**Decision No. 1/9 of the Board of the Public Utilities Commission**

Adopted 4 August 2022

**Regulations Regarding Granting the Rights of Use of the Limited Radio Spectrum Band through Auction**

*Issued pursuant to*

*Section 46, Paragraph three of the Electronic Communications Law*

**1. General Provision**

1. These regulations prescribe the conditions under which:

1.1. an auction is organised to determine a winner who obtains the rights of use of the limited radio spectrum band;

1.2. the essential requirements for a participant and winner are laid down;

1.3. the auction process, the evaluation process, and the procedures for validating results are laid down;

1.4. actions of the Public Utilities Commission (hereinafter – the Regulator) are determined in case the winner fails to fulfil the liabilities and obligations determined for them.

**2. Announcement of the Auction**

2. A merchant shall, in accordance with Annex 1 to these regulations, submit to the Regulator a request for the rights of use of the limited radio spectrum band.

3. After receipt of the request for granting the rights of use of the limited radio spectrum band, the Regulator shall, within five working days, publish on its website information on the received request by indicating the electronic merchant who has submitted the request, the rights of use of the limited radio spectrum band specified in the request, and the intended exercise thereof.

4. The Board of the Regulator shall announce an auction for granting the rights of use of the limited radio spectrum band by a decision (hereinafter – the decision of the announcement). The Regulator shall take the decision of the announcement at least a month before the auction.

5. In addition to that specified in the Electronic Communications Law, the Regulator shall indicate the following information in the decision of the announcement:

5.1. the conditions for acquiring the auction item;

5.2. the number of auction items which can be acquired by one winner of the action;

5.3. the starting price for the auction item (hereinafter – the starting price);

5.4. the date and time of the submission of the documents specified in Paragraphs 7 and 8 of these regulations (hereinafter – the registration submission);

5.5. the amount of security and the time periods for lodging it;

5.6. the State budget account for lodging security and the highest bid offered by the winner of the auction;

5.7. the place, date, and time of the auction;

5.8. the procedures and time periods for submitting the password to open the document.

**3. Registration Submission**

6. In order to register for participation in the auction, the merchant shall submit the registration submission to the commission of the auction.

7. The registration submission of the merchant shall consist of the following documents:

7.1. the registration submission (Annex 2);

7.2. the declaration of conformity (Annex 3);

7.3. the document confirming representation of a representative (Annex 4);

7.4. the document confirming lodgement of the security in accordance with Paragraph 26 of these regulations and the decision of the announcement.

8. In addition to that specified in Paragraph 7 of these regulations, a merchant registered in a European Union Member State shall attach a statement:

8.1. from the Commercial Register regarding the date of registration with the Commercial Register and the fact that liquidation proceedings have not been initiated in respect thereof, its economic activity has not been suspended, insolvency proceedings have not been declared, and legal protection proceedings have not been initiated;

8.2. from the Commercial Register regarding the right of representation;

8.3. regarding the absence of the tax debt exceeding EUR 150 in total or an equivalent to this amount in another currency in the merchant’s country of registration.

9. A merchant registered in a European Union Member State shall submit the statements specified in Paragraph 8 of these regulations that are issued not earlier than two weeks prior to the date of auction specified in the decision of the announcement.

10. The merchant shall prepare the registration submission electronically and may submit it in a password-protected manner, except for the information indicated in the accompanying text which is not password-protected. The merchant shall retain an electronic copy of the registration submission document.

11. The merchant shall send the registration submission to the electronic mail address izsole@sprk.gov.lv by indicating the following in the accompanying text:

11.1. the merchant’s name, registration number, legal address, electronic mail address, and telephone number;

11.2. the name of the auction;

11.3. a note that the registration submission is not to be opened until the date and time of auction specified in the decision of the announcement by indicating a specific date and time.

12. Upon receipt of the registration submission, the commission of the auction shall, within one working day, inform electronically the merchant of its registration for participation in the auction or refusal thereof stating the reason.

13. The commission of the auction shall consider the registration submission submitted for auction to be invalid and shall not open it if the registration submission:

13.1. has been received before or after the time period for the submission indicated in the decision of the announcement;

13.2. has not been submitted in accordance with Paragraphs 10 and 11 of these regulations.

