



Commission for  
**Communications Regulation**

## Response to Consultation

### Licensing Digital Terrestrial Radio

Digital Terrestrial Sound Broadcasting Multiplex  
Licence Conditions 2008

Document No:	08/100
Date:	12 December 2008

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## 1 Foreword

This paper is the Commission for Communications Regulation's ("ComReg") response to a consultation which issued on 16 September 2008 setting out the licence conditions that would apply to Digital Sound-Broadcasting Multiplex Licences in Ireland.

ComReg is pleased to set down its position on the Digital Sound-Broadcasting Multiplex Licence conditions. Digital Sound-Broadcasting Multiplex Licences represent a notable step forward for communications and broadcasting in Ireland by enabling the launch of digital terrestrial radio services.

The digitisation of radio programming services also represents an important development for spectrum usage. Digital broadcasting makes more efficient use of the radio spectrum. Ireland's potential launch of digital radio services will facilitate innovation in programming and broadcasting generally. Traditional analogue frequency and amplitude modulated services, ("FM") and ("AM") services, are however, likely to remain the main source of radio services for many listeners for some time to come.

Digital Sound Broadcasting Multiplex Licences will enable new innovative broadcasting services when digital radio is launched. This will benefit Irish listeners and consumers as digital forms of radio services have many advantages over traditional analogue services. Benefits potentially include the use of electronic programme content guides, the viewing of news headlines in text and the ability to pause and rewind live radio.

The regulatory framework for Digital Sound-Broadcasting Multiplex Licences is therefore an important body of work and ComReg hopes it will foster a modern, progressive and innovation-orientated industry for radio and sound-broadcasting services in Ireland.

**Mike Byrne,  
Commissioner.**

## 2 Executive Summary

ComReg has considered all submissions which it received in relation to its proposed licensing regime for Digital Sound-Broadcasting Multiplex<sup>1</sup> Licences, which it set out in ComReg document 08/79 entitled “*Digital Terrestrial Radio Sound Broadcasting Multiplex Licence conditions*” (“*Doc. No. 08/79*”).

This document sets out ComReg’s position on the licence conditions that will apply to Digital Sound-Broadcasting Multiplex Licences. A sample licence is attached to this document for information (see Appendix A). Licences may be requested by Radio Telefís Éireann (“RTÉ”) and the Broadcasting Commission of Ireland (“BCI”)<sup>2</sup>. As provided for in Section 7 of the Broadcasting (Amendment) Act 2007, ComReg intends to publish a separate set of Regulations which will prescribe the fees to be applied to Digital Sound-Broadcasting Multiplex Licences.

Section 4 of this document sets out each of the proposed licence conditions together with respondents’ views and ComReg’s position, which was reached after consideration of all responses. The licence conditions that will apply to Digital Sound-Broadcasting Multiplex Licences include the following:

- A licence duration of 10 years;
- Other standard conditions relating to:
  - public safety and interference, other authorisations and responsibilities, variation of licence; provision of information, non-ionising radiation; and
  - sanctions for non-compliance;
- A provision requiring 80% of the multiplex capacity, of each licensed multiplex, to be used for sound-broadcasting content, associated technical services or text and graphics associated with the sound-broadcasting content; and
- Technical conditions, appropriate to the particular frequency band and technical standard to be used by the licensee.

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<sup>1</sup> The Broadcasting (Amendment) Act 2007 (“the 2007 Act”) defines a “multiplex” to mean an electronic system which combines programme material and related and other data in a digital form and the transmission of that material and data so combined by means of wireless telegraphy directly or indirectly for reception by the general public.

<sup>2</sup> In the case of potential licences requests by the BCI, ComReg is required to put in place an appropriate set of Wireless Telegraphy Regulations subject to approval by the Minister for Communications Energy and Natural Resources: see section 6 of the

## 3 Introduction

### 3.1 Background

ComReg consulted on licence conditions for Digital Sound-Broadcasting Multiplex Licences, see *ComReg Doc. 08/79*, in order to put in place an appropriate multiplex licensing regime to fulfil its obligations in relation to digital radio arising from the 2007 Act.

