REGULATORY AUTHORITY
FOR ELECTRONIC COMMUNICATIONS
AND POSTAL SERVICES

Annex 4

of the Call for Tenders

for Granting Individual Licenses for the Use of Frequencies

from Frequency Bands of 700 MHz, 900 MHz, and 1800MHz

via the Electronic Auction Process

Auction rules -
700 MHz and 900 MHz frequency bands

Content

1 Introduction

These auction rules are part of the invitation to tender for the issue of individual authorizations for the use of frequencies from the frequency bands 700 MHz, 900 MHz, and 1800 MHz by an electronic auction and include auction rules for 700 MHz and 900 MHz frequency bands.

1.1 Electronic auction format

The electronic auction will be in the form of an SMRA Clock-Hybrid, which allows real-time bids to be submitted for a number of auction blocks at prices specified by the auctioneer, ensuring the transparency of the tender.
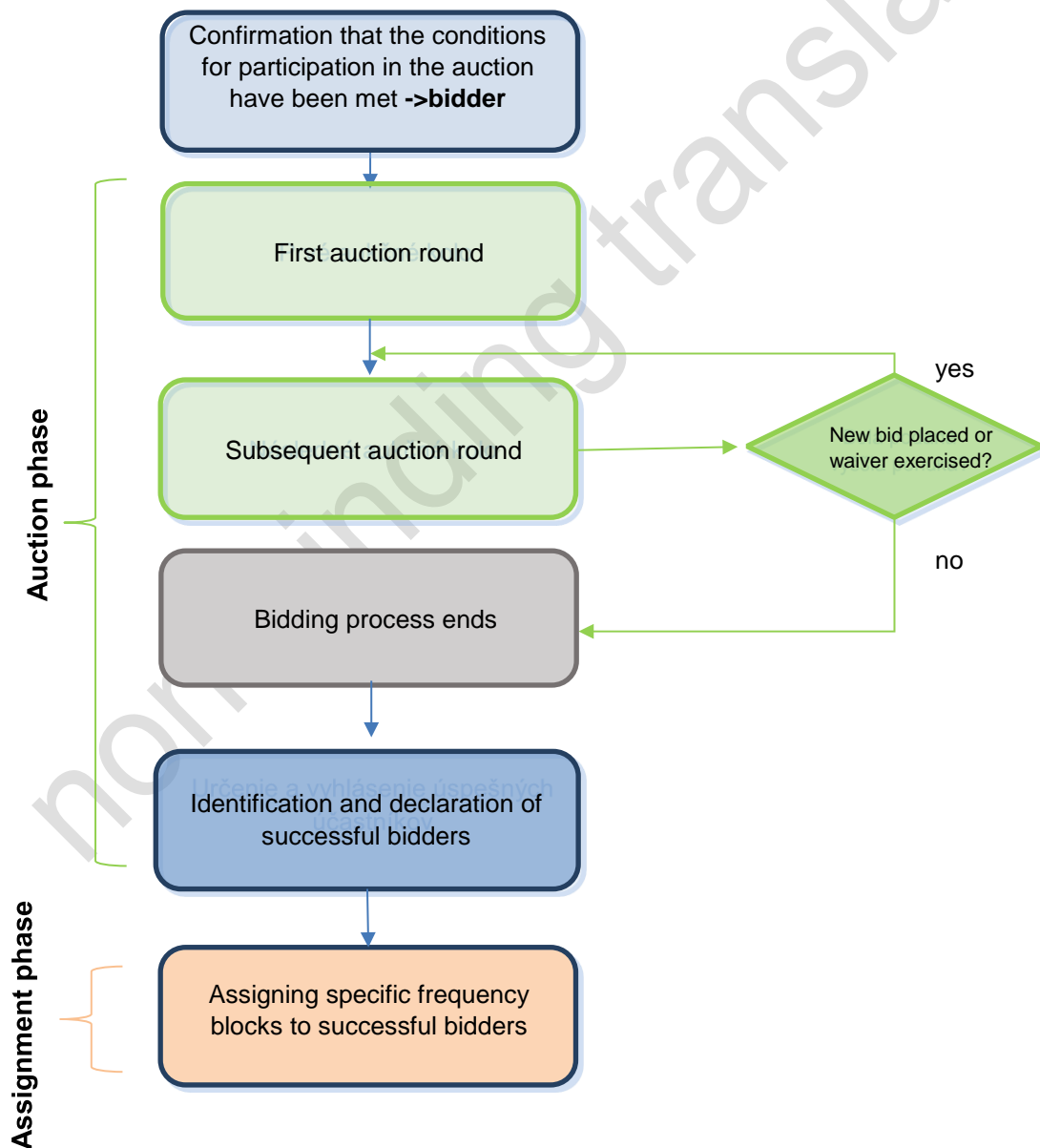
1.2 Electronic auction progress flowchart

