



STATUTORY INSTRUMENTS.

S.I. No. 96 of 2024



WIRELESS TELEGRAPHY (SATELLITE EARTH STATION LICENCE)
REGULATIONS 2024

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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 (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 (No. 20 of 2002), hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the Wireless Telegraphy (Satellite Earth Station Licence) Regulations 2024.

Interpretation and Definitions

2. (1) In these Regulations, except where 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” means apparatus for wireless telegraphy as defined in section 2 of the Act of 1926;

“Bandwidth” or “BW” means the frequency range occupied by a modulated carrier signal;

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

“Consumer Price Index” or “CPI” means the consumer price index as published from time to time by the Central Statistics Office;

“Central Statistics Office” means the Central Statistics Office of Ireland or its successor;

“EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);

“Electronic Communications Network” and “Electronic Communications Service” have the meanings assigned to them in the EECC Regulations;

“EIRP” means equivalent isotropically radiated power and is the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna (absolute or isotropic gain);

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 15th March, 2024.*

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

“Interim Fee” means the fee which applies to a Licence from the day on which these Regulations are made until 31 July 2024;

"Licence Fee" means the fee which applies to a Licence from 1 August 2024;

“Licence” means a Non-exclusive Licence 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 granted to the Licensee;

“Licensee” means the holder of a Licence;

“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;

“Radio Equipment Regulations” means the European Union (Radio Equipment) Regulations 2017 (S.I. No. 248 of 2017);

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

“Satellite Earth Station” or “SES” means Apparatus for wireless telegraphy, located on the Earth’s surface and operated within a 500-meter radius centred on a single geographic point, intended for either the transmission of radio signals to a Space Station or the reception of radio signals from a Space Station, or both;

“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;

“Temporary Licence” means a Licence that is granted only for a period up to a maximum of eleven months and which shall not be renewed;

“Transportable Satellite Earth Station” or “TSES” means a Satellite Earth Station which is transportable, which operates at varying locations, and which remains in a fixed location during operation; and

“Undertaking” means a person engaged or intending to engage in the provision of electronic communications networks or services or associated facilities.

(2) In these Regulations –

- (a) a reference to a Regulation or a Schedule is to a Regulation of, or a Schedule to, these Regulations, unless it is indicated that reference to some other enactment is intended;

- (b) 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;
- (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 that 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 that it has in those Regulations.

Licences to which these Regulations apply

3. These Regulations apply to Licences for Satellite Earth Stations.

Limitation of Licence

4. (1) A Licence granted under these Regulations does not grant to the Licensee named therein any right, interest or entitlement other than the right to keep, install, maintain, work and use, at a specified location in the State, Apparatus to facilitate the operation of a Satellite Earth Station.

(2) Nothing in these Regulations shall absolve the Licensee from any requirement in law to obtain such additional approvals, consents, licences, permissions and authorisations that may be necessary for the discharge of the obligations or the exercise of entitlements under the Licence. The Licensee is responsible for all costs, expenses and other commitments, financial and non-financial, in respect of the Licence and the operation of a Satellite Earth Station, and the Commission shall bear no responsibility for such costs, expenses or commitments.

Application for Licences and Form of Licences

5. (1) An application for a Licence, or a Temporary Licence, will be made to the Commission and shall be in writing in such form as may be determined by the Commission.

(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 assessing the application and carrying out its functions under the Act of 1926, the Act of 2002 and the EECC 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 grant of a Licence is subject to payment of the prescribed fee as set out in Schedule 2 to these Regulations.

(4) A Licence shall be in the form specified in Schedule 1 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.

Duration and Renewal of Licences

6. (1) A 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 one year.

(2) A Licence may be renewed from time to time by the Commission under this Regulation.

(3) A Temporary Licence shall, unless it has been withdrawn or had its duration reduced under Regulation 8, remain in force from the date of grant until the expiry date as specified in the Licence, which shall not be greater than an eleven-month period, and shall not be renewed.

