (Hutchison) Limited
Transfer	Means the assignment, under the Proposed Framework, by a Licensee (“the Transferor”) of some or all of the Individual Rights of Use for radio frequencies granted under a Licence to another party (“the Transferee”) where the Transferor must divest itself of all rights of use transferred.
Trial (Third Party Trial) Licence	Means a WT Licence in the form set out in the Schedule of the Wireless Telegraphy (Third Party Trial Licence) Regulations, 2005 (S.I. No. 114 of 2005).
undertaking	Has the meaning ascribed to it in the EECC Regulations, where “ <i>undertaking</i> ” means “ <i>a person engaged or intending to engage in the provision of electronic communications networks or services or associated facilities.</i> ”
Vodafone	Vodafone Ireland Limited
Wireless Public Address System (WPAS) Licence	Means a WT Licence in the form set out in Schedule 1 of the Wireless Telegraphy (Wireless Public Address System) Regulations, 2006 (S.I. No. 304 of 2006).
WT Lease Licence	Means a WT Licence granted to a Lessee following the approval of the relevant Lease by ComReg.
Wireless Telegraphy (or “WT”) Licence	Means a licence granted under section 5 of the Act of 1926 to keep and have possession of apparatus for wireless telegraphy in any specified place in the State or to keep and have possession of apparatus for wireless telegraphy in any specified ship or other vessel or aircraft, as the case may be.

<p>WT Licence Regulations</p>	<p>Means regulations made under Section 6 of the 1926 Act that prescribe matters relating to the grant of WT Licences.</p>
<p>Working Day</p>	<p>Means a day which is not a Saturday or Sunday or a public holiday.</p>

Annex 2: Spectrum leases to date

A 2.1 This annex set out information on the spectrum leases to date.

Table 4: Spectrum leases to date (all in 3.6 GHz Band)

Year	Lease	Documents	Key details	ComReg observations
2020	Eir, Three, and Vodafone to Imagine (3 leases)	Notification: 8 May 2020 (20/30) Determination: 19 June 2020 (20/51) Written Determination referenced in 20/51: 25th August 2020 (20/77)	For a period of 3 months from 22 June 2020 for <u>18 locations</u> <ul style="list-style-type: none"> 20 MHz of Meteor’s spectrum rights at ten locations, 15 MHz at one other location, and 40 MHz at one further location; 20 MHz of Three’s spectrum at one location; and 20 MHz of Vodafone’s spectrum at three locations, 40 MHz at one further location; and 60 MHz at another further location. 	<ul style="list-style-type: none"> Pre-meeting discussion held before submission of notifications. Notifications submitted in form of three proposed lease agreements between Imagine and each of the three MNOs. Covid-19 traffic demands identified as background to the proposed lease agreements. No amendments to licence conditions No submissions received on the notifications. ComReg’s determination – proposed leases would not be likely to distort competition and may be put into effect for a period of 3 months from 22 June 2020.
	Dense Air to Imagine (1 lease)	Notification: 19th August 2020 (20/75) Determination and written determination: 22 September 2020 (20/87)	For a period of 6 months from 22 September 2020: <ul style="list-style-type: none"> 20 MHz of Dense Air’s spectrum at <u>five (5) locations</u> 	<ul style="list-style-type: none"> Notification submitted in form of a proposed lease agreement between Imagine and Dense Air. Covid-19 traffic demands identified as background to the proposed lease agreement. No amendments to licence conditions No submissions received on the notifications. ComReg’s determination – proposed lease would not be likely to distort competition and may be put into effect for a period of 6 months from 22 September 2020.
	Eir, Three, and Vodafone to Imagine (3 leases)	Notification : 29 September 2020 (20/89) Determination and written determination: 13 October 2020 (20/97)	For a period of 6 months from 13 October 2020 for <u>18 locations</u> <ul style="list-style-type: none"> 20 MHz of Meteor’s spectrum at ten locations, 15 MHz at one other location, and 40 MHz at one further location; 20 MHz of Three’s spectrum at one location; and 20 MHz of Vodafone’s spectrum at three locations, 40 MHz at one further location; and 60 MHz at another further location. 	<ul style="list-style-type: none"> Previous lease agreements (Imagine/Meteor, Imagine/Three, Imagine/Vodafone) expired on 21 September 2020. Notifications submitted in form of three proposed lease agreements between Imagine and each of the three MNOs. Covid-19 traffic demands identified as background to the proposed lease agreement. No amendments to licence conditions No submissions received on the notifications.

				<ul style="list-style-type: none"> ComReg’s determination – proposed lease would not be likely to distort competition and may be put into effect for a period of 6 months from 13 October 2020.
2021	Eir, Vodafone and Dense Air to Imagine (3 leases)	Notification Dense Air: 25 March 2021 (21/25), Notification Meteor, 26 March 2021 (21/27), Notification Vodafone 25 March 2021 (21/36) Determination and written determination: 10 May 2021 (21/46)	For a period of 6 months from 11 May 2021 for <u>18 locations</u> <ul style="list-style-type: none"> 20 MHz of Meteor’s spectrum at six locations; 20 MHz of Dense Air’s spectrum at eight locations; and 20 MHz of Vodafone’s spectrum at two locations, 40 MHz at one further location; and 60 MHz at another further location. 	<ul style="list-style-type: none"> Previous lease agreement (Imagine/Dense Air) expired on 21 March 2021. Previous lease agreements (Imagine/Meteor, Imagine/Vodafone) expired on 12 April 2021. Notifications submitted in form of three proposed lease agreements between Imagine and each of the parties. Covid-19 traffic demands identified as background to the proposed lease agreements. No amendments to licence conditions No submissions received on the notifications. ComReg’s determination – proposed lease would not be likely to distort competition and may be put into effect for a period of 6 months from 11 May 2021.
	Eir and Vodafone to Imagine (2 leases)	Notification: 16 November 2021 (21/115) Determination and written determination: 16 December 2021 (21/131)	For a period of 6 months from 16 December 2021 for <u>6 locations</u> <ul style="list-style-type: none"> 20 MHz of Meteor’s spectrum at three locations; 20 MHz of Vodafone’s spectrum at one location, 40 MHz at one further location; and 60 MHz at another further location. 	<ul style="list-style-type: none"> Previous lease agreements (Imagine/Vodafone, Imagine/Meteor) expired on 10 November 2021. Notifications submitted in form of proposed lease agreements between Imagine and each of the parties. Covid-19 traffic demands identified as background to the proposed lease agreements. No amendments to licence conditions No submissions received on the notifications. ComReg’s determination – proposed lease would not be likely to distort competition and may be put into effect for a period of 6 months from 16 December 2021.
2022	Eir and Vodafone to Imagine (2 leases)	Notification: 17 June 2022 (22/46) Determination and written determination: 25 July 2022 (22/64)	For a period of 6 months from 25 July 2022 for <u>4 locations</u> <ul style="list-style-type: none"> 20 MHz of Meteor’s spectrum at one location; 20 MHz of Vodafone’s spectrum at one location, 40 MHz at one further location, and 60 MHz at another further location. 	<ul style="list-style-type: none"> Previous lease agreements (Imagine/Vodafone, Imagine/Meteor) expired on 15 June 2022. Notifications submitted in form of proposed lease agreements between Imagine and each of the parties. Covid-19 traffic demands identified as background to the proposed lease agreements. No amendments to licence conditions No submissions received on the notifications. ComReg’s determination – proposed lease would not be likely to distort competition and may be put into effect for a period of 6 months from 25 July 2022.
	Dense Air and Vodafone to Eircom	Notification of Dense Air lease: 13 July 2022 (22/61)	For a period of 6 months from 25 July 2022 for <u>2 locations</u> <ul style="list-style-type: none"> 14 MHz of Dense Air’s spectrum at one location; 14 MHz of Vodafone’s spectrum at one location. 	<ul style="list-style-type: none"> Eir’s Transition Unprotected Licence (“TUL”) licence in 3.6 GHz Band expired on 31 July 2022.

	(2 leases)	Determination and written determination: 25 July 2022 (22/65)		<ul style="list-style-type: none"> • Notifications submitted in form of proposed lease agreements between Eir and each of the parties. • Eir's transition from its former 3.6 GHz Band spectrum, and the use of currently used spectrum identified as background to the proposed lease agreements. • No amendments to licence conditions • No submissions received on the notifications. • ComReg's determination – proposed lease would not be likely to distort competition and may be put into effect for a period of 6 months from 25 July 2022.
2023	Vodafone to Imagine (1 lease)	Notification: 23 January 2023 (23/08) Determination and written determination: 10 March 2023 (23/22)	For a period of 6 months from 10 March 2023 for <u>3 locations</u> , <ul style="list-style-type: none"> • 20 MHz of Vodafone's spectrum at one location, • 40 MHz of Vodafone's spectrum at one further location, and • 60 MHz of Vodafone's spectrum at another further location. 	<ul style="list-style-type: none"> • Previous lease agreement (Imagine/Vodafone) expired on 24 January 2023. • Notification submitted in form of proposed lease agreement between Imagine and Vodafone. • Covid-19 traffic demands identified as background to the proposed lease agreement. • No amendments to licence conditions • No submissions received on the notifications. • ComReg's determination – proposed lease would not be likely to distort competition and may be put into effect for a period of 6 months from 10 March 2023.
	Dense Air and Vodafone to Eircom (2 leases)	Notification: 2 February 2023 (23/10) Determination and written determination: 10 March 2023 (23/23)	For a period of 3 months from 10 March 2023 for <u>2 locations</u> <ul style="list-style-type: none"> • 14 MHz of Dense Air's spectrum at one location; and • 14 MHz of Vodafone's spectrum at one location. 	<ul style="list-style-type: none"> • Previous lease agreement (Eir/Vodafone and Eir/Dense Air) expired on 24 January 2023. • Notifications submitted in form of proposed lease agreements between Eir and each of the parties. • Eir's transition from its former 3.6 GHz Band spectrum, and the use of currently used spectrum identified as background to the proposed lease agreements. • No amendments to licence conditions • No submissions received on the notifications. • ComReg's determination – proposed lease would not be likely to distort competition and may be put into effect for a period of 3 months from 10 March 2023.
	Vodafone to Imagine (1 lease)	Notification: 7 September 2023 (23/82) Determination and written determination: 2 October 2023 (23/95)	For a period of 3 months from 2 October 2023 for <u>1 location</u> , <ul style="list-style-type: none"> • 20 MHz of Vodafone's spectrum at one location 	<ul style="list-style-type: none"> • Previous lease agreement (Imagine/Vodafone) expired on 9 September 2023. • Notification submitted in form of proposed lease agreement between Imagine and Vodafone. • Covid-19 traffic demands identified as background to the proposed lease agreement. • No amendments to licence conditions • No submissions received on the notifications.

				<ul style="list-style-type: none">• ComReg's determination – proposed lease would not be likely to distort competition and may be put into effect for a period of 3 months from 2 October 2023.
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Annex 3: Regulation 33, 34 and 101(4) of the EECC Regulations

Regulation 33

“Transfer or lease of individual rights of use for radio spectrum

33. (1) The Regulator shall ensure that undertakings may transfer or lease to other undertakings, individual rights of use for radio spectrum.

(2) Where an individual right of use for radio spectrum was initially obtained by an undertaking free of charge or assigned for broadcasting, the Regulator may, with the consent of the Minister, determine that paragraph (1) does not apply.

(3) An undertaking intending to transfer or lease rights of use for radio spectrum shall notify the Regulator of its intention to do so and of the effective transfer of the rights. The notification shall be in accordance with procedures specified by the Regulator. The Regulator shall ensure that such notifications are made public. In the case of harmonised radio spectrum, any such transfer shall comply with such harmonised use.

(4) Where the original conditions attached to the rights of use for radio spectrum are maintained, the Regulator shall allow the transfer or lease of those rights. Without prejudice to the need to ensure the absence of a distortion of competition, in particular in accordance with Regulation 34, the Regulator shall:

(a) submit transfers and leases to the least onerous procedure possible;

(b) not refuse the lease of rights of use for radio spectrum where the lessor undertakes to remain liable for meeting the original conditions attached to the rights of use;

(c) not refuse the transfer of rights of use for radio spectrum unless there is a clear risk that the new holder is unable to meet the original conditions for the right of use.

(5) Any administrative charge imposed by the Regulator on undertakings in connection with processing an application for the transfer or lease of rights of use for radio spectrum shall comply with Article 16 of the Directive.

(6) Subparagraphs (a), (b) and (c) of paragraph (4) are without prejudice to the Regulator's competence to enforce compliance with the conditions attached to the rights of use at any time, both with regard to the lessor and the lessee, in accordance with law.

(7) The Regulator shall facilitate the transfer or lease of rights of use for radio spectrum by giving consideration to any request to adapt the conditions attached to

the rights in a timely manner and by ensuring that those rights or the relevant radio spectrum may to the best extent be partitioned or disaggregated.

(8) In light of any transfer or lease of rights of use for radio spectrum, the Regulator shall make relevant details relating to tradable individual rights publicly available in a standardised electronic format when the rights are created and keep those details for as long as the rights exist.

(9) Where radio spectrum use has been harmonised through the application of the Radio Spectrum Decision or other European Union measures, a transfer of rights to use radio spectrum shall comply with such harmonised use.”

Regulation 34

“Competition

34. (2) When the Regulator decides to grant, amend or renew rights of use for radio spectrum, it may take appropriate measures such as:

...

(c) refusing to grant new rights of use for radio spectrum or to allow new radio spectrum uses in certain bands, or attaching conditions to the grant of new rights of use for radio spectrum or to the authorisation of new uses of radio spectrum, in order to avoid the distortion of competition by any assignment, transfer or accumulation of rights of use;

(d) including conditions prohibiting, or imposing conditions on, transfers of rights of use for radio spectrum, not subject to European Union or national merger control, where such transfers are likely to result in significant harm to competition;

(e) amending the existing rights in accordance with the Directive where this is necessary to remedy ex post a distortion of competition by any transfer or accumulation of rights of use for radio spectrum.

(3) When taking any measure referred to in paragraph (2) the Regulator shall, taking into account market conditions and available benchmarks, base its decisions on an objective and forward-looking assessment of:

(a) the market competitive conditions,

(b) whether such measures are necessary to maintain or achieve effective competition, and,

(c) the likely effects of such measures on existing and future investments by market participants in particular for network roll-out.

In doing so, it shall take into account the approach to market analysis as set out in Regulation 49(5).

(4) When taking any decision or measure referred to in paragraph (2) the Regulator shall act in accordance with the procedures provided for in Regulations 14, 15, 19 and 101.”

Regulation 101

“Consultation and transparency mechanism

101. (1) In this Regulation “measure” means a decision, designation, determination, requirement, specification or other act of an equivalent effect made by the Regulator or any other competent authority under these Regulations, other than a determination under Regulation 67 or 68, and a case falling within Regulation 17(9) to (11).

(2) Except in cases falling within Regulation 17(9) to (11) where the Regulator or any other competent authority intends to take a measure in accordance with these Regulations or intends to provide for a restriction under Regulation 27(3) to (8), which have a significant impact on a relevant market, the Regulator or other competent authority shall observe the procedures referred to in paragraphs (3) and (4).

(3) Before taking a measure under paragraph (2) the Regulator or other competent authority shall publish the text of the proposed measure, give the reasons for it, including information as to which of its statutory powers gives rise to the measure, and specify the period within which submissions relating to the proposal may be made by interested parties.

(4) The period referred to in paragraph (3) shall have regard to the complexity of the matter and, except in exceptional circumstances, shall not be shorter than 30 days.

(5) The Regulator or other competent authority, having considered any representations received under paragraph (3), may take the measure with or without amendment.

(6) The Regulator or other competent authority shall publish its consultation procedures and shall establish a single information point through which all current consultations can be accessed.

(7) The Regulator or other competent authority shall, subject to the protection of the confidentiality of any information which it considers to be confidential, make the results of any consultation under this Regulation publicly available.

(8) For the purposes of Regulation 19, the Regulator shall inform the RSPG at the moment of publication about any draft measure which falls within the scope of the

comparative or competitive selection procedure pursuant to Regulation 36(2) and (3) and relates to the use of radio spectrum for which harmonised conditions have been set by technical implementing measures in accordance with the Radio Spectrum Decision in order to enable its use for wireless broadband networks and services.

Annex 4: WT Licence types - ComReg's observations and proposals for inclusion in Proposed Framework

A 4.1 This annex lists all the Wireless Telegraphy (WT) licence types currently available under relevant WT licensing legislation in Ireland and sets out:

- ComReg's observations on whether the WT Licence type is for individual or shared rights of use, or potentially a mixture of both;
- Information on the relevant licensing considerations for each WT Licence type (e.g. the EC harmonisation decisions that apply, etc.) and ComReg's observations on same in relation to any spectrum transfer or lease notification that might be submitted for that WT Licence type in the future; and
- ComReg's proposal on whether to include the WT Licence type in the Proposed Framework.

A 4.2 Before setting out the above information, a summary of ComReg's proposal is set out in the table below.

Table 5: WT Licence types proposed for inclusion in Proposed Framework.

A) Shared rights	B) Individual rights - MWBB WT Licences	C) individual rights - Broadcasting Licences	D) Individual rights - Other WT Licences	
Do not include in the Proposed Framework	Include in the Proposed Framework.	Do not include in the Proposed Framework	Include in Proposed Framework	
1. Aircraft Station, 2. Amateur Station, 3. Automatic Identification System (AIS) 4. Wireless Public Address System (WPAS) 5. Temporary Business Radio, 6. Test (Research and Development) 7. Trial (Third Party Trial) 8. Business Radio and 9. Community Repeater	10. 3G Licence & 2.1 GHz Band Liberalised Use, 11. 3.6 GHz Band Liberalised Use, 12. 3.6 GHz Band Spectrum Lease 13. 3.6 GHz Band Transition Protected (Note 1) 14. MBSA1 Liberalised Use, 15. MBSA2 Liberalised Use, 16. MBSA2 Spectrum Lease, 17. MBSA2 2.3 GHz Band Transition (Note 1)	18. Coimisiún na Meán 19. RTÉ Analogue Sound Broadcasting Services, 20. RTÉ Digital Sound Broadcasting Multiplex, and 21. RTÉ Digital Terrestrial Television Broadcasting Services	22. 26 GHz Band National Point-to-Point, 23. 400 MHz Band, 24. Fixed Wireless Access Local Area (FWALA), 25. Regional Telemetry (On-Site, Local Area and Wide Area) 26. National Telemetry 27. Third Party Business Radio 28. GSM for Railway (GSM-R), (Note 2) 29. Mobile Satellite Service and Complementary Ground (MSS with CGC), (Note 2) 30. Emergency Service Digital Radio (ESDR) (Note 2)	31. Fixed Radio Link & Temporary Radio Link Licences (Note 3) , 32. Satellite Earth Station (SES) Licence (Note 3) 33. Mobile Radio Systems (Trunked Radio) Licences (Note 3) 34. Air Traffic Services (Note 3 and 4) , 35. Maritime Services (Note 3 and 4) , 36. Radiolocation (Note 3 and 4) , and 37. Radionavigation (Note 3 and 4)

Note 1: A transfer or lease of spectrum rights in these WT Licence types is not possible in practice given licensing conditions as aside from the existing licensee (Imagine for the 3.6 GHz Band Transition Protected Licence and Eir for the MBSA2 2.3 GHz Band Transition Licence) there are no other undertakings eligible to be assigned rights in these WT Licence types.

Note 2: The transfer or lease of spectrum rights in these licence types is not currently possible in practice given market conditions as the existing licensees (Irish Rail for the GSM-R Licence, Tetra Ireland for the ESDR Licence, and Inmarsat Ventures Ltd. and Solaris Mobile Ltd. (now EchoStar) for the MSS with CGC Licences) are the only undertakings currently eligible to be issued a licence in these WT Licence types.

Note 3: The transfer or lease of spectrum rights in these licence types is for the full licence only (i.e. transfer or lease a licence with same apparatus / apparatus set-up as in original licence).

Note 4: The transfer or lease of spectrum rights in these licence types is also subject to the prior approval of the external body (IAA, Department of Transport, Commissioners for Irish Lights (CIL) as appropriate) responsible for carrying out the technical assessment and/or technical approval. Licence amendments can be requested in the standard licensing process as per the licensing guidelines.

A.3.1 ComReg’s observations and proposals for inclusion in Proposed Framework per WT Licence type

Table 6: Shared Rights

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
1.	Aircraft Station	Licence Regulations: SI 193 of 2009	Guidelines: ComReg 09/44 R5	Shared rights ⁶⁷	<p>Aircraft Station licences are available on an ongoing basis⁶⁸.</p> <p>As of 30 June 2023, there were 1,835 live Aircraft Station licences in the ComReg licensing database.</p> <p>In Ireland, the regulation of the aviation industry is the responsibility of the Irish Aviation Authority (IAA). ComReg’s role in this area is limited to administering the issue of radio licences for radio transceiver equipment on board aircraft, for ground based aeronautical transceivers, radar and radionavigation systems.</p>	No
2.	Amateur Station	Licence Regulations: SI 192 of 2009	Guidelines: ComReg 09/45R6	Shared rights ⁶⁹	<p>Amateur Station licences are available on an ongoing basis⁷⁰.</p> <p>As of 30 June 2023, there were 2,149 live Radio Amateur licences in the ComReg licensing database.</p>	No

⁶⁷ Spectrum rights in an Aircraft Station licence are for shared international aeronautical frequencies/bands managed by the Irish Aviation Authority (IAA)

⁶⁸ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/aircraft-radio/>

⁶⁹ Spectrum rights in Amateur Station Licences are for shared amateur station operational bands as set out in Annex 1 of the guidelines [ComReg 09/45R6](#).

