



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Spectrum Transfer Determination

Proposed transfer of 2.3 GHz Band spectrum rights of use from BCP IV Telecommunications OPCO Limited (formerly Imagine Communications Ireland Limited) to Eircom Limited

Reference: ComReg 26/26

Date: 02/04/2026

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Chapter 1

1 Introduction and Background

1.1 The Commission for Communications Regulation’s (“ComReg”) framework for the Transfer or Lease of Individual Rights of Use for radio spectrum for electronic communications networks (ECN) and services (ECS) in Ireland is as set out in:

- the Wireless Telegraphy (Transfer and Lease of individual rights of use for radio spectrum for the provision of electronic communications networks and services) Regulations 2025 (Statutory Instrument No. 99 of 2025) (the “**Regulations**”); and
- the procedures and guidelines for the Transfer and Lease of spectrum rights of use for electronic communications services in Ireland Document 24/86¹ (“**Procedures and Guidelines**”),

(together the “**Spectrum Transfer and Lease Framework**”).

1.1 The Notifying Parties and the Proposed Transfer

1.2 On 12 December 2025, ComReg received a Notification of a proposed Transfer² of 2.3 GHz Band spectrum rights of use from BCP IV Telecommunications OPCO Limited’s (formerly Imagine Communications Ireland Limited (“**ICI**”)) (“**BCP IV**” or “**Transferor**”) to Eircom Limited (“**Eir**” or “**Transferee**”) (together the “**Notifying Parties**”) (the “**Notification**”).

1.3 The proposed Transfer is for 40 MHz of spectrum rights of use in the 2.3 GHz Band (2360 – 2400 MHz) as contained in BCP IV’s MBSA2 Liberalised Use Licence [LU1005](#) (“**Proposed Transfer**”).

1.4 On 19 December 2025, ComReg published an Information Notice (Document 25/94)³ setting out relevant details of the Proposed Transfer as provided by the Notifying Parties. Annex 1 of Document 25/94 provided details of the Notification in two parts:

- Part 1: set out general information relating to the Transferor, Transferee and a general description of the Proposed Transfer; and

¹ ComReg Document [24/86](#), “*Spectrum Transfer and Lease Framework Procedures including Guidelines and Notification Form*”, and ComReg Document [24/86a](#) “*ComReg’s Spectrum Transfer and Lease Framework - Notification Form*”, published 22 October 2024

² In accordance with Regulation 4 of the Regulations and Section 2.1.3 of Document 24/86.

³ ComReg Document [25/94](#), “*Notice of proposed Spectrum Transfer - Proposed transfer of spectrum rights in the 2.3 GHz band from BCP IV Telecommunications OPCO Limited to Eircom Limited*”, published 19 December 2025.

- Part 2: sets out relevant detailed information provided by the Notifying Parties in support of the Proposed Transfer.

1.5 The Proposed Transfer does not entail any amendments to the conditions or obligations attached to the relevant MBSA2 Liberalised Use Licence.

1.2 Chronology of submissions on the Proposed Transfer

1.6 In accordance with Section 2.3.2 of the Procedures and Guidelines, ComReg invited submissions from interested parties on the Proposed Transfer by Monday, 19 January 2026.

1.7 ComReg received 2 submissions in response to Document 25/94 being from Three Ireland Hutchison limited (“**Three**”) and Vodafone Ireland limited (“**Vodafone**”).

1.8 In light of the submissions received, ComReg, on 20 January 2026, provided the Notifying Parties the opportunity to consider and comment upon the submissions made by Three and Vodafone, and each of the Notifying Parties provided further submissions on 27 January 2026.

1.9 In addition, during the course of its assessment, on 18 February 2026 ComReg requested further information from Eir, to which it responded on 19 February 2026.

1.10 The non-confidential versions of the submissions received are set out in Annex 1 to this document.

1.3 ComReg’s Transfer and Lease framework – substantive tests

1.11 In determining whether the Proposed Transfer may be put into effect, ComReg has the following two substantive tests to assess⁴:

- the need to ensure the absence of a distortion of competition (Regulation 33 (4) of the European Union (Electronic Communications Code) Regulations 2022⁵ (the “**ECC Regulations**”)); and
- whether there is a clear risk that the new holder is unable to meet the original conditions for the right of use (Regulation 33(4)(c) of the ECC Regulations).

⁴ These substantive tests are also referenced in paragraph 2.22 of the Spectrum Transfer and Lease Framework (ComReg Document 24/86)

⁵ S.I. No. [444/2022](#) – “European Union (Electronic Communications Code) Regulations 2022”, published 9 September 2022

1.4 Structure of this document

- 1.12 This document sets out ComReg’s written determination in relation to the Proposed Transfer. The determination has been made in accordance with the Transfer and Lease Framework, having regard to the Procedures and Guidelines, the Notification, and the submissions received from the Notifying Parties and interested parties.
- 1.13 The remainder of this document is structured as follows:
- Chapter 2 sets out relevant background information to the Proposed Transfer;
 - Chapter 3 sets out ComReg’s assessment on the submissions received;
 - Chapter 4 sets out ComReg’s determination on the Proposed Transfer; and
 - Annex 1 sets out the non-confidential versions of the submissions received.
- 1.14 Readers are also referred to Annex 1 of Document 24/99a⁶ for a summary of the legislative framework relevant to ComReg’s spectrum management function.

⁶ ComReg Document [24/99a](#), “Radio Spectrum Management Operating Plan for 2025 – 2028”, published 13 December 2024

Chapter 2

2 Background

2.1 This section sets out relevant background information to the Proposed Transfer and covers the following:

- The Multi Band Spectrum Award 2022 (“**MBSA2**”);
- ComReg’s recent assessments of licence compliance;
- Information on MWBB spectrum bands, holdings and number of licensed sites
- Information on the Notifying Parties; and
- Proposed Transfer from BCP IV to Vodafone Ireland Limited in the 3.6 GHz Band.

2.1 Multi Band Spectrum Award 2022 (MBSA2)

2.2 As the Proposed Transfer concerns spectrum rights in the frequency range 2360 – 2400 MHz as contained in BCP IV’s MBSA2 Liberalised Use Licence (LU1005), the following MBSA2 information is relevant: information on the MBSA2 award⁷; the MBSA2 results; the MBSA2 licences issued; the 2.3 GHz Band blocks in the MBSA2 award; the 2.3 GHz band assignments; the MBSA2 licence conditions with respect to 2.3 GHz spectrum rights; the substitutability of the 2.1 GHz, 2.3 GHz and 2.6 GHz bands in the MBSA2 award; and the MBSA2 competition caps.

2.1.1 The MBSA2 award

2.3 The MBSA2 award refers to the spectrum award process completed in January 2023 where long-term rights of use of circa 20 years were assigned across four complementary and substitutable spectrum bands, the 700 MHz, 2.1 GHz, 2.3 GHz and 2.6 GHz (both FDD and TDD) bands⁸, all of which are suitable for mobile and wireless broadband (“WBB”) services.

2.4 ComReg’s substantive decisions on the MBSA2 award are set out in Document 20/122, Decision Number D11/20⁹, prior to which ComReg carried out a

⁷ For more information, please see: [Multi Band Spectrum Award 2022 \(MBSA2\) | Commission for Communications Regulation](#)

⁸ The 700 MHz band (703 – 733 / 758 – 788 MHz); The 2.1 GHz band (1920 – 1980 / 2110 – 2170 MHz); The 2.3 GHz band (2300 – 2400 MHz); The 2.6 GHz FDD band (2500 – 2570 / 2620 – 2690 MHz) and The 2.6 GHz TDD band (2570 – 2620 MHz).

⁹ ComReg Document [20/122](#), 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.

comprehensive consultation process considering a broad range of matters¹⁰.

2.1.2 The results of the MBSA2 award

2.5 On 14 December 2022 ComReg announced the results of the Main Stage of the MBSA2 award¹¹ with the identification of four Winning Bidders being:

- ICI (now BCP IV);
- Eir;
- Three; and
- Vodafone.

2.6 The award resulted in the assignment of an additional 465 MHz (or a 46% increase) of spectrum rights being successfully assigned to the four Winning Bidders, with the quantum of spectrum rights of use obtained by each Winning Bidder shown in Table 1 below.

Table 1: Results of the Main Stage of MBSA2 (Source: Table 1 of ComReg Document 22/105)

Band and Time Slice (Time Slice 1 to 2027 - Time Slice 2 from 2027 to 2042)		Imagine Communications Ireland Ltd	(Eir) Meteor Mobile Communications Ltd	Three Ireland (Hutchison) Ltd	Vodafone Ireland Ltd
700 MHz Duplex	Time Slice 1 and 2	-	2 x 10 MHz	2 x 10 MHz	2 x 10 MHz
	Time Slice 1	-	2 x 5 MHz	2 x 20 MHz	2 x 20 MHz
2.1 GHz Band	Time Slice 2	-	2 x 20 MHz	2 x 20 MHz	2 x 20 MHz
	Time Slice 1	40 MHz	60 MHz	-	-
2.3 GHz Band	Time Slice 2	40 MHz	60 MHz	-	-
	Time Slice 1	-	-	2 x 35 MHz	2 x 35 MHz
2.6 GHz FDD	Time Slice 2	-	-	2 x 35 MHz	2 x 35 MHz
	Time Slice 1	15 MHz	-	-	30 MHz
2.6 GHz TDD	Time Slice 2	15 MHz	-	-	30 MHz

2.1.3 The MBSA2 Liberalised Use Licences issued

2.7 On 19 January 2023, ComReg issued MBSA2 Licences to each of the Winning Bidders with a licence commencement date of 20 January 2023 and a licence expiry date of 13 February 2042.

¹⁰ Details of all the relevant publications issued during the MBSA2 consultation process and all of the matters considered prior to the making of the MBSA2 substantive decision can be found on ComReg's [MBSA2 webpage](#), with the principal MBSA2 consultation documents being:

- ComReg Document [18/60](#)
- ComReg Document [19/59R](#)
- ComReg Document [19/124](#)
- ComReg Document [20/56](#)
- ComReg Document [20/122](#)

¹¹ ComReg Document [22/105](#), "Multi Band Spectrum Award - Results of Main Stage - Information Notice", published 14 December 2022

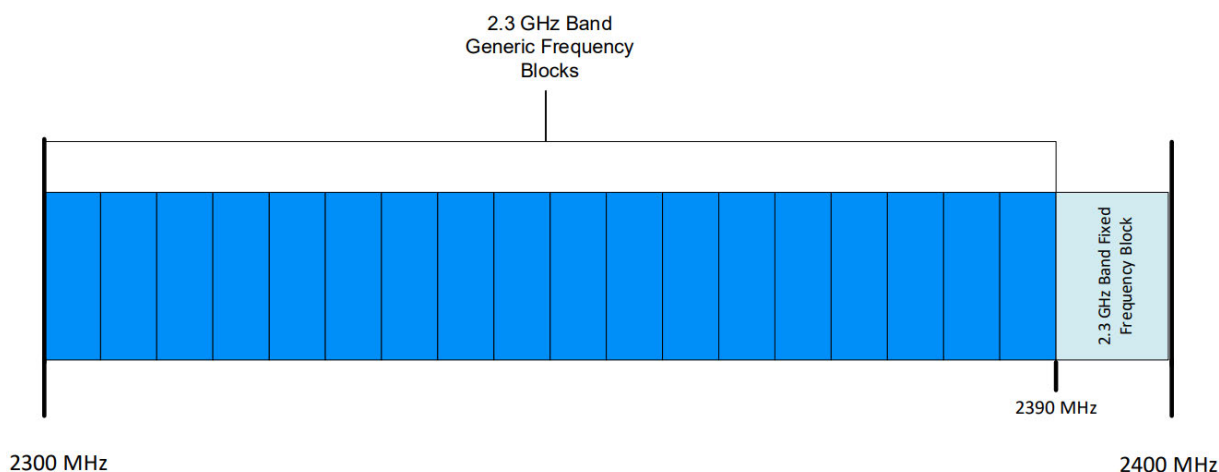
2.8 The commencement date and expiry dates of the MBSA2 spectrum rights are specified in the MBSA2 licences, where in relation to spectrum rights in the 2.3 GHz Band, all such spectrum rights have a commencement date of 20 January 2023 and an expiry date of 13 February 2042.

2.9 Non-confidential versions of the MBSA2 licences are published on ComReg's website¹².

2.1.4 The 2.3 GHz Band block in the MBSA2 award

2.10 In the MBSA2 award, a total of 100 MHz of spectrum was made available in the 2.3 GHz Band (2300 – 2400 MHz). This comprised of eighteen (18) 2.3 GHz Band Generic Frequency Blocks (2300 MHz to 2390 MHz) (18 blocks of 5 MHz each) and one 2.3 GHz Band Fixed Frequency Block (2390 MHz to 2400 MHz) (1 block of 10 MHz) (see Figure 1 below).

Figure 1: The 2.3 GHz Band Blocks in the MBSA2 award

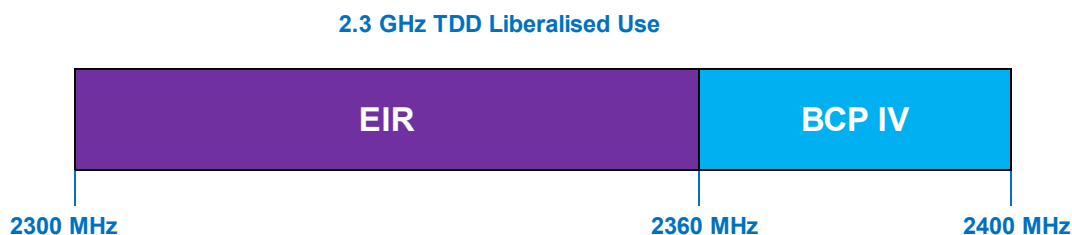


2.1.5 The MBSA2 assignments in the 2.3 GHz Band

2.11 In the MBSA2 award the full 100 MHz was assigned: Eir won 60 MHz in the 2300 MHz – 2360 MHz range, while BCP IV won 40 MHz in the 2360 – 2400 MHz range.

2.12 Each was issued an MBSA2 licence inclusive of these 2.3 GHz Band rights as illustrated in Figure 2 below.

¹² See <https://www.comreg.ie/industry/radio-spectrum/licensing/search-licence-type/mobile-licences-3/>

Figure 2: MBSA2 frequency assignments in the 2.3 GHz Band

2.1.6 MBSA2 licence conditions

2.13 The licence conditions for an MBSA2 Licence are as set out in the Wireless Telegraphy (Liberalised Use and Related Licences in the 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands) Regulations 2021 ([S.I. No. 264 of 2021](#)) as amended¹³ (the 'MBSA2 Regulations') and are set out in MBSA2 Licences issued.

2.14 While there are general licence conditions applicable to all licensees contained in the MBSA2 Regulations, Part 4 of a MBSA2 Licence¹⁴ details the licence conditions applicable to the different rights of use encompassed by the MBSA2 award.

Summary of the MBSA2 licence conditions with respect to spectrum rights in the 2.3 GHz Band

2.15 Part 4 of an MBSA2 Licence consists of six sections as summarised below.

2.16 **Section 1 General:** These licence conditions apply to all MBSA2 licensees and primarily relate to an obligation on all MBSA2 licensees regarding the resolution of harmful interference.

2.17 **Section 2 Technical Conditions:** These licence conditions apply to all MBSA2 licensees, where specific technical conditions apply to each of the spectrum bands (i.e. 700 MHz, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands). These include, for example, whether the band is to be used for Frequency Division Duplex (FDD) or Time Division Duplex (TDD), the in-block power levels for each of the blocks in the bands, the block edge masks and conditions to protect adjacent services.

2.18 As noted in Figure 1 above, in the 2.3 GHz Band there are two different types of frequency blocks, with the 2.3 GHz Band Fixed Frequency Block having a lower in-block EIRP level than the 2.3 GHz Band Generic Blocks so as to protect adjacent

¹³ As amended by the Wireless Telegraphy (Liberalised Use and Related Licences in the 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands) (Amendment) Regulations 2022 ([S.I. No. 483 of 2022](#)) as amended by the Wireless Telegraphy (Liberalised Use and Related Licences in the 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz Bands) (Amendment No. 2) Regulations 2023 ([S.I. No. 594 of 2023](#))

¹⁴ A copy of each of the MBSA2 Licences can be found on ComReg's [Mobile and Wireless Broadband Licences webpage](#).

services¹⁵.

- 2.19 **Section 3 Inter-Licensee Synchronization Procedure:** This Section applies only to MBSA2 licensees that hold spectrum rights of use for bands that have a TDD duplex mode of operation, i.e. the 2.3 GHz Band and the 2.6 GHz TDD Band.
- 2.20 **Section 4 Coverage Requirements:** This section sets out coverage requirements and only applies to MBSA2 licensees that hold 700 MHz Band rights of use.
- 2.21 **Section 5 Rollout Requirements:** This section sets out base station rollout requirements and applies to MBSA2 licensees that hold spectrum rights of use in the 2.1 GHz, 2.3 GHz, 2.6 GHz FDD and 2.6 GHz TDD Bands. The base station rollout requirements vary, depending on whether a MBSA2 licensee is an existing mobile operator (i.e. Eir, Three or Vodafone) or another operator, and the service being provided.
- 2.22 In relation to the 2.3 GHz band, for a MBSA2 licensee who is an existing mobile operator (e.g. Eir) providing mobile ECS using assigned rights of use in the 2.3 GHz Band, then the MBSA2 base station rollout obligation is to achieve, within 4 years of the earliest commencement date of a spectrum block in that band, and maintain thereafter, the work and use of **525 bases stations**^{16,17} in that band.
- 2.23 **Section 6 Quality of Service Obligations:** This section sets out obligations with respect to the “Availability of the Network” standard, the “Minimum Voice Call standard” and the “VoLTE Availability” obligation. These obligations apply to all MBSA2 licensees are not specific to spectrum rights in the 2.3 GHz band.