14. The Regulator shall not release the documents submitted by an applicant and participant, except for the cases specified in laws and regulations.

15. The applicant or participant shall immediately notify the commission of the auction:

15.1. of any changes in the registration submission;

15.2. if it discovers that the information indicated in the registration submission is incomplete or inaccurate.

16. The merchant, applicant, or participant shall submit electronically to the commission of the auction the documents signed with secure electronic signature in accordance with the laws and regulations regarding drawing up of electronic documents.

17. The merchant, applicant, or participant shall submit valid documents containing current information, latest changes, amendments, and supplementations.

18. The merchant, applicant, or participant shall submit documents in the official language. If documents are in a foreign language, the merchant, applicant, or participant shall attach a translation thereof in the official language which has been certified in accordance with the procedures laid down in laws and regulations.

19. It shall be the responsibility of the applicant to ensure that the registration submission can be opened and read.

20. The commission of the auction is entitled to verify the information provided by the applicant or participant. The commission of the auction is entitled to request at any moment the applicant or participant to provide in writing any additional information on the conformity with these regulations or decision of the announcement. The applicant or participant shall provide the commission of the auction with additional information not later than within two working days from the day of receipt of the request of the commission of the auction.

**4. Applicant and Participant**

21. The merchant shall be considered the applicant from the moment when it has submitted the registration submission in accordance with the procedures laid down in Paragraphs 10 and 11 of these regulations and the decision of the announcement and has received an approval from the commission of the auction regarding registration thereof for participation in the auction in accordance with Paragraph 12 of these regulations.

22. The participant shall constitute the applicant approved by the commission of the auction for participation in the auction in accordance with Paragraph 48 of these regulations and conforming with the following criteria:

22.1. it has submitted the registration submission in accordance with Paragraphs 10 and 11 of these regulations;

22.2. it conforms with the criteria laid down in the decision of the announcement;

22.3. it is a merchant registered in the Republic of Latvia or European Union Member State;

22.4. it has lodged the security in accordance with Paragraph 26 of these regulations and the decision of the announcement;

22.5. it has no tax (fee) debts administered by the State Revenue Service, including debts of mandatory State social insurance contributions, exceeding EUR 150 in total, according to the latest information provided in the Public Database of Tax Debtors of the State Revenue Service (for a merchant registered in a European Union Member State – a statement that it has no tax debt in the relevant European Union Member State exceeding EUR 150 in total or an equivalent to this amount in any other currency);

22.6. its economic activity has not been suspended, liquidation proceedings have not been initiated, insolvency proceedings have not been declared, and legal protection proceedings have not been initiated;

22.7. no restrictions on participation in the auction specified in laws and regulations have been established.

23. Each applicant or participant shall appoint no more than two representatives for further representation thereof in the auction. A representative of the applicant or participant in the auction may be a lawful or authorised representative thereof.

24. The applicant or participant shall provide the commission of the auction with correct, complete, and accurate information and shall be responsible for the veracity of the information provided. Any activity of the representative (including veracity of the information provided by the representative) in the auction shall be binding on the applicant and participant. Withdrawal or replacement of the representative with another representative shall be valid from the moment when the commission of the auction receives from the applicant or participant a document of withdrawal or replacement of the relevant representative.

25. Any agreement between representatives, applicants, participants, or other persons in respect of participation or non-participation in the auction or in respect of compliance or non-compliance with these regulations shall be prohibited and invalid from the moment of conclusion thereof. A prohibited agreement within the meaning of these regulations shall constitute an oral or written agreement (including mutual coordination of activities) between representatives, applicants, or participants, mutual disclosure of information related to the auction, and also any other prohibited activities which can affect result of the auction.

**5. Security**

26. The applicant shall lodge the security in the amount of the starting price. If there are several auction items, the security shall be in the amount of the highest starting price set. The applicant shall indicate the following in the payment:

26.1. the recipient: the Public Utilities Commission;

26.2. the purpose of the lodgement: Security and the name of the relevant auction.

