



Commission for
Communications Regulation

Response to Consultation

Review of fees applicable to Rights of Use for Radio Frequencies

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1 Foreword by the Chairperson

I am pleased to present ComReg's response to the recent consultation on fees applicable to rights of use for radio spectrum (document 05/58). Once introduced, the effect of the changes to the fee structure will be to bring more flexibility and choice to users.

ComReg is conscious of the need to reduce the burden of regulation for both businesses and consumers. The requirement for licences to be renewed annually can be disproportionate for the licensee in terms of time and effort, particularly where the fee involved is low. Under the new proposals, many licensees will benefit from an extended licence duration. In particular, we will be replacing the current annually renewable licences for ships radio and experimenters with lifetime licences and most business radio licences will in future be renewable every three years instead of annually. This increased flexibility is in line with the principles set out in the Government's White Paper, "Regulating Better", available at www.betterregulation.ie.

The impact of the revised fees is broadly neutral in terms of ComReg's licence fee revenue. Rather, individual WT licence fees are brought more into line with ComReg's administrative costs and, where spectrum resources are limited, the value of the spectrum resource. The new fee structure will ensure an equitable recovery of ComReg's WT licensing costs from spectrum users and help to further our objective to optimise the use of radio spectrum.

ComReg is grateful for the helpful and constructive nature of the responses received to the consultation. We will now be working to implement the new proposals over the coming year.

Isolde Goggin
Chairperson

2 Executive Summary

This document summarises the responses received to ComReg's Review of fees applicable to Rights of Use for Radio Frequencies, detailed in ComReg document 05/58. 26 responses were received, of which 21 were from radio experimenters, 3 from network operators and 2 from other organisations. Having considered all the responses, ComReg intends to proceed with proposals substantially reflecting those outlined in document 05/58, with a number of amendments reflecting concerns raised in the responses received. Under the proposals, spectrum fees will more closely reflect the administrative costs incurred by ComReg and, where spectrum resources are limited or of particular value, the amount of spectrum resource assigned to the licensee. The overall effect of the changes on ComReg's revenue from spectrum fees is broadly neutral and many users will benefit from lower fees or a longer licence duration. Users with particularly large assignments of spectrum or with assigned spectrum in particularly sought after locations or bands may attract higher fees under the new regime, however there will in many cases be scope to reduce fees by the adoption of more efficient radio technologies or reviewing requirements for radio spectrum.

The proposals, as amended, are summarised in the following table.

Licence Category	Key Proposals
Business Radio	Eleven classes of business radio defined, reflecting differences in coverage, level of usage, sharing between users and specific applications. Annual spectrum fees will reflect spectrum utilisation rather than current per-equipment basis. Licence duration will be extended to three years for most classes and a 10% discount will be available where the fee for the full licence duration is paid in full. Fee details are provided in table 1 of the main document.
Paging Systems	A new licensing regime will be introduced with a fee of €100 per base station or €3000 per national channel, payable every three years.
Fixed Links	Fixed link fees will be revised to take account of the assigned channel bandwidth and frequency band. The revision will be broadly neutral in terms of ComReg's overall spectrum fee revenue from fixed links. A higher fee will apply at locations and in frequency bands where demand for fixed links is particularly high. The current €12 per link processing fee will be removed and the operation of two parallel links using dual polarisation will be charged as a single link. Fee details can be found in tables 2 and 3 of ComReg document 05/58. The revised fees will be reviewed after three years.
Ships licences	The existing annually renewable licence will be replaced by a lifetime licence that will incur a fee of €100 for new applicants and €30 for existing licensees. A €30 fee will also be levied where there is a change of ownership of the licensed vessel; other licence amendments will not incur a fee. Licensees will be required to confirm their details with ComReg every five years in order to ensure continuity of the licence.

Aircraft licences	The once-off licence fee will be increased to €100, reflecting the cost incurred in processing licence applications. Licence amendments will incur a €30 fee.
Experimenters	The existing annually renewable licence will be replaced by a lifetime licence that will incur a fee of €100 for new applicants and €30 for existing licensees. A reduced fee of €30 will apply to applicants who are over 65 or people in receipt of a disability allowance. The new licences will be valid for all modes and frequency bands relevant to the class of licence held. Visitors holding a valid amateur radio licence issued in a country that has signed up to CEPT T/R 61-01 will be permitted to operate without a national licence for a period of up to twelve months.

ComReg will now proceed with the preparation of new regulations and updating of guidance and application forms, with a view to introducing the new fee regime during 2006.