⁷⁰ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/radio-amateurs-2/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					The Amateur Station licensing scheme allows individuals to use radio equipment for the purposes of conducting experiments, intercommunication and engaging in self-training in wireless telegraphy.	
3.	Automatic Identification System (AIS)	Licence Regulations: SI 369 of 2009	Guidelines: ComReg 11/07 R2	Shared rights ⁷¹	<p>AIS licences are available on an ongoing basis⁷².</p> <p>As of 30 June 2023, there were 17 live AIS licences in the ComReg licensing database.</p> <p>An Automatic Identification System (AIS) is a broadcast transponder system operating in the VHF maritime mobile band. AIS transponder equipment is used on ships and aids to navigation by Vessel Traffic Services (VTS) and by Maritime Authorities. These aids may be located on shore, such as in a lighthouse, or on the water, on platforms or buoys. They allow the transmission of positional information to ships and to shore, as well as certain additional information such as the nature and status of the Aids to Navigation, meteorological and hydrological information.</p>	No
4.	Wireless Public Address System (WPAS)	Licence Regulations: SI 304 of 2006	Guidelines: 06/26	Shared rights ⁷³	<p>WPAS licences are available on an ongoing basis⁷⁴.</p> <p>As of 30 June 2023, there were 40 live WPAS licences in the ComReg licensing database.</p>	No

⁷¹ There are two AIS channels shared among the AIS licensees. These AIS channels are agreed on a worldwide basis by the ITU. (Section 5.3.3 of the guidelines [ComReg 11/07 R2](#))

⁷² See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/automatic-identification-system-ais/>

⁷³ All WPAS licensees are assigned the same frequency range 27.0 - 27.99 MHz. Licensees or their suppliers are responsible for selecting a channel in that range. (Section 3.1 of guidelines [06/26](#))

⁷⁴ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/wireless-public-address-system/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					The Wireless Public Address System (WPAS) licensing scheme allows churches and community-based organisations throughout the country to cater for parishioners who are housebound and are unable to attend church or other community services.	
5.	Test (Research and Development)	Licence Regulations: SI 113 of 2005	Guidelines: ComReg 05/35R	Shared rights ⁷⁵	<p>Test (Research and Development) licences are available on an ongoing basis⁷⁶.</p> <p>As of 30 June 2023, there were 7 live Test licences in the ComReg licensing database.</p> <p>Test Licences are issued for the testing, developing, evaluation, improvement and/or advancement of new and novel applications and apparatus for wireless telegraphy at a fixed location as specified in the Licence.</p>	No
6.	Trial (Third Party Trial)	Licence Regulations: SI 114 of 2005	Guidelines: ComReg 05/35R	Shared rights ⁷⁷	<p>Trial (Third Party Trial) licences are available on an ongoing basis⁷⁸.</p> <p>As of 30 June 2023, there were 20 live Test licences in the ComReg licensing database.</p> <p>Trial Licences are issued for the provision of an electronic communications network or an electronic communications service, usually for restricted</p>	No

⁷⁵ It is a standard licence condition that Test (Research and Development) licences are granted on a non-interfering and non-protected basis and can thus be shared with other licensees/users. (Paragraphs 26 and 12 of guidelines [ComReg 05/35R](#))

⁷⁶ See www.testandtrial.ie

⁷⁷ It is a standard licence condition that Trial (Third Party Trial) licences are granted on a non-interfering and non-protected basis and thus can be shared with other licensees/users. (Paragraphs 26 and 22 of guidelines [ComReg 05/35R](#))

⁷⁸ See www.testandtrial.ie

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					remuneration to a limited number of Third Party Participants, as specified in the licence, for the purpose of testing applications and apparatus.	
7.	Temporary Business Radio	Licence Regulations: SI 320 of 1949 as amended by SI 2 of 1956 (re station types), SI 181 of 1957 (re provision for temporary licences) and SI 193 of 1980 , SI 114 of 1981 , SI 73 of 1982 , SI 88 of 1983 , SI 84 of 1985 , SI 75 of 1986 , SI 114 of 1992 (re fees)	Guidelines: ComReg 08/08R7	Shared Rights ⁷⁹	<p>Temporary Business Radio licences are available on an ongoing basis⁸⁰.</p> <p>As of 30 June 2023, there were 62 live Temporary Business Radio licences in the ComReg licensing database.</p> <p>Temporary Business Radio (TBR) allows individuals or firms to apply for temporary licensing of radio equipment at special events such as concerts and football matches. TBR licences are issued for a maximum of 6 months.</p>	No
8.	Business Radio	Licence Regulations: SI 320 of 1949 as amended by SI 2 of 1956 (re station types), SI 181 of 1957 (re provision	Guidelines: ComReg 00/07aR1	Shared Rights ⁸¹	<p>Business Radio licences are available on an ongoing basis⁸².</p> <p>As of 30 June 2023, there were 831 live Business Radio licences in the ComReg licensing database.</p>	No

⁷⁹ In a Temporary Business Radio Licence it is a standard licence condition that licences are granted on a non-interfering and non-protected basis and can thus be shared with other licensee/users. (Paragraph 3 of the guidelines [ComReg 08/08R7](#))

⁸⁰ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/business-radio/>

⁸¹ It is a standard licence condition of Business Radio licences that channels must be operated on a shared basis. (Section 2.1 of guidelines [ComReg 00/07aR1](#))

⁸² See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/business-radio/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
		for temporary licences) and SI 193 of 1980 , SI 114 of 1981 , SI 73 of 1982 , SI 88 of 1983 , SI 84 of 1985 , SI 75 of 1986 , SI 114 of 1992 (re fees)			A Business Radio licence permits the operation of two-way radio communication on the business of the licensee. The main users of Business Radio are those which require a reliable means of communication between personnel and in particular groups of personnel over a specific area. Such examples of this include taxi services, courier/delivery services and for public safety and security (Garda, fire brigade and ambulance).	
9.	Community Repeater	Licence Regulations: SI 83 of 1988	Guidelines: ComReg 02/03R1	Shared Rights ⁸³	Community Repeater licences are available on an ongoing basis ⁸⁴ . As of 30 June 2023, there were 3 live Community Repeater licences in the ComReg licensing database. The Community Repeater licensing scheme allows the licensee to establish a community repeater system and offer commercial radio communication services to customers within its area. The licence covers all elements of the community repeater system including the mobiles, thereby eliminating the requirement for customers to hold individual radio licences.	No

⁸³ In a Community Repeater Licence, it is a standard licence condition that channels must be operated on a shared basis.

⁸⁴ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/business-radio/>

Table 7: Individual Rights - MWBB WT Licence types

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg observations and proposal		
				Individual rights / Shared rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
10.	3G Licence & 2.1 GHz Band Liberalised Use	Regulations: S.I. No 345 of 2002 and S.I. No 340 of 2003 as amended by S.I. No. 265 of 2021	<p><i>3G Information Memorandum :</i> ODTR 01/96</p> <p><i>MBSA2 Information Memorandum:</i> ComReg 21/40</p> <p><i>Application Form:</i> ComReg 21/57</p>	Individual rights	<p>In the 3G competition, four 3G licences were available for award, where applicants could only obtain one such licence in the competition. (3G Information Memorandum)</p> <p>Eir is the only licensee with a 3G Licence & 2.1 GHz Band Liberalised Use.</p> <p>Spectrum rights in the 3G licence are for the provision of 3G services.</p> <p>Spectrum rights in the 2.1 GHz Band Liberalised Use licence are to be used in accordance with EU harmonised decision 2012/688/EU as amended. (Regulation 2 of Licensing Regulations).</p> <p>Applications for a 2.1 GHz Band Liberalised Use licence can only be made by an existing 3G licensee.</p> <p>The 3G licence contains coverage and QoS licence conditions.</p>	Yes
11.	3.6 GHz Band Liberalised Use Licence	Regulations: SI No. 532 of 2016	<p><i>Information Memorandum:</i> ComReg 16/71</p>	Individual rights	<p>Following the 3.6 GHz Band award⁸⁵, a 3.6 GHz Band Liberalised Use Licence was issued to:</p> <ul style="list-style-type: none"> • Dense Air Ireland; • Eir; • Imagine; • Three; and • Vodafone. 	Yes

⁸⁵ See <https://www.comreg.ie/industry/radio-spectrum/spectrum-awards/3-6ghz-band-spectrum-award/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg observations and proposal		
				Individual rights / Shared rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>In the 3.6 GHz Band award, a spectrum competition cap was used, being 150 MHz of 3.6 GHz spectrum in each region (section 4.1.3 of the Information Memorandum)</p> <p>Spectrum rights in the 3.6 GHz Band Liberalised Use Licence can only be used in accordance with EU harmonised decision 2014/276/EU as amended. (Regulation 2 of Licensing Regulations)</p> <p>The 3.6 GHz Band Liberalised Use Licences contain Rollout and Quality of Service (QoS) licence conditions.</p>	
12.	3.6 GHz Band Spectrum Lease	<p>Regulations: SI No. 532 of 2016</p>	<p>Information Memorandum: ComReg 16/71</p>	Individual rights	<p>Spectrum rights in the 3.6 GHz Band Spectrum Lease can only be used in accordance with EU harmonised decision 2014/276/EU as amended. (Regulation 2 of Licensing Regulations)</p> <p>Any transfer or leasing (i.e. sub-leasing) of the rights in this licence type is <u>subject to the terms of the original spectrum lease agreement.</u></p>	Yes
13.	3.6 GHz Band Transition Protected	<p>Licence Regulations: SI No. 532 of 2016</p>	<p>Information Memorandum: ComReg 16/71</p>	Individual rights	<p>The purpose of a 3.6 GHz Band Transition Protected Licence is to facilitate the transition of existing 3.6 GHz Fixed Wireless Access Local Area (FWALA) licensees out of the 3.6 GHz Band.</p> <p>A 3.6 GHz Band Transition Protected Licence may only be issued to an existing FWALA licensee who is also a Winning Bidder in a Region that contains some or all of the FWALA Service Area of its Existing Licence (Section 2.6 of Information Memorandum);</p>	Yes

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg observations and proposal		
				Individual rights / Shared rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>Following the 3.6 GHz Band award⁸⁶ only one existing 3.6 GHz FWALA licensee (Imagine) was eligible to apply this licence type, and a 3.6 GHz Band Transition Protected Licence was subsequently issued to Imagine.</p> <p>A transfer or lease of spectrum rights for this WT Licence type <u>is not possible in practice</u>, as</p> <ul style="list-style-type: none"> • this would contradict the purpose of this licence type which is to facilitate the transition of the legacy licensee out of the band; and • aside from Imagine, there is no other undertaking eligible for this licence type. 	
14.	MBSA1 Liberalised Use	<i>Licence Regulations:</i> SI No. 251 of 2012	<i>Information Memorandum:</i> ComReg 12/52	Individual rights	<p>Following the MBSA1 award⁸⁷, a MBSA1 Liberalised Use licence was issued to:</p> <ul style="list-style-type: none"> • Eir; • Telefonica O2 (subsequently acquired by Three); • Three; and • Vodafone. <p>In the MBSA1 award, a spectrum competition cap was used, being:</p> <ul style="list-style-type: none"> • 2 × 50 MHz of spectrum in 800 MHz, 900 MHz and 1800 MHz Bands; • 2 × 20 MHz of sub-1GHz spectrum (800 MHz & 900 MHz Bands); and • for Time Slice 1 only, a cap of 2 ×10 MHz of 900 MHz spectrum. (section 4.2 of the Information Memorandum) 	Yes

⁸⁶ See <https://www.comreg.ie/industry/radio-spectrum/spectrum-awards/3-6ghz-band-spectrum-award/>

⁸⁷ See <https://www.comreg.ie/industry/radio-spectrum/spectrum-awards/multi-band-spectrum-award-2012/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg observations and proposal		
				Individual rights / Shared rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>Spectrum rights in the MBSA1 Liberalised Use can only be used in accordance with EU harmonised decision 2014/276/EU (for 800 MHz Band) and 2009/766/EC (for 900 MHz and 1800 MHz Bands) as amended. (Regulation 2 of Licensing Regulations)</p> <p>The MBSA1 Liberalised Use licences contain Coverage and QoS licence conditions.</p>	
15.	MBSA2 Liberalised Use	<p><i>Licence Regulations:</i> S.I. No. 264 of 2021 as amended by S.I. No. 483 of 2022 and S.I. No. 594 of 2023</p>	<p><i>Information Memorandum:</i> ComReg 21/40</p>	Individual rights	<p>Following the MBSA2 award⁸⁸, a MBSA2 Liberalised Use licence was issued to:</p> <ul style="list-style-type: none"> • Eir; • Imagine; • Three; and • Vodafone. <p>In the MBSA2 award, a spectrum competition cap was used, being:</p> <ul style="list-style-type: none"> • 70 MHz of spectrum in the 700 MHz, 800 MHz and 900 MHz Bands; • 375 MHz of spectrum in the 700 MHz, 800 MHz, 900 MHz, 1800 MHz, 2.1 GHz, 2.3 GHz, 2.6 GHz and 3.6 GHz Bands. (section 4.1.3 of the Information Memorandum) <p>Spectrum rights in a MBSA2 Liberalised Use can only be used in accordance with:</p>	Yes

⁸⁸ See <https://www.comreg.ie/industry/radio-spectrum/spectrum-awards/proposed-multi-band-spectrum-award/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg observations and proposal		
				Individual rights / Shared rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<ul style="list-style-type: none"> EU harmonised decision (EU) 2016/687 (for the 700 MHz Band), 2012/688/EU (for the 2.1 GHz band) and 2008/477/EC (for the 2.6 GHz Band) as amended; and CEPT harmonised decision ECC (14)02 (for the 2.3 GHz Band) as amended. (Regulation 2 of Licensing Regulations) <p>The MBSA2 Liberalised Use Licences contain Coverage, Rollout and QoS licence conditions (as appropriate to the licence issued).</p>	
16.	MBSA2 Spectrum Lease	<p><i>Licence Regulations:</i> S.I. No. 264 of 2021 as amended by S.I. No. 483 of 2022</p>	<p><i>Information Memorandum:</i> ComReg 21/40</p>	Individual rights	<p>Spectrum rights in the MBSA2 Spectrum Lease licence can only be used in accordance with</p> <ul style="list-style-type: none"> EU harmonised decision (EU) 2016/687 (for the 700 MHz Band), 2012/688/EU (for the 2.1 GHz Band) and 2008/477/EC (for the 2.6 GHz band) as amended; and CEPT harmonised decision ECC (14)02 (for the 2.3 GHz Band) as amended. (Regulation 2 of Licensing Regulations). <p>Any transfer or leasing (i.e. sub-leasing) of the rights in this licence type is <u>subject to the terms of the original spectrum lease agreement.</u></p>	Yes

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg observations and proposal		
				Individual rights / Shared rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
17.	MBSA2 2.3 GHz Band Transition	Licence Regulations: S.I. No. 264 of 2021 as amended by S.I. No. 483 of 2022	Information Memorandum: ComReg 21/40	Individual rights	<p>The purpose of a MBSA2 2.3 GHz Band Transition licence is to facilitate the transition of the existing 2.3 GHz Band Licensee out of the 2.3 GHz band. (Paragraph 2.123 of the Information Memorandum)</p> <p>A MBSA2 2.3 GHz Band Transition licence may only be issued to an existing 2.3 GHz Band Licensee. (Regulation 4(5) of licence regulations and paragraph 2.125 of the IM)</p> <p>Only one undertaking, Eir, was eligible to apply for a MBSA2 2.3 GHz Band Transition licence.</p> <p>A transfer or lease of spectrum rights for this licence type is not possible in practice, as:</p> <ul style="list-style-type: none"> • this would contradict the purpose of this licence type which is to facilitate the transition of the legacy licensee out of the band; and • aside from Eir, there is no other undertaking eligible for this licence type. 	Yes

Table 8: Individual Rights - Broadcasting WT Licence types

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual rights / Shared rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
18.	Coimisiún na Meán	Section 59 of the Broadcasting Act 2009	n/a	Individual rights for Broadcasting	This licence type can only be granted to the Coimisiún na Meán (Section 59 of the Broadcasting Act 2009)	No
19.	RTÉ Analogue Sound Broadcasting Services	Licence Regulations: SI No. 197/2019	Licence: RTÉ SAB10001/2019 Technical Conditions: ComReg 12/04a	Individual rights for Broadcasting	Licence can only be granted to RTÉ. (Reg 3 of licence regulations)	No
20.	RTÉ Digital Sound Broadcasting Multiplex Licence	Licence Regulations: SI No. 197/2019	Technical Conditions: ComReg 08/100a	Individual rights for Broadcasting	Licence can only be granted to RTÉ. (Reg 3 of licence regulations)	No
21.	RTÉ Digital Terrestrial Television Broadcasting Services	Licence Regulations: SI No. 197/2019	Licences: RTÉ DTT10001/2019 (Multiplex 1) RTÉ DTT10002/2019 (Multiplex 2) Technical Conditions: ComReg 07/90b	Individual rights for Broadcasting	Licences can only be granted to RTÉ. (Reg 3 of licence regulations)	No

Table 9: Individual rights - Other WT Licence types

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
22.	26 GHz Band National Point-to-Point	Licence Regulations: SI.158 of 2018	Information Memorandum: ComReg 18/32	Individual rights	<p>Following the 26 GHz Spectrum Award⁸⁹, a 26 GHz Band National Point-to-Point licence was issued to:</p> <ul style="list-style-type: none"> • Three; • Meteor; and • Vodafone <p>In the 26 GHz spectrum award, a spectrum competition cap was used, being:</p> <ul style="list-style-type: none"> • a maximum of five 2 x 28 MHz lots per Bidder (paragraph 3.7 of IM) <p>Spectrum rights in the 26 GHz Band National Point-to-Point licences are for the provision of Point-to-Point Services. (Regulation 2(1) of the Licensing Regulations)</p>	Yes
23.	400 MHz Band	Licence Regulations: SI.489/2019	Information Memorandum: ComReg 19/80	Individual rights	<p>Following the 400 MHz award⁹⁰, a 400 MHz Band licence was issued to ESB Networks.</p> <p>Spectrum rights in the 410-413 MHz/420-423 MHz range (i.e. Part A) can only be used to provide wireless connectivity for Smart Grid by Utility Network(s). (Paragraph 2.11 of the Information Memorandum).</p>	Yes

⁸⁹ See <https://www.comreg.ie/industry/radio-spectrum/spectrum-awards/26-ghz-spectrum-award/>

⁹⁰ See <https://www.comreg.ie/industry/radio-spectrum/spectrum-awards/400mhz-band-spectrum/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>Spectrum rights in the 413-414 MHz/423-424 MHz range (i.e. Part B) can only be used to provide Radiocommunication Services (Paragraph 2.12 of the Information Memorandum).</p> <p>The 400 MHz Band Licence contains Rollout conditions. (Paragraphs 2.18 to 2.26 of the Information Memorandum)</p>	
24.	Fixed Wireless Access Local Area (FWALA)	Licence Regulations: SI 79 of 2003 as amended by SI 530 of 2003	Guidelines: ComReg 06/17R11	Individual rights	<p>FWALA licences are available on an ongoing basis⁹¹ subject to <i>inter alia</i> spectrum availability⁹².</p> <p>As of 30 June 2023, there were 16 live FWALA licences in the ComReg licensing database.</p> <p>Spectrum rights in a FWALA licence are for the provision of telecommunications services between a single base station at a fixed location and multiple subscriber terminal stations at fixed locations where the base station is connected to a telecommunications network. (Regulation 2(1) of Licensing Regulations)</p>	Yes
25.	Regional Telemetry (On-Site, Local Area and Wide Area)	Licence Regulations: SI 266 of 2024	Guidelines: ComReg 24/45	Individual rights	<p>Regional telemetry licences are available on an ongoing basis⁹³, subject to <i>inter alia</i> spectrum availability.</p> <p>As of 30 June 2023, there were 6 live regional Telemetry licences in the ComReg licensing database.</p>	Yes

⁹¹ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/fixed-wireless-access-local-area-fwala/>

⁹² See <https://siteviewer.comreg.ie/fwala/>

⁹³ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/telemetry/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>A Licence for telemetry systems allows a licensee to deploy a radio system by which automated measurements are made and other data collected at remote or inaccessible locations, and transmitted to receiving stations for monitoring, recording or remote control purposes (Regulation 2 of licensing regulations)</p> <p>These systems are primarily used by organisations such as utility and industrial companies, where continuous monitoring of operations and control of equipment at multiple locations is necessary to ensure the proper functioning of processes and equipment. This licensing scheme does not cover smart metering applications.</p>	
26.	National Telemetry	Licence Regulations: SI 266 of 2024	Guidelines: ComReg 24/45	Individual rights ⁹⁴	<p>A national telemetry system is defined as a system that has national coverage to enable operators (predominantly utility companies i.e. gas, electricity and water), with sites distributed across the State, to continuously control and monitor their network infrastructure. (Paragraph 11 of the guidelines)</p> <p>National telemetry licences are available on an ongoing basis⁹⁵, subject to <i>inter alia</i> spectrum availability.</p> <p>To ensure the efficient use of spectrum subject to National Telemetry Licences, no licensee will be granted rights of use to more than two blocks of spectrum. Furthermore, applicants for more than one national licence will be required to satisfactorily demonstrate to ComReg the need for the additional spectrum requested. (paragraph 17 of guidelines)</p>	Yes

⁹⁴ Cell frequencies in national telemetry channel plan are exclusive (Paragraph 15 of guidelines)

⁹⁵ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/telemetry/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					As of 30 June 2023, there were 3 live national Telemetry licences in the ComReg licensing database.	
27.	Third Party Business Radio	Licence Regulations: SI 646 of 2005	Guidelines: 05/82R5	Individual rights ⁹⁶	<p>The Third Party Business Radio licensing scheme is currently closed (Paragraph 10 of Guidelines 05/82R5).</p> <p>As of 30 June 2023, there were 61 live Third Party Business Radio licences in the ComReg licensing database.</p> <p>The Third Party Business Radio (TPBR) licence allows the licensee to provide business radio services to itself and to third parties on a nationwide basis using a 12.5 kHz duplex channel.</p>	Yes
28.	GSM for Railway (GSM-R)	Licence Regulations: SI 213 of 2013	Guidelines: ComReg 13/115 Application Form ComReg 13/115a	Individual rights	<p>A GSM-R licence is for the provision of GSM-R network which is the radio communication systems currently used for railway operations.</p> <p>In a GSM-R licence, the frequencies assigned may only be used for railway operational applications and public mobile radio services may not be provided. (Regulation 10(1)(d) and (e) of the Licensing Regulations)</p> <p>A GSM-R licence has been issued to Irish Rail (or Iarnród Éireann) for spectrum rights of use in the 876.2-879.6 MHz/921.2-924.6 MHz range.</p> <p>European Commission Decision (EU) 2021/1730⁹⁷ sets out harmonised conditions for the availability and efficient use of radio spectrum for the Railway</p>	Yes

⁹⁶ Channels are individually licensed. (Para 35 of guidelines ComReg Document [05/82R5](#))