The 2007 Act requires ComReg to issue to RTÉ, following a request by it, a wireless telegraphy licence for the establishment, maintenance and operation of a single national sound-broadcasting multiplex under section 16(3)(a) of the Broadcasting Authority Act 1960.<sup>3</sup>

Similarly the 2007 Act requires ComReg to issue to the BCI, following a request by it, a wireless telegraphy licence for the establishment, maintenance and operation of a single sound-broadcasting multiplex, which in so far as is practicable, be capable of being transmitted to the whole community in the state.<sup>4</sup>

This document sets down the licence conditions for Digital Sound-Broadcasting Multiplex Licences arrived at by ComReg following careful consideration of the views of respondents to the consultation issues.

### 3.2 List of Respondents

Seven consultation responses were received by ComReg from the following organisations:

1. Beat 102103;
2. Digital Radio Ltd;
3. Frontier Silicon;
4. Independent Broadcasters of Ireland;
5. RTÉ;
6. WLRfm; and
7. World DMB project office.

ComReg is grateful for the responses received and is satisfied that all interested parties have had the opportunity to provide views on the matters outlined in the consultation, *ComReg Doc. 08/79*. Some respondents raised issues that were outside of the scope of the consultation and these are referred to below.

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<sup>3</sup> A second national sound-broadcasting multiplex licence may be issued to RTÉ but only following a request by it, subject to the availability of spectrum and after consultation with the Minister and the BCI.

<sup>4</sup> Licences for further sound-broadcasting multiplexes, for example in area(s) in accordance with contracts, arranged and entered into by the BCI with third parties, may be issued to the BCI: see section 6(4) and 6(5) of the 2007 Act.

## 4 Consultation Issues

### 4.1 Licence duration

ComReg considered that a 10 year licence duration should be applied to a Digital Sound-Broadcasting Multiplex Licence and consulted as follows:

#### 4.1.1 Consultation Questions

**Q. 1. Do you consider that the proposed length of a Digital Radio Multiplex licence is appropriate? If not, how long should the licence period be for? Please give reasons supporting your proposal.**

**Q. 2. Do you consider that other factors might also need to be considered in determining the length of the licence?**

#### 4.1.2 Views of Respondents

Five responses were received on this issue. Two respondents considered that the licences should be for 15 years duration in order to give the radio broadcasting industry and the listening public time to become accustomed to the new digital broadcasting technology. Three respondents agreed with ComReg's proposed licence duration on the following grounds:

- The licence duration corresponds with the duration of current broadcast contracts issued by the BCI;
- The proposed 10 year duration should enable time for a return on investment; and
- The proposed 10 year licence duration would facilitate innovation, for example, by allowing a technology review to be undertaken.

One of these respondents considered that priority should be given to plan national and regional multiplexes before local multiplexes.

#### 4.1.3 ComReg's position

ComReg intends to proceed with a licence duration of 10 years for its Digital Sound-Broadcasting Multiplex Licences. It is satisfied that a 10 year licence duration is appropriate given the broad level of support from respondents. It should also be noted that the licences will be issued to RTÉ and the BCI. In the case of licences issued to the BCI, the benefit and obligations of these licences would be passed on to third parties with whom the BCI enters into multiplex contracts with. The duration of those contracts would be a matter for the BCI to determine.

ComReg considers that spectrum for two national multiplexes would be available immediately but that further spectrum planning would be required in order to realise any regional or local multiplex configurations if these were requested.

#### 4.2 Interference and public safety, other authorisations and responsibilities, variation of licence, non-ionising radiation, sanctions for licence non-compliance and provision of information

ComReg considered that the following licence conditions should be applied to Digital Sound-Broadcasting Multiplex Licences: interference and public safety, other authorisations and responsibilities, variation of licence, non-ionising radiation, sanctions for licence non-compliance and provision of information. It consulted as follows:

##### 4.2.1 Consultation Questions

**Q. 3. Do you agree with the proposed licence conditions relating to interference and public safety, other authorisations and responsibilities, variation of licence, non-ionising radiation, sanctions for non-compliance and provision of information? If not, please support your position with other relevant considerations.**

**Q. 4. Do you consider that any other relevant conditions should apply? If so, please specify and give the reasons for your proposal.**

##### 4.2.2 Views of Respondents

Five responses were received on the proposed licence conditions and three responses on whether any other relevant conditions should apply to the Digital Sound-broadcasting Multiplex Licences. There was broad agreement with all of the proposed conditions.

In terms of other conditions to be applied, one respondent indicated that the proposed sanctions for licence non-compliance were draconian and that the application of financial sanctions might be more appropriate so that programme services, which would be carried on a licensed multiplex, would not be penalised by licence non-compliance by the multiplex operator.

