



**ÚRAD PRE REGULÁCIU  
ELEKTRONICKÝCH KOMUNIKÁCIÍ  
A POŠTOVÝCH SLUŽIEB**

## **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**

**Bratislava, 31/03/2020**

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## 1 Introduction

The Regulatory Authority for Electronic Communications and Postal Services (hereinafter referred to as the “Authority”), as a national regulator and pricing authority in the field of electronic communications pursuant to par. 6 (1) (b), (3) (a), par. 11 (3) (c) of the Act No. 351/2011 Coll. on Electronic Communications, as amended (hereinafter referred to as the “Electronic Communications Act”), publishes pursuant to par. 33 (1), (2) and (4) of the Electronic Communications Act, the Call for Tenders for Granting Individual Licenses for the Use of Frequencies from the 700 MHz, 900 MHz and 1800 MHz frequency bands, in a form of an electronic auction (hereinafter referred to as the “Call”).

In preparation of the Call, the Authority published a discussion document containing the basic conditions that the Authority decided to include in the Tender conditions and, in selected cases, also a proposal for their alternative solutions. The discussion document also includes a set of questions addressed to the participants in the public discussion in order to find out their opinions on the individual Tender conditions in relation to the objectives of the Tenders. The Authority published the discussion paper on its website on 26 September 2019 and set a deadline of 21 days from the date of publication thereof, during which any interested parties could submit their views on the issues raised therein, or comment on other aspects of the Tender being prepared.

The draft Call was published on 19/12/2019 on the Authority's website in order to allow the persons concerned to comment on the draft Call pursuant to par. 10 (1) of the Electronic Communications Act. The Authority has dealt with the observations submitted by the persons concerned in detail and the way, in which they are to be settled, is set out in a separate document called “Evaluation of the Public Consultation to the Call for Tender for Granting Individual Licenses for the Use of Frequencies from 700 MHz, 900 MHz, and 1800 MHz Frequency Bands in the form of an E-auction” published by the Authority on its website on 25/03/2020.

## 2 General Provisions

### 2.1 Purpose of Use of Frequencies

All frequency bands, the frequencies of which are the subject of these Tenders are, pursuant to the Decision No. 243/2012/EU<sup>1</sup> establishing a multiannual radio spectrum policy programme (RSP), designed to promote greater availability of the wireless broadband services for the benefit of citizens and consumers.

#### 2.1.1 The 700 MHz Frequency Band

Frequencies from this 700 MHz frequency band are designed for the operation of the terrestrial systems capable of providing wireless broadband electronic communications services. The basic harmonization documents for the use of frequencies from the 700 MHz frequency band are:

- Commission Implementing Decision (EU) 687/2016 of 28 April 2016 on the harmonisation of the 694-790 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services and for flexible national use in the Union (hereinafter referred to as “2016/687 Decision”), and
- Decision 2017/899 of the European Parliament and of the Council<sup>2</sup> of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union (hereinafter “2017/899 Decision”).

Specific conditions for the use of frequencies from the 700 MHz frequency band are set out in the Annex to the FP/MS-15a Frequency Spectrum Utilization Plan<sup>3</sup>.

#### 2.1.2 The 900 MHz Frequency Band

The frequencies from the 900 MHz frequency band are intended to operate a public electronic communications network for the purpose of providing the public electronic communications services to end-users via terrestrial systems, e.g. GSM, UMTS, LTE, WiMAX, and IoT. The use of this frequency band for M2M systems that are standardized in 3GPP and ETSI is analyzed in ECC Report 266<sup>4</sup>. The basic harmonization documents for the use of frequencies from the 900 MHz frequency band are:

- Commission Decision 2009/766/EC<sup>5</sup> of 16 October 2009 on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing

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<sup>1</sup><https://eur-lex.europa.eu/legal-content/SK/TXT/PDF/?uri=CELEX:32012D0243&from=EN>

<sup>2</sup><https://eur-lex.europa.eu/legal-content/SK/TXT/PDF/?uri=CELEX:32017D0899&from=en>

<sup>3</sup>[https://www.teleoff.gov.sk/data/files/49538\\_priloha-fp\\_ms\\_15a.pdf](https://www.teleoff.gov.sk/data/files/49538_priloha-fp_ms_15a.pdf)

<sup>4</sup>ECC Report 266 – (The Suitability of the Current ECC Regulatory Framework for the Usage of Wideband and Narrowband M2M in 700 MHz, 800 MHz, 900 MHz, 1800 MHz, 2.1 GHz and 2.6 GHz)  
<http://www.erodocdb.dk/Docs/doc98/official/pdf/ECCRep266.pdf>

<sup>5</sup><http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:274:0032:0035:EN:PDF>

pan-European electronic communications services in the Community (hereinafter referred to as “2009/766/EC Decision“),

- Commission Implementing Decision 2011/251/EU<sup>6</sup> of 18 April 2011 amending Decision 2009/766/EC on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community (hereinafter referred to as “2011/251/EU Decision“), and
- Commission Implementing Decision 2018/637<sup>7</sup> of 20 April 2018, amending Decision 2009/766/EC on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community as regards relevant technical conditions for the Internet of Things (hereinafter referred to as “2018/637 Decision“)

Specific conditions for the use of frequencies from the 900 MHz frequency band are set out in the Annex to the FP/MS-01/rev.4 Frequency Spectrum Utilization Plan<sup>8</sup>.

### 2.1.3 The 1800 MHz Frequency Band

The frequencies from the 1800 MHz frequency band are intended to operate a public electronic communications network for the purpose of providing the public electronic communications services to end-users via terrestrial systems, e.g. GSM, UMTS, LTE, WiMAX, and IoT. The use of this frequency band for M2M systems that are standardized in 3GPP and ETSI is analyzed in ECC Report 266. The basic harmonization documents for the use of frequencies from the 1800 MHz frequency band are:

- Decision 2009/766/EC;
- Decision 2011/251/EU, and
- Decision 2018/637.

