



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Update to ComReg's Spectrum Transfer and Lease Framework and Guidelines

Response to consultation and final position on updates to the existing framework in light of the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444/2022)

Response to consultation and final position

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Commission for Communications Regulation

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Chapter 1

1 Introduction

- 1.1 On 30 July 2024, the Commission for Communications Regulation (“ComReg”) published a consultation (Document 24/59¹) setting out its 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”)², with:
- Document 24/59a³ encompassing the proposed procedures, guidelines and notification form (the “Proposed Procedures”); and
 - Annex 5 of Document 24/59 comprising the draft proposed Wireless Telegraphy (“WT”) Act regulations (“Draft Regulations”),

(together the “Proposed Framework”).
- 1.2 ComReg did not receive any submissions on the Proposed Framework and, consequently, will now proceed to implement same for the reasons set out in the Document 24/59.
- 1.3 This response to consultation (Document 24/85) is structured as follows:
- **Chapter 2:** provides a high-level summary of the Proposed Framework identifies a number of small updates ComReg intends to make to the notification form and sets out ComReg’s final position with respect to the Proposed Framework;
 - **Chapter 3:** sets out the next steps in the process, including proceeding to make, with the consent of the Minister for Environment, Climate and Communications (“Minister”), the relevant WT Act regulations;
 - **Annex 1:** sets out the draft WT Act regulations to implement the Framework

¹ ComReg Document [24/59](#), “*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)*”, published 30 July 2024.

² [S.I. 444 of 2022](#), “European Union (Electronic Communications Code) Regulations 2022”, 6 September 2022.

³ ComReg Document [24/59a](#), “*Spectrum Transfer and Lease Framework – Draft Procedures including Guidelines and Notification Form*”, published 30 July 2024.

– *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 (“Draft Regulations”)*.

- 1.4 Published separately in Document 24/86 are the final procedures, guidelines and notification form to be used by ComReg in considering any proposed transfer or lease (“Final Procedures”).
- 1.5 Document 24/86a, also published separately, contains the editable notification form that interested parties must complete and submit to ComReg as part of any proposed transfer or lease of spectrum rights of use for Electronic Communications Networks (“ECNs”) and Services (“ECSs”).

Chapter 2

2 The Proposed Framework

2.1 Background

- 2.1 Relevant background information regarding the existing spectrum transfer and lease framework for ECN/ECS is set out in Chapter 2 of Document 24/59, an outline of same is set out below.

Existing spectrum transfer and lease framework

- 2.2 Together with the enabling provisions in the mobile and wireless broadband licences issued in the Radio Spectrum Policy Programme (RSPP) Bands and the 700 MHz Band (the “MWBB WT Licences”), and their associated Wireless Telegraphy licensing regulations⁴, the existing spectrum transfer and lease framework, procedures, guidelines and notification form (the “Existing Framework”) are set out in the following:

- Spectrum transfer regulations (S.I. 34 of 2014)⁵; and

⁴ 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.
- The Wireless Telegraphy (Transfer of Spectrum Rights of Use) Regulations 2014, S.I. 34 of 2014
- ComReg Document 14/11R, “Spectrum Transfer and Lease Framework in Ireland, Procedures and Guidelines, and Notification Form(s)”, published 12 October 2017.

⁵ 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.

- Spectrum transfer and lease procedures, Guidelines and notification form (ComReg Document 14/11R) (the “Existing Procedures”)⁶.

Spectrum transfer and leases to date

- 2.3 Section 2.2 of Document 24/59 notes that since establishing the Existing Framework in 2014, no spectrum transfers have been notified to ComReg, while twenty (20) spectrum lease notifications for short-term leases of rights of use in the 3.6 GHz Band have been submitted to ComReg and processed as outlined in Annex 2 of Document 24/59.
- 2.4 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. ComReg’s observations on these spectrum leases to date is set out in Document 24/59.

Regulations 33, 34 and 101 of the EECC Regulations

- 2.5 Section 2.3 of Document 24/59 noted that in September 2022, the EECC Regulations were adopted in Ireland, giving effect to Directive (EU) 2018/1972⁷ and that:
- 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.

Transfer and lease provisions in other WT Licences

- 2.6 Section 2.4 of Document 24/59 outlined that 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.