Another respondent considered that a 'Joint Framework' should be established in order to achieve co-operation between broadcasters and the multiplex operator and to promote digital radio.

A further respondent proposed that the licence conditions should be set so as to ensure that the multiplex would not be closed to new content offerings while affording existing content providers some protection for their investments.

#### 4.2.3 ComReg's position

ComReg is satisfied that the licence conditions it intends to apply to Digital Sound-Broadcasting Multiplexes in relation to interference and public safety, other authorisations and responsibilities, variation of licence, non-ionising radiation, sanctions for licence non-compliance and provision of information are suitable for the proposed licensing framework.

ComReg is satisfied that these licence conditions will provide the necessary regulatory regime under which digital terrestrial radio can be licensed in Ireland. ComReg is not in a position to impose financial penalties as it would not have a role in relation to multiplex content.

#### 4.3 Use of Digital Sound-Broadcasting Multiplex Licence capacity

ComReg stated that it was minded to include a licence provision in relation to the use of multiplex capacity. It proposed that a minimum of 80% of the multiplex capacity in a Digital Sound-Broadcasting Multiplex License should be used to carry digital sound-broadcasting services, associated technical services, or text and graphic content related to the sound-broadcasting service. It consulted as follows:

##### 4.3.1 Consultation Question

**Q. 5. Do you agree with ComReg's proposal that at least 80% of a licensed Digital Sound Broadcasting Multiplex's capacity should be used to carry digital sound broadcasting services, associated technical services, or text and graphics content related to the sound broadcasting services? If not, please propose an alternative scheme and the reasons for your view.**

##### 4.3.2 Views of Respondents

Six responses were received on the issue of the use of multiplex capacity. Three respondents agreed with ComReg on this issue.

Three respondents disagreed with ComReg's proposal regarding the use of 80% of the multiplex capacity of each multiplex and suggested that the following criteria need to be considered:



- 100% of the multiplex capacity should be used by Programme Service Providers in order ensure that a superior digital radio experience is delivered to the consumer;
- As multi-media broadcasting evolves broadcasters may be able to do more with the Eureka 147 systems in the future and consideration should be given to the aggregation of percentages across multiplexes; and
- The 2007 Act already reflects the primacy of programme services in a sound-broadcasting multiplex through the definition of sound-broadcasting multiplex and therefore there would be no need to set a cap on the use of multiplex capacity.

#### 4.3.3 ComReg's position

ComReg proposes to set a licence condition regarding the use of 80% of the multiplex capacity for sound-broadcasting, associated technical services, or text and graphics content related to the sound-broadcasting services. It does not consider that the aggregation of percentages, and therefore the joining up of any multiplex capacity across multiplexes, would be appropriate for the Digital Sound-Broadcasting Multiplex Licences as it could lead to a situation where whole multiplexes could in fact have little or no sound-broadcasting services.

It recognises, however, that there may be some residual capacity in individual multiplexes which could be used for non-programme related services and believes that the use of such capacity should be permitted.

#### 4.4 Licence fees

ComReg proposed to set its Wireless Telegraphy Fee for national Digital Sound-Broadcasting Multiplex Licences at €20,000 per licence, indexed to inflation on an annual basis using the consumer price index and subject to review on the fifth anniversary of the commencement date of the licence, in light of any technological or other market developments. It consulted as follows:

##### 4.4.1 Consultation Questions

**Q. 6. Do you agree with the level of licence fee proposed for Digital Sound Broadcasting Multiplex licences? If not, please suggest an alternative fee regime with supporting reasons.**

**Q. 7. Do you agree with the proposed licence fee review on the fifth anniversary of any Digital Sound-Broadcasting Licences? Please elaborate with reference to technological or other relevant developments.**

#### 4.4.2 Views of Respondents

Five responses were received on the proposed level of the Wireless Telegraphy Licence fees. Four respondents agreed with ComReg's proposals and made the following additional comments:

- Although the fee regime appears appropriate, any subsequent review should take into account the standards achieved by content providers in terms of the listenership figures captured;
- The proposed fee is modest enough so as not to dissuade smaller groups from applying for licences due to financial constraints and a technological review should be undertaken to ensure that the licensee is providing the best possible standard for the carriage of programme services; and
- The fee level would lessen the cost burden on the licensee, particularly in the early years of the platform's development. It would not diminish the economic incentive for broadcasters to adopt the new platform.