3 Introduction

This document is ComReg's response to the consultation document 05/58, "Review of fees applicable to Rights of Use for Radio Frequencies". A large number of responses were received from a broad cross section of radio spectrum users. This document presents a summary of issues under consultation, the responses received in response to the proposals and issues raised, and ComReg's position in the light of the consultation responses.

4 Respondents

A total of 26 responses were received. 21 of these were from radio experimenters or their representatives, three were from network operators and two were from public sector organisations. Respondents are listed in the following table.

Respondent
Brendan Minish
Dan Lloyd
Daniel Cussen
Daniel F Campbell
David Court
Eamonn Phelan
Eamonn Quinn
Eircom
Francis Fahy
Department of Justice
Hugh Forde and The Two Counties DX-Cluster Group
IRTS
Joe Bannon
John
John Corless
Keith Martin
Maritime Safety Directorate
Mayo Radio Experimenters Network
Meteor
Michael McCann
Padraig Baines
Paul Kearney
Philip Pollock
Sean Carvin
Tom Kelly
Vodafone

5 Consultation Issues

5.1 Promoting the Optimal Use of Radio Spectrum

5.1.1 Summary of Consultation Topic

The consultation document described the main factors that are taken into account by ComReg when carrying out its statutory duty to ensure the optimal use of radio spectrum, namely:

- i) economic value of spectrum to individual users, e.g. mobile phone networks;
- ii) socio-economic benefits of spectrum use, e.g. use of radio by emergency services or small businesses;
- iii) societal benefits, e.g. promotion of innovation;
- iv) policy objectives, e.g. supporting broadband availability or promoting competition;
- v) spectrum management considerations, e.g. compliance with international obligations and avoidance of interference;
- vi) technological factors, e.g. equipment availability or physical characteristics of different parts of the spectrum
- vii) opportunity cost, where one type of spectrum use denies access to another that might provide greater benefits (economic or otherwise)

Q. 1. Are there other factors, not mentioned above, that ComReg should take into account when considering the optimal use of radio spectrum and the setting of spectrum fees?

5.1.2 Views of Respondents

There were three responses to this question. One network operator suggested that ComReg should attempt to increase regulatory certainty by clarifying its policy-making approach and establishing transparent, objective criteria for current and future reform of the spectrum management and licensing regime. Another network operator suggested that the benefits of international standards should be considered in relation to the introduction of new technologies. An experimenter highlighted the socio-economic and societal benefits arising from experimenters' use of radio. These included educational benefits to young people, benefits to industry in terms of supporting availability of radio expertise and the value of amateur radio as a leisure activity, especially for those of all ages and fitness levels.

5.1.3 ComReg's Position

Wherever possible, ComReg strives to provide regulatory certainty by providing a clearly defined policy framework, however in a fast-changing market environment it is also important that there is flexibility to accommodate new services and technologies as they emerge. The recently published spectrum management strategy

statement¹ provides a detailed description of our current approach to spectrum management, our policy goals for the next two to five years and our planned approach to meeting these goals. Where appropriate, ComReg will pursue more effective ways to manage radio spectrum and will ensure affected stakeholders are fully involved through the consultation process.

ComReg fully recognises the benefits that can derive from adoption of internationally harmonised standards, as demonstrated by the success of the GSM and UMTS mobile standards and more recently by the emergence of new wireless technologies like WiMax and UWB. ComReg will continue to support European initiatives to harmonise spectrum use where there is a clear likelihood that benefits will arise. However there are occasions when the early adoption of new technologies on a national basis can be beneficial, such as the recent opening of the 5.8 GHz band for wireless access. ComReg welcomes current European moves towards a more flexible approach to spectrum use, which focus on co-existence of radio services and avoidance of interference rather than detailed specification of service or equipment characteristics.

With regard to experimenters' radio, ComReg recognises the potential social benefits that this use of radio can provide and is therefore proposing specific amendments to the licensing regime to enable those who are retired or people with disabilities to acquire a licence at a substantially reduced fee. Further details are provided in section 5.8.3 below.

Overall, ComReg believes that optimal use of spectrum is based upon many parameters, with the list of eight factors identified in the consultation document providing a good basis for such decisions.