(4) Prior to the expiration of a Licence, the Commission may, by notice in writing given to the Licensee or sent to the Licensee at the address of the Licensee specified in the Licence and subject to the payment of the relevant fees in advance of the expiry date, renew the Licence for one year from the day following the expiration of the last previous period during which it was in force. The granting or renewal of a Licence shall not be construed as warranting that the Licence shall be renewed at any time in the future.

(5) In considering whether to renew a Licence, the Commission shall have particular regard to:

- (a) whether the Licensee has complied with these Regulations and the conditions attached to the expiring Licence;
- (b) the efficient management and use of radio spectrum; and
- (c) the avoidance of Harmful Interference.

Conditions of Licences

7. (1) It shall be a condition of a Licence that:

- (a) the Licensee shall comply with these Regulations and the conditions attached to the Licence;
- (b) the Licensee shall ensure that the Apparatus is used only on such radio frequency spectrum as may be specified in the Licence and such radio frequencies shall be used in an efficient manner;
- (c) the Licensee shall make payments of the fees as set out in Schedule 2 to these Regulations, and in accordance with Regulation 9 of these Regulations;
- (d) the Licensee shall request the Commission to consider and decide on an amendment to the Licence to reflect any proposed changes to the information contained in the Licence;

- (e) the Licensee shall furnish such information and reports in respect of the Licence, including relating to the Apparatus and its use, as may be requested by the Commission from time to time;
- (f) the Licensee shall ensure that the Apparatus, or any part thereof, shall be installed, maintained, operated and used so as not to cause Harmful Interference;
- (g) the Licensee shall ensure compliance 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 granted;
- (h) the Licensee shall ensure that, save as may be required by law, access to, and use of, the Apparatus is restricted to the Licensee, employees or agents of the Licensee, and persons authorised by or on behalf of the Licensee;
- (i) where the Commission is satisfied that a Licensee has failed to comply with any provision of these Regulations or a condition of the Licence, and the Commission has served on the Licensee a written notice prohibiting the use of Apparatus by such date and time as may be specified in the notice, then the Licensee will cease to use that Apparatus on or before the applicable date and time until such notice has been withdrawn by the Commission, and the Licensee shall take such measures as may be specified by the Commission in the notice;
- (j) the Licensee shall, upon becoming aware of any event likely to materially affect their ability to comply with these Regulations, or any conditions, set out or referred to in the Licence, notify the Commission of that fact in writing within 5 working days;
- (k) the Licensee shall, on request from an authorised officer of the Commission, permit the inspection of the Apparatus, enable access to the site or sites on which the Apparatus is located and produce the associated Licence for inspection;
- (l) having notified and obtained the prior written consent of the Commission, the Licensee may lease or transfer the Licence to another Undertaking where the attached conditions are maintained;
- (m) the Licensee shall comply with all obligations under relevant international agreements relating to the use of Apparatus or the frequencies to which they are assigned; and
- (n) ensure that all Apparatus, or any part thereof, complies with the Radio Equipment Regulations.

Enforcement, Amendment, Withdrawal and Suspension

8. (1) Enforcement by the Commission of compliance by a Licensee with conditions attached to their Licence shall be in accordance with the EECC

Regulations, the Communications Regulation Acts 2002 - 2023, and any other requirements under applicable national or European Community law.

(2) 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.

(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 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 EECC Regulations, and any other requirements under applicable national or European Community law.

Licence Fees

9. (1) Fees as set out and provided for in the fees table in Schedule 2 are hereby prescribed in relation to Licences for the purpose of section 6 of the Act of 1926, as amended.

(2) The fees set out and provided for in Schedule 2 shall be payable by the Licensee to the Commission prior to the grant or renewal of a Licence.

(3) Fees shall be paid to the Commission by way of electronic funds transfer 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) Fees for any period of less than one year shall be calculated on a pro rata monthly basis for such period.

(5) If a Licence is suspended or withdrawn, the Licensee may be entitled to a refund on a pro rata monthly basis for the remaining period of the Licence of the relevant fee.

(6) If a Licence is suspended or withdrawn due to a finding by the Commission of non-compliance with any of the relevant Licence conditions, the Licensee shall not be entitled to be repaid any part of the fee paid by the Licensee, but shall still be liable to pay any sums, including interest, that are outstanding.