Only one respondent criticised the level of the proposed fee. It contended that the proposed fee level would be excessive given market conditions and roll-out costs. It argued that interim costs of transmission on both FM and DAB would be challenging for broadcasters and requested that ComReg explore other ways to provide some relief or a lesser licence fee.

#### 4.4.3 ComReg's position

ComReg intends to proceed with a Wireless Telegraphy Licence Fee of €20,000 for Digital Sound-Broadcasting Multiplex Licences. ComReg is satisfied that this level of fee is appropriate given the broad level of support from respondents and bearing in mind the level of development of the market. ComReg intends to review, in light of technological or other market developments, the fee on the fifth anniversary of the licence.

#### 4.5 Technical conditions

ComReg provided its views on the technical conditions that would apply to Digital Sound-Broadcasting Multiplex Licences and consulted as follows:

4.5.1 Consultation Questions

- Q. 8. Do you consider that broadcasters should set encoding parameters that can objectively offer an equivalent to the current FM analogue service? Please elaborate on your answer?**
- Q. 9. What audio encoding parameters would you suggest? Please justify your answer?**
- Q. 10. Please provide comments on the proposed technical conditions having regard to Sections 3.1.5, 3.1.6 and ComReg’s legislative requirements in Section 4.1?**

4.5.2 Views of Respondents

Four respondents provided views on the technical conditions in terms of the consultation questions and one further respondent provided additional views on the technical conditions in terms of a separate paper outlining the benefits of DAB+ over DAB.

No issues were raised regarding ComReg’s proposed technical conditions. Two respondents suggested audio encoding parameters of 160 kilobits-per-second (kbps) and 64kbps for stereo and mono speech content respectively on the DAB platform. These respondents suggested that 48kbps and 64kbps, using advanced audio coding (“AAC”) and DAB+ standard, would provide good to excellent audio quality. Two respondents commented that audio quality was subjective making setting parameters difficult. Two respondents commented that improved audio quality would alone not be enough to increase listenership on digital radio.

4.5.3 ComReg’s position

ComReg is satisfied that its technical conditions for Digital Sound-Broadcasting Multiplex Licences in particular frequency bands are appropriate. ComReg intends to keep these technical conditions updated to take account of developments in broadcasting technology standards as they become standardised and approved by the European Commission.

## 5 Other issues raised by respondents

### 5.1.1 DAB verses DAB+

Some respondents considered that the availability of consumer receivers is one of the main drivers behind the choice by broadcasters or multiplex operators of particular digital radio broadcasting technologies. ComReg is cognisant that Digital Audio Broadcasting (“DAB”) overspill coverage from the United Kingdom into Ireland and a DAB trial carried out by RTÉ over the last 2 years trial have led to a take up of DAB only equipment by some Irish consumers. Some respondents raised the issue of DAB verses the next generation DAB technology, known as Digital Audio Broadcasting Plus (“DAB+”). These respondents indicated that Ireland should avoid establishing DAB radio as they would consider it to be a legacy digital radio system as compared to DAB+.

ComReg wishes to reiterate that its technical conditions are intended to be technology neutral. In this regard refer to Section 6.3.1 of *ComReg Doc. 08/79*. In particular, the conditions in the Digital Sound-Broadcasting Multiplex Licences do not exclude the use of either the DAB or DAB+ technical standards.

Notwithstanding, ComReg notes and welcomes the significance placed by three respondents on the recently published *WorldDMB Digital Radio Receiver Profiles*<sup>5</sup> document, which seeks to encourage manufacturers to build interoperable DAB and DAB+ receivers. ComReg considers that the availability in the market of interoperable DAB and DAB+ receivers, at appropriate price points, should mitigate the concerns by some respondents regarding the potential launch of a legacy DAB digital radio system in Ireland.

### 5.1.2 Reservation of Band III (174 to 230MHz) spectrum for Eureka 147 technologies only

One respondent suggested that Band III (174 to 230MHz) should be reserved exclusively for DAB technologies. ComReg does not consider that it would be appropriate to do this. Such a move could curtail flexibility in the frequency band and could be considered contrary to ComReg’s Digital Sound-Broadcasting Multiplex Licence technical conditions, which are intended to be technology neutral.

