



STATUTORY INSTRUMENTS.

S.I. No. 550 of 2024



WIRELESS TELEGRAPHY (COUNTER-UAS LICENCE) REGULATIONS
2024

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2024

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), 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 (Counter-UAS Licence) Regulations 2024.

Interpretation

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

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

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

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

“Apparatus” means apparatus for wireless telegraphy as defined in section 2 of the Act of 1926;

“Commission” means the Commission for Communications Regulation established under the Act of 2002;

“Counter-UAS” or “C-UAS” means a system for the detection, classification, monitoring or neutralisation of an unauthorised UAS;

“Dublin Airport Authority” or “DAA” means the operator of Dublin airport holding a certificate issued in accordance with Article 36 of Regulation (EU) 2018/1139;

“EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);

“Harmful Interference” has the meaning set out in the EECC Regulations;

“Licence” means a licence granted in accordance with section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these Regulations to keep, have possession of, install, maintain, work and use Apparatus at the State airport known as Dublin airport granted to the licensee;

“Licensee” means the holder of a Licence; and

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 25th October, 2024.*

“Unmanned Aircraft System” or “UAS” means an unmanned aircraft and the equipment to control it remotely, including any electronic device; and

- (2) In these Regulations –
- (a) a reference to 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;
 - (b) 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;
 - (c) A word or expression that is used in these Regulations and that is also used in the Act of 1926 has, unless the context otherwise requires, the same meaning in these Regulations that it has in that Act;
 - (d) A word or expression that is used in these Regulations and that is also used in the Act of 2002 has, unless the context otherwise requires, the same meaning in these Regulations that it has in that Act;

Licences to which these Regulations apply

3. These Regulations apply to Licences for C-UAS.

Limitation of Licence

4. (1) A Licence granted under these Regulations does not grant to the Licensee named therein any right, interest or entitlement other than the right to keep, install, maintain, work and use, at the State airport known as Dublin airport, the specific Apparatus specified in the Licence.

(2) Nothing in these Regulations shall absolve the Licensee from any requirement in law to obtain such additional approvals, consents, Licences, permissions and authorisations that may be necessary for the discharge of the obligations or the exercise of entitlements under the Licence. The Licensee is responsible for all costs, expenses and other commitments, financial and non-financial, in respect of the Licence and the Commission shall bear no responsibility for such costs, expenses or commitments.

Application for Licences and Form of Licences

5. (1) An application for a Licence under these Regulations shall be made by DAA to the Commission and shall be in writing and 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 assessing the application and carrying out its functions under the Act of 1926 and the Act of 2002 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) The grant of a Licence is subject to payment of the prescribed fee as set out in Schedule 2 to these Regulations.

(4) Subject to Regulation 7, a Licence shall be in the form specified in Schedule 1 with such variation, 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

6. (1) A Licence shall, unless it has been revoked or had its duration reduced under Regulation 8, remain in force from the date of grant for a period of one year unless renewed under these Regulations.

(2) A Licence may be renewed from time to time by the Commission.

(3) Prior to the expiration of a 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, renew the Licence for one year 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 be subject to the payment of the relevant fees in advance of the grant or expiry date and shall not be construed as warranting that the Licence shall be renewed at any time in the future.

(4) In considering whether to renew a Licence, the Commission shall have particular regard to:

- (a) whether the Licensee has complied with these Regulations and the conditions attached to the expiring Licence;
- (b) the efficient management and use of the radio spectrum; and
- (c) the avoidance of Harmful Interference.

(5) Notwithstanding paragraphs (1) to (4) of this Regulation, a Licence that is granted or renewed on or after the second anniversary of the first issue of a Licence under these Regulations shall fully expire on the third anniversary of such issue.

Conditions of Licences

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

- (a) the Licensee shall comply with these Regulations and the conditions attached to the Licence;
- (b) the Licensee shall ensure that the Apparatus is used only on such radio frequency spectrum as may be specified in the Licence;
- (c) the Licensee shall make payments of the fees as set out in Schedule 2 to these Regulations, and in accordance with Regulation 9 of these Regulations;

- (d) the Licensee shall request the Commission to consider and decide on an amendment to the Licence to reflect any proposed changes to the information contained in the Licence;
- (e) the Licensee shall furnish such information and reports in respect of the Licence, including relating to the Apparatus and its use, as may be requested by the Commission from time to time;
- (f) the Licensee shall 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;
- (g) the Licensee shall ensure that, save as may be required by law, access to, and use of, the Apparatus is restricted to the Licensee, employees or agents of the Licensee, and persons authorised by or on behalf of the Licensee;
- (h) where the Commission is satisfied that a Licensee has failed to comply with any provision of these Regulations or a condition of the Licence, and the Commission has served on the Licensee a written notice prohibiting the use of Apparatus by such date and time as may be specified in the notice, then the Licensee will cease to use that Apparatus on or before the applicable date and time until such notice has been withdrawn by the Commission, and the Licensee shall take such measures as may be specified by the Commission in the notice;
- (i) the Licensee shall upon becoming aware of any event likely to materially affect their ability to comply with these Regulations, or any conditions set out or referred to in the Licence, notify the Commission of that fact in writing within 5 working days; and
- (j) the Licensee shall on request from an authorised officer of the Commission permit the inspection of the Apparatus, enable access to the site or sites on which the Apparatus is located and produce the associated Licence for inspection.