Specific conditions for the use of frequencies from the 1800 MHz frequency band are set out in the Annex to the FP/MS-02/rev.5 Frequency Spectrum Utilization Plan<sup>9</sup>.

## 2.2 Purpose of the Tender

Pursuant to par. 11 (1) of the Electronic Communications Act, the Authority is obliged to act and issue its decisions in accordance with the principles of efficiency, objectivity, transparency, non-discrimination, proportionality and justification. The Authority publishes all its decisions, generally binding legislation and information that will contribute to an open and

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<sup>6</sup><http://www.erodocdb.dk/Docs/doc98/official/pdf/2011251EU.PDF>

<sup>7</sup><https://eur-lex.europa.eu/legal-content/SK/TXT/PDF/?uri=CELEX:32018D0637&from=EN>

<sup>8</sup>[https://www.teleoff.gov.sk/data/files/49537\\_fp\\_ms-01\\_rev4.pdf](https://www.teleoff.gov.sk/data/files/49537_fp_ms-01_rev4.pdf)

<sup>9</sup>[https://www.teleoff.gov.sk/data/files/49005\\_fp\\_ms\\_02\\_rev\\_5.pdf](https://www.teleoff.gov.sk/data/files/49005_fp_ms_02_rev_5.pdf)

functionally competitive market on its website and, where provided for by law, in the Journal, and keeps this information up to date.

Pursuant to par. 11 (2) of the Electronic Communications Act, in the regulation of the electronic communications, the Authority shall take into account the recommendations and guidelines of the European Commission, including technical standards and technical specifications for the networks and services, the list of which is published by the European Commission in the Official Journal of the European Union. If the Authority decides not to follow the recommendation of the European Commission, it shall inform the European Commission thereof, and give reasons for its decision. Unless otherwise provided by law, the Authority shall take into account the technological neutrality of regulation, which shall not impose, or discriminate against, the use of a particular type of technology. If the technical standards and technical specifications are not published, the standards adopted by the European standardization organizations shall be used. In the absence of such standards, the international standards or recommendations adopted by the International Telecommunications Union, the European Conference of Postal and Telecommunications Administrations, the International Organization for Standardization, or the International Electrotechnical Commission shall apply, as appropriate.

Pursuant to par. 11 (3) of the Electronic Communications Act, the Authority promotes effective competition in the provision of networks, services, ancillary means and ancillary services when regulating electronic communications, in particular by:

- a) Ensuring that, in the area of electronic communications, as well as in the transmission of content, effective competition is not distorted or restricted;
- b) Minding the maximum benefit for users, especially physically disabled users, elderly users and users with special social needs, in terms of choice of service, price and quality;
- c) Promoting the efficient use of the frequency spectrum and numbers and ensuring their management.

Pursuant to par. 11 (4) of the Electronic Communications Act, in the regulation of electronic communications, the Authority applies the principles pursuant to paragraph 1 above, in particular by:

- a) Promoting the predictability of the regulation of electronic communications by ensuring a consistent regulatory approach;
- b) Ensuring that, in similar circumstances, there is no discrimination in the treatment of undertakings;
- c) Protecting effective competition for the benefit of end-users, and appropriately promoting infrastructure-related competition;
- d) Encouraging the efficient investment into the quality and modern infrastructure and its innovation also by ensuring that all access-related obligations appropriately reflect a risk borne by the investing firms, and allowing agreements on the distribution of investment risks between the investor and the person requesting access to the network.

In relation to the above-mentioned provisions of the Electronic Communications Act, the purpose of this Tender is to allocate frequencies so as to achieve the following objectives:

- Promoting effective competition;
- Promoting efficient use of the frequency spectrum; and
- Promoting innovation and developing new services.

### 2.2.1 Promoting Effective Competition

In order to promote effective competition, the Authority determined the conditions of the Tender so that, pursuant to the par. 11 (4) (c) of the Electronic Communications Act, the conditions are created for the further development of infrastructure-based competition. Infrastructure-based competition is the highest form of competition, where the competition takes place between entities, each of which is building and operating its own network, which is under the full control of that entity, allowing each of these entities to fully influence quality, price and geographical range of the services provided.

The Authority has established the conditions of the Tender so that the frequencies subject thereto can be obtained by as many successful Tenderers as possible while, at the same time, the range of frequencies to be held by the successful Tenderer in combination with the frequencies acquired by the successful Tenderer in any previous competitions represents a sufficient prerequisite for maintaining effective competition, and for each successful Tenderer to be able to provide the electronic communications services in the required quality and scope and with the required geographical coverage through these frequencies.

Pursuant to Article 5 (1) of the RSPP, the Member States shall promote effective competition and avoid distortions of competition in the internal market for the electronic communications services in accordance with the Framework Directive and the Authorization Directive, while taking into account competition issues when granting the frequency spectrum usage rights to users of the private electronic communications networks.

Pursuant to Article 5 (2) of the RSPP, in order to promote effective competition and to avoid distortions of competition in the internal market for electronic communications services under Article 1 of the RSPP, without infringing the competition rules and measures taken by the Member States to achieve general interest objectives in accordance with Article 9 (3) and (4) of the Framework Directive, the Member States may:

- a) Limit the size of spectrum allocated to one undertaking, or to attach the conditions, such as granting wholesale access, national or regional roaming, to such rights of use in certain bands or in certain groups of bands with similar characteristics (e.g. frequency bands below 1 GHz) allocated for the provision of the electronic communications services;
- b) Reserving, if appropriate in regard to the situation in the national market, a certain part of a frequency band or group of bands for allocation to new entrants;
- c) Refusing to grant new rights of use of spectrum; refusing to allow new uses of spectrum in the certain bands, or attaching conditions to the grant of new rights of use of spectrum or to the authorization of new spectrum uses as to avoid the distortion of competition by any allocation/transfer or accumulation of rights of use;



- d) Prohibiting transfers of rights of use of spectrum, not subject to the national or Union merger control, or imposing conditions, where such transfers are likely to result in significant harm to competition;
- e) Amending the existing rights in accordance with Directive 2002/20/EC, where this is necessary to remedy ex-post the distortion of competition by any transfer or accumulation of rights of use of radio frequencies.