2.1.7 Substitutability of the 2.1 GHz, 2.3 GHz and 2.6 GHz band in the MBSA2 award

- 2.24 In the MBSA2, ComReg determined that spectrum rights in the 2.1 GHz, 2.3 GHz and 2.6 GHz Bands were substitutable with each other, including where it noted in Document 20/122¹⁸ that:

“...stakeholders would likely consider the 2.1 GHz Band as substitutable to the 2.3 GHz Band and 2.6 GHz Bands as it has comparable propagation characteristics and is capable of providing additional capacity (or

¹⁵ 2.3 GHz Band Generic Frequency Blocks must not exceed an EIRP of 68 dBm/5 MHz per antenna for non-AAS (Non-Active Antenna Systems) and TRP (Total Radiation Power) of 60 dBm/5 MHz per cell for AAS (Active Antenna System). 2.3 GHz Band Fixed Frequency Block must not exceed an EIRP of 45 dBm/5 MHz per antenna for non-AAS and TRP of 31 dBm/5 MHz per cell for AAS.

¹⁶ However, if a MBSA2 licensee is an existing mobile operator that can demonstrate to the satisfaction of ComReg that the services it is providing using assigned spectrum rights in the 2.3 GHz band do not include mobile ECS, then the MBSA2 licensee must roll out 290 base stations withing 4 years.

¹⁷ For detailed information, refer to Section 5 of [S.I. No 264 of 2021](#)

¹⁸ page 574 [ComReg20122.pdf](#)

coverage).”

2.25 This view was informed by the submissions of respondents to the various MBSA2 consultations¹⁹, and the advice of ComReg’s auction experts, DotEcon²⁰.

2.26 While detailed MBSA2 bidding information is not published due to confidentiality reasons, the results of the MBSA2 Auction as set out in ComReg Document 22/105 indicated that there was significant competition in the 2.3 GHz, 2.6 GHz FDD and 2.6 GHz TDD bands and that Bidders made extensive use of the MBSA2 Auction features which allowed for switching and competition across these substitutable bands.²¹

2.1.8 The MBSA2 Competition Caps

2.27 In order to protect competition in downstream ECS markets, in the MBSA2 award ComReg established two precautionary Competition Caps that applied for the duration of the MBSA2 competition:

- an **overall Competition Cap of 375 MHz** on the total amount of spectrum rights of use that could be held by any one operator as a result of the MBSA2 award outcome, where this included relevant existing rights of use held in other licences and any obtained in the MBSA2 (i.e. spectrum rights in 700 MHz, 800 MHz, 900 MHz, 1800 MHz, 2.1 GHz, 2.3 GHz, 2.6 GHz and 3.6 GHz Bands) (“**MBSA2 Overall Competition Cap**”); and
- a **sub-1 GHz Competition Cap of 70 MHz** (2 x 35 MHz) on the total amount of spectrum rights of use that could be held by any one operator across the 700 MHz, 800 MHz and 900 MHz bands as a result of the MBSA2 award outcome.

2.28 While ComReg made it clear that these competition caps applied only for the duration of the MBSA2, given their recency, they are clearly informative in the present matter.

Consideration of existing spectrum holdings

2.29 In making its decision on the MBSA2 Competition Caps, ComReg considered many matters including whether existing spectrum holdings should count towards any

¹⁹ For example, see [ComReg2056s.pdf](#)

²⁰ For example, see ComReg20/122a

²¹ Paragraph 3 3rd bullet of ComReg Document 22/105

*“There was significant competition for the 2.3 GHz, 2.6 GHz FDD and 2.6 GHz TDD bands where the Auction continued for **fifty Primary Bid Rounds**. The Auction rules provided **strong incentives to compete for additional spectrum** and Bidders made extensive use of the Auction features which allowed for switching and competition across these substitutable bands. **All but 5 MHz of spectrum rights in the 2.6 GHz band were acquired.**”*

spectrum competition cap(s), where ComReg²²:

- decided that existing spectrum holdings should count towards the MBSA2 Competition Caps; and
- clarified that any 700 MHz Duplex, 2.1 GHz, 2.3 GHz and 2.6 GHz holdings obtained under the MBSA2 may be taken into account for a competition cap/s for the award/s of sufficiently substitutable and/or complementary spectrum bands in the future (such as any award of 800 MHz, 900 MHz, 1800 MHz and 3.6 GHz band rights of use), noting, however, that these matters would be determined by ComReg based on the particular facts and circumstances at the relevant time.

2.30 In considering this matter, ComReg, among other things, noted that existing spectrum rights together with the spectrum holdings arising from the outcome of the MBSA2 Award would play a part in the post-award competitive landscape, as noted for example in paragraphs 7.225-7.227 of ComReg Document 19/59R, where ComReg stated that:

*“7.225 In relation to existing holdings, ComReg agrees with DotEcon’s observations that any **competition caps applied should take into account existing holdings, since these rights (together with the spectrum holdings arising from the outcome of the Proposed Award) would inform the post-award competitive landscape** [footnote 450 of Document 19/59R²³]. In that regard:*

- *the current sub-1GHz bands (700MHz, 800MHz and 900MHz) are likely to be sufficiently close substitutes over the long-run for providing coverage and there is likely to be merit in applying a sub-1GHz cap;*
- *the 2.1 GHz, 2.3 GHz and 2.6 GHz bands can all be used to provide WBB and have existing ecosystems with compatible devices. They are also likely to be sufficiently close substitutes for one another and to a greater or lesser extent, the 1800 MHz and 3.6 GHz bands.”*

*7.226 **The ability of an operator to compete in a market is determined to a certain degree by the overall amount of spectrum the operator holds across all bands.** Large asymmetries in the total amount of spectrum held by different operators might limit effective competition at the service level. Taking account of existing spectrum holdings in bands other than those to be assigned when applying a competition cap limits the ability of those bidders who already hold large amounts of spectrum to unreasonably strengthen incumbency advantages and asymmetries as a result of the spectrum they win in the award. Therefore, taking account of current spectrum holdings when*

²² See for example paragraphs 2.998 and 2.999 of ComReg Document 20/122

²³ Footnote 450 of Document 19/59R: “DotEcon Award Design Report, p44.”

setting competition caps can help reduce barriers to entry and prevent future distortions to competition.

*7.227 In light of the above, ComReg is of the preliminary view that any caps applied should take into account existing holdings of all operators assigned rights of use in the 800 MHz, 900 MHz, 1800 MHz, 2.1 GHz and 3.6 GHz bands, **since these rights (together with the spectrum holdings arising from the outcome of the Proposed Award) would play a part in the post-award competitive landscape.**" (Emphasis added)*

Factors informing the level of the MBSA2 Overall Competition Cap

2.31 Having consulted upon a range of 375 MHz – 420 MHz for the proposed MBSA2 Overall Competition Cap in ComReg Document 19/59R, and having further considered the matter including the views of respondents to that consultation, ComReg in Document 19/124²⁴ proposed setting the overall cap at the lower end of that range (i.e. at 375 MHz) as this would, compared to alternative levels within the previously identified 375 – 420 MHz range, better guard against distortions to competition arising from extreme asymmetries in post-award spectrum holdings, particularly in light of:

- (i) the then (post-merger)²⁵ MNO market structure, including the risk of the MNO with the smallest spectrum holding at the time (i.e. Eir) not being able to effectively compete, thereby leading to the possible creation of an effective duopoly; and
- (ii) the significant potential for non-MNO bidders (e.g. Imagine and/or Dense Air) to acquire spectrum in the award and thereby exacerbate the level of asymmetry that could arise between Three (with the then largest spectrum holdings) and Eir post-award.

2.32 ComReg also noted that an overall cap at 375 MHz would still allow the MNOs with larger spectrum holdings to acquire a considerable amount of spectrum rights (i.e. Three and Vodafone could still increase their current holdings by 55% and 80%, respectively).

2.2 ComReg's recent assessments of licence compliance

2.33 One of ComReg's duties in carrying out its function of managing the radio spectrum for ECS is to monitor and supervise compliance with rights of use for radio spectrum, and the obligation to use radio spectrum effectively and efficiently (in

²⁴ See paragraphs 6.239 to 6.254 of ComReg Document 19/124.

²⁵ Three Ireland completed its acquisition of O2 Ireland from Telefónica in July 2014. The merger created the second-largest mobile operator in Ireland, securing approximately 37% market share, with O2's brand and operations fully integrated into Three by March 2015.

accordance with Regulations 27(1) and 29 of the ECC Regulations.

2.34 While ComReg during specific time periods in 2022-2024 has previously found two licensees, Dense Air and Vodafone, to be non-compliant with their respective base station rollout licence obligations for the 3.6 GHz band²⁶, ComReg's most recent assessment of licensees' compliance with their respective mobile and wireless broadband ('MWBB') licence²⁷ obligations for the reporting period July 2024 to June 2025, as set out in ComReg Document 26/02, did not result in any non-compliance issues.

2.35 For the July 2024 to June 2025 reporting period, ComReg in summary:

- assessed that licensees complied with their respective coverage²⁸ and base station rollout licence obligations; and
- noted that its assessments of certain Quality-of-Service obligations continued.

2.3 Information on MWBB spectrum bands and number of licensed sites

2.36 Currently, the MWBB licences provide spectrum rights to nine spectrum bands, all of which are capable of being used for the provision of mobile telephony and mobile wireless broadband services via the 2G, 3G²⁹, 4G, and 5G technologies. These spectrum bands are the 700 MHz, 800 MHz, 900 MHz, 1800 MHz, 2.1 GHz, 2.3 GHz, 2.6 GHz FDD, 2.6 GHz TDD, and 3.6 GHz bands.

2.3.1 Existing spectrum holdings of MWBB licensees and unassigned spectrum

2.37 Table 2 below sets out information on the existing spectrum holdings of each MWBB licensee per spectrum band, as well as identifying any unassigned spectrum in that band.

²⁶ Dense Air's non-compliance related to the period December 2022 to May 2023 (See ComReg Documents 22/106 and 23/38). Vodafone's non-compliance related to the period December 2022 to April 2024 (see ComReg Documents 22/107 and 24/26).

²⁷ As set out in paragraphs 1.2 and 1.3 of ComReg Document 26/02, there are four different types of MWBB licences and four licensees (Eir, Imagine, Three and Vodafone) holding one or more MWBB licence.

²⁸ Noting that the coverage obligations of the MBSA2 licences do not fall due until Q1 2026 (i.e. next year's reporting period) and are therefore not assessed for this reporting period of ComReg Document 26/02.

²⁹ In October 2024, Vodafone switched off its 3G services (see <https://n.vodafone.ie/network/3G-upgrade.html>) and on 20 January 2026 Eir submitted a notification to ComReg of its intention to switch-off 3G services in the latter half of 2026.

Table 2: Existing spectrum holdings of MWBB licensees and unassigned spectrum

Band	Eir	Vodafone	BCP IV	Three	Unassigned
700 MHz	20 MHz	20 MHz		20 MHz	-
800 MHz	20 MHz	20 MHz		20 MHz	-
900 MHz	20 MHz	20 MHz		30 MHz	-
Total sub-1 GHz	60 MHz	60 MHz		70 MHz	-
1800 MHz	30 MHz	50 MHz		70 MHz	-
2.1 GHz	40 MHz	40 MHz		40 MHz	-
2.3 GHz TDD	60 MHz		40 MHz		
2.6 GHz TDD		30 MHz			20 MHz ³⁰
2.6 GHz FDD		70 MHz		70 MHz	
3.6 GHz	85 MHz in the 5 city regions and 80 MHz in the other regions	105 MHz in the city regions and 85 MHz in the other regions	60 MHz in each of the non-city regions ³¹	100 MHz nationwide	25 MHz in all 9 regions; 35 MHz in five city regions ³²
Total supra-1 GHz³³	215 MHz	295 MHz	100 MHz	280 MHz	80 MHz
Overall	275 MHz	355 MHz	100 MHz	350 MHz	80 MHz

2.3.2 Number of licensed sites per MWBB spectrum band and per licensee

2.38 As radio spectrum bands have different characteristics when it comes to providing for wide area coverage and higher data speeds, the usage of radio spectrum bands varies depending on the needs of the mobile network operator.

Given their favourable radio propagation characteristics, sub-1 GHz spectrum bands are generally well suited for provision of wide area coverage and superior indoor penetration and are the most widely deployed spectrum bands in Ireland as evidenced by the number of licensed sites in the MWBB licences as detailed in Table 3 below.

2.39 Spectrum in higher frequencies (i.e. the supra-1 GHz bands) typically have a greater amount of spectrum available in the band and therefore generally well suited to the provision of higher data communication speeds but typically over a

³⁰ The 20 MHz of unassigned spectrum in the 2.6 GHz TDD band, consist of a 5 MHz restricted block unsold in the MBSA2 auction and the 15 MHz of 2.6 GHz TDD spectrum rights surrendered by BCP IV on 12 December 2025, 5 MHz of which is also a restricted block.

³¹ ComReg has also received a notification of a proposed spectrum transfer of 15 MHz of spectrum in the 3.6 GHz band from BCI IV to Vodafone (See ComReg Document [26/04](#)).

³² The unassigned spectrum in the 3.6 GHz band consists of the spectrum rights surrendered by Dense Air Ireland with effect from 31 July 2024.

³³ As holdings in the 3.6 GHz band vary across regions, the total supra-1 GHz and total spectrum figures are based on the licensee's maximum 3.6 GHz band spectrum holdings in any region. This is the same methodology as used in the MBSA2 award.

smaller coverage given the greater propagation losses (i.e. i.e., the extent to which the intensity of a signal is reduced as it travels) associated with these spectrum bands compared to the sub-1 GHz bands. As detailed in Table 3 below the number of licensed sites in the supra-1 GHz bands are lower than that deployed in the sub-1 GHz bands, and the number of licensed sites in the 2.3 GHz, 2.6 GHz and 3.6 GHz bands are lower than the other supra-1 GHz bands (i.e. 1800 MHz and the 2.1 GHz band)

Table 3: Number of licensed sites per spectrum band (Q1 2026)

Unique Site Count (Q1 2026 information)	700 MHz	800 MHz	900 MHz	1800 MHz	2.1 GHz	2.3 GHz	2.6 GHz	3.6 GHz
Eir	2603	2648	2686	1924	1925	498	-	364
BCP IV (ex Imagine)³⁴	-	-	-	-	-	0	-	270
Three	1999	2415	2486	2295	2137	-	300	743
Vodafone	1818	2271	2326	1758	1406	-	477	506

2.4 Information on the Notifying Parties

2.40 As part of the Notification, the Notifying Parties provided the following descriptions of themselves:

- Transferee:

“Eir is a telecommunications provider in Ireland that offers quad-play bundles on an integrated network. Eir offers a range of retail and wholesale services on its fixed and mobile networks. Eir is the principal provider of fixed line telecommunications and the third largest mobile telecommunications provider in Ireland. Eir generates virtually all of its revenue in Ireland, where substantially all of the reported subscribers and customers are located. Eir is ultimately controlled by NJJ. Revenue for the year ended 31 December 2024 was €1,325 million.”

- Transferor:

“BCP IV Telecommunications OPCO Limited is incorporated in Ireland, and its sole geographic area of activity is within Ireland. It was formerly named

³⁴ Note the data for BCP IV is correct as of Q1 2025. However, ComReg understands that this number is much reduced as Imagine is in the process of decommissioning its Fixed Wireless network.

Imagine Communications Ireland Limited. It operates solely for the business of holding its spectrum assets. It is part of the Brookfield-related telecoms investment structure which divested control of Imagine Communications Group Limited in December 2024. Ultimately, BCP IV is controlled by Brookfield Asset Management, a NYSE listed Alternative Asset Management. BCP IV has no turnover.”

- 2.41 Further to the above, ComReg sets out below some additional information on the Notifying Parties informed by ComReg’s Quarterly Key Data Reports³⁵ and ComReg’s understanding of the Notifying Parties.
- 2.42 Eir is a mobile network operator (“MNO”) which has as of Q4 2025 circa 1.6 million mobile subscriptions including MBB and M2M services (i.e. a 14.6% market share) and circa 1.5 million subscriptions excluding MBB and M2M services (i.e. a 24.6% market share). Eir also provides fixed line broadband services where as of Q4 2025 it has circa 488,000 fixed broadband subscribers (27.7% market share by subscriptions).³⁶
- 2.43 BCP IV (formerly ICI) is a company that is majority owned by Brookfield, a global investment firm (“Brookfield”). BCP IV currently has spectrum rights of use in the 2.3 GHz Band³⁷ and 3.6 GHz Band³⁸. The spectrum rights of use in the 3.6 GHz Band are leased³⁹ to Imagine Network Services Limited (“Imagine Networks”) (trading as Imagine) and are currently being used to provide fixed wireless services while Imagine retires this network and migrates its customers to fibre and 5G services.⁴⁰

2.5 Proposed transfer from BCP IV to Vodafone in the 3.6 GHz band

- 2.44 In order to provide broader context to the Proposed Transfer, it should also be noted that on 23 January 2026, ComReg published a Notification of a proposed transfer of 15 MHz of 3.6 GHz Band spectrum rights of use (3560-3575 MHz) in 4

³⁵ <https://www.comreg.ie/industry/electronic-communications/market-information/quarterly-key-data-report/>

³⁶ ComReg 26/20, Quarterly Key Data Report, Q4 2025

³⁷ On 12 December 2023, BCP IV returned its spectrum rights of use for 15 MHz of spectrum in the 2.6 GHz TDD Band to ComReg.

