**Decision No. 1/8 of the Board of the Public Utilities Commission**

Adopted 4 August 2022

**Regulations Regarding the Rights of Use of the Limited Radio Spectrum Band**

*Issued pursuant to*

*Section 45, Paragraph two and Section 48, Paragraph one of the Electronic Communications Law*

**I. General Provisions**

1. These regulations prescribe the conditions:

1.1. under which the rights of use of the limited radio spectrum band are cancelled, shared, transferred, and leased, and the duration of the respective rights is renewed;

1.2. for transferring or leasing the rights of use of the limited radio spectrum band.

2. In order for an electronic communications merchant (hereinafter – the merchant) to cancel, share, transfer, lease or renew the duration of the rights of use of the limited radio spectrum band, the merchant shall submit to the Public Utilities Commission (hereinafter – the Regulator) a request for the rights of use of the limited radio spectrum band to be:

2.1. cancelled (Annex 1);

2.2. shared (Annex 2);

2.3. transferred or leased (Annex 3);

2.4. renewed (Annex 4).

3. The Regulator shall examine the request for the cancellation, sharing, transfer, lease, or renewal of the duration of the rights of use of the limited radio spectrum band at a meeting of the Board of the Regulator, inviting the merchant to participate therein.

**II. Cancellation of the Rights of Use of the Limited Radio Spectrum Band**

4. The merchant shall, not later than 30 days prior to ceasing to use the granted rights of use of the limited radio spectrum band, submit to the Regulator the request specified in Sub-paragraph 2.1 of these regulations.

5. The Regulator may, upon prior notification of the merchant, cancel the rights of use of the limited radio spectrum band granted thereto under the conditions laid down in the Electronic Communications Law.

6. If the merchant has been excluded from the list of electronic communications merchants, the rights of use of the limited radio spectrum band granted to the merchant shall be cancelled by a decision of the Chair of the Regulator.

**III. Transfer, Lease, or Shared Use of the Rights of Use of the Limited Radio Spectrum Band**

7. Merchants shall submit to the Regulator the request specified in Sub-paragraph 2.2 or 2.3 of these regulations for the transfer, lease, or shared use of the rights of use of limited radio spectrum band.

8. Interconnected requests for the transfer of the rights of use of the limited radio spectrum band shall be submitted by the merchants at the same time.

9. The Regulator shall examine the request submitted by merchants for the transfer, lease, or shared use of the rights of use of the limited radio spectrum band by taking into account the circumstances specified in the Electronic Communications Law, including the following conditions:

9.1. proportionate allocation of resources of the limited radio spectrum band;

9.2. efficient use of resources of the limited radio spectrum band;

9.3. impact on service quality;

9.4. benefit to public interest and gains for consumers;

9.5. environmental impact.

10. The Regulator is entitled to allow the merchant to transfer the rights of use of the limited radio spectrum band if the merchant has complied with the following:

10.1. laws and regulations or administrative acts in the electronic communications sector issued by the Regulator;

10.2. regulations regarding the use of radio equipment, or the offence is rectified within the time period laid down by *valsts akciju sabiedrība “Elektroniskie sakari”* [State joint-stock company Electronic Communications Office].

**IV. Renewal of the Duration of the Rights of Use of the Limited Radio Spectrum Band**

11. The Regulator shall consider the possibility of renewing the duration of the rights of use of the limited radio spectrum band by taking into account the conditions laid down in the Electronic Communications Law and Paragraphs 9 and 10 of these regulations.

12. After considering the possibility of renewing the duration of the rights of use of the limited radio spectrum band, the Regulator shall publish a notification on its website indicating whether there is a possibility to renew the duration of the rights of use of the limited radio spectrum band.

13. The merchant shall submit the request specified in Sub-paragraph 2.4 of these regulations for the renewal of the duration of the rights of use of the limited radio spectrum band not later than six months before expiry of the rights of use of the limited radio spectrum band.

14. After receipt of the request for the renewal of the duration of the rights of use of the limited radio spectrum band, the Regulator shall, within five working days, publish on its website the information on the received request by indicating the merchant who has submitted the request and the rights of use of the limited radio spectrum band specified in the request.

15. The Regulator shall examine the request of the merchant for the renewal of the duration of the rights of use of the limited radio spectrum band by taking into account the Electronic Communications Law and Paragraphs 9 and 10 of these regulations.

16. The Regulator shall renew the duration of the rights of use of the limited radio spectrum band for a period not exceeding 10 years.