Figure 1   Electronic auction progress flowchart

1.2.1 The course of tender

The tender will be carried out in form of an auction which has two phases:

- **Auction Phase:** The auction phase will consist of auction rounds in which the bidders will be able to place bids for a number of blocks in each of the block categories at prices announced by the Auctioneer. At the end of each round, the Auctioneer determines provisional winning bids for blocks in each of the categories. Bidding ends for both block categories simultaneously after the first round in which no new bids are submitted or waivers are being used (cf. 2.2.7).

- **Assignment Phase:** Bidders who have won block(s) in the auction phase will be able to participate in the frequency assignment stage. The frequency assignment stage comprises a single sealed bidding round in which bidders will be invited to place bids for specific frequency ranges in the 700 MHz band. Winning bids are identified by determining the combination of mutually compatible bids with the highest total value. The winners receive the actual frequency blocks contained in their respective winning bids and have to pay so-called 'additional prices', which are calculated on the basis of a modified second price rule and opportunity costs. (cf. 2.3.4)

1.3 Scope of tender

Category of Auction blocks	Frequency band	Frequency [MHz]	Auction Blocks	Spectrum cap	Starting bid [EUR/block]	Eligibility points
A	700 MHz pair spectrum	703-733 / 758-788	6 abstract blocks 2×5 MHz	**3 abstract blocks (2x15MHz)**	**16 000 000**	**2**
B	900 MHz pair spectrum	880,0 – 882,9 / 925,0 – 927,9 889,9 – 890,1 / 934,9 – 935,1 913,7 – 914,5 / 958,7 – 959,5 914,7 – 915,0 / 959,7 – 960,0	1 Specific block 2×4,2 MHz	*non*	**840 000**	**1**

2 Electronic auction - auction rules

2.1 General auction rules

2.1.1 Electronic auction system

The auction takes place electronically through an electronic auction system (hereinafter referred to as „EAS"). The EAS will be operated on the secure servers of the EAS supplier and will be accessed by the bidders via the Internet with a high level of security.

Only those tender participants who will be notified by the Auctioneer of their qualification to the auction will receive the necessary credentials to be able to sign in to EAS. Each bidder will receive an electronic invitation to participate in the auction to the e-mail address given in the offer (Annex 2).

The bidder is responsible for securing the invitation to participate in the auction, which will be delivered by the Auctioneer, the digital certificate required to gain access to the EAS and user name and password for access against misuse, for securing the computer against malicious software and for the physical security of the computer used by the bidder to access the EAS. The bidder is responsible for the correctness and completeness of the registration data. In the event of any breach of access data protection, the bidder shall be obliged to inform the Auctioneer as soon as possible.

The EAS shall allow bidders to submit only bids that comply with the auction rules. In addition to the possibility of bidding, the EAS will also serve to provide information on the progress of the auction. The EAS will be set up to minimize the risk of an unintended mistake by a bidder.

The Auctioneer is not responsible for technical problems or problems with an internet connection on the side of the bidder, which prevents it from being logged into EAS. Bidders should, in their own interest, have a sufficiently secure and fast internet connection and a backup computer in case of a technical error. At the same time, the Auctioneer recommends that the computers used to access the EAS should not be used for any other purpose during the auction and that no software not needed for access to the EAS should be used concurrently.
The anonymity of the bidders will be assured within the EAS. EAS will be secured against revealing the identity of the bidder. Electronic communication with EAS will be encrypted.

EAS will display the time on the server, which will be decisive time for all operations during the auction, such as the start time, the time remaining to the end, the time of submission of the offer and the like.