(7) An amount payable by a Licensee may be recovered by the Commission as a simple contract debt in any court of competent jurisdiction.

(8) The fees will be implemented in accordance with Schedule 2.

Transitional Arrangements

10. (1) Subject to paragraph (2) of this Regulation, the Wireless Telegraphy (Fixed Satellite Earth Stations and Teleport Facility) Regulations 2007 (S.I. No. 295 of 2007) are hereby revoked.

(2) A Licence granted under the Wireless Telegraphy (Fixed Satellite Earth Stations and Teleport Facility) Regulations 2007 (S.I. No. 295 of 2007) in force immediately before the commencement of these Regulations will continue in force as if it had run continuously from the date of grant until its next renewal date.

SCHEDULE 1
WIRELESS TELEGRAPHY ACT, 1926
WIRELESS TELEGRAPHY (SATELLITE EARTH STATION
LICENCE) REGULATIONS, 2024

LICENCE CERTIFICATE

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. 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.

or

This Temporary Licence comes into effect on *DD/MM/YY* and shall expire on *DD/MM/YY*.

Signed:

on behalf of the Commission for Communications Regulation

Date:

Part 2

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"> ○ Transmit/receive; ○ Transmit or receive; or ○ 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</p> <p>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
			dBi	Meter (agl)	H/V

SCHEDULE 2 FEES PAYABLE

From the day on which these Regulations are made until 31 July 2024, the annual payable fees (“Interim Fees”) for Satellite Earth Station Licences are set as below.

Interim Fees

1. Where the Licence concerned relates to a Satellite Earth Station having an Equivalent Isotropically Radiated Power greater than 50 dBW, for use in one or both of the frequency bands 12.5-12.75 GHz and 14.0-14.25 GHz, or in another frequency band determined from time to time by the Commission to be a frequency band for which the fee structure set out in this paragraph should apply, operating to a Space Station, the Licensee shall pay the annual Licence Fee set out below and in accordance with Regulation 9 of these Regulations for the Satellite Earth Station on the grant of the Licence:

- (a) The amount payable in relation to each Licence shall be:
 - i. €100 where the Licensee has 10, or less than 10, other Licences for Satellite Earth Stations, and,
 - ii. €25 for each additional Satellite Earth Station above that specified in sub-paragraph (i).

2. Where the Licence concerned relates to a Satellite Earth Station for use in any frequency bands other than those specified in paragraph 1 above operating to a Space Station, the Licensee shall pay a Licence Fee in accordance with Regulation 9 of these Regulations.

- (a) In relation to a Licence for a Satellite Earth Station for use in the frequency bands below 10 GHz:
 - i. where EIRP less than 50 dBW, the fees in Table 1 apply:

Table 1: Licence Fees for a Satellite Earth Station for use in any frequency band below 10 GHz, where EIRP is less than 50 dBW

BW of Radio Spectrum Used	Licence Fee Payable (€)
Less than 500 kHz	1,000
500 kHz to < 2 MHz	1,250
2 MHz to < 11 MHz	1,500
11 MHz to < 40 MHz	1,750
40 MHz to 80 MHz	2,000
Above 80 MHz	$2,000 + (BW - 80) \times 25$

- ii. where the EIRP is between 50 and 75 dBW the fee is calculated by increasing the fee for the appropriate

Bandwidth which would otherwise be payable by virtue of sub-paragraph (i), by €250.

- iii. where the EIRP is greater than 75 dBW the fee is calculated by increasing the fee for the appropriate Bandwidth, which would otherwise be payable by virtue of sub-paragraph (i), by €500.
- (b) In relation to a Licence for a Satellite Earth Station for use in the frequency band 10-15 GHz, excluding the bands identified in paragraph 1, the fee which would otherwise be payable by virtue of sub-paragraphs 2(a)(i), (ii) and (iii) shall be reduced by €500;
- (c) In relation to a Licence for a Satellite Earth Station for use in the frequency band 15-20 GHz, the fee which would otherwise be payable by virtue of sub-paragraphs 2(a)(i), (ii), and (iii) shall be reduced by €875;
- (d) In relation to a Licence for a Satellite Earth Station for use in the frequency band 20-30 GHz, the fee which would otherwise be payable by virtue of sub-paragraphs 2(a)(i), (ii) and (iii) shall be reduced by €900; and
- (e) In relation to a Licence for a Satellite Earth Station for use in the frequency bands above 30 GHz, the fee which would otherwise be payable by virtue of sub-paragraphs 2(a)(i), (ii) and (iii), shall be reduced by €950.

