



STATUTORY INSTRUMENTS.

S.I. No. 265 of 2021



WIRELESS TELEGRAPHY (THIRD GENERATION AND GSM LICENCE
(AMENDMENT) AND INTERIM LICENSING) REGULATIONS 2021

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WIRELESS TELEGRAPHY (THIRD GENERATION AND GSM LICENCE
(AMENDMENT) AND INTERIM LICENSING) REGULATIONS 2021

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 the Environment, Climate and Communications in accordance with section 37 of the Communications Regulation Act 2002 (No. 20 of 2002), (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)) hereby makes the following Regulations:

Citation

1. (1) These Regulations may be cited as the Wireless Telegraphy (Third Generation and GSM Licence (Amendment) and Interim Licensing) Regulations 2021.

Interpretation

2. (1) In these Regulations:

“2.1 GHz Band” means radio frequency spectrum in the range 1920 to 1980 MHz paired with radio frequency spectrum in the range 2110 MHz to 2170 MHz;

“2.1 GHz Band Liberalised Use Licence” means a non-exclusive Licence granted to an Existing Licensee in the form set out in Schedule 1 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;

“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);

“Authorisation Regulations” means the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (S.I. No. 335 of 2011);

“Award” means the competitive award procedure used by the Commission for the purpose of granting individual rights of use for radio frequencies in the 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands, as detailed in the Information Memorandum;

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

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 1st June, 2021.*

“Decision of 1999” means Decision No. 128/1999/EC of the European Parliament and of the Council of 14 December 1999 on the co-ordinated introduction of a third generation mobile and wireless communications system in the Community;

“Decision of 2012” means European Commission Implementing Decision (2012/688/EU) of 5 November 2012 on the harmonisation of the frequency bands 1920-1980 MHz and 2110-2170 MHz for terrestrial systems capable of providing electronic communications services in the Union, as amended by European Commission Implementing Decision (EU) 2020/667 of 6 May 2020;

“ERC Decision of 1999” means ERC Decision ERC/DEC/(99)25 of 29 November 1999 on the harmonised utilisation of spectrum for terrestrial Universal Mobile Telecommunications System (UMTS) operating within the bands 1900 - 1980 MHz, 2010 - 2025 MHz and 2110 - 2170 MHz;

“Electronic Communications Service” have the meanings assigned to them in the Framework Regulations;

“EURIBOR” means the rate at which euro interbank term deposits are offered within the European Monetary Union zone by one prime bank to another and, in relation to any payment, a reference to the prevailing EURIBOR means the rate prevailing at close of business on the date on which payment falls due;

“Existing Licence” means a licence issued under the Principal Regulations;

“Existing A Licence” means a licence issued under the Principal Regulations and which is due to expire on 24 July 2022;

“Existing B Licence” means a licence issued under the Principal Regulations and which is due to expire on 1 October 2022;

“Existing Licensee” means a person holding one, or more, Existing Licences;

“Framework Regulations” means the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (S.I. No. 333 of 2011);

“Harmful Interference” has the meaning set out in the Framework Regulations;

“Information Memorandum” means the document published by the Commission on 16 April 2021 and bearing the Commission Document number 21/40 and which outlines in detail the processes and procedures the Commission will follow in running the Award, as may be updated from time to time;

“Interim 2.1 GHz Band Third Generation Licence” means a non-exclusive Interim A 2.1 GHz Band Third Generation Licence or a non-exclusive Interim B 2.1 GHz Band Third Generation Licence in the form set out in Schedule 2 granted under section 5 of the Act of 1926 to keep and have possession of Third Generation 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;

“Interim 2.1 GHz Band Liberalised Use Licence” means a non-exclusive Interim A 2.1 GHz Band Liberalised Use Licence or a non-exclusive Interim B 2.1 GHz Band Liberalised Use 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;

“Liberalisation Fee” has the meaning set out in the Information Memorandum and refers to a fee applied to the granting of a 2.1 GHz Band Liberalised Use Licence to an Existing Licensee holding an Existing Licence which expires after 15 October 2022;

“Liberalised Apparatus” means apparatus for wireless telegraphy as defined in section 2 of the Act of 1926 for terrestrial systems capable of providing Electronic Communications Services in the 2.1 GHz Band and which comply with the Decision of 2012;

“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 2.1 GHz Band Liberalised Use Licence;
- (b) an Interim A 2.1 GHz Band Third Generation Licence;
- (c) an Interim B 2.1 GHz Band Third Generation Licence;
- (d) an Interim A 2.1 GHz Band Liberalised Use Licence; or
- (e) an Interim B 2.1 GHz Band Liberalised Use Licence.