The Geneva 2006 Frequency Plan includes scope for the introduction of a 7MHz bandwidth digital video broadcasting – terrestrial (“DVB-T”) broadcasting allotment in Ireland in this frequency band in addition to three national, one regional and one local 1.5MHz bandwidth T-DAB broadcasting allotments.

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<sup>5</sup> [http://www.worlddab.org/public\\_documents/WorldDMB\\_Digital\\_Radio\\_Receiver\\_Profiles.pdf](http://www.worlddab.org/public_documents/WorldDMB_Digital_Radio_Receiver_Profiles.pdf) . Published on 12 September 2008.

5.1.3 A 'Joint Framework' approach to promoting digital radio

One respondent considered that a "Joint Framework" or forum should be established by ComReg in order to achieve co-operation between broadcasters and multiplex operators and/or promote digital radio in Ireland. ComReg considers its participation in such a forum is beyond its remit and that there are other more appropriate agencies which could take on the task of promoting digital radio and achieving co-operation between broadcasters and multiplex operators.

5.1.4 Digital multiplex capacity and allocating multiplex capacity to current radio broadcasters

Some respondents expressed concerns as to the capacity to carry current analogue radio stations in digital format. ComReg recognises that as the current licensing proposal is for two national multiplexes only, there may be capacity constraints, in the form of spectrum availability issues, in the period up to the switch off of analogue TV broadcasting in Band III.

ComReg wishes to reiterate that once its Digital Sound-Broadcasting Multiplex Licensing regime is in place that it could, if requested, issue initially up to two national sound-broadcasting multiplex licences using Band III spectrum. As indicated in Section 6.3 of *Doc. No. 08/79* one national Digital Sound Broadcasting Multiplex Licence would be available to RTÉ and the other to BCI.

After the switch-off of analogue TV in the band, ComReg expects to be in a position to issue further licences to RTÉ and the BCI as provided for in the 2007 Act, if so requested.

The sound-broadcasting multiplex capacity available for programme services is determined by a number of factors including for example, programme bit-rates, which ComReg considers is a matter for licensees to decide upon. Licensees will therefore determine the number of programme services which may be broadcast on the licensed multiplexes.

5.1.5 Criteria under which an eventual switch off of FM radio services might take place

On the matter of the criteria for the eventual switch-off of FM radio services, ComReg wishes to re-iterate that the consultation document, *Doc. No. 08/79*, to which this response is made, does not discuss details of the switch-off of FM radio services. Any consideration of the criteria that may be used to define conditions under which an eventual switch-off of FM radio services would take place is beyond the scope of this document.

## 6 Next Steps

ComReg intends to publish a set of Regulations in the first Quarter of 2009, which will prescribe the fees to be applied to Digital Sound-Broadcasting Multiplex Licences, as provided for in Section 7 of the Broadcasting (Amendment) Act 2007. Following publication of these Regulations, ComReg will in Quarter 1 2009 issue to RTÉ, as requested, a national Sound-Broadcasting Multiplex Licence.

In preparation for the issue of a national Digital Sound-Broadcasting Multiplex Licence to BCI, ComReg intends to develop and publish an appropriate set of Wireless Telegraphy Regulations early in Quarter 1 2009.

Appendix A – Draft Digital Sound-Broadcasting Multiplex  
Licence

**Digital Sound-Broadcasting Multiplex Licence**

**issued by**

**THE COMMISSION FOR COMMUNICATIONS**

**REGULATION**

**To**

**Radio Telefís Éireann (RTÉ) / Broadcasting Commission**

**of Ireland (BCI)**

**BROADCASTING (AMENDMENT) ACT, 2007**  
**SOUND BROADCASTING MULTIPLEX**  
**LICENCE**

**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), transferred to the Commission for Communications Regulation by section 4 of the Communications Regulation (Amendment) Act 2007 (No. 22 of 2007), and in accordance with section 6(1) of the Broadcasting (Amendment) Act 2007 (No. 15 of 2007) and section 16(3)(a) of the Broadcasting Authority Act 1960 (No. 10 of 1960), grants to the Licensee specified authorisation to establish, maintain and operate a sound broadcasting multiplex as specified in the Schedule to this Licence subject to the Licensee observing the Licence conditions set out hereunder.**

**Licensee:** \_\_\_\_\_

**Address for Notices :** \_\_\_\_\_

**Commencement and Termination Dates (if applicable):**

The Licence comes into effect on **DD/MM/YY** and, subject to revocation or suspension, expires on **DD/MM/YY**

Given under the official seal of the Commission for Communications Regulation in this day of

Chairperson.