³⁸ Detail of ComReg’s 3.6 GHz Band spectrum award can be found on [3.6 GHz Band Spectrum Award webpage](#)

³⁹ See [ComReg’s Transfer and Lease Webpage](#).

⁴⁰ Imagine’s website contains the following information on its “about us” page (“About us” accessed 28 January 2026 [Link](#)):

“We’re an Irish company and team, now powered by Team Group of Companies – giving us the backing to grow while staying true to our challenger spirit. As Fibre rolls out across the country, we’re retiring our older wireless network. It’s no longer financially viable, and more importantly, it no longer matches the standard our customers deserve. Instead, we’re investing everything into Fibre and 5G – faster, more reliable broadband that can power every home and business into the future.

Regions⁴¹ from BCP IV to Vodafone (see Document 26/04⁴²) (“3.6 GHz Band Proposed Transfer”).

2.45 ComReg’s assessment of the 3.6 GHz Band Proposed Transfer is ongoing.

⁴¹ These are the Borders Midland and West (“BMW”), South West (“SW”), South East (“SE”) and East (“E”) Regions

⁴² ComReg Document [26/04](#), “Notice of proposed Spectrum Transfer - Proposed transfer of spectrum rights in the 3.6 GHz band from BCP IV Telecommunications OPCO Limited to Vodafone Limited”, published 23 January 2026

Chapter 3

3 ComReg's assessment of the submissions received

3.1 This chapter sets out ComReg's assessment of the submission received to the Proposed Transfer.

3.1 Summary of responses to Document 25/94

3.2 As earlier outlined, ComReg received two submissions in response to Document 25/94 being from Three and Vodafone.

3.3 Three submits that:

- a) as ICI (not BCP IV) bid for and won the spectrum in the MBSA2 process, and its bids influenced the overall outcome of the auction and on other bidders, it is important that the integrity of the auction process is upheld and any commitments given at that time are preserved without changing the licence itself or the conditions attached (with the removal of the 2.6 GHz spectrum as appropriate); and
- b) the 2.3 GHz spectrum rights remain as a stand-alone licence when transferred to Eir (i.e. a stand-alone licence with its relevant commitments and obligations and original issue date unamended and not incorporated as additional spectrum in the Eir licence), as to do otherwise would amend the terms on which the licence was won and granted and would need at a minimum a consultation where all changes are justified or a possible re-award in an open process.

3.4 Vodafone submits that it supports the principle of efficient spectrum trading where competition is preserved as it can play an important role in promoting efficient use of spectrum, simplifying market structures and supporting deployment.

3.5 However, as the Proposed Transfer would give a single operator (Eir) control of the entire 2.3 GHz Band (which Vodafone contends would raise distinct technical and competition considerations that have not previously arisen in Ireland), Vodafone submits that a full investigation is warranted to consider whether proportionate conditions may be appropriate to ensure competitive balance and efficient spectrum use as well as ensuring that any risks are fully understood and properly balanced against efficiency benefits.

3.6 In relation to its view, Vodafone contends that granting one operator sole control of the entire 2.3 GHz Band creates a set of TDD specific effects that differ in nature

and scale from transfers in FDD bands or transfers involving shared TDD bands such as in the 3.6 GHz band. Vodafone sets out three points in support of its view:

- (i) Dual large TDD holdings: Vodafone contends that Eir would be the only operator with two substantial TDD holdings (in the 2.3 GHz and 3.6 GHz bands), potentially enabling sustained advantages in 5G capacity and latency relative to competitors who must coordinate in shared TDD bands;
- (ii) Absence of inter-operator synchronization requirements: Vodafone argues that one licensee holding spectrum rights to an entire band removes the need for in band synchronisation, giving that licensee unilateral control over uplink/downlink ratios, frame patterns and latency profiles. Vodafone contends that such unilateral flexibility does not exist in the 3.6 GHz band, where all operators must follow a common ratio under ComReg's [licensing] framework [for that band]; and
- (iii) Potential for outcome asymmetries: Vodafone contends that the ability to optimise TDD operation without cross-operator constraints may allow significantly enhanced performance in capacity constrained or latency critical cells. Vodafone maintains that this could have retail and wholesale market implications that extend beyond a narrow, band-by-band spectrum assessment.

3.2 Summary of Eir and BCP IV's submissions on the responses received to Document 25/94

3.7 In light of the submissions received to Document 25/94, ComReg provided each of the Notifying Parties an opportunity to provide a submission on the responses received to Document 25/94, and on 27 January 2026, each of Eir and BCP IV provided a further submission as summarised below.

BCP IV's response

3.8 **Overall**, BCP IV submits that:

- Three's submission does not present any impediment to the Proposed Transfer, and that the licence will continue to apply with all its existing obligations, expiry timelines and technical parameters unchanged (subject only to the removal of the 2.6 GHz spectrum, as applicable); and
- Vodafone's request for Phase 2 investigation is not justified. There is no evidence that (a) the Proposed Transfer would be likely to distort competition or (b) there is a clear risk that Eir would be unable to meet the licence conditions.

3.9 In relation to **Three's submission**, BCP IV submits that:

- (a) Three's submission does not constitute an objection to the Proposed Transfer but instead seeks confirmation that licence conditions are not amended as a consequence of the transfer without following due process.
- (b) the Proposed Transfer does not alter any auction outcome or seek to amend the original licence conditions. The underlying licence (as awarded following MBSA2 to ICI (now BCP IV)) will remain with the same obligations, expiry timelines, and technical parameters preserved (accounting for the removal of the 2.6 GHz spectrum as appropriate).
- (c) transfer of ownership does not in itself alter licence conditions and is consistent with ComReg's Spectrum Transfer Framework (ComReg Document 24/86) which allows transfer of rights of use without changing the licence's technical or regulatory conditions.
- (d) any concern raised by Three that the licence might be merged into Eir's MBSA2 holdings, implicitly altering auction outcomes or commitments, is unfounded.
- (e) it supports ComReg's Transfer and Lease Framework which in its view ensures that transferred licences retain their separate identity, unless ComReg explicitly undertakes a consolidation process. It also adds that no such consolidation process is proposed or sought here.

3.10 In relation to **Vodafone's submission**, BCP IV submits that a full investigation is not required as:

- (a) there is no evidence of any material competition or compliance concerns arising from the Proposed Transfer and accordingly no basis for a Phase 2 investigation; and
- (b) the threshold to warrant a Phase 2 investigation⁴³ is, in its view, not met in this case.

3.11 BCP IV also responds to the specific considerations raised by Vodafone:

- (a) Competition considerations: BCP IV submits that Vodafone has not provided any evidence that the Proposed Transfer would be likely to distort competition and, on the contrary, contends that it would have a positive effect on competition as it would readdress the historical spectrum imbalance between Eir and the other MNOs (i.e. Three and Vodafone) by

⁴³ BCP IV refers to paragraph 2.29 of ComReg's Spectrum Transfer and Lease Framework (Document 24/86) noting that a Phase 2 investigation is required only where, having considered the information provided and submissions received, ComReg is unable to form a view that (i) the proposed transfer would not be likely to distort competition; or (ii) there is no clear risk that the new holder would be unable to meet the original licence conditions.

giving Eir access to 315 MHz of harmonised mobile spectrum as compared to Vodafone's 355 MHz and Three's 350 MHz spectrum.

- (b) Compliance considerations: BCP IV notes that Vodafone has not submitted any evidence suggesting a clear risk of Eir being unable to meet the original licence conditions. BCP IV adds that as Eir is an established and active operator in the 2.3 GHz band, it is well placed to meet all applicable obligations under the licence.
- (c) Efficient use of Spectrum: BCP IV provided information on its "*broad market engagement process*" and submits that the Proposed Transfer represents the most effective means of ensuring efficient use of this spectrum, maximises spectrum utilisation in the public interest and is fully consistent with the Framework. In relation to its "*broad market engagement process*" BCP IV states that:

"We undertook a broad market engagement process to test interest in, and the feasibility of, acquiring the 2.3 GHz spectrum. While interest existed, practical constraints, including spectrum caps, deployment timelines and the investment strategies of potential purchasers, meant that Eir was the most viable acquirer."

Eir's response

3.12 **Overall**, Eir submits that:

- neither Three's or Vodafone's submission have offered any evidence that the Proposed Transfer would likely distort competition or that Eir would not be able to meet the original obligations;
- the Proposed Transfer is consistent with the objective of promoting the efficient use of spectrum; and
- the test for Phase 2 has not been met.⁴⁴

3.13 In support of its view, Eir firstly provides **general observations** as summarised below.

3.14 First, Eir understands that both Three and Vodafone had an opportunity to express an interest in the 2.3 GHz and 2.6 GHz band spectrum rights held by BCP IV, but neither expressed an interest in these assignments presumably, according to Eir, as "*they perceived no technical or strategic value in the spectrum on offer*". In

⁴⁴ Paragraph 2.29 of ComReg 24/86 - "*Where having considered the information provided and all submissions received, ComReg is unable on the basis of the information before it to:*

- *form a view that the result of a proposed Transfer or Lease would not be likely to distort competition; or,*
- *form a view that there is not a clear risk of the new holder being able to meet original conditions of the licence (Regulation 33(4)(c) of the EECC Regulations 2022)"*

relation to the 3.6 GHz rights held by BCP IV, Eir notes that, as per ComReg Document 26/04, Vodafone has expressed an interest in some of this spectrum.

- 3.15 Second, Eir submits that the Proposed Transfer is fully compliant with the MBSA2 spectrum competition caps, and while these caps applied only for the MBSA2 auction process, Eir submits that it is clear that the Proposed Transfer poses no concern. In this regard, Eir:
- notes that Vodafone and Three have enjoyed significant asymmetry of spectrum over that of Eir following MBSA1, Three's acquisition of O2 and its spectrum in 2014, and again in the outcome of the 3.6 GHz Band award;
 - submits that, as evident in MSBA2, ComReg's approach to ensuring competition has been related to spectrum competition caps.
- 3.16 In response to **Three's submission**, Eir agrees that licence conditions cannot be amended without following due process and submits that this is not relevant to the Proposed Transfer, as the Proposed Transfer is based on the original licence conditions and does not seek to vary those licence conditions in any way.
- 3.17 In response to **Vodafone's submission** that a full Phase 2 investigation is needed for the Proposed Transfer, Eir submits that this is unnecessary and contends that Vodafone's submission is short, unsubstantiated, and seeking to delay the Proposed Transfer and is contrary to the principle of efficient use of spectrum that Vodafone claims to support.
- 3.18 Regarding Vodafone's concerns around a single operator obtaining control over an entire TDD band being a new and unforeseen outcome, Eir submits that there is no merit in this as:
- (a) a single operator obtaining an entire TDD band could have been an entirely acceptable outcome of MBSA2 award process, and there are no such restrictions or concerns mentioned in the MBSA2 auction rules e.g. in respect of spectrum competition caps; and
 - (b) Vodafone had the recent opportunity to become the single operator in the 2.6 GHz TDD Band but chose not to engage with acquiring the spectrum from BCP IV. Eir submits that this suggests that in reality "*Vodafone perceives no material benefit in the concept of a single operator in a single TDD band with full band control that might create TDD specific effects*".
- 3.19 Further, Eir submits that the Proposed Transfer would not give rise to any risk of harmful interference.
- 3.20 Referring to the technical aspects of Vodafone's submission, Eir submits that this is subjective and illustrates nothing more than awareness of some technical terms in respect of the use of spectrum. Eir submits that these technical aspects are

capable of being quantitatively assessed and notes that Vodafone, with substantial local and Group resources, has provided no factual evidence of any material negative impact because, in Eir's view, there is none.

- 3.21 Eir contends that Vodafone has had an ample opportunity to provide evidence of tangible concerns and justification to carry out Phase 2 Investigation and submits that Vodafone has not done so.

3.3 ComReg's assessment of the submissions received

- 3.22 In this section, ComReg sets out its assessment of the submissions received to Document 25/94. This assessment is separate to ComReg's determination in Chapter 4 of the two substantive tests set out in the Regulations and Transfer and Lease Framework.

- 3.23 ComReg's assessment of the submissions is carried in the context of the following:

1. Clarifications on the licensing approach to the transfer of rights of use between BCP IV and Eir; and
2. Vodafone's call for a full investigation given technical and competition considerations not previously arisen in Ireland

3.3.2 Clarifications on the licensing approach to the transfer of rights of use between BCP IV and Eir

- 3.24 In its submission, Three contends that the 2.3 GHz spectrum must remain as a stand-alone licence when transferred to Eir (i.e. a stand-alone licence with its relevant commitments and obligations and original issue date unamended and not incorporated as additional spectrum in the Eir licence), as to do otherwise would amend the terms on which the licence was won and granted and would require at a minimum a consultation where all changes are justified or a possible re-award in an open process.

- 3.25 In considering Three's submission, ComReg firstly observes that:

- (i) Regulation 2 of the Regulations defines a Transfer as:

*"Transfer" means the assignment by a Licensee (the "Transferor") of **some or all of the Individual Rights of Use for radio frequencies granted under a Licence to another party** (the "Transferee") where the Transferor must divest itself of all rights of use transferred." (emphasis added)*

- (ii) Regulation 6(1)(o) of the MBSA2 Regulations (as amended) under the section titled "Conditions of Licences" states the following:

"6. (1) Any Licensee that is granted a Licence under these Regulations

and to which these Regulations apply shall:

*(o) only **Transfer the rights of use for radio frequencies attaching to a Licence in accordance with the Transfer and Lease Regulations**”
(emphasis added)*

- 3.26 While in the present case the Proposed Transfer of 40 MHz in the 2.3 GHz Band represents the full spectrum rights in BCP IV’s MBSA2 Licence and, thus, following the Proposed Transfer BCP IV would no longer hold a MBSA2 licence⁴⁵, the definition of the transfer makes it clear that a transfer relates to the transfer of the spectrum rights and not the licence.
- 3.27 ComReg therefore does not agree with Three’s contention that the 2.3 GHz spectrum rights must remain within a stand-alone licence when transferred to Eir and not be incorporated as additional spectrum into Eir’s licence.
- 3.28 Secondly, ComReg notes that Three’s concerns about any amendments to the relevant commitments, obligations and the original issue date of the spectrum rights do not arise as the Proposed Transfer does not propose any amendments to these. This has been stated in the Notification⁴⁶ and in the submission of BCP IV⁴⁷ and Eir⁴⁸.
- 3.29 Further, ComReg observes that the relevant commitments made by BCP IV in obtaining MBSA2 spectrum rights of use are that of meeting its licence conditions (as summarised in Chapter 2 above) and continuing to pay relevant spectrum usage fees each year⁴⁹, and that following the Proposed Transfer:
- Eir would be obliged to meet the commitments and obligations associated with the spectrum rights (i.e. Eir would need to pay the SUF’s and meet the licence conditions associated with the spectrum rights, e.g. the base station rollout obligation); and

⁴⁵ ComReg observes that this may explain why BCP IV in its submission incorrectly identifies that the licence is being transferred.

⁴⁶ In the Notification, the Notifying Parties do not propose any amendments to the conditions attached to the rights of use.

⁴⁷ BCP IV submits that:

- transfer of ownership does not in itself alter licence conditions and is consistent with ComReg’s Spectrum Transfer Framework (ComReg Document 24/86) and it allows transfer of rights of use without changing the licence’s technical or regulatory conditions.
- any concern raised by Three implicitly altering auction outcomes or commitments, is unfounded.

⁴⁸ Eir:

- agrees with Three’s submission that licence conditions cannot be amended without following due process. However, Eir submits that it is not relevant to the Proposed Transfer.
- submits that the Proposed Transfer request is based on the original licence conditions and does not seek to vary those licence conditions in any way.

⁴⁹ As set out in the MBSA2 Regulations.

- the relevant spectrum rights transferred to Eir's licence would have 20 January 2023 as their commencement date (i.e. the same commencement date as in BCP IV's MBSA2 licence).

3.3.3 Vodafone's call for a full investigation given technical and competition considerations not previously arisen in Ireland

3.30 Vodafone submits that ComReg should carry out a full investigation, i.e. proceed to Phase 2 assessment, as the proposed transfer of 40 MHz in the 2.3 GHz Band to Eir would give a single operator control of the entire 2.3 GHz Band, raising distinct technical and competition considerations that have not previously arisen in Ireland.

3.31 Vodafone raised what it terms its key consideration of the technical nature as follows:

- (i) Dual large TDD holdings: Vodafone contends that Eir would be the only operator with two substantial TDD holdings (in the 2.3 GHz and 3.6 GHz bands), potentially enabling sustained advantages in 5G capacity and latency relative to competitors who must coordinate in shared TDD bands;
- (ii) Absence of inter-operator synchronization requirements: Vodafone also contends that one licensee holding spectrum rights of use to an entire band removes the need for in band synchronisation, giving that licensee unilateral control over uplink/downlink ratios, frame patterns and latency profiles. Vodafone submits that such unilateral flexibility does not exist in the 3.6 GHz band, where all operators must follow a common ratio under ComReg's [licensing] framework [for that band]; and
- (iii) Potential for outcome asymmetries: Vodafone further contends that the ability to optimise TDD operation without cross operator constraints may allow significantly enhanced performance in capacity constrained or latency critical cells. Vodafone contends that this could have retail and wholesale market implications that extend beyond a narrow, band by band spectrum assessment.