2.2 Overview of proposals as part of the Proposed Framework

- 2.7 Document 24/59 and, in particular, Chapters 3 to 5 and Document 24/59a details the

⁶ ComReg Document 14/11R, “*Spectrum Transfer and Lease Framework in Ireland, Procedures and Guidelines, and Notification Form(s)*”, published 12 October 2017.

⁷ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast).

rationale and proposals made by ComReg to update the Existing Framework in light of EECC Regulations and ComReg does not repeat same here save for providing the following overview.

2.8 The Proposed Framework is largely based on the Existing 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 ECN/ECS, 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 pre-notification initial queries;
 - (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;
 - (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 24/04⁸); and
 - (v) publish relevant details of notifications that have passed ComReg’s preliminary checks on a dedicated spectrum transfer 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.

2.9 As with the Existing Framework, the Proposed Framework would not apply to any transfer that forms part of a merger/acquisition/transaction notified, or obliged to be

⁸ [Consultation Procedure Guidelines | Commission for Communications Regulation \(comreg.ie\)](https://www.comreg.ie/consultation-procedure-guidelines)

notified, to the Competition and Consumer Protection Commission (“CCPC”) or to the European Commission (“EC”) as the case may be.

2.3 Updates to the Procedures and Notification Form

- 2.10 Having carried out a further review of the procedures and notification form, ComReg has made a small number of minor editorials and added a glossary⁹ to the procedures along with some adjustments to the notification form in order to make the submission of information clearer as well as providing further explanatory text to assist the notifying parties to complete the form. For example, an additional field has been included to capture the licence type that is the subject of the proposed transfer or lease (e.g. Fixed Radio Link Licence, Telemetry, MBSA2 Liberalised Use Licence). These limited changes are incorporated into Annex 2 of Document 24/86.

2.4 ComReg’s final position

- 2.11 Noting among other things that ComReg did not receive any submissions on the Proposed Framework, ComReg’s final position is to adopt the proposals as set out in the Proposed Framework including the minor updates to the procedures and notification form as discussed above.

⁹ The glossary used is the relevant extracts of the Glossary to Document 24/59.

Chapter 3

3 Next steps

- 3.1 The relevant documentation setting out the Proposed Framework is being published as follows:
- the Final Procedures that now replace the Existing Procedures; and
 - the Draft Regulations as set out in Annex 1 to this document.
- 3.2 ComReg envisages that the next steps are:
- to seek the consent of the Minister for Environment, Climate and Communications (“Minister”) to make the relevant WT Act regulations. Draft Regulations are set out in Annex 1 of this document; and
 - to set up a spectrum transfer and lease webpage as provided for in the Final Procedures.
- 3.3 Following the making of the relevant WT Act regulations, ComReg will be able to receive notifications for proposed transfers and leases for all the WT licence types included in the Proposed Framework (See Table 1 of the Final Procedures).

Annex 1: Draft Regulations

STATUTORY INSTRUMENTS

S.I. No. _____ 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**

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. No. 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. No. 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 [XX/10/2024] and bearing the Commission Document number [24/XX] 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

¹ OJ L 108, 24.04.2002, p.1.

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;

(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) 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
- (b) 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
- (c) 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.

(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 licensed by the Commission.

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

9. (1) 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 definition:

“ ‘*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 definitions:

“ ‘*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 definition:

“ ‘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; and”;

(v) by deleting paragraph (19) and consequently re numbering paragraph (20) to (19);

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

“(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 sentence 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 the sentence in Part 4 under “Licence Conditions” the following sentence:

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

10. (1) 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 definition:

“ ‘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 definition:

“ ‘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 definitions:

“ ‘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 definition 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 definitions:

“ ‘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 400 MHz Band Spectrum Lease Licences.*” after “400 MHz Band Licences”:

(c) by substituting for Regulation 4 the following Regulation:

“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 subparagraph:

“(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 after paragraph (11) the following paragraph:

“(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.