## **Interpretation and Definitions**

1. In this Licence except where the context otherwise requires:

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

“Act of 1972” means the Wireless Telegraphy Act 1972 (No. 5 of 1972);

“Act of 2007” means the Communications Regulation (Amendment) Act 2007 (No. 22 of 2007);

“apparatus for wireless telegraphy” and “wireless telegraphy” have the same meanings as set out in section 2 of the Act of 1926;

“Authorisation Regulations” means the European Communities (Electronic Communications) (Authorisation) Regulations, 2003 (S. I. No. 306 of 2003);

“Commission” means the Commission for Communications Regulation;

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

“ICNIRP” means the International Commission for Non-Ionizing Radiation Protection;

“International Telecommunications Convention” means the International Telecommunications Convention signed at Nairobi on 22 December 1992 and the ITU Radio Regulations and additional Radio Regulations in force thereunder, and includes any Convention and Regulations which may from time to time be in force in substitution therefore, or in amendment of;

“ITU” means the International Telecommunication Union;

“ITU Radio Regulations” means the decisions of the World Radiocommunication Conferences, including all appendices, resolutions, recommendations and ITU Radiocommunication Sector recommendations incorporated by reference;

“Licence” means a licence granted to the licensee in accordance with section 5 of the Act of 1926 to establish, maintain and operate a Sound Broadcasting Multiplex in a specified place in the State;

“Licensee” means the holder of a Licence;

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

“Programme Material” has the same meaning as set out in the Act of 2007; and

“Sound Broadcasting Multiplex” means a multiplex in which the programme material is predominantly sound.

2. A reference to an enactment shall be construed as a reference to the enactment as amended or extended by or under any subsequent enactment.
3. A reference to a Schedule is to a Schedule of this Licence, unless it is indicated that reference to some other enactment is intended.
4. A reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.
5. A reference to a Directive of the European Parliament and Council shall be construed as a reference to the Directive as amended or extended by any subsequent Directive.

#### **Limitations of Licence**

6. The Licensee shall not, without the prior consent in writing of the Commission (which will not be unreasonably withheld), assign the Licence or any of the benefits of a Licence. Any consent to assign a Licence that is granted by the Commission may be subject to such further conditions as the Commission considers appropriate in the circumstances.

7. Nothing in this Licence shall prevent the Licensee from entering into any contracts, agreements and arrangements incidental or conducive to carrying out the activities of operating a Sound Broadcasting Multiplex.
8. Where any or all of the benefits of a Licence are assigned by the Licensee to a third party, the assignment shall be subject to all of the conditions of the Licence.
9. The provisions of the International Telecommunication Convention, and of any international convention or international agreement relating to the use of frequencies to which the State may be, or may become, a party during the continuance of this Licence, shall be complied with.

#### **Other authorisations and responsibilities**

10. Nothing in this Licence shall absolve the Licensee from any requirement in law to obtain (such additional) approvals, consents, licences, permissions and authorisations that may be necessary for the discharge of the obligations or the exercise of entitlements under the Licence. The Licensee is responsible for all costs, expenses and other commitments (financial and non-financial) in respect of the Licence and the provision of the Sound Broadcasting Multiplex and the Commission shall bear no responsibility for such costs, expenses or commitments.

#### **Conditions of Licences**

11. It shall be a condition of a Licence that:
  - (a) the Licensee will ensure that it makes payments of the fees as set out in Broadcasting Amendment Act (Digital Sound-Broadcasting Licence Fees) Regulations, 20XX ;
  - (b) the Licensee shall not operate a Sound Broadcasting Multiplex without having first obtained written approval from the Commission in relation to the following characteristics of the Sound Broadcasting Multiplex:
    - (i) characteristic frequency;