In order to promote effective competition, the Authority:

- a) Set the auction limits to promote competition in line with the RSPP;
- b) Set the conditions for avoiding multiple participation by Tenderers; and
- c) Rejects the transfer or concentration of rights of use of radio frequencies, where such transfers or concentration of rights are likely to result in significant distortions of competition.

### 2.2.2 Promoting Efficient Use of the Frequency Spectrum

The primary tasks of the Authority include the promotion of efficient use of the frequency spectrum and its efficient management. Efficient use of the frequency spectrum is one of the key prerequisites for providing the electronic communications services in the required quality, scope, coverage of the population and territory at a reasonable price. Efficient use of the frequency spectrum ultimately contributes to promoting effective competition. The frequency spectrum is a limited resource; its efficient use is a prerequisite for maximizing its social benefit.

In order to ensure efficient use of the frequency spectrum, the principles of technology and service neutrality must be respected. These principles ensure that the frequency spectrum is used by technology and services that are most beneficial for businesses that use the frequency spectrum to provide the electronic communications services, as well as for users, end-users and consumers, who use those services. At the same time, they ensure the independence of the frequency spectrum usage conditions in view of any possible future changes in the customer requirements, or technological options of service provision.

In order to promote the efficient use of the frequency spectrum, the Authority has established:

- a) The amount of a one-off payment for the allocation of frequencies, as the lowest bid, which is also the opening price in the electronic auction;
- b) Block sizes for each Auction Block category;
- c) Binding development criteria for individual frequency bands.

## 2.2.3 Promoting Innovation and Developing New Services

The promotion of efficient investments into the high-quality and modern infrastructure and innovation thereof is another of the tasks of the Authority under the Electronic Communications Act. The European Commission (EC), in cooperation with the Member States and the Radio Frequency Spectrum Policy Group, has identified, and continuously identifies, the frequency bands applicable to the deployment of 5G. According to the EC's "5G for Europe: an Action Plan"<sup>10</sup> document, an ambitious timetable for the deployment of 5G technology is highly important to ensure Europe's leadership and to reap the benefits of 5G's new market opportunities in a timely manner, not only in the telecommunications sector but also in the economy and society as a whole, while the deployment of 5G networks requires the timely availability of a sufficient part of the harmonized frequency spectrum.

According to the EC, ensuring the availability of frequencies in the 700 MHz frequency band for wireless broadband technologies by 2020 is crucial to the success of 5G technology.

In order to create the conditions for the most efficient development of 5G, the Authority has set the development criteria in connection with the use of the 700 MHz frequency band, the aim of which is to ensure coverage of the major transport corridors, which is crucial for the development of 5G, as well as coverage of the Slovak population.

With regard to the frequencies from the 900 MHz and 1800 MHz frequency bands, which are also the subject of this Tender, the Authority aims to allocate the remaining free frequencies from these frequency bands, thus allowing the use of those frequency bands to the maximum extent possible. These frequencies can be used for the purpose of expanding the frequency capacities used to provide the existing services (2G/4G), as well as for potentially new applications, especially M2M and IoT. Some of the technologies used for these applications are designed to be operated in the context of providing public electronic communications services.

## 2.3 Current State

### 2.3.1 The 700 MHz Frequency Band

The 700 MHz frequency band is defined for the 703-733 MHz / 758-788 MHz frequency bands by the Decision ECC/DEC/(15)01<sup>11</sup> on the harmonized technical provisions for cross-border coordination between Mobile/Fixed Communications Networks (MFCN) in the 694-790 MHz frequency band, including paired frequency arrangement (duplex with 2x30 MHz frequency division) and optional unpaired frequency arrangement (additional downlink), and by the Decision 2016/687.

Frequencies from this frequency band are designed for the terrestrial systems capable of providing wireless broadband electronic communications services.

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<sup>10</sup><https://eur-lex.europa.eu/legal-content/SK/TXT/PDF/?uri=CELEX:52016DC0588&from=cs>

<sup>11</sup><https://www.ecodocdb.dk/download/837045c3-e8c4/ECCDEC1501.PDF>

The Authority set the conditions for the use of frequencies in this frequency band in the annex to the FP/MS-15a Frequency Band Utilization Plan.

The frequency distribution in the 700 MHz frequency band is shown in Figure 1.

694 -	703 -	708 -	713 -	718 -	723 -	728 -	733 -	736 -	738 -	743 -	748 -	753 -	758 -	763 -	768 -	773 -	778 -	783 -	788 -	791 -	793 -
703	708	713	718	723	728	733	736	738	743	748	753	758	763	768	773	778	783	788	791	793	
FDD uplink (30 MHz)						Duplex space						FDD downlink (30 MHz)									

Figure 1: Frequency distribution in the 700 MHz frequency band

The 470-790 MHz frequency band is in accordance with the Annex to the FP/BS-01 / rev.06<sup>12</sup> Frequency Spectrum Utilization Plan in the Slovak Republic intended for the digital terrestrial television broadcasting in DVB-T, DVB-T2, and DVB-H standards, and for the auxiliary PMSE application for creating program content (radio microphones).

Pursuant to Article 1 (1) of Decision 2017/899, Member States shall, until 30 June 2020, allow the use of the 694-790 MHz frequency band for the terrestrial systems capable of providing wireless broadband electronic communications services only under the harmonized technical conditions established by the Commission under Article 4 of Decision No. 676/2002/EC.