27. If the registration submission has not been submitted, the Regulator shall release the lodged security to the merchant within 10 working days after the date of auction specified in the decision of the announcement.

28. The Regulator shall, within 10 working days after taking the decision on results of the auction, release the security to the current account specified in the registration submission in the following cases:

28.1. the applicant has not been recognised as a participant;

28.2. the participant has not been recognised as the winner of the auction;

28.3. the Board of the Regulator does not approve the result of the auction.

29. The security lodged by the winner of the auction shall form a part of the highest bid offered by the winner of the auction. The Regulator shall release the security to the winner of the auction within 10 working days after approval of the result of the auction if the security lodged exceeds the highest bid offered by the winner of the auction.

30. The Regulator shall not release the security and also shall exclude from participation in the auction an applicant or participant who:

30.1. has lodged the security but has failed to appear at the auction;

30.2. fails to submit a bid of the total amount of the starting price for the auction item and the auction price increment (hereinafter – the bid) in the first round of the auction, except for the case specified in Paragraph 56 of these regulations;

30.3. has been excluded from participation in the auction on the basis of Paragraphs 38 and 50, Sub-paragraphs 69.1, 69.4, and 69.5 and Paragraph 70 of these regulations.

**6. Contacting the Commission of the Auction**

31. Any person who wishes to clarify a question related to the course of the auction shall submit it to the commission of the auction in the official language in writing by sending it to the electronic mail address izsole@sprk.gov.lv within the time period ensuring that the commission of the auction receives this question not later than two working days before the date of auction specified in the decision of the announcement.

32. In submitting the question to the commission of the auction, the person shall indicate the name of the relevant auction and also the given name and surname of the person (the name, registration number of a legal person) submitting this question and contact details of this person.

33. The commission of the auction shall send a reply to the author of the submitted question within two working days after receipt of the question but not later than one working day before the day of the start of the auction.

34. The commission of the auction shall concurrently publish the submitted question and its reply thereto on the Regulator’s website. In publishing the submitted question, the commission of the auction shall not indicate the author of the question and the recipient of the reply.

**7. Restricted Access Information**

35. The commission of the auction shall use the submitted information and documents solely for the activities related to the auction. The commission of the auction shall be responsible for the protection of the information submitted by the applicant and participant.

36. The Regulator shall not disclose the following information until the end of the auction:

36.1. the number of the registration submissions submitted;

36.2. the information identifying the applicant and participant;

36.3. the content of the registration submissions submitted;

36.4. the bids offered by the participants.

37. Any activity of the applicant or participant aimed at obtaining, directly or indirectly, information that is not open and particularly concerns the strategies and tactics of other applicants or participants in the auction and the amounts they intend to offer shall be considered an infringement of the restrictions on the disclosure of information.

38. If the applicant or participant infringes the restriction on the disclosure of information specified in Paragraph 37 of these regulations and this can significantly affect results of the auction, the commission of the auction is entitled to not approve the applicant as a participant or exclude the participant from the auction.

**8. Course of the Auction**

**8.1. Opening of the Auction**

39. The auction shall take place if at least one registration submission has been submitted.

40. The auction shall commence at the place, on the date, and at the time specified in the decision of the announcement with the participation of the commission of the auction, the operator of the auction, the secretary of the auction, the applicant, and support staff of the Regulator.

41. The operator of the auction shall open the auction, communicate the composition of the commission of the auction, characterise the auction item, state the starting price, and inform the applicant of the planned course of the auction.

42. The auction shall take place in the official language. If it is necessary for the applicant or participant to use a foreign language during the auction, the applicant or participant shall provide its interpreter and be responsible for the accuracy of the interpretation. If it is necessary for the applicant or participant to have support of technical staff during the auction, the applicant or participant shall provide its technical staff and be responsible for the accuracy of activities of the technical staff. The applicant or participant of the auction shall inform the commission of the auction of the presence of its technical staff at the auction.

43. If it is necessary to continue the auction after the date specified in Paragraph 40 of these regulations, the auction may be continued on working days from 9.00 to 17.00. The operator of the auction shall inform the participant of the time and place of the auction.

