



Response to Consultation

Personal Locator Beacons

Response to Consultation on Regularising the use of Personal Locator Beacons

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1 Foreword

This document sets out the Commission for Communications Regulation's (ComReg) response to its recent consultation regarding the broadening of the use of Personal Locator Beacons (PLBs) in Ireland. It considers the expressed demand for extending the use of PLBs beyond what is currently permitted and also takes into account the resource and regulatory implications associated with any relaxation of the current arrangements.

When used correctly, properly registered PLBs can greatly assist the efforts of the Emergency Services and save the lives of users. However, the potential widespread use of such devices and the possibility for their misuse could place an undue and unnecessary burden on the responding Emergency Services.

ComReg is pleased to set out its position on the use of PLBs and is grateful for the responses from interested parties which aided the formation of this policy. It is hoped the proposed regulatory framework will enhance the safety measures available to those involved in outdoor (maritime and non-maritime) pursuits, while adopting a proportionate and balanced approach with regard to the effect these changes will have on the responding Emergency Services.

The regulatory framework for the use of PLBs is an important development and ComReg hopes that the clarity it establishes will assist both the Emergency Services and those who may have need to deploy these potentially life-saving devices in the future.

Alex Chisholm
Commissioner

2 Executive Summary

ComReg's recent consultation regarding broadening the use of Personal Locator Beacons (PLBs) sought to determine the demand for the use of PLBs in the State and canvass stakeholders' views on the appropriate regulatory framework should use of PLBs be expanded.¹

ComReg therefore sought responses to the fundamental question of whether the use of these devices should be sanctioned for use by individuals for non-maritime or non-aviation pursuits and, in such circumstances, what regulatory requirements would be appropriate.

Having considered all submissions received in response to its consultation, this document sets out ComReg's position on the future use of PLBs. In particular, this position seeks to balance the safety of life benefits that would accrue from broader use of PLBs and the desirability of minimising regulatory burdens on users, with the concern raised that unregulated and unregistered proliferation of these devices in the State could place a substantial and unnecessary burden on the Emergency Services.

ComReg believes that permission for the use of PLBs, including those with and without GPS capability should, subject to certain conditions, be extended to those individuals who do not possess either a ship or radio licence. ComReg holds that this is best achieved by making such devices exempt from licensing under the Wireless Telegraphy Act provided the owner has properly registered the device in accordance with the procedures which ComReg will specify. Under this proposed regulatory framework, failure by a prospective user to register his or her PLB would contravene the terms of the proposed licence exemption, and would leave unregistered use liable to prosecution.

¹ See ComReg document 08/88 entitled *Personal Locator beacons (PLBs) – Consultation on Regularising the use of Personal Locator Beacons* published on 17 November 2008 at www.comreg.ie.

3 Introduction

3.1 Background

ComReg is the statutory body charged with regulating the electronic communications and postal sectors in the state. To fulfil its statutory obligations ComReg enforces, amongst other things, the Wireless Telegraphy Act 1926, as amended, which provides that all apparatus for wireless telegraphy must be licensed unless specifically exempted from requiring a licence.

Ships² and aircraft are equipped with emergency locator beacons referred to as Emergency Position-Indicating Radio Beacons (EPIRBs) for ships and Emergency Locator Transmitters (ELTs) for aircraft. When activated both EPIRBs and ELTs function as tracking transmitters, by emitting a signal on 406 MHz, to assist Search & Rescue Services identify and locate the vessel or aircraft in distress. As such EPIRBs and ELTs are classed as apparatus for wireless telegraphy and are currently licensed in conjunction with the ships radio or aircraft radio licence, with which they are associated.

In Ireland the Coast Guard is tasked with responding to EPIRB/ELT activations and has access to the information on the registration databases for both EPIRBs and ELTs, which are maintained by the Marine Radio Affairs Unit of the Department of Transport (MRAU) and the Irish Aviation Authority (IAA) respectively.

The relatively recent introduction of Personal Locator Beacons (PLBs) raises safety, regulatory and resource implications for ComReg and other relevant agencies. At present it is only possible to register a PLB as part of a ship's radio licence (EPIRB) or an aircraft radio licence (ELT). The result is that some people, who are licensed operators of a ship's radio or an aircraft radio, can avail of the benefits accruing from the ownership of a PLB.

As "land-based" use of PLBs is permitted in several countries, PLBs are available for sale to Irish residents travelling abroad or can be acquired over the Internet and once brought into the State it is probable that the PLBs will be used by persons engaged in land-based outdoor pursuits and an activation of one of the units will occur.³

In this context, ComReg's consultation sought to identify the demand for PLBs, beyond that which is currently permitted, and invited views as to what restrictions, if any, should be placed on the use of PLBs in the State.

² The term "ship" is a generic term used for all water-borne vessels, including sailing boats, pleasure craft etc., which have a radio installed

³ It is worth noting, in this regard, that once radio equipment, such as a PLB, meets the required European standards, ComReg cannot prohibit its sale in Ireland, although ComReg can place certain restrictions on the use of PLBs within the State.

