



STATUTORY INSTRUMENTS.

S.I. No. 295 of 2007

WIRELESS TELEGRAPHY (FIXED SATELLITE EARTH STATIONS
AND TELEPORT FACILITY) REGULATIONS 2007

(Prn. A7/1125)

WIRELESS TELEGRAPHY (FIXED SATELLITE EARTH STATIONS
AND TELEPORT FACILITY) REGULATIONS 2007

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6(1) of the Wireless Telegraphy Act, 1926 (No. 45 of 1926) as amended and with the consent of the Minister for Communications, Marine and Natural Resources, pursuant to section 37 of the Communications Regulation Act 2002 hereby makes the following regulations:

Citation

1. (1) These Regulations may be cited as the Wireless Telegraphy (Fixed Satellite Earth Stations and Teleport Facility) Regulations 2007.

(2) These Regulations come into operation on 1 January 2008.

Interpretation

2. (1) In these Regulations, except where the context otherwise requires—

“access” has the meaning assigned to it by the European Communities (Electronic Communications Networks and Services)(Access) Regulations 2003 (S.I. No. 305 of 2003);

“Act of 1926” means the Wireless Telegraphy Act 1926 (No. 45 of 1926);

“Act of 2002” means the Communications Regulation Act 2002 (No. 20 of 2002);

“Act of 1972” means the Wireless Telegraphy Act 1972 (No. 5 of 1972);

“Authorisation Regulations” means the European Communities (Electronic Communications)(Authorisation) Regulations, 2003 (S. I. No. 306 of 2003);

“Broadcasting Satellite Service” means a Radiocommunication Service in which signals are transmitted or retransmitted by space stations and are intended for direct reception by the general public;

“Commission” means the Commission for Communications Regulation;

“electronic communications network” has the meaning assigned to it by the European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2003 (S.I. No. 307 of 2003);

“equivalent isotropically radiated power” means the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 22nd June, 2007.*

“Feeder Link” means a radio link from a Satellite Earth Station at a given location to a space station or vice versa, conveying information for a space Radiocommunication Service other than for a Fixed Satellite Service;

“Fixed Satellite Earth Station” means a Satellite Earth Station operating in the Fixed Satellite Service or as a feeder link in the Mobile Satellite Service or Broadcasting Satellite Service and in frequencies above 3 GHz

“Fixed Satellite Service” means a Radiocommunication Service between Satellite Earth Stations at specified fixed points when one or more satellites are used;

“harmful interference” means interference which endangers the functioning of a radio navigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with the applicable European Community or national regulations;

“high altitude platform station” means apparatus for wireless telegraphy located on an object at an altitude of 20km to 50km and at a specified, nominal, fixed point relative to the Earth;

“Licence” means a licence granted in accordance with Section 5 of the Wireless Telegraphy Act 1926 (No. 45 of 1926), for a Fixed Satellite Earth Station or Teleport Facility;

“Licensee” means the holder of a Licence;

“Mobile Satellite Service” means a Radiocommunication Service between Mobile Satellite Earth Stations and one or more Space Stations used by this service; or between Mobile Satellite Earth Stations by means of one or more Space Stations and includes any Feeder Links necessary for its operation;

“Non-transportable Satellite Earth Station” means a Fixed Satellite Earth Station operated at a single specified location;

“Radiocommunications Service” means a service involving the transmission, emission and/or reception of radio waves specified for specific telecommunications purposes;

“Satellite Earth Station” means apparatus for wireless telegraphy, located on the Earth’s surface, intended for either the transmission of radio signals to a Space Station or the reception of radio signals from a Space Station, or both;

“Space Station” means apparatus for wireless telegraphy that is located on an object which is beyond the major portion of the Earth’s atmosphere and which is not a high altitude platform station;

“Teleport Facility” means two or more Non-transportable Fixed Satellite Earth Stations which collectively provide access to or from an electronic communications network, and which are located at a single, physically demarcated geographic location, and which collectively are capable of transmitting on more

than one frequency to more than one Space Station simultaneously using steerable antennae;

“Temporary Licence” means a Licence for a Fixed Satellite Earth Station which is not renewable and is granted for the period specified in Regulation 5 (1) (c);

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

(3) In these Regulations—

- (a) a reference to an enactment or regulation shall be construed as a reference to the enactment or regulation as amended or extended by or under any subsequent enactment or regulation;
- (b) a reference to a Regulation or a Schedule is to a Regulation of, or a Schedule to, these Regulations, unless it is indicated that reference to some other enactment is intended;
- (c) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended; and
- (d) a reference to a Directive of the European Parliament and Council shall be construed as a reference to the Directive as amended or extended by any subsequent Directive.