⁹⁷ See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D1730>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>Mobile Radio (RMR) in the bands 874.4-880.0 MHz and 919.4-925.0 MHz and 1900-1910 MHz.</p> <p>RMR means GSM-R and its successor(s), including the Future Railway Mobile Communication System (FRMCS).</p> <p><u>A transfer or lease spectrum rights for this licence type is not currently possible in practice</u> as:</p> <ul style="list-style-type: none"> there is only regulated railway infrastructure manager in Ireland⁹⁸ namely Irish Rail (or Iarnród Éireann). 	
29.	Mobile Satellite Service and Complementary Ground (MSS with CGC)	Licence Regulations: S.I. No. 282 of 2018	ComReg Decision: ComReg 17/97	Individual rights	<p>A MSS with CGC Licence allows the licensee to deploy apparatus for the purpose of providing a MSS with CGC, where:</p> <ul style="list-style-type: none"> MSS means a radio communications service between mobile earth stations and one or more space stations; and CGC means base stations used at fixed locations in order to improve the availability of a MSS in geographical areas within its footprint, where communications with one or more space stations cannot be ensured with the required quality. <p>Decision 2007/98/EC⁹⁹ harmonises the conditions for the availability and efficient use of the frequency bands 1,980 to 2,010 MHz (earth-to-space) and 2,170 to 2,200 MHz (space-to-earth) for systems providing mobile satellite services in the European Community</p>	Yes

⁹⁸ <https://www.crr.ie/about/work/>

⁹⁹ See <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32007D0098>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>Decision No 626/2008/EC¹⁰⁰ created a European Community procedure for the selection of operators to provide mobile satellite systems across the European Community and laid down provisions for the coordinated authorisation by Member States of the selected operators to use the assigned radio spectrum for the provision of MSS.</p> <p>Decision No. 2009/449/EC¹⁰¹:</p> <ul style="list-style-type: none"> • selected of Inmarsat Ventures Ltd. and Solaris Mobile Ltd. (now EchoStar) as the operators of the pan-European MSS systems; and • identified the specific frequency bands to be authorised to each of them. <ul style="list-style-type: none"> (a) Inmarsat Ventures Limited: from 1,980 to 1,995 MHz for earth to space communications and from 2,170 to 2,185 MHz for space to earth communications; (b) Solaris Mobile Limited: from 1,995 to 2,010 MHz for earth to space communications and from 2,185 to 2,200 MHz for space to earth communications. <p>Decision 2011/667/EU¹⁰² laid down the modalities for the coordinated application of Member States’ rules on enforcement applicable to an authorised operator of mobile satellite systems in the event of an alleged breach of the common conditions attached to its authorisation.</p> <p>It is a condition of the MSS with CGC Licence that:</p>	

¹⁰⁰ See <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008D0626>

¹⁰¹ See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009D0449>

¹⁰² See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011D0667>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<ul style="list-style-type: none"> the apparatus for MSS with CGC complies with Decision No 626/2008/EC, Decision No. 2009/449/EC and Decision 2011/667/EU; and it uses the radio spectrum assigned under Decision No 626/2008/EC and Decision No. 2009/449/EC for the provision of Complementary Ground Components to a Mobile Satellite Service. (Regulation 6(1)(b) and (r) of licensing regulations) <p>ComReg has issued two MSS with CGC licences:</p> <ul style="list-style-type: none"> Inmarsat Ventures Ltd. and Solaris Mobile Ltd. (now EchoStar) <p><u>A transfer or lease of spectrum rights in this licence type is not currently possible in practice to as:</u></p> <ul style="list-style-type: none"> this would contravene Decision 2007/98/EC, Decision No. 2009/449/EC, and Decision No 626/2008/EC which together selected Inmarsat Ventures Ltd. and Solaris Mobile Ltd. (now EchoStar) as the operators for the pan-European MSS systems and identified the specific frequency bands to be authorised to each of them for the provision of MSS. 	
30.	Emergency Service Digital Radio	Licence Regulations: SI 324 of 2008	Guidance Notes: ComReg 08/67	Individual rights	An ESDR licence is for the provision of a Managed Digital Radio Services (MDRS) network, where MDRS means the network that is used exclusively to provide digital radio communications services to State security and emergency services and to non-commercial bodies engaged in the provision of services to State agencies. The MDRS Network may also be used by any electricity or gas utility undertaking that is making essential and urgent repairs to its network, in an emergency situation only. (Regulation 2(1) of licensing regulations).	Yes

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>Tetra Ireland has a contract with the Government to build and operate a National Digital Radio Service (NDRS).¹⁰³</p> <p>ComReg has issued an Emergency Service Digital Radio (ESDR) licence to Tetra Ireland. This ESDR licence is used by Tetra Ireland for the operation of a NDRS network in line with the Government contract.</p> <p>CEPT ECC Decision (08)05¹⁰⁴ harmonises frequency bands for the implementation of digital Public Protection and Disaster Relief (PPDR) narrow band and wide band radio application within the 380-470 MHz band using tuning ranges where necessary and to establish a common framework for the implementation of PPDR.</p> <p><u>The transfer or lease of spectrum rights in the licence type is not currently possible in practice as:</u></p> <ul style="list-style-type: none"> only one undertaking (Tetra Ireland) has a government contract to provide a NDRS service using the spectrum rights licensed in the ESDR Licence. 	

¹⁰³ See <https://www.tetraireland.ie/why-tetra> and <https://www.sigmaxwireless.com/tetra-ireland-1>

¹⁰⁴ See <https://docdb.cept.org/document/416>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
31.	Fixed Radio Link & Temporary Radio Link Licences	Licence Regulations: SI. 593 of 2023	Guidelines: ComReg 23/112	Individual rights	<p>Fixed Radio Link licences are available on an ongoing basis.¹⁰⁵</p> <p>As of 30 June 2023, there were 16,113 live Fixed Radio Link licences in the ComReg licensing database.</p> <p>A Fixed Radio Link Licence is for the provision of a Point to Point Fixed Radio Link or a Point to Multi-Point Fixed Radio Link, where a:</p> <ul style="list-style-type: none"> • Point to Point Radio Link is between two specified points; and • Point to Multi-Point Radio Link is between a specified fixed point and multiple points. <p>For each radio link licence issued, a technical assessment is carried out by ComReg to ensure that the apparatus and the Fixed Radio Link operates in accordance with the guidelines. Among other things, this aims to ensure that each Fixed Radio Link is licensed with conditions to minimise the potential for interference between users and services sharing the same frequency bands e.g. fixed radio links and satellite earth stations.</p> <p>This technical assessment results in each radio link licence having unique licence conditions which are only valid for the fixed radio link licensed. These unique conditions are for:</p> <ul style="list-style-type: none"> • specific apparatus with defined characteristics¹⁰⁶; and • a suite of technical conditions, including site height above sea level (m) and site co-ordinates; maximum transmitter power (dBW) and emission 	Yes (transfer or lease of <u>full licence</u> only)

¹⁰⁵ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/radio-links/>

¹⁰⁶ This includes, Equipment Manufacturer, Equipment Type, Equipment Class, Antennae Manufacturer, Antennae Type, Minimum Antennae Required.

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>designation; antenna gain (dBi), beamwidth, height above ground (m) and polarisation; and frequency channel (MHz).</p> <p>Noting that each radio link licence has unique licence conditions, including those based on specific apparatus, <u>it is only possible to transfer or lease a radio link licence in full</u> (i.e. transfer or lease a licence with same apparatus as in original licence).</p> <p>Note separate to the transfer or lease process it is possible to request a licence amendment, under the standard licensing process as set out in the licensing guidelines.</p>	

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
32.	Satellite Earth Station (SES)	Licence Regulations: SI 96 of 2024	Guidelines: ComReg 24/48	Could be individual or shared rights	<p>Satellite Earth Station licences are available on an ongoing basis.¹⁰⁷</p> <p>As of 30 June 2023, there were 42 live Satellite Earth Station licences in the ComReg licensing database.</p> <p>Under the SES licensing regulations there are two potential Licence Types</p> <ul style="list-style-type: none"> • SES; and • Transportable SES. <p>Transportable SES are earth stations used to transmit live or recently recorded footage from different locations. They are transportable and are commonly referred to as Satellite News Gathering stations. Spectrum rights in a Transportable SES licence are generally issued on a shared basis.</p> <p>Some SES frequency bands are shared with other wireless services e.g. fixed radio links. The nature of this sharing depends upon the status (Primary or Secondary) of the other wireless service, as outlined in the Radio Frequency Plan. (Section 3.1 of guidelines)</p> <p>Each SES and Transportable SES application is evaluated by ComReg based on the following criteria</p> <ul style="list-style-type: none"> • efficient use of the spectrum; • minimum radio and antenna equipment requirements; • successful coordination between Administrations and between users; • compliance with international obligations; and, • compliance with other licensing regimes regulated by ComReg (section 4.2 of the guidelines) 	Yes (transfer or lease of <u>full licence</u> only)

¹⁰⁷ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/satellite/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>Based on the application and ComReg’s evaluation of same, each SES and Transportable SES licences is issued with</p> <ul style="list-style-type: none"> • specific parameters (e.g. geographic location, vehicle registration number) and • specific technical conditions (e.g. Antenna height, Antenna gain, Space Station, Space Station Orbital longitude) <p>Noting that each SES and Transportable SES licence has unique licence conditions, including technical conditions based on specific equipment, <u>it is only possible to transfer or lease a SES or a transportable SES licence in full</u> (i.e. maintain same technical conditions and specific particulars as in original licence).</p> <p>Note it is possible to request a licence amendment, under the standard licensing process as set out in the licensing guidelines.</p>	

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
33.	Mobile Radio Systems (Trunked Radio)	Licence Regulations: SI 435 of 2002	Guidelines: ComReg 07/57R1	Individual rights ¹⁰⁸	<p>Mobile Radio Systems (Trunked¹⁰⁹ Radio) licences are available on an ongoing basis¹¹⁰, subject to <i>inter alia</i> spectrum availability.</p> <p>As of 30 June 2023, there were 27 live Mobile Radio (local area) licences in the ComReg licensing database.</p> <p>A Mobile Radio System (Trunked Radio) Licence allows a licensee to deploy a radio system of a type set out in Part I of the Licence (i.e. On Site or Wide Area)¹¹¹ using radio frequencies to provide wireless two way communication between two or more stations.</p> <p>Each application for a Mobile Radio Systems licence undergoes a technical assessment by ComReg, and each Mobile Radio Systems licence issued contains unique equipment/antenna characteristics and technical conditions specific for that licence.</p> <p>In addition, in some cases it may be necessary for ComReg to undertake co-ordination procedures with other bodies or administrations (i.e. UK or IAA).</p>	Yes (transfer or lease of <u>full licence</u> only)

¹⁰⁸ Although the guidelines ([ComReg 07/57R1](#)) indicate that Mobile Radio Systems licensees are required to share assigned radio frequencies with other licensees, individual rights are issued in the licence. (paragraph 6 of General Information in the guidelines).

¹⁰⁹ Trunking is a means of efficiently utilising a number of individual radio channels into a single radio traffic management system. This type of system automates the sharing of a pool of several radio channels by a number of users by dynamically allocating a channel to a specific user for the duration of a call, and afterwards returning that channel back to the pool in order to be assigned to other users. Trunked radio networks are likely to be operated by large national or regional organisations such as the emergency services, utilities and transport operators that need to communicate between large numbers of mobile users.

¹¹⁰ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/business-radio/>

¹¹¹ On-site mobile radio systems are trunked mobile radio systems which operate within a specific premises or business site and within a radius of not more than 1-2km from the licensed base station. Wide area mobile radio systems are systems not being operated within a specific premises or business site.

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>Noting that each Mobile Radio Systems licence has unique licence conditions, including technical conditions based on specific equipment, <u>it is only possible to transfer or lease a Mobile Radio Systems licence in full</u> (i.e. maintain same technical conditions and unique equipment/antenna characteristics as in original licence).</p> <p>Note it is possible to request a licence amendment, under the standard licensing process as set out in the licensing guidelines.</p>	
34.	Air Traffic Services	Licence Regulations: SI 369 of 2009	Guidelines: ComReg 11/07 R2	Individual rights	<p>Air Traffic Services licences are available on an ongoing basis¹¹².</p> <p>As of 30 June 2023, there were 58 live Air Traffic Services licences in the ComReg licensing database.</p> <p>Air Traffic Services describes ground-based equipment and systems utilising apparatus for wireless telegraphy, operating in the aeronautical frequency bands that are used or intended to be used in connection with the safety, security or operation of aircraft in flight or on the ground, and excludes public electronic communications networks and Radiodetermination Services.</p>	Yes (transfer or lease of <u>full licence</u> only and subject to prior approval of the <u>IAA</u>).

¹¹² See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/air-traffic-services/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>Spectrum rights for aeronautical bands are managed by the Irish Aviation Authority (IAA).</p> <p>Noting that each ATS licence has unique licence conditions, including technical conditions based on specific equipment and an approval from the IAA, <u>it is only possible to transfer or lease a ATS licence in full</u> (i.e. maintain same technical conditions and specific particulars as in original licence) <u>with approval from the IAA</u>.</p> <p>Note it is possible to request a licence amendment, under the standard licensing process as set out in the licensing guidelines.</p>	

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
35.	Maritime Services	Licence Regulations: SI 369 of 2009	Guidelines: ComReg 11/07 R2	Individual rights	<p>Maritime Services licences are available on an ongoing basis.</p> <p>As of 30 June 2023, there were 68 live Maritime Services licences in the ComReg licensing database.</p> <p>Maritime Services describes equipment and systems utilising apparatus for wireless telegraphy, operating in the maritime frequency bands not installed on vessels, that are used or intended to be used, in connection with:</p> <ul style="list-style-type: none"> • the safety, security or operation of vessels; or • the training of personnel in the Maritime Mobile Service and excludes public electronic communications networks and Radiodetermination Services. <p>The spectrum assigned to services under a Maritime Services Licence falls into two categories:</p>	<p>Yes (transfer or lease of <u>full licence</u> only and subject to prior approval of the <u>Dept. of Transport</u> for frequencies with a ‘Maritime Mobile’ ITU allocation)</p>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<ul style="list-style-type: none"> Land based Maritime Mobile which has an international ITU allocation. The management and coordination of the Maritime Mobile Spectrum for Ireland is under the aegis of the Dept. of Transport Land Based Private Maritime which do not have an ITU allocation for maritime use but they have been co-ordinated by ComReg for use by marinas, yacht clubs and other like groups, to assist in the co-ordination and operation of sailing regattas, competitions and other such localised events. <p>Noting that each Maritime Service licence has unique licence conditions, including technical conditions based on specific equipment and an approval from Dept. of Transport (as appropriate), it is only possible to transfer or lease a Maritime licence <u>in full</u> (i.e. maintain same technical conditions and specific particulars as in original licence) <u>with approval from Dept. of Transport</u> (as appropriate).</p> <p>Note it is possible to request a licence amendment, under the standard licensing process as set out in the licensing guidelines.</p>	

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
36.	Radiolocation	Licence Regulations: SI 369 of 2009	Guidelines: ComReg 11/07 R2	Individual rights	<p>Radiolocation licences are available on an ongoing basis.¹¹³</p> <p>As of 30 June 2023, there were 4 live Radiolocation licences in the ComReg licensing database.</p> <p>The ITU defines Radiolocation as Radiodetermination for purposes other than those of radionavigation. Several Radiolocation systems fall under the Radiolocation category for licensing by ComReg, including Radar, Racon, Loran C and Loran / eLoran. Radiolocation systems may operate within the aeronautical or maritime bands. Accordingly, the appropriate co-ordination and approvals must be confirmed by the relevant body prior to licensing body (i.e. the IAA or Commissioner of Irish Lights (“CIL”).</p>	<p>Yes (transfer or lease of <u>full licence</u> only subject to prior approval of the <u>IAA</u> or the <u>CIL</u>, or both as appropriate)</p>

¹¹³ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/radiodetermination-services/>

Ref	WT Licence type	Relevant WT licensing legislation	Relevant ComReg Documents	ComReg preliminary observations and proposal		
				Individual / Shared Rights	Relevant licensing considerations and ComReg Observations on same	Include in Proposed Framework?
					<p>The Commissioner of Irish Lights (CIL) is responsible for the provision, superintendence and management of maritime aids to navigation (i.e. lighthouses, buoys, radio and radar beacons, leading lights etc.) throughout the island of Ireland and its adjacent seas and islands. All maritime radio aids to navigation in Ireland must be operated with the permission of the CIL, granted by issuance of a Statutory Sanction.</p> <p>Spectrum rights for aeronautical bands are managed by the Irish Aviation Authority (IAA).</p> <p>Noting that each Radiolocation licence has unique licence conditions, including technical conditions based on specific equipment and an approval from IAA/CIL (as appropriate), <u>it is only possible to transfer or lease a Radiolocation licence in full</u> (i.e. maintain same technical conditions and specific particulars as in original licence) <u>with approval from IAA/CIL</u> (as appropriate).</p> <p>Note it is possible to request a licence amendment, under the standard licensing process as set out in the licensing guidelines.</p>	

<p>37.</p>	<p>Radionavigation</p>	<p>Licence Regulations: SI 369 of 2009</p>	<p>Guidelines: ComReg 11/07 R2</p>	<p>Individual rights (in the main)</p>	<p>Radionavigation licences are available on an ongoing basis.¹¹⁴</p> <p>As of 30 June 2023, there were 18 live Radionavigation licences in the ComReg licensing database.</p> <p>For licensing purposes, Radionavigation systems fall into two categories: systems employing aeronautical spectrum (aeronautical radionavigation), and systems employing maritime spectrum (maritime radionavigation).</p> <p>The Commissioner of Irish Lights (CIL) is responsible for the provision, superintendence and management of maritime aids to navigation (i.e. lighthouses, buoys, radio and radar beacons, leading lights etc.) throughout the island of Ireland and its adjacent seas and islands. All maritime radio aids to navigation in Ireland must be operated with the permission of the CIL, granted by issuance of a Statutory Sanction.</p> <p>Spectrum rights for aeronautical bands are managed by the Irish Aviation Authority (IAA).</p> <p>Noting that each Radionavigation licence has unique licence conditions, including technical conditions based on specific equipment and an approval from IAA/CIL (as appropriate), <u>it is only possible to transfer or lease a Radionavigation licence in full</u> (i.e. maintain same technical conditions and specific particulars as in original licence) <u>with approval from IAA/CIL</u> (as appropriate).</p> <p>Note it is possible to request a licence amendment, under the standard licensing process as set out in the licensing guidelines.</p>	<p>Yes (transfer or lease of full licence only subject to prior approval of the IAA or the CIL, or both as appropriate)</p>
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¹¹⁴ See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/radiodetermination-services/>

Annex 5: Draft Regulations

STATUTORY INSTRUMENTS

S.I. No. XX of 2024

WIRELESS TELEGRAPHY (TRANSFER AND LEASE OF INDIVIDUAL RIGHTS OF
USE FOR RADIO SPECTRUM FOR THE PROVISION OF ELECTRONIC
COMMUNICATIONS NETWORKS AND SERVICES) REGULATIONS 2024

S.I. No. XX of 2024

WIRELESS TELEGRAPHY (TRANSFER AND LEASE OF INDIVIDUAL RIGHTS OF
USE FOR RADIO SPECTRUM FOR THE PROVISION OF ELECTRONIC
COMMUNICATIONS NETWORKS AND SERVICES) REGULATIONS 2024

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6(1) of the Wireless Telegraphy Act 1926 (No. 45 of 1926) (as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009) and for the purposes of giving effect to Regulation 33 of the European Union (Electronic Communications Code) Regulations 2022 (S.I. 444 of 2022) and with the consent of the Minister for Environment, Climate and Communications pursuant to section 37 of the Communications Regulation Act 2002 (No. 20 of 2002), hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use for Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024

Interpretation

2. (1) In these Regulations, unless the context otherwise requires:
“Act of 1926” means Wireless Telegraphy Act 1926 (No. 45 of 1926);
“Act of 2002” means Communications Regulation Act 2002 (No. 20 of 2002);

“Broadcasting Service” means a service which comprises a compilation of programme material of any description and which is transmitted, relayed or distributed by means of an electronic communications network, directly or indirectly for simultaneous or near-simultaneous reception by the general public, whether that material is actually received or not, and where the programmes are provided in a pre-scheduled and linear order, but does not include:

(a) a service provided in a non-linear manner where each user of the service chooses a programme from a catalogue of programmes, or

(b) other audio and audiovisual services provided by way of the Internet;

“Commission” means Commission for Communications Regulation established under the Act of 2002;

“Condition” means an obligation on the part of an Undertaking arising by virtue of a proposal put forward by it being subject to a statement in writing by the Commission such as is referred to in Regulation 5(5);

“EECC Regulations” means European Union (Electronic Communications Code) Regulations 2022 (S.I. 444 of 2022);

“electronic communications networks” and “electronic communications service” have the meanings ascribed to them in the EECC Regulations;

“Individual Rights of Use” means the individual rights of use for radio spectrum to use certain radio frequencies for electronic communications networks or services as specified in a Licence and subject to Licence Conditions;

“Lease” means “the assignment by a Licensee (the “Lessor”) of some or all of the Individual Rights of Use for radio frequencies granted under a Licence to another party (the “Lessee”), where the Lessor remains responsible for all the Licence Conditions including the payment of fees and the Lessee is responsible for the Technical Conditions;

“Licence” means a licence granted in accordance with section 5 of the Act of 1926 to keep, have possession of, install, maintain, work and use apparatus

for wireless telegraphy in any specified place in the State or in any specified ship or other vessel or aircraft;

“Licence Conditions” means all conditions and restrictions as prescribed by the Licence itself or by any regulations governing the Licence made by the Commission under section 6 of the Act of 1926;

“Licensee” means the holder of a Licence for the time being in force;

“Notification” means a notification of a proposed Transfer or Lease made to the Commission under Regulation 4(1);

“Notifying Party” means the Transferor, Transferee, Lessor, and/or Lessee as the context so requires;

“Radio Spectrum Decision” means Decision No. 676/2002/EC of the European Parliament and of the Council of 7 March 2002¹;

“Spectrum Transfer and Lease Procedures” means the document published by the Commission on [draft published 30/07/2024] and bearing the Commission Document number [in draft form as 24/59a] and which outlines in detail how Undertakings must notify the Commission of their intention to Transfer or Lease, or both, Individual Rights of Use for radio frequencies, and the processes, procedures and guidelines the Commission will follow in facilitating and considering a proposed Transfer or Lease, or both, of Individual Rights of Use, as may be updated by the Commission from time to time;

“Technical Conditions” means those Licence Conditions that are of a technical nature which relate to how a Licensee must keep, have possession of, install, maintain, work and use apparatus for wireless telegraphy;

“Transfer” means the assignment by a Licensee (“the Transferor”) of some or all of the Individual Rights of Use for radio frequencies granted under a Licence to another party (“the Transferee”) where the Transferor must divest itself of all rights of use transferred; and

“Undertaking” has the meaning ascribed to it in the EECC Regulations;

¹ OJ L 108, 24.04.2002, p.1.