Following Article 1 (1) of Decision 2017/899, the process of releasing frequencies from the 700 MHz frequency band, which are currently in use for the purpose of the digital terrestrial television broadcasting (DVB-T), is currently ongoing in the Slovak Republic. The process of releasing the 700 MHz frequency band also takes place in the neighboring countries in line with the applicable international agreements on the DVB-T frequency planning, in the Czech Republic, Austria and Hungary. Poland plans to allocate the 700 MHz frequency band for the terrestrial systems capable of providing wireless broadband technologies only in 2022. As part of this process, the Authority is currently making changes to individual licenses issued to Towercom, a.s., which consist in swapping for other frequencies. In the case of local multiplexes, the operation will be closed in most cases before 30 June 2020. In the case of local multiplexes of Komárno, Smižany and Nitra, the operation will be terminated as of 31 October 2020 (Komárno) and 31 December 2020 (Smižany and Nitra).

### 2.3.2 The 900 MHz Frequency Band

The 900 MHz frequency band is defined for the 880-915 MHz / 925-960 MHz frequency bands by the Decision ECC/DEC/(06)13<sup>13</sup> on the determination of the 880-915 MHz, 925-960 MHz, 1710-1785 MHz and 1805-1880 MHz frequency bands for the terrestrial UMTS, LTE, 5G NEW RADIO (NR), WiMAX and IoT cellular systems (hereinafter referred to as "ECC/DEC/(06)13 Decision"), and by the Decision 2018/637.

<sup>12</sup><https://www.teleoff.gov.sk/plan-vyuzivania-frekvencneho-spektra/>

<sup>13</sup><https://www.ecodocdb.dk/download/f1c50ed3-3df2/ECCDec0613.pdf>

Holders of individual licenses for the use of frequencies from this frequency band, originally intended for the provision of 2G electronic communications services, shall be able to use these frequencies in accordance with the principle of technology and service neutrality.

Specific conditions for the use of frequencies from the 900 MHz frequency band are set out in the Annex to the FP/MS-01/rev.4 Frequency Spectrum Utilization Plan<sup>14</sup>.

The frequencies from the 900 MHz frequency band are used in the Slovak Republic for the provision of public electronic communication services. Currently, the holders of individual licenses for the use of frequencies from the 900 MHz frequency band are Orange Slovensko, a.s. (hereinafter referred to as "Orange"), Slovak Telekom, a.s. (hereinafter referred to as "Slovak Telekom"), O2 Slovakia, s.r.o. (hereinafter referred to as "O2"), and the Mountain Rescue Service (hereinafter referred to as "HZS").

Company / Individual License Holder	Frequency Band	Quantity
Orange	890.1/935.1 – 896.1/941.1 MHz; 902.1/947.1 – 905.1/950.1 MHz; 908.9/953.9 – 909.3/954.3 MHz; 912.1/957.1 – 912.3/957.3 MHz; 913.1/958.1 – 913.7/958.7 MHz	2 × 10.2 MHz
O2	882.9/927.9–889.9/934.9 MHz; 908.1/953.1 – 908.9/953.9 MHz; 909.5/954.5 – 910.3/955.3 MHz; 910.9/955.9 – 911.7/956.7 MHz; 912.3/957.3 – 913.1/958.1 MHz	2 × 10.2 MHz
Slovak Telekom	896.1/941.1 –902.1/947.1 MHz; 905.1/950.1–908.1/953.1 MHz; 909.3/954.3 – 909.5/954.5 MHz; 910.3/955.3 – 910.9/955.9 MHz; 911.7/956.7 – 912.1/957.1 MHz	2 × 10.2 MHz
HZS	914.5/959.5 – 914.7/959.7 MHz	2 × 0.2 MHz

Table 1: Range of Frequencies from the 900 MHz Frequency Band Allocated to Individual Entities

### 2.3.3 The 1800 MHz Frequency Band

The frequency band of 1800 MHz is defined for the 1710 – 1785 MHz / 1805 – 1880 MHz frequency bands under the Decision ECC/DEC/(06)13, and the Decision 2009/766/EC, amended by Decision 2011/251/EU and Decision 2018/637.

<sup>14</sup>[https://www.teleoff.gov.sk/data/files/49537\\_fp\\_ms-01\\_rev4.pdf](https://www.teleoff.gov.sk/data/files/49537_fp_ms-01_rev4.pdf)

Holders of individual licenses for the use of frequencies from this frequency band, originally intended for the provision of 2G electronic communications services, shall be able to use these frequencies in accordance with the principle of technology and service neutrality.

The Authority set out the conditions for the use of frequencies in the Annex to the FP/MS-02/rev.5<sup>15</sup> Frequency Spectrum Utilization Plan.

The frequencies from the 1800 MHz frequency band are used in the Slovak Republic for the provision of public electronic communication services. Currently, the holders of individual licenses for the use of frequencies from the 1800 MHz frequency band are Orange, Slovak Telekom, O2 and SWAN Mobile, a.s. (hereinafter referred to as "SWAN").

Undertaking	Frequency Band	Quantity
Orange	1715.1/1810.1 – 1725.1/1820.1 MHz; 1738.5/1833.5 – 1746.1/1841.1 MHz; 1747.9/1842.9 – 1750.3/1845.3 MHz	2 × 20.0 MHz
O2	1750.3/1845.3 – 1766.1/1861.1 MHz	2 × 15.8 MHz
Slovak Telekom	1725.1/1820.1 – 1738.5/1833.5 MHz; 1746.1/1841.1 – 1747.9/1842.9 MHz	2 × 15.2 MHz
SWAN	1710.1/1805.1 – 1715.1/1810.1 MHz; 1766.1/1861.1 – 1776.1/1871.1 MHz	2 × 15.0 MHz

Table 2: Range of Frequencies from the 1800 MHz Frequency Band Allocated to Individual Undertakings

## 2.4 Basic Principles of the Tender

Pursuant to the par. 11 (1) of the Electronic Communications Act, the Authority is obliged to act, and issue its decisions, in accordance with the principles of efficiency, objectivity, transparency, non-discrimination, proportionality and justification.

The Authority will conduct the Tenders pursuant to the par. 33 of the Electronic Communications Act.

### 2.4.1 Form of the Tender

The Tender will be carried out in the form of an electronic auction (hereinafter referred to as the "e-auction") in the SMRA format specified in more detail in the individual Auction Rules (Annex 4 and Annex 5).