Bidders will have the opportunity to become acquainted with the EAS environment and functionality during the EAS training session as well as during the test auction no later than **5 days** before the auction date. Bidders will be informed about the timing of the training and test auction.

2.1.2   Minimum technical requirements for EAS functionality

For EAS functionality, the following minimum technical requirements must be met:

- Computer running MS Windows (Win 10, and higher versions),

- Current version of Google Chrome or Mozilla Firefox or Microsoft Edge

- Internet browser must support TLS 1.2 and HTML5 Websockets and such traffic must not be blocked by any proxy or firewall

- JavaScript support must be enabled and the user must accept cookies.

- Internet connection with a speed of at least 10 Mbps (download), stable without outages

- If connected through a proxy server, this must not block https and wss, and neither the proxy server nor any firewall must be configured to inspect https traffic (which effectively amounts to a MITM).

2.1.3 Informing bidders about general rules

The Auctioneer shall provide the necessary information to bidders in the action before the auction phase and during the auction phase. The results of the auction shall be notified after completion and evaluation of the last auction round. The information to be provided to the bidders is specified in this auction order.

The method and time limits for the submission of bids during the auction are specified in this Auction Rules in section 2.2.3

2.1.4 Electronic auction monitoring

The auction process will be monitored via EAS.

Auction progress information will be recorded but will not be published during the auction. Information about the course of the auction will be used only in exceptional cases, especially in the case of disputes over the course of the auction.

2.1.5 Emergency situations

In the event of emergencies, the Auctioneer may take the following decision:

a) Postpone Auction Round

b) End the ongoing auction round prematurely, the bids submitted in this round are valid

c) Cancel an ongoing auction round, bids submitted in this round won´t be accepted

d) Pause Auction

e) Cancel Auction

f) Postpone the provision of information to bidders

An emergency situation can be considered, e.g., obstacles that have occurred beyond the control of the Auctioneer and the bidders in the auction (force majeure, e.g., natural disasters, pandemics, demonstrations, strikes, violent conflicts, etc.), technical problems on the EAS supplier side, which may act on the course of the auction in such a way that it will not be possible to comply with the auction rules, the exclusion of a bidder from the auction, or serious downtime of the Internet connection, or any other emergency events likely to distort, or could have a significant impact on the results of the auction.

The Auctioneer shall have the right to assess whether this is an emergency situation. The Auctioneer shall provide a justification for the decision to declare an emergency situation.

The bidders are required to notify the Auctioneer without delay of any known event which might undermine the auction's course. The method of notification will be specified during the training.

2.1.6 Jeopardizing the purpose or process of the electronic auction

The tender participants must refrain from any activity that would jeopardize the purpose or the process of the auction.

In accordance with § 33 par. 11 of the Act on Electronic Communications, the Auctioneer shall exclude the bidder from its auction if it violates the Auction Rules.

In accordance with § 33 par. 16 of the Act on Electronic Communications forfeits the financial security deposited by the bidder to the state, if the bidder by its action caused the purpose or course of the auction to be thwarted.

2.1.7 Collusive behavior

Bidders must refrain from any form of coordination and exchange of information throughout the tendering process to influence the outcome of the auction with other entities wishing to participate, either directly or through a third party.

Bidders are also required to refrain from any procedure that would involve any disclosure of information about the bids submitted, the estimated prices, or the expected or actual bidding strategy in the auction.

Any breach of these obligations will be considered a violation of the Auction Rules and obstruction of the purpose or course of the auction. Under § 33 par. 11 of the Act on Electronic Communications, the Auctioneer shall exclude from the auction a participant of the tender if it violates the Auction Rules. In accordance with § 33 par. 16 of the Act on Electronic Communications forfeits the financial security deposited by the bidder to the state if the bidder by its action caused the purpose or course of the auction to be thwarted.

2.2 Electronic auction rules

2.2.1 Planning of auction rounds

No later than **7 days** before the start of the first auction round, the Auctioneer shall notify the bidders about the time and date of the start of the first auction round, indicating the time when the bidders can log in to the EAS.

The Auctioneer will plan the individual auction rounds continuously, always after the end of the previous auction round. At least **10 minutes** before the start of the next auction round, the Auctioneer shall notify the date and time of the start of the next auction round by publishing its term in EAS.