Enforcement, Amendment, Revocation and Suspension

8. (1) Enforcement by the Commission of compliance by the Licensee with conditions attached to their Licence shall be in accordance with the Act of 1926.

(2) 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 Act of 1926.

(3) A Licence may be suspended or revoked by the Commission in accordance with the Act of 1926.

Licence Fees

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

(2) The fees set out and provided for in Schedule 2 shall be payable by the Licensee to the Commission prior to the grant or renewal of a Licence.

(3) Fees shall be paid to the Commission by way of electronic funds transfer 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) Fees for any period of less than one year shall be calculated on a pro-rata monthly basis for such period.

(5) If a Licence is surrendered by the Licensee, the Licensee may be entitled to a refund on a pro-rata monthly basis for the remaining period of the Licence of the relevant fee.

(6) If a Licence is suspended or revoked due to a finding by ComReg of non-compliance with any relevant licence conditions, the Licensee shall not be entitled to be repaid any part of the fee paid by the Licensee, but shall still be liable to pay any sums, including interest, that are outstanding.

(7) An amount payable by a Licensee may be recovered by the Commission as a simple contract debt in any court of competent jurisdiction.

SCHEDULE 1 WIRELESS TELEGRAPHY ACT, 1926
WIRELESS TELEGRAPHY (COUNTER-UAS LICENCE)
REGULATIONS, 2024
LICENCE CERTIFICATE

Part 1

Licence Number:

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), transferred to the Commission for Communications Regulation by section 4 of the Communications Regulation (Amendment) Act, 2007 (No. 22 of 2007), grants to the Licensee specified, authorisation to keep, have possession of, install, maintain, work and use only the apparatus as specified in Part 2 of this Licence subject to the Licensee observing the conditions contained in Regulation 7 of the Wireless Telegraphy (Counter-UAS Licence) Regulations, 2024 (S.I. No. 550 of 2024)

Licensee:

Address:

Licence Type:

Commencement and Termination Dates (if applicable):

The Licence comes into effect on DD/MM/YY and, subject to revocation or suspension, expires on DD/MM/YY unless renewed in accordance with these Regulations.

Signed:

on behalf of the Commission for Communications Regulation

Date:

Part 2

Licence Details

Description and Characteristics of Apparatus

Make	
Model	
Serial Number	

Operational Conditions of Apparatus

Location and Direction of Operation

- 1) The Licensee shall only operate the Apparatus at the State airport known as Dublin airport.
- 2) The Licensee shall operate the Apparatus in accordance with any restrictions and obligations imposed by the Irish Aviation Authority or the Irish Air Navigation Service.

Drone Incident Reporting

- 1) The Licensee shall notify the Commission within 24 hours of any activation of the Apparatus.

Inspection and Decommissioning

- 1) The Licensee shall make the Apparatus available to the Commission for inspection and testing at any time.
- 2) The Licensee shall inform the Commission if the Apparatus is decommissioned prior to its annual renewal date.

Annual Reporting Requirements

- 1) The Licensee shall provide to the Commission an annual report on the anniversary of the grant of a Licence which will, at a minimum, include the following:
 - a. Details of the times and dates when the Apparatus was activated in the previous 12-month period;
 - b. For each activation identified in (a), details of the impact, if any, on radiocommunications operating in the aerodrome;

- c. Proof of the annual calibration of the Apparatus to ensure that it still operates as per its licence conditions;
- d. The standard operating procedure for the authorisation and use of the Apparatus.
- e. A complete list of all personnel authorised to use the Apparatus; and
- f. Evidence of training of all personnel authorised to use the Apparatus.

Technical Conditions of Apparatus

Power into Antenna

Antenna Gain

Occupied Bandwidth

Power Spectral density

SCHEDULE 2 FEES PAYABLE

The annual payable fees for a Counter-UAS Licence are as follows:

- (i) a once-off, upfront fee of **€25,000** which would be paid prior to the initial grant of the Licence; and
- (ii) an annual fee, index-linked,¹ that is paid at the beginning of each year over the duration of the Licence. The annual fee in the first year of the Licence is **€9,500**.



GIVEN under the Official Seal of the Commission for Communications Regulation,
22 October, 2024.

ROBERT MOURIK,
Commissioner.

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 my Official Seal,
16 October, 2024.

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

¹ Annual fees are index-linked to the overall Consumer Price Index (“CPI”) as published by the Central Statistics Office of Ireland (or its successor).

EXPLANATORY NOTE

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

These Regulations provide for the issue of Licences for Apparatus for Wireless Telegraphy for the provision of C-UAS by the Dublin Airport Authority at Dublin airport, for the regulation of such Apparatus, and for the payment of fees by persons granted Licences for that Apparatus.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
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