- (ii) name and geographical co-ordinates of broadcasting stations;
  - (iii) effective radiated power;
  - (iv) antenna characteristics; and
  - (v) antenna height.
- (c) the Licensee shall ensure that all apparatus used on or associated with Sound Broadcasting Multiplex complies with the standards set for such equipment by the European Communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations, 2001 (S.I. No. 240 of 2001) and any other standards that may, from time to time, be specified by the European Telecommunications Standards Institute or any other appropriate body;
- (d) the Licensee shall ensure that non-ionising radiation emissions from the Sound-Broadcasting Multiplex operated by the Licensee are within the limits specified by the guidelines published by the ICNIRP, any radiation emission standards adopted and published by ICNIRP, or its successors, from time to time, any radiation emission standards of the European Committee for Electrotechnical Standards and any radiation emission standards specified by national and European Community law;
- (e) the Licensee shall ensure that the Sound Broadcasting Multiplex operated by the Licensee is not installed or operated at a location in a manner which causes the aggregate non-ionising radiation emissions at that location to exceed the limits specified by any guidelines published by the ICNIRP and that it complies with any radiation emission standards adopted and published by ICNIRP, or its successors, any radiation emission standards of the European Committee for Electrotechnical Standards and any radiation emission standards specified by national and European Community law;
- (f) if the address of the Licensee changes, the Licensee shall, as soon as possible, but no later than 28 days, notify the Commission in writing of the change;

- (g) the Licensee shall ensure that the Sound Broadcasting Multiplex, or any part thereof, shall be installed, maintained, operated and used so as not to cause Harmful Interference;
- (h) the Licensee shall ensure that the installation of the Sound Broadcasting Multiplex, or any part thereof, is affected, and its maintenance and operation is carried on, in such a manner as to ensure that the safety of persons or property is not endangered;
- (i) the Licensee shall observe good site engineering practice in accordance with such guidelines as may be set out by the Commission from time to time;
- (j) the Licensee shall ensure compliance with any special conditions imposed under section 8 of the Act of 1972 and subject to which this Licence is deemed by subsection (3) of that section to be issued;
- (k) the Licensee shall ensure that, save as may be required by law, access to, and use of, the Sound Broadcasting Multiplex is restricted to the Licensee, employees or agents of the Licensee, and persons authorised by or on behalf of the Licensee;
- (l) where the Commission is satisfied that a Licensee has failed to comply with any provision of these Regulations or a condition of the Licence, and the Commission has served on the Licensee a written notice prohibiting the use of Sound Broadcasting Multiplex by such date and time as may be specified in the notice, then the Licensee will cease to use that apparatus on or before the applicable date and time until such notice has been withdrawn by the Commission, and the Licensee shall take such measures as may be specified by the Commission in the notice; and
- (m) the Licensee will upon becoming aware of any event likely to materially affect his or her ability to comply with these Regulations, or any conditions set out or referred to in the Licence, notify the Commission of that fact in writing within 5 business days.

### **Public Safety**

#### 12. If the Commission:

(a) is satisfied that the use of the Sound Broadcasting Multiplex, or any part thereof, is causing or represents an immediate and serious threat to the safety, security or health of the general public; and

(b) serves on the Licensee an interim notice requiring that the use of such Sound Broadcasting Multiplex and associated Broadcasting stations, or part thereof as may be specified in such notice, cease forthwith or on or before such date and time as may be so specified,

then the Licensee shall cease to use the Sound Broadcasting Multiplex, or part thereof as may be specified, unless and until such interim notice has been withdrawn by the Commission.

13. Following the issue of an interim notice, the Commission shall give the Licensee a reasonable opportunity to make representations about the interim notice and to propose any remedies.

#### **Enforcement, Amendment, Revocation and Suspension**

14. Enforcement by the Commission of compliance by a Licensee with conditions attached to his or her Licence shall be in accordance with the Authorisation Regulations, and any other requirements under applicable national or European Community law.

15. 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 Authorisation Regulations, and any other requirements under applicable national or European Community law.

16. Where the Commission is of the opinion that, in the interest of the efficient and orderly use of apparatus for wireless telegraphy or radio frequency spectrum, it is desirable to do so, it may amend the Licence in accordance with the Authorisation Regulations.

17. Without prejudice to paragraph 15, 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. 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.

18. A Licence may be suspended or withdrawn by the Commission in accordance with the Authorisation Regulations, and any other requirements under applicable national or European Community law.

### **Licence Fees**

19. Licence fees shall be payable in accordance with the terms of the Broadcasting Amendment Act (Digital Sound-Broadcasting Licence Fees) Regulations, 20XX.

## **Schedule**

### **Schedule I – Technical Conditions**

### **Schedule II - List of transmitter sites**

### **Schedule III – Licensed System**

### **Schedule IV – Licence Area**

Appendix B – Digital Sound-Broadcasting Multiplex Licence  
Technical Conditions (see Doc. No. 08/100a)