(4) The Interpretation Act 2005 applies to these Regulations.

Licences to which these Regulations apply

3. These Regulations apply to Licences and Temporary Licences to keep, have possession of, install, maintain, work and use Fixed Satellite Earth Stations and Teleport Facilities, having the characteristics set out in Part 3 of the Licence and operating in accordance with the technical conditions set out in Part 4 of the Licence and at the geographical location or locations set out in Part 7 of the Licence.

Application for Licences and Form of Application and Licences

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

(2) A person who makes an application under paragraph (1) of this Regulation shall furnish to the Commission such information as the Commission may reasonably require for the purpose of its functions under the Act of 1926, the Act of 2002 and the Authorisation Regulations and, if the person, without reasonable cause, fails to comply with this paragraph, the Commission may, refuse to grant a Licence to the person.

(3) Subject to Regulation 6, a Licence shall be in the form specified in Schedule 1 with such amendment (if any) (whether by addition, deletion or alteration) as the Commission may determine from time to time or in any particular case.

Duration and Renewal of Licences

5. (1) (a) A Licence for a Fixed Satellite Earth Station shall (unless it has been revoked) be in force for the period of not less than twelve months and not more than sixty months from the commencement date specified in Part Four of the Licence, unless renewed and shall then expire.

(b) A Licence for a Teleport Facility that has not been renewed shall (unless it has been revoked) be in force for the period of sixty months from the commencement date specified in Part Four of the Licence, unless renewed and shall then expire.

(c) A Temporary Licence shall be in force for a period of not less than one month and not more than eleven months from the commencement date specified in Part Four of the Licence and shall then expire.

(2) A Licence, other than a Temporary Licence, may be renewed from time to time by the Commission under paragraph (3) of this Regulation.

(3) On application by or on behalf of a Licensee to the Commission before the expiration of the Licensee's Licence, the Commission may, by notice in writing given to the Licensee or sent to the Licensee at the address of the Licensee specified in the Licence, or notified to the Commission by the Licensee in accordance with the Licence, renew the Licence for the period of not less than twelve months and not more than sixty months from the day following the expiration of the last previous period during which it was in force. The granting or renewal of a Licence shall not be construed as warranting that the Licence shall be renewed at any time in the future.

Conditions of Licences

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

(a) the Licensee will comply with the geographical and technical conditions contained in Parts Six and Seven of the First Schedule to the Licence;

(b) the Licensee will ensure that it makes payments of the fees as outlined within the Second Schedule of the Licence;

(c) the Licensee may not, without the consent of the Commission (which shall not be unreasonably withheld), assign the Licence or any of the powers, duties or functions conferred by it or otherwise transfer any of the rights or obligations conferred by it;

(d) the Licensee will ensure that the Fixed Satellite Earth Station or Teleport Facility, as appropriate, is used only on such radio frequency

spectrum as may be specified in the Licence and such radio frequencies shall be used in an efficient manner.