“Licence Commencement Date” means the date, as specified in the Licence, upon which the Licence comes into effect;

“Non-exclusive”, in relation to a Licence, means that the Commission is not precluded from authorising the keeping and having possession by persons other than the Licensee, on a Non-Interference and Non-Protected Basis, of apparatus for wireless telegraphy for the radio frequency spectrum specified in the Licence;

“Non-Interference and Non-Protected Basis” means that the use of apparatus for wireless telegraphy is subject to no Harmful Interference being caused to any Radiocommunication Service, and that no claim may be made for the protection of apparatus for wireless telegraphy used on this basis against Harmful Interference originating from Radiocommunication Services;

“Principal Regulations” means the Wireless Telegraphy (Third Generation and GSM Licence) Regulations, 2002 (S.I No. 345 of 2002) as amended by the Wireless Telegraphy (Third Generation and GSM Licence) (Amendment) Regulations, 2003 (S.I. No. 340 of 2003);

“Radiocommunication 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;

“Third Generation mobile telephony service” means a mobile and wireless communications system based on a standard within the IMT-2000 system capable of supporting innovative multimedia services beyond the capability of

second generation systems such as GSM, and capable of supporting the characteristics referred to in Annex 1 of the Decision of 1999;

“Third Generation Apparatus” means apparatus for wireless telegraphy which is licensed to operate in the 2.1 GHz Band for the purpose of providing a Third Generation mobile telephony service and, in relation to an Interim 2.1 GHz Band Third Generation Licence, means apparatus to which the Interim 2.1 GHz Band Third Generation Licence relates; and

“Undertaking” means Three Ireland (Hutchison) Limited, a company with a registered office at 28/29 Sir John Rogerson’s Quay, Dublin 2.

(2) 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.

(3) 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.

(4) 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.

Licences to which these Regulations apply

3. (1) These Regulations apply to:
 - (a) 2.1 GHz Band Liberalised Use Licences;
 - (b) an Interim A 2.1 GHz Band Third Generation Licence;
 - (c) an Interim B 2.1 GHz Band Third Generation Licence;
 - (d) an Interim A 2.1 GHz Band Liberalised Use Licence; and
 - (e) an Interim B 2.1 GHz Band Liberalised Use Licence.

Amendment of Principal Regulations

4. (1) The Principal Regulations are amended:
 - (a) by the insertion of Schedule 1 to these Regulations as Schedule 6 of the Principal Regulations;
 - (b) by applying the definitions in Regulation 2(1) of these Regulations to the Principal Regulations;
 - (c) by the insertion of the following new Regulation 13 after Regulation 12:

“Application by Existing Licensee for the Grant of a 2.1 GHz Band Liberalised Use Licence

13. (1) *Application by an Existing Licensee for the granting of a 2.1 GHz Band Liberalised Use Licence(s) shall be made by an Existing Licensee to the Commission in writing and in such form as may be determined by the Commission from time to time.*

(2) *For an Existing Licensee holding an Existing Licence which expires on or before 15 October 2022, the Commission may grant a 2.1 GHz Liberalised Use Licence(s) to such an Existing Licensee for which no additional Liberalisation Fee shall apply. The Existing Licensee shall continue to be liable for all other applicable fees relating to the Existing Licence(s) specified in these Regulations.*

(3) *For an Existing Licensee holding an Existing Licence which expires after 15 October 2022, the Commission may, before the outcome of the Award, grant a 2.1 GHz Band Liberalised Use Licence to such Existing Licensee upon receipt of a written binding commitment by the Existing Licensee to pay the Liberalisation Fee, and such binding commitment shall be in such form as may be determined by the Commission from time to time. If, in light of the outcome of the Award, a Liberalisation Fee is determined by the Commission to apply, the Commission shall issue an invoice to the relevant Existing Licensee setting out the Liberalisation Fee and the relevant Existing Licensee shall pay the Liberalisation Fee within the time period specified in the invoice. The Existing Licensee shall continue to be liable for all other applicable fees relating to the Existing Licence specified in these Regulations.*