(2) In these Regulations –

- (a) a reference to a Regulation or a Schedule is to a Regulation of or Schedule to these Regulations, unless it is indicated that a reference to some other enactment is intended;
- (b) a word or expression that is used in these Regulations and that is also used in the Act of 1926 has, unless the context otherwise requires, the same meaning in these Regulations as it has in that Act;
- (c) A word or expression that is used in these Regulations and that is also used in the Act of 2002 has, unless the context otherwise requires, the same meaning in these Regulations as it has in that Act; and
- (d) A word or expression that is used in these Regulations and that is also used in the EECC Regulations has, unless the context otherwise requires, the same meaning in these Regulations as it has in those Regulations.

Transfer or Lease, or both, of individual rights of use

3. (1) These Regulations apply to any proposed Transfer or Lease, or both, of Individual Rights of Use, with the exception of those granted for a Broadcasting Service, as provided for in the Spectrum Transfer and Lease Procedures.
- (2) The Regulations listed in Regulations 10 to 30 are hereby amended solely for the purposes of:
- (a) in the case of such regulations under which Licences are granted in respect of Individual Rights of Use, permitting the Transfer or Lease of rights of use in accordance with these Regulations; and
 - (b) in the case of such regulations under which no Licences are granted in respect of Individual Rights of Use, clarifying that these Regulations do not apply.

(3) For the purposes of these Regulations, a Transfer occurs when a Transferee lawfully acquires one or more Individual Rights of Use from a Transferor. The Transferor and the Transferee must be Undertakings.

(4) For the purposes of these Regulations, a Lease occurs when a Lessee lawfully acquires one or more Individual Rights of Use from a Lessor. The Lessor and Lessee must both be Undertakings.

(5) A Transfer or Lease, or both, notified under Regulation 4(1) must be submitted by the Notifying Parties in accordance with the Spectrum Transfer and Lease Procedures and shall be assessed by the Commission in accordance with the Spectrum Transfer and Lease Procedures, which may be varied by the Commission from time to time.

(6) Transferred Individual Rights of Use shall remain in effect until the date specified by the Commission in the Transferee's Licence unless amended or withdrawn by the Commission.

(7) A leased Individual Rights of Use shall remain in effect until the date specified by the Commission in the Lessee's Licence unless amended or withdrawn by the Commission

(8) Save as otherwise provided in these Regulations, no part of these Regulations shall operate so as to amend an existing Licence Condition, or in any way enable a Licensee to avoid compliance with any Licence Condition, save where the Commission gives its prior consent in writing to any such amendment or Licence Condition not being complied with.

(9) These Regulations shall not apply to any Transfer that forms part of a merger or acquisition which is notified or required to be notified to the Competition and Consumer Protection Commission or to the European Commission. The Commission must be informed of any such merger or

acquisition at the same time it is notified to the Competition and Consumer Protection Commission or the European Commission, as appropriate.

Notification of Proposed Transfer or Lease, or both

4. (1) Where a proposed Transfer or Lease, or both, to which these Regulations apply is intended to occur, the Transferor and the Transferee or the Lessor and Lessee, as the case may be, shall notify the Commission of the proposed Transfer or Lease in accordance with the Spectrum Transfer and Lease Procedures.

(2) A Notification under paragraph (1) shall be invalid if any of the information or documentation required by the Commission is not provided to the Commission in full or if any statement made is found to be false or misleading in a material respect. Any determination made by the Commission on foot of an invalid Notification is void.

Examination by the Commission of a Notification

5. (1) Following receipt of a valid Notification, the Commission shall, in accordance with the Spectrum Transfer and Lease Procedures:

- (a) publish relevant details of the Notification and invite interested parties to make written submissions within a specified timeframe; and
- (b) consider all submissions that were received in writing within the specified timeframe of paragraph 5(1)(a).

(2) The Notifying Parties shall, if so requested by the Commission by notice in writing, furnish within a time period specified by the Commission, such additional information or documentation as the Commission may reasonably require at any stage of an assessment of a Notification. The Commission may, at its discretion, extend the time period specified pursuant to this paragraph at the request of the Notifying Parties.

(3) Save where the Commission states otherwise in writing, where the Commission requires further information or documentation to be furnished to it pursuant to paragraph (2) the indicative time periods identified in the Spectrum Transfer and Lease Procedures will be suspended until such information has been provided to the satisfaction of the Commission.

(4) In the course of its assessment of a Notification, the Commission may enter into discussions with the Notifying Parties with a view to identifying measures which would ameliorate any effects of the notified Transfer or Lease, or both, on competition or ability to meet Licence Conditions.

(5) In the course of any discussions entered into pursuant to paragraph (4), any of the Notifying Parties may submit proposals to the Commission of the kind mentioned in paragraph (6) with a view to the proposals becoming binding on it or them as the case may be if the Commission takes the proposals into account and states in writing that the proposals form the basis or part of the basis of its determination in accordance with Regulation 6.

(6) The proposals referred to in paragraph (5) are proposals with regard to the manner in which the Transfer or Lease, or both, may be put into effect or to the adoption of any other measure referred to in paragraph (4).

(7) Where a Transfer or Lease, or both, notified in accordance with Regulation 4, a measure identified under paragraph (4), or a proposal made under paragraph (5) would involve amending a Licence Condition of an existing Licence, the Commission shall review any such proposed amendment of a Licence Condition having regard to its statutory functions, objectives and duties, the Spectrum Transfer and Lease Procedures and relevant facts including the circumstances under which the Licence was first granted and is held at that time.

Determination of issues concerned without full investigation

6. (1) On completion of its examination under Regulation 5, the Commission shall, in accordance with the Spectrum Transfer and Lease Procedures, make whichever of the following relevant determinations it considers appropriate:
- (a) in the case of a Transfer or Lease, that:
 - (i) subject to sub-paragraph (b), it may be put into effect on the grounds that, in the opinion of the Commission, the result of the Transfer or Lease, or both, would not be likely to distort competition;
 - (ii) subject to sub-paragraph (b), it may be put into effect subject to Conditions specified by the Commission being complied with on the grounds that, in the opinion of the Commission, the result of the Transfer or Lease, or both, would not be likely to distort competition if the Conditions so specified are complied with;
 - (iii) may not be put into effect on the grounds that, in the opinion of the Commission, the result of the Transfer or Lease, or both, would be likely to distort competition; or
 - (iv) that it intends to carry out a full investigation under Regulation 7 in relation to the proposed Transfer, or Lease, or both (referred to as a “full investigation”); or
 - (b) in the case of a Transfer, that it may not be put into effect on the grounds that, in the opinion of the Commission, there is a clear risk that the Transferee is unable to meet the original Licence Conditions for the Individual Rights of Use.

(2) Where the Commission makes a determination under paragraph (1), it shall publish relevant information relating to its determination in accordance with the Spectrum Transfer and Lease Procedures.

Determination of issues following a full investigation

7. (1) As soon as practicable after informing the parties of its determination to carry out a full investigation pursuant to sub-paragraph (1)(a)(iv) of Regulation 6, the Commission shall form an opinion of the time period necessary to carry out a full investigation (referred to as a “provisional time period”), which shall not, in so far as practicable, and subject to Regulation 5, exceed 113 working days from the forming of that opinion. The Commission shall inform the Notifying Parties of the provisional time period in writing. Where the Commission does not make a determination under paragraph (2) within the provisional time period, the full investigation may continue according to revised timelines and the Commission may determine further provisional time period(s) and will inform the Notifying Parties accordingly.
- (2) On completion of a full investigation, the Commission shall, in accordance with the Spectrum Transfer and Lease Procedures, make whichever of the following relevant determinations it considers appropriate:
- (a) in the case of a Transfer or Lease, that:
- (i) subject to sub-paragraph (b), it may be put into effect on the grounds that, in the opinion of the Commission, the result of the Transfer or Lease, or both would not be likely to distort competition;
 - (ii) subject to sub-paragraph (b), it may be put into effect subject to Conditions specified by the Commission being complied with on the grounds that, in the opinion of the Commission, the result of the Transfer or Lease, or both would not be likely to distort competition if the Conditions so specified are complied with; or
 - (iii) may not be put into effect on the grounds that, in the opinion of the Commission, the result of the Transfer or Lease, or both, would be likely to distort competition; or
- (b) in the case of a Transfer, that it may not be put into effect on the grounds that, in the opinion of the Commission, there is a clear risk that the Transferee is unable to meet the original Licence Conditions for the Individual Rights of Use.

(3) Before making a determination under paragraph (2), the Commission shall have regard to any relevant international obligations of the State.

(4) Where the Commission makes a determination under paragraph (2) it shall furnish the Notifying Parties a copy of the written determination within the time period specified by the Commission under paragraph (1) and will publish on its website the determination with due regard for commercial confidentiality, within 2 months after the making of the determination.

Limitation on Transfer or Lease, or both, being put into effect

8. (1) A Transfer or Lease, or both, that has been notified to the Commission in accordance with Regulation 4 shall, subject to paragraphs (3) and (7), not be put into effect until the Commission, in pursuance of Regulation 5, has determined under Regulation 6(1)(a)(i) or (ii) or Regulation 7(2)(a)(i) or (ii) and in accordance with the Spectrum Transfer and Lease Procedures that the Transfer, or Lease, or both may be put into effect.

(2) Any Transfer or Lease, or both, which purports to be put into effect where the putting into effect contravenes paragraph (1), is void.

(3) Any Transfer or Lease, or both, which purports to be put into effect following the occurrence of the event described in paragraph (1) must be put into effect within 12 months of the day immediately following the date on which that event occurs, or it shall be void.

(4) A Transfer or Lease, or both, which purports to be put into effect, where that putting into effect would contravene the requirements of Regulation 4 shall be void.

(5) The Commission will not consider a Notification unless the proposed Transfer or Lease, or both, is between Undertakings who are each authorised under Regulation 6 of the EECC Regulations.

(6) The Commission will not consider a Notification where the intended use of the radio spectrum following the proposed Transfer or Lease, or both, would not comply with harmonised use of radio spectrum through the application of the Radio Spectrum Decision or other European Union measures.

(7) In the event that the Commission makes a determination that a proposed Transfer or Lease notified to it pursuant to Regulation 4(1) may be put into effect, the Commission shall grant or amend all relevant Licences.

(8) Compliance by the Notifying Parties with a determination made by the Commission under Regulation 6(1)(a)(i) or (ii) or Regulation 7(2) (a)(i) or (ii), including any Conditions forming the basis or part of the basis of such determination in accordance with Regulation 5(5), shall be made a Licence Condition of any Licence under which the Individual Rights of Use being transferred or leased, as the case may be, are made available by the Commission.

Revocation of the Wireless Telegraphy (Transfer of Spectrum Rights of Use) Regulations 2014

9. The Wireless Telegraphy (Transfer of Spectrum Rights of Use) Regulations 2014 (S.I. No. 34 of 2014) are revoked.

Amendments to existing licensing regulations made by the Commission under section 6(1) of the 1926 Act to allow for transfers and leases in accordance with the EECC Regulations

10. The Wireless Telegraphy (3.6 GHz Band Licences) Regulations 2016 (S.I. No. 532 of 2016) are amended:

(a) in Regulation 2(1) –

(i) by inserting after the definition of “*Decision of 2014*” the following:

““*EECC Regulations*” means the European Union (*Electronic Communications Code*) Regulations 2022 (S.I. No. 444 of 2022);”

(ii) by substituting the following for the definition of “*Lease*”:

““*Lease*” has the meaning set out in the *Transfer and Lease Regulations*;”

(iii) by inserting after the definition of “*Lease*” the following:

““*Lessee*” has the meaning set out in the *Transfer and Lease Regulations*;

““*Lessor*” has the meaning set out in the *Transfer and Lease Regulations*;”

(iv) by substituting “*Transfer and Lease Regulations*” for “*Transfer Regulations*” in the definition of “*Transfer*”;

(v) by substituting “*Transfer and Lease Regulations*” for “*Transfer Regulations*” in the definition of “*Transferee*”;

(vi) by deleting the definition of “*Transfer Regulations*”;

(vii) by inserting after the definition of “*Transferee*” the following:

““*Transfer and Lease Regulations*” means the *Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024* (S.I. No. of 2024);”

(b) in Regulation 4 -

(i) by substituting for paragraph (4) the following:

“(4) The Commission may grant a 3.6 GHz Band Liberalised Use Licence, a 3.6 GHz Band Spectrum Lease Licence or a 3.6 GHz Band Transition Protected Licence, as the case may be, to a transferee in accordance with the *Transfer and Lease Regulations*.”

(ii) by substituting for paragraph (5) the following:

“(5) Application for the grant of a 3.6 GHz Band Spectrum Lease Licence shall be made by a Lessee to the Commission in writing and in such form as may be determined by the Commission from time to time. The Commission may grant a 3.6 GHz Band Spectrum Lease Licence to a Lessee following the approval of the relevant spectrum Lease by the Commission in accordance with the *Transfer and Lease Regulations*.”

- (c) In Regulation 6 –
- (i) in paragraph (15) by inserting “*in accordance with the Transfer and Lease Regulations*” after “*Licence*”;
 - (ii) in paragraph(16) by substituting “*Transfer and Lease Regulations*” for “*Transfer Regulations*”;
 - (iii) by inserting in paragraph (17) “*in accordance with the Transfer and Lease Regulations*” after “*Licence*”;
 - (iv) by substituting for paragraph (18) the following:
“*(18) only Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations;*”;
 - (v) by deleting paragraph (19);
- (d) in Regulation 7 by inserting after paragraph (4) the following:
“*(5) A 3.6 GHz Band Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under this Regulation.*”;
- (e) by inserting the following at the end of Regulation 8(16):
“*The fees for a 3.6 GHz Band Transition Protected Licence granted on foot of a Transfer are the outstanding fees, if any, and the fees per FWALA Service Area specified in this paragraph with respect to the rights being transferred.*”;
- (f) in Schedule 2 by substituting for the sentence under “*Licence Conditions*” in Part 4 the following:
“*The Licence conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations*”;

11. The Wireless Telegraphy (400 MHz Band Licences) Regulations 2019 (S.I. No. 489 of 2019) are amended:

- (a) in Regulation 2(1) –
- (i) by inserting after the definition of “*400 MHz Band Licence*” the following:
““*400 MHz Band Spectrum Lease Licence*” means a non-exclusive Licence in the form set out in Schedule 3 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus in a specified place in the State, in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;”;

- (ii) by inserting after the definition of “CSO” the following:
“*“EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);*”;
- (iii) by inserting after the definition of “Information Memorandum” the following:
“*“Lease” has the meaning set out in the Transfer and Lease Regulations;*
“*Lessee” has the meaning set out in the Transfer and Lease Regulations;*
“*Lessor” has the meaning set out in the Transfer and Lease Regulations;*”;
- (iv) by substituting the following for the definition of “Licence”:
“*“Licence” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of Apparatus in a specified place in the State, being one of:*
(a) a 400 MHz Band Licence; or
(b) a 400 MHz Band Spectrum Lease Licence;”;
- (v) by inserting after the definition of “Third Party Radio” the following:
“*“Transfer” has the meaning set out in the Transfer and Lease Regulations;*
“*Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);*
“*Transferee” has the meaning set out in the Transfer and Lease Regulations;*
“*Transferor” has the meaning set out in the Transfer and Lease Regulations;*”;
- (b) in Regulation 3 by inserting the following after “400 MHz Band Licences”:
“*and 400 MHz Band Spectrum Lease Licences.*”;
- (c) by substituting for Regulation 4 the following:
“*4. (1) A Winning Bidder or a Transferee may submit an application to the Commission to be granted a 400 MHz Band Licence, to include the assignment of such rights of use for radio frequencies in the 400 MHz Band as have been determined in accordance with the Information Memorandum and the outcome of the Award or in accordance with the relevant Transfer, as the case may be, and subject to payment by the Winning Bidder or Transferee of all applicable fees in respect of the relevant 400 MHz Band Licence.*
(2) An application for a 400 MHz Band Licence under paragraph (1) shall be in writing and shall be in such form as may be determined by the Commission from

time to time and the Commission may grant a 400 MHz Band Licence in accordance with the relevant provisions of the EECC Regulations.

(3) A Winning Bidder or Transferee who applies to be granted a 400 MHz Band Licence shall furnish to the Commission such information as the Commission may reasonably require for the purposes of its functions under these Regulations and the EECC Regulations and the Commission may refuse to grant a 400 MHz Band Licence to any Winning Bidder or Transferee who, without reasonable cause, fails to comply with a requirement to furnish any such information.

(4) A 400 MHz Band Licence to which these Regulations apply shall be in the form specified in Schedule 1 to these Regulations, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case.”;

(d) by inserting the following at the end of Regulation 5:

“A 400 MHz Band Licence granted on foot of a Transfer shall expire no later than the expiry date of the Licence of the relevant Transferor.”;

(e) in Regulation 6(1) -

(i) by substituting for subparagraph (l) the following:

“(l) ensure that all Apparatus installed, maintained, possessed or kept under the Licence will only use Frequency Division Duplex technology;”;

(ii) in subparagraph (m) by deleting “400 MHz”;

(f) in Regulation 8 by inserting the following after paragraph (11):

“(12) The Spectrum Usage Fees for any 400 MHz Band Licence granted on foot of a Transfer are the outstanding Spectrum Usage Fees, if any, and the annually payable Spectrum Usage Fees specified in paragraphs 1 and 2 of this Regulation, with respect to the rights being transferred, except that:

(a) the CPI Adjustment to be used in determining the annual Spectrum Usage Fees in accordance with the Information Memorandum shall be calculated using the month of November 2019 as the common base date for the CPI; and

(b) the annual Spectrum Usage Fees shall be payable prior to each anniversary of 18 November 2019 following grant of the Licence.”;

(g) by inserting after Regulation 9 the following new Regulation 10:

“Spectrum Transfers and Leases

10. (1) The Licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(2) The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(3) The Commission may grant a Licence to a Transferee in accordance with the Transfer and Lease Regulations.

(4) Application for the grant of a 400 MHz Band Spectrum Lease Licence shall be made by a Lessee to the Commission in writing and in such form as may be determined by the Commission from time to time. The Commission may grant a 400 MHz Band Spectrum Lease Licence to a Lessee in accordance with the Transfer and Lease Regulations.

(5) A 400 MHz Band Spectrum Lease Licence to which these Regulations apply shall be in the form specified in Schedule 3, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

(6) The commencement date and expiry date of a 400 MHz Band Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the 400 MHz Band Spectrum Lease Licence. A 400 MHz Band Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.

(7) A 400 MHz Band Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

(h) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 1 of these Regulations.

12. The Wireless Telegraphy (Community Repeater Licence) Regulations, 1988 (S.I. No. 83 of 1988) are amended by deleting Regulation 11(a).

13. The Wireless Telegraphy (Fixed Radio Link Licence) Regulations 2023 (S.I. No. 593 of 2023) are amended:

- (a) in Regulation 2(1) –
- (i) by inserting after the definition of “*Fixed Radio Link Path*” the following:
““*Fixed Radio Link Spectrum Lease Licence*” means a non-exclusive Licence in the form set out in Schedule 3;”;
 - (ii) by inserting after the definition of “*Initial Fee*” the following:
““*Lease*” has the meaning set out in the Transfer and Lease Regulations;
“*Lessee*” has the meaning set out in the Transfer and Lease Regulations;
“*Lessor*” has the meaning set out in the Transfer and Lease Regulations;”;
 - (iii) in the definition of “*Licence*” by inserting the following after “*licensee*”:
“, being one of:
(a) a *Fixed Radio Link Licence*; or
(b) a *Fixed Radio Link Spectrum Lease Licence*”;
 - (iv) in the definition of “*Temporary Licence*” by inserting “*Fixed Radio Link*” after “*means a*”;
 - (v) by inserting after the definition of “*Temporary Licence*” the following:
““*Transfer*” has the meaning set out in the Transfer and Lease Regulations;
“*Transfer and Lease Regulations*” means the *Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024)*;
“*Transferee*” has the meaning set out in the Transfer and Lease Regulations;
“*Transferor*” has the meaning set out in the Transfer and Lease Regulations;”;
- (b) in Regulation 3 by inserting “*and Fixed Radio Link Spectrum Lease Licences*” after “*Fixed Radio Link Licences*”;
- (c) in Regulation 5 in paragraphs (4) and (5) by inserting “*Fixed Radio Link*” before “*Licence*”;
- (d) in Regulation 6 -
- (i) by substituting for paragraph (1) the following:
“(1) A *Fixed Radio Link Licence* shall, unless it has been withdrawn or had its duration reduced under Regulation 8, remain in force from the date of grant for a period of not greater than one year unless renewed under these Regulations, subject to paragraph (3).”;
 - (ii) by substituting for paragraph (2) the following:

- “(2) A Fixed Radio Link Licence may be renewed from time to time by the Commission under this Regulation, subject to paragraph (3).”;*
- (iii) in paragraphs (4) and (5) by inserting *“Fixed Radio Link”* before *“Licence”*;
- (e) in Regulation 7 -
- (i) in paragraph (c) by inserting *“, where applicable”* after the second occurrence of *“these Regulations”*;
- (ii) by deleting paragraph (l);
- (f) in Regulation 9 –
- (i) in paragraph (1) by inserting *“Fixed Radio Link”* before *“Licences”*;
- (ii) in paragraphs (2), (5) and (6) by inserting *“Fixed Radio Link”* before *“Licence”*, but not before *“Licence Fee”*;
- (iii) by inserting after paragraph (8) the following:
- “(9) The fees for a Fixed Radio Link Licence granted on foot of a Transfer are the outstanding fees, if any, and renewal fees specified in paragraph 1 of this Regulation with respect to the rights being transferred.”;*
- (g) by inserting after Regulation 11 the following new Regulation 12:
- “Spectrum Transfers and Leases*
- 12. (1) The Licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.*
- (2) The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.*
- (3) The Commission may grant a Licence to a Transferee in accordance with the Transfer and Lease Regulations.*
- (4) The Commission may grant a Fixed Radio Link Spectrum Lease Licence to a Lessee following the approval of the relevant Lease by the Commission in accordance with the Transfer and Lease Regulations.*
- (5) A Fixed Radio Link Spectrum Lease Licence to which these Regulations apply shall be in the form specified in Schedule 3, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.*
- (6) The commencement date and expiry date of a Fixed Radio Link Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the Fixed Radio Link*

Spectrum Lease Licence. A Fixed Radio Link Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.