General considerations

3.32 In considering Vodafone's submission, ComReg firstly notes that while Vodafone makes the above claims, it does not provide any material evidence, by way of calculations, FDD /TDD comparisons or otherwise, to support its claims, despite Vodafone having access to both local and group resources and a 31-day period⁵⁰ being provided for submission of views on the Proposed Transfer. In that regard, ComReg also notes Eir's submission, where it makes that point and states that:

⁵⁰ The Notification was published on 19 December 2025 and the closing date for submissions on the Proposed Transfer was 19 February 2026.

“Vodafone references a few technical aspects that they say may potentially have impacts. This is very subjective and illustrates nothing more than awareness of some technical terms in respect of the use of spectrum. Technical aspects are capable of being quantitatively assessed however Vodafone, with substantial local and Group resources, presents no quantitative analysis in its submission. Vodafone offers no factual evidence of any material negative impact because there is none.”

3.33 Secondly, ComReg observes that none of the claimed technical and competition considerations associated with one operator holding all of spectrum in the 2.3 GHz band were raised by any respondent to ComReg’s consultations on the MBSA2 award. In that process, one operator obtaining rights of use for the entire 2.3 GHz band was a possible outcome for any Bidder, including Vodafone. This was also noted by Eir where it submits that:

- (a) a single operator obtaining an entire TDD band could have been an entirely acceptable outcome of MBSA2 award process, and there are no such restrictions or concerns mentioned in the MBSA2 auction rules preventing this (e.g. in respect of spectrum competition caps); and
- (b) Vodafone had the recent opportunity to become the single operator in the 2.6 GHz TDD Band but chose not to engage with acquiring 2.6 GHz TDD spectrum from BCP IV.

3.34 Thirdly, ComReg notes that while both FDD⁵¹ and TDD⁵² spectrum blocks each have generic advantages and disadvantages⁵³ - which operators take into account when bidding for and deploying spectrum in their networks - FDD and TDD spectrum blocks are used to provide the same services (e.g. 4G and 5G mobile services) and any consideration of spectrum holdings would need to consider all spectrum holdings and not just a subset.

3.35 In the MBSA2 auction, the results showed that, in relation to the 2.3 GHz TDD, 2.6 GHz FDD and 2.6 GHz TDD bands, bidders considered these spectrum bands to be substitutable⁵⁴, and the auction results in relation to those bands was that

⁵¹ FDD uses separate frequencies for uplink and downlink transmissions.

⁵² TDD uses the same frequency for uplink and downlink transmissions.

⁵³ For example, while the advantages and disadvantages of different TDD and FDD spectrum blocks will vary depending on many factors, including the propagation characteristics of the frequency band, the available channel bandwidths, equipment maturity and ecosystem considerations, etc., at a high level, ComReg observes that

- a) TDD spectrum bands have the potential to provide superior flexibility to carry asymmetric traffic (e.g. the more downlink, less uplink traffic normally associated with internet browsing) and improved overall spectrum efficiency for the band (for example by removing the need for a FDD duplex gap to separate the uplink and downlink frequencies); and
- b) FDD spectrum bands have the potential to offer superior coverage (which can result in a lower site deployment costs) and lower latency compared to TDD (as the simultaneous uplink and downlink transmissions on separate frequencies avoids the need for the guard time periods required by TDD).

⁵⁴ Paragraph 3, bullet 3 of ComReg Document 22/105 states:

Vodafone, Three and Eir each obtained spectrum rights:

- Vodafone won 2 x 35 MHz in the 2.6 GHz FDD band and 30 MHz in the 2.6 GHz TDD Band (a total of 100 MHz);
- Three won 2 x 35 MHz in the 2.6 GHz FDD band (a total of 70 MHz); and
- Eir obtained 60 MHz in the 2.3 GHz TDD Band (a total of 60 MHz).

Specific technical considerations

3.36 ComReg now turns to each of the specific technical considerations raised by Vodafone.

3.37 Regarding Vodafone's submission that "*eir would be the only operator with two substantial TDD holdings (2.3 GHz alongside 3.5 GHz), potentially enabling sustained advantages in 5G capacity and latency relative to competitors who must coordinate in shared TDD bands.*", ComReg firstly observes that Vodafone's submission focusses solely on TDD spectrum and does not mention the overall spectrum holdings of each operator as set out in Table 2 above, where both Vodafone (with 355 MHz) and Three (with 350 MHz) have more spectrum than Eir (with 275 MHz).

3.38 ComReg considers that the overall spectrum holdings of the operators cannot be ignored, as to do so would be to suggest that they had little value in provisioning a mobile broadband network, when:

- (i) information shows that both FDD and TDD spectrum blocks have their generic advantages and disadvantages which operators take into account when bidding for and deploying spectrum in their networks. In this regard, ComReg observes that Vodafone holds the most spectrum overall at 355 MHz and notably has more FDD spectrum than Eir -, specifically 2 x 35 MHz (70 MHz) in the 2.6 GHz TDD Band and an additional 2 x 5 MHz (10 MHz) in the 1800 MHz Band. In this regard, ComReg notes Eir Submission where it states:

"It should also be remembered, as noted in the Transfer Notification, that both Vodafone and Three have enjoyed significant asymmetry of spectrum over that of the holding of eir (formerly Meteor) following MBSA 1, Three's acquisition of O2 and its spectrum in 2014, and again in the outcome of the 3.6Ghz auction.";

-
- "There was significant competition for the 2.3 GHz, 2.6 GHz FDD and 2.6 GHz TDD bands where the Auction continued for fifty Primary Bid Rounds. The Auction rules provided strong incentives to compete for additional spectrum and Bidders made extensive use of the Auction features which allowed for switching and competition across these substitutable bands." (emphasis added)

- (ii) the results of the spectrum awards, including the most recent MBSA2 award⁵⁵, suggest that FDD spectrum blocks are important to an MNO's network; and
- (iii) currently both Vodafone (with 355 MHz) and Three (with 350 MHz) have more spectrum than Eir (with 275 MHz). This additional spectrum aids Three and Vodafone in the provisioning of their mobile broadband network (e.g. in providing coverage and capacity) and at lower marginal costs of adding capacity than Eir as otherwise it would be logical for Three or Vodafone to transfer or return some of this additional spectrum to ComReg.

3.39 Secondly, if TDD spectrum blocks and sole control of a TDD spectrum band are of such importance, then it is surprising that Vodafone did not seek to secure more TDD spectrum from BCP IV. BCP IV indicates that it carried out "*broad market engagement process*" to test interest in its spectrum and, while ComReg notes that Vodafone and BCP IV have proposed the spectrum transfer of 15 MHz in the 3.6 GHz band, ComReg observes that:

- this represents only a small amount of the BCP IV's 105 MHz of TDD spectrum rights which it sought to divest (i.e. comprised of 60 MHz in the 3.6 GHz Band, 15 MHz in the 2.6 GHz TDD Band and 40 MHz in the 2.3 GHz Band); and
- Vodafone did not avail of the opportunity to become the sole licensee in the 2.6 GHz TDD band, as noted by Eir where it states:

"Vodafone had the recent opportunity to become the single operator in the 2.6GHz TDD band. Vodafone chose not to engage with seeking to acquire the spectrum suggesting in reality, Vodafone perceives no material benefit in the concept of a single operator in a single TDD band with "full band control" that might create "TDD specific effects"."

3.40 Thirdly, focussing solely on TDD spectrum holdings, ComReg observes that Three, which has the least TDD spectrum of all three MNOs, did not raise this issue. The TDD spectrum holdings of each MNO are summarised below:

- Eir would hold 100 MHz of TDD spectrum in the 2.3 GHz Band and 85/80 MHz⁵⁶ in the 3.6 GHz Band, totalling 185/180 MHz⁵⁷ of TDD spectrum.
- Vodafone holds 105/85 MHz in the 3.6 GHz Band, and should the Proposed 3.6 GHz Band Transfer be approved it would bring this to be 105/100 MHz and 30 MHz in the 2.6 GHz TDD band totalling 135/130

⁵⁵ In the MBSA2 award, all 320 MHz the FDD spectrum available (in 700 MHz, 2.1 GHz and 2.6 GHz bands) was won by the Winning Bidders. As a percentage of the total 470 MHz of spectrum in the MBSA2 award, the 320 MHz of FDD spectrum represented 68% of the total spectrum in the MBSA2.

⁵⁶ Cities/other regions

⁵⁷ Of this spectrum ComReg observes that 10 MHz is a restricted block that can only operate 23 dB down from the remaining 90 MHz in the 2.3 GHz band.

MHz of TDD spectrum; and

- Three holds 100 MHz of TDD spectrum nationally in 3.6 GHz band.

- 3.41 Regarding Vodafone's submission that *"Full band control removes the need for in band synchronisation. This gives the licensee unilateral control over uplink/downlink ratios, frame patterns and latency profiles. Such unilateral flexibility does not exist in the 3.5 GHz band, where all operators must follow a common ratio under ComReg's framework."* ComReg notes that, given that all MNOs are likely to face similar up/down traffic profiles, it is not obvious why Eir would have a strong need to utilise different frame structures than other MNOs, and Vodafone has provided no supporting evidence.
- 3.42 Furthermore, even if there is some potential for this, ComReg observes that Vodafone is incorrect in saying that 3.6 GHz Band licensees must follow a common frame structure. The inter licensee synchronisation procedure provides that operators can use other frame structures but, in doing so, it is required to meet a restrictive block edge mask, which can be achieved by additional filtering and/or internalising guard bands so as not to interfere with adjacent users. While this is likely to result in a modest reduction in the usable bandwidth (circa 10 MHz), ComReg notes that both Vodafone and Three would have an additional 25/20 MHz TDD spectrum in the 3.6 GHz band respectively, compared to Eir post the Proposed Transfer.
- 3.43 Finally, should MNOs in the 3.6 GHz band consider that an alternative default frame structure is appropriate, ComReg would consider requests for changing the default frame structure for all licensees⁵⁸.
- 3.44 Regarding Vodafone's concern that Eir would have the *"ability to optimise TDD operation without cross operator constraints may allow significantly enhanced performance in capacity constrained or latency critical cells"*, ComReg observes that it is not clear what case Vodafone is referring to.
- 3.45 However, in a situation where Eir was to modify the frame structures for capacity constrained or latency critical cells, it is likely that Eir would have additional technical challenges and spectrum efficiency obstacles to overcome, for example Eir may need to create buffer zones around these chosen cells to prevent interference to other cells on the network using the frame structure that is more suited generally to mobile broadband services⁵⁹.

⁵⁸ See for example paragraphs 7.333 and 7.334 of ComReg Document 19/124 on "Updating Inter-operator Synchronisation Agreements"

⁵⁹ ComReg notes that it has not received any request from licensees to change from the default frame structure of LTE config 2 (or equivalent), where this provides for a typical downlink: uplink ratio of 3:1 as is commonly used for high speed mobile broadband.

Summary of ComReg's assessment of submissions

- 3.46 In light of the above, ComReg does not consider that the technical considerations raised by Vodafone would reasonably justify a Phase 2 assessment noting in particular that:
- (a) Vodafone did not provide any material evidence, by way of calculations, FDD /TDD comparisons or otherwise, to support its claims, even though it is a mobile network operator with both local and group resources and a 31-day period was provided for the submission of views on the Proposed Transfer;
 - (b) solely focusing on TDD spectrum ignores the overall spectrum holdings of each operator and suggests other spectrum blocks have little value in the provisioning of a mobile broadband network (e.g. in providing coverage and capacity). As discussed above, both FDD and TDD blocks can be used to provide the same services (e.g. 4G and 5G services) and evidence from MBSA2 award indicates that bidders considered the 2.3 GHz TDD, 2.6 GHz FDD and 2.6 GHz TDD bands to be substitutable, noting that Vodafone, Three and Eir each won spectrum in those bands;
 - (c) currently both Vodafone (with 355 MHz) and Three (with 350 MHz) have more spectrum than Eir (with 275 MHz). This additional spectrum aids Three and Vodafone in the provisioning of their mobile broadband network (e.g. in providing coverage and capacity) and at lower marginal costs of adding capacity than Eir as otherwise it would be logical for Three or Vodafone to transfer or return some of this additional spectrum to ComReg;
 - (d) the unilateral technical advantages in relation to Eir being the sole operator in the 2.3 GHz band, as posited by Vodafone, could also be achieved by the other MNOs should they decide to do so by changing the frame structure and internalising guard bands; and
 - (e) if TDD spectrum blocks and sole control of a TDD spectrum band are of such importance, then it is surprising that Vodafone did not seek to secure more TDD spectrum from BCP IV, noting that BCP carried out a "*broad market engagement process*", and that out of the 105 MHz of TDD spectrum in BCP IV's portfolio, only 15 MHz of 3.6 GHz TDD spectrum has been proposed as a spectrum transfer to Vodafone.

Chapter 4

4 Determination

4.1 This chapter outlines ComReg's determination and is structured as follows:

1. Assessment as to whether there is a clear risk of the Transferee not meeting the original licence conditions;
2. Competitive assessment; and
3. Conclusion.

4.1 Assessment as to whether there is a clear risk that Eir would be unable to meet the original conditions for the rights of use

4.2 Regulation 33(4)(c) of the ECC Regulations provides that (without prejudice to the need to ensure the absence of a distortion of competition) where the original conditions attached to the rights of use are maintained, ComReg shall not refuse a transfer of said rights unless there is a *"clear risk that the new holder is unable to meet the original conditions for the right of use"*.

4.3 In the present case, the key conditions attached to rights of use in the 2.3 GHz Band are summarised in Chapter 2 and are (i) Technical conditions (ii) Rollout Obligations and (iii) Quality of Service Obligations, as well as the payment of spectrum usage fees (SUFs).



Views of the Notifying Parties

4.4 In the Notification, the Notifying Parties submit that:

"eir has extensive experience of operating mobile networks including in the 2.3 GHz band and has, to date, met annual licence compliance assessments"

4.5 On 18 February 2026, ComReg sought further information from Eir to inform its assessment and Eir's non-confidential response of 19 February 2026 is set out in Annex 1.

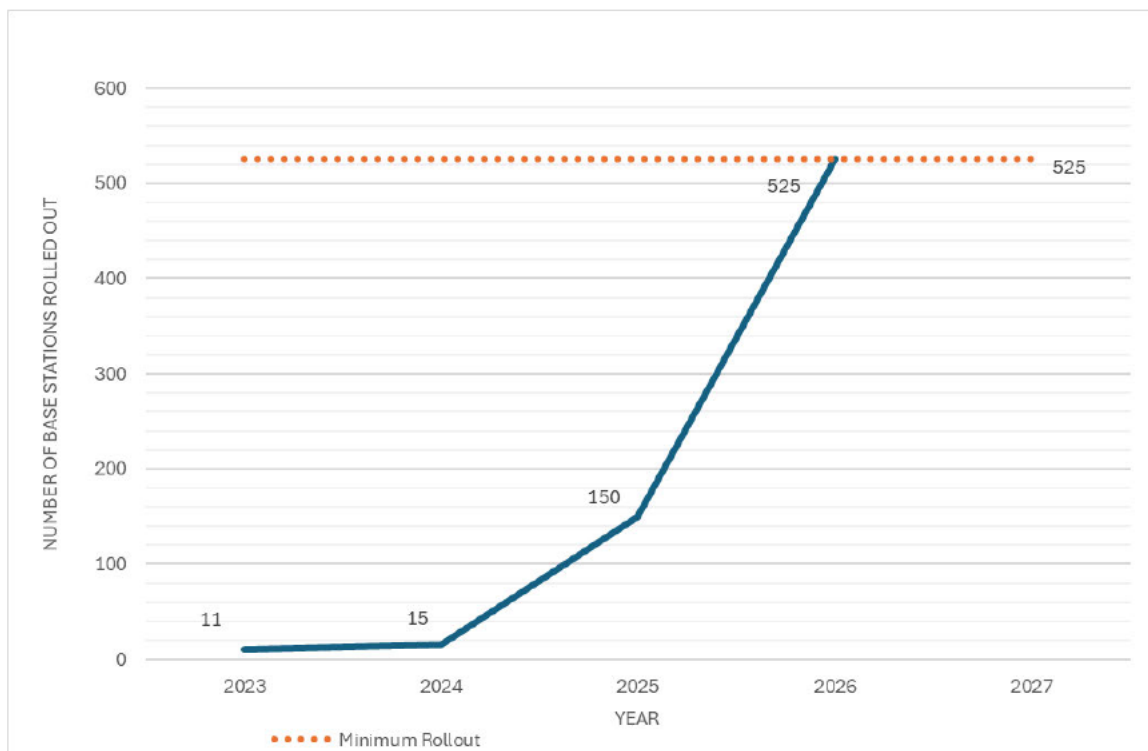
ComReg Assessment

4.6 Regarding the **Technical conditions**, ComReg observes that Eir intends to use standardised 3GPP equipment that is capable of operating in the band in accordance with said technical conditions. [CONFIDENTIAL: ✕ 


[REDACTED]

- 4.7 The relevant **rollout obligation** that Eir would need to achieve relating to the 2.3 GHz spectrum band (i.e. both the 60 MHz of spectrum rights currently held in Eir's licence and the additional 40 MHz the subject of the Proposed Transfer) would be to deploy and maintain a minimum of 525 base stations within 4 years of the earliest commencement date of a Spectrum Block in that band (i.e. by 20 January 2027).
- 4.8 Eir submits in its response of 19 February 2026 that it has achieved the rollout base station target of 525 base stations in the 2.3 GHz Band for its existing rights of use as of 18 February 2026 (as shown in Figure 3 below). Furthermore, Eir submits that [CONFIDENTIAL: [REDACTED]]

Figure 3: Number of base stations rolled out in the 2.3 GHz Band by Eir (Source: Eir's submissions to ComReg)



- 4.9 In relation to **Quality of Service** obligations ComReg observes that:
- these apply to all spectrum rights in a MBSA2 licence and thus are not specific to the 2.3 GHz band.
 - for the MBSA2 Quality-of-Service obligations, the most recent ComReg assessment on MWBB licence compliance (ComReg Document 26/02):
 - (i) assessed that for the period 20 January 2024 to 19 January 2025 all MBSA2 licensees, including Eir, complied with the dropped and blocked call

elements of their minimum voice call standard obligation (paragraph 5.12 of Document 26/02);

- (ii) stated that ComReg's assessment continues in relation to the transmission quality element of the voice call standard obligation for all MBSA2 Licensees (paragraph 5.13 of Document 26/02);
- (iii) assessed that as of Q1 2025, all MBSA2 licensees, including Eir, complied with their VoLTE obligation (paragraph 5.21 of Document 26/02); and
- (iv) stated that for the reporting period of ComReg 26/02, "*ComReg did not request submissions in relation to network availability for the MBSA1 or MBSA2 licences and hence did not assess licensees' compliance with their MBSA1 or MBSA2 network availability obligations for this Reporting Period.*" (paragraph 5.28 of Document 26/02).