The duration of the auction round is fixed, with a duration of no more than **45 minutes**. The Auctioneer reserves the right to shorten the duration of the auction round during the auction if it is shown that shorter rounds are sufficient for the submission of bids. The minimum duration of an auction round is 30 minutes.

Auction rounds will be scheduled for working days between **9 am (9:00) CET and 4 pm (16:00) CET**. The last auction round of the days must be finished until **4 pm (16:00)**. The obligation of each bidder in the auction is to ensure the permanent participation of his representative in the auction, throughout the period from **9 am (9:00) and 4 pm (16:00)**, or until the Auctioneer terminates the auction rounds for that day.

The Auctioneer may plan several auction rounds per day. There will be a break of at least **15 minutes** between each auction round within one day. The lunch break will last **60 minutes.** Each round must be completed within one auction day. The Auctioneer reserves the right to extend the break between auction rounds.

No later than the beginning of the last auction round within the given auction day, the Auctioneer shall notify the bidders that it is the last auction round within the given day. Within **30 minutes** after the end of the last auction round within the given auction day, the Auctioneer shall notify the bidders about the time and date of the first auction round for the following auction day. The Auctioneer may postpone the first auction round for the following auction day, in which case the bidders will be notified about the time change at least **15 minutes** before the originally scheduled start of the first auction round of the following auction day.

The Auctioneer has the right to plan individual auction days as well as auction rounds of auction day at its sole discretion, including an auction interruption for one or several days. Auctions rounds will be held only during the working days.

The Auctioneer may, at its discretion, inform bidders about the round schedule planned for the next auction day. This schedule is not binding. Rounds can be rescheduled if this is considered to be required for an orderly conduct of the auction.

2.2.2 Determination of round prices

In the first round, the prevailing round price for each block category is set at the reserve price announced by the Auctioneer. In subsequent rounds, the round price will increase for block categories in which all blocks have a provisional winning bid at the round price of the most recent round. Otherwise, the round price will remain unchanged (cf. example 1 in 2.2.4) This means that round prices cannot decrease over the course of the auction.

Where an increase in the round price is required, this will be determined at the Auctioneer's discretion. The increase may vary across block categories and across rounds. However, it is not expected that round prices will be increased by more than **10%** or by less than **3%** of the price in previous round**.** Round prices will be rounded up to whole thousands.

2.2.3 Rules for bids submission in the electronic auction

The bidding process involves one or more rounds, where each round is a fixed time window during which bidders may submit bids at the round prices announced by the Auctioneer.

Rounds will be scheduled at the Auctioneer's discretion. When scheduling a round, the Auctioneer will announce, for each block category, the price per block that will prevail in the round i.e. in each round, the Auctioneer specifies a round price per block in categories A and B.

A bid is an offer to acquire a block at the round price in the round in which the bid is placed. New bids are placed by specifying the number of blocks a bidder wishes to acquire in a block category at the prevailing round price.

A bidder may also maintain provisional winning bids from a previous round in a block category by not placing new bids in that block category.

Bidding takes place simultaneously for all block categories.

A bid is only valid if it is submitted during a round. In each round, bidders can make a single submission of bids through the EAS.

To make a submission, a bidder will need to specify, using the bid form provided in the EAS, the number of blocks in each category for which it wishes to submit a bid at the round prices set by the Auctioneer. Bids will only be accepted if they are valid within the meaning of the Auction Rules and conform to the activity rules (cf. 2.2.6) and spectrum caps (i.e. at most three blocks in block category A) and bank guarantee.

Details of the bid submission process will be set out in the appropriate auction manuals, which will be provided to qualified bidders.

The submission process is only completed when the bidder has received confirmation in the EAS system (by the auction provider) that its bid has been received.

2.2.4 Determination of provisional winning bids

At the end of each round, the Auctioneer will, independently for each block category, determine the provisional winning bids. Provisional winning bids will become winning bids if no further round is required.

The process for determining provisional winning bids in a particular block category is as follows:

First, the Auctioneer establishes a queue of bids received. The queue is formed as follows:

- bids submitted at the current round price are placed first in the queue, grouped by bidder, with the EAS ordering bidders at random by assigning a random number to all bids submitted by a bidder in a specific round.
- next, provisional winning bids from previous rounds that have been maintained will be added to the back of the queue in their existing order.