(7) A Fixed Radio Link Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

- (h) In Schedule 1 by inserting “*Fixed Radio Link Licence*” in the title under “*WIRELESS TELEGRAPHY (FIXED RADIO LINK LICENCE) REGULATIONS, 2023*”;
- (i) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 2 of these Regulations.

14. The Wireless Telegraphy (Fixed Wireless Access Local Area Licence) Regulations, 2003 (S.I. No. 79 of 2003) are amended:

(a) in Regulation 2(1) –

(i) by inserting after the definition of “*the Commission*” the following:

““EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);

“Fixed Wireless Access Local Area Licence” or “FWALA Licence” means a non-exclusive Licence in the form set out in the First Schedule granted under section 5 of the Act of 1926 to keep and have possession of FWA apparatus in a specified place in the State in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;

“Fixed Wireless Access Local Area Spectrum Lease Licence” or “FWALA Spectrum Lease Licence” means a non-exclusive Licence in the form set out in the Third Schedule granted under section 5 of the Act of 1926 to keep and have possession of FWA apparatus a specified place in the State in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;”;

(ii) by inserting after the definition of “*insolvency related event*” the following:

““Lease” has the meaning set out in the Transfer and Lease Regulations;

“Lessee” has the meaning set out in the Transfer and Lease Regulations;

“Lessor” has the meaning set out in the Transfer and Lease Regulations;”;

(iii) by substituting the following for the definition of *“Licence”*:

““licence” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of FWA apparatus in a specified place in the State, being one of:

(a) a Fixed Wireless Access Local Area Licence; or

(b) a Fixed Wireless Access Local Area Spectrum Lease Licence;”;

(iv) by inserting after the definition of *“terminal equipment”* the following:

““Transfer” has the meaning set out in the Transfer and Lease Regulations;

“Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);

“Transferee” has the meaning set out in the Transfer and Lease Regulations;

“Transferor” has the meaning set out in the Transfer and Lease Regulations;”;

(b) by substituting for Regulation 3 the following:

“3. These Regulations apply to FWALA Licences and FWALA Spectrum Lease Licences.”;

(c) by substituting for Regulation 7 the following:

“7. A FWALA Licence to which these Regulations apply shall be in the form specified in the First Schedule, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations”;

(d) in Regulation 8, by substituting *“FWALA Licence”* for the first occurrence of *“licence”*;

(e) in Regulation 9(1), by substituting *“FWALA Licence”* for *“licence”*;

(f) in Regulation 10 –

(i) by substituting *“FWALA Licence”* for *“licence”*;

(ii) by inserting after paragraph (3) the following:

“(4) The fees for a FWALA Licence granted on foot of a Transfer are the outstanding fees, if any, and renewal fees specified in paragraph 1 of this Regulation with respect to the rights being transferred.”;

(g) by deleting Regulation 11(e);

(h) by inserting after Regulation 16 the following new Regulation 17:

“Spectrum Transfers and Leases

17. (1) The licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to its licence in accordance with the Transfer and Lease Regulations.

(2) The licensee may only Transfer or Lease the rights of use for radio frequencies attaching to its licence in accordance with the Transfer and Lease Regulations.

(3) The Commission may grant a licence to a Transferee in accordance with the Transfer and Lease Regulations.

(4) The Commission may grant a FWALA Spectrum Lease Licence to a Lessee in accordance with the Transfer and Lease Regulations.

(5) A FWALA Spectrum Lease Licence to which these Regulations apply shall be in the form specified in the Third Schedule, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

(6) The commencement date and expiry date of a FWALA Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the FWALA Spectrum Lease Licence. A FWALA Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.

(7) A FWALA Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

(i) in the Second Schedule, by substituting *“FWALA Licence”* for the first and third occurrences of *“licence”*;

(j) by inserting after the Second Schedule a new Third Schedule as set out in Schedule 3 of these Regulations.

15. The Wireless Telegraphy (GSM for Railway Licence) Regulations 2013 (S.I. No. 213 of 2013) are amended:

(a) in Regulation 2(1) –

(i) by inserting after the definition of *“Commission”* the following:

““EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);

“GSM for Railway Licence” or “GSM-R Licence” means a non-exclusive Licence in the form set out in Schedule 1 granted under section 5 of the Act of 1926 to keep and have possession of GSM-R apparatus in a specified place in the State in accordance with and subject to the terms and conditions contained in the Licence and the matters prescribed in these Regulations;

“GSM for Railway Spectrum Lease Licence” or “GSM-R Spectrum Lease Licence” means a non-exclusive Licence in the form set out in Schedule 3 granted under section 5 of the Act of 1926 to keep and have possession of GSM-R apparatus in a specified place in the State in accordance with and subject to the terms and conditions contained in the Licence and the matters prescribed in these Regulations;”;

(ii) by inserting after the definition of *“insolvency related event”* the following:

““Lease” has the meaning set out in the Transfer and Lease Regulations;

“Lessee” has the meaning set out in the Transfer and Lease Regulations;

“Lessor” has the meaning set out in the Transfer and Lease Regulations;”;

(iii) by substituting the following for the definition of *“Licence”*:

““licence” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of GSM-R apparatus in a specified place in the State, being one of:

(a) a GSM for Railway Spectrum Licence; or

(b) a GSM for Railway Spectrum Lease Licence;”;

(iv) by inserting after the definition of *“terminal equipment”* the following:

““Transfer” has the meaning set out in the Transfer and Lease Regulations;

“Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);

“Transferee” has the meaning set out in the Transfer and Lease Regulations;

“Transferor” has the meaning set out in the Transfer and Lease Regulations;”;

(b) by substituting for Regulation 3 the following:

“3. These Regulations apply to GSM-R Licences and GSM-R Spectrum Lease Licences.”;

- (c) in Regulation 7 by substituting “GSM-R Licence” for “licence”;
- (d) by substituting for Regulation 8 the following:
“8. All GSM-R Licences shall expire in full at midnight on the tenth anniversary of the date on which the first such licence was granted under these Regulations and no GSM-R Licence shall be renewed nor shall any GSM-R Licence remain in effect following the expiry date and all rights and entitlements under all GSM-R Licences, including all spectrum rights of use, shall cease altogether as and from the expiry date. A GSM-R Licence granted on foot of a Transfer shall expire no later than the expiry date of the Licence of the relevant Transferee.”;
- (e) in Regulation 9 –
- (i) by substituting in paragraphs (1), (2) and (3) “GSM-R Licence” for “licence” where it occurs, but not where “licence” occurs before “fee”;
- (ii) by inserting after paragraph (5) the following:
“(6) The fees for a GSM-R Licence granted on foot of a Transfer are the outstanding fees, if any, and annual licence fee specified in paragraph 1 of this Regulation with respect to the rights being transferred, except that the annual licence fee shall be payable prior to 27 November each year following grant of the licence.”;
- (f) by deleting Regulation 10(1)(g);
- (g) by inserting after Regulation 11 the following new Regulation 12:
“Spectrum Transfers and Leases
12. (1) The licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a licence in accordance with the Transfer and Lease Regulations.
(2) The licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a licence in accordance with the Transfer and Lease Regulations.
(3) The Commission may grant a licence to a Transferee in accordance with the Transfer and Lease Regulations.
(4) The Commission may grant a GSM-R Spectrum Lease Licence to a Lessee in accordance with the Transfer and Lease Regulations.
(5) A GSM-R Spectrum Lease Licence to which these Regulations apply shall be in the form specified in Schedule 3, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

(6) The commencement date and expiry date of a GSM-R Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the GSM-R Spectrum Lease Licence. A GSM-R Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.

(7) A GSM-R Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

- (h) in Schedule 1 by inserting “GSM for Railway” before “Licence granted” where it occurs;
- (i) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 4 of these Regulations.

16. The Wireless Telegraphy (Liberalised Use and Preparatory Licences in the 800 MHz, 900 MHz and 1800 MHz Bands) Regulations, 2012 (S.I. No. 251 of 2012) are amended:

- (a) in Regulation 2(1) –
 - (i) by deleting the definitions of “Assignee” and “Assignor”;
 - (ii) by inserting after the definition of “Decision of 2010” the following:

“EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);”;
 - (iii) by inserting after the definition of “Information Memorandum” the following:

“Lease” has the meaning set out in the Transfer and Lease Regulations;
“Lessee” has the meaning set out in the Transfer and Lease Regulations;
“Lessor” has the meaning set out in the Transfer and Lease Regulations;”;
 - (iv) by inserting after the definition of “Liberalised Use Licence” the following:

“Liberalised Use Spectrum Lease Licence” means a non-exclusive Licence in the form set out in Schedule 4 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus in a specified place in the State, in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;”;
 - (v) by substituting the following for the definition of “Licence”:

““Licence” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of Apparatus in a specified place in the State, being one of:

- (a) a Liberalised Use Licence;
- (b) a Liberalised Use Spectrum Lease Licence; or
- (c) a Preparatory Licence;”;

(vi) by substituting the following for the definition of “Licensee”:

““Licensee” means the holder of a Licence;”;

(vii) by inserting after the definition of “Time Slice 2” the following:

- ““Transfer” has the meaning set out in the Transfer and Lease Regulations;
- “Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);
- “Transferee” has the meaning set out in the Transfer and Lease Regulations;
- “Transferor” has the meaning set out in the Transfer and Lease Regulations;”;

(b) by substituting for Regulation 3(1) the following:

“3(1) These Regulations apply to:

- (a) Liberalised Use Licences;
- (b) Liberalised Use Spectrum Lease Licences; and
- (c) Preparatory Licences.”;

(c) in Regulation 4 –

- (i) in paragraph (1) by substituting “a Liberalised Use Licence, a Preparatory Licence, or both,” for “any Licence to which these Regulations apply”;
- (ii) by inserting after paragraph (5) the following:

“(6) Application for the grant of a Liberalised Use Licence shall be made by a Transferee to the Commission in writing and in such form as may be determined by the Commission from time to time. The Commission may grant a Liberalised Use Licence to a Transferee in accordance with the Transfer and Lease Regulations.”;

(d) in Regulation 6 –

- (i) by deleting “Liberalised Use” in paragraph (3);
- (ii) by substituting for paragraph (4) the following:

- “(4) ensure that where the Apparatus is worked or used, as appropriate, it is worked or used on such radio frequency spectrum as specified in the Liberalised Use Licence or Liberalised Use Spectrum Lease Licence;”*;
- (iii) inserting at the end of paragraph (7) *“and Parts 2 and 3 of its Liberalised Use Spectrum Lease Licence, as appropriate”* after *“Liberalised Use Licence”*;
- (iv) in paragraph (9) by substituting *“Licence other than a Preparatory Licence”* for *“Liberalised Use Licence”*;
- (v) by substituting for subparagraph (12)(a) the following:
“(a) notify the Commission, not less than 6 months prior to the proposed cessation of use of any terrestrial system listed in Part 2 of the Liberalised Use Licence or Liberalised Use Spectrum Lease Licence as the case may be; and”;
- (vi) in paragraph (15) by substituting *“in accordance with the Transfer and Lease Regulations”* for *“under paragraph 16”*;
- (vii) by substituting for paragraph (16) the following:
“(16) only Transfer spectrum rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations;”;
- (viii) by deleting paragraph (17);
- (ix) by substituting *“Transferee”* for *“Assignee”* in paragraph (18);
- (x) by substituting for paragraph (19) the following:
“(19) ensure that any Transferee or Lessee, as the case may be, enters into a valid binding agreement to comply with all obligations under both these Regulations and the Licences issued pursuant to these Regulations and to provide to the Transferor or Lessor, as the case may be, or Commission, as appropriate, such details as the Commission is entitled to require from a Licensee from time to time.”;
- (e) in Regulation 8 by inserting after paragraph (15) the following:
“(16) The Spectrum Usage Fees for a Liberalised Use Licence granted on foot of a transfer are the Spectrum Usage Fees specified in paragraphs (4) and (5) of this Regulation.”;
- (f) in Regulation (9)(1) by substituting *“for Licences other than a Preparatory Licence”* for *“additionally in the case of a Liberalised Use Licence”*;
- (g) by inserting after Regulation 9 the following new Regulation 10:
“Spectrum Leases

(1) The Licensee shall notify the Commission of its intention to Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations;

(2) The Licensee may only Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations;

(3) Application for the grant of a Liberalised Use Spectrum Lease Licence shall be made by a Lessee to the Commission in writing and in such form as may be determined by the Commission from time to time. The Commission may grant a Liberalised Use Spectrum Lease Licence to a Lessee following the approval of the relevant Lease by the Commission in accordance with the Transfer and Lease Regulations.

(4) The Commission may grant a Liberalised Use Spectrum Lease Licence to a Transferee in accordance with the Transfer and Lease Regulations.

(5) A Liberalised Use Spectrum Lease Licence to which these regulations apply shall be in the form specified in Schedule 4, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

(6) The commencement date and expiry date of a Liberalised Use Spectrum Lease Licence shall be set by the Commission and specified in the Liberalised Use Spectrum Lease Licence. A Liberalised Use Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.

(7) A Liberalised Use Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

(h) by inserting after Schedule 3 a new Schedule 4 as set out in Schedule 5 of these Regulations.

17. The Wireless Telegraphy (Liberalised Use and Related Licences in the 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands) Regulations 2021 (S.I. No. 264 of 2021) are amended:

(i) in Regulation 2(1) –

(i) by inserting after the definition of “*Decision of 2016*” the following:

- “EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);”;*
- (ii) by substituting the following for the definition of *“Lease”*:
““Lease” has the meaning set out in the Transfer and Lease Regulations;”;
- (iii) by inserting after the definition of *“Lease”* the following:
*““Lessee” has the meaning set out in the Transfer and Lease Regulations;
“Lessor” has the meaning set out in the Transfer and Lease Regulations;”;*
- (iv) in the definition of *“Transfer”* by substituting *“Transfer and Lease Regulations”* for *“Transfer Regulations”*;
- (v) by inserting after the definition of *“Transfer”* the following:
““Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);”;
- (vi) in the definition of *“Transferee”* by substituting *“Transfer and Lease Regulations; and”* for *“Transfer Regulations;”*;
- (vii) by deleting the definition of *“Transfer Regulations”*;
- (j) in Regulation 4 –
(viii) by substituting for paragraph 3 the following:
“The Commission may grant a MBSA2 Liberalised Use Licence, a MBSA2 Spectrum Lease Licence or a MBSA2 2.3 GHz Band Transition Licence, as the case may be, to a Transferee in accordance with the Transfer and Lease Regulations.”;
- (ix) in paragraph (4) by substituting *“the Transfer and Lease Regulations”* for *“sub-paragraphs (q) and (r) of Regulation 6”*;
- (k) by substituting for Regulation 5(1) the following:
“(1) The commencement date of a MBSA2 Liberalised Use Licence shall be specified in the Licence and, in respect of spectrum rights of use for:
(a) 700 MHz Duplex Blocks shall be such date as may be specified by the Commission;
(b) 2.1 GHz Band Blocks, 2.3 GHz Band Blocks and 2.6 GHz Band Blocks in Time Slice 1 shall be such date as may be specified by the Commission;
(c) 2.1 GHz Band Blocks, 2.3 GHz Band Blocks and 2.6 GHz Band Blocks in Time Slice 2 shall be 12 March 2027; and

(d) 2.1 GHz Band Blocks, 2.3 GHz Band Blocks and 2.6 GHz Band Blocks in Time Slice 2 for which rights are granted on foot of a Transfer shall be 12 March 2027 or such later date as may be specified by the Commission.”;

(l) in Regulation 6(1) –

(i) in subparagraph (n) by inserting *“in accordance with the Transfer and Lease Regulations”* after *“Licence”* ;

(ii) in subparagraph (o) by substituting *“Transfer and Lease Regulations”* for *“Transfer Regulations”*;

(iii) in subparagraph (p) by inserting *“in accordance with the Transfer and Lease Regulations”* after *“Licence”*;

(iv) by substituting for subparagraph (q) the following:

“(q) only Lease spectrum rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations; and”;

(v) by deleting subparagraph (r);

(m) in Regulation 7 by inserting after paragraph (4) the following:

“(5) A MBSA2 Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under this Regulation.”;

(n) by inserting the following at the end of Regulation 8(12):

“The fees for a MBSA2 2.3 GHz Band Transition Licence granted on foot of a Transfer are the outstanding fees, if any, and the annual fees specified this paragraph with respect to the rights being transferred.”;

(o) in Part 4 of Schedule 2 by substituting for the text under the heading *“Licence Conditions”* the following:

“The Licence conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.”;

18. The Wireless Telegraphy (Mobile Radio Systems Regulations, 2002 (S.I. No. 435 of 2002) are amended:

(a) in Regulation 2(1) –

(i) by inserting before the definition of *“authorised officer”* the following:

““Act of 2002” means the Communications Regulation Act 2002 (No. 20 of 2002);”;

- (ii) by inserting after the definition of “*base station*” the following:
 ““*Commission*” means the Commission for Communications Regulation established under the Act of 2002;
 “*EECC Regulations*” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);”;
- (iii) by inserting after the definition of “*insolvency related event*” the following:
 ““*Lease*” has the meaning set out in the Transfer and Lease Regulations;
 “*Lessee*” has the meaning set out in the Transfer and Lease Regulations;
 “*Lessor*” has the meaning set out in the Transfer and Lease Regulations;”;
- (iv) by substituting the following for the definition of “*Licence*”:
 ““*licence*” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of apparatus for wireless telegraphy for a mobile radio system or mobile radio systems in a specified place in the State, being one of:
 (a) *Mobile Radio Systems Licence*; or
 (b) *Mobile Radio Systems Spectrum Lease Licence*;”;
- (v) by inserting after the definition of “*mobile radio system*” the following:
 ““*Mobile Radio Systems Licence*” means a Licence in the form set out in the First Schedule granted under section 5 of the Act of 1926 to keep and have possession of apparatus for wireless telegraphy for a mobile radio system or mobile radio systems in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;
 “*Mobile Radio Systems Spectrum Lease Licence*” means a Licence in the form set out in the Third Schedule granted under section 5 of the Act of 1926 to keep and have possession of apparatus for wireless telegraphy for a mobile radio system or for mobile radio systems in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;”;
- (vi) by deleting the definition of “*the Director*”;
- (vii) in the definition of “*the Regulations*” by inserting “435” after “S.I. No.”;
- (viii) by inserting after the definition of “*the Regulations*” the following:

*““Transfer” has the meaning set out in the Transfer and Lease Regulations;
“Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);*

“Transferee” has the meaning set out in the Transfer and Lease Regulations;

“Transferor” has the meaning set out in the Transfer and Lease Regulations;”;

(b) in Regulations 2, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17 and 18 by substituting “Commission” for “Director”, but not where “Director” occurs in “Director of Telecommunications Regulation”, and for “Director of Telecommunications Regulation”;

(c) by substituting for Regulation 3 the following:

“3. These Regulations apply to Mobile Radio Systems Licences and Mobile Radio Systems Spectrum Lease Licences.”;

(d) by substituting for Regulation 7 the following:

“7. A Mobile Radio Systems Licence shall be in the form specified in the First Schedule with such variation, if any, (whether by addition, deletion or alteration) as the Commission may determine from time to time in accordance with applicable national or EC law.”;

(e) in Regulation 8 by inserting “Mobile Radio Systems” before “Licence”;

(f) in Regulation 9 -

(i) by inserting “Mobile Radio Systems” before “Licence”, but not where it occurs before “Licence fee”;

(ii) in paragraph (1), by substituting “its” for “her”;

(g) by substituting for Regulation 10 the following:

“10. Fees as set out and provided for in the Second Schedule are hereby prescribed in relation to Mobile Radio Systems Licences for the purpose of section 6 of the Act of 1926. The fees for a Mobile Radio Systems Licence granted on foot of a Transfer are the outstanding fees, if any, and renewal fees specified in this Regulation with respect to the rights being transferred”;

(h) in Regulation 11 by inserting “Mobile Radio Systems” before “Licence”;

(i) in Regulation 13 –

(i) by deleting paragraph (d);

(ii) subparagraph (i)(i) by substituting “its” for “his or her”;

- (j) in Regulations 14(1)(b) and 18(1) by substituting “it” for “she”;
- (k) in Regulation 16 by substituting “they are” for “he or she is”;
- (l) by inserting after Regulation 19 the following new Regulation 20:

“Spectrum Transfers and Leases

20. (1) The Licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(2) The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(3) The Commission may grant a Licence to a Transferee in accordance with the Transfer and Lease Regulations.

(4) The Commission may grant a Mobile Radio Systems Spectrum Lease Licence to a Lessee in accordance with the Transfer and Lease Regulations.

(5) A Mobile Radio Systems Spectrum Lease Licence to which these Regulations apply shall be in the form specified in the Third Schedule, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

(6) The commencement date and expiry date of a Mobile Radio Systems Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the Mobile Radio Systems Spectrum Lease Licence. A Mobile Radio Systems Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.

(7) A Mobile Radio Systems Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

- (m) in the First Schedule –

- (i) by substituting “Commission” for “Director”;

- (ii) in paragraph 1 –

- (I) by substituting “Section 9(1) of the Communications Regulation Act, 2002 (No. 20 of 2002)” for “Section 4 of the Telecommunications (Miscellaneous Provisions) Act, 1996 (No. 34 of 1996)”;

- (II) by inserting “435” between “S.I. No.” and “of 2002”;
- (iii) by substituting for subparagraph 7(d) the following:
“The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.”;
- (iv) in subparagraph 7(i)(i) by substituting “its” for “his or her”;
- (v) in subparagraph 8(b) by substituting “it” for “she”;
- (vi) in paragraph 10 –
- (I) by inserting before the definition of “*authorised officer*” the following:
““Act of 2002” means the Communications Regulation Act 2002 (No. 20 of 2002);”;
- (II) by inserting after the definition of “*base station*” the following:
““Commission” means the Commission for Communications Regulation established under the Act of 2002;”;
- (III) by inserting after the definition of “*insolvency related event*” the following:
““Lease” has the meaning set out in the Transfer and Lease Regulations;”;
- (IV) by substituting the following for the definition of “*Licence*”:
““licence” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of apparatus for wireless telegraphy for a mobile radio system or mobile radio systems in a specified place in the State, being a Mobile Radio Systems Licence as defined in the Regulations;”;
- (V) by deleting the definition of “*the Director*”;
- (VI) in the definition of “*the Regulations*” by inserting “435” between “S.I. No.” and “of 2002”;
- (VII) by inserting after the definition of “*the Regulations*” the following:
““Transfer” has the meaning set out in the Transfer and Lease Regulations;
“Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum

for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);”;

(n) in the Second Schedule –

(i) by substituting “*Mobile Radio Systems Licences*” for “*Types of Licensed Mobile Radio Systems*”;

(ii) by substituting the following for the first paragraph:

“€625 per channel (up to 2 × 12.5 kHz) per base station for first year of the Mobile Radio Systems Licence, and a renewal fee of €1,000 per channel (up to 2 × 12.5 kHz) per base station per annum thereafter.”;

(o) by inserting after the Second Schedule a new Third Schedule as set out in Schedule 6 of these Regulations.