**8.2. Verification of Conformity of the Applicant**

44. Conformity of the applicant shall be verified in accordance with these regulations and the decision of the announcement.

45. The commission of the auction shall open registration submissions in the order in which they have been received by using the password to open documents of the applicant provided to the commission of the auction at the moment of opening. In the case of any technical problems when opening the registration submission, the applicant has the right to submit to the commission of the auction the saved electronic copy of the registration submission document.

46. In opening the registration submission, the commission of the auction shall ascertain that:

46.1. the applicant conforms with the criteria laid down in Paragraph 22 of these regulations;

46.2. the security lodged by the applicant has been received in accordance with Paragraph 26 of these regulations and the decision of the announcement.

47. The commission of the auction shall consider the registration submission invalid and not to have been submitted to the auction in the following cases:

47.1. Paragraphs 10 and 11 of these regulations have not been complied with;

47.2. the registration submission and the electronic copy of the registration submission document cannot be opened and read.

48. The commission of the auction shall assess the registration submission submitted by the applicant. The commission of the auction may announce discontinuation of the auction in order to verify conformity of the applicant. The operator of the auction shall inform the applicant or participant of further time and place of the auction. The commission of the auction shall take the decision on recognition of each applicant as a participant. The commission of the auction shall not approve as a participant the applicant who:

48.1. has failed to appear at the auction;

48.2. does not conform with the criteria laid down in Paragraph 22 of these regulations;

48.3. infringes Paragraph 37 of these regulations.

49. If the decision of the announcement states that participants may not be associated merchants and the commission of the auction establishes that two or more applicants are associated merchants within the meaning of the decision of the announcement, the commission of the auction shall set a time period not exceeding an hour for applicants that are associated merchants to decide which of them will continue participating in the auction. If the applicants that are associated merchants fail to agree on participation in the auction, the commission of the auction shall exclude from participation in the auction those applicants that are associated merchants and have failed to agree.

50. The commission of the auction shall exclude from participation in the auction an applicant or participant who has failed to comply with or has infringed these regulations or the decision of the announcement and whose actions can thus affect the result of the auction.

**8.3. Technical Conditions of the Auction**

51. Upon approval of the participants, the operator of the auction shall provide training for representatives to work with the auction software, and also inform them of the availability of the auction software user guide. After training, a representative shall confirm that he or she has become acquainted with the auction software (Annex 5) and understands how to use it. The secretary of the auction shall provide the participant with the username and password to be used for the auction software.

52. If participants are present on the Regulator’s premises, the secretary of the auction shall allot a room for a participant which is equipped with a computer and the software necessary for the auction.

53. If the auction takes place remotely, without the presence of participants on the Regulator’s premises, the secretary of the auction shall inform applicants in a timely manner of the procedures for receiving the technical equipment necessary for the course of the auction.

54. The commission of the auction may discontinue the auction if it is necessary for providing technical equipment for the auction. In the case of any technical problems during the course of the auction, the commission of the auction shall decide on procedures for the auction in writing, and the operator of the auction shall inform the participants of the auction regarding this fact.

55. The participant has the right to request discontinuation of the auction once in each day of the auction, indicating the time and duration of this discontinuation. The commission of the auction shall immediately decide on the time and duration of the discontinuation and determine the discontinuation not earlier than before the next round of the auction not commenced. The commission of the auction may announce discontinuation, acting on its own initiative.

**8.4. Bidding Process**

56. If only one participant participates in the auction, the bidding shall not take place and the sole participant shall be the winner of the auction.

57. If the decision of the announcement sets out a single auction item, the sole participant shall acquire it at the starting price specified in the decision of the announcement. If the decision of the announcement sets out several auction items and the winner of the auction has the right to acquire several auction items, the sole participant shall be free to select one or more auction items without exceeding the number of auction items to be acquired by the winner of the auction which has been specified in the decision of the announcement.

58. If more than one participant participates in the auction, the bidding shall take place electronically.

59. The operator of the auction shall inform the participants of the procedures for making a bid, the duration of the round and intermediate rounds of the auction, and the procedures for requesting discontinuation of the auction. The commission of the auction is entitled to change the duration of the round and intermediate rounds of the auction, informing the participants.