(4) *Where payment of the Liberalisation Fee is not made within the time period specified in the invoice, then the Existing Licensee shall pay to the Commission interest on the Liberalisation Fee or part thereof that was or is outstanding. Interest shall accrue from the date when such fee or part thereof fell due until payment of such fee or part thereof and shall be calculated at the same rate payable in respect of late payments in commercial transactions pursuant to the European Communities (Late Payment in Commercial Transactions) Regulations 2012, (S.I. No. 580 of 2012).*

(5) *Without prejudice to the Commission's other statutory powers, an amount payable by an Existing Licensee in respect of the Liberalisation Fee, including interest where applicable, may be recovered by the Commission from the Existing Licensee as a simple contract debt in any court of competent jurisdiction.*

(6) *For an Existing Licensee holding an Existing Licence which expires after 15 October 2022, the Commission may, after the outcome of the Award, grant a 2.1 GHz Liberalised Use Licence to such Existing Licensee following payment of the Liberalisation Fee if applicable. The Existing Licensee shall continue to be liable for all other applicable fees relating to the Existing Licence*

specified in these Regulations.

(7) A 2.1 GHz Band Liberalised Use Licence shall be in the form specified in Schedule 6, 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 Authorisation Regulations.

(8) The commencement date of a 2.1 GHz Band Liberalised Use Licence shall be set by the Commission and specified in the Licence, and the expiry date of a 2.1 GHz Band Liberalised Use Licence shall be the same as its Existing Licence.

(9) Any Licensee that is granted a 2.1 GHz Band Liberalised Use Licence and to which these Regulations apply shall:

- (a) ensure that it complies with the geographical and technical conditions contained within Parts 1 to 3 of the Licence;*
- (b) notify the Commission of its intention to transfer any rights of use for radio frequencies attaching to a Licence;*
- (c) only transfer the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer Regulations;*
- (d) notify the Commission of its intention to lease any rights of use for radio frequencies attaching to a Licence;*
- (e) subject to paragraph (f), only lease the rights of use for radio frequencies attaching to a Licence in accordance with such procedures as may be specified by the Commission from time to time;*
- (f) where the Commission has not yet put in place procedures referred to in paragraph (e) of this Regulation, not, without the prior consent of the Commission, which shall not be unreasonably withheld, lease any such rights of use attaching to a Licence;*
- (g) ensure that if the address of the Licensee changes, the Licensee shall, as soon as possible, notify the Commission in writing of the change; and*
- (h) ensure that it complies with any special conditions imposed under section 8 of the Act of 1972.*

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

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

(12) A Licence may be suspended or withdrawn by the Commission in accordance with the Authorisation Regulations.

(13) An Existing Licensee who applies for the grant of a 2.1 GHz Band Liberalised Use Licence shall furnish to the Commission such information as the Commission may reasonably require for the purposes of its functions under these Regulations, the Act of 1926, the Framework Regulations and the Authorisation Regulations, as appropriate, and if the Existing Licensee, without reasonable cause, fails to comply with this paragraph, the Commission may refuse to grant the Licence concerned to the Existing Licensee.”

Interim Licences in the 2.1 GHz Band

Application for the Grant and Form of Interim Licences

5. (1) Application for the grant of an Interim A 2.1 GHz Band Third Generation Licence, an Interim B 2.1 GHz Band Third Generation Licence, an Interim A 2.1 GHz Band Liberalised Use Licence or an Interim B 2.1 GHz Band Liberalised Use Licence, as the case may be, shall be made by the Undertaking to the Commission in writing and in such form as may be determined by the Commission from time to time.

(2) If, at the time of application, the Undertaking holding an Existing A Licence has not been granted a 2.1 GHz Band Liberalised Use Licence in accordance with Regulation 13 of the Principal Regulations, the Commission may grant an Interim A 2.1 GHz Band Third Generation Licence following payment by the Undertaking of the relevant fees prescribed in Regulation 9.