The free frequency blocks that are the subject of this Tender under Part 3 of this Call will be allocated in two e-auctions; the first e-auction shall allocate the frequency blocks from the

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<sup>15</sup>[https://www.teleoff.gov.sk/data/files/49537\\_fp\\_ms-01\\_rev4.pdf](https://www.teleoff.gov.sk/data/files/49537_fp_ms-01_rev4.pdf)

700 MHz and 900 MHz frequency bands, and the second e-auction immediately following the first e-auction, shall allocate the frequency blocks from the 1800 MHz frequency band. Auction rules for frequency blocks from the 700 MHz and 900 MHz frequency bands are described in the Auction Rules, which are attached to Annex 4 hereto; and the auction rules for frequency blocks from the 1800 frequency band are described in the Auction Rules, which are attached to Annex 5 hereto.

The only assessment criterion is the amount of the one-off reimbursement offered for the allocation of frequencies.

#### 2.4.2 Tender Procedure

The Tender procedure will be carried out in the following phases:

- **Qualification Phase:** Tenderers shall submit their Tenders. The selection committee will evaluate the submitted Tenders and Tenderers, who will meet the conditions of participation in the Tender given by the Electronic Communications Act and this Call, will proceed to the Auction Phase of the Tender.
  - **Auction Phase for the 700 MHz and 900 MHz Frequency Bands:** The Auction Phase will consist of auction rounds, the participants in which will be able to bid on a defined number of blocks in each block category at the prices announced by the Authority. At the end of each round, the Authority shall determine the provisional winning bids for the blocks in each category. The Auction Phase ends in both block categories at the same time after the first round, in which no new bids were submitted, or any Tendered did not renounce their bid – i.e. applied waiver (see Chapter 2.2.7, Annex 4).
  - **Allocation Phase for the 700 MHz Frequency Band:** Successful Tenderers, who have become holders of the blocks in the Auction Phase, will be invited to the Allocation Phase. The Allocation Phase consists of a single allocation round, in which participants will bid for specific frequency blocks in the 700 MHz frequency band. Winning bids are identified by determining the combination of compatible bids with the highest total value. The winners will be allocated the specific frequency blocks to, contained in their winning bids; they must pay the so-called “additional price”, which is calculated on the basis of the second-highest bid and the opportunity costs (see chapter 2.3.4, Annex 4).
- Auction Phase for the 1800 MHz Frequency Band:** The Auction Phase consists of individual Auction Rounds, during which the auction participants can repeatedly increase their one-off payment offers for the respective Auction Block by selecting one of the default bids. Each Auction Block will be evaluated separately; each Tenderer may submit their bid at their own discretion. After the end of the auction, the successful Tenderer will be the one who offered the highest one-off payment for the given Auction Block.

#### 2.4.3 Cost of Participation in the Tender

All costs associated with participation in the Tender shall be borne by the Tenderer.

#### 2.4.4 Cancellation of the Tender

The Authority may cancel the Tender, if the circumstances, under which the Tender was announced, have changed significantly. The Authority shall immediately notify all Tenderers of the cancellation of the Tender, stating the reason for the cancellation. If only one participant in the Tender proceeds to the Auction Phase, the Authority shall cancel the Tender.

#### 2.4.5 The organizer of the Tender

<b>Name of the Authority:</b>	Regulatory Authority for Electronic Communications & Postal Services
<b>Statutory representative:</b>	Ing. Vladimír Kešjar, Chairman of the Authority
<b>Registered office:</b>	Továrenská 7, P. O. Box 40, 828 55 Bratislava 24
<b>Company ID (IČO):</b>	42355818
<b>TAX ID:</b>	2024003729

