



STATUTORY INSTRUMENTS.

S.I. No. 195 of 2010

EUROPEAN COMMUNITIES (PUBLIC PAN-EUROPEAN CELLULAR
DIGITAL LAND-BASED MOBILE COMMUNICATIONS)
REGULATIONS 2010

(Prn. A10/0623)

EUROPEAN COMMUNITIES (PUBLIC PAN-EUROPEAN CELLULAR
DIGITAL LAND-BASED MOBILE COMMUNICATIONS)
REGULATIONS 2010

I, EAMON RYAN, Minister for Communications, Energy and Natural Resources, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive 87/372/EEC of 25 June 1987¹, as amended by Directive 2009/114/EC of the European Parliament and of the Council of 16 September 2009², hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Public Pan-European Cellular Digital Land-Based Mobile Communications) Regulations 2010.

2. (1) In these Regulations—

“900 MHz band” means the 880-915 MHz and 925-960 MHz frequency bands;

“Directive” means Council Directive 87/372/EEC of 25 June 1987¹, as amended by Directive 2009/114/EC of the European Parliament and of the Council of 16 September 2009²;

“GSM system” means an electronic communications network that complies with the GSM standards, as published by the European Telecommunications Standards Institute (ETSI), in particular EN 301 502 and EN 301 511;

“Radio Spectrum Decision” means Decision No. 676/2002/EC of the European Parliament and of the Council of 7 March 2002³ on a regulatory framework for radio spectrum policy in the European Community;

“UMTS system” means an electronic communications network that complies with the UMTS standards as published by the European Telecommunications Standards Institute (ETSI), in particular EN 301 908-1, EN 301 908-2, EN 301 908-3 and EN 301 908-11.

(2) A word or expression that is used in these Regulations and is also used in the Directive, unless the contrary intention appears, has in these Regulations the same meaning as it has in the Directive.

¹ OJ No. L196, 17.7.1987, p.85

² OJ No. L274, 20.10.2009, p.25

³ OJ No. L108, 24.4.2002, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th May, 2010.*

3. (1) The 900 MHz band is available for GSM and UMTS systems, as well as for other terrestrial systems capable of providing electronic communications services that can co-exist with GSM systems, in accordance with technical implementing measures adopted pursuant to the Radio Spectrum Decision.

(2) The Commission for Communications Regulation shall examine whether the existing assignment of spectrum in the 900 MHz band to competing mobile operators is likely to distort competition in the mobile markets in the State and, where justified and proportionate, it shall address such distortions in accordance with Regulation 15 of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2003 (S.I. No. 306 of 2003).

4. The European Communities (Co-Ordinated Introduction of Public Pan-European Cellular Digital Land-Based Mobile Communications — GSM) Regulations 1994 (S.I. No. 416 of 1994) are revoked.



GIVEN under my Official Seal,
7 May 2010.

EAMON RYAN,
Minister for Communications, Energy and Natural Resources.

EXPLANATORY NOTE

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

These Regulations give effect to Council Directive No. 87/372/EEC, as amended by Council Directive No. 2009/114/EC, and concern the making available of the 900 MHz band for GSM systems and 3G/UMTS systems as well as for other terrestrial systems capable of providing electronic communications services that can co-exist with GSM systems, in accordance with technical implementing measures adopted pursuant to the Radio Spectrum Decision. The implementation of Council Directive No. 87/372/EEC, as amended by Council Directive No. 2009/114/EC, pursuant to these Regulations, could result in distortions in the mobile markets, given the existing assignment of the 900 MHz band to competing mobile operators in the State. The Commission for Communications Regulation is required to examine whether this is likely and, where justified and proportionate, to address such distortions in accordance with regulation 15 of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2003 (S.I. No. 306 of 2003).

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€2.54



Wt. (B27617). 288. 5/10. Cahill. Gr. 30-15.