(3) If, at the time of application, the Undertaking holding an Existing B Licence has not been granted a 2.1 GHz Band Liberalised Use Licence in accordance with Regulation 13 of the Principal Regulations, the Commission may grant an Interim B 2.1 GHz Band Third Generation Licence following payment by the Undertaking of the relevant fees prescribed in Regulation 9.

(4) If, at the time of application, the Undertaking holding an Existing A Licence has been granted a 2.1 GHz Band Liberalised Use Licence in accordance with Regulation 13 of the Principal Regulations, the Commission may grant an Interim A 2.1 GHz Band Liberalised Use Licence following payment by the Undertaking of the relevant fees prescribed in Regulation 9.

(5) If, at the time of application, the Undertaking holding an Existing B Licence has been granted a 2.1 GHz Band Liberalised Use Licence in accordance with Regulation 13 of the Principal Regulations, the Commission may grant an Interim B 2.1 GHz Band Liberalised Use Licence following payment by the Undertaking of the relevant fees prescribed in Regulation 9.

(6) A person who applies for the grant of a Licence shall furnish to the Commission such information as the Commission may reasonably require for the purposes of its functions under these Regulations, the Act of 1926, the Act of 2002, the Framework Regulations or the Authorisation Regulations, and if the person, without reasonable cause, fails to comply with this paragraph, the Commission may refuse to grant the Licence concerned to the person.

(7) An Interim A 2.1 GHz Band Third Generation Licence or an Interim B 2.1 GHz Band Third Generation 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 Authorisation Regulations.

(8) An Interim A 2.1 GHz Band Liberalised Use Licence or an Interim B 2.1 GHz Band Liberalised Use 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 Authorisation Regulations.

Duration of Licences

6. (1) The commencement date of an Interim A 2.1 GHz Band Third Generation Licence or an Interim A 2.1 GHz Band Liberalised Use Licence shall be 25 July 2022 or such other date as may be specified by the Commission. Unless it has been withdrawn, or had its duration reduced under Regulation 8, an Interim A 2.1 GHz Band Third Generation Licence or an Interim A 2.1 GHz Band Liberalised Use Licence to which these Regulations apply shall in any event expire on 15 October 2022.

(2) The commencement date of an Interim B 2.1 GHz Band Third Generation Licence or an Interim B 2.1 GHz Band Liberalised Use Licence shall be 2 October 2022 or such other date as may be specified by the Commission. Unless it has been withdrawn, or had its duration reduced under Regulation 8, an Interim B 2.1 GHz Band Third Generation Licence or an Interim B 2.1 GHz Band Liberalised Use Licence to which these Regulations apply shall in any event expire on 15 October 2022.

Conditions of Licences

7. (1) Any Licensee that is granted a Licence under these Regulations and to which these Regulations apply shall:

- (a) ensure that it complies with the geographical and technical conditions contained within Parts 1 to 3 of the Licence;
- (b) ensure that it complies with all those commitments contained within Part 4 of the Licence having been made in the course of a comparative evaluation selection procedure for the Existing A Licence or Existing B Licence as the case may be;
- (c) notify the Commission of its intention to transfer any rights of use for radio frequencies attaching to a Licence;
- (d) only transfer the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer Regulations;
- (e) notify the Commission of its intention to lease any rights of use for radio frequencies attaching to a Licence;
- (f) subject to paragraph (g), only lease the rights of use for radio frequencies attaching to a Licence in accordance with such

procedures as may be specified by the Commission from time to time;

- (g) where the Commission has not yet put in place procedures referred to in paragraph (f) of this Regulation, not, without the prior consent of the Commission, which shall not be unreasonably withheld, lease any such rights of use attaching to a Licence;
- (h) ensure that if the address of the Licensee changes, the Licensee shall, as soon as possible, notify the Commission in writing of the change; and
- (i) ensure that it complies with any special conditions imposed under section 8 of the Act of 1972.

Enforcement, Amendment, Suspension or Withdrawal

8. (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) The Commission may suspend or withdraw a Licence in accordance with the Authorisation Regulations.