5.2 Fee Proposals for Business Radio

5.2.1 Summary of Consultation Topic

The consultation document proposed the replacement of the existing fee structure which levies a fixed annual fee on a per-station basis with six new categories of business radio, fees for which would take account of the amount of radio spectrum and geographic coverage assigned in the licence. Fees for the six categories would be in line with the following table. Except where stated otherwise, the fees are specified on a per-annum basis but payable in advance on a three-yearly basis. For 3 year renewable licences where the fees are payable in full, in advance, (Category 1A, 2, 3, 4, 5, 6), a 10% discount was proposed.

Category	Description	Fee p.a. per system
1A	On-site system	€ 100 per channel

¹ document 05/72, "Spectrum Management Strategy Statement 2005 – 2007", downloadable from www.ComReg.ie

Category	Description	Fee p.a. per system
1B	Coastal / aeronautical ground station using marine/aeronautical stations (per 3 years)	€100 per 3 years
1C	Special events licence (see definition below)	€100 per event for first event location for first channel, €20 per each additional channel and/or location
2A	Local area system with low usage	€ 100 per channel
2B	Wide area system with low usage	€200 per channel
3A	Local area system with medium usage	€200 per channel
3B	Wide area system with medium usage	€400 per channel
4A	Local area system with high usage	€400 per channel
4B	Wide area system with high usage and Community Repeaters	€800 per channel
5	National channel	€3,000 per channel
6	Crane Control	€200 per channel

Table 1: Proposed fees for business radio

- Q. 2. What are your views on the three year renewable licence with fees payable upfront with 10% discount?**
- Q. 3. What are your views on a temporary licence for licence duration shorter than 3 years?**
- Q. 4. What are your views on the proposed new fee structure and fees for business radio services?**
- Q. 5. What are your views on the proposed low, medium and high usage categories and how ComReg could give more guidance to applicants on the definition of usage?**
- Q. 6. Are there any alternative approaches that you think should be considered?**
- Q. 7. Do you consider that a phase in period should be applied to this new fee structure? If so, what period would be appropriate?**

5.2.2 Views of Respondents

Only one respondent commented on the proposals for business radio. A public sector organisation expressed concern about the increased total payment they would face under the proposed new scheme.

5.2.3 ComReg's Position

ComReg acknowledges that, whilst a large majority of business radio licensees will benefit from reduced fees under the proposed changes, some larger users whose licences permit use of a large number of exclusive radio frequencies may be liable to higher fees as a result of the proposed changes. This is a reflection of the greater emphasis that the new fee regime places on the amount of spectrum resource licensed, rather than the number of radios which is the basis of the current fee regime. Licensees who are so affected are encouraged to review their use of spectrum, with a view to reducing their fees over the longer term by adopting more efficient technologies or alternative radio frequencies. To allow time for such a review to be undertaken and changes implemented, ComReg does not intend to apply the new fees to business radio licensees before June 2006.

Furthermore, to mitigate further the effect of fee increases on affected users, ComReg proposes to introduce the option of a three year renewable licence in addition to the annual renewable licences that currently exists. This allows the Licensee to choose their preferred payment period. Note that when a Licensee chooses a three year renewable licence, the payment for the full three years of the

licence must be paid in advance. However there is a discount of 10% attached to this 3-year up-front payment.

5.3 Proposed Fees for Paging Systems

5.3.1 Summary of Consultation Topic

A new licensing and fee regime was proposed for paging systems, which are not currently subject to licence fees. Fees would be set on either a per-base station or national basis, depending on the type of network, as follows:

- €100 per paging base station per channel (up to 25 kHz) for a 3 year licence.
- National paging channels would be charged at the rate of €3,000 per channel (up to 25 kHz) for a 3 year licence.

Q. 8. What are your views on the proposed licensing scheme and fees for paging systems?

Q. 9. Are there any alternative approaches that you think should be considered?

5.3.2 Views of Respondents

Only one respondent commented on the proposals for paging systems. A network operator welcomed the introduction of a three-yearly licence for paging systems.

5.3.3 ComReg's Position

ComReg will proceed to implement the proposals as described in the consultation document early in 2006.

5.4 ComReg Objectives for Fixed Links

5.4.1 Summary of Consultation Topic

The consultation document sought views on ComReg's spectrum management objectives for fixed links and the use of spectrum fees to support these objectives. The stated objectives were:

- i) to promote radio fixed links as a means of facilitating market entry and the rollout of alternative infrastructure,
- ii) in high usage areas, to encourage established operators whose capacity requirements have grown to the extent that fibre would provide an effective alternative to migrate to fibre where practicable, in order to release spectrum for new entrants, and
- iii) to encourage the use of the most spectrum-efficient equipment, particularly in congested areas and in the bands used for high capacity, long haul links, where demand can be particularly high at certain key nodal sites.

