

### **The Swedish Post and Telecom Agency Regulations concerning a combined selection procedure for licences to use radio transmitters in the 816-821/857-862 MHz frequency block (FDD6 in the 800 MHz band);**

PTSFS YR:NO

Released by printers xx

adopted on XXX.

The following is prescribed pursuant to Section 19 of the Electronic Communications Ordinance (2003:396):

#### **Scope**

**Section 1** These Regulations contain provisions on the content of an open invitation to apply for a licence to use radio transmitters in the 816-821/857-862 MHz frequency block and also on a selection procedure for assignment under Chapter 3, Section 8 of the Electronic Communications Act (2003:389).

#### **Definitions**

**Section 2** In this enactment:

*decision to limit the number of licences and issue an open invitation:* means a decision to limit the number of licences under Chapter 3, Section 7 of the Electronic Communications Act and issue an open invitation under Chapter 3, Section 8 of the Electronic Communications Act.

*bidder:* means a party who has submitted an application to participate in the selection procedure and who fulfils the requirements contained in the Swedish Post and Telecom Agency's decision to limit the number of licences and issue an open invitation for the application,

*the 800 MHz band:* means the 790-862 MHz frequency band,

*FDD6 in the 800 MHz band:* means the 816-821/857-862 MHz frequency block,

*spectrum:* means frequency space for radio use,

*ceiling amount:* means the maximum amount that a bidder can offer in coverage.

## **Application to participate in the selection procedure**

**Section 3** An application to participate in the selection procedure shall be made on a standard form provided by the Swedish Post and Telecom Agency. The application shall be submitted no later than on the day stated in the decision to limit the number of licences and issue an open invitation, and shall include details about, among other things, the applicant's:

1. name or operating name,
2. personal identity (ID) number or organisation/corporate identity number or the equivalent for a foreign applicant,
3. postal address,
4. contact person authorised to represent the applicant during the selection procedure, including his or her telephone number and e-mail address.

Foreign legal persons shall attach to the application a current extract from a company register or the equivalent confirming the details contained in items 1 and 2 of the first paragraph.

**Section 4** Applicants shall provide a bank guarantee in the manner stated in the decision to limit the number of licences and issue an open invitation.

The bank guarantee shall be issued in the name of the Swedish Post and Telecom Agency by such a credit institution or financial institution as is referred to in Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (recast) in the European Union, Iceland, Liechtenstein, Norway or Switzerland.

The other requirements imposed concerning the bank guarantee are stated in the decision to limit the number of licences and issue an open invitation.

Applicants shall provide the Swedish Post and Telecom Agency with proof that the bank guarantee has been provided in the manner stated in the decision to limit the number of licences and issue an open invitation.

## **Selection procedure for assigning a licence**

**Section 5** A licence to use a radio transmitter in FDD6 in the 800 MHz band shall be assigned through a combined selection procedure.

The combined selection procedure is a combination of a comparative selection procedure, where the coverage offered is decisive, and a tender procedure, where the price that applicants are willing to pay for the licence is decisive.

**Section 6** The amount of spectrum that may be combined with a licence in the 800 MHz band for one and the same bidder is limited in accordance with that stated in the decision to limit the number of licences and issue an open invitation.

**Section 7** Bids in the selection procedure shall be given in Swedish kronor

(SEK). The lowest bid that will be considered is stated in the decision to limit the number of licences and issue an open invitation.

Bids up to and including the ceiling amount constitute a binding offer for coverage as described in the decision to limit the number of licences and issue an open invitation. The ceiling amount is stated in the decision to limit the number of licences and issue an open invitation.

Bids that exceed the ceiling amount constitute a binding offer to pay for the licence the amount above the ceiling amount, in addition to the amount prescribed by the second paragraph.

**Section 8** Bidding shall take place in several bidding rounds through an auction system in the manner stated in the decision to limit the number of licences and issue an open invitation.

**Section 9** The highest standing bid is determined after each bidding round in the manner stated in the decision to limit the number of licences and issue an open invitation.

Only bids submitted within the period of time and in the manner determined and notified to the bidders during the selection procedure shall be considered.

**Section 10** In the case of unforeseen events that have a major impact on the selection procedure, a certain bidding round or entire selection procedure may be discontinued temporarily or completely. In the event of such a situation:

- the selection procedure or bidding round may be resumed at the phase when bidding was interrupted, or
- the selection procedure or a bidding round or several bidding rounds may be declared invalid and the selection procedure recommenced from the start or from a particular bidding round.

**Section 11** The winning bid is the highest standing bid when the selection procedure has been concluded.

The circumstances under which the selection procedure is concluded are stated in the decision to limit the number of licences and issue an open invitation.

**Section 12** A bid that is not a winning bid ceases to be binding after the selection procedure has been concluded.

**Section 13** If, following the conclusion of the selection procedure, it becomes known that a bidder has submitted incorrect information or has otherwise not complied with these Regulations or the provisions contained in the decision to limit the number of licences and issue an open invitation, the outcome of the procedure shall still apply for other bidders.

## **Prohibition against collusion**

**Section 14** Bidders may not coordinate bidding or collude during the selection procedure in any other way.

## **Barring**

**Section 15** Bidders that have submitted incorrect information or have otherwise not complied with these Regulations or the provisions contained in the decision to limit the number of licences and issue an open invitation may be barred from participating in this selection procedure.

## **Granting licences**

**Section 16** Bidders who have won the bidding shall be granted a licence, subject to conditions according to Chapter 3, Section 11 of the Electronic Communications Act, through a decision following the conclusion of the selection procedure.

The conditions that may be attached to the licence are stated in the decision to limit the number of licences and issue an open invitation.

## **Auction price**

**Section 17** In the event that the winning bid exceeds the ceiling amount, the bidder with the lowest bid shall pay the auction price. The auction price constitutes the part of the bid that exceeds the ceiling amount. Payment shall be made within the period of time and in the manner stated in the decision to limit the number of licences and issue an open invitation.

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This enactment enters into force on xx and applies up to and including xx 201x.

On behalf of the Swedish Post and Telecom Agency

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