



STATUTORY INSTRUMENTS.

S.I. No. 594 of 2023

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

**WIRELESS TELEGRAPHY (LIBERALISED USE AND RELATED
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BANDS) (AMENDMENT NO. 2) REGULATIONS 2023**

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6(1) of the Wireless Telegraphy Act 1926 (No. 45 of 1926) as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009), as amended, and with the consent of the Minister for the Environment, Climate and Communications (as adapted by the Communications, Climate Action and Environment (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 373 of 2020)) in accordance with section 37 of the Communications Regulation Act 2002 (No. 20 of 2002), hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the Wireless Telegraphy (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.

Interpretation

2. (1) In these Regulations:

“Principal Regulations” means 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 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. 483 of 2022).

- (2) A word or expression that is used in these Regulations and that is also used in the Principal Regulations has, unless the context otherwise requires, the same meaning in these Regulations that it has in those Regulations.

Licences to which these Regulations apply

3. These Regulations apply to MBSA2 Liberalised Use Licences.

Amendment of Regulation 2 of the Principal Regulations

4. Regulation 2(1) of the Principal Regulations is amended by the substitution of the following definition for the definition of “Decision of 2014”:

“‘Decision of 2014’ means Electronic Communications Committee Decision (14)02 entitled ‘Harmonised technical and regulatory conditions

for the use of the band 2300-2400 MHz for Mobile/Fixed Communications Networks (MFCN), approved 27 June 2014, amended 10 March 2023’;”.

Amendment of Part 4 of the Principal Regulations

5. Paragraph 3 of subsection 2 of Section 2 of Part 4 of Schedule 1 to the Principal Regulations (entitled “The 2.3 GHz Band”) is amended –

- (a) by the substitution of the following for subparagraph (f):

“(f) Within the 2.3 GHz Band Generic Frequency Blocks assigned to the Licensee, the in-block radiated power from a Base Station must not exceed an upper limit of:

 - i. 68 dBm/5 MHz EIRP per antenna for non-AAS; and
 - ii. 60 dBm/5 MHz TRP per cell for AAS.”
- (b) by the substitution of the following for subparagraph (g):

“(g) Within the 2.3 GHz Band Fixed Frequency Block, if assigned to the Licensee, the in-block radiated power from a Base Station must not exceed an upper limit of:

 - i. 45 dBm/5 MHz EIRP for non-AAS, and
 - ii. 31 dBm/5 MHz TRP for AAS.”, and
- (c) by the substitution of the following for subparagraph (h):

“(h) Outside of the 2.3 GHz Band Generic Frequency Blocks and the 2.3 GHz Band Fixed Frequency Block, if assigned to the Licensee, the Licensee shall comply with the out-of-block BEM requirements as specified in Section A2.1 ‘Technical Conditions for MFCN Base Stations (TDD)’ of Annex 2 to the Decision of 2014”.

6. Subsection 1 of Section 3 of Part 4 of Schedule 1 to the Principal Regulations is amended –

- (a) by the substitution of the following definition for subparagraph (b) of the definition “Restrictive BEM”:

“(b) for any 2.3 GHz Band Blocks assigned to a Licensee, a Restrictive BEM is given by combining the relevant maximum permitted in-block radiated power appropriate to the licensee and the out-of-block limits from Table 3 and Table 6 (relating to unsynchronised TDD blocks) of Annex 2 to the Decision of 2014.”, and

- (b) by the substitution of the following definition for subparagraph (b) of the definition “Unrestrictive BEM”:
- “(b) for any 2.3 GHz Band Blocks assigned to a Licensee, Table 3 and Table 6 of Annex 2 of the Decision of 2014 relating to synchronised TDD blocks applies.”.



GIVEN under the Official Seal of the Commission for Communications Regulation,
29 November, 2023.

GARRETT BLANEY,
Commissioner, For and on behalf of the Commission of Communications Regulation.

The Minister for the Environment, Climate and Communications (as adapted by the Communications, Climate Action and Environment (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 373 of 2020)), in accordance with section 37 of the Communications Regulation Act, 2002, consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for the Environment, Climate and Communications,
28 November, 2023.

EAMON RYAN,
Minister for the Environment, Climate and Communications.

EXPLANATORY NOTE

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

These Regulations prescribe matters in relation to the amendment of certain technical conditions relating to the 2.3 GHz Band applying to MBSA2 Liberalised Use Licences granted under 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.

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