Q. 10. What are your views on ComReg's stated objectives for fixed links spectrum?

Q. 11. What are your views on the use of spectrum fees to support these objectives?

Q. 12. Are there any further objectives or considerations that you feel ComReg should take into account when setting fixed link fees?

5.4.2 Views of Respondents

There were three responses to these questions, all from network operators. One operator felt that fixed link spectrum should be made available to all operators who met the technological guidelines issued by ComReg and the decision to use fibre or radio was a business decision for the operators concerned. Another argued that fibre and radio links may not always be considered as alternatives, due to price considerations. This respondent also felt that the choice of transmission medium was often dictated by technical, geographical and legal constraints. It was also noted that there were very few operators offering fibre with good geographical reach.

The third respondent agreed in principle that fibre should be used where possible for high capacity requirements, but felt that fibre was often not available outside cities, there was a limited choice of fibre suppliers and fibre is more expensive in many cases. This respondent also felt that the proposed approach failed to discriminate between congested bands and those bands in which there is spare capacity, and did not clearly define congestion.

With regard to the use of fees to support the objectives, one respondent argued that Ireland is not subject to the same congestion difficulties as other European countries and therefore the fee structure should recover only administrative costs, with ComReg addressing spectrum efficiency in the context of compliance with licence conditions. However, another respondent agreed that the spectrum fee may be considered as a means to encourage the use of the most spectrum-efficient equipment.

Other considerations that respondents suggested should be taken into account included:

- the possibility of restricting bandwidth if equipment does not satisfy certain spectrum-efficiency criteria, for instance a licensee may be required to use equipment with a capacity of no less than 2xSTM-1 in a 56 MHz channel in a congested frequency band. If this were not adhered to, ComReg could refuse to prolong the licence for that link.
- Lifetime of equipment when considering whether most efficient technology is being used.

- Potential ramifications for existing network operators and their customers. For example, excessive fees for backhauling mobile networks may merely serve to limit 3G rollout and increase the cost of 3G services where rollout obligations must be met.
- Introduction of block frequency assignments on a national or regional basis
- ITU-R channel plans, equipment capability, and spectrum availability, as in some cases only high bandwidth channel plans are available for deployment;

5.4.3 ComReg's Position

ComReg recognises that there are instances where alternatives to radio may not be readily available and this leads to particularly high demand at certain locations. It is therefore particularly important that where viable non-radio alternatives do exist, licensees are encouraged to adopt these and to moderate their use of radio spectrum to ensure equitable access for others. For example, the deployment of multiple parallel links within backbone networks restricts opportunities for alternative infrastructure providers to enter the market and is likely to have an adverse effect on competition in the carrier market. Whilst the objectives defined in section 5.4.1 could be achieved by regulatory fiat such as mandatory limits on equipment efficiency, ComReg believes that an incentive approach, under which licence fees promote optimal use of spectrum, is preferable.

The overall effect of the proposed new fee structure is broadly neutral in terms of ComReg's licence fee revenue. As the increased fees in congested areas and frequency bands are balanced by reduced fees in other areas and bands, the overall effect on operators of national fixed link networks will also be broadly neutral. By encouraging more efficient use of limited spectrum resources, the new fee structure is intended to facilitate access to spectrum for new players, stimulating competition and benefiting consumers. Licensees who are expanding their networks and have existing equipment in congested areas that does not meet current efficiency benchmarks may mitigate the impact of higher fees by upgrading their equipment in these areas and redeploying existing equipment in non-congested areas.

ComReg recognises that block allocations may provide benefits for operators of larger networks and has recently made such provision in the 26 GHz frequency band². Depending on the level of interest under this initiative, further opportunities for the award of spectrum blocks may be sought in future, however these must be balanced against the need to ensure equitable access for all those who require access to fixed link spectrum. Smaller users are unlikely to have sufficient capacity requirements to warrant exclusive allocations hence continued access to shared spectrum will be required. It should be noted that the proposed revisions to fixed link fees apply to the existing licensing arrangement for links - i.e. to a situation where spectrum is shared between multiple users. Alternative approaches to licensing fixed links, such as the block assignment concept put forward in the 26GHz consultation will be treated separately.