- (e) the Licensee will ensure that non-ionising radiation emissions from the Fixed Satellite Earth Station or Teleport Facility operated by the Licensee are within the limits specified by the guidelines published by the International Commission for Non-Ionising Radiation Protection (“ICNIRP”), any radiation emission standards adopted and published by ICNIRP, or its successors, from time to time, any radiation emission standards of the European Committee for Electrotechnical Standards and any radiation emission standards specified by national and European Community law;
- (f) the Licensee will ensure that a Fixed Satellite Earth Station operated by the Licensee is not installed or operated at a location in a manner which causes the aggregate non-ionising radiation emissions at that location to exceed the limits specified by any guidelines published by the ICNIRP and that it complies with any radiation emission standards adopted and published by ICNIRP, or its successors, any radiation emission standards of the European Committee for Electrotechnical Standards and any radiation emission standards specified by national and European Community law.
- (g) if the address of the Licensee changes, the Licensee shall, as soon as possible, notify the Commission in writing of the change;
- (h) the Licensee will ensure that the Fixed Satellite Earth Station or Teleport Facility (as appropriate), or any part thereof, shall be installed, maintained, operated and used so as not to cause harmful interference;
- (i) ensure that the installation of the Fixed Satellite Earth Station or Teleport Facility, or any part thereof, is effected, and its maintenance and operation is carried on, in such a manner as to ensure that the safety of persons or property is not endangered;
- (j) the Licensee will ensure compliance with any special conditions imposed under section 8 of the Act of 1972 and subject to which this Licence is deemed by subsection (3) of that section to be issued; and
- (k) the Licensee will ensure that, save as may be required by law, physical access to, and use of, the Fixed Satellite Earth Station, Fixed Satellite Earth Stations or Teleport Facility to which the Licence relates is restricted to the Licensee, employees or agents of the Licensee and persons authorised by or on behalf of the Licensee.

Enforcement, Amendment, Revocation and Suspension

7. (1) The Commission may amend the Licence from time to time where objectively justifiable and in a proportionate manner. Any amendment shall be made subject to and in accordance with the Authorisation Regulations, and any other requirements under applicable national or European Community law.

(2) Where the Commission is of the opinion that, in the interest of the efficient and orderly use of apparatus for wireless telegraphy or radio frequency spectrum, it is desirable to do so, it may amend the Licence in accordance with the Authorisation Regulations.

(3) Without prejudice to paragraph (1) of this Regulation, at the request of the Licensee, the Commission may, if it considers it appropriate to do so, amend the Licence by adding to, deleting from or altering the radio frequency spectrum specified in the Licence on which the Apparatus may be used. Any such amendment shall be effected by notice in writing from the Commission specifying the amendment and given to the Licensee or sent to the Licensee at the address specified in the Licence or notified to the Commission pursuant to the Licence.

Fees

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

(2) Fees set out in Schedule 2 are on an annual basis and for other Licence durations are adjusted pro-rata.

(3) Fees shall be paid to the Commission for Communications Regulation by way of banker's draft or such other means and on such terms (including terms as to the place of payment) as the Commission may decide. Where the date of payment falls on a Saturday, a Sunday or a public holiday payment shall be made on or before the last working day before the date of payment;

(4) If a Licence is suspended or revoked, the Licensee shall not be entitled to be repaid any part of the fee paid by the Licensee under these Regulations but shall still be liable to pay any sums (including interest) outstanding;

Transitional Arrangements

9. (1) Subject to paragraph 2, the Wireless Telegraphy (Fixed Satellite Earth Stations) Regulations 2000 (S.I. No. 261 of 2000) and the Wireless Telegraphy (Teleport Facility) Regulations 2001 (S.I. No. 18 of 2001) are hereby revoked.

(2) A licence issued under the Wireless Telegraphy (Fixed Satellite Earth Stations) Regulations 2000 (S.I. No. 261 of 2000) or the Wireless Telegraphy (Teleport Facility) Regulations 2001 (S.I. No. 18 of 2001) in force immediately before the commencement of these Regulations will continue in force as if it had run continuously from the date of its issue.

SCHEDULE 1

WIRELESS TELEGRAPHY ACT 1926

Wireless Telegraphy (Fixed Satellite Earth Stations and Teleport Facility) Regulations 2007

Licence under Section 5 of the Wireless Telegraphy Act, 1926, to keep, have possession of, install, maintain, work and use a Fixed Satellite Earth Station or a Teleport Facility.

The Commission, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act 1926 (No. 45 of 1926) as amended, hereby grants to the licensee specified authorisation to keep, have possession of, install, maintain, work and use a Fixed Satellite Earth Station [or Teleport Facility] having the characteristics described in the Licence and subject to the terms and conditions as set out in the Wireless Telegraphy (Fixed Satellite Earth Station and Teleport Facility) Regulations 2007 (S.I. No. 295 of 2007)

The Commission for Communications Regulation, grants the following Licence to:.....
of.....