- 4.10 In relation to payment of ongoing SUFs, ComReg observes that the SUF payment for the current year (i.e. 14 February 2026 to 13 February 2027) has already been paid, and the Notification makes it clear that post transaction the fees for the 40 MHz of 2.3 GHz band spectrum are to be provided for "*in accordance with the relevant licensing regulations as set out in Schedule 5 of the MBSA2 regulations*", the

Conclusion

- 4.11 In light of the above, ComReg does not consider there to be a clear risk that Eir would be unable to meet the original conditions for the rights of use proposed to be transferred.

4.2 Assessment of whether the Proposed Transfer would be likely to distort competition

- 4.12 By way of background, ComReg recalls that its guidelines for the determination of whether a spectrum transfer or lease would be likely to distort competition - as set out in Chapter 3 Document 24/86 - are to be interpreted and applied flexibly having regard to the specific circumstances of each case.⁶⁰ For example, a transfer or lease with *prima facie* greater potential to raise competition concerns (such as in terms of quantum of spectrum rights involved, the relative existing spectrum holdings of the notifying and other relevant parties before and following the proposed transfer or lease, and/or the duration of lease etc.), would likely involve a more exhaustive assessment of the matters identified in the guidelines, including a likely corresponding higher burden on the Notifying Parties in terms of the information required to inform such an assessment (e.g. demonstrating that any efficiency

⁶⁰ Paragraph 1.9 of Document 24/86.

benefits outweigh any negative effects⁶¹).

4.13 ComReg outlines its assessment⁶² below, under the following headings:

- Views of the Notifying Parties
- Market Definition
- Market Structure
- ComReg's assessment
- Conclusion

4.2.1 Views of Notifying Parties as to why the Proposed Transfer will not distort competition

4.14 In the general description of the Proposed Transfer the Notification states that:

“Eir intends to combine the transferred spectrum with its existing 2.3 GHz spectrum to support the provision of higher capacity mobile data services enhancing the competitive attractiveness of its services and to support the growth of eir’s retail and wholesale customer bases. Eir notes that if the transfer does not proceed the spectrum will not be utilised which is not an efficient use of the spectrum that was recently made available to the market through MBSA2 process.”

4.15 Later in the Notification, Eir provided the following rationale as to why the Proposed Transfer will not distort competition:

“eir considers that the proposed transaction will have a positive effect on competition in the markets. The transaction will assist in strengthening the retail and wholesale services eir offers in competition to Vodafone and Three (who have combined market share in excess of 70% for both subscribers and revenue). The additional spectrum offers the ability to support more customers with additional capacity and higher performing competitive services with additional speed and quality. The proposed transaction helps redress the historic spectrum imbalance between eir and the other mobile network operators. Post the proposed transaction eir would have access to 315 MHz of harmonised mobile spectrum compared to Vodafone with 355 MHz and Three with 350 MHz. eir notes that the acquisition of this quantum of additional spectrum would have been permitted within the MBSA2 competition spectrum caps. Given that the MBSA2 process only concluded recently in 2023 it must be assumed that a combined allocation below the caps should not raise any concerns regarding hoarding or reducing

⁶¹ Paragraph 3.40 of Document 24/86.

⁶² ComReg refers to the relevant criteria as outlined in the Procedures and Guidelines, where appropriate.

competition, particularly where the transferee does not have a position in the relevant mobile markets suggestive of market power.

BCP IV is not currently providing electronic communications services or making use of the MBSA2 licence at present in the market.

The proposed transfer will not create a risk of harmful radio interference as the spectrum is adjacent to eir only in the band and will be operated in accordance with the licence conditions and international harmonisation decisions.”

4.2.2 Market Definition

Procedures and Guidelines

4.16 As outlined in paragraph 3.7 of the Procedures and Guidelines:

“Having regard to established economic principles, relevant European Commission guidance [Footnote 17⁶³] and Irish and EU statutes and case law, ComReg will, where appropriate, seek to define the product or service and geographic scope of the relevant market(s) which may be impacted by all proposed Transfers or Leases which are notified to it. This provides a basis for deciding whether or not a Transfer or Lease would distort competition.”

Notifying Parties’ views

4.17 The Notifying Parties submit that the “*transfer is relevant to the retail mobile market and the wholesale mobile market in Ireland*”.

Third parties’ views

4.18 No third party expressed specific views regarding the appropriate market definition in their submissions.

ComReg’s assessment

4.19 By way of introductory context, ComReg recalls paragraph 3.9 of Document 24/86 which states:

“It is not always necessary to reach a firm conclusion on market definition - for example, where it is clear that the proposed spectrum transfer or lease is not likely to raise competition concerns on any

⁶³ Footnote 17 of the Procedures and Guidelines: “*European Commission (2024), ‘Commission Notice on the definition of relevant market for the purposes of Union competition law’, Official Journal C/2024/1645, 22/2/2024*”

reasonable definition of the market.”

- 4.20 Notwithstanding, it remains useful in present case to set out the likely relevant market/s, and the positions of relevant parties within same, prior to examining their spectrum holdings in that setting.
- 4.21 In that regard, ComReg recalls that the European Commission (“EC”) assesses the competitive effects of the accumulation of spectrum holdings in the context of mergers between mobile operators under the market definition of “*Retail supply of mobile telecommunication services*”. The market for the retail supply of mobile telecommunications services is the market on which Mobile Network Operators (“MNOs”)⁶⁴ and Mobile Virtual Network Operators (“MVNOs”)⁶⁵ sell voice, message and data services to end-customers via a mobile network.
- 4.22 In past merger decisions, the EC has typically used one of the following two market definitions for the purpose of analysing the **retail** market:
- the retail supply of mobile telecommunication services, including M2M⁶⁶; and
 - the retail supply of mobile telecommunication services, excluding M2M⁶⁷ due to the particular characteristics of the demand for and supply of these services⁶⁸.
- 4.23 More recent decisions refer to the latter retail market definition (i.e. excluding M2M) and ComReg refers to both potential retail market definitions in its analysis below.
- 4.24 In previous decisions, the EC did not further divide this market by type of customer (business or private customers), by type of service (post-paid or pre-paid), or by type of network technology (2G/GSM or 3G/UMTS). Indeed, in the EC’s determination of the Irish 2014 Three/O2 merger⁶⁹, the EC did not further divide the overall retail market by customer type, type of service or technology. Nonetheless, in light of Vodafone’s concerns regarding the provision of 5G services (see Chapter 3 above), ComReg will also examine the split of subscriptions by technology.
- 4.25 In relation to the **wholesale** dimension, ComReg observes that the EC has also

⁶⁴ A Mobile Network Operator (MNO) is a provider of mobile electronic communication services that owns and operates physical wireless infrastructure (e.g., mobile towers, spectrum).

⁶⁵ A Mobile Virtual Network Operator (MNO) is a provider of mobile electronic communication services that does not own or operate its own physical wireless infrastructure. MVNOs provide these services on the network of a host MNO.

⁶⁶ Machine to Machine (M2M) subscriptions in Ireland refer to active mobile subscriptions for direct communication between devices with minimal or no human intervention.

⁶⁷ See for example, M.10663 – Orange/VOO/Brut el , paragraph 131; M.10153 – Orange/Telekom Romania Communications, paragraph 22; M.9370 – Telenor/DNA, paragraph 39 to 42; M.9559 – Telef nica/Prosegur/Prosegur Alarnas Espa a paragraph 37; and M.8792 – T-Mobile NL/Tele2 NL, paragraph 223 and 224.

⁶⁸ The Commission also considered that Over-the-Top (“OTT”) services (e.g., instant messaging or voice over Internet Protocol (“VoIP”) applications), whether provided over Wireless Fidelity (“Wi-Fi”) or via mobile telecommunications data networks, were not part of the market for mobile telecommunications services, as OTT services rely on mobile telecommunications (data) services and/or fixed broadband services to function.

⁶⁹ European Commission “*HUTCHISON 3G UK / TELEFONICA IRELAND*” M.6992 [Link](#)

analysed mobile mergers in the context of wholesale access and call origination services on mobile networks⁷⁰.

4.2.3 Market Structure

Procedures and Guidelines

4.26 As outlined in paragraph 3.5 of the Procedures and Guidelines:

“Transfers or Leases are considered by assessing a number of factors, including amongst others:

- (i) The effect of the Transfer or Lease on market structure (both wholesale and retail)⁷¹;*
- (ii) Whether the Transfer or Lease would likely have an effect on the level of competition among existing competitors in the market. In this regard, both unilateral and coordinated effects are examined; and*
- (iii) Whether the Transfer or Lease would likely have an effect of leading directly to efficiency gains⁷² that cannot be realised by any means other than the Transfer or Lease.”*

Notifying Parties’ views

4.27 Eir stated that *“The transaction will assist in strengthening the retail and wholesale services eir offers in competition to Vodafone and Three (who have combined market share in excess of 70% for both subscribers and revenue).”*

Third parties’ views

4.28 No third party expressed specific views regarding the market structure in their submissions

ComReg’s assessment

4.29 Market shares and concentration levels provide useful indicators of the market structure and of the competitive importance of the Notifying Parties and their

⁷⁰ See for example the Irish 2014 Three/O2 merger or more recently M.8792 – T-Mobile NL/Tele2 NL paragraph 239.

⁷¹ This can, for example, involve reviewing whether the spectrum Transfer or Lease would give rise to changes in the number of market participants, their capacity to provide wireless electronic communications services or other services, their market shares for different services (e.g. data, voice, etc) and other factors.

⁷² A Transfer or Lease may lead to potential benefits to customers in terms of higher quality services and/or at lower prices (translated from the lower costs enjoyed by the Undertaking), which may outweigh any potential distortions to competition (see also, paragraphs 3.39-3.42 of the Guidelines in relation to efficiencies).

competitors. Below, ComReg sets out the market structure for each of the retail and wholesale markets.

Market structure - Retail

- 4.30 Ireland has approximately 6.5 million mobile subscribers excluding M2M, and 10.8 million when including M2M. For their mobile telecommunications needs, those subscribers rely on the services of one of Ireland's three MNOs (Vodafone, Eircom and Three) or one of the various MVNOs identified in the Tables below.
- 4.31 In that regard, at the retail level, for each retail market definition (see Table 4) and each market segment (See Table 5), ComReg observes that Eir has a lower market share than both Three and Vodafone. As shown in Table 4, Eir has the lowest market share at 24.2% (excl. M2M) and 14.6% (incl. M2M and MBB) of the three MNOs regardless of which market definition is used. Even for the segment in which Eir's share is largest (i.e. mobile subscriptions excluding M2M), it is still the smallest MNO.

Table 4: Share of subscribers of Irish Mobile Operators Q4 2025

	Retail (incl. M2M and MBB)		Retail (excl. M2M)	
	Subs	Share %	Subs	Share %
Three	5,386,432	49.7	1,842,550	28.4
Vodafone	2,925,927	27	2,114,970	32.7
Eir	1,579,993	14.6	1,567,764	24.2
Tesco Mobile	492,424	4.5	492,424	7.6
Lyca Mobile	182,745	1.7	182,745	2.8
Virgin	145,946	1.3	145,946	2.2
Sky	74,364	0.7	74,364	1.2
An Post	56,763	0.5	56,763	0.9
Totals	10,844,594	100	6,477,526	100

- 4.32 Furthermore, as identified in Table 5, Eir also has the lowest share of subscribers of the three MNOs across both 5G and 4G subscriptions (at [REDACTED] and [REDACTED], respectively), and MBB and M2M (at [REDACTED] and [REDACTED], respectively).

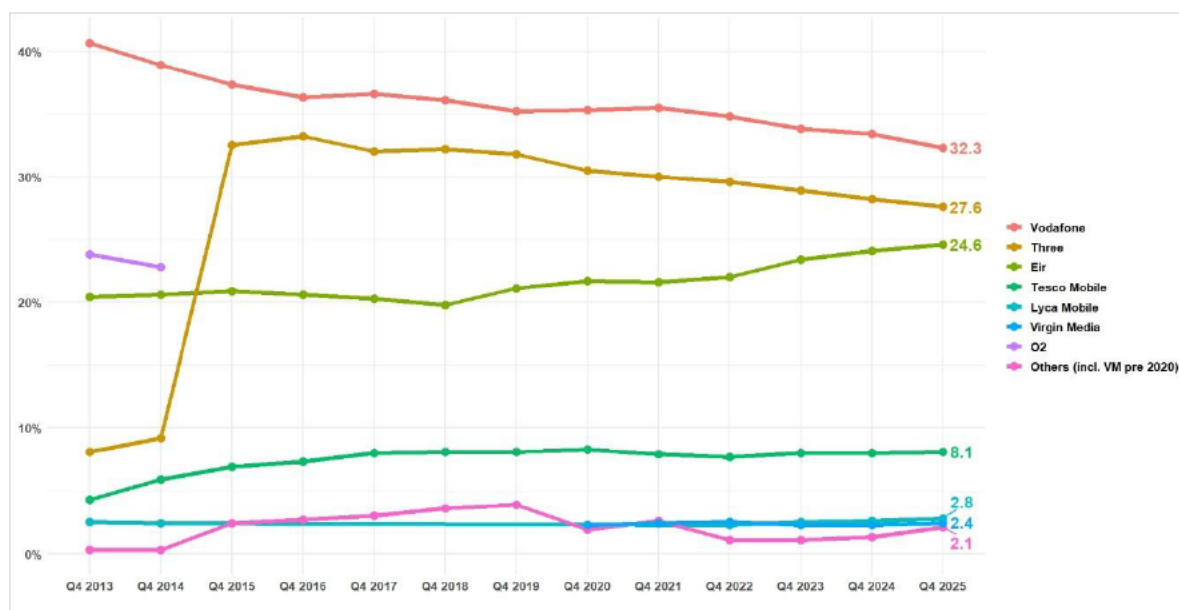
Table 5: Market segment by subscribers Q4 2025 [REDACTED]

	5G Subs	4G Subs	MBB	M2M
Three	[REDACTED]	[REDACTED]	162,177	3,543,882
Vodafone	[REDACTED]	[REDACTED]	147,402	810,957

Eircom Ltd	[REDACTED]	[REDACTED]	70,059	12,229
Lyca	[REDACTED]	[REDACTED]	14,303	0
Sky	[REDACTED]	[REDACTED]	0	0
An Post	[REDACTED]	[REDACTED]	0	0
Tesco	[REDACTED]	[REDACTED]	38	0
Virgin	[REDACTED]	[REDACTED]	0	0
Total	2,837,624	4,112,896	393,979	4,367,068

4.34 Eir has been slowly gaining subscriber market share in recent years, increasing from 20% (excl. M2M and MBB) to over 24% (excl. M2M and MBB). This growth followed a period of declining market share, which was reversed by the launch of GoMo in October 2019, which grew quickly and reached 400,000 subscriptions by October 2024⁷³.

Figure 4: Irish mobile operators market shares by subscriber (excl. M2M and MBB) Q4 2014 – Q4 2025



4.35 It should also be noted that these additions consist predominantly of low ARPU⁷⁴ users. In that regard, ComReg also observes that Eir has a lower market share (19%) in terms of retail mobile revenues⁷⁵ than that of Vodafone (39%) and Three (29%).

Market structure – Wholesale access

4.36 Operators without their own mobile network, i.e., virtual operators or MVNOs, can only provide competing retail services in Ireland if they first enter a wholesale mobile

⁷³ GoMo press release “Ireland’s first Digital-Only Mobile Provider Celebrates Five Years of Disruptive Innovation with more than 400,000 Happy Customers” [Link](#)

⁷⁴ ARPU is an industry term referring to the average revenue per user within a specific period.

⁷⁵ This includes revenue from MBB and M2M.

network access agreement, or MVNO agreement, with an MNO. At the wholesale level, all MNOs host at least one MVNO. Eir hosts only one MVNO, Lycamobile, while Three and Vodafone host two MNOs each. Eir is the second largest wholesale mobile provider; however, until relatively recently Eir had no wholesale agreements, and its share of the wholesale market is less than a third of Three's.