**Closing Provisions**

16. Decision No. 1/7 of the Public Utilities Commission of 16 June 2011, Regulations Regarding the Rights of Use of the Radio Frequency Spectrum (*Latvijas Vēstnesis*, 2011, No. 97; 2013, No. 122; 2018, No. 154), is repealed.

17. These regulations shall come into force on the day after publication thereof in the official gazette *Latvijas Vēstnesis*.

**Informative Reference to European Union Directive**

These regulations contain legal norms arising from Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code.

Chair of the Board of the Public Utilities Commission A. Ozola

**Annex 1**

Decision No. 1/8 of the Public Utilities Commission

4 August 2022

**Request for the Cancellation of the Rights of Use of the Limited Radio Spectrum Band**

**1. Information on the merchant:**

|  |  |
| --- | --- |
| 1. Name of the merchant |  |
| 2. Registration number |  |

**2. Information on the rights of use of the limited radio spectrum band to be cancelled:**

2.1. The rights of use of the limited radio spectrum band from \_\_\_\_\_\_\_\_MHz to \_\_\_\_\_\_\_\_MHz and the territory in which cancellation thereof is requested –

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| --- | --- |
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2.2. The planned date of cancellation of the rights of use of the limited radio spectrum band

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| --- | --- |
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**3. Other relevant information** (any additional information provided by the merchant at its discretion):

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| --- | --- |
|  | . |

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |
| --- | --- | --- | --- |
| Person entitled to represent the merchant | |  |  |
|  | |  | /signature and full name thereof/ |
|  | |  |  |
| /given name, surname of the person who prepared the document/ | |  |  |
| Telephone |  |  |  |
| E-mail |  |  |  |

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**Annex 2**

Decision No. 1/8 of the Public Utilities Commission

4 August 2022

**Request for Sharing the Rights of Use of the Limited Radio Spectrum Band**

**1. Information on the merchant to whom the Regulator has granted or who has been allowed by the Regulator to obtain through lease the rights of use of the limited radio spectrum band:**

|  |  |
| --- | --- |
| 1. Name of the merchant |  |
| 2. Registration number |  |

**2. Information on the merchant with whom it is intended to share the rights of use of the limited radio spectrum band:**

|  |  |
| --- | --- |
| 1. Name of the merchant |  |
| 2. Registration number |  |

**3. Information on the rights of use of the limited radio spectrum band which are intended to be shared:**

3.1. The limited radio spectrum band from \_\_\_\_\_MHz to \_\_\_\_\_MHz to which the rights of use have been granted.

3.2. Use of the limited radio spectrum band:

3.2.1. The rights of use of the limited radio spectrum band from \_\_\_\_\_\_\_\_MHz to \_\_\_\_\_\_\_\_MHz which have been actually exercised and the territory \_\_\_\_\_\_\_\_\_\_\_\_\_.

3.2.2. The rights of use of the limited radio spectrum band from \_\_\_\_\_\_\_\_MHz to \_\_\_\_\_\_\_\_MHz which have not been exercised and the territory \_\_\_\_\_\_\_\_\_\_\_\_\_.

3.2.3. Reasons for not using the limited radio spectrum band granted or obtained through lease

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3.2.4. Purpose of exercising the rights of use of the limited radio spectrum band granted or obtained through lease and the technology used

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**4. Information on the intended shared use of the rights of use of the limited radio spectrum band:**

4.1. Purpose and intention of sharing the rights of use of the limited radio spectrum band (means of radio communications, technology)

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| --- | --- |
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4.2. Justification for and efficiency of the intention of sharing the rights of use of the limited radio spectrum band

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4.3. Territory of the intended shared use of the limited radio spectrum band

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4.4. Impact on competition assessment of the intended shared use of the limited radio spectrum band

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4.5. Intended start (year) and period of the shared use of the limited radio spectrum band

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**5. Other relevant information** (any additional information provided by the merchants at their discretion):

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Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| --- | --- | --- | --- |
| Persons entitled to represent merchants | |  |  |
|  | |  | /signature and full name thereof/ |
|  | |  |  |
|  | |  | /signature and full name thereof/ |
|  | |  |  |
| /given name, surname of the person who prepared the document/ | |  |  |
| Telephone |  |  |  |
| E-mail |  |  |  |

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**Annex 3**

Decision No. 1/8 of the Public Utilities Commission

4 August 2022

**Request for the Transfer or Lease of the Rights of Use of the Limited Radio Spectrum Band**

**1. Information on the merchant to whom the Regulator has granted the rights of use of the limited radio spectrum band:**

|  |  |
| --- | --- |
| 1. Name of the merchant |  |
| 2. Registration number |  |