² ComReg consultation document 05/46, "26 GHz Fixed Service Band – Spectrum Rationalisation" and document 05/84, response to consultation

In relation to the use of channel plans, ComReg currently uses, and will continue to use, CEPT or ITU channel plans in order to ensure the optimum availability of equipment and to optimise the use of the spectrum.

In light of the views expressed by respondents, ComReg is minded to maintain its stated objectives for fixed links.

5.5 Proposed Fees for Fixed Links

5.5.1 Summary of Consultation Topic

The consultation document proposed a new fee structure for fixed links based on the following formula:

Annual Radio Link Fee (€) = Base Fee x FBM x CBM, where:

- the base fee is €125 for uncongested areas and €150 for congested areas and high usage paths.
- FBM is the frequency band multiplier and
- CBM is the channel bandwidth multiplier.

Details of the basic fees and multipliers for the various bands were presented in tables 2 and 3 of the consultation document.

It was also proposed that a single radio link fee would apply where a licensee uses both horizontal and vertical polarisation on the same path and on the same frequency (currently this is charged as two radio link licences). Point to multipoint links would be charged on the basis of 4 x the proposed point to point fees, to reflect the greater area that is typically subjected to interference by such links, relative to point to point links. Applications would need to be accompanied by the full fee, rather than being invoiced by ComReg on completion, but the current €12 processing fee on each application would be removed.

- Q. 13. What are your views on the proposed radio link licensing process and associated fees?**
- Q. 14. Do you support the proposal to apply a single fee where both H and V polarisation are deployed on the same path and the same frequency?**
- Q. 15. Do you agree with the proposal to apply a fee for point to multipoint links of 4 x the point to point fee? If you do not agree, what alternative approach would you favour?**
- Q. 16. Do you support the proposal to remove the €12 processing fee?**
- Q. 17. Are there any alternative approaches that you think should be considered?**

5.5.2 Views of Respondents

Three network operators responded to these questions. One felt that the application of higher fees in lower frequency bands in congested areas would not be detrimental, but would be unfair if applied nationally. Another supported that application of a channel bandwidth multiplier as this would promote efficient use of bandwidth. This respondent also suggested that ComReg could introduce stricter link length rules for different frequency bands, open more frequency bands for users, or consider basing the licence fee on 3.5MHz portions in every frequency band. The respondent was less supportive of the high usage path multiplier, arguing that this would discriminate against high volume spectrum users rather than encouraging them to use alternative transmission technologies. The respondent also expressed concern about the difference in basic fees for congested and non-congested areas and the application of a frequency band multiplier, arguing that the choice of transmission technology in a certain area will be dictated by technical considerations rather than spectrum users' preferences.

The third respondent felt that the application of a multiplier for both the frequency band and the channel bandwidth was excessive and recommended that the frequency band multiplier be removed, arguing that the problem of congestion would be sufficiently addressed through the higher base fee that applies to congested areas and high usage paths. This respondent also suggested there might be a conflict between the application of higher fees in congested areas and the link length policy, since the latter can lead to use of congested spectrum while channels remain free in non-congested bands. It was therefore suggested that congested areas should be exempted from the link length policy.

All three respondents supported the proposal to apply a single fee where both H and V polarisation are deployed on the same path and the same frequency. Two of the

three supported the removal of the €12 administration fee and one did not express a view. Two of the respondents supported the proposal for point to multipoint fees but one put forward an alternative proposal based on the licensing of spectrum blocks to individual users, with a lower fee to reflect the reduced administrative burden for ComReg. Block assignments were also favoured by a second respondent. The third respondent suggested that specific measures be put in place to monitor all spectrum availability levels, taking increased note of issues such as available channel plans and equipment capability. This respondent also felt that fees should only be increased in agreed congested areas and suggested that licences could be awarded for a period longer than the current annually renewable approach to ensure that the licence duration matches the investment required.

5.5.3 ComReg's Position

ComReg has considered carefully the representations made by the respondents with regard to certain aspects of the proposed fee formula, but feels that the proposed approach provides the optimum balance between ensuring the efficient use of spectrum in bands or areas where demand is high and minimising the overall impact on licensees. Whilst some fees will increase under the proposals, reflecting the particularly high demand for spectrum in certain bands and at certain locations, many more fees will be reduced and the overall impact for the majority of users will be neutral.