Second, the Auctioneer will then select from the top of the queue the number of bids that is equal to the smaller of (a) the supply of blocks in that block category; and (b) the number of bids in the queue. These bids are then designated as provisional winning bids.

The following example illustrates this process.

Example 1: Determination of provisional winning bids

Suppose that in round R, at a round price of 10 the Auctioneer receive bids from four bidders (X, Y and Z) for blocks in block category A where six blocks are available. Suppose that X and Y bid for three blocks each and Z bids for two blocks.

All bids are made at the reserve round price. Suppose that the random bidder order determined by the EAS is Z-Y-X. This produces the following queue:

Z@10	**Z@10**	**Y@10**	**Y@10**	**Y@10**	**X@10**	X@10	X@10

Supply

As the Auctioneer can accept at most six bids, the bids highlighted in bold are identified as standing high bids. All of the bids placed by Z and Y are provisionally winning, whereas only one of X's bids is a provisional winning bid.

Suppose that in the following round R + 1 at a higher price of 11 X submits new bids, but for two blocks only. Suppose also that Y places new bids for three blocks, increasing its provisional winning bids. Suppose that the EAS randomly ranks Y before X. These bids are placed at the front of the queue. Z maintains his provisional winning bids (i.e. does not place any new bids) which are then added to the end of the queue in the same order, so the queue now looks as follows:

Y@11	**Y@11**	**Y@11**	**X@11**	**X@11**	**Z@10**	Z@10

Now X and Y hold provisional winning bids that fully match their demand and only one of Z's previous provisional winning bids remains.

Note that, as not all provisional winning bids are at the round price, the price does not increase, and Z can in the next round bid back at a price of 11.

As the example illustrates, a bidder may only have some of the bids it has placed in a round designated as provisional winning bids, but there will be at most one provisional winning bidder in category A who holds provisional winning bids on fewer blocks than it bid for in that category in the round.

2.2.5 Bidding, if the bidder holds provisional winning bids

After the first round, a bidder who holds provisional winning bids in a block category may submit new bids in that block category. These new bids replace the existing provisional winning bids in that block category and the number of blocks specified must be at least as large as the number of blocks on which the bidder held provisional winning bids if the current round price is above the round price at which the provisional winning bids have been placed.

Therefore, bidders are only allowed either to maintain their existing standing high bids or to increase their demand relative to their provisional winning bids.

In the above example, Y placed bids for three blocks in round R+1, which is equal to the number of provisional winning bids held at the start of the round. Y could not have placed new bids on fewer than three blocks, as this would effectively have amounted to a withdrawal from provisionally winning bids. Z may in Round R + 2 place new bids for one or two blocks.

2.2.6 Activity rules

The bidder's activity in each auction round is limited by the number of eligibility points available to the bidder for this auction round. In any round, the bidder's activity must not exceed the bidder's eligibility.

The activity of a bidder is defined as the sum of eligibility points associated with the blocks on which the bidder places new bids and the number of blocks in the provisional winning bids maintained by the bidder. The eligibility of a bidder for the first round is set through the application process and is determined by the spectrum caps applying to the bidder and bank guarantee (cf. invitation to tender document).

In each subsequent round, the eligibility of a bidder will be equal to:

i   if the bidder has used a waiver (cf. 2.2.7) in the preceding round, its eligibility in the preceding round;

ii   otherwise, its activity in the preceding round.

Please note that:

- a bidder's eligibility cannot increase in the course of the auction, but only stay the same or fall; and

- a bidder whose activity in one round is zero will not be able to place any further bids in the auction.

2.2.7 Right to use a "Waiver"

Each bidder is granted **three** waivers at the beginning of the auction phase. The effect of the waiver is to preserve the eligibility of the bidder for the following round in a round in which the bidder's activity is below its eligibility and in which the bidder does not submit a bid.

Waivers cannot be used in combination with new bids but will be deployed automatically in cases where the following conditions are met:

i   a bidder does not submit a bid in a round;

ii   the activity associated with the bidder's provisional winning bids from the previous rounds is lower than the bidder's eligibility for the round; and

iii   the bidder has waivers left.

2.2.8 End of the auction phase

Bidding ends for both auction categories simultaneously after the first round in which no new bids are submitted or waivers are being used.

