



STATUTORY INSTRUMENTS.

S.I. No. 282 of 2018



WIRELESS TELEGRAPHY (MOBILE SATELLITE SERVICE AND
COMPLEMENTARY GROUND COMPONENT) REGULATIONS 2018

WIRELESS TELEGRAPHY (MOBILE SATELLITE SERVICE AND
COMPLEMENTARY GROUND COMPONENT) REGULATIONS 2018

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 with the consent of the Minister for Communications, Climate Action and Environment, 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 (Mobile Satellite Service and Complementary Ground Component) Regulations 2018.

Interpretation

2. (1) In these Regulations, unless the context otherwise requires:

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

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

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

“Apparatus” in relation to Licences means apparatus for wireless telegraphy as defined in section 2 of the Act of 1926 for the purpose of providing a Mobile Satellite Service with Complementary Ground Component and in relation to a Licence, means apparatus for wireless telegraphy to which the licence relates;

“Authorisation Regulations” means the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2011 (S.I. 335 of 2011);

“Base Station” means apparatus for wireless telegraphy, used at a fixed location under the control of the associated space station and its network management mechanism as set out in the Schedule to these Regulations;

“Commission” means the Commission for Communications Regulation;

“Complementary Ground Component” means base stations used at fixed locations in order to improve the availability of a Mobile Satellite Service in geographical areas within its footprint, where communications with one or more space stations cannot be ensured with the required quality;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th July, 2018.*

- “CPI” means the Consumer Price Index as published from time to time by the CSO;
- “CPI Adjustment” means adjustment in accordance with any changes in the CPI that occur following the date of commencement of the licence, where “change in the consumer price index” means the difference between the CPI number last published before the date of commencement of the licence and the CPI number most recently published on the anniversary of the date of commencement of the licence;
- “CSO” means the Central Statistics Office or its successor;
- “Decision of 2008” means Decision 626/2008/EC of the European Parliament and of the Council on the selection and authorisation of systems providing mobile satellite services;
- “Decision of 2009” means Decision 2009/449/EC of the European Commission on the selection of operators of pan-European systems providing mobile satellite services;
- “Decision of 2011” means Decision 2011/667/EU of the European Commission on modalities for coordinated application of the rules on enforcement with regard to mobile satellite services pursuant to Article 9(3) of Decision No. 626/2008/EC of the European Parliament and the Council;
- “Earth Station” means a station located either on the Earth’s surface or within the major portion of the Earth’s atmosphere and intended for communication;
- “Electronic Communications Network” and “Electronic Communications Service” have the meanings assigned to them in the Framework Regulations;
- “ETSI” means the European Telecommunications Standards Institute;
- “Framework Regulations” means the European Communities (Electronic Communications Networks and Services) (Framework) Regulations, 2011 (S.I. 333 of 2011);
- “Harmful Interference” has the meaning set out in the Framework Regulations;
- “Licence” means a Licence granted under section 5 of the Act of 1926, to keep, have possession of, install, maintain, work and use Apparatus in a specified place in the State;
- “Licence Commencement Date” means the date, as specified in the Licence, upon which the Licence comes into effect;
- “Licensee” means the holder of a Licence;
- “Mobile Earth Station” means an earth station in the Mobile Satellite Service intended to be used while in motion or during halts at unspecified points;

“Mobile Satellite Service” means a radio communications service between mobile earth stations and one or more space stations;

“MVNO” means a Mobile Virtual Network Operator;

“Radiocommunications Service” means a service as defined in the Radio Regulations of the International Telecommunication Union involving the transmission, emission and or reception of radio waves for specific telecommunication purposes;

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

“Space Station” means apparatus for wireless telegraphy that is located on an object which is beyond the major portion of the Earth’s atmosphere and which is not a high altitude platform;

“Station” means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying out a Radiocommunications Service;

“Temporary Base Station” means a base station used at a fixed location for a temporary period of time;

“Undertaking” has the meaning set out in the Framework Regulations.

(2) In these Regulations:

- (a) a reference to an enactment or regulation shall be construed as a reference to the enactment or regulation as amended or extended by or under any subsequent enactment or regulation;
- (b) a reference to a Regulation or a schedule is to a Regulation of or a Schedule to these Regulations unless it is indicated that a reference to some other enactment is intended;
- (c) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended;
- (d) a reference to a Directive of the European Parliament and Council shall be construed as a reference to the Directive as amended or extended by any subsequent Directive; and
- (e) a reference to a Decision of the European Commission shall be construed as a reference to the Decision as amended or extended by any subsequent Decision.

(3) 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 that it has in that Act.

(4) 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 that it has in that Act.

(5) A word or expression that is used in these Regulations and that is also used in the Framework Regulations or in the Authorisation Regulations has, unless the context otherwise requires, the same meaning in these Regulations that it has in those Regulations.

(6) The Interpretation Act 2005 (No. 23 of 2005) applies to these Regulations.