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

12. (1) 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 definition:

“ ‘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 definitions:

“ ‘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 definitions:

“ ‘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 paragraph:
- “(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 paragraph:

“(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”;
- (g) by inserting after paragraph (8) the following paragraph:

“(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.”;

- (h) 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.”;

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

13. (1) 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 definitions:

“ ‘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;”;

- (b) by inserting after the definition of “insolvency related event” the following definitions:
- “ ‘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;”;*
- (c) by substituting for the definition of “Licence” the following definition:
- “ ‘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;”;*
- (d) by inserting after the definition of “terminal equipment” the following definitions:
- “ ‘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;”;*
- (e) by substituting for Regulation 3 the following Regulation:
- “3. These Regulations apply to FWALA Licences and FWALA Spectrum Lease Licences.”;*
- (f) by substituting for Regulation 7 the following Regulation:
- “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”;*

- (g) in Regulation 8, by substituting “FWALA Licence” for the first occurrence of “licence”;
- (h) in Regulation 9(1), by substituting “FWALA Licence” for “licence”;
- (i) in Regulation 10 –
 - (i) by substituting “FWALA Licence” for “licence”;
 - (ii) by inserting after paragraph (3) the following paragraph:

“(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.”;
- (j) by deleting Regulation 11(e);
- (k) 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.”;

- (l) in the Second Schedule, by substituting “FWALA Licence” for the first and third occurrences of “licence”;
- (m) by inserting after the Second Schedule a new Third Schedule as set out in Schedule 3 of these Regulations.

14. (1) 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 for the definition of “Licence” the following:

“ ‘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 Regulation:
- “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 Regulation:
- “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.

15. (1) 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 definition:

“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 definitions:

“ ‘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 definition:

“ ‘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 for the definition of “Licence” the following definition:

“ ‘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 for the definition of “Licensee” the following definition:

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

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

“ ‘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;”;

- (viii) by substituting for Regulation 3(1) the following Regulation:

“3(1) These Regulations apply to:

(a) Liberalised Use Licences;

(b) Liberalised Use Spectrum Lease Licences; and

(c) Preparatory Licences.”;

- (b) 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 paragraph:

“(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.”;

- (c) in Regulation 6 –

- (i) by deleting “Liberalised Use” in paragraph (3);

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

“(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 paragraph:

“(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.”;
- (d) in Regulation 8 by inserting after paragraph (15) the following paragraph:

“(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.”;
- (e) in Regulation (9)(1) by substituting “for Licences other than a Preparatory Licence” for “additionally in the case of a Liberalised Use Licence”;
- (f) by inserting after Regulation 9 the following new Regulation 10:

“Spectrum Leases

10 (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.”;

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

16. (1) 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:

- (a) in Regulation 2(1) –

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

“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”;
- (b) in Regulation 4 –
 - (i) 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.”;
 - (ii) in paragraph (4) by substituting “the Transfer and Lease Regulations” for “sub-paragraphs (q) and (r) of Regulation 6”;
 - (iii) 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.”;*
- (c) 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);
- (d) in Regulation 7 –
 - (i) 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.”;
 - (ii) 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 in this paragraph with respect to the rights being transferred.”;
- (e) 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.”;

17. (1) 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”;
 - (iii) 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”;
- (g) in Regulation 11 by inserting “Mobile Radio Systems” before “Licence”;
- (h) in Regulation 13 –
 - (i) by deleting paragraph (d);
 - (ii) subparagraph (i)(i) by substituting “its” for “his or her”;

- (i) in Regulations 14(1)(b) and 18(1) by substituting “it” for “she”;
- (j) in Regulation 16 –

- (i) by substituting “they are” for “he or she is”;
- (ii) 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.”;

- (k) in the First Schedule –
 - (i) by substituting “Commission” for “Director”;
 - (ii) in paragraph 1 –

- a. 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)";
- (iii) by inserting "435" between "S.I. No." and "of 2002";
- (iv) 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.";
- (v) in subparagraph 7(i)(i) by substituting "its" for "his or her";
- (vi) in subparagraph 8(b) by substituting "it" for "she";
- (l) in paragraph 10 of the First Schedule–
 - (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);”;

- (m) 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.”;
 - (iii) by inserting after the Second Schedule a new Third Schedule as set out in Schedule 6 of these Regulations.

18. (1) 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.”;

(iv) 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.”;

- (g) by renaming the Schedule as “Schedule 1”;
- (h) by inserting after Schedule 1 a new Schedule 2 as set out in Schedule 7 of these Regulations.