Licence Fees

9. (1) Subject to paragraph (4) of this Regulation, the following fees are prescribed in relation to an Interim A 2.1 GHz Band Third Generation Licence, an Interim B 2.1 GHz Band Third Generation Licence, an Interim A 2.1 GHz Band Liberalised Use Licence and an Interim B 2.1 GHz Band Liberalised Licence.

(2) The fee for an Interim A 2.1 GHz Band Third Generation Licence or an Interim A 2.1 GHz Band Liberalised Use Licence is €725,415 per 2 x 5 MHz block.

(3) The fee for an Interim B 2.1 GHz Band Third Generation Licence or an Interim B 2.1 GHz Band Liberalised Use Licence is €120,508 per 2 x 5 MHz block.

(4) The fees specified in paragraphs (2) and (3) of this Regulation shall be paid to the Commission, on a date specified by the Commission, by way of electronic funds transfer, banker's draft or such other means and on such other terms, if any, as the Commission may decide. Where the date of payment falls on a day other than a working day, payment shall be made on or before the last working day before the date on which payment would otherwise have fallen due.

(5) 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.

(6) If a Licence is suspended or withdrawn, 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.

(7) Where payment is not made in due time, interest shall accrue from the due date until the date on which payment is effected at the prevailing EURIBOR plus five percentage points.

Licensee to satisfy all legal requirements

10. (1) Licences granted pursuant to these Regulations do not grant to the Licensee any right, interest or entitlement other than to keep, have possession of, install, maintain, work and use Third Generation Apparatus or Liberalised Apparatus, as the case may be, at a specified location or locations in the State.

SCHEDULE 1

WIRELESS TELEGRAPHY ACT, 1926

**WIRELESS TELEGRAPHY (THIRD GENERATION AND GSM LICENCE)
REGULATIONS, 2002, AS AMENDED**

2.1 GHz Band Liberalised Use Licence

Licence under section 5 of the Act of 1926 to keep and have possession of Liberalised Apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services.

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 5 of the Act of 1926, hereby grants the following licence to **[LICENSEE NAME]** of **[LICENSEE ADDRESS]** (“the Licensee”).

The Licensee is hereby authorised to keep and have possession of Liberalised Apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services as specified in Part 2 of this Licence, subject to such apparatus being installed, maintained, worked and used in accordance with the terms, conditions and restrictions set out in the Wireless Telegraphy (Third Generation and GSM Licence) Regulations 2002 (S.I No. 345 of 2002) as amended (“the Regulations”), including but not limited to, the following:

- (1) The Licensee shall ensure that it complies with all of the conditions contained within the Regulations, and within Parts 1 to 3 of this Licence; and
- (2) The Licensee shall ensure that it complies with all the commitments contained within Part 4 of the Licence being made in the course of a comparative evaluation selection procedure forming part of the Existing Licence to which this 2.1 GHz Band Liberalised Use Licence relates.

For the purpose of this Licence, the definitions set out in the Wireless Telegraphy (Third Generation and GSM Licence (Amendment) and Interim Licensing) Regulations 2021 also apply.

This Licence shall come in to effect on **DD/MM/YYYY** (the “Licence Commencement Date”) and, subject to suspension or withdrawal, expires on **DD/MM/YYYY**.

Signed: _____

For and on behalf of the Commission for Communications Regulation

Date of Issue: _____

Part 1

Places at which the Licensee is authorised by this Licence to keep and have possession of Liberalised Apparatus

Authorised Band	Site Identity	Easting	Northing	Equipment Index Reference	Maximum EIRP/TRP (dBm/5MHz)

Part 2

The Liberalised Apparatus for wireless telegraphy to which this Licence applies

Authorised Band	Equipment Index Reference	Terrestrial System	Equipment Description	Manufacturer	Model

Part 3

Radio frequency bands in which the Liberalised Apparatus is authorised by this Licence to be used

The following frequency bands may be used for FDD mode operation:

Mobile Transmit	Paired with Base Station Transmit

Use of the frequency bands shall be in compliance with the Decision of 2012.