Licences to which these Regulations apply

3. These Regulations apply to Licences to keep, have possession of, install, maintain, work and use apparatus for wireless telegraphy for the purpose of the provision of a Mobile Satellite Service with Complementary Ground Component (“MSS with CGC”), in the form set out in the Schedule to these Regulations.

Application for Licences and Form of Licences

4. (1) An Application for a Licence shall be made to the Commission and shall be in writing in such form as may be determined by the Commission from time to time.

(2) A person who makes an Application under paragraph (1) of this Regulation shall furnish to the Commission such information as the Commission may reasonably require for the purpose of its functions under these Regulations and, if the person, without reasonable cause, fails to comply with this paragraph, the Commission may refuse to grant a Licence to the person.

(3) The Commission may grant a Licence in accordance with the provisions of Regulation 9 of the Authorisation Regulations.

(4) A Licence shall be in the form specified in the Schedule 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.

Duration of Licences

5. (1) A Licence to which these Regulations apply shall, unless it has been withdrawn by ComReg or surrendered by the Licensee, be in force until 13 May 2027.

(2) A Licence granted under these Regulations shall automatically expire on the expiry of authorisation of the associated Mobile Satellite Service.

Conditions of Licences

6. It shall be a condition of any Licence to which these Regulations apply that the Licensee shall:

- (a) ensure that it complies with the conditions contained within the Licence and these Regulations;
- (b) ensure that any Apparatus complies with the Decision of 2008, the Decision of 2009, and the Decision of 2011;
- (c) ensure that it makes payments of the correct fees as set out in Regulation 8;
- (d) ensure that Apparatus installed, maintained, possessed or kept under the Licence is capable of operating within the radio frequency spectrum specified in the Licence concerned;
- (e) ensure that where the Apparatus is worked or used, as appropriate, it is worked or used only on such radio frequency spectrum as specified in the Licence concerned;
- (f) ensure that in each calendar year in which the Licence is in force, and in any event on or before the anniversary of the Licence Commencement Date of each such year, it submits updated information to the Commission in respect of part 1 and part 2 of its Licence;
- (g) furnish such information and reports as may be requested by the Commission from time to time;
- (h) ensure that the Apparatus, or any part thereof, shall be installed, maintained, worked and used so as not to cause Harmful Interference;
- (i) ensure that the Apparatus or any part thereof, complies with Article 3 of the Radio Equipment Directive;
- (j) upon becoming aware of any event likely to materially affect its ability to comply with these Regulations, or any conditions set out or referred to in any Licence, notify the Commission of that fact in writing within 5 working days;
- (k) ensure that if the address of the Licensee or the person to whom the Licence has been assigned changes, the Licensee or assignee shall, as soon as possible, notify the Commission in writing of the change;
- (l) comply with any special conditions imposed under section 8 of the Act of 1972 and subject to which this Licence is deemed by subsection (3) of that section to be issued;
- (m) not, without the prior consent of the Commission (which shall not be unreasonably withheld) assign the Licence or any of the powers, duties or functions conferred by it or otherwise transfer any of the rights or obligations conferred by it;
- (n) where consent is granted, under paragraph (m) of this Regulation, ensure that the assignee is contractually obliged to provide to the

assignor such details as the Commission may request from time to time;

- (o) comply with all obligations under the relevant international agreements relating to the use of apparatus or the frequencies to which they are assigned;
- (p) ensure that where an Undertaking requests MVNO status or Wholesale Access, the Licensee shall not unreasonably refuse the request and shall ensure that any offer made is on reasonable and non-discriminatory terms;
- (q) ensure that, where the Commission requests information in regards to any MVNO or Wholesale Access offering made to an undertaking: the Licensee shall supply in full the requested information, in the form requested by the Commission, not later than twenty working days after the receipt of the request;
- (r) ensure that it uses the radio spectrum assigned under the Decision of 2008 and the Decision of 2009 for the provision of Complementary Ground Components to a Mobile Satellite Service;
- (s) ensure that the Complementary Ground Components shall constitute an integral part of a Mobile Satellite Service and shall be controlled by the satellite resource and network management mechanism;
- (t) ensure that the Complementary Ground Components shall use the same direction of transmission and the same portions of frequency bands as the associated satellite components and shall not increase the spectrum requirement of the associated Mobile Satellite Service;
- (u) ensure that the Commission is notified within 5 working days of the failure of the satellite component; and
- (v) ensure that any independent operation of Complementary Ground Components in case of failure of the satellite component of the associated Mobile Satellite Service shall not exceed 18 months from the date of failure.

Enforcement, Amendment, Withdrawal and Suspension

7. (1) Enforcement by the Commission of compliance by a Licensee with conditions attached to its Licence shall be in accordance with the Authorisation Regulations.

(2) The Commission may amend any Licence from time to time in accordance with the Authorisation Regulations.

(3) Without prejudice to paragraph (2) 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 (within the scope of the radio spectrum assigned under

the Decision of 2008 and the Decision of 2009) 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.