3. Notwithstanding the above, in the case where a Satellite Earth Station is licensed for use as a receiving Satellite Earth Station, or a receive only Satellite Earth Station, the fee payable shall be the amount specified in sub-paragraphs 2(a)(i), (ii) and (iii) as applied to the bands specified in paragraphs 2(a), (b), (c), (d) and (e).

4. Where the Licence concerned relates to a Satellite Earth Station operating to a single Space Station which is licensed for a portion of a year, up to eleven months, then the Licence Fees to be paid shall be calculated as follows:

$$A \times (B / 12) = C$$

Where:

- A is the relevant annual Licence Fee set out in paragraph 1 or paragraph 2;
- B is the number of whole months for which the Licence is granted (if a Licence is granted for a period of less than one month then, for the purpose of these calculations only, the Licence shall be considered as a Licence granted for a period of one month); and
- C is the appropriate Licence Fee to be paid.

Licence Fees

From the 1 August 2024, the annual fee payable for a Satellite Earth Station Licence (Licence Fee) is equal to the fee for that Satellite Earth Station Licences in the base year of 2023 (the “base fee”), indexed to the annual rate of inflation since 2023 using the Consumer Price Index.

The base fee for a SES Licence is calculated as follows:

$$A = \text{€}100 + 150 \times (BW)^{0.75}$$

Where:

- A is the base fee for an annual SES Licence;
- €100 is the marginal cost to the Commission of issuing a Licence;
- 150 is the parameter level needed to recover administrative costs given a concavity of 0.75;
- BW is the total Bandwidth in use at a particular site by a Licensee. This can be either Transmit and Receive, or, Transmit, or, Receive only where protection is sought on the receive; and
- 0.75 is the concavity parameter that adjusts total Bandwidth.

The Consumer Price Index (“CPI”) adjustment, is set out in the following formula as follows:

$$C = \frac{CPI_t}{CPI_{2023}} \times 100$$

Where:

- CPI_t represents the 12-month Consumer Price Index figures published by the Central Statistics Office, for year t, the year immediately preceding the indexation; and
- CPI_{2023} represents the 12-month Consumer Price Index figures published by the Central Statistics Office for 2023. The first indexation shall take place on the 1 August 2025 and shall occur annually thereafter on that same date.

The annual fee indexed to the Consumer Price Index is equal to:

$$D = A \times C$$

Where:

- A is the base fee for an annual SES Licence; and
- C is the CPI adjustment for the relevant period.

Temporary Licence Fees

For both Interim and Licence Fees, where a Licence is required for a period less than 12 months, Licence Fees are applied pro-rata using the number of months for which the Licence is granted as follows:

$$F = D \times \left(\frac{E}{12}\right)$$

Where:

- D is the annual fee indexed to the Consumer Price Index;
- E is the number of whole months for which the SES Licence is granted; and
- F is the appropriate fee to be paid.

If a Licence is granted for a period of less than one month, then, for the purpose of these calculations only, the Licence shall be considered as a Licence granted for a period of one month.



GIVEN under the Official Seal of the Commission for
Communications Regulation,
12 March, 2024.

GARRETT BLANEY,
Commissioner.

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,
6 March, 2024.

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 provide for the grant of Licences for Apparatus for Wireless Telegraphy to facilitate the operation of a Satellite Earth Station for the regulation of such Apparatus, and for the payment of fees by persons granted Licences for that Apparatus.

BAILE ÁTHA CLIATH
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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

€ 3.50

ISBN 978-1-3993-2959-0



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