The electronic communications market continues to grow with new players entering the market and ComReg believes that consumer interests are best served by ensuring that new players can enjoy the same access to spectrum that has been available to incumbent players. Where spectrum is limited or demand is particularly high, this means it is necessary to encourage the use of alternative platforms such as fibre wherever practical, particularly in urban areas and along major backbone routes where growing demand for broadband services favours a fibre based infrastructure. More efficient use of spectrum in these areas will ensure that spectrum remains available to serve more outlying areas where fibre may not be an economic solution. The proposed higher fees in congested areas and along high usage paths are intended to support this objective and to encourage the use of more efficient modulation schemes where an alternative to radio does not exist.

The proposed frequency band multiplier is intended to reflect the more limited capacity available in lower frequency bands, due to their propagation characteristics and the longer distance over which interfering signals travel. The multiplier complements the existing link length policy, which defines minimum path lengths that can be deployed in specific bands, by encouraging licensees to use the highest frequency band compatible with their service quality objectives.

The channel bandwidth multiplier (CBM) is intended to encourage the use of the most bandwidth efficient technology. ComReg notes the suggestion of an alternative approach based on 3.5 MHz bandwidth units, under which fees would more directly correspond to the bandwidth licensed and will consider this in the context of future fee reviews. In the meantime however ComReg feels that the currently proposed

CBM values provide an appropriate balance between promotion of efficiency and minimising the overall impact on licensees.

In light of the above, ComReg intends to proceed with the proposal outlined in the consultation document, but will review the situation within three years of its implementation to assess its effectiveness. Demand levels will be monitored on an ongoing basis and defined congestion areas and frequency bands will be updated from time to time accordingly. ComReg plans on implementing this fee proposal by mid 2006.

With regard to licence duration, there are no plans currently to move from the current annual renewal arrangements, but this may be reviewed in the light of current proposals regarding block licences in the 26 GHz band³ Finally, ComReg will continue to endeavour to streamline the administrative aspects of the licensing process.

5.6 Proposed Fees and Licensing Regime for Ships' Radio

5.6.1 Summary of Consultation Topic

It was proposed that the current €3.80 annual licence would be replaced by a lifetime licence that would cost €100 for new applicants and €30 for existing licensees. In order for a licensee to maintain their lifetime licence, it would be necessary to confirm licence details with ComReg every 5 years, otherwise the licence would expire. Failure to do so will result in the expiry of the licence. Licence amendments including transfer of licences between owners would be permitted, subject to a €30 fee and provided that the call sign remained with the original vessel and the other licence requirements (e.g. Certificate of Competency) were met.

Q. 18. What are your views on the proposed licensing scheme for ships' radio licences and associated fees?

Q. 19. What are your views on the proposal to permit transfer of ships' radio licences between owners?

Q. 20. Are there any alternative approaches that you think should be considered?

5.6.2 Views of Respondents

Only one response was received to these questions, from a public sector organisation. The respondent felt that the proposed fee of €100 was excessive and suggested that the duration of the licence should be 5 years rather than for life. The suggested fee for a five-year licence was €20 and there may need to be a reduced fee

³ document 05/84 Add ref to 26 GHz response (when available)

for existing licensees who have recently renewed their licences. The respondent felt there should be no charge for notification by owner of changes or additions to equipment carried on board but a €20 fee for change of ownership should apply.

5.6.3 *ComReg's Position*

ComReg believes that the long-term and international nature of maritime activities favours a lifetime licence rather than periodic renewal. The proposed once-off fee of €100 for new licensees is likely to be less over the typical lifetime of a vessel than the suggested five-yearly fee and is a reasonable reflection of the costs incurred by ComReg in processing individual licences. The proposed €30 fee for existing licensees is also likely to result in savings for most users in the longer term. Having further considered the proposal in regard to licence amendments, ComReg proposes that minor changes such as additions to equipment licensed should not incur a fee, but that the proposed change of ownership fee of €30 is reasonable in view of the administrative effort involved in verifying the new details.

Regarding the 5 year notification process, ComReg believes that there is merit in having a set period, e.g. a one month period once every 5 years, where ComReg will require existing ships radio licensees to notify ComReg that their licence is still active and to confirm the apparatus being used. This will enable ComReg to keep its records updated.

ComReg plans to proceed with these proposals in early 2006.

5.7 Proposed Fees and Licensing Regime for Aircraft Radio

5.7.1 *Summary of Consultation Topic*

It was proposed that the current €3.80 lifetime licence fee would be increased to a level that better reflects the cost of issuing a licence. All new aircraft radio licences would therefore be subject to a once-off fee of €100. As with ships' licences, the licensee would be required to confirm their details with ComReg every five years, otherwise the licence would expire. Licence amendments such as transfer of licences between owners would be charged a fee of €30 (when transferring a licence the call signs would have to remain with the original aircraft to which it was allocated).