(4) A Licence may be suspended or withdrawn by the Commission in accordance with the Authorisation Regulations and where the timescale is exceeded in Regulation 6 (v).

Annual Licence Fees

8. (1) The Licensee shall pay an annual fee of €2,300 per Earth Station, Base Station, temporary or fixed subject to CPI Adjustment.

(2) The fees specified in paragraph (1) of this Regulation shall be payable by the Licensee on commencement of or prior to the grant of a Licence.

(3) The fees specified in paragraph (1) of this Regulation shall be paid to the Commission by way of banker's draft or such other means and on such terms (including terms as to the place of payment) as the Commission may decide. Where the date of payment falls on a Saturday, a Sunday or a public holiday, payment shall be made on or before the last working day before the date of payment.

(4) An amount payable by a person in respect of a fee under these Regulations may be recovered by the Commission from the person as a simple contract debt in any court of competent jurisdiction.

(5) If a Licence is surrendered, withdrawn, suspended or revoked, the Licensee shall not be entitled to be repaid any part of the fee paid by the Licensee under these Regulations but shall still be liable to pay any sums (including interest) outstanding.

(6) Where payment is not made in due time, then interest shall be payable by the Licensee at the rate per annum standing specified for the time being in section 26 of the Debtors (Ireland) Act, 1840 (1840 c.105), on the fee or part thereof in respect of the period between the date when such fee or part fell due and the date of payment of such fee or part.

Licensee to satisfy all Legal Requirements

9. Licences granted pursuant to these Regulations do not grant to the Licensee any right, interest or entitlement other than the right to keep and have possession of, install, and maintain, and for Licences other than a Mobile Satellite Service Complementary Ground Component Licence, to work and use, at a specified location or locations in the State, Apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services.

SCHEDULE

WIRELESS TELEGRAPHY ACT, 1926

WIRELESS TELEGRAPHY (MOBILE SATELLITE SERVICE WITH
COMPLEMENTARY GROUND COMPONENT) REGULATIONS 2018

Mobile Satellite Service with Complementary Ground Component Licence,
granted under section 5 of the Wireless Telegraphy Act 1926

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), hereby grants the following licence to _____ of _____.

The Licensee is hereby authorised to keep, have possession of, install, maintain, work and use apparatus as specified in Part 1 of this Licence subject to the terms and conditions set out in the Wireless Telegraphy (Mobile Satellite Service with Complementary Ground Component) Regulations 2018 (S.I. No. 282 of 2018), including but not limited to, the following:

1. The Licensee shall ensure that it complies with the conditions as to geographical location, technical conditions, Licensed frequencies and Rollout Plan set out in Parts 1 to 4 inclusive of this Licence; and
2. The Licensee shall ensure that it makes payment of all fees as detailed in the Regulations under which this Licence is issued.

This licence shall come into effect on DD/MM/2018 (the “Licence Commencement Date”) and subject to revocation, suspension or withdrawal, expires on DD/MM/2018

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

Base station block edge mask out-of-block EIRP limits per antenna

| Frequency range of out-of-block emissions | Maximum mean out-of-block EIRP | Measurement bandwidth |
|---|--------------------------------|-----------------------|
| -10 to -5 MHz from lower block edge | 11 dBm | 5 MHz |
| -5 to 0 MHz from lower block edge | 16.3 dBm | 5 MHz |
| 0 to +5 MHz from upper block edge | 16.3 dBm | 5 MHz |
| +5 to +10 MHz from upper block edge | 11 dBm | 5 MHz |
| Other blocks | 9 dBm | 5 MHz |

EIRP: Equivalent Isotropically Radiated Power

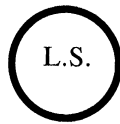
An in-block power limit of 62 dBm / 5 MHz and 55 dBm / MHz will apply.

A 300kHz guard band must be inserted at 1980 MHz.

Part 4 Licensed Frequencies (delete as appropriate)

Inmarsat: 1980 — 1995 MHz (Uplink) & 2170 — 2185 MHz (Downlink)

EchoStar: 1995 — 2010 MHz (Uplink) & 2185 — 2200 MHz (Downlink)



GIVEN under the official seal of the Commission for Communications Regulation,
20 July 2018.

GERRY FAHY,

Chairperson for and on Behalf of the Commission for Communications Regulation.

The Minister for Communications, Climate Action and Environment consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Communications,
Climate Action and Environment,
20 July 2018.

DENIS NAUGHTEN,
Minister for Communications, Climate Action and
Environment.

EXPLANATORY NOTE

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

These Regulations provide for the issue of licences for apparatus for wireless telegraphy for the provision of a mobile satellite service with a complementary ground component, for the regulation of such apparatus and for the payment of fees by persons granted licences for that apparatus. These Regulations are in accordance with relevant provisions of Decision No. 626/2008/EC of the European Parliament and of the Council of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services, and with relevant provisions of related Decisions.

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