3.2 List of Respondents

There were six responses to the Consultation Document 08/88 (“the Consultation”) and ComReg would like to thank these respondents for the time and effort taken in making their responses and for the valuable information provided. All responses received by ComReg, except for any confidential material, will be made available on the ComReg website www.comreg.ie.

These respondents were:

- Department of Transport;
- Dr Gerry Butler on behalf of the Irish Mountain Rescue Association;
- Mr John Cronin;
- Mr Robin George, McMurdo, a Division of Signature Industries Ltd;
- Mr Michael Higgins; and
- Marine Electrical Services;

4 Consultation Issues

4.1 Restricted Use

In the Consultation, ComReg outlined that only those people who possessed a ship or aircraft radio licence may currently register a PLB. As such the safety benefits accruing from owning a PLB are not available to those boaters and fishermen, who may not be associated with a single vessel and also those involved in outdoor pursuits. ComReg consulted as follows:

Q. 1. Should the use of PLBs be limited to those who are licensed through a ship or aircraft radio licence OR should any person be permitted to use a PLB? Please give reasons for your answers.

4.1.1 Views of Respondents

All respondents stated that they did not believe the use of PLBs should be limited only to those who are licensed through ship or aircraft licences. Five of the six respondents stated that any person should be permitted to own and operate a PLB subject to any registration process that may be required. The sixth respondent stated that permission to own a PLB should only be granted to those persons who can clearly demonstrate a requirement because of the hazardous nature of their work, sporting activity or pastime.

Most respondents highlighted the safety of life benefits accruing from a properly registered PLB which would assist responding emergency services and provide an increased level of safety to those involved in marine activities (though not permanently associated with a single craft) or land-based outdoor pursuits.

4.1.2 ComReg's Position

ComReg notes the general view in favour of permitting the use of PLBs beyond those currently licensed in association with a ship or aircraft licence. ComReg notes, however, that one respondent stressed that a PLB should not be used in lieu of an EPIRB on board a vessel because of the significant differences in the technical specifications of both devices, for example, the duration of continuous battery operation, reflectivity and upright flotation.

ComReg's view therefore is that the use of PLBs should, subject to certain conditions, be extended to those who do not possess a ship or radio licence.

4.2 Licensing

ComReg outlined that the Wireless Telegraphy Act requires that all apparatus for wireless telegraphy be licensed unless it is of a class or description specifically exempted from requiring a licence.

When activated, PLBs transmit a signal and so are classed as apparatus for wireless telegraphy. ComReg consulted as follows:

Q. 2. If the use of PLBs is widely permitted, should the devices require a licence or be specifically exempted from requiring a licence? Please give reasons for your answer.

4.2.1 View of Respondents

Three respondents stated that PLBs should be specifically exempted from requiring a Wireless Telegraphy licence; whereas two respondents stated that PLBs should require a licence as a method of maintaining a measure of control over users. The final respondent was open-minded on the issue of licensing once PLBs were registered.

Two of the respondents who favoured exempting PLBs from licensing suggested that owners may view licensing a deterrent and an obstacle to any registration procedure and this may increase the possibility of unregistered and uncontrolled PLBs being used.

4.2.2 ComReg's Position

ComReg notes the requirement to encourage responsible use of PLBs but also considers that licensing such devices may impose an unnecessary burden on users, perhaps even constraining their reasonable deployment in safety of life situations. ComReg therefore proposes to specifically exempt PLBs from requiring a licence under the Wireless Telegraphy Act.

ComReg notes, however, the overarching requirement to control the use of PLBs and the concerns expressed by respondents in this regard are addressed below.

4.3 Registration

In the Consultation ComReg outlined that it is common practice in other jurisdictions to require PLB owners to register their personal details in a database which is then made available to the responding Emergency Services. ComReg consulted as follows:

- Q. 3. Should PLB registration be mandatory in law? Please outline the reasoning for your answer.**
- Q. 4. Should there be a charge attached to registration? Please give reasons for your answer.**
- Q. 5. Should the onus be on the seller or the buyer to carry out any registration? Please support your answer.**

4.3.1.1 View of Respondents

All six respondents stated that registration should be mandatory in law and actively encouraged. Two respondents added that any advisory information published on PLBs should state that unregistered devices may receive a slower response from the Emergency Services. One of these respondents further suggested that an unregistered PLB may not be responded to at all. Another respondent recommended an online registration process be made available.

Three respondents stated that there should be no registration fee in order to encourage the process. Two respondents stated that any fee charged should be kept to a minimum and used to cover the associated administrative costs and one of these respondents believed there should be no initial registration fee. The final respondent was of the opinion that a registration fee should be charged and the funds accrued transferred to assist in the procurement of search and rescue equipment and training.