**2. Information on the merchant to whom it is intended to transfer the rights of use of the limited radio spectrum band:**

|  |  |
| --- | --- |
| 1. Name of the merchant |  |
| 2. Registration number |  |

**3. Information on the merchant to whom it is intended to lease the rights of use of the limited radio spectrum band:**

|  |  |
| --- | --- |
| 1. Name of the merchant |  |
| 2. Registration number |  |

**4. Information on the rights of use of the limited radio spectrum band which is intended to be transferred or leased:**

4.1. The limited radio spectrum band from \_\_\_\_\_MHz to \_\_\_\_\_MHz to which the rights of use have been granted.

4.2. Use of the limited radio spectrum band:

4.2.1. The rights of use of the limited radio spectrum band from \_\_\_\_\_\_\_\_MHz to \_\_\_\_\_\_\_\_MHz which have been actually exercised and the territory \_\_\_\_\_\_\_\_\_\_\_\_\_.

4.2.2. The rights of use of the limited radio spectrum band from \_\_\_\_\_\_\_\_MHz to \_\_\_\_\_\_\_\_MHz which have not been exercised and the territory \_\_\_\_\_\_\_\_\_\_\_\_\_.

4.2.3. Reasons for not exercising the granted rights of use of the limited radio spectrum band

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4.2.4. Purpose of exercising the granted rights of use of the limited radio spectrum band and the technology used

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**5. Information on the intended exercise of the rights of use of the limited radio spectrum band after transfer or lease thereof:**

5.1. Purpose and intention of exercising the rights of use of the limited radio spectrum band (means of radio communications, technology)

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5.2. Justification for and efficiency of the need to transfer or lease the rights of use of the limited radio spectrum band

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| --- | --- |
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5.3. Intended territory of exercise of the rights of use of the limited radio spectrum band

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| --- | --- |
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5.4. Impact on competition assessment of the transfer or lease of the rights of use of the limited spectrum band

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5.5. Start (year) and period of the exercise of the rights of use of the limited radio spectrum band \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

5.6. The rights of use of the limited radio spectrum band from \_\_\_\_\_\_\_\_MHz to \_\_\_\_\_\_\_\_MHz which are to be transferred or leased.

**6. Other relevant information** (any additional information provided by the merchants at their discretion):

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Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| --- | --- | --- | --- |
| Persons entitled to represent merchants | |  |  |
|  | |  | /signature and full name thereof/ |
|  | |  |  |
|  | |  | /signature and full name thereof/ |
|  | |  |  |
| /given name, surname of the person who prepared the document/ | |  |  |
| Telephone |  |  |  |
| E-mail |  |  |  |

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**Annex 4**

Decision No. 1/8 of the Public Utilities Commission

4 August 2022

**Request for the Renewal of the Duration of the Rights of Use of the Limited Radio Spectrum Band**

**1. Information on the merchant:**

|  |  |
| --- | --- |
| 1. Name of the merchant |  |
| 2. Registration number |  |

**2. Exercise of the Rights of Use of the Limited Radio Spectrum Band**

2.1. The rights of use of the limited radio spectrum band from \_\_\_\_\_\_\_\_MHz to \_\_\_\_\_\_\_\_MHz which have been actually exercised and the territory

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2.2. The rights of use of the limited radio spectrum band from \_\_\_\_\_\_\_\_MHz to \_\_\_\_\_\_\_\_MHz which have not been exercised and the territory

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2.3. Reasons for not exercising the granted rights of use of the limited radio spectrum band

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2.4. Purpose of exercising the granted rights of use of the limited radio spectrum band and the technology used

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**3. Information on the Renewal of the Duration of the Rights of Use of the Limited Radio Spectrum Band:**

3.1. The rights of use of the limited radio spectrum band from \_\_\_\_\_\_\_\_MHz to \_\_\_\_\_\_\_\_MHz which the merchant requires to be renewed.

3.2. Territory in which it is necessary to renew the duration of the rights of use of the limited radio spectrum band

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3.3. Period for which it is necessary to renew the duration of the rights of use of the limited radio spectrum band

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3.4. Justification for the need to renew the duration of the granted rights of use of the limited radio spectrum band by indicating means of radio communications and the technology to be used

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| --- | --- |
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**4. Other relevant information** (any additional information provided by the merchant at its discretion):

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| --- | --- |
|  | . |

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |
| --- | --- | --- | --- |
| Persons entitled to represent merchants | |  |  |
|  | |  | /signature and full name thereof/ |
|  | |  |  |
| /given name, surname of the person who prepared the document/ | |  |  |
| Telephone |  |  |  |
| E-mail |  |  |  |

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