Table 6: Share of hosted subscribers for Irish MNOs

Host Network	MVNO	Aggregate subscriptions	
		Subs	Share %
Three	Tesco, Virgin Mobile	638,370	67%
Vodafone	An Post, Sky Mobile	131,127	13.7%
Eir	Lycamobile	182,745	19.2%

4.2.4 ComReg's Assessment

4.37 Before assessing the likely competitive effects of the Proposed Transfer, ComReg first examines the effect on the relative spectrum holdings of the MNOs, which in turn requires an assessment of the substitutability between the 2.3 GHz Band and other relevant bands. Consequently, this section is divided into the following 5 sections:

- the substitutability between 2.3 GHz Band and other bands;
- spectrum holdings between MNOs pre- and post-Proposed Transfer;
- the MBSA2 Overall Competition Cap;
- the likely impact on competition (examination of unilateral and coordinated effects); and
- efficiencies.

i. Substitutability between 2.3 GHz band and other bands

Procedures and Guidelines

4.38 As outlined in paragraphs 3.14 and 3.15 of the Procedures and Guidelines:

“Any assessment of the effects of a proposed spectrum trade on market concentration, pre and post Transfer or Lease, should include an assessment of the extent to which different spectrum bands or rights of use can be employed to provide substitutable services to end-users, or to other Undertakings in the context of wholesale arrangements, while comparing the differing costs of providing the same service using different spectrum bands or rights of use.

ComReg may assess the concentration of spectrum holdings across

substitutable bands (rather than market shares or turnover which are unlikely to immediately change as a result of a Transfer or Lease). Any assessment would need to ensure that the bands being compared are in fact comparable. Assessments would be carried out in a flexible manner and on a case-by-case basis and also consider the extent to which pre and post Transfer or Lease that the two parties are able to provide services across their entire spectrum holdings.”

Notifying Parties’ views

- 4.39 The Notifying Parties did not provide specific views regarding the substitutability of bands in their submissions.

Third parties’ views

- 4.40 No third party expressed specific views regarding the substitutability of bands in their submissions

ComReg’s assessment - substitutability between 2.3 GHz band and other bands

- 4.41 ComReg most recently assessed the substitutability of MWBB spectrum bands in the MBSA2, where it determined that the 2.3 GHz Band was substitutable with other neighbouring bands being made available in the award (i.e. 2.1 GHz and 2.6 GHz bands).
- 4.42 In addition, for the MBSA2 award ComReg determined that no band specific competition cap was necessary for any individual band. While the issue of a separate competition cap for the 2.3 GHz band was not proposed or assessed during the MBSA2 award, it is notable that ComReg assessed the potential for a 2.1 GHz band specific cap, and assessed that the arguments for it were not particularly convincing, given among other things the availability of alternative substitutable spectrum in the 2.3 GHz and 2.6 GHz bands.⁷⁶
- 4.43 ComReg is not aware of any material change in relevant factors since the MBSA2, that would affect this view, noting that:
- **Propagation** – the 2.1 GHz, 2.3 GHz and 2.6 GHz bands all have comparable propagation characteristics and are capable of providing additional capacity (or coverage).⁷⁷

⁷⁶ ComReg Document 19/124, paragraphs 6.226 to 6.232

⁷⁷ Document 19/124 paragraph A 6.66

- **Technology** –the neighbouring bands such as the 2.1 GHz and 2.6 GHz bands can be used to provide 5G and LTE⁷⁸.
- **Harmonisation status:** the 2.1 GHz, 2.3 GHz and 2.6 GHz bands are all bands with harmonised technical conditions, although the 2.3 GHz Band is harmonised at a ECC level and while the 2.1 GHz and 2.6 GHz bands are harmonised at both an ECC and EC level.
- **Handsets** – In ComReg Document 20/122, ComReg found that the 2.3 GHz band was widely supported among smartphones and had 10,043 devices supporting Band 40, up from 6,276 devices available.⁷⁹ As of Q1 2026, this has increased to 11,048 4G devices for Band b40 and there is also 1,927 5G devices for band n40⁸⁰

4.44 Further, while detailed MBSA2 bidding information is not published for confidentiality reasons, the results of the MBSA2 Auction (as set out in ComReg Document 22/105) indicated that there was significant competition in the 2.3 GHz, 2.6 GHz FDD and 2.6 GHz TDD bands and that Bidders made extensive use of the auction features which allowed for switching and competition across these substitutable bands.⁸¹

4.45 In relation to the spectrum bands not included in the MBSA2 award, ComReg observes that the 1.8 GHz band is likely to be considered a substitutable band to the 2.3 GHz band, as it shares very similar characteristics in terms of propagation characteristics, technology (noting that the 1.8 GHz band is currently used to provide 4G and 5G services as well as 2G services), harmonisation status (noting the 1.8 GHz band is also harmonised for MWBB services via an EC Decision⁸²); and handset availability (where there are 19,667 4G devices for band b3 and 2,676 5G devices for band n3).⁸³

4.46 Further, in relation to the 3.6 GHz band, ComReg observes that this band is also likely to be considered a substitutable band to the 2.3 GHz band given:

⁷⁸ Document 19/124 paragraph 4.102

⁷⁹ Document 20/122

⁸⁰ See [Devices - GSA GAMBoD](#) (accessed Q1 2026)

⁸¹ Paragraph 3 3rd bullet of ComReg Document 22/105

*“There was significant competition for the 2.3 GHz, 2.6 GHz FDD and 2.6 GHz TDD bands where the Auction continued for fifty Primary Bid Rounds. The Auction rules provided strong incentives to compete for additional spectrum and **Bidders made extensive use of the Auction features which allowed for switching and competition across these substitutable bands.** All but 5 MHz of spectrum rights in the 2.6 GHz band were acquired.” (emphasis added)*

⁸² Commission Decision [2008/411/EC](#) on the harmonisation of the 3400 - 3800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community - [Implementation table](#) (23/10/2012) as amended

⁸³ See [Devices - GSA GAMBoD](#) (accessed Q1 2026)

- its similarities in terms of propagation characteristics, technology (noting that the 3.6 GHz band is currently used to provide 5G services), harmonisation status (noting the 3.6 GHz band is also harmonised for MWBB services via an EC Decision⁸⁴); and handset availability (where there are 2,884 5G devices for band n77 (i.e. the 3300 – 4200 MHz frequency range) and 3,257 5G devices for band n78 (i.e. 3300 – 3800 MHz frequency range)⁸⁵
- Vodafone’s submission where it claims that two substantial TDD holdings in the 2.3 GHz and 3.6 GHz bands would enable Eir to have sustained advantages in 5G capacity and latency relative to competitors.

4.47 Therefore, for the purpose of this Proposed Transfer, ComReg considers that the 1.8 GHz, 2.1 GHz, 2.6 GHz and 3.6 GHz bands are all sufficiently substitutable bands to the 2.3 GHz band (i.e. the Supra-1 GHz bands).

ii. Spectrum holdings pre- and post-transfer

Procedures and Guidelines

4.48 As outlined in paragraph 3.16 of the Procedures and Guidelines:

“ComReg will assess the potential effects of any proposed Transfer or Lease on the concentration of spectrum holdings having regard to a number of considerations, including:

- *Cost advantages for Undertakings with larger (or more suitable) spectrum holdings and cost disadvantages for Undertakings with smaller (or less suitable) spectrum holdings;*
- *Increased capacity for Undertakings with larger spectrum holdings and relative capacity constraints for undertakings with smaller holdings;*
- *Ability of holders of larger quantity of spectrum rights to provide specific services (e.g. with faster speeds) versus holders of smaller quantity of spectrum rights; and*
- *Whether any relevant spectrum right of use is being used efficiently.”*

Notifying Parties’ views

4.49 Eir noted that:

⁸⁴ Commission Implementing Decision (EU) 2022/173 on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing electronic communications services in the Union

⁸⁵ See [Devices - GSA GAMBoD](#) (accessed Q1 2026)

“Eir intends to combine the transferred spectrum with its existing 2.3 GHz spectrum to support the provision of higher capacity mobile data services enhancing the competitive attractiveness of its services and to support the growth of eir’s retail and wholesale customer bases. Eir notes that if the transfer does not proceed the spectrum will not be utilised which is not an efficient use of the spectrum that was recently made available to the market through MBSA2 process..”

Third parties’ views

- 4.50 No third party expressed specific views regarding spectrum holdings pre- and post-transfer in their submissions (noting that Vodafone’s concerns regarding the 2.3 GHz Band are considered earlier in this section and in Chapter 3).

ComReg’s assessment

- 4.51 In relation to the “*relevant spectrum rights of use being used efficiently*” use of spectrum, ComReg observes that relative to the current situation (where the relevant spectrum rights are not being used by BCP IV or leased to Imagine) the Proposed Transfer should result in the relevant rights being more efficiently used noting Eir’s view that it “*intends to combine the transferred spectrum with its existing 2.3 GHz spectrum to support the provision of higher capacity mobile data services enhancing the competitive attractiveness of its services and to support the growth of eir’s retail and wholesale customer bases*”.
- 4.52 In relation to the pre- and post-transfer spectrum holdings, Table 7 below sets out the spectrum holdings pre- and post-transfer of the three MNOs, both overall and for the Supra-1 GHz bands (i.e. the 1.8 GHz, 2.1 GHz, 2.3 GHz, 2.6 GHz and 3.6 GHz bands).

Table 7: Spectrum holdings (Supra-1 GHz and overall) pre- and post-Transfer for MNOs asymmetry between largest and smallest MNO

	Spectrum	Eir	Three	Vodafone	Asymmetry to largest spectrum holdings	Asymmetry (%)
Current (Pre-Transfer)	Overall	275	350	355	80	8.2%
	Supra-1 GHz	215	280	295	80	10.1%
Post-Transfer	Overall	315	350	355	40	3.9%
	Supra-1 GHz	255	280	295	40	4.8%

- 4.53 Currently Eir (with 275 MHz overall and 215 MHz in Supra-1 GHz) is the MNO with the least MWBB spectrum holdings and the relative asymmetry to Vodafone (i.e. the

MNO with the largest MWBB spectrum band holdings) is 80 MHz both overall and for Supra-1 GHz spectrum (or an asymmetry of 8.2% overall and 10.1% for Supra-1 GHz spectrum).

- 4.54 Post-transfer, while the spectrum asymmetry between largest and smallest MNO would reduce as a result of the Proposed Transfer, Eir would still have the least spectrum of any MNO at 315 MHz overall and 255 MHz for Supra-1 GHz spectrum, and the relative asymmetry to Vodafone (i.e. the MNO with the largest MWBB spectrum band holdings) would be 40 MHz both overall and for Supra-1 GHz spectrum (or an asymmetry of 3.9% overall and 4.8% for Supra-1 GHz spectrum).
- 4.55 The efficient use of the additional spectrum rights of use from the Proposed Transfer would deliver benefits to Eir, through a reduction in the marginal cost of additional network capacity (i.e. additional spectrum reduces the need to add network infrastructure to achieve a given overall capacity). Among other things, this additional network capacity allows Eir to provide higher throughput mobile data services etc and/or increase its subscriber base without compromising the quality of service.
- 4.56 However, when viewed in the context of the post-transfer spectrum distribution across relevant bands, Eir would continue to hold the smallest spectrum holdings among all MNOs (as described above), and these holdings would be unlikely to give rise to any distortion of competition. Moreover, these benefits, under current circumstances, are likely to improve competition because they provide consumers with an enhanced service experience and also provide incentives for Three and Vodafone to respond by delivering equivalent or improved benefits using their larger spectrum holdings.

iii. The MBSA2 Overall Competition Cap

Notifying Parties' views

- 4.57 Eir submits that:

“Given that the MBSA 2 process only concluded recently in 2023 it must be assumed that a combined allocation below the caps should not raise any concerns regarding hoarding or reducing competition, particularly where the transferee does not have a position in the relevant mobile markets suggestive of market power.”

Third parties' views

- 4.58 No third party expressed specific views regarding the MBSA2 Overall Competition Cap in their submissions.

ComReg's assessment

- 4.59 ComReg considers that the MBSA2 Overall Competition Cap may be informative

as another means by which to consider whether the Proposed Transfer would be likely to raise competition concerns.⁸⁶

4.60 In that regard, all relevant existing rights of use held in other licences and any obtained in the MBSA2 (i.e. spectrum rights in 700 MHz, 800 MHz, 900 MHz, 1800 MHz, 2.1 GHz, 2.3 GHz, 2.6 GHz and 3.6 GHz Bands) were included in the MBSA2 Overall Competition Cap, which was designed to prevent extreme asymmetric outcomes which could negatively impact competition.

4.61 As noted in Chapter 2, ComReg set the MBSA2 Overall Competition Cap at 375 MHz as this would:

“compared to alternative caps within the 380 – 420 MHz range, better guard against distortions to competition arising from extreme asymmetries in post-award spectrum holdings, particularly in light of:

(i) the current (post-Merger) MNO market structure, including the risk of the MNO with the smallest spectrum holding [Eir] not being able to effectively compete, thereby leading to the possible creation of an effective duopoly; and

(ii) the significant potential for non-MNO bidders to acquire spectrum in the Proposed Award and thereby exacerbate the level of asymmetry between Three and Eir post-award.”⁸⁷ (emphasis added)

4.62 The MBSA2 Overall Competition Cap therefore provides an additional, informative (and conservative) basis for considering the competitive effects of spectrum holdings for this Proposed Transfer as:

- in relation to the first factor (i.e. *a risk of the MNO of the smallest spectrum holdings not being able to effectively compete*) this does not arise in the Proposed Transfer as it entails an increase of the spectrum for the MNO with the smallest spectrum holdings (i.e. Eir), relative to the other MNOs;
- in relation to the second factor, the two non-MNOs bidders who have previously acquired spectrum in MWBB spectrum bands have either exited the market (i.e. Dense Air)⁸⁸ or have taken a strategic decision to move away from the need to acquire and use spectrum for the provision of their

⁸⁶ Whilst clearly recognising that the MBSA2 Overall Competition Cap was decided upon at end-2020 and also expressly stated to only apply during the award.

⁸⁷ Paragraph 244 ComReg 20/122

⁸⁸ Dense Air surrendered returned its spectrum rights in the 3.6 GHz band with effect from 31 July 2024

services (i.e. Imagine)⁸⁹; and

- additionally, the MBSA2 Overall Competition Cap would have permitted any individual bidder to win the entirety of the 2.3 GHz Band (noting that interested parties did not raise concerns in respect of such an outcome during the consultation process).

Conclusion

- 4.63 ComReg observes that Proposed Transfer would not result in Eir (with 315 MHz in overall spectrum holdings post-transfer – see Table 7 above) exceeding the 375 MHz level set for the MBSA2 Overall Competition Cap.

iv. The likely impact on competition (examination of unilateral and coordinated effects)

Procedures and Guidelines

- 4.64 As outlined in paragraph 3.5 of the Procedures and Guidelines:

“Transfers or Leases are considered by assessing a number of factors, including amongst others:

- ii. Whether the Transfer or Lease would likely have an effect on the level of competition among existing competitors in the market. In this regard, both unilateral and coordinated effects are examined.*

- 4.65 In this section, ComReg considers each of these potential effects in turn.

Unilateral effects

Procedures and Guidelines

- 4.66 As outlined in paragraphs 3.22-3.24 of the Procedures and Guidelines:

“ComReg shall consider whether a proposed spectrum Transfer or Lease would strengthen any Undertaking’s position in a market to such extent as to allow it to act more independently of its competitors than it could otherwise do. For example, if a spectrum Transfer or Lease resulted in such significant cost advantages or quality of service advantages for one undertaking or in such a concentration of spectrum held by one undertaking, which increased the undertaking’s market power to such extent that it could largely ignore the

⁸⁹ Imagine is currently removing its need for MWBB spectrum rights by retiring its fixed wireless services network and migrating its customers to fibre and 5G services. See “about us” page on Imagine’s website). BCP IV is currently in the process of divesting its MWBB spectrum rights.

reactions of its competitors and/or customers to actions on its part such as profitability increasing its prices by a small but significant amount, then that would constitute a unilateral effect of the spectrum transfer or lease.

ComReg will assess whether any increased spectrum holding, post-Transfer or Lease, would likely give an Undertaking the ability and incentive to increase its prices (or reduce its output) without concern as to the reactions of its competitors and/or customers. ComReg will consider both the short-term and the long-term effects of a proposed Transfer or Lease. The long-term horizon is relevant, in particular, if spectrum acquired through a Transfer or Lease is likely to lead to a significant long term cost advantage for the acquiring Undertaking over its competitors.

ComReg's assessment of an Undertaking's ability and incentive to increase its prices will consider a range of factors including the following:

- The ability of the Undertaking's competitors to compete effectively with it, post-Transfer or post-Lease;*
- The likelihood of new market entry;*
- The likelihood of new spectrum bands becoming available;*
- The ability of the Undertaking's customers to react to a price increase by switching to a competitor; and*
- whether there are any strong customers or groups of customers that can constrain the pricing behaviour of the Undertaking (countervailing buyer power)."*

Notifying Parties' views

- 4.67 The Notifying Parties stated that the Proposed Transfer would increase competition, by increasing Eir's ability to compete with other MNOs stating that: *"The additional spectrum offers the ability to support more customers with additional capacity and higher performing competitive services with additional speed and quality."*⁹⁰

Third parties' views

- 4.68 As discussed earlier, Vodafone raised competition concerns in relation to Eir acquiring the entirety of the 2.3 GHz band, which Vodafone stated could provide Eir with certain technical benefits (e.g., 5G capacity and latency) and consequently a competitive advantage.

⁹⁰ Notification page 3.