19. The Wireless Telegraphy (Mobile Satellite Service and Complementary Ground Component) Regulations 2018 (S.I. No. 282 of 2018) are amended:

(a) in Regulation 2(1) –

(i) by substituting “*Schedule 1 and Schedule 2*” for “*the Schedule*” in the definition of “*Base Station*”;

(ii) by substituting the following for the definition of “*CPI Adjustment*”:

““CPI Adjustment” means adjustment in accordance with any changes in the CPI that occur following the date of commencement of the first Licence granted under these Regulations in respect of the relevant rights of use for radio frequencies under the Licence, where “change in the consumer price index” means the difference between the CPI number last published before the date of commencement of said first Licence and the CPI number most recently published on the anniversary of the date of commencement of the licence;”;

(iii) by inserting after the definition of “*Earth Station*” the following:

““EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);”;

(iv) by inserting after the definition of “*Harmful Interference*” the following:

““Lease” has the meaning set out in the Transfer and Lease Regulations;

“Lessee” has the meaning set out in the Transfer and Lease Regulations;

“Lessor” has the meaning set out in the Transfer and Lease Regulations;”;

(v) by substituting the following for the definition of “*Licence*”:

““Licence” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these

Regulations to keep and have possession of Apparatus in a specified place in the State, being one of:

(a) a Mobile Satellite Service with Complementary Ground Component Licence; or

(b) a Mobile Satellite Service with Complementary Ground Component Spectrum Lease Licence.”;

(vi) by inserting after the definition of “*Mobile Satellite Service*” the following:

““Mobile Satellite Service with Complementary Ground Component Licence” or “MSS-CGC Licence” means a non-exclusive Licence in the form set out in Schedule 1 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus in a specified place in the State, in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;

“Mobile Satellite Service with Complementary Ground Component Spectrum Lease Licence” or “MSS-CGC Spectrum Lease Licence” means a non-exclusive Licence in the form set out in Schedule 2 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus in a specified place in the State, in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;”;

(vii) by inserting after the definition of “*Temporary Base Station*” the following:

““Transfer” has the meaning set out in the Transfer and Lease Regulations;

“Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);

“Transferee” has the meaning set out in the Transfer and Lease Regulations;

“Transferor” has the meaning set out in the Transfer and Lease Regulations;”;

(b) by substituting for Regulation 3 the following:

“These Regulations apply to MSS-CGC Licences and MSS-CGC Spectrum Lease Licences.”;

(c) in Regulation 4 –

(i) by inserting “*MSS-CGC*” before “*Licence*” in paragraph (3);

(ii) by substituting for paragraph (4) the following:

“A MSS-CGC Licence shall be in the form specified in Schedule 1 to these Regulations with such variation (if any) (whether by addition, deletion or alteration) as the Commission may determine from time to time or in any particular case.”;

(d) in Regulation 5 by inserting “MSS-CGC” before “Licence” in paragraphs (1) and (2);

(e) in Regulation 6 by deleting paragraphs (m) and (n);

(f) in Regulation 8 –

(i) by substituting “holder of a MSS-CGC Licence” for “Licensee” in paragraph (1);

(ii) by substituting for paragraph (2) the following:

“The fees specified in paragraph (1) of this Regulation shall be payable by the holder of a MSS-CGC Licence on commencement of or prior to the grant of a MSS-CGC Licence.”;

(iii) by inserting after paragraph (6) the following:

“(7) The fees for a MSS-CGC Licence granted on foot of a Transfer are the outstanding fees, if any, and annual fees specified in paragraph 1 of this Regulation with respect to the rights being transferred.”;

(g) by inserting after Regulation 9 the following new Regulation 10:

“Spectrum Transfers and Leases

10. (1) The Licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(2) The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(3) The Commission may grant a Licence to a Transferee in accordance with the Transfer and Lease Regulations.

(4) The Commission may grant a MSS-CGC Spectrum Lease Licence to a Lessee in accordance with the Transfer and Lease Regulations.

(5) A MSS-CGC Spectrum Lease Licence to which these Regulations apply shall be in the form specified in Schedule 2, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

(6) The commencement date and expiry date of a MSS-CGC Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the MSS-CGC Spectrum Lease Licence. A MSS-CGC Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.

(7) A MSS-CGC Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

(h) by renaming the Schedule as “Schedule 1”;

(i) by inserting after Schedule 1 a new Schedule 2 as set out in Schedule 7 of these Regulations.

20. The Wireless Telegraphy (National Point-to-Point Block Licences) Regulations 2018 (S.I. No. 158 of 2018) are amended:

(a) in Regulation 2(1) –

(i) by inserting after the definition of “26 GHz Band Interim Licence” the following:

““26 GHz Band Spectrum Lease Licence” means a non-exclusive Licence in the form set out in Schedule 3 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus in a specified place in the State, in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;”;

(ii) by inserting after the definition of “CSO” the following:

““EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);”;

(iii) by inserting after the definition of “Information Memorandum” the following:

““Lease” has the meaning set out in the Transfer and Lease Regulations;

“Lessee” has the meaning set out in the Transfer and Lease Regulations;

“Lessor” has the meaning set out in the Transfer and Lease Regulations;”;

(iv) by substituting the following for the definition of “Licence”:

““Licence” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these

Regulations to keep and have possession of Apparatus in a specified place in the State, being one of:

- (a) a 26 GHz Band Licence;*
- (b) a 26 GHz Band Interim Licence; or*
- (c) a 26 GHz Band Spectrum Lease Licence;”;*

(v) by inserting after the definition of “Time Division Duplex” or “TDD” the following:

*““Transfer” has the meaning set out in the Transfer and Lease Regulations;
“Transferee” has the meaning set out in the Transfer and Lease Regulations;
“Transferor” has the meaning set out in the Transfer and Lease Regulations;
“Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);”;*

(b) by substituting for Regulation 3(1) the following:

“3(1) These Regulations apply to 26 GHz Band Licences, 26 GHz Band Interim Licences and 26 GHz Band Spectrum Lease Licences.”;

(c) in Regulation 4 –

(i) by substituting for paragraph (1) the following:

“A Winning Bidder or a Transferee may submit an application to the Commission to be granted a 26 GHz Band Licence to include the assignment of such rights of use for radio frequencies in the 26 GHz Band as have been determined in accordance with the Information Memorandum and by the outcome of the Award or in accordance with the relevant Transfer, as the case may be, and subject to payment by the Winning Bidder of all applicable fees in respect of the 26 GHz Band Licence.”;

(ii) by substituting for paragraph (4) the following:

“A Winning Bidder or Existing Licensee or Transferee who submits an application to be granted a Licence shall furnish to the Commission such information as the Commission may reasonably require for the purposes of its functions under these Regulations and the EECC Regulations and the Commission may refuse to grant a Licence to any Winning Bidder or Existing Licensee or Transferee who, without reasonable cause, has failed to comply with a requirement to furnish any such information.”;

(d) by inserting the following at the end of Regulation 5(1):

“A 26 GHz Band Licence granted on foot of a Transfer shall expire no later than the expiry date of the Licence of the relevant Transferor.”;

(e) in Regulation 6(1) -

(iii) by substituting for paragraph (l) the following:

“(l) with specific reference to 26 GHz Band Licences and 26 GHz Band Spectrum Lease Licences, any Licensee that is granted a 26 GHz Band Licence or a 26 GHz Band Spectrum Lease Licence may use it only to install, maintain, possess, keep, work or use Point-to-Point fixed links which utilise Frequency Division Duplex technology and, for the avoidance of doubt, such Licences may not be used to install, maintain, possess, keep, work or use Point-to-Multipoint fixed links or to install, maintain, possess, keep, work or use any Apparatus that utilises Time Division Duplex technology; and”; and

(iv) by substituting for paragraph (m) the following:

“(m) ensure that on each anniversary of the initial date of granting of a 26 GHz Band Licence or a 26 GHz Band Spectrum Lease Licence, the Licensee concerned shall submit up to date information to the Commission in respect of Parts 1 and 2 of its 26 GHz Band Licence or 26 GHz Band Spectrum Lease Licence, as the case may be.”;

(f) in Regulation 8 –

(i) by inserting in paragraph (1) the following after “26 GHz Band Licence”:
“granted on foot of the Award”; and

(ii) by inserting after paragraph (12) the following:

“(13) The Spectrum Usage Fees for any 26 GHz Band Licence granted on foot of a Transfer are the outstanding Spectrum Usage Fees, if any, and the annually payable Spectrum Usage Fees specified in paragraphs 1 and 2 of this Regulation, with respect to the rights being transferred, except that:

(a) the CPI Adjustment to be used in determining the annual Spectrum Usage Fees in accordance with the Information Memorandum shall be calculated using the month of August 2018 as the common base date for the CPI; and

(b) the annual Spectrum Usage Fees shall be payable prior to each anniversary of 2 August 2018 following grant of the Licence.”;

- (g) in Regulation 9(1)(a) by inserting the following after “26 GHz Band Licences”:
“or 26 GHz Band Spectrum Lease Licences”;
- (h) by inserting after Regulation 10 the following new Regulation 11:
“*Spectrum Transfers and Leases*
11. (1) *The Licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.*
(2) *The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.*
(3) *The Commission may grant a Licence to a Transferee in accordance with the Transfer and Lease Regulations.*
(4) *Application for the grant of a 26 GHz Band Spectrum Lease Licence shall be made by a Lessee to the Commission in writing and in such form as may be determined by the Commission from time to time. The Commission may grant a 26 GHz Band Spectrum Lease Licence to a Lessee in accordance with the Transfer and Lease Regulations*
(5) *A 26 GHz Band Spectrum Lease Licence to which these Regulations apply shall be in the form specified in Schedule 3, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.*
(6) *The commencement date and expiry date of a 26 GHz Band Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the 26 GHz Band Spectrum Lease Licence. A 26 GHz Band Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.*
(7) *A 26 GHz Band Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.*”;
- (i) in Schedule 1 by deleting “Regulation 8 of” in the first paragraph where it occurs;
and
- (j) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 8 of these Regulations.

21. The Wireless Telegraphy (Public Service Television and Sound Broadcasting Licences) Regulations, 2019 (S.I. No. 197 of 2019) are amended by deleting Regulation 11.

22. The Wireless Telegraphy (Radiodetermination, Air Traffic and Maritime Services) Regulations 2009 (SI No. 369 of 2009) are amended:

(a) in Regulation 2(1) –

(i) by inserting after the definition of “*apparatus for wireless telegraphy*” the following:

“*“Automatic Identification System” or “AIS” services is a specific type of radiodetermination service and means an automated, short range, maritime tracking system used on vessels and aids to navigation and by vessel traffic services for identifying and locating vessels and aids to navigation by electronically exchanging data with other nearby vessels and vessel traffic service stations, which operates using radio frequencies identified for use by such systems on a worldwide basis by the International Telecommunication Union;”*;

(ii) by inserting after the definition of “*Commission*” the following:

“*“EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);”*;

(iii) by inserting after the definition of “*ICNIRP*” the following:

“*“Lease” has the meaning set out in the Transfer and Lease Regulations;*

“*Lessee” has the meaning set out in the Transfer and Lease Regulations;*

“*Lessor” has the meaning set out in the Transfer and Lease Regulations;”*;

(iv) by substituting the following for the definition of “*Licence*”:

“*“Licence” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of Apparatus in a specified place in the State, being one of:*

(a) a Radiodetermination, Air Traffic and Maritime Services Licence”; or

(b) a Radiodetermination, Air Traffic and Maritime Services Spectrum Lease Licence;”;

(v) by inserting after the definition of “*Radiodetermination*” the following:

““Radiodetermination, Air Traffic and Maritime Services Licence” or “RATMS Licence” means a non-exclusive Licence in the form set out in Schedule 1 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus in a specified place in the State in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;

“Radiodetermination, Air Traffic and Maritime Services Spectrum Lease Licence” or “RATMS Spectrum Lease Licence” means a non-exclusive Licence in the form set out in Schedule 3 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus in a specified place in the State in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;”;

(vi) by inserting after the definition of “Regulations” the following:

““Transfer” has the meaning set out in the Transfer and Lease Regulations;

“Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);

“Transfer of Licence for AIS Services” means a transfer of a licence in accordance with Regulation 7(1)(d);

“Transferee” has the meaning set out in the Transfer and Lease Regulations;

“Transferor” has the meaning set out in the Transfer and Lease Regulations;”;

(b) by substituting for Regulation 3 the following:

“3. These Regulations apply to RATMS Licences and RATMS Spectrum Lease Licences.”;

(c) in Regulation 5(3) by inserting “RATMS” before “Licence”;

(d) in Regulation 6(1) by inserting “RATMS” before “Licence”;

(e) in Regulation 7(1) –

(i) in subparagraph (c) by inserting “, where applicable” after “Regulations”;

(ii) by substituting for subparagraph (d) the following:

“(d) Where a RATMS Licence has been granted under these Regulations in respect of Apparatus for the provision of AIS services, and where ownership of the vessel or structure where the Apparatus is installed, is to be transferred to another party, together with ownership of the Apparatus, the Licensee may,

subject to the consent of the Commission, which shall not be unreasonably withheld, transfer the Licence;”;

(f) in Regulation 9 –

(i) in paragraphs (1) and (2) by inserting “*RATMS*” before “*Licences*” ;

(ii) by inserting after paragraph (5) the following:

“(6) The fees for a RATMS Licence granted on foot of a Transfer are the outstanding fees, if any, specified in paragraph 1 of this Regulation with respect to the rights being transferred.”;

(g) by inserting after Regulation 10 the following new Regulation 11:

“Spectrum Transfers and Leases

11. (1) The Licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(2) The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(3) The Commission may grant a Licence to a Transferee in accordance with the Transfer and Lease Regulations.

(4) The Commission may grant a RATMS Spectrum Lease Licence to a Lessee in accordance with the Transfer and Lease Regulations

(5) A RATMS Spectrum Lease Licence to which these Regulations apply shall be in the form specified in Schedule 3, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

(6) The commencement date and expiry date of a RATMS Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the RATMS Spectrum Lease Licence. A RATMS Spectrum Lease Licence to which these Regulations apply shall in any event remain in force no longer than the lifetime of the Apparatus specified in the Licence.

(7) A RATMS Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

(h) in Schedule 2 –

(i) by inserting “*RATMS*” before “*Licence fee for Apparatus*”;

(ii) by substituting the following for the final paragraph:

“Licence amendments shall incur a fee of €30. Each Transfer of Licence for AIS Services shall incur a fee of €30, payable by the party to whom the licence is to be transferred.”;

(i) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 9 of these Regulations.

23. The Wireless Telegraphy (Research and Development Licence) Regulations, 2005 (S.I. No. 113 of 2005) are amended by deleting Regulation 5(6).

24. The Wireless Telegraphy (Satellite Earth Station Licence) Regulations 2024 (S.I. No. 96 of 2024) are amended:

(a) in Regulation 2(1) –

(i) by inserting after the definition of “*Interim Fee*” the following:

““Lease” has the meaning set out in the Transfer and Lease Regulations;

“Lessee” has the meaning set out in the Transfer and Lease Regulations;

“Lessor” has the meaning set out in the Transfer and Lease Regulations;”;

(ii) in the definition of “*Licence*” by inserting the following after “*licensee*”:

“, being one of:

(a) a Satellite Earth Station Licence; or

(b) a Satellite Earth Station Spectrum Lease Licence”;

(iii) by inserting after the definition of “*Satellite Earth Station*” or “*SES*” the following:

““Satellite Earth Station Licence” means a Non-exclusive Licence in the form set out in Schedule 1 granted in accordance with section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep, have possession of, install, maintain, work and use Apparatus in a specified place in the State, in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;

“Satellite Earth Station Spectrum Lease Licence” means a Non-exclusive Licence in the form set out in Schedule 3 granted in accordance with section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep, have possession of, install, maintain, work and use

- Apparatus in a specified place in the State, in accordance with and subject to the terms and conditions set out therein and the matters prescribed”;*
- (iv) in the definition of “*Temporary Licence*” by inserting “*Satellite Earth Station*” before “*Licence that is granted*”;
- (v) by inserting after the definition of “*Temporary Licence*” the following:
““*Transfer*” has the meaning set out in the *Transfer and Lease Regulations*;
“*Transfer and Lease Regulations*” means the *Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024)*;
“*Transferee*” has the meaning set out in the *Transfer and Lease Regulations*;
“*Transferor*” has the meaning set out in the *Transfer and Lease Regulations*.”;
- (b) by substituting for Regulation 3 the following:
“*3. These Regulations apply to Satellite Earth Station Licences and Satellite Earth Station Spectrum Lease Licences.*”;
- (c) in Regulation 5 by inserting “*Satellite Earth Station*” before “*Licence*” in paragraphs (3) and (4);
- (d) in Regulation 6 -
- (i) by substituting for paragraph (1) the following:
“*(1) A Satellite Earth Station Licence shall, unless it has been withdrawn or had its duration reduced under Regulation 8, remain in force from the date of grant for a period of not greater than one year, subject to paragraph(3).*”;
- (ii) by substituting for paragraph (2) the following:
“*A Satellite Earth Station Licence may be renewed from time to time by the Commission under this Regulation, subject to paragraph(3).*”;
- (iii) by inserting “*Satellite Earth Station*” before “*Licence*” in paragraphs (4) and (5);
- (e) in Regulation 7(1) -
- (i) by inserting “, *where applicable*” after the second occurrence of “*these Regulations*” in subparagraph (c);
- (ii) by deleting subparagraph (1);
- (f) in Regulation 9 –
- (i) by inserting “*Satellite Earth Station*” before “*Licences*” in paragraph (1);

- (ii) by inserting “*Satellite Earth Station*” before “*Licence*” paragraphs (2), (5) and (6);
- (iii) by inserting after paragraph (8) the following:
- “(9). The fees for a Satellite Earth Station Licence granted on foot of a Transfer are the outstanding fees, if any, and renewal fees specified in paragraphs 1 and 2 of this Regulation with respect to the rights being transferred.”;*
- (g) by inserting after Regulation 10 the following new Regulation 11:
- “Spectrum Transfers and Leases*
- 11. (1) The Licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.*
- (2) The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.*
- (3) The Commission may grant a Licence to a Transferee in accordance with the Transfer and Lease Regulations.*
- (4) The Commission may grant a Satellite Earth Station Spectrum Lease Licence to a Lessee in accordance with the Transfer and Lease Regulations.*
- (5) A Satellite Earth Station Spectrum Lease Licence to which these Regulations apply shall be in the form specified in Schedule 3, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.*
- (6) The commencement date and expiry date of a Satellite Earth Station Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the Satellite Earth Station Spectrum Lease Licence. A Satellite Earth Station Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.*
- (7) A Satellite Earth Station Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;*
- (h) In Schedule 1 by inserting “*Satellite Earth Station Licence*” in the title under “*WIRELESS TELEGRAPHY (SATELLITE EARTH STATION LICENCE) REGULATIONS, 2024*”;

- (i) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 10 of these Regulations.

25. The Wireless Telegraphy (Telemetry Licence) Regulations 2024 (S.I. No. 266 of 2024) are amended:

(a) in Regulation 2(1) –

- (i) by inserting after the definition of “*Harmful Interference*” the following:

“*Lease*” has the meaning set out in the *Transfer and Lease Regulations*;

“*Lessee*” has the meaning set out in the *Transfer and Lease Regulations*;

“*Lessor*” has the meaning set out in the *Transfer and Lease Regulations*.”;

- (ii) in the definition of “*Licence Fee*” by inserting “, other than a *Telemetry Spectrum Lease licence*” after “*Licence*” where it occurs at the end of the definition;

- (iii) by substituting the following for the definition of “*Licence*”:

“*Licence*” means a *Non-exclusive Licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of Apparatus in a specified place in the State, being one of:*

(a) a *Regional On-site Licence*;

(b) a *Regional Local area Licence*;

(c) a *Regional Wide area Licence*;

(d) a *National Licence*; or

(e) a *Telemetry Spectrum Lease Licence*.”;

- (iv) by inserting after the definition of “*Telemetry System*” the following:

“*Telemetry Licence*” means:

(a) a *Regional On-site Licence*;

(b) a *Regional Local-area Licence*;

(c) a *Regional Wide-area Licence*; or

(d) a *National Licence*.

“*Telemetry Spectrum Lease Licence*” means a *non-exclusive Licence in the form set out in Schedule 3 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus in a specified place in the State, in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations*;

“Transfer” has the meaning set out in the Transfer and Lease Regulations;

“Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);

“Transferee” has the meaning set out in the Transfer and Lease Regulations;

“Transferor” has the meaning set out in the Transfer and Lease Regulations;”;

(b) by substituting for Regulation 3 the following:

“3. These Regulations apply to Telemetry Licences and Telemetry Spectrum Lease Licences.”;

(c) in Regulation 5 by inserting *“Telemetry”* before *“Licence”* in paragraphs (3) and (4);

(d) in Regulation 6 by inserting *“Telemetry”* before *“Licence”*;

(e) in Regulation 7(1) -

(i) by inserting in paragraph (c) *“, where applicable”* after the second occurrence of *“these Regulations”*;

(ii) by deleting paragraph (m);

(f) in Regulation 9 –

(i) by inserting *“Telemetry”* before *“Licences”* in paragraph (1);

(ii) by substituting *“Telemetry Licence”* for *“licence”* in paragraph (2);

(iii) by inserting *“Telemetry”* before *“Licence”* where it occurs first in each of paragraphs (4) and (5);

(iv) by inserting after paragraph (7) the following:

“(8) The fees for a Telemetry Licence granted on foot of a Transfer are the outstanding fees, if any, and annual fees specified in paragraphs 1 and 2 of this Regulation with respect to the rights being transferred.”;

(g) by inserting after Regulation 10 the following new Regulation 11:

“Spectrum Transfers and Leases

11. (1) The Licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(2) The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(3) The Commission may grant a Licence to a Transferee in accordance with the Transfer and Lease Regulations.