Q. 21. What are your views on the proposed licensing scheme for aircraft radio licences and associated fees?

Q. 22. Question 22. Are there any alternative approaches that you think should be considered?

5.7.2 Views of Respondents

There were no responses to these questions.

5.7.3 ComReg's Position

ComReg will proceed to implement the proposals as described in the consultation document.

Regarding the 5 year notification process, ComReg believes that there is merit in having a set period, e.g. a one month period once every 5 years, where ComReg will advertise that it is now requesting existing aircraft radio licensees to notify ComReg that their licence is still active and to confirm the apparatus in use. This will enable ComReg to keep its records updated.

ComReg plans to proceed with these proposals in early 2006.

5.8 Proposed Fees and Licensing Regime for Radio Experimenters

5.8.1 Summary of Consultation Topic

The consultation document made a number of proposals relating to Experimenters' licences and fees, namely:

- Amendment of existing Experimenters' licences, including Repeater licences, to a lifetime licence, at the time of next renewal, for a fee of €30.
- A once-off fee of €100 for all new Experimenters' radio licences, including Repeater licences, which will be lifetime licences.
- Subject to notification to ComReg and a payment of €30, Experimenters may make use of the extension bands and modes of emissions as outlined in the Experimenter's handbook, on a non-protected, non-interference basis.
- In order for a Licensee to maintain their lifetime Experimenters' licence, the Licensee must confirm their licence details with ComReg every 5 years or the licence will expire.
- Upgrading of an Experimenters' licence, e.g. from Class 2 to Class 1, and the establishment of special event stations shall be subject to a fee of €30.
- Short-term Experimenter Licences issued to visitors shall be subject to a once-off fee of €30 and a maximum duration of 3 months.

5.8.2 Views of Respondents

Q.23. What are your views on the proposed licensing scheme for Experimenters' radio licences and associated fees?

There were 21 responses to Question 23. Nine were explicitly supportive of the proposal for lifetime licences, whereas only one disagreed, on the grounds that the database of experimenters maintained by ComReg could become out of date.

Six respondents were in favour of the proposed fees, whilst seven expressed concern about some aspects of the proposal. The main concern raised was in relation to the initial fee of €100 for new licensees. One respondent acknowledged that the proposed fees would save licensees money but felt that it would be better to spread the payment, for example by charging an initial €20 followed by a further €80 after five years. A similar view was expressed by another respondent, who suggested either five annual payments of €20 or a €30 fee on each of the first four 5-year reviews. Three other respondents suggested lower once-off fees of between €20 and €40. Three respondents suggested that fees should be reduced for certain groups such as students, those who are retired or unwaged or people with disabilities. Another suggested following the recent UK proposals.

Respondents were broadly in agreement with the proposal to require licensees to confirm their licence details every five years, however ten of the thirteen who expressed a view thought that some provision should be made by ComReg to remind licensees of this requirement prior to the five year deadline. Three respondents requested that the reminder should be sent by both post and e-mail. One respondent suggested the reminder should go out six months before the five-year deadline, whereas another suggested a common date should be adopted for all reminders, so that this could be publicised among the experimenter community.

One respondent felt that five years seemed rather long and that this could be reduced to three years without any increased administrative burden by using the existing on-line facility and PIN number. Another was concerned that renewal reminders might not always be delivered and suggested that licensees be able to reactivate licences by confirming licence details to ComReg even after expiry. One respondent queried whether licensees whose licences expired would be required to undertake the experimenters' exam a second time or would be issued with a new call sign.

All seven respondents who commented on the status of extension bands thought that these should be automatically included in the standard licence. One respondent queried whether under the proposal if all the extension bands are notified simultaneously a single fee would apply or whether each band would be treated a separate notification for fee purposes. This respondent also expressed concern about whether in future primary amateur bands would continue to be protected from interference and whether licensees would be able to avail of ComReg's services in the event of interference, having paid the once-off fee.

Of the seven respondents who commented on the proposal regarding different modes of experimenter operations, one was supportive and four thought that all modes should automatically be included in the standard licence. Two suggested that modes should be declared in general terms in the licence, with restrictions on maximum modulation bandwidth rather than exact emissions designators. This would remove the need for any newly developed modes to require explicit ComReg approval.