60. The auction shall be organised as a forward auction. Increment bid in the round of the auction for an auction item shall be at least 10 % of the starting price for the relevant auction item specified in the decision of the announcement.

61. A bid made by the participant in rounds of the auction shall be rounded to full thousands. The starting price in each following round of the auction shall be the highest bid made for the relevant auction item in the previous round of the auction. If bidding concerns several auction items and only one participant in the round has made a bid for a specific auction item, this participant may make the same bid for this auction item in the next round without applying an increment bid.

62. The auction shall take place in rounds. The final round of the auction shall be the round where none of the participants makes a new bid.

63. The participant shall only submit a bid in the round of the auction. The participant shall submit a bid electronically by using the auction software, but in the case of a written auction – in writing by submitting the bid to the operator of the auction.

64. If the decision of the announcement sets out several auction items, the participant is entitled to make several bids for auction items in the round of the auction without exceeding the number of auction items which may be acquired by one winner of the auction. If the participant submits several bids, each bid shall be indicated separately.

65. In using the auction software, the participant shall become acquainted with information on the bids made by all participants in the previous round of the auction and the starting time of the next round of the auction. After each round of the auction the participant can become acquainted with the bid made by other participants in all rounds of the auction without identification. In using the auction software, the participant may check the smallest value of the bid submitted in the current round of the auction.

66. If the auction takes place in writing, the participant shall indicate in the bid the auction item for which the bid is made, the offered price both in words and figures, the number of the round of the auction, the date and time. If the participant of the auction has indicated a different price in words and figures in the bid, the commission of the auction shall take into account the price indicated in words. If the participant of the auction makes a bid for several auction items, it shall submit a bid for each auction item separately.

67. In the case of a written auction, the operator of the auction shall provide the following information to the participants of the auction when closing the current round of the auction:

67.1. the bids made in the round of the auction;

67.2. the highest bid for each auction item made in the round of the auction;

67.3. the status of the round of the auction – closed, discontinued;

67.4. the starting price for each auction item in the following round of the auction, the auction increment, and the starting time of the round of the auction.

68. The commission of the auction shall close the auction if none of the participants submits a higher bid in the current round of the auction. The participant who has achieved the highest bid shall confirm with its signature in the minutes of the auction that the bid made conforms with the bid achieved. If the participant refuses to sign the minutes of the auction, a corresponding note shall be made in the minutes.

69. The commission of the auction shall exclude from further participation in the auction the participant who:

69.1. makes a bid lower than the total amount of the starting price and bid increment in the round of the auction or makes a bid in the round of the auction which is not rounded to full thousands, except for the case specified in Paragraph 75 of these regulations;

69.2. makes a bid without following the procedures laid down in Paragraph 64 of these regulations;

69.3. fails to make a bid in the round of the auction or fails to participate in the round of the auction;

69.4. withdraws its bid confirming this with a signature in the minutes of the auction;

69.5. refuses to sign the minutes of the auction in respect of its highest bid made.

70. The commission of the auction may exclude the participant from participation in the auction if at least one of the following circumstances has been established and it affects or can affect determination of the winner of the auction:

70.1. if the commission of the auction becomes aware of proof of the agreement specified in Paragraph 25 of these regulations;

70.2. the participant has provided incomplete or inaccurate information or the information provided has changed but the participant has failed to notify the commission of the auction;

70.3. the participant refuses to provide the commission of the auction with the additional information requested in accordance with the procedures laid down in Paragraph 20 of these regulations.

71. The participant who has been excluded from further participation in the auction shall confirm with its signature in the minutes of the auction that the bids made conform with the bids achieved. If the participant refuses to sign the minutes of the auction, a corresponding note shall be made in the minutes.

72. The participant who refuses to sign the annex to the minutes in respect of the conformity of the bids made with the bids achieved shall also refuse the auction item.