2.4.6 Flow chart of the electronic auction Tender process for the 700 MHz and 900 MHz frequency bands

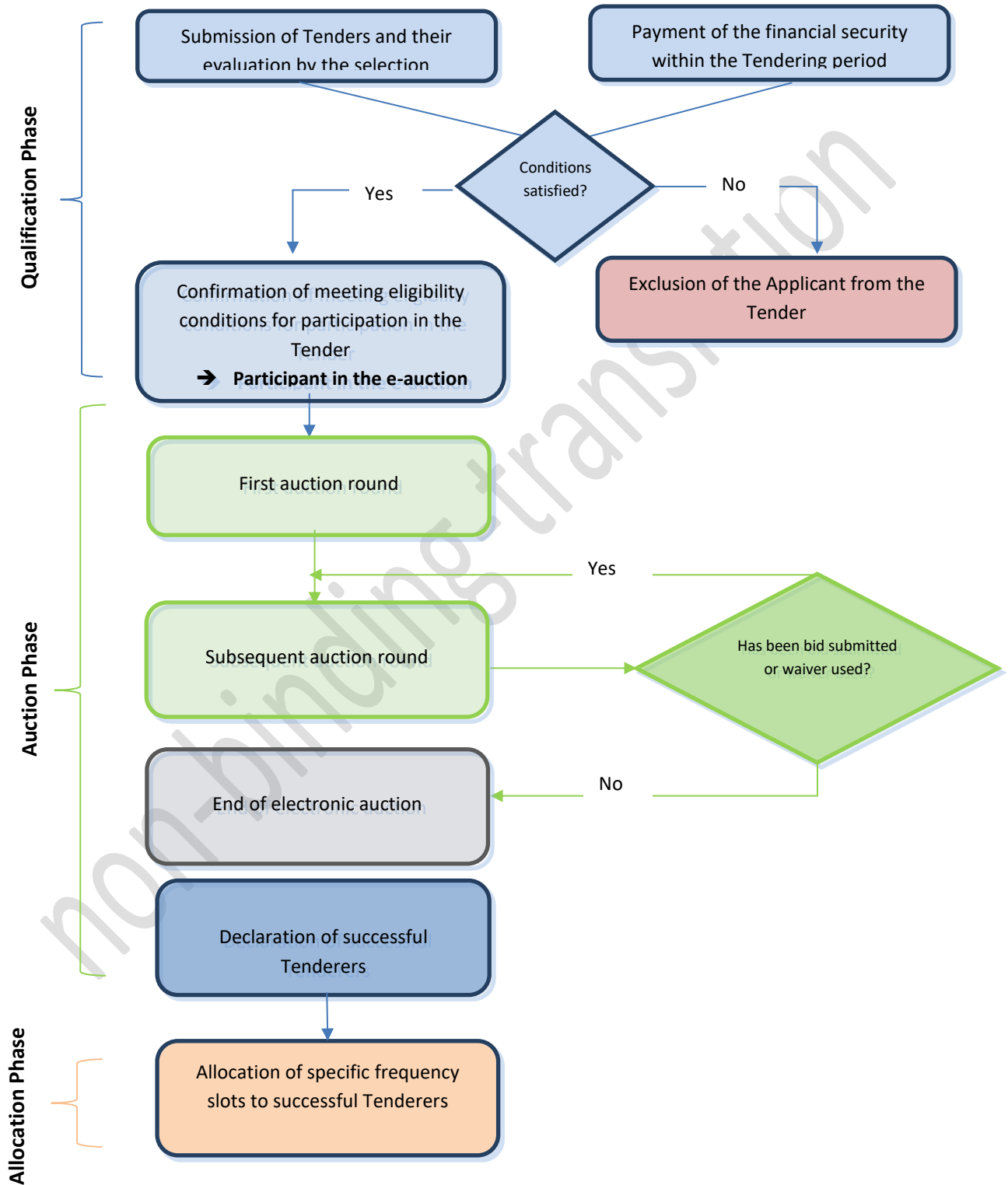


Figure 2: Flowchart of the Tender for the 700 MHz and 900 MHz frequency bands



2.4.7 Flow chart of the electronic auction Tender process for the 1800 MHz frequency band

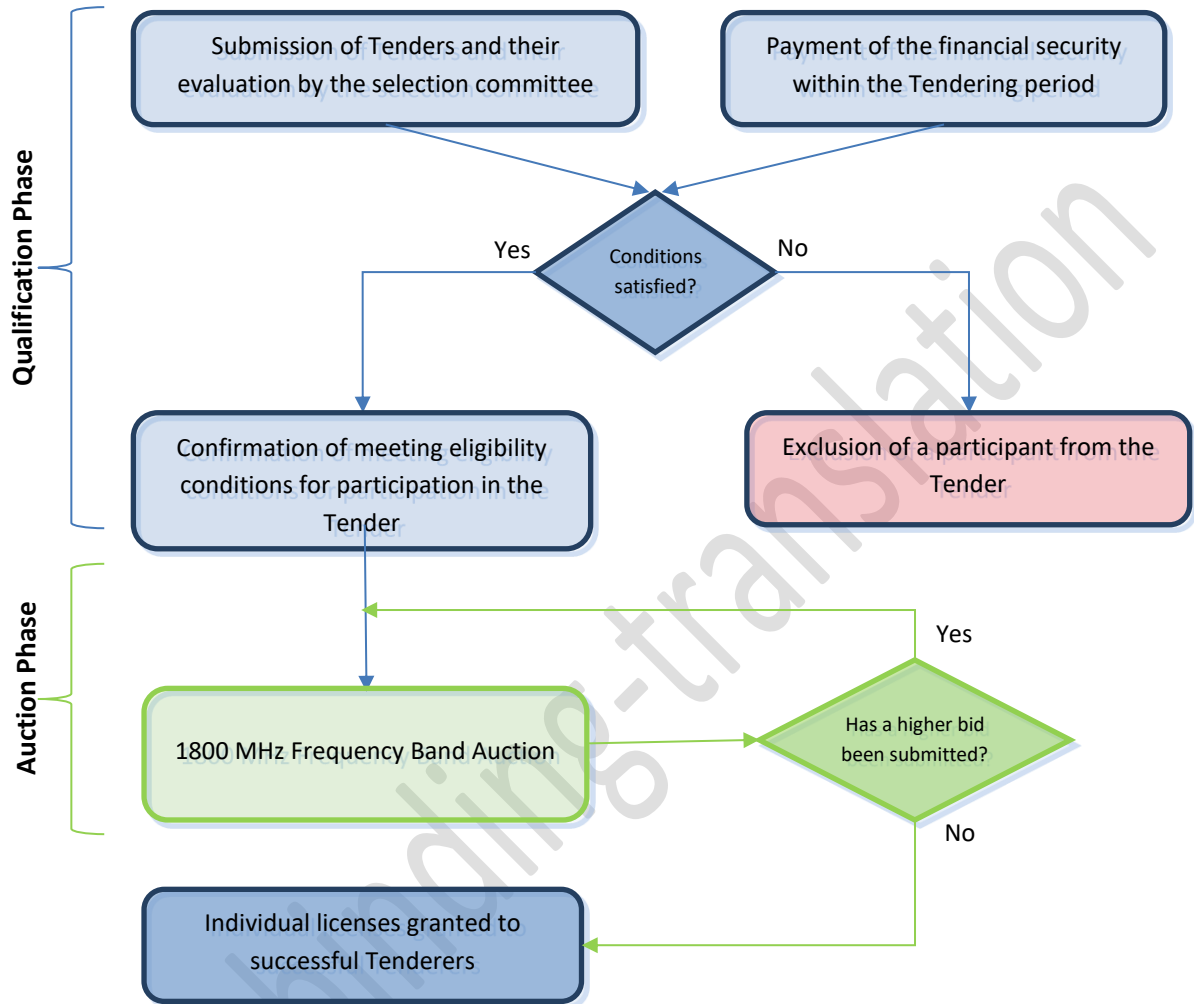


Figure 3: Flowchart of the Tender for the 1800 MHz frequency band

### 3 Tender Subject Matter

#### 3.1 The 700 MHz Frequency Band

Pair frequencies in the range of 703 – 733 MHz and 758 – 788 MHz are offered in this Tender, to be used throughout the Slovak Republic. For the purposes of the Tender, these frequencies are divided into six abstract Auction Blocks with a size of 2x5 MHz, designated as **“Category A Auction Blocks”**.