2.2.9 Information provided to bidders

The Auctioneer shall provide the following information to the auction:

When a round is scheduled, the Auctioneer will inform each bidder about:

- the start and end time of the round
- the round price for each block category
- the bidder's own eligibility level
- the number of waivers
- the provisional winning bids at the start of the round

At the end of each round, bidders will be informed about whether a further round is needed or whether the auction phase has ended.

If a further round is needed, the bidder will at the beginning of the round be informed about:

- the bids submitted and the provisional winning bids held by the respective bidder (but no other bidders) in each block category
- the bidder's eligibility for the next round
- the number of waivers remaining for the bidder
- for each block category, aggregate demand (expressed as the sum of the number of blocks in new bids and maintained standing high bids in that category from all bidders) and

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- the new round prices for each block category.

If no further round is needed, each bidder will be informed about the number of blocks won by every bidder in each block category and its own price payable.

2.3 Assignment phase

2.3.1 Scheduling the assignment phase

The date and time of commencement of the assignment phase, as well as its duration, shall be announced by the Auctioneer after the end of the auction phase.

There shall be a break of at least one full working day between the end of the auction phase and the start of the assignment phase.

The start and duration of the assignment phase shall be determined by the Auctioneer at its sole discretion. However, the assignment round shall be planned for one working day between **9am** (9:00) and **4pm** (16:00) hour, the duration of which shall not be less than **two hours**. Bidders will be informed about the time of the assignment round within **24 hours** after the end of the auction phase.

Only successful bidders from the bidding phase for the allocation of frequencies from the 700MHz frequency band shall participate in the allocation phase, if there are more than one frequency allocation options.

2.3.2 Informing bidders about the procedure before the assignment phase

At the same time as the date and time of the assignment round will be announced, successful bidders in the main phase of the auction will be informed about:

- The duration of the assignment round, indicating the time of completion

- The assignment options on which they may bid in the assignment round.

2.3.3 Bidding options in the assignment phase

The frequency assignment phase comprises a single round of bidding in which bidders will be invited to place bids for specific frequency ranges in the 700 MHz band (assignment options).

These assignment options have been established by the Auctioneer subject to the following requirements:

- The frequencies that will be attributed to each bidder are contiguous within the band for each winner of the auction phase.
- The bandwidth of the frequency assignment to each bidder is equal to the bandwidth that has been assigned to the bidder in the auction phase.

- Any potentially unsold spectrum will be retained as a contiguous block at the upper or the lower end of the band.

A bid on a particular assignment option specifies the maximum amount (in whole hundreds of Euro) the bidder would be prepared to pay to obtain the associated frequencies rather than any alternative positions with the same bandwidth in the band. Bid amounts may be zero but must not be negative.

Bidders will be able to submit bids for each of the assignment options available to through the EAS.

If a bidder does not place bid for a particular option, it will be deemed to have submitted a bid for that option of zero.

From the bids received, the Auctioneer will then determine the combination of bids with the highest total bid value that yields a feasible band plan, i.e. where the specific frequency ranges assigned to bidders are contiguous and non-overlapping and where potentially unsold spectrum is retained as a contiguous block at the upper or lower end of the band). Successful bidders will then have to pay the opportunity costs ("second price"). The determination of winning price is specified in the next section.

2.3.4 Determination of winning bids and prices

The winning combination of bids is determined as the combination of bids with the highest value associated with these bids yield a feasible band plan.

A feasible band plan is defined by the requirement that assignments to different bidders must not be overlapping and that any unsold frequencies must be retained as a contiguous block at the upper or lower end of the band. Should there be multiple combinations of bids with the same highest value that meet this condition, the EAS will pick one of these at random.

Each bidder will be required to pay a price for being assigned its winning options, which is calculated jointly for all bidders, using a second-pricing approach as follows:

The 'opportunity cost' for a subset of bidders is the difference between:

- the greatest sum of bids from other bidders that could be achieved in any feasible band plan; and
- the sum of bids in the winning combination from other bidders.

The prices that have to be paid by each bidder are calculated jointly by applying the following conditions:

- the sum of individual prices must not exceed the sum of their winning bids
- the sum of individual prices for must be at least the opportunity cost for the subset
- the sum of individual prices must be yield the smallest possible value, subject to prices satisfying the conditions above and

- the sum of the squared differences between each bidder's individual price and its individual opportunity cost must be the smallest possible across all prices that satisfy the conditions above.