(4) The Commission may grant a Telemetry Spectrum Lease Licence to a Lessee in accordance with the Transfer and Lease Regulations.

(4) A Telemetry Spectrum Lease Licence to which these Regulations apply shall be in the form specified in Schedule 3, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

(6) The commencement date and expiry date of a Telemetry Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the Telemetry Systems Spectrum Lease Licence. A Telemetry Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.

(7) A Telemetry Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

- (h) in Schedule 2 by inserting “TELEMETRY” before “LICENCES” in the title;
- (i) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 11 of these Regulations.

26. The Wireless Telegraphy (Third Generation and GSM Licence) Regulations, 2002 (S.I No. 345 of 2002) are amended:

- (a) by revoking the application to those regulations under Regulation 4(1)(b) of S.I. No. 265 of 2021 of the definition of “Licence” in S.I. No. 265 of 2021;
- (b) in Regulation 2(1) –
 - (i) by inserting before the definition of “Act of 1926” the following:

““2.1 GHz Band Spectrum Lease Licence” means a non-exclusive Licence in the form set out in Schedule 3 granted under section 5 of the Act of 1926 to keep and have possession of Liberalised Apparatus in a specified place in the State, in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;

“A Licence” and “B Licence” have the meaning described in the tender documents published by the Office of the Director for Telecommunications Regulation in December 2001 as documents ODTR no. 01/99 and no. 01/100;”;

(ii) by inserting after the definition of “EURIBOR” the following:

““EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);”;

(iii) by inserting after the definition of “GSM mobile telephony service” the following:

““Lease” has the meaning set out in the Transfer and Lease Regulations;

“Lessee” has the meaning set out in the Transfer and Lease Regulations;

“Lessor” has the meaning set out in the Transfer and Lease Regulations;”;

(iv) by substituting the following for the definition of “Licence”:

““Licence” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of Liberalised Apparatus or Third Generation Apparatus, as the case may be, in a specified place in the State, being one of:

(a) a Third Generation and GSM Mobile Telephony Licence;

(b) a 2.1 GHz Band Liberalised Use Licence; or

(c) a 2.1 GHz Band Spectrum Lease Licence;”;

(v) by inserting after the definition of “Third Generation mobile telephony service” the following:

““Third Generation and GSM Mobile Telephony Licence” or “3G and GSM Mobile Licence” means a non-exclusive Licence in the form set out in Schedule 1 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus in a specified place in the State, in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations, and includes A and B Licences;

Transfer” has the meaning set out in the Transfer and Lease Regulations;

“Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of

Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);

“Transferee” has the meaning set out in the Transfer and Lease Regulations;

“Transferor” has the meaning set out in the Transfer and Lease Regulations;”;

(c) in Regulation 3 –

(i) in paragraphs (1), (2) and (3) by inserting “3G and GSM Mobile” before “Licence”;

(ii) by substituting for paragraph (4) the following:

“(4) Subject to Regulation 6 of these Regulations, a 3G and GSM Mobile Licence shall be in the form specified in Schedule 1 to these Regulations with such variation (if any) (whether by addition, deletion or alteration) as the Commission may determine from time to time or in any particular case.”;

(d) in Regulation 4 –

(i) in paragraphs (1), (3) and (4) by inserting “3G and GSM Mobile” before “Licence”;

(ii) in paragraph (2) by substituting “a 3G and GSM Mobile Licence” for “where the licensee is a holder of a licence under these Regulations that licence”;

(iii) in paragraph (5) by inserting “3G and GSM Mobile” before the first occurrence of “Licence”;

(e) in Regulation 5 –

(i) in condition 1 by substituting “Licence” for “Schedules one – 3 to this licence”;

(ii) in condition 3 by substituting “the Licence” for “Schedule 5 of the licence”;

(iii) by deleting condition 4;

(f) in Regulation 8 –

(i) in paragraph (1) by inserting “3G and GSM Mobile” before “Licences”;

(ii) in paragraphs (5) and (7) by inserting “3G and GSM Mobile” before “Licence”;

(g) in Regulation 9 by inserting “3G and GSM Mobile” before “Licence” where it occurs, but not where “Licence” occurs as part of any of the following terms: “A

Licence”, “*B Licence*”, “*spectrum access Licence fee*”, ““*A*” *Licence*” or ““*B*” *Licence*”;

(h) in Regulation 10 –

(i) in paragraphs (1), (2) and (3) by substituting “*holder of a 3G and GSM Mobile Licence*” for “*Licensee*”;

(ii) by substituting for paragraph (4) the following:

“(4) For the avoidance of doubt, the spectrum in paragraph 3 may be divided between several 3G and GSM Mobile Licensees, and a Licensee may not wish to take the full allocation which may be open to it. If the Commission assigns a smaller amount of spectrum to the holder of a 3G and GSM Mobile Licence than the maximum provided in paragraph 3, the fee payable by Licensee shall be reduced pro rata.”;

(i) in Regulation 11 –

(i) by inserting “*3G and GSM Mobile*” before “*Licence*”, but not before “*Licence fee*” or “*Licence Fee*” where they occur;

(ii) by inserting after paragraph (7) the following:

“(8) The annual spectrum fees for a 3G and GSM Mobile Licence granted on foot of a transfer are the outstanding fees, if any, and annual fees, as specified in paragraphs (1), (2), (3), (4), (5) and (6) of this Regulation, that apply each time a 3G and GSM Mobile Licence is renewed, with respect to the rights being transferred.”;

(j) in Regulation 13(9) by deleting subparagraphs (b), (c), (d), (e) and (f);

(k) by inserting after Regulation 13 the following new Regulation 14:

“Spectrum Transfers and Leases

14. (1) The Licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(2) The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(3) The Commission may grant a Licence to a Transferee in accordance with the Transfer and Lease Regulations.

(4) Where rights of use for radio frequencies are attached to a 3G and GSM Mobile Licence together with a 2.1 GHz Band Liberalised Use Licence are being transferred in accordance with the Transfer and Lease Regulations, the

Commission shall grant a 3G and GSM Mobile Licence together with a 2.1 GHz Band Liberalised Use Licence to the Transferee in respect of said rights. Application for the grant of a 3G and GSM Mobile Licence together with a 2.1 GHz Band Liberalised Use Licence shall be made by a Transferee to the Commission in writing and in such form as may be determined by the Commission from time to time.

(5) Application for the grant of a 2.1 GHz Band Spectrum Lease Licence shall be made by a Lessee to the Commission in writing and in such form as may be determined by the Commission from time to time. The Commission may grant a 2.1 GHz Band Spectrum Lease Licence to a Lessee in accordance with the Transfer and Lease Regulations.

(6) A 2.1 GHz Band Spectrum Lease Licence to which these Regulations apply shall be in the form specified in Schedule 2, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

(7) The commencement date and expiry date of a 2.1 GHz Band Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the 2.1 GHz Band Spectrum Lease Licence. A 2.1 GHz Band Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.

(8) A 2.1 GHz Band Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

- (l) in the text setting out the form of a licence cover page that occurs before Schedule 1 –
- (i) by inserting “Schedule 1” above “WIRELESS TELEGRAPHY ACT, 1926”;
 - (ii) by inserting “Third Generation and GSM Mobile Telephony Licence” under “WIRELESS TELEGRAPHY (THIRD GENERATION AND GSM MOBILE TELEPHONY LICENCE) (AMENDMENT) REGULATIONS, 2003”;
 - (iii) by substituting “Part 2” for “Second Schedule”;

- (iv) by substituting “*Parts 1, 3 and 3 of*” for “*the First – third schedules to*”;
- (v) by substituting “*Part 5*” for “*Schedule 5*”;
- (m) by renaming Schedule 1, Schedule 2, Schedule 3, Schedule 4, and Schedule 5 as “*Part 1*”, “*Part 2*”, “*Part 3*”, “*Part 4*” and “*Part 5*” respectively;
- (n) by renaming Schedule 6 as “*Schedule 2*”;
- (o) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 12 of these Regulations.

27. The Wireless Telegraphy (Third Party Business Radio Licence) Regulations, 2005 (S.I. No. 646 of 2005) are amended:

- (a) in Regulation 2(1) –
 - (i) by inserting after the definition of “*Commission*” the following:

“*EECC Regulations*” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);”;
 - (ii) by inserting after the definition of “*Harmful Interference*” the following:

“*Lease*” has the meaning set out in the Transfer and Lease Regulations;
“*Lessee*” has the meaning set out in the Transfer and Lease Regulations;
“*Lessor*” has the meaning set out in the Transfer and Lease Regulations;”;
 - (iii) by substituting the following for the definition of “*Licence*”:

“*Licence*” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of apparatus in a specified place in the State, being one of:

 - (a) a Third Party Business Radio Licence; or
 - (b) a Third Party Business Radio Spectrum Lease Licence;”;
 - (iv) by inserting after the definition of “*Third Party Business Radio*” the following:

“*Third Party Business Radio Licence*” or “*TPBR Licence*” means a Licence in the form set out in Schedule 1 granted under section 5 of the Act of 1926, to keep and have possession of Apparatus in a specified place in the State for the purpose of Third Party Business Radio services in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;

“*Third Party Business Radio Spectrum Lease Licence*” or “*TPBR Spectrum Lease Licence*” means a Licence in the form set out in Schedule 2 granted

under section 5 of the Act of 1926, to keep and have possession of Apparatus in a specified place in the State for the purpose of Third Party Business Radio services in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;

“Transfer” has the meaning set out in the Transfer and Lease Regulations;

“Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);

“Transferee” has the meaning set out in the Transfer and Lease Regulations;

“Transferor” has the meaning set out in the Transfer and Lease Regulations;”;

(b) in Regulation 3 by substituting for paragraph (4) the following:

“4. A TPBR Licence shall be in the form specified in Schedule 1 to these Regulations with such variation (if any) (whether by addition, deletion or alteration) as the Commission may determine from time to time or in any particular case.”;

(c) in Regulation (4) by substituting for paragraph (1) the following:

“(1) A Third Party Business Radio Licence shall (unless it has been revoked) be in force for a maximum period of five years from the date on which it comes into operation and shall then expire.. Notwithstanding the foregoing, a Third Party Business Radio Licence granted on foot of a Transfer shall expire no later than the expiry date of the Licence of the relevant Transferee.”;

(d) in Regulation 5 -

(i) by substituting “Licence” for “Schedule” in paragraph (1);

(ii) by inserting in paragraph (2) “, where they apply;” after “these Regulations”;

(iii) by deleting paragraph (4);

(iv) by substituting for paragraph (5) the following:

“(5) if the address of the Primary Licensee or the Secondary Licensee changes, the Primary Licensee or Secondary Licensee shall, as soon as possible, notify the Commission in writing of the change;”;

(v) by substituting for paragraph (7) the following:

“(7) the Primary Licensee shall ensure that the Secondary Licensee is contractually obliged to provide to the Primary Licensee such details as the Commission may request from time to time; and”;

(e) in Regulation 6 –

(i) by inserting “TPBR” before “Licences” in paragraph (1);

(ii) by inserting “TPBR” before “licence” in paragraph (4);

(f) by substituting for Regulation 7 the following:

“7 (1) The following fees shall apply on the grant of a TPBR Licence subject to Regulation 4(1):

Where the TPBR Licence is a TPBR Licence to which these Regulations apply the Primary Licensee shall pay a fee of €1000 per 12.5 kHz channel per year for the duration of the licence.

(2) The fees for a TPBR Licence granted on foot of a Transfer are the outstanding fees, if any, and annual fees specified in paragraph (1) with respect to the rights being transferred.”;

(g) by substituting for Regulation 9 the following:

“9. These Regulations apply to Third Party Business Radio Licences and Third Party Business Radio Spectrum Lease Licences.”;

(h) by inserting after Regulation 9 the following new Regulation 10:

“Amendment, Withdrawal and Suspension

10. (1) The Commission may amend the Licence from time to time where objectively justifiable and in a proportionate manner. Any amendment shall be made subject to and in accordance with the EECC Regulations, and any other requirements under applicable national or European Union law.

(2) Without prejudice to paragraph (1) of this Regulation, at the request of the Licensee, the Commission may, if it considers it appropriate to do so, amend the Licence by adding to, deleting from or altering the radio frequency spectrum specified in the Licence on which the Apparatus may be used. Any such amendment shall be effected by notice in writing from the Commission specifying the amendment and given to the Licensee or sent to the Licensee at the address specified in the Licence or notified to the Commission pursuant to the Licence.

(3) A Licence may be suspended or withdrawn by the Commission in accordance with the EECC Regulations, and any other requirements under applicable national or European Community law.”;

(i) by inserting after Regulation 10 the following new Regulation 11:

“Spectrum Transfers and Leases

11. (1) The Licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(2) The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(3) The Commission may grant a Licence to a Transferee in accordance with the Transfer and Lease Regulations.

(4) The Commission may grant a TPBR Spectrum Lease Licence to a Lessee following the approval of the relevant Lease by the Commission in accordance with the Transfer and Lease Regulations

(5) A TPBR Spectrum Lease Licence to which these Regulations apply shall be in the form specified in Schedule 2, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

(6) The commencement date and expiry date of a TPBR Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the TPBR Spectrum Lease Licence. A TPBR Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.

(7) A TPBR Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

(j) by renaming the Schedule as “Schedule 1”;

(k) by inserting after Schedule 1 a new Schedule 2 as set out in Schedule 13 of these Regulations.

28. The Wireless Telegraphy (Third Party Trial Licence) Regulations, 2005 (S.I. No. 114 of 2005) are amended by deleting Regulation 5(3).

29. The Wireless Telegraphy (Use of the Band 380-400MHz by Emergency Services) Regulations, 2008 (S.I. No. 324 of 2008) are amended:

(a) in Regulation 2(1) –

(i) by inserting after the definition of “*Commission*” the following:

““EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);”;

(ii) by inserting after the definition of “Emergency service” the following:

““Emergency Services Digital Radio Licence” or “ESDR Licence” means a Licence in the form set out in Schedule 2 granted under section 5 of the Act of 1926 to keep, install, maintain, work and use, anywhere in the State, apparatus for wireless telegraphy that is used for the provision of electronic communications services in the spectrum bands 380-385MHz and 390-395MHz, in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;

“Emergency Services Digital Radio Spectrum Lease Licence” or “ESDR Spectrum Lease Licence” means a Licence in the form set out in Schedule 3 granted under section 5 of the Act of 1926 to keep, install, maintain, work and use, anywhere in the State, apparatus for wireless telegraphy that is used for the provision of electronic communications services in the spectrum bands 380-385MHz and 390-395MHz, in accordance with and subject to the terms and conditions set out therein and the matters prescribed in these Regulations;”;

(iii) by inserting after the definition of “Insolvency related event” the following:

““Lease” has the meaning set out in the Transfer and Lease Regulations;

“Lessee” has the meaning set out in the Transfer and Lease Regulations;

“Lessor” has the meaning set out in the Transfer and Lease Regulations;”;

(iv) by substituting the following for the definition of “Licence”:

““Licence” means a non-exclusive licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep and have possession of Apparatus in a specified place in the State, being one of:

(a) an ESDR Licence; or

(b) an ESDR Spectrum Lease Licence;”;

(v) by inserting after the definition of “Regulations” the following:

““Transfer” has the meaning set out in the Transfer and Lease Regulations;

“Transfer and Lease Regulations” means the Wireless Telegraphy (Transfer and Lease of Individual Rights of Use For Radio Spectrum for the Provision of

Electronic Communications Networks and Services) Regulations, 2024 (S.I. No. of 2024);

“Transferee” has the meaning set out in the Transfer and Lease Regulations;

“Transferor” has the meaning set out in the Transfer and Lease Regulations;

(b) by substituting for Regulation 3(1) the following:

“3. (1) These Regulations apply to ESDR Licences and ESDR Spectrum Lease Licences.”;

(c) by substituting for Regulation 7 the following:

“7. An ESDR Licence shall be in the form specified in Schedule 2 with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.”;

(d) in Regulation 8 by substituting “ESDR Licence” for the first occurrence of “licence”;

(e) in Regulation 9 –

(i) in paragraph (1) by substituting “ESDR Licence” for “licence”;

(ii) by substituting for paragraph (2) the following:

“(2) Any ESDR Licence that is renewed shall, subject to these Regulations and unless previously surrendered by the licensee or unless or until it is revoked or subsequently renewed by the Commission, and subject to any suspension thereof, continue in force for such period (not being more than one year) beginning on the applicable anniversary of the date on which the licence was first granted or, in the case of an ESDR Licence granted on foot of a Transfer, beginning on the applicable anniversary of the Transferor’s Licence, which date shall be specified in the licence.”;

(iii) by substituting “ESDR Licence” for first occurrence of “licence” in each of paragraphs (3), (4) and (5);

(f) in Regulation 10 –

(vi) by substituting for paragraph (1) the following:

“(1) The fees set out in Schedule 1 shall be paid prior to the grant or renewal of an ESDR Licence. The fee set out in Schedule 1 shall be indexed to reflect the annual rate of inflation, using the Consumer Price Index published by the Central Statistics Office. Indexation shall first occur on

the 12-month anniversary of the date on which a licence was first granted and shall occur annually thereafter”;

(vii) by inserting after paragraph (6) the following:

“(7) The fees for an ESDR Licence granted on foot of a Transfer are the outstanding fees, if any, and renewal fees specified in paragraph 1 of this Regulation with respect to the rights being transferred, except that indexation of the fees using the Consumer Price Index shall be determined using the month of August 2008 as the baseline date for the Consumer Price Index and shall occur annually on renewal of the Licence.”;

(g) in Regulation 11 by deleting paragraph (d);

(h) by inserting after Regulation 15 the following new Regulation 16:

“Spectrum Transfers and Leases

16. (1) The Licensee shall notify the Commission of its intention to Transfer or Lease any rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(2) The Licensee may only Transfer or Lease the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations.

(3) The Commission may grant a Licence to a Transferee in accordance with the Transfer and Lease Regulations.

(4) The Commission may grant an ESDR Spectrum Lease Licence to a Lessee in accordance with the Transfer and Lease Regulations.

(5) An ESDR Spectrum Lease Licence to which these Regulations apply shall be in the form specified in Schedule 3, with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

(6) The commencement date and expiry date of an ESDR Spectrum Lease Licence shall be set by the Commission with reference to the commencement date and expiry date of the relevant Lease and shall be specified in the ESDR Spectrum Lease Licence. An ESDR Spectrum Lease Licence to which these Regulations apply shall in any event expire on or before the expiry date of the Licence of the relevant Lessor.

(7) An ESDR Spectrum Lease Licence may be revoked, suspended or withdrawn by the Commission in accordance with the EECC Regulations, including if the

associated Licence of the relevant Lessor has been revoked, suspended or withdrawn under these Regulations.”;

(i) by renaming the Schedule as “Schedule 1”;

(j) by substituting for the text of Schedule 1 the following:

“The annual fee for an ESDR Licence granted under these Regulations shall be €100,000 for each 2 x 1MHz of spectrum allocated with that ESDR Licence. Fees shall be calculated on a pro rata basis according to the amount of spectrum allocated; for example, if 1 x 1MHz is allocated to an ESDR Licence then the applicable licence fee would be €50,000. Fees shall be indexed to reflect the annual rate of inflation using the Consumer Price Index published by the Central Statistics Office.”;

(k) by inserting after Schedule 1 a new Schedule 2 as set out in Schedule 14 of these Regulations;

(l) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 15 of these Regulations.

30. The Wireless Telegraphy (Wireless Public Address System) Regulations, 2006 (S.I. No. 304 of 2006) are amended by deleting Regulation 5(6).

SCHEDULE 1New SCHEDULE 3 OF S.I. No. 489 of 2019**SCHEDULE 3 – 400 MHz Band Spectrum Lease Licence**

WIRELESS TELEGRAPHY ACT, 1926

Wireless Telegraphy (400 MHz Band Licences) Regulations

400 MHz Band Spectrum Lease Licence

The Commission, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926) grants the following licence to **[INSERT LICENSEE NAME]** of **[INSERT LICENSEE ADDRESS]** (“the Licensee”). The Licensee is hereby authorised to keep, have possession of, install, maintain, work and use apparatus as specified in Part One of this Licence subject to the Licensee observing the conditions contained in this licence and in the Wireless Telegraphy (400 MHz Band Licences) Regulations, 2019 (S.I. No. 489 of 2019).

This Licence shall come in to effect on **DD/MM/YYYY** and subject to revocation, suspension or withdrawal, expires on **DD/MM/YYYY**.

Signed: _____

For and on behalf of the Commission for Communications Regulation

Date of Issue: _____

Part One**Frequency Assigned to Licensee**

Frequency Assigned to Spectrum

From _____ MHz to _____ MHz

Part Two**The Apparatus to which this Licence applies**

Equipment Description	Manufacturer	Model
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Part Three**Apparatus Location and Details**

Region	County	Site Identity	Eastings	Northings	Maximum EIRP
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Part Four Licence Conditions

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

SCHEDULE 2

New SCHEDULE 3 OF S.I. No. 593 of 2023

SCHEDULE 3

WIRELESS TELEGRAPHY ACT, 1926 WIRELESS TELEGRAPHY (FIXED

RADIO LINK LICENCE)

REGULATIONS, 2023

Fixed Radio Link Spectrum Lease Licence

Part 1

Licence Number:

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6(1) of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009), grants to the Licensee specified, authorisation to keep, have possession of, install, maintain, work and use Apparatus as specified in Part 2 of this Licence subject to the Licensee observing the conditions contained in Regulation 7 of the Wireless Telegraphy (Fixed Radio Link Licence) Regulations, 2023 (S.I. No. 593 of 2023).

Licensee:

Address:

Licence Type:

Commencement and Termination Dates (if applicable):

The Licence comes into effect on **DD/MM/YY** and, subject to withdrawal or suspension, expires on **DD/MM/YY**.