ComReg's assessment

4.69 Before setting ComReg's conclusion of the ability of Eir's competitors to compete effectively with it, post-Transfer, set out below are ComReg's views on

- (a) The likelihood of new market entry;
- (b) The likelihood of new spectrum bands becoming available
- (c) Whether there are any strong customers or groups of customers that can constrain the pricing behaviour of the Undertaking (countervailing buyer power)

(a) The likelihood of new market entry

4.70 Competition authorities, including the European Commission, have consistently found that barriers to entry in mobile markets are high and persistent. For example, in the 2014 Three/O2 Merger, the European Commission noted that *"Given the already high penetration rate, a new market entrant would have to grow a sufficiently large subscriber base almost exclusively based on customer churn from existing operators. This means that although it would need to incur significant upfront investment costs to build a new network, it could recuperate those investments only more slowly."* Ultimately, the European Commission concluded that *"..it is unlikely that a new player will enter the market as an MNO in the next two to three years.."*

4.71 ComReg notes that this characterisation still broadly applies to the Irish market.⁹¹ Furthermore, to impose a competitive constraint any potential entrant would need to acquire the right quantum and mix of spectrum to enter the Irish market, and to do so in a relatively short space of time (2-3 years). However, as outlined below, the right quantum and mix of spectrum for any such new entry is not likely to be available until the next awards, noting the expiry of MBSA1 licences (800 MHz, 900 MHz and 1800 MHz) in July 2030 and 3.6 GHz band licences in July 2032.

4.72 Accordingly, this factor does not appear likely be a relevant competitive constraint in present case.

(b) The likelihood of new spectrum bands becoming available

4.73 With regard to the likelihood of new spectrum bands becoming available, ComReg firstly observes that currently there is 80 MHz of unassigned spectrum in the MWBB spectrum bands (see Table 3) which is double the 40 MHz of relevant spectrum in the Proposed Transfer.

⁹¹ Ireland is an even more mature market now, with penetration rate of 110% as of Q2 2025 (based on latest CSO population estimates from April 2025 ([link](#)), and ComReg QKDR data for Q2 2025).

- 4.74 Secondly, with the expiry of the existing MBSA1 licences in July 2030 (i.e. 4 years from now) and the existing 3.6 GHz Band licences in July 2032 (i.e. 6 years from now) this will make 630 MHz of spectrum available for re-award (i.e. 280 MHz of spectrum in the 800 MHz, 900 MHz and 1800 MHz bands and 350 MHz of spectrum in 3.6 GHz band). This is a substantially larger amount of spectrum than the 40 MHz subject to the Proposed Transfer.
- 4.75 Furthermore, ComReg observes that spectrum in other harmonised bands, such as the 1.4 GHz band⁹², may also become available over time⁹³.
- 4.76 Therefore, to the extent that Eir's competitors may wish to obtain more spectrum rights to address any perceived advantages accruing to Eir from the Proposed Transfer, then the above rights would be relevant in this regard.

(c) Whether there are any strong customers or groups of customers that can constrain the pricing behaviour of the Undertaking (countervailing buyer power)

- 4.77 In the 2014 Three/O2 Merger, the European Commission determined that there was:

“no appreciable countervailing buyer power to exercise competitive pressure on the MNOs to offset the expected adverse effects of the merger....

In the retail mobile telecommunications services markets, individual customers, including business customers, do not have sufficient size and commercial significance to bargain prices.....

As regards the wholesale market for mobile access and call origination, at present MVNOs have only a negligible number of subscribers in Ireland and MNOs do not appear to rely on revenue from MVNOs to any significant extent.”

- 4.78 ComReg observes that this characterisation still broadly applies to the Irish market.⁹⁴

⁹² Commission Implementing Decision (EU) 2018/661 amending Implementing Decision (EU) 2015/750 on the harmonisation of the 1452-1492 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union as regards its extension in the harmonised 1427-1452 MHz and 1492-1517 MHz frequency bands. Implementation table (15/01/2020).

⁹³ Paragraph 4.4, bull (ix) of ComReg Document 24/99a “ComReg’s work plan items for MFCN for the period 2025 – 2028 are to” “(ix) Consult, towards the middle of the 2025-2028 period, on spectrum for MFCN/WBB use. Such a consultation would, among other things, consider the expiry of MBSA1 licences in 2030 and the multiple harmonised spectrum bands for MFCN/WBB use. Spectrum in the 1.4 GHz and 42 GHz bands would be considered and perhaps spectrum in the 26 GHz band should clear evidence of demand emerge.”

⁹⁴ For example:

- the approximately 6 million mobile subscriptions (excluding M2M) are comprised mostly of normal consumers with unit demand, with most adults having one mobile phone subscription. Even the few exceptions, typically larger Government organisations or businesses, would individually account for a small share of the market; and
- In relation to M2M, while only a small number of companies account for a large share of M2M

4.79 Accordingly, this factor does not appear likely to be a relevant competitive constraint in the present case.

The ability of the Undertaking's competitors to compete effectively with it, post-Transfer or post-Lease

4.80 Given the material discussed above and summarised below, ComReg considers that the Proposed Transfer would be unlikely to distort competition by strengthening Eir's position in the market to such an extent as to allow Eir to act more independently of its competitors than it could otherwise do such as to provide it the ability and incentive to profitably increase prices or reduce output without concern for the reaction of competitors and/or customers, for any potential market definition.

- (a) First, as noted in Section 4.3.3, Eir is the **smallest MNO** across different potential retail market definitions and segments of same, and in the wholesale segment its share is less than a third of Three's.
- (b) Second, while the Proposed Transfer would result in Eir holding all 100MHz spectrum rights in the 2.3 GHz Band, this band is sufficiently substitutable with spectrum rights in Supra-1 GHz bands held by the MNOs (i.e. the 1.8 GHz, the 2.1 GHz, the 2.6 GHz and the 3.6 GHz bands).
- (c) Third, and for the reasons outlined in Chapter 3, ComReg is of the view that the technical considerations raised by Vodafone do not warrant a full phase 2 investigation.
- (d) Fourth, when viewed in that context, the 40 MHz of spectrum rights the subject of the Proposed Transfer accounts for around 2.7% of the total amount of MBB spectrum currently assigned to mobile operators in Ireland.
- (e) Fifth, of the MNOs, Eir currently holds the smallest amount of spectrum rights for both Supra-1 GHz and overall.
 - (i) For Supra-1 GHz spectrum Eir currently has 215 MHz of spectrum, 80 MHz less than Vodafone and 65 MHz less than Three (an asymmetry of 10.1%); and
 - (ii) For overall spectrum, Eir currently have 275 MHz of spectrum, 80 MHz less than Vodafone and 75 MHz less than Three (an asymmetry of 8.2%).
- (f) Sixth, post-transfer Eir would **still** have the smallest amount of MWBB spectrum of the three MNOs for both Supra-1 GHz and overall.

subscriptions, supply is far more concentrated with two MNOs account for 99% of the 4.3 Million subscriptions (ComReg QKDR Q4 2025 [Link](#))

- (i) For Supra-1 GHz spectrum, Eir would have 255 MHz of spectrum, 40 MHz less than Vodafone and 25 MHz less than Three (an asymmetry of 4.8%); and
 - (ii) For overall spectrum, Eir would have 315 MHz of spectrum, 40 MHz less than Vodafone and 35 MHz less than Three (an asymmetry of 3.9%).
- (g) Seventh, and whilst noting that the MBSA2 Overall Competition Cap only applied for the duration of the award and is not determinative in this case, Eir's post-transfer spectrum holdings would not exceed the 375 MHz competition cap.

Conclusion on Unilateral Effects

4.81 In light of the above, the Proposed Transfer would be unlikely to materially affect the ability of Eir's larger competitors to continue to compete effectively with it and, therefore, Irish mobile users would continue to be able to react to any price increase by Eir by switching to said competitors.⁹⁵

Coordinated Effects

Procedures and Guidelines

4.82 As outlined in paragraph 3.5 of the Procedures and Guidelines:

“Transfers or Leases are considered by assessing a number of factors, including amongst others:

- ii. Whether the Transfer or Lease would likely have an effect on the level of competition among existing competitors in the market. In this regard, both unilateral and coordinated effects are examined.*

4.83 As outlined in paragraphs 3.26 and 3.28 of the Procedures and Guidelines:

“ComReg's assessment of the coordinated effects of any proposed spectrum Transfer or Lease would consider whether the Transfer or Lease would increase the ability and/or incentivise undertakings to engage in tacit or explicit collusion. The factors which ComReg shall consider include:

- Whether the Transfer or Lease has an impact on transparency in the market;*
- The availability of a punishment mechanism; and*

⁹⁵ In Q4 2025 alone, over 113,056 mobile users ported number. Source: ComReg QKDR Q4 2025

- *Barriers to entry.*

...

ComReg's assessment would focus on whether the Transfer or Lease may result in more symmetric cost structures and capacities among competitors and/or a reduction in product or service differentiation, which may be conducive to tacit or explicit collusion."

Notifying Parties' views

- 4.84 The Notifying Parties did not express a view regarding coordinated effects.

Third parties' views

- 4.85 Third parties did not express any views regarding coordinated effects.

ComReg's assessment

- 4.86 As identified earlier, the likelihood of new entry does not appear likely to be a relevant competitive constraint in present case.

- 4.87 Nevertheless, ComReg considers that the Proposed Transfer would be unlikely to distort competition by increasing the conditions that could facilitate coordination between the MNOs:

- (a) First, neither BCP IV or ICI ever supplied mobile services (i.e. the market in which MNOs and MVNOs sell voice, message and data services to end customers via a mobile network). Consequently, the exit of BCP as a licensee is not in itself a change in market structure. Indeed, the structure of the market, including the number of rival competitors is not materially affected by the Proposed Transfer.
- (b) Second, as noted above (e.g. Para 4.55) the Proposed Transfer should provide Eir with benefits allowing it to improve its service offering and/or increase its subscriber base without compromising its quality of service. Consequently, the Proposed Transfer should provide Eir with an increased incentive to compete against any possible coordinated behaviour of Vodafone or Three, reducing the incentive for Vodafone and Three to engage in any such coordinated behaviour.
- (c) Relatedly, the incentives for bipartite coordinated behaviour between Eir and one of Vodafone or Three are weakened by Eir having a greater ability and incentive to win market share owing to the benefits provided to Eir from the Proposed Transfer. Similarly, coordination among all three operators would be difficult to sustain because Eir would retain a clear incentive to deviate

and expand its market share and the Proposed Transfer does not remove this incentive.⁹⁶

- (d) Third, the spectrum holdings of the MNOs differ in specific spectrum bands (e.g. Three has 10 MHz more 900 MHz spectrum than the other MNOs, Vodafone and Three have 70 MHz of 2.6 GHz FDD spectrum while Eir has none, etc.) meaning that the MNOs will likely dimension their networks differently (as evident from Table 3 above on the number of licensed sites) to best take advantage of their specific spectrum holdings and their customers' demands.
- (e) Fourth, assuming broadly similar costs, ComReg observes that Eir has a smaller customer base and mobile revenues over which to apportion said costs. Therefore, while overall MWBB spectrum asymmetry would be reduced with the Proposed Transfer, this of itself appears unlikely to sufficiently increase symmetry in cost structures among the MNOs so as to incentivise coordination.
- (f) Fifth, the Proposed Transfer would not appear likely to materially affect transparency in the market allowing competitors to detect and punish defection. In the potential retail market(s), which accounts for the majority of mobile ECS revenues, prices are posted publicly both on MNOs' own websites and on price comparison websites.
- (g) Finally, the Proposed Transfer would not impact Three's or Vodafone's network capacity or deployment.

iv. Efficiencies

Procedures and Guidelines

4.88 As outlined in paragraph 3.5 of the Procedures and Guidelines:

“Transfers or Leases are considered by assessing a number of factors, including amongst others:

..... iii. Whether the Transfer or Lease would likely have an effect of leading directly to efficiency gains [Footnote 16⁹⁷] that cannot be

⁹⁶ More generally, greater spectrum holdings may give Eir an enhanced ability to engage in punishment strategies (such as price cuts to discipline other operators deviating from a tacitly or explicitly coordinated retail market outcome), but this goes hand-in-hand with it having a stronger incentive to compete absent coordinated behaviour and the overall impact on the incentives and ability of competitors to coordinate needs to be assessed on a case by case basis.

⁹⁷ [Footnote 16] *“A Transfer or Lease may lead to potential benefits to customers in terms of higher quality services and/or at lower prices (translated from the lower costs enjoyed by the Undertaking), which may outweigh any potential distortions to competition (see also, paragraphs 3.39-3.42 in relation to efficiencies).”*

realised by any means other than the Transfer or Lease.”

Notifying Parties’ views

4.89 The Notifying Parties stated that the Proposed Transfer would increase competition, by increasing Eir’s ability to compete with other MNOs stating that:

“The additional spectrum offers the ability to support more customers with additional capacity and higher performing competitive services with additional speed and quality.”⁹⁸

ComReg’s assessment

4.90 Ultimately, it is unnecessary to assess whether any efficiencies arise as a result of the Proposed Transfer, as no likely competitive concerns have been identified.

4.2.5 Conclusion on competitive effects

4.91 For the reasons outlined above, ComReg considers that the Proposed Transfer would not be likely to distort competition.

4.3 Conclusion

4.92 For the reasons outlined above, ComReg considers that

- the Proposed Transfer would not be likely to distort competition;
- there is not a clear risk that the transferee would be unable to meet the original licence conditions; and
- the Proposed Transfer may be put into effect from 02/04/2026.

⁹⁸ Notification page 3.

Annex 1: Non-confidential submissions



Three Ireland (Hutchison) Limited.
Registered Office:
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16th January 2026

Market Framework Division
Commission for Communications Regulation
One Dockland Central
Guild Street, Dublin 1
D01 E4X0.

Dear Sir/Madam

**Response to Document 25/94
Proposed Transfer of Spectrum from BCP IV to Eircom**

We note the publication of ComReg document 25/94, which provides details of a proposed spectrum transfer from BCP IV Telecommunications OPCO (Imagine) to Eircom. The proposal is for transfer of 40MHz of spectrum in the 2.3GHz band, which was originally awarded and licenced to (Imagine) in 2023, directly following the MBSA 2 award process. The original licence to Imagine also included some 2.6GHz spectrum, and we note that this has already been surrendered to ComReg and has been removed from the licence.

As Imagine bid for and won the spectrum in the MBSA 2 auction process, their bids had an effect on the overall outcome of the auction and on other bidders. It is important that the integrity of the process is upheld and any commitments given at the time, including bids, and licence conditions are preserved (with the removal of the 2.6GHz spectrum as appropriate). For this reason, there must be no change to the licence itself or the conditions attached. This requires that it continues as a stand-alone licence when transferred to Eircom, i.e. it must remain as a stand-alone licence with its relevant commitments and obligations to be complied with and original issue date unamended, it must not be incorporated as additional spectrum in the Eir licence. To do otherwise would amend the terms on which the licence was won and granted and would require at a minimum a consultation where all changes were justified, or possibly re-award in an open process by ComReg.

Yours Sincerely

Tom Hickey



Vodafone Response to

Notice of proposed Spectrum Transfer –
Proposed transfer of spectrum rights in the 2.3 GHz Band from BCP IV Telecommunications
OPCO Limited to Eircom Limited

Reference: ComReg 25/94

Date: 19/01/26

Introduction

Vodafone welcomes the opportunity to respond to the Commission for Communications Regulation (ComReg)'s Notice of proposed transfer of spectrum rights of use in the 2.3 GHz Band from BCP IV Telecommunications OPCO Limited to Eircom Limited.

We support the principle of efficient spectrum trading where competition is preserved, as it can play an important role in promoting efficient use of spectrum, simplifying market structures and supporting deployment.

However, the proposed transfer of 40 MHz in the 2.3 GHz band to eir would give a single operator control of the entire 2.3 GHz band, raising distinct technical and competition considerations that have not previously arisen in Ireland. These considerations warrant a full investigation before any decision is finalised. That investigation should, as part of its assessment, consider whether proportionate conditions may be appropriate to ensure competitive balance and efficient spectrum use.

Key considerations

Granting one operator sole control of the entire 2.3 GHz band creates a set of TDD specific effects that differ in nature and scale from transfers in FDD bands or transfers involving shared TDD bands such as 3.5 GHz.

- Dual large TDD holdings: eir would be the only operator with two substantial TDD holdings (2.3 GHz alongside 3.5 GHz), potentially enabling sustained advantages in 5G capacity and latency relative to competitors who must coordinate in shared TDD bands.
- Absence of inter-operator synchronisation requirements: Full band control removes the need for in band synchronisation. This gives the licensee unilateral control over uplink/downlink ratios, frame patterns and latency profiles. Such unilateral flexibility does not exist in the 3.5 GHz band, where all operators must follow a common ratio under ComReg's framework.
- Potential for outcome asymmetries: The ability to optimise TDD operation without cross operator constraints may allow significantly enhanced performance in capacity constrained or latency critical cells. This could have retail and wholesale market implications that extend beyond a narrow, band by band spectrum assessment.

Conclusion

Given these factors, a full investigation is warranted to ensure that any risks are fully understood and properly balanced against efficiency benefits.

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Cc: joseph.coughlan@comreg.ie, licensing@comreg.ie

27 January 2026

Re: Notice of the Proposed 2.3GHz Band Transfer to Eir (ComReg Document 25/94)

Dear Mr. Singh,

We refer to ComReg Document 25/94 and to the two submissions from Three Ireland Hutchison Limited ("**Three**") and Vodafone Ireland Limited ("**Vodafone**"). Unless otherwise defined, capitalised terms used herein shall have the meanings given in ComReg Document 25/94. We welcomes the opportunity to consider and respond to these submissions.