The auction limit for the 700 MHz frequency band is set in this Tender so that one Tenderer can obtain a maximum frequency range of 2 x 15 MHz.

#### 3.2 The 900 MHz Frequency Band

In this Tender, paired frequencies are offered in the 900 MHz frequency band in the total range of 2 x 4.2 MHz, to be used throughout the territory of the Slovak Republic. The frequencies from the 900 MHz frequency band, which are the subject of the Tender, are divided into the following frequency bands:

The frequency range in MHz – uplink direction	The frequency range in MHz – downlink direction	Frequency bandwidth in MHz
880.0 – 882.9	925.0 – 927.9	2 x 2.9
889.9 – 890.1	934.9 – 935.1	2 x 0.2
913.7 – 914.5	958.7 – 959.5	2 x 0.8
914.7 – 915.0	959.7 – 960.0	2 x 0.3

*Table 3: Frequency slots in the 900 MHz frequency band*

For the purposes of the Tender, these frequencies will be offered as one specific Auction Block with a size of 2 x 4.2 MHz, referred to as **“Category B Auction Block”**.

There is no auction limit for a Category B Auction Block.

#### 3.3 1800 MHz Frequency Band

In this Tender, paired frequencies are offered in the 1800 MHz frequency band in the total range of 2 x 9 MHz, to be used throughout the territory of the Slovak Republic. These frequencies are divided into the following frequency slots:

The frequency range in MHz – uplink direction	The frequency range in MHz – downlink direction	Frequency bandwidth in MHz
1710.0 – 1710.1	1805.0 – 1805.1	2 x 0.1
1776.1 – 1785.0	1871.1 – 1880.0	2 x 8.9

Table 4: Frequency sub-bands in the 1800 MHz frequency band

For the purposes of the Tender, frequencies from the 1800 MHz frequency band shall be divided into 3 Auction Blocks per 2 x 3 MHz, designated as “**Category C Auction Blocks**” (C1, C2 and C3).

Auction Block Class	Auction Block ID	Block Bandwidth	Frequency Band
C	C1	2 x 3 MHz	1710.0 – 1710.1 MHz / 1805.0 – 1805.1 MHz 1782.1 – 1785.0 MHz / 1877.1 – 1880.0 MHz
	C2	2 x 3 MHz	1779.1 – 1782.1 MHz / 1874.1 – 1877.1 MHz
	C3	2 x 3 MHz	1776.1 – 1779.1 MHz / 1871.1 – 1874.1 MHz

Table 5: 1800 MHz Frequency Band Auction Blocks

The auction limit for the 1800 MHz frequency band is set so that the total amount of frequencies of the 1800 MHz frequency band – including the currently held frequencies in the 1800 MHz frequency band by a single Tenderer – will not exceed 2 x 20 MHz.

### 3.4 Amount of One-Off Payment for Frequency Allocation

Pursuant to par. 33 (2) (1) (g) of the Electronic Communications Act, the Authority shall determine in the Invitation to Tender the amount of one-off payment for the allocation of frequencies as the lowest bid for the Auction Blocks that are the subject of the Tender. The lowest bid is the opening price. The opening price for each Auction Block category in each frequency band was determined as follows:

- **700 MHz Frequency Band** – the Authority has based the setting of the opening price per one Auction Block on the opening prices set for the 800 MHz frequency band in the Tender for the Allocation of Frequencies from the 800 MHz, 1800 MHz and 2600 MHz Frequency Bands carried out in 2013 while having adjusted the opening price by reflecting the cost of building the 5G networks, the time for which frequencies will be allocated, the range of frequencies offered, as well as the technical and economic potentials represented by the frequencies offered.
- **900 MHz Frequency Band** – the Authority has based the setting of the opening price per one Auction Block on the method of setting the opening price for frequencies from the

1800 MHz frequency band, taking into account the size of the Auction Block. When setting the opening price, the Authority also took into account the fragmentation of the Auction Block offered, and the distribution of preferential channels in the 900 MHz frequency band.

- **1800 MHz Frequency Band** – the Authority has based the setting of the opening price on the opening prices set in the Tender for the Allocation of Frequencies from the 800 MHz, 1800 MHz and 2600 MHz Frequency Bands implemented in 2013. In setting the opening price, the Authority took into account the period, for which the frequencies will be allocated, the time needed to carry out the refarming, as well as the costs associated with it.

Opening prices and eligibility points for each Auction Block category are shown in Table 6.

Auction Block Class	Opening price (EUR)	Eligibility score
A	16,000,000	2
B	840,000	1
C1	550,000	
C2	550,000	
C3	550,000	

*Table 6: Opening Prices and Eligibility Score per each Auction Block Category*

The one-off payment for the allocation of frequencies is the sum of the offered one-off payments by a Tenderer for the Auction Blocks, in which they will succeed in Tender, and the price determined in the Allocation Phase of the auction for the 700 MHz frequency band. Any amount of the one-off sum offered during the auction is binding and cannot be withdrawn.

The process of incrementing the one-off payment will be determined separately for individual auctions and will be described in Annex 4 (Auction Rules – 700 MHz and 900 MHz Frequency Bands) and Annex 5 (Auction Rules – 1800 MHz Frequency Band) hereof.

## **4 Conditions attached to the Issue of an Individual License for the Use of Frequencies**

The conditions attached to the granting of the individual license for the use of frequencies/a decision by the Authority to allocate frequencies (hereinafter referred to as the “Decision of the Authority to Allocate Frequencies”) shall be laid down in the Authority's decision on the allocation of frequencies issued on the basis of the results of the Tender in accordance with the terms referred to herein.

The Authority's decisions on the allocation of frequencies offered in this Tender will allow the use of frequencies throughout the Slovak Republic.