19. (1) 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) -
 - (i) by substituting for paragraph (1) the following:

“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”;

(ii) 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.”.*

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

21. (1) 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.

22. (1) The Wireless Telegraphy (Research and Development Licence) Regulations, 2005 (S.I. No. 113 of 2005) are amended by deleting Regulation 5(6).

23. (1) 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.”;

- (iv) 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.”;

- (g) In Schedule 1 by inserting “Satellite Earth Station Licence” in the title under “WIRELESS TELEGRAPHY (SATELLITE EARTH STATION LICENCE) REGULATIONS, 2024”;
- (h) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 10 of these Regulations.

24. (1) 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;”;

- (v) by substituting for Regulation 3 the following:

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

- (b) in Regulation 5 by inserting “Telemetry” before “Licence” in paragraphs (3) and (4);
- (c) in Regulation 6 by inserting “Telemetry” before “Licence” ;
- (d) in Regulation 7(1) -
 - (i) by inserting in paragraph (c) “, where applicable” after the second occurrence of “these Regulations”;
 - (ii) by deleting paragraph (m);
- (e) 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.”;

- (v) 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.”;

- (f) in Schedule 2 by inserting “TELEMETRY” before “LICENCES” in the title;
- (g) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 11 of these Regulations.

25. (1) 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; and
 - (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”;
- (m) by substituting “Part 2” for “Second Schedule”;
- (n) by substituting “Parts 1, 3 and 3 of” for “the First – third schedules to”;
- (o) by substituting “Part 5” for “Schedule 5”;
- (p) 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;
- (q) by renaming Schedule 6 as “Schedule 2”;
- (r) by inserting after Schedule 2 a new Schedule 3 as set out in Schedule 12 of these Regulations.

26. (1) 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 o 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); and
 - (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.

27. (1) The Wireless Telegraphy (Third Party Trial Licence) Regulations, 2005 (S.I. No. 114 of 2005) are amended by deleting Regulation 5(3).

28. (1) 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 –

(i) 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”;

(ii) 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.

29. (1) The Wireless Telegraphy (Wireless Public Address System) Regulations, 2006 (S.I. No. 304 of 2006) are amended by deleting Regulation 5(6).

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

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

DRAFT

SCHEDULE 1

New 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

Part Three

Apparatus Location and Details

Region	County	Site Identity	Eastings	Northings	Maximum EIRP

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
				dBi	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 into 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

The Licensee shall use the GSM-R apparatus only on the following radio frequency:

Frequency	
-----------	--

The Licence Conditions will be specified by the Commission in accordance with the Transfer and Lease Regulations.

DRAFT

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 EIRP is the Equivalent Isotropically Radiated Power

(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.

SCHEDULE 6

New 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 into 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:

The Licensee shall ensure that it complies with the conditions as to geographical 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 8

New 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.

Part 1

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

DRAFT

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
<p>Licence Reference:</p> <p>Earth Station Reference Name:</p> <p>SES Licence Type:</p> <ul style="list-style-type: none">• Fixed:<ul style="list-style-type: none">o Transmit/receive;o Transmit or receive; oro Receive only.• Transportable <p>Licensee Name:</p> <p>Licensee Address:</p> <p>Vehicle Registration Number (for Transportable Satellite Earth Stations):</p> <p>Licence Issue Date:</p>	<p>Radio</p> <p>Make:</p> <p>Model:</p> <p>Class:</p> <p>Antenna Make:</p> <p>Model:</p> <p>Class:</p>

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.

DRAFT

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:

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	Northin g	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	Manufacture r	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.

DRAFT

SCHEDULE 13

New 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 Three

Schedule of Base Station Locations

- Site Reference
- Site Name
- Easting
- Northing

Part Four

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,
2024.

on behalf of the Commission for Communications Regulation.

The Minister for the Environment, Climate and Communications (as adapted by the Communications, Climate Action and Environment (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 373 of 2020)), in accordance with section 37 of the Communications Regulation Act, 2002, consents to the making of the foregoing Regulations.

GIVEN under the Official Seal of the Minister for the Environment, Climate and Communications

2024

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.