1. This Licence will come into operation on the day of, 20....., and unless previously revoked or renewed will expire on theday of,
2. The Licensee will ensure that it complies with the geographical and technical conditions contained within Part Six and Part Seven of Schedule One to this Licence;
3. The Licensee will ensure that it makes payments of the fees as outlined in Schedule 2 to the Licence;

Date+Stamp

Signed

For and on behalf of the Commission for Communications Regulation

PARTS

Part One

Licensee

Part Two

Type of Licence

Part Three

Particulars of Fixed satellite earth stations

Part Four

Licence Commencement and Termination Dates

Part Five

Addresses for Notices

Part Six

Technical Conditions for Fixed satellite earth stations or teleport facility.

Part Seven

Geographic Location(s) of Fixed satellite earth stations or teleport facility

SCHEDULE 2

FEES PAYABLE IN CONNECTION WITH LICENCES

1. Where the Licence concerned relates to a Fixed Satellite Earth Station having an equivalent isotropically radiated power greater than 50dBW, for use in one or both of the frequency bands 12.5-12.75 GHz and 14.0-14.25 GHz, or in another frequency band determined from time to time by the Commission to be a frequency band for which the fee structure set out in this paragraph should apply, operating to a Single Space Station, the Licensee shall pay:

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

2. Where the Licence concerned relates to a Fixed Satellite Earth Station for use in any frequency bands other than those specified in paragraph 1 above, and the frequency band is above 3 GHz, operating to a single space station, the Licensee shall pay a Licence fee on the issue of and on each renewal of the Licence. The amount payable in relation to the Licence fee will depend on the frequency band of operation, the bandwidth of the radio spectrum used and the power emitted by the Fixed Satellite Earth Station, each of which shall be set out in Part III of the Licence. The Licence fee may be calculated with reference to the table and formula in the following sub-paragraphs:

- (a) (i) In relation to a Licence for a Fixed Satellite Earth Station for use in the frequency band 3-10 GHz and operating at an equivalent isotropically radiated power less than 50 dBW the following fees will apply:

Bandwidth of Radio Spectrum Used	Annual Fee Payable €
Less than 500 kHz	1000
500 kHz to < 2 MHz	1250
2 MHz to < 11 MHz	1500
11 MHz to < 40 MHz	1750
40 MHz to 80 MHz	2000
Above 80 MHz, per MHz Bandwidth or part thereof	25

- (ii) Where the equivalent isotropically radiated power is between 50 and 75 dBW the fee may be calculated by increasing the fee for the appropriate bandwidth which would otherwise be payable by virtue of sub-paragraph (i), by €250.
 - (iii) Where the equivalent isotropically radiated power is greater than 75dBW the fee may be calculated by increasing the fee for the appropriate bandwidth, which would otherwise be payable by virtue of sub-paragraph (i), by €500.
- (b) In relation to a Licence for a Fixed Satellite Earth Station for use in the frequency band 10-15 GHz, the fee which would otherwise be payable by virtue of sub-paragraphs (i), (ii), (iii) shall be reduced by €500;
 - (c) In relation to a Licence for a Fixed Satellite Earth Station for use in the frequency band 15-20 GHz, the fee which would otherwise be payable by virtue of sub-paragraphs (i), (ii), (iii) shall be reduced by €875;
 - (d) In relation to a Licence for a Fixed Satellite Earth Station for use in the frequency band 20-30 GHz, the which would otherwise be payable by virtue of sub-paragraphs (i), (ii), (iii) shall be reduced by €900;
 - (e) In relation to a Licence for a Fixed Satellite Earth Station for use in the frequency bands above 30 GHz, the fee which would otherwise be payable by virtue of sub-paragraphs (i), (ii), (iii), shall be reduced by €950.
 - (f) Notwithstanding the above, in the case where a Fixed Satellite Earth Station is licensed for use as a receiving Fixed Satellite Earth Station, or a receive only Fixed Satellite Earth Station, the fee payable shall be the amount specified in sub-paragraph (a) (iii) as applied to the bands specified in paragraphs (a), (b), (c), (d) and (e).