Three submission dated 16th January 2026

Three's submission does not constitute an objection to the Proposed 2.3GHz Band Transfer. Rather, it seeks confirmation that licence conditions are not amended as a consequence of the transfer without due process being followed.

The proposed transfer does not alter any auction outcome or seek to amend the original licence conditions. The underlying licence (as awarded following MBSA2 to Imagine Communications Ireland Limited (now known as BCP IV Telecommunications OPCO Limited)) will remain with the same obligations, expiry timelines, and technical parameters preserved (accounting for the removal of the 2.6GHz spectrum as appropriate). Transfer of ownership does not in itself alter licence terms, which is consistent with ComReg's Spectrum Transfer Framework (ComReg 24/86), which allows transfers of individual rights of use without changing the licence's technical or regulatory conditions. Any concern that the licence might be merged into Eir's MBSA2 holdings, implicitly altering auction outcomes or commitments, is unfounded. We support ComReg's transfer framework which ensures that transferred licences retain their separate identity, unless ComReg explicitly undertakes a consolidation process. No such consolidation is proposed or sought here.

Vodafone submission dated 19th January 2026

Vodafone's submission raises concerns relating to competition considerations arising from Eir gaining control of the entire 2.3 GHz band. On this basis, Vodafone contends that a full Phase 2 investigation is required.

We do not agree. There is no evidence of any material competition or compliance concerns arising from the Proposed 2.3GHz Band Transfer, and, accordingly, no basis for a Phase 2 investigation.

ComReg's Spectrum Transfer and Lease Framework (ComReg 24/86) sets out a proportionate, risk-based process for assessing transfer notifications. It expressly allows ComReg to seek additional information and undertake further analysis where warranted, but it does not require ComReg to default to an extended investigation in the absence of evidence giving rise to material concerns.

Paragraph 2.29 of ComReg 24/86 provides that a Phase 2 investigation is required only where, having considered the information provided and submissions received, ComReg is unable to form a view that:

- the proposed transfer would not be likely to distort competition; or
- there is no clear risk that the new holder would be unable to meet the original licence conditions.

Neither threshold is met in this case.

Competition considerations

Vodafone has not submitted any evidence that the Proposed 2.3GHz Band Transfer would be likely to distort competition. On the contrary, we continue to believe that the Proposed 2.3GHz Band Transfer will have a positive effect on competition as it would readdress the historical spectrum imbalance between Eir and the other mobile network operators, giving Eir access to 315 MHz of harmonised mobile spectrum compared to Vodafone with 355 MHz and Three with 350 MHz.

Compliance considerations

Vodafone has also not submitted any evidence suggesting a clear risk of Eir not being able to meet the original licence conditions. As an established operator already active in the 2.3 GHz band, Eir is well placed to meet all applicable obligations under the licence.

Efficient use of spectrum

Vodafone states that it "supports the principle of efficient spectrum trading...as it can play an important role in promoting efficient use of spectrum". We agree and consider that the Proposed 2.3 GHz Band Transfer represents the most effective means of ensuring efficient utilisation of this spectrum.

We undertook a broad market engagement process to test interest in, and the feasibility of, acquiring the 2.3 GHz spectrum. While interest existed, practical constraints, including spectrum caps, deployment timelines and the investment strategies of potential purchasers, meant that Eir was the most viable acquirer. In these circumstances, the Proposed 2.3 GHz Band Transfer maximises spectrum utilisation in the public interest and is fully consistent with ComReg's spectrum transfer framework.

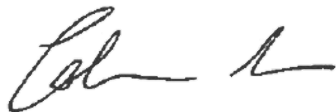
In Conclusion

Three's submission does not present any impediment to the Proposed 2.3 GHz Band Transfer. The licence will continue to apply with its existing obligations, expiry timelines and technical parameters unchanged (subject only to the removal of the 2.6 GHz spectrum, as applicable).

Vodafone's request for a Phase 2 investigation is not justified. There is no evidence that: (a) the Proposed Transfer would be likely to distort competition; or (b) there is a clear risk that Eir would be unable to meet the licence conditions.

We, therefore, respectfully request that ComReg approve the Proposed 2.3GHz Band Transfer as soon as practicable, in furtherance of the efficient use of spectrum and in accordance with the applicable regulatory framework.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Colin L.', written in a cursive style.

For and on behalf of
BCP IV Telecommunications OPCO Limited



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Radio Spectrum Engineer
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Dublin 1
D01 E4X0

By email only: gopal.singh@comreg.ie
Cc: joseph.coughlan@comreg.ie, licensing@comreg.ie

27 January 2026

Re: Responses - ComReg Document 25/94: Notice of the Proposed 2.3GHz Band Transfer

Dear Gopal,

eir welcomes the opportunity to consider and comment upon the submissions made in response to ComReg 25/94. It is eir's understanding that both respondents had an opportunity to express an interest in the BCP IV Telecommunications OPCO Limited (referred to as 'Imagine') MBSA2 licence assignments in the 2.3GHz and the 2.6GHz bands, and also Imagine's licence in the 3.6GHz band. eir understands, per ComReg 26/04, that Vodafone has expressed an interest in some spectrum in the 3.6GHz band. However neither operator expressed an interest in the MBSA 2 assignments, presumably as they perceived no technical or strategic value in the spectrum on offer. This should be borne in mind when considering the short submissions they made. It should also be remembered, as noted in the Transfer Notification, that both Vodafone and Three have enjoyed significant asymmetry of spectrum over that of the holding of eir (formerly Meteor) following MBSA 1, Three's acquisition of O2 and its spectrum in 2014, and again in the outcome of the 3.6Ghz auction. Thus, as evident in MSBA2, ComReg's approach to ensuring competition has been related to Spectrum Caps. This proposed acquisition by eir remains fully compliant with the Spectrum caps in MBSA2 and while the auction rule caps apply only for the auction process - it is clear that this transaction poses no concern in any event.

Regarding the submissions made. Taking each in turn:

Three submission: Three's position appears to be that licence conditions cannot be amended without following due process. eir agrees and notes that this is not relevant to the proposed



transfer. The transfer request is based on the original licence conditions and does not seek to vary those licence conditions in any way.

Vodafone submission: Vodafone states that the proposed transfer “*would give a single operator control of the entire 2.3 GHz band, raising distinct technical and competition considerations that have not previously arisen in Ireland.*” Vodafone contends that a ‘full’ phase 2 investigation should be undertaken. In eir’s view a phase 2 investigation is not necessary and Vodafone’s short, unsubstantiated submission is simply seeking to delay the transfer of the spectrum. This is contrary to the principle of promoting efficient use of spectrum that Vodafone claims to support in its response.

Vodafone’s limited concerns appear to turn on a single operator controlling an entire TDD band being a new and unforeseen outcome. There is simply no merit in this. A single operator in a single TDD band could have been an entirely acceptable outcome of the MBSA 2 award process. There is nothing in the auction rules, for example in respect of spectrum caps, that suggests that such an outcome should be of concern or restricted. Vodafone had the recent opportunity to become the single operator in the 2.6GHz TDD band. Vodafone chose not to engage with seeking to acquire the spectrum suggesting in reality, Vodafone perceives no material benefit in the concept of a single operator in a single TDD band with “*full band control*” that might create “*TDD specific effects*”. It should also be acknowledged that the proposed transfer will not give rise to any risk of harmful interference.

Vodafone references a few technical aspects that they say may potentially have impacts. This is very subjective and illustrates nothing more than awareness of some technical terms in respect of the use of spectrum. Technical aspects are capable of being quantitatively assessed however Vodafone, with substantial local and Group resources, presents no quantitative analysis in its submission. Vodafone offers no factual evidence of any material negative impact because there is none. There is no justification for ComReg or the transacting parties to be required to expend effort and time on a phase 2 investigation into the proposed transfer. Vodafone has had ample opportunity to demonstrate evidence of tangible concerns. It has not done so.

The tests as to whether ComReg should proceed to a phase 2 investigation are set out in paragraph 2.29 of ComReg 24/86¹:

“Where having considered the information provided and all submissions received, ComReg is unable on the basis of the information before it to:

¹ Spectrum Transfer and Lease Framework Procedures, Procedures including Guidelines and Notification Form



- *form a view that the result of a proposed Transfer or Lease would not be likely to distort competition; or,*
- *form a view that there is not a clear risk of the new holder being able to meet original conditions of the licence (Regulation 33(4)(c) of the EECC Regulations 2022)”*

The submissions by Three and Vodafone have offered no evidence that the proposed transfer would likely distort competition or that eir, with its proven track record of meeting the obligations of multiple spectrum licences, would not be able to meet the original obligations. The tests are therefore not met and eir urges ComReg to proceed to approve the proposed transfer consistent with the objective of promoting the efficient use of spectrum.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'W. McCoubrey'.

William McCoubrey
Head of Regulatory Strategy



18 February 2026

Mr William McCoubrey
Head of Regulatory Strategy
Eircom Limited
2 Heuston South Quarter,
St. John's Road West,
Dublin 8, D08 Y42N

BY EMAIL: william.mccoubrey@eir.ie cc reinis.krams@brookfield.com,

Re: Proposed Transfer of spectrum rights of use in the 2.3 GHz Spectrum Band

Dear William,

I refer to the Notification of 12 December 2025 of the proposed transfer of spectrum rights of use in the 2.3 GHz Band from BCP IV Telecommunications OPCO Limited (BCP IV) to Eircom Limited (Eir) (“Notifying Parties”) (“Proposed Transfer Notification”).

To aid ComReg’s assessment of the Notification, ComReg requests further information¹ as follows:

1. In relation to Eir’s base station rollout licence obligation² to work and use 525 base stations in the 2.3 GHz band by 20 January 2026 (i.e. within 4 years of the earliest commencement date of a Spectrum Block in the 2.3 GHz band in Eir’s licence).
 - a. What is Eir’s current progress towards achieving this obligation? i.e. how many rollout base stations does Eir currently have working and using spectrum in the 2.3 GHz band?
 - b. What plans or steps does Eir intend to take to achieve this rollout base station obligation by 20 January 2026.
2. In Part 2 of the Notification, where it states that “*Eir intends to combine the transferred spectrum with its existing 2.3 GHz spectrum to support the provision of higher capacity mobile data services..*” can Eir clarify whether the transferred spectrum rights would be used by its existing base stations in the 2.3 GHz band or whether new equipment would be needed to work and use this transferred spectrum.
 - a. If it is the former (i.e. use existing base stations) can Eir provide information on the tuning ranges and bandwidth capabilities of its existing equipment in the 2.3 GHz band.
 - b. If it is the latter (i.e. it needs to use new equipment) can Eir provide information on its plans for this?

¹ See Section 2.3.3 of Document 24/86

² Section 5 of Part 4 of the MBSA2 Licence Regulations (S.I. 264 of 2021 as amended)

3. From the Notification, it is not clear whether the transferred spectrum would be used to provide 4G services, 5G services, or both. To assist ComReg's understanding, could Eir provide information on its current use of the 2.3 GHz band and its future plans? Specifically:
- What % (or number) of current sites/transmitters are used to provide 4G services, 5G services, or both 4G and 5G services?
 - How is Eir's usage likely to change over time (e.g. in 3 or 5 years from now).

ComReg understands that the above information should be readily available to Eir and so requests that the information is provided to ComReg as soon as practicable or by close of business Monday 23 February 2026. Please submit your response by email to Joseph.coughlan@comreg.ie, (cc: gopal.singh@comreg.ie, Kevin.Kennedy@comreg.ie).

ComReg may publish the above information as part of any determination, therefore please set out what information (if any) is confidential in your response along with supporting rationale.

Yours sincerely,

Sent by email, no signature.

Joseph Coughlan
Manager, Spectrum Policy and Awards
Market Framework

Proposed Transfer of spectrum rights of use in the 2.3 GHz Spectrum Band

Eircom response to ComReg queries dated 18 February 2026

1. In relation to Eir's base station rollout licence obligation to work and use 525 base stations in the 2.3 GHz band by 20 January 2027¹ (i.e. within 4 years of the earliest commencement date of a Spectrum Block in the 2.3 GHz band in Eir's licence).
 - a. What is Eir's current progress towards achieving this obligation? i.e. how many rollout base stations does Eir currently have working and using spectrum in the 2.3 GHz band?
 - b. What plans or steps does Eir intend to take to achieve this rollout base station obligation by 20 January 2027.

Eircom response: eir is pleased to confirm it has achieved the rollout target of 525 sites as of the date of this response.

2. In Part 2 of the Notification, where it states that "*Eir intends to combine the transferred spectrum with its existing 2.3 GHz spectrum to support the provision of higher capacity mobile data services.*" can Eir clarify whether the transferred spectrum rights would be used by its existing base stations in the 2.3 GHz band or whether new equipment would be needed to work and use this transferred spectrum.
 - a. If it is the former (i.e. use existing base stations) can Eir provide information on the tuning ranges and bandwidth capabilities of its existing equipment in the 2.3 GHz band.
 - b. If it is the latter (i.e. it needs to use new equipment) can Eir provide information on its plans for this?

Eircom response: [X] The technical characteristics are set out in the following table:

¹ Date corrected to 2027

Proposed Transfer of spectrum rights of use in the 2.3 GHz Spectrum Band

Eircom response to ComReg queries dated 18 February 2026

RRU5818 Technical Specifications	3 RRU5818 (2300 MHz) Technical Specifications												
<p>Supported Frequency Bands and RATs</p> <p>Table 3-1 RATs and frequency bands supported by an RRU5818 (2300 MHz)</p> <table border="1"> <thead> <tr> <th>Frequency Band (MHz)</th> <th>Protocol-defined Band</th> <th>Frequency Range (MHz)</th> <th>RAT</th> <th>IBW (MHz)</th> <th>OBW (MHz)</th> </tr> </thead> <tbody> <tr> <td>2300</td> <td>Band 40/n40</td> <td>2300 to 2400</td> <td>LTE TDD, NR TDD, TN (TDD)</td> <td>100</td> <td>100</td> </tr> </tbody> </table>		Frequency Band (MHz)	Protocol-defined Band	Frequency Range (MHz)	RAT	IBW (MHz)	OBW (MHz)	2300	Band 40/n40	2300 to 2400	LTE TDD, NR TDD, TN (TDD)	100	100
Frequency Band (MHz)	Protocol-defined Band	Frequency Range (MHz)	RAT	IBW (MHz)	OBW (MHz)								
2300	Band 40/n40	2300 to 2400	LTE TDD, NR TDD, TN (TDD)	100	100								
<p>TX/RX Modes and Capacity</p> <p>Table 3-2 TX/RX modes and capacity of an RRU5818 (2300 MHz)</p> <table border="1"> <thead> <tr> <th>Frequency Band (MHz)</th> <th>Protocol-defined Band</th> <th>TX/RX Mode^a</th> <th>Capacity^b</th> <th>Supported Bandwidth (MHz)</th> </tr> </thead> <tbody> <tr> <td>2300</td> <td>Band 40/n40</td> <td>8T8R</td> <td>LTE TDD: 5 carriers NR TDD: 2 carriers</td> <td>LTE TDD: 10/15/20 NR TDD: 20/30/40/50/60/70/80/90/100</td> </tr> </tbody> </table> <p>a: $mTnR$ in the TX/RX Mode column indicates that the RF module uses m transmit channels and n receive channels.</p> <p>b: The number of carriers in the Capacity column refers to the maximum number of carriers that can be configured for the module in single-mode scenarios, not the number of carriers that can be configured for a single channel. For details about the module-level and channel-level carrier configurations supported in single-mode and multimode scenarios, see the Output Power Configuration column in the following table. When the module is used with a feature, see the feature specifications in the corresponding feature parameter description to learn the module-level or channel-level carrier configurations that are supported after the feature is enabled.</p>		Frequency Band (MHz)	Protocol-defined Band	TX/RX Mode ^a	Capacity ^b	Supported Bandwidth (MHz)	2300	Band 40/n40	8T8R	LTE TDD: 5 carriers NR TDD: 2 carriers	LTE TDD: 10/15/20 NR TDD: 20/30/40/50/60/70/80/90/100		
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<p>Output Power and Carrier Configurations</p> <p>Table 3-3 Output power and carrier configurations of an RRU5818 (2300 MHz)</p> <table border="1"> <thead> <tr> <th>Frequency Band (MHz)</th> <th>Maximum Output Power^a</th> <th>Output Power Configuration</th> </tr> </thead> <tbody> <tr> <td>2300</td> <td>8x50 W</td> <td>Typical Power Configuration Reference for RRU (Excluding NB-IoT)</td> </tr> </tbody> </table>		Frequency Band (MHz)	Maximum Output Power ^a	Output Power Configuration	2300	8x50 W	Typical Power Configuration Reference for RRU (Excluding NB-IoT)						
Frequency Band (MHz)	Maximum Output Power ^a	Output Power Configuration											
2300	8x50 W	Typical Power Configuration Reference for RRU (Excluding NB-IoT)											

- From the Notification, it is not clear whether the transferred spectrum would be used to provide 4G services, 5G services, or both. To assist ComReg’s understanding, could Eir provide information on its current use of the 2.3 GHz band and its future plans? Specifically:

Proposed Transfer of spectrum rights of use in the 2.3 GHz Spectrum Band

Eircom response to ComReg queries dated 18 February 2026

- What % (or number) of current sites/transmitters are used to provide 4G services, 5G services, or both 4G and 5G services?
- How is Eir's usage likely to change over time (e.g. in 3 or 5 years from now).

Eircom response: It is not clear why this information is relevant to ComReg's assessment of the proposed trade. eir has no objection to sharing its current usage and immediate plans with ComReg. [X] eir's use of the spectrum will evolve over time in compliance with its licence obligations.