Three respondents commented on the proposed fee for special events. One was supportive but thought that a fee should only apply once where a station is activated on a number of occasions. Two thought that licences for these events should be free. Two respondents suggested that automatic maritime mobile privileges should be included in experimenter licences, citing the UK Class A licence as an example of where this is the case.

Q. 24. What are your views on the 3 month maximum duration of a short-term Experimenters' licence issued to visitors?

There were twelve responses to question 24. Four were in favour of the proposal, though one of these felt that a licence should not be required for visitors from countries that have implemented CEPT Recommendation T/R 61-01. Six respondents felt that the maximum duration of the visitors' licence should be longer than the three months proposed. Five of these felt that twelve months would be appropriate. The sixth thought that the three month temporary licence should be renewable at least once, though not indefinitely. One respondent thought that the visitors' licence should be issued for the specified dates of the visit for licensees from jurisdictions outside CEPT, whilst another thought that visitors should have the option of acquiring a lifetime licence, subject to informing ComReg of the time periods when they will be operating in the country.

Q. 25. Are there any alternative approaches that you think should be considered?

One respondent suggested that some of the administrative burden of authorising specialised applications might be transferred to a body such as the IRTS, under delegated authority with procedures and rules set by ComReg. Another suggested that to reduce further the administrative burden each club and repeater group could be allocated a pool of call signs that could be used for recurring special events without the need to apply to ComReg. Any special events requiring call signs outside this allocated pool would be subject to the normal application process.

5.8.3 ComReg's Position

ComReg welcomes the keen interest shown in the proposals by the experimenter community and in particular the constructive nature of many of the suggestions made. ComReg has considered the representations made and has identified a number of areas where the proposed licensing regime and fee structure could be refined to ensure the benefits arising from the sector are maximised whilst covering ComReg's administrative cost. ComReg is therefore minded to proceed with the proposal as outlined in the consultation document, but with the following further provisos:

- i) As per the consultation proposal, lifetime experimenter licences will be issued for repeaters, clubs and individuals. The fee for new applications is €100 with the exception that a reduced fee of €30 will be charged to an

- individual who is over 65 years of age or to people in receipt of a disability allowance.
- ii) Visitors holding a valid amateur radio licence issued in a country that has signed up to CEPT T/R 61-01 will be permitted to operate without a national licence.
 - iii) Visitors' permits will continue to be required for licensed experimenters who do not hold a CEPT amateur radio licence issued in a country that has signed up to CEPT T/R 61-01 and this will be valid for a period of up to twelve months, at a cost of €30.
 - iv) Experimenter licences issued under the proposed new scheme will be valid for all modes and frequency bands relevant to the class of licence held. Previously, an individual application was required for use of each non-standard extension (e.g. 70 MHz).
 - v) In addition to a once-off special event licence valid for €30 for a period of 12 months, ComReg will also make available a special events licence for recurring events (e.g. an annual event) subject to a once off fee of €100.
 - vi) Existing entitlements to protection from harmful interference, according to the primary or secondary nature of specific frequency bands, will be maintained under the new scheme.

ComReg wishes to remind radio experimenters that any duly qualified radio amateur may obtain a licence and permanent EI (Irish) callsign for operation of a station located within the Irish Republic. Such a licence (and callsign) is valid so long as the station address remains within Ireland and both it and a correspondence address are notified every 5 years.

Regarding the 5 year notification process, ComReg believes that there is merit in having a set period, e.g. a one month period once every 5 years, for this process. The notification process is applicable to all lifetime licences (individual, club and repeater) and any recurring special event licence.

ComReg will specify a set date by which all experimenters will be required to confirm their licence details. ComReg will endeavour to send reminders to licensees, prior to each five-yearly notification date and will take other appropriate steps to publicise the requirement with due notice, however the onus will lie with the licensee to ensure notification is received by ComReg in sufficient time for the licence to remain valid beyond the notification date. If an experimenter radio licence is cancelled after this process, a new licence may be obtained upon payment of the full fee for a new licence, unless the licensee is in one of the categories identified above as qualifying for a reduced fee. In these cases, it will not be necessary to re-sit the experimenters' exams, however ComReg cannot guarantee the continued availability of the call-sign assigned to the expired licence.

ComReg proposes to introduce the new scheme in mid 2006. Guidelines in relation to the changes outlined above will also be introduced at that time.

6 Next Steps

ComReg will now proceed with the preparation of new regulations and updating existing regulations for the approval of the Minister for Communications, Marine and Natural Resources with a view to introducing the new proposals in 2006.