73. The participant who has made the highest bid for a specific auction item without exceeding the number of auction items to be acquired by one winner of the auction which has been specified in the decision of the announcement shall win the auction and acquire the auction item. If the participant of the auction has made the highest bid exceeding the number of auction items to be acquired, the participant shall acquire the auction item in line with the following principles:

73.1. the maximum number of auction items which can be acquired by one winner of the action shall be taken into account;

73.2. the priority auction item to be acquired definitely shall be that for which the participant has made the highest bid.

74. If in accordance with these regulations the participant may not acquire the auction item for which it has made the highest bid or refuses it, the participant with the next highest bid for the specific auction item shall acquire this auction item. If there is no such participant of the auction, the auction item shall remain non-auctioned.

75. If, upon completion of the auction, two or more participants make equal highest bids for the same auction item and do not make a new bid in the next round, the auction shall be continued with an additional round of the auction in writing in which these participants of the auction shall submit a freely chosen increment bid. In this case, the participant who has submitted the highest freely chosen increment bid shall win the auction and acquire the specific auction item.

76. At the end of the auction the operator of the auction shall notify that the bidding has ended and also name the highest bid for the auction item and the participant who has made it.

77. The participant shall confirm its acceptance with its signature in the annex to the minutes of the auction (Annex 6) and undertake to comply with these regulations and the decision of the announcement.

**9. Approval of Results of the Auction and Granting of the Rights of Use of the Limited Radio Spectrum Band**

78. The Board of the Regulator shall, within 10 working days from the day of completion of the auction:

78.1. approve results of the auction;

78.2. decide to determine the winner of the auction;

78.3. grant the rights of use of the limited radio spectrum band to the winner of the auction who has been registered in the list of electronic communications merchants.

79. If the Regulator establishes that the winner of the auction has failed to comply with or has infringed these regulations and it has affected result of the auction, the Board of the Regulator may recognise the result of the auction and the winner of the auction as invalid and also recognise that the auction has ended without result. In this case, the Regulator shall not release the security lodged in accordance with the decision of the announcement and Paragraph 26 of these regulations and the amount paid in accordance with Paragraph 81 of these regulations.

80. If there is no winner at the auction, the Board of the Regulator shall recognise that the auction has ended without result.

81. The winner of the auction shall, within six months from taking the decision to grant the rights of use of the limited radio spectrum band which has been specified in Paragraph 78 of these regulations, pay the remaining part of the amount of the highest bid for the auction item acquired which is not covered by the security.

82. The winner of the auction shall indicate the following in the payment:

82.1. the recipient: the Public Utilities Commission;

82.2. the purpose of the lodgement: Security and the auction item for which the payment is made.

83. The winner of the auction shall separately make the payment for each auction item acquired. The winner of the auction shall send to the Regulator a notification of the payment to the electronic mail address izsole@sprk.gov.lv.

**10. Exercise of the Rights of Use of the Limited Radio Spectrum Band Granted at the Auction**

84. The Board of the Regulator may cancel the rights of use of the limited radio spectrum band granted in the following cases:

84.1. the winner of the auction fails to comply with the conditions laid down in Paragraph 81 of these regulations;

84.2. the Regulator establishes that during the auction the winner of the auction did not conform with the criteria laid down in Paragraph 22 of these regulations;

84.3. the winner of the auction fails to fulfil its liabilities and obligations;

84.4. the Regulator establishes failure to follow the procedures for transferring, leasing, or sharing the rights of use of the limited radio spectrum band.

85. The Regulator shall not release the security and the amount paid in accordance with Paragraph 81 of these regulations in any of the cases provided for in Paragraph 84 of these regulations.

86. The Regulator shall transfer to the State budget account the security not released in accordance with these regulations and the money paid by the winner of the auction for the auction item acquired.

87. The electronic communications merchant who has been granted the rights of use of the limited radio spectrum band in accordance with the procedures laid down by the Regulator shall be responsible for lease and sharing of the rights of use of the limited radio spectrum band according to the division specified by the Cabinet for types of radio communications and radio communications systems, and also shall be responsible for compliance with these regulations and fulfilment of other obligations and liabilities.

**11. Closing Provisions**

88. Decision No. 1/11 of the Public Utilities Commission of 7 June 2018, Regulations Regarding Granting the Rights of Use of the Radio Spectrum through Auction (*Latvijas Vēstnesis*, 2018, No. 116; 2020, No. 24), is repealed.

