

Our reference: 24-487

This document is a non-binding translation to English of the Swedish Decision published 5 June 2024

Decision to issue open invitation to apply for licences to use radio transmitters in parts of the 1800 MHz band

Matter

Decision to issue open invitation to apply for licences to use radio transmitters in accordance with Chapter 3, Sections 10 and 11 of the Swedish Electronic Communications Act (2022:482) (LEK)

The Post and Telecom Authority's decision

The Post and Telecom Authority decides to issue open invitation to apply and that:

- a) The open invitation to apply is announced in two parts: Open invitation part 1 (see Appendix 1) and Open invitation part 2 (Appendix 2, will be announced at a later date).
- b) The licensing process shall take place after a bidding procedure in which the price the applicant is willing to pay for the licence shall be the deciding factor.
- c) The licensing process shall be conducted in accordance with the rules set out in Open invitation part 1 and Open invitation part 2.
- d) The licences shall be subject to conditions in accordance with Open invitation part 2.

Grounds

Applicable regulations

Pursuant to Chapter 3, Section 9 of LEK, the number of licences granted within a frequency band may be limited if necessary to ensure an efficient use of radio frequencies.

Pursuant to Chapter 3, Section 10 of LEK, when the number of licences have been limited in accordance with Chapter 3, Section 9 of LEK, the licensing process shall take place following an open invitation to apply, unless special grounds require otherwise.

Pursuant to Chapter 3, Section 11, first paragraph of LEK, the licensing process following an open invitation to apply shall take place after a comparative selection procedure, after a bidding procedure in which the price the applicant is willing to pay for the licence shall be the deciding factor, or a combination of these procedures. Pursuant to the third paragraph, the same section of law, the open invitation shall include information on the procedure to be used, the conditions for participation in the procedure, and the conditions to which the licences will be subject.

PTS's assessment

The number of licences in the 1800 MHz band have been limited through the decision, registration number 24-487 on 5 June 2024. The principle rule stipulates that the licensing process shall be conducted following an open invitation to apply. No special grounds exist to not issue such an invitation.

PTS assesses that a bidding procedure in which the price the applicant is willing to pay for the licence is the deciding factor, i.e. an auction, is the most appropriate selection procedure.

PTS announces the rules and conditions for the bidding procedure and the licence assignment in the open invitation to apply, which is announced in two parts. The rules which the licensing process shall be conducted in accordance with will be included in Open invitation part 1 and part 2, and the conditions to which the licences will be subject will be included in Open invitation part 2.

Notice of appeal

This decision may, pursuant to Chapter 15, Section 3, second paragraph of LEK, only be appealed in connection with an appeal on a decision to issue a licence to use radio transmitters.

This decision has been made by the general manager Dan Sjöblom. In the final case, the project manager Anna-Maria Lann (rapporteur), project lawyer Parasto Kazemi, department head Kristian Viidas, division head Tove Friberg and the general counsel Karolina Asp have participated. In addition department head Fredrik Kapper was present at the presentation.