These conditions yield a unique solution.

The following example provides an illustration:

Assume that there are three winners of spectrum (X, Y and Z) winning one, three and two blocks respectively.

Assume that these bidders have placed the following bids for the assignment options available to them:

Example 2: Block assignment options in the assignment phase

These bids yield the winning combination in which X receives the bottom block and Z receives the second and third block. Y is placed at the top of the band. This yields a total value of 550 compared with accommodating Y's bid for the lowest three blocks, which would yield a value of 500. In order to determine prices, we establish the outcomes that would emerge if X or Z or X and Z had not expressed any preferences. The graphic below shows the value of different band plans for these cases.

Example 3: Price determination in the assignment phase

						Value	Without bids from:		
							X	Z	X&Z
X	Y	Y	Y	Z	Z	100	0	100	0
X	Z	Z	Y	Y	Y	**550**	450	100	0
Y	Y	Y	X	Z	Z	500	**500**	**500**	**500**
Y	Y	Y	Z	Z	X	500	**500**	**500**	**500**
Z	Z	X	Y	Y	Y	450	450	0	0
Z	Z	Y	Y	Y	X	450	450	0	0

The opportunity cost of X are determined as the difference between the greatest value of bids that could be obtained from other bidders, if X had not expressed any preferences, which is 500 (from Y's bid) and the value of bids from other bidders collected in the winning outcome (which is 450 from bidder Z and 0 from bidder Y), so the X's individual opportunity cost is 50.

Similarly, Z's opportunity cost can be calculated as 400 (value of alternative outcome = 500, minus the value of bids collected from other bidders = 100 + 0)

The opportunity cost imposed by X and Z jointly is 500 (the value of alternative outcome).

This means that:

X must pay at least 50 and no more than 100

Z must pay at least 400 and no more than 450

X and Z together must pay at least 500 and no more than 550.

The joint opportunity cost of X and Z exceeds the sum of their individual opportunity costs by 50, and this additional amount needs to be split between the two bidders in such a way that the the sum of squared differences is minimised, which means splitting it equally between the two bidders. Thus, X pays 75 and Z pays 425.

2.3.5 End of assignment phase

Following the determination of the winning outcome and the prices to be paid by successful bidders, the Auctioneer informs each bidder about the specific frequency assignments (i.e. the band plans) and the amounts payable by each bidder. This corresponds to the price set in the auction and in the assignment phase.

3   Final provision

The Auctioneer reserves the right to publish information on the course of the auction after the entry into force of all decisions on the allocation of frequencies issued on the basis of this selection procedure, as well as all decisions to stop the application procedure.

By submitting a bid for the Tender, the bidder agrees to all the terms and conditions set out in the Auction Rules and undertakes to comply with it.

4 Explanations of terms and abbreviations

Electronic auction – a form of evaluation of an application for the issue of individual licenses for the use of frequencies. The electronic auction is part of the tender and its aim is to determine the amount of auction blocks, the price as well as the companies to which the frequencies from individual frequency blocks will be allocated.

Auction phase – a set of individual auction rounds during the electronic auction. The aim of the auction phase is the identification of successful bidders.

Auction round – in the auction round, the bidders will be able to bid by specifying the number of blocks at the prevailing round price set by the Auctioneer.

EAS – An electronic auction system is software that allows the organization and participation of participants in an auction.

Assignment phase – the stage of the selection procedure in which the successful participants will be assigned specific frequency sections corresponding to the number and size of the abstract auction blocks held at the auction stage.

Bidder – tenderer, who has qualified for the auction phase.

Tender participant – tenderer, who submitted an offer within the period specified in the invitation to the tender, Applicant

Auctioneer – The Regulation of electronic communications and postal services.

Selection Committee – a commission for the assessment of submitted bids, which shall be established by the Auctioneer pursuant to § 33 par. 5 of the Act on Electronic Communications.

Electronic Communications Act – Law no 351/2011 Z. z. of the electronic Communications Regulation, as amended.

Applicant – tenderer, who submitted an offer within the period specified in the invitation for the tender, tender participant, bidder