89. 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. 1/9 of the Public Utilities Commission

4 August 2022

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

**1. Information on the merchant:**

1.1. Name of the merchant

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|  |

1.2. Registration date, registration number, and country of the merchant

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**2.** Information on the intended exercise of the rights of use of the limited radio spectrum band

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

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2.2. Justification for the need for the rights of use of the limited radio spectrum band

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2.3. Intended territory of exercise of the rights of use of the limited radio spectrum band

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2.4. Intended start (year) and period of the exercise of the rights of use of the limited radio spectrum band

\* The electronic communications merchant is entitled to submit to the Regulator a request for the rights of use of the limited radio spectrum band not earlier than two years before the start date of the use of the limited radio spectrum band (Section 46, Paragraph one of the Electronic Communications Law)

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2.5. Requested rights of use of the limited radio spectrum band from \_\_\_\_\_\_\_\_\_MHz to \_\_\_\_\_\_\_\_\_MHz

**3. Other relevant information** (any additional information provided by the merchant at his or her discretion):

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|  |
|  |

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

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

Note. The details of the document “date” and “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.

**Annex 2**

Decision No. 1/9 of the Public Utilities Commission

4 August 2022

**Registration Submission**

**for the Auction for the Rights of Use of the Limited Radio Spectrum Band \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

1. Name of the merchant

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2. Registration date, registration number, and country of the merchant

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|  |

3. Current account number of the merchant\*

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4. Representatives of the merchant at the auction (not more than two persons):

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| --- | --- | --- |
| given name and surname |  |  |
| basis of representation |  |  |
| position |  |  |
| address |  |  |
| telephone number |  |  |
| e-mail |  |  |
|  |  |  |

|  |  |  |
| --- | --- | --- |
| Date |  |  |
|  |  |  |

|  |  |
| --- | --- |
| Person entitled to represent the merchant |  |
|  | (signature and full name) |

\* For release of the security in case the participant does not acquire any of the auction items

Note. The details of the document “date” and “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.

**Annex 3**

Decision No. 1/9 of the Public Utilities Commission

4 August 2022

**Declaration of Conformity**

**for the Auction for the Rights of Use of the Limited Radio Spectrum Band \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |
| --- |
|  |
| (name of the merchant) |
|  |
| (registration number) |

(hereinafter – the merchant), represented at the auction by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter – the representative). The representative shall notify that the merchant who has been indicated in the registration submission has become acquainted with, understands, and undertakes to duly and in a timely manner comply with these regulations and the decision of the announcement under which the auction takes place, and specific conditions for the rights of use of the limited radio spectrum band to be granted, and also laws and regulations governing this auction.

I hereby certify to comply with the following conditions:

(a) the merchant is entitled to participate in the auction and has all necessary permits and authorisations;

(b) the merchant is not being liquidated, its economic activity has not been suspended, insolvency proceedings have not been declared, legal protection proceedings have not been initiated, and also, as at the moment of submission of declaration, the merchant has no tax debts, including debts of mandatory State social insurance contributions, exceeding EUR 150 in total, according to the information provided in the Public Database of Tax Debtors of the State Revenue Service on the last date of data update (for a merchant registered in a foreign country – the merchant has no tax debt in the relevant foreign country exceeding EUR 150 in total or an equivalent to this amount in any other currency);

(c) all information provided by the merchant in the registration submission and annexes thereto or any other information provided to the commission of the auction is accurate and correct, and any view expressed is true and fair; in case of any changes to the information provided or in case it is established that the information provided is incorrect or incomplete, the commission of the auction shall be notified of this fact immediately;

(d) the merchant will comply with and ensure, as far as possible, that its representative will comply with the regulations under which the auction takes places and with the decision of the announcement;

(e) the representative will not agree upon or otherwise affect or seek to affect result of the auction by agreeing upon with another applicant or participant of the auction, or any other person who is directly or indirectly related to another applicant or participant of the auction;

(f) the representative will not try to obtain information on the information provided by another applicant or participant of the auction in the registration submission and to the commission of the auction;

(g) the representative of the merchant has not agreed upon with another applicant or participant of the auction, their representatives or another person, and there is no agreement between them on affecting results of the auction or any attempt to affect them;

(h) the merchant will recognise and be fully responsible for activities of its representative at the auction.

|  |  |  |  |
| --- | --- | --- | --- |
| Date |  |  | |
|  |  |  | |
| Person entitled to represent the merchant at the auction | | |  |
|  | | | (signature and full name) |

Note. The details of the document “date” and “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.