3. Where the Licence concerned relates to a Fixed Satellite Earth Station which is licensed for a portion of a year, operating to a single space station, up to eleven months, then the Licensee shall pay:

where a Licence is granted for a portion of a year the Licence fees to be paid by the Licensee shall be calculated as follows:

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

where A is the relevant annual Licence fee set out in paragraph 1 or paragraph 2; B is the number of whole months for which the Licence is granted (without prejudice to Part 4 of the Licence, if a Licence is granted for a period of less than one month then, for the purpose of these calculations only, the Licence shall be considered as a Licence

granted for a period of one month); and C is the appropriate Licence fee to be paid.

Teleport Facility Licence Fees

4. The Licensee shall pay a fee, calculated on the basis of each individual Fixed Satellite Earth Station comprising the Teleport Facility, on the issue of the Licence. The amount payable in relation to the fee will depend on the bandwidth of the radio spectrum used by each of the Fixed Satellite Earth Stations comprising the Teleport Facility, each of which shall be set out in Part 3 of the Licence. The amount of the Licence fee is provided for in the numerical table of this paragraph as set out below:

Bandwidth of Radio Spectrum Used	Fee Payable 60 Months €
Less than 500 kHz	25000
500 kHz to < 2 MHz	31250
2 MHz to < 11 MHz	37500
11 MHz to < 40 MHz	43750
40 MHz to 80 MHz	50000
Above 80 MHz, per MHz Bandwidth or part thereof	625

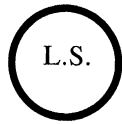
5. The Licensee shall pay a fee, calculated on the basis of each individual Fixed Satellite Earth Station comprising the Teleport Facility, on the renewal of the Licence for a period of not less than twelve months and not more than sixty months in accordance with the provisions of Regulation 5. The amount payable on renewal of the licence will depend on the bandwidth of the radio spectrum used by each of the Fixed Satellite Earth Stations comprising the Teleport Facility, each of which shall be set out in Part 3 of the Licence. The amount of the Licence fee is provided for in the numerical table as set out below:

Bandwidth of Radio Spectrum Used	Annual Fee Payable €
Less than 500 kHz	5000
500 kHz to < 2 MHz	6250
2 MHz to < 11 MHz	7500
11 MHz to < 40 MHz	8750
40 MHz to 80 MHz	10000
Above 80 MHz, per MHz Bandwidth or part thereof	125

(1) For each additional Fixed Satellite Earth Station which it is desired to add to the Teleport Facility subsequent to the initial grant of the Licence, a further fee of €1575 shall be paid by the Licensee on application for the addition of the additional fixed satellite earth station by way of amendment to Part 3, Part 6 and Part 7 of the Licence, in accordance with the provisions of these Regulations.

(2) For each additional Space Station to which it is desired for one or more of the Fixed Satellite Earth Stations, comprising the Teleport Facility, to communicate with, a further co-ordination fee of €1575 shall be paid by the Licensee,

in respect of each Fixed Satellite Earth Station comprising the Teleport Facility, on application for the addition of the Space Station by way of amendment to Part 3 of the Licence, in accordance with the provisions of these Regulations.

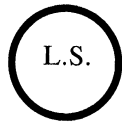


GIVEN under the Official Seal of the Commission for Communications Regulation
14 June 2007

MIKE BYRNE
Chairperson

On behalf of the Commission of Communications Regulation

The Minister for Communications, Marine and Natural Resources consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Communications
Marine and Natural Resources
14 June 2007

NOEL DEMPSEY
Minister for Communications Marine and Natural Resources

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

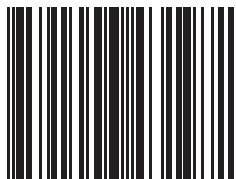
These Regulations provide for the issuing of five year, annual and temporary licences for satellite earth stations, for the Fixed Satellite Service (as set out by the ITU), in frequencies above 3 GHz and of five year and annual licences for Teleport Facilities consisting of two or more non-transportable Fixed Satellite Earth Stations

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