Four respondents believe that the owner and user (buyer) of the PLB should be the person responsible for registering the unit. One of these respondents cited the situation in relation to EPIRBs whereby the seller of an EPIRB provides a registration form to the buyer who is then responsible for completing the form. Two of these respondents noted that PLBs may be purchased either abroad or over the Internet and it would therefore be difficult to impose the onus of registration on the seller of imported PLBs. Two respondents believe that the seller should be responsible for registering the PLB. One of these respondents believed that a seller would be able to complete the registration process for the buyer in addition to explaining the technical characteristics of the units and outline the terms and conditions of their use.

4.3.2 ComReg's Position

ComReg notes that the weight of responses received strongly suggests that registration by an owner/user of a PLB is required to ensure the most efficient response from the Emergency Services and for users to gain benefit from owning a PLB.

In addition and as correctly highlighted by one of the respondents, ComReg cannot require foreign or Internet-based vendors of PLBs to register the details of the purchaser of a PLB. In addition, should a PLB owner require to update his or her personal contact details some years after purchasing a PLB, it may be that the original seller is no longer available or willing to update such records. ComReg therefore believes that the onus should fall upon the owner/purchaser of a PLB to register the device and update his/her details.

Accordingly, ComReg has determined that a condition of the proposed licence exemption of PLBs referred to in Section 4.2 will be a requirement for the owner of a PLB to register his/her device and update his/her details as necessary. For the avoidance of doubt, failure by an owner of a PLB to do so would contravene this condition of the proposed licence exemption, denying the owner the protection given by the proposed licence exemption in respect of section 3 of the Wireless Telegraphy Act and thus becoming liable for prosecution under same.

In the interests of actively encouraging registration and minimising obstacles to this, ComReg has further decided that there will be no registration charge imposed on PLB owners.

4.4 Equipment Standard

In the Consultation, ComReg identified the various technical requirements to which PLBs would need to comply in order to be made available for sale on the European market. However, some PLBs are manufactured with integrated GPS, which could assist a speedier response by the Emergency Services. ComReg consulted on the issue of integrated GPS in PLBs as follows:

Q. 6. Prior to sanctioning any future use of PLBs should ComReg insist that all such PLBs have integrated GPS*? Please give reasons for your answer.

**(Note: ComReg cannot prevent the sale of PLBs without integrated GPS but may restrict their use)*

4.4.1 View of Respondents

Two respondents considered that all PLBs should have integrated GPS as it would assist speedier rescues. Two respondents advocated that ComReg should recommend PLBs with integrated GPS rather than make such units compulsory. These respondents correctly pointed out that GPS may not always be effective in deep valleys or where there is thick overhead foliage.

The final two respondents submitted that making integrated GPS compulsory would make those PLBs currently in service or in stock obsolete and result in increased cost of those units with integrated GPS. Both of these respondents believed that the trend is towards integrated GPS units and eventually all units without GPS will be replaced.

4.4.2 ComReg's Position

While it is recognised that PLBs with integrated GPS are more likely to be advantageous for users and responding Emergency Services, particularly for marine use, this would not, of itself, be an appropriate reason to not allow PLB's without such GPS capability to be used in the State.

Accordingly, ComReg considers that all PLBs should be permitted to be registered, subject to compliance with the standards required under the R&TTE Directive.⁴

⁴ Decision 1999/5/EC, Radio and Telecommunications Terminal Equipment Directive⁴ (*R&TTE Directive*), is an EU-wide directive, which was transposed into Irish law by Statutory Instrument (S.I.) 240 of 2001 entitled "European Communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations, 2001

5 Other Issues Raised By Respondents

Two respondents raised the issue of resource implications for the responding Emergency Services.

On the issue of the resource implications for the emergency services, ComReg wishes to acknowledge the role of the Coast Guard (IRCG) in providing the initial point of contact for the UKMCC in the event of a beacon activation. As stated on the IRCG website⁵, *“the IRCG, having been delegated the responsibility to provide search and rescue and preventative services for Ireland’s internationally assigned search and rescue region⁶, the littoral area, rivers, lakes, waterways, mountains, caves and offshore islands, use search and rescue units and other available facilities for providing assistance to persons who are, or appear to be in distress. ComReg recognises that it is wholly within the remit of the IRCG to deploy resources as it sees fit and to contact other emergency services and shore-based authorities in whatever situations it deems appropriate.*

Owners of PLBs, particularly those that may be involved in land-based outdoor pursuits, should therefore be fully aware that the response of the Emergency Services to a beacon activation will depend on the priority of any other tasks at the time of the activation and is not a matter for ComReg.

⁵ <http://www.transport.ie/marine/IRCG/CGinformation/index.asp?lang=ENG&loc=2076>

⁶ Approximately 200 miles of the West Coast, 30 miles off the South Coast and dividing the Irish Sea.

6 Next Steps

Having carefully considered the views of the respondents to the issues raised in the Consultation, ComReg intends to liaise with the Department of Transport to discuss suitable timing before the following next steps:

- progress the licence exemption of PLBs under the Wireless Telegraphy Act;
- establish a mandatory PLB registration database, and;
- make this database available to the Coast Guard.