**Annex 4**

Decision No. 1/9 of the Public Utilities Commission

4 August 2022

**POWER OF ATTORNEY**

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Place of issue, date of issue |  |  |

No.\_\_\_

|  |  |
| --- | --- |
|  | , |
| (name of the merchant) | |
|  | , |
| (registration number) | |

(hereinafter – the Merchant) hereby authorises

|  |
| --- |
|  |
| (given name, surname, personal identity number) |

(hereinafter – the Representative) to represent the Merchant at the auction for

|  |
| --- |
|  |

granting the rights of use of the limited radio spectrum band, including to participate in the auction, with the right to express his or her view, submit and receive documents, sign documents, represent interests of the Merchant, and also make a bid and certify (guarantee) payment of the bid made.

The Merchant shall be responsible for any activities carried out by the Representative with regard to the auction and also for the bids made.

|  |  |
| --- | --- |
| Person entitled to represent the Merchant: |  |
|  | (signature and full name) |

Note. The details of the document “date” and “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.

**Annex 5**

Decision No. 1/9 of the Public Utilities Commission

4 August 2022

**Certification**

|  |  |  |
| --- | --- | --- |
|  | , |  |
| (name of the merchant) |  | (registration number) |
|  |  |  |

|  |  |
| --- | --- |
| Representative |  |
|  | (given name, surname) |

hereby certify that in accordance with Paragraph 51 of the Decision No. 1/9 of 4 August 2022 of the Public Utilities Commission, Regulations Regarding Granting the Rights of Use of the Limited Radio Spectrum Band through Auction:

1. I have been provided with individual training for working with the auction software for granting the rights of use of the limited radio spectrum band \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ through auction (hereinafter – the auction), and I have also received and become acquainted with the auction software user guide.

2. I have been given a clear and understandable auction software user guide and I understand how to work with the auction software.

3. I have received the username and password to log in in the auction software.

4. I undertake not to disclose my username and password to other persons. I am responsible for any activity carried out by another person using my username and password, except for the case where I have informed the commission of the auction that another person has my username or password at his or her disposal.

5. I will immediately inform the commission of the auction if I discover that my username and password are used by another person.

6. I undertake to use the auction software for the purposes intended for the auction software and in accordance with the auction software user guide.

7. I certify that I have become acquainted with the auction software and understand the auction software user guide.

|  |  |  |  |
| --- | --- | --- | --- |
| Date |  |  | |
|  |  |  | |
| Person entitled to represent the merchant | | |  |
|  | | | (signature and full name) |

Note. The details of the document “date” and “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.

**Annex 6**

Decision No. 1/9 of the Public Utilities Commission

4 August 2022

**Certification**

|  |  |  |
| --- | --- | --- |
|  | , |  |
| (name of the merchant) |  | (registration number) |
|  |  |  |

|  |  |
| --- | --- |
| Representative |  |
|  | (given name, surname) |

hereby agree to and undertake to comply with the Decision No. 1/9 of 4 August 2022 of the Public Utilities Commission, Regulations Regarding Granting the Rights of Use of the Limited Radio Spectrum Band through Auction, and Decision No. \_\_\_\_\_ of \_\_\_.\_\_\_\_\_\_\_\_\_ 20\_\_ of the Public Utilities Commission, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I certify that the bid made conforms with the bid achieved.

|  |  |  |  |
| --- | --- | --- | --- |
| Date |  |  | |
|  |  |  | |
| Person entitled to represent the merchant | | |  |
|  | | | (signature and full name) |

Note. The details of the document “date” and “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.