



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Multi Band Spectrum Award – Court of Appeal varies the High Court stay order thereby allowing ComReg to run the auction

Information Notice

Reference: ComReg 22/92

Date: 9/11/2022

1. On 22 July 2022, ComReg published an Information Notice ([Document 22/62](#)), which noted, among other things, that on 21 July 2022, Mr Justice McDonald in the High Court made an Order granting a stay on the implementation of the Main Stage (i.e., the Auction) of the Multi Band Spectrum Award¹ (“Award Process”) pending the delivery of judgment in the substantive proceedings² by Mr Justice O’Moore (“Stay”).
2. On Monday 25 July 2022, ComReg lodged an Appeal³ against the Order granting the Stay and subsequently Three Ireland (Hutchison) Limited and Three Ireland Services (Hutchison) Limited submitted a cross-appeal on certain aspects.
3. The Appeal was heard on 19, 25 October and 8 November 2022.
4. On 8 November 2022, the Court of Appeal made an order varying the Stay allowing the Main Stage to proceed but preventing ComReg from notifying the Winning Bidders of their entitlement to apply for licences (as provided for in paragraph 3.259 of the Information Memorandum (Document 21/40) (“IM”)) or taking any subsequent steps set out in the IM pending the determination of the substantive proceedings by Mr Justice O’Moore or further order.
5. ComReg is now progressing the Main Stage of the Award Process.

¹ See:

- ComReg Document No. 20/122, ComReg Decision D11/20; Multi Band Spectrum Award - Response to Consultation and Decision - The 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands, published 18 December 2020. Available at: <https://www.comreg.ie/publication/multi-bandspectrum-award-response-to-consultation-and-decision-the-700-mhz-duplex-2-1-ghz-2-3-ghzand-2-6-ghz-bands>; and
- ComReg Document No. 21/40, Multi Band Spectrum Award – Information Memorandum and Draft Regulations – The 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands, published 16 April 2021. Available at: <https://www.comreg.ie/publication/multi-band-spectrum-award-information-memorandum-and-draft-regulations-the-700-mhz-duplex-2-1-ghz-2-3-ghz-and-2-6-ghz-bands>.

² Which judgment was reserved on 23 November 2021 under High Court Record Number 2021/9 MCA

³ Court of Appeal Record Number 2022/189.