Signed:

on behalf of the Commission for Communications Regulation

Date:

Part 2

Licence Details	Apparatus
Licence Reference: Licensee: Address: Licence Issue Date:	Radio Make: Model: Class: Antenna Make: Model: Class: Adaptive Modulation: Channel Plan:

Locations(s) and Technical Conditions of Apparatus:

Transmit Station	Location	Frequency (MHz)	Channel Number	Frequency Band (GHz)	Receive Station	Bearing (degrees)

Distance (km)	Emission	Max EIRP (dBW)	Bandwidth (MHz)	Antenna		
				Gain	Height	Polarisation
				dB <i>i</i>	Metre (agl)	H/V

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

SCHEDULE 3**New THIRD SCHEDULE OF S.I. No. 79 of 2003****THIRD SCHEDULE**

Wireless Telegraphy Act, 1926

Wireless Telegraphy (Fixed Wireless Access Local Area Licence) Regulations, 2003

FWALA Spectrum Lease Licence under section 5 of the Wireless Telegraph Act, 1926 to keep and have possession of Fixed Wireless Access Apparatus

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926) hereby grants the following licence to [Licensee Name] of [Licensee Address] (“the Licensee”).

The Licensee is hereby authorised to keep and have possession of apparatus as specified in Part I of this Licence, subject to such apparatus being installed, maintained, worked and used in accordance with the terms, conditions and restrictions set out in the Wireless Telegraphy (Fixed Wireless Access Local Area Licence Regulations, 2003 (S.I. No. 79 of 2003) (“the Regulations”), including but not limited to, the following:

- (1) The Licensee shall ensure that it complies with all of the conditions contained within the Regulations and within Parts XX to XX of this Licence.

For the purpose of this Licence, the definitions set out in the Regulations apply.

This Licence shall come in to effect on DD/MM/YYYY (the “Licence Commencement Date”) and, subject to revocation, suspension or withdrawal, expires on DD/MM/YYYY.

PARTS**PART I**

Licensee

PART II

Addresses for Notices

PART III

Description and Characteristics of Fixed Wireless Access Apparatus

PART IV

Technical Conditions for Fixed Wireless Access Apparatus

PART V

Minimum Loading Criteria, if applicable

PART VI

Roll-out Plan, if applicable

PART VII

Licence commencement and termination dates

Part VIII

Commitments made in the course of a competitive or comparative evaluation process

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

SCHEDULE 4

New SCHEDULE 3 OF S.I. No. 213 of 2013

SCHEDULE 3

WIRELESS TELEGRAPHY ACTS 1926 TO 2009

**WIRELESS TELEGRAPHY (GSM FOR RAILWAY LICENCE)
REGULATIONS 2013**

GSM for Railway Spectrum Lease Licence granted under section 5 of the Wireless Telegraphy Acts 1926 to 2009 to keep and have possession of GSM-R Apparatus

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Acts 1926 to 2009, hereby grants to _____ of _____ a licence to keep and have possession of Global System for Mobile Communications — Railway apparatus as specified in Part I of this licence.

The Licensee shall comply with the terms and conditions and restrictions as prescribed by the Wireless Telegraphy (GSM for Railway Licence) Regulations 2013 (S.I. No. 213 of 2013) and subject to which the Licence is deemed to be granted.

The Licensee shall comply with the conditions set out in Part II of the Licence.

The Licence shall come into effect on DD/MM/YY and subject to revocation, suspension or withdrawal, expire on DD/MM/YY.

Signed: _____

For and on behalf of the Commission for Communications Regulation.

Date of issue: _____

Official Stamp

PART I

Statement of licensed apparatus

PART II

Technical Licence conditions

- 1. The Licensee shall use the GSM-R apparatus only on the following radio frequency:

Frequency	
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The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

SCHEDULE 5

New SCHEDULE 4 OF S.I. No. 251 of 2012

SCHEDULE 4**WIRELESS TELEGRAPHY ACT, 1926****WIRELESS TELEGRAPHY (LIBERALISED AND PREPARATORY LICENCES IN THE 800 MHZ, 900 MHZ AND 1800 MHZ BANDS) REGULATIONS 2012****Liberalised Use Spectrum Lease Licence for terrestrial systems capable of providing Electronic Communications Services**

Licence under section 5 of the Wireless Telegraphy Act, 1926, to keep and have possession of apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services.

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 5 (as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009)) of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), hereby grants to the Licensee specified [insert name of Licensee] of [insert address of Licensee]:

Authorisation to keep and have possession of apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services as specified in Part 2 to this Licence, subject to such apparatus being installed, maintained, worked and used in accordance with the terms and conditions and restrictions set out in the Wireless Telegraphy (Liberalised Use Licence and Preparatory Licences in the 800 MHz, 900 MHz and 1800 MHz band) Regulations, 2012 (S.I. No. 251 of 2012) (“the Regulations”), including, but not limited to, the following:

(1) The Licensee shall ensure that it complies with all of the conditions contained within Parts 1 to 4 of this Licence.

This Licence shall come into effect on DD/MM/YY (the “Licence Commencement Date”) and, subject to revocation, suspension or withdrawal, expires on DD/MM/YY (the “Licence Expiry Date”).

Signed: _____
For and on behalf of the Commission for Communications Regulation

Date of Issue: _____

Official Stamp

Part 1

Lease Commencement and Expiry dates per Spectrum Block or part thereof

Authorised Band	Name of Spectrum Block	Uplink / Downlink Frequency Assigned	Commencement Date per Spectrum Block	Expiry Date per Spectrum Block
800, 900 or 1800MHz as appropriate	Block A, B, C etc.	From ____ MHz to ____ MHz	DD Month YYYY	DD Month YYYY

Part 2

The Apparatus to which this Lease Licence applies

Equipment Index Reference	Terrestrial System	Equipment Description	Manufacturer	Model

Part 3

Apparatus Location and Details

(1) 800 MHz band

Site Identity	Eastings	Northings	Equipment Index Reference	Maximum EIRP ²

(2) 900 MHz band

Site Identity	Eastings	Northings	Equipment Index Reference	Maximum EIRP

(3) 1800 MHz band

Site Identity	Eastings	Northings	Equipment Index Reference	Maximum EIRP

Part 4**Licence Conditions**

The Licence conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

² EIRP is the Equivalent Isotropically Radiated Power

SCHEDULE 6New SCHEDULE 3 OF S.I. No. 435 of 2002**THIRD SCHEDULE**

Wireless Telegraphy Act, 1926

Wireless Telegraphy (Mobile Radio Systems) Regulations, 2002

Mobile Radio Systems Spectrum Lease Licence under section 5 of the Wireless Telegraph Act, 1926 to keep and have possession of apparatus for wireless telegraphy for a mobile radio system

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926) hereby grants the following licence to [Licensee Name] of [Licensee Address] (“the Licensee”).

The Licensee is hereby authorised to keep and have possession of apparatus as specified in Part I of this Licence, subject to such apparatus being installed, maintained, worked and used in accordance with the terms, conditions and restrictions set out in the Wireless Telegraphy (Mobile Radio Systems Regulations), 2002 (S.I. No. 435 of 2002) (“the Regulations”).

The Licensee shall ensure that it complies with all of the conditions contained within the Regulations and within Parts XX to XX of this Licence.

For the purpose of this Licence, the definitions set out in the Regulations apply.

This Licence shall come in to effect on DD/MM/YYYY (the “Licence Commencement Date”) and, subject to revocation, suspension or withdrawal, expires on DD/MM/YYYY.

Signed: _____
on behalf of the Commission for Communications Regulation

Date: _____

PARTS

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

Part I

Type of Mobile Radio System

Part II

Licensee

Part III

Addresses for Notices

Part IV

Description and Characteristics of Mobile Radio System

Part V

Technical Conditions of Mobile Radio System

Part VI

Loading Criteria (if applicable)

Part VII

Roll-Out Plan (if applicable)

SCHEDULE 7

New SCHEDULE 2 OF S.I. No. 282 of 2018

SCHEDULE 2

WIRELESS TELEGRAPHY ACT, 1926

WIRELESS TELEGRAPHY (MOBILE SATELLITE SERVICE WITH COMPLEMENTARY GROUND COMPONENT) REGULATIONS 2018

Mobile Satellite Service with Complementary Ground Component Spectrum Lease Licence, granted under section 5 of the Wireless Telegraphy Act 1926

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), hereby grants the following licence to _____ of _____.

The Licensee is hereby authorised to keep, have possession of, install, maintain, work and use apparatus as specified in Part 1 of this Licence subject to the terms and conditions set out in the Wireless Telegraphy (Mobile Satellite Service with Complementary Ground Component) Regulations 2018 (S.I. No. 282 of 2018), including but not limited to, the following:

1. The Licensee shall ensure that it complies with the conditions as to geo- graphical location, technical conditions, Licensed frequencies and Rollout Plan set out in Parts 1 to 4 inclusive of this Licence.

This licence shall come into effect on DD/MM/YYYY (the “Licence Commencement Date”) and subject to revocation, suspension or withdrawal, expires on DD/MM/YYYY.

Signed: _____

For and on behalf of the Commission for Communications Regulation

Date of Issue: _____

Part 1 Apparatus to which this Licence applies

Index	Manufacturer	Description (Base Station, Temporary Base Station or Earth Station)	Equipment Reference

Part 2 Geographical Location of Apparatus

Equipment Reference	Easting	Northing

Part 3 Technical Conditions

Part 4 Licensed Frequencies

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

SCHEDULE 8New SCHEDULE 3 OF S.I. No. 158 of 2018**SCHEDULE 3****WIRELESS TELEGRAPHY ACT, 1926**

Wireless Telegraphy (National Point-to-Point Licences) Regulations

26 GHz Band Spectrum Lease Licence

The Commission, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act 1926 (No. 45 of 1926) and Section 9(1) of the Communications Regulation Act 2002 (No. 20 of 2002) grants the following licence to [INSERT LICENSEE NAME] of [INSERT LICENSEE ADDRESS] (“the Licensee”). The Licensee is hereby authorised to keep, have possession of, install, maintain, work and use apparatus as specified in part one of this Licence subject to the Licensee observing the conditions contained in this licence and in the Wireless Telegraphy (National Point-to-Point Block Licences) Regulations 2018 (S.I. No. 158 of 2018).

This Licence shall come in to effect on DD/MM/YYYY (the “Licence Commencement Date”) and subject to revocation, suspension or withdrawal, expires on DD/MM/YYYY

Signed: _____

For and on behalf of the Commission for Communications Regulation Date of Issue:

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

Description of apparatus

Site Name	Transmit Frequency	Receive Frequency	Channel Number	Channel Bandwidth

Part 2

Places at which the Licensee is authorised to keep and have possession of the Apparatus

Site Name	Eastings	Northings

Part 3

Details of spectrum

Block Number	Transmit Frequency GHz	Receive Frequency GHz

SCHEDULE 9

New SCHEDULE 3 OF S.I. No. 369 of 2009

SCHEDULE 3

WIRELESS TELEGRAPHY ACT, 1926

WIRELESS TELEGRAPHY (Radiodetermination, Air Traffic and Maritime Services) REGULATIONS, 2009

Radiodetermination, Air Traffic and Maritime Services Spectrum Lease Licence

PART 1

Licence Number: _____

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), transferred to the Commission for Communications Regulation by section 4 of the Communications Regulation (Amendment) Act, 2007 (No. 22 of 2007), grants to the Licensee specified, authorisation to keep, have possession of, install, maintain, work and use apparatus for wireless telegraphy as specified in Part 2 of this Licence subject to the Licensee observing the conditions contained in Regulation 7 of the Wireless Telegraphy (Radiodetermination, Air Traffic and Maritime Services) Regulations, 2009 (S.I. No. 369 of 2009)

Licensee: _____

Address: _____

Licence Type: _____

Commencement and Termination Dates (if applicable):

The Licence comes into effect on **DD/MM/YY** and, subject to revocation, withdrawal or surrender, shall expire on **DD/MM/YY**.

Signed:.....

on behalf of the Commission for Communications Regulation

Date:

Official Stamp

PART 2

Description and Characteristics of Apparatus

Locations(s) of Apparatus

Technical Conditions of Apparatus

and where applicable

Loading Criteria

Roll-Out Plan

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

SCHEDULE 10

New SCHEDULE 3 OF S.I. No. 96 of 2024

SCHEDULE 3

**WIRELESS TELEGRAPHY ACT, 1926 WIRELESS TELEGRAPHY
(SATELLITE EARTH STATION**

LICENCE) REGULATIONS, 2024

Satellite Earth Station Spectrum Lease Licence

Part 1

Licence Number:

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6(1) of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009), grants to the Licensee specified, authorisation to keep, have possession of, install, maintain, work and use Apparatus as specified in Part 2 of this Licence subject to the Licensee observing the conditions contained in Regulation 7 of the Wireless Telegraphy (Satellite Earth Station Licence) Regulations, 2024 (S.I. No. 96 of 2024)

Licensee:

Address:

Satellite Earth Station type:

Commencement and Termination Dates (if applicable):

The Licence comes into effect on **DD/MM/YY** and, subject to withdrawal or suspension, expires on **DD/MM/YY** unless renewed in accordance with these Regulations.

Signed:
on behalf of the Commission for Communications Regulation

Date:

Part2

Licence Details	Apparatus
Licence Reference: Earth Station Reference Name: SES Licence Type: <ul style="list-style-type: none"> • Fixed: <ul style="list-style-type: none"> ○ Transmit/receive; ○ Transmit or receive; or ○ Receive only. • Transportable Licensee Name: Licensee Address: Vehicle Registration Number (for Transportable Satellite Earth Stations): Licence Issue Date:	Radio Make: Model: Class: Antenna Make: Model: Class:

Location(s) and Technical Conditions of Apparatus:

SES Geographic Location	Frequency Band (GHz)	Centre Frequencies (GHz)	Bandwidth(s) (MHz)	Space Station	
Max EIRP (dBW)	Space Station Orbital Longitude (Degrees E/W)	Earth Station Co-Ordinates	Antenna		
			Gain	Height	Polarisation
			dB <i>i</i>	Meter (agl)	<i>HN</i>

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

SCHEDULE 11

New SCHEDULE 3 OF S.I. No. 266 of 2024

SCHEDULE 3

WIRELESS TELEGRAPHY ACT, 1926

WIRELESS TELEGRAPHY (TELEMETRY LICENCE) REGULATIONS, 2024

Telemetry Spectrum Lease Licence

Part 1

Licence Number:

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6(1) of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009), grants to the Licensee specified, authorisation to keep, have possession of, install, maintain, work and use Apparatus as specified in Parts 3 and 4 of this Licence subject to the Licensee observing the conditions contained in Regulation 7 of the Wireless Telegraphy (Telemetry Licence) Regulations, 2024 (S.I. 266 of 2024).

Licensee:

Address:

Licence Type:

Commencement and Termination Dates (if applicable):

The Licence comes into effect on **DD/MM/YY** and, subject to withdrawal or suspension, expires on **DD/MM/YY**.

Signed:
on behalf of the Commission for Communications Regulation

Date:

Part 2

Frequency assignment, commencement and expiry dates of Licence

Frequency assignment	Commencement Date	Expiry Date

Part 3

Apparatus to which this Licence applies

Equipment Index Reference	Equipment Description	Manufacturer	Model

Part 4

Apparatus location and details

Frequency	Site Identity	Latitude (decimal degrees)	Longitude (decimal degrees)	Equipment Index Reference	ERP

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

SCHEDULE 12

New SCHEDULE 3 OF S.I. No. 345 of 2002

SCHEDULE 3**WIRELESS TELEGRAPHY (THIRD GENERATION AND GSM LICENCE)
REGULATIONS, 2002 (AS AMENDED)****2.1 GHz Band Spectrum Lease Licence**

Licence under section 5 of the Act of 1926 to keep and have possession of Liberalised Apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services.

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 5 of the Act of 1926, hereby grants the following licence to **[LICENSEE NAME]** of **[LICENSEE ADDRESS]** (“the Licensee”).

The Licensee is hereby authorised to keep and have possession of Liberalised Apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services as specified in Part 2 of this Licence, subject to such apparatus being installed, maintained, worked and used in accordance with the terms, conditions and restrictions set out in the Wireless Telegraphy (Third Generation and GSM Licence) Regulations, 2002 (S.I No. 345 of 2002) (as amended) (“the Regulations”) including but not limited to, the following:

- (1) The Licensee shall ensure that it complies with all of the conditions contained within the Regulations, and within Parts 1 to 4 of this Licence.

For the purpose of this Licence, the definitions set out in the Wireless Telegraphy (Third Generation and GSM Licence (Amendment) and Interim Licensing) Regulations 2021 also apply.

This Licence shall come in to effect on **DD/MM/YYYY** (the “Licence Commencement Date”) and, subject to suspension or withdrawal, expires on **DD/MM/YYYY**.

Signed: _____

For and on behalf of the Commission for Communications Regulation

Date of Issue: _____

Part 1

Places at which the Licensee is authorised by this Licence to keep and have possession of Liberalised Apparatus

Authorised Band	Site Identity	Easting	Northing	Equipment Index Reference	Maximum EIRP/TRP (dBm/5MHz)

Part 2

The Liberalised Apparatus for wireless telegraphy to which this Licence applies

Authorised Band	Equipment Index Reference	Terrestrial System	Equipment Description	Manufacturer	Model

Part 3

Radio frequency bands in which the Liberalised Apparatus is authorised by this Licence to be used

The following frequency bands may be used for FDD mode operation:

Lessor Licence Number	Mobile Transmit	Paired with Base Station Transmit

Use of the frequency bands shall be in compliance with the Decision of 2012.

Part 4**Licence Conditions**

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

SCHEDULE 13New SCHEDULE 2 OF S.I. No. 646 of 2005**Schedule 2****WIRELESS TELEGRAPHY ACT, 1926****Section 5****Third Party Business Radio Spectrum Lease Licence**

Licence No. _____ Licensee _____

Postal Address
In Full _____

The Commission, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926) and Section 9(1) of the Communications Regulation Act, 2002 (No. 20 of 2002) grants to the Licensee specified, authorisation to keep, have possession of, install, maintain, work and use apparatus as specified in Part One of this licence subject to the Licensee observing the conditions contained in Regulation 5 of the Wireless Telegraphy (Third Party Business Radio Licence) Regulations, 2005 (S.I. No.646 of 2005).

*Date + Stamp**From* _____ *to* _____*Issuing Officer* _____**For and on behalf of the Commission for Communications Regulation**

Part One

Statement of authorised Apparatus

To include:

Description of apparatus

Places at which the Licensee is authorised to keep and have possession of the Apparatus

Technical restrictions

Details of spectrum

And, where applicable,

Roll-out plan

Minimum Loading Criteria

Commitments made in course of comparative evaluation

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

SCHEDULE 14

New SCHEDULE 2 OF S.I. No. 324 of 2008

SCHEDULE 2**WIRELESS TELEGRAPHY ACT, 1926****WIRELESS TELEGRAPHY (USE OF THE BAND 380-400MHz BY EMERGENCY SERVICES) REGULATIONS 2008****EMERGENCY SERVICES DIGITAL RADIO LICENCE****Part One**

Licence Number:

Licence Fee:

Licensee:

Postal Address in full:

The Commission, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926) and Section 9(1) of the Communications Regulation Act, 2002 (No. 20 of 2002), grants to the Licensee specified, authorisation to keep, have possession of, install, maintain, work and use apparatus as specified in part two of this Licence subject to the Licensee observing the conditions contained in this licence and in Regulation 11 of the Wireless Telegraphy (Use of the Band 380-400MHz by Emergency Services) Regulations, 2008 (S.I. No. 324 of 2008).

The Licence comes into effect on **DDMMYYYY**, and unless previously revoked shall expire on **DDMMYYYY** unless renewed in accordance with these Regulations.

Signed: _____

For and on behalf of the Commission for Communications

Date: **DD/MM/YYYY****Part Two Statement of Authorised Apparatus**

Location Of Base(s)

Nature of Service

Frequency Assignment (Centre Frequencies) Base Transmit

Frequency Assignment (Centre Frequencies) Base Receive

Deviation (kHz)

Emission

Max. EIRP (dBW)

Comments/Restrictions

Channel Plan

Part 3 Schedule of Base Station Locations

Site Reference

Site Name

Easting

Northing

Part 4 Licence Conditions

SCHEDULE 15

New SCHEDULE 3 OF S.I. No. 324 of 2008

SCHEDULE 3**WIRELESS TELEGRAPHY ACT, 1926****WIRELESS TELEGRAPHY (USE OF THE BAND 380-400MHz BY EMERGENCY SERVICES) REGULATIONS 2008****EMERGENCY SERVICES DIGITAL RADIO SPECTRUM LEASE LICENCE****Part One**

Licence Number:

Licence Fee:

Licensee:

Postal Address in full:

The Commission, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926) and Section 9(1) of the Communications Regulation Act, 2002 (No. 20 of 2002), grants to the Licensee specified, authorisation to keep, have possession of, install, maintain, work and use apparatus as specified in part two of this Licence subject to the Licensee observing the conditions contained in this licence and in Regulation 11 of the Wireless Telegraphy (Use of the Band 380-400MHz by Emergency Services) Regulations, 2008 (S.I. No. 324 of 2008)

The Licence comes into effect on **DDMMYYYY**, and unless previously revoked shall expire on **DDMMYYYY** unless renewed in accordance with these Regulations.

Signed: _____

For and on behalf of the Commission for Communications

Date: **DDMMYYYY****Part Two Statement of Authorised Apparatus**

Location Of Base(s)

Nature of Service

Frequency Assignment (Centre Frequencies) Base Transmit

Frequency Assignment (Centre Frequencies) Base Receive

Deviation (kHz)

Emission

Max. EIRP (dBW)

Comments/Restrictions

Channel Plan

Part 3 Schedule of Base Station Locations

Site Reference

Site Name

Easting

Northing

Part 4 Licence Conditions

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

GIVEN under the Official Seal of the Commission for Communications Regulation this, **202X**.

Commissioner Name, Chairperson,
for and on behalf of the Commission for Communications Regulation.

The Minister for the Environment, Climate and Communications consents to the making of the foregoing Regulations.

GIVEN under the Official Seal of the Minister for the Environment, Climate and Communications this 202X

Minister Name

Minister for the Environment, Climate and Communications

EXPLANATORY NOTE

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

These Regulations provide for the transfer or lease, or both, of spectrum rights of use between undertakings in accordance with published procedures adopted by the Commission pursuant to Regulation 33 of the European Union (Electronic Communications Code) Regulations 2022 on the transfer or lease of individual rights of use for radio spectrum. These Regulations also prescribe substitutions, amendments and extensions to Wireless Telegraphy Regulations in relation to granting and issuing licences in respect of individual rights of use for radio spectrum for apparatus for Wireless Telegraphy for terrestrial systems providing Electronic Communications Services.