Part 4

Commitments made in the course of a comparative evaluation selection procedure forming part of the Existing Licence to which this 2.1 GHz Band Liberalised Use Licence relates

SCHEDULE 2

WIRELESS TELEGRAPHY ACT, 1926

**WIRELESS TELEGRAPHY (THIRD GENERATION AND GSM LICENCE
(AMENDMENT) AND INTERIM LICENSING) REGULATIONS 2021**

Interim 2.1 GHz Band Third Generation Licence

Licence under section 5 of the Act of 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 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 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 (Amendment) and Interim Licensing) Regulations 2021 (S.I. No. 265 of 2021) (“the Regulations”), including but not limited to, the following:

- (1) The Licensee shall ensure that it complies with all of the conditions contained within the Regulations, and within Parts 1 to 3 of this Licence; and
- (2) The Licensee shall ensure that it complies with all the commitments contained within Part 4 of the Licence being made in the course of a comparative evaluation selection procedure forming part of the Existing Licence to which this Interim 2.1 GHz Band Third Generation Licence relates.

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 apply.

This Licence shall come in to effect on **DD/MM/YYYY** (the “Licence Commencement Date”) and, subject to suspension or withdrawal, expires on **15 October 2022**.

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 Third Generation Apparatus

No.	Site I.D.	Easting	Northing

Part 2

The Third Generation Apparatus for wireless telegraphy to which this Licence applies

No.	Manufacturer	Component	Equipment No.

Part 3

Radio frequency bands in which the Third Generation Apparatus is authorised by this Licence to be used

The following frequency bands may be used for FDD mode operation:

Mobile Transmit	Paired with Base Station Transmit

Use of the frequency bands shall be in compliance with the ERC Decision of 1999.

Part 4

Commitments made in the course of a comparative evaluation selection procedure forming part of the Existing Licence to which this Interim 2.1 GHz Band Third Generation Licence relates

SCHEDULE 3

WIRELESS TELEGRAPHY ACT, 1926

**WIRELESS TELEGRAPHY (THIRD GENERATION AND GSM LICENCE
(AMENDMENT) AND INTERIM LICENSING) REGULATIONS 2021**

Interim 2.1 GHz Band Liberalised Use Licence

Licence under section 5 of the Act of 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 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 (Amendment) and Interim Licensing) Regulations 2021 (S.I. No. 265 of 2021) (“the Regulations”), including but not limited to, the following:

- (1) The Licensee shall ensure that it complies with all of the conditions contained within the Regulations, and within Parts 1 to 3 of this Licence; and
- (2) The Licensee shall ensure that it complies with all the commitments contained within Part 4 of the Licence being made in the course of a comparative evaluation selection procedure forming part of the Existing Licence to which this Interim 2.1 GHz Band Liberalised Use Licence relates.

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 apply.

This Licence shall come in to effect on **DD/MM/YYYY** (the “Licence Commencement Date”) and, subject to suspension or withdrawal, expires on **15 October 2022**.

Signed: _____

For and on behalf of the Commission for Communications Regulation

Date of Issue: _____

Part 1

Places at which the Licensee is authorised by this Licence to keep and have possession of Liberalised Apparatus

Authorised Band	Site Identity	Easting	Northing	Equipment Index Reference	Maximum EIRP/TRP (dBm/5MHz)

Part 2

The Liberalised Apparatus for wireless telegraphy to which this Licence applies

Authorised Band	Equipment Index Reference	Terrestrial System	Equipment Description	Manufacturer	Model

Part 3

Radio frequency bands in which the Liberalised Apparatus is authorised by this Licence to be used

The following frequency bands may be used for FDD mode operation:

Mobile Transmit	Paired with Base Station Transmit

Use of the frequency bands shall be in compliance with the Decision of 2012.

Part 4

Commitments made in the course of a comparative evaluation selection procedure forming part of the Existing Licence to which this Interim 2.1 GHz Band Liberalised Use Licence relates



GIVEN under the Official Seal of the Commission for Communications Regulation

28 May 2021.

JEREMY GODFREY

Commissioner, For and on Behalf of the Commission for Communications Regulation.

The Minister for the Environment, Climate and Communications, in accordance with section 37 of the Communications Regulation Act, 2002, (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)) consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for the Environment, Climate and Communications,
28 May 2021.

EAMON RYAN

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 prescribe matters in relation to licences for apparatus for wireless telegraphy for terrestrial systems capable of providing Electronic Communications Services in the 2.1 GHz Band.

BAILE ÁTHA CLIATH
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