### **4.1 The decision of the Authority on the Allocation of Frequencies**

The holder of the Authority's decision on the allocation of frequencies in a specific frequency band shall, before commencing the use of the frequencies specified in the Decision of the Authority to Allocate Frequencies, apply to the Authority for an individual license for the use of the frequencies/decision of the Authority on the determination of the conditions, under which frequencies may be used (hereinafter referred to as “Decision of the Authority on the Determination of Conditions”).

The transfer/lease of the rights resulting from the allocation of frequencies is possible on condition that there is no obstacle under par. 32 (16) of the Electronic Communications Act.

In the case of the lease of rights resulting from the allocation of frequencies, the holder of the individual license shall be fully responsible for the fulfillment of all the obligations arising from the Decision of the Authority to Allocate Frequencies and the Decision of the Authority on the Determination of Conditions, under which frequencies may be used.

### **4.2 The decision of the Authority on the Determination of Conditions**

#### **4.2.1 The 700 MHz Frequency Band**

The conditions for the use of frequencies from the 700 MHz frequency band are set out in the Annex to the FP/MS-15a<sup>16</sup> Frequency Spectrum Utilization Plan, as amended, and will be reflected in the Decisions of the Authority on the Determination of Conditions, or will be taken into account in further acts of the Authority pursuant to the Electronic Communications Act.

The successful Tenderer will be able to use the frequencies from the 700 MHz frequency band from 01 July 2020. In the Decisions of the Authority on the Determination of Conditions, the Authority shall determine the obligation to pay a repeated remuneration for the right to use the allocated frequencies pursuant to par. 35 (1) and (2) of the Electronic Communications Act from 01 July 2020.

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<sup>16</sup><https://www.teleoff.gov.sk/plan-vyuzivania-frekvencneho-spektra/>

The holder of the Decisions of the Authority on the Determination of Conditions must respect the conditions laid down in the following applicable international agreements when conducting the frequency planning in border areas:

- Technical Arrangement between the National Frequency Management Authorities of Austria, Croatia, Hungary, Romania, the Slovak Republic and Slovenia on Border Coordination for terrestrial systems capable of providing electronic communications services and national options in the 700 MHz frequency band, concluded on 15 February 2018 in Budapest<sup>17</sup>;
- Technical Convention concerning the use of the 694-790 MHz frequency band for the terrestrial systems in the border areas between the Slovak Republic and Ukraine.

The 700 MHz frequency band has been harmonized for the terrestrial systems capable of providing wireless broadband services. This frequency band used for the television digital terrestrial broadcasting is currently being released. The same process is taking place in the neighboring countries of Hungary, the Czech Republic, and Austria. The Republic of Poland applied for the postponement of the implementation of Decision 2017/899 until 2022.

In case of interference of the public electronic communication network in the Slovak Republic by DVB-T transmitters from Poland, the Authority shall proceed pursuant to Article 10 (2) of the Decision No. 243/2012/EU.

#### 4.2.2 The 900 MHz Frequency Band

The conditions for the use of frequencies from the 900 MHz frequency band are set out in the Annex to the FP/MS-01/rev.4<sup>18</sup> Frequency Spectrum Utilization Plan, as amended, and will be reflected in the Decisions of the Authority on the Determination of Conditions, or will be taken into account in further acts of the Authority pursuant to the Electronic Communications Act.

The holder of the Decisions of the Authority on the Determination of Conditions must respect the conditions laid down in the following applicable international agreements when conducting the frequency planning in border areas:

- The procedure between the telecommunications administrations of Austria, Croatia, the Czech Republic, Hungary, the Slovak Republic and Slovenia of 26-30 September 1994 on Border Coordination in the 410 MHz – 1880 MHz Frequency Bands;
- The protocol of the ROU-SVK-UKR-HNG multilateral expert meeting on frequency coordination of 18-22 October 1999; Budapest<sup>19</sup>;

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<sup>17</sup>[https://www.teleoff.gov.sk/data/files/49437\\_agreement-700-mhz-mfcnlte\\_-hng-aut-feb-2018.pdf](https://www.teleoff.gov.sk/data/files/49437_agreement-700-mhz-mfcnlte_-hng-aut-feb-2018.pdf)

<sup>18</sup><https://www.teleoff.gov.sk/plan-vyuzivania-frekvencneho-spektra/>

<sup>19</sup>[https://www.teleoff.gov.sk/data/files/49518\\_agreement-900-mhz-gsm-svk\\_ukr\\_hng-1999.pdf](https://www.teleoff.gov.sk/data/files/49518_agreement-900-mhz-gsm-svk_ukr_hng-1999.pdf)

- Agreement between the Administrations of Austria, Czech Republic, Hungary, Slovak Republic on Border Coordination in the 880 – 890/925 – 935 MHz frequency bands (E-GSM) concluded on 12 December 2001 in Bratislava<sup>20</sup>;
- Agreement between the Administrations of the Czech Republic, Poland and the Slovak Republic on Border Coordination in the 880 – 890/925 – 935 MHz frequency bands (E-GSM) concluded in Wroclaw on 17 October 2002<sup>21</sup>;
- Agreement between the Administrations of the Czech Republic, Germany, Poland and the Slovak Republic on Border Coordination in the 890-915 / 935-960 MHz frequency bands (GSM 900) concluded on 17 October 2002 in Wroclaw<sup>22</sup>;
- Technical Procedure between the National Frequency Management Authorities of Hungary, the Slovak Republic and Ukraine on the Frequency Coordination in the 880-890 / 925-935 MHz (E-GSM) Frequency Bands concluded on 11 June 2009 in Kiev<sup>23</sup>;
- Technical Arrangement between the National Frequency Management Authorities of Austria, Croatia, Hungary, Romania, Serbia, the Slovak Republic and Slovenia on Border Coordination of Broadband Systems (UMTS, LTE and WiMAX) in the 900 MHz Frequency Band concluded in Budapest on 28 May 2014<sup>24</sup>.

#### 4.2.3 The 1800 MHz Frequency Band

The conditions for the use of frequencies from the 1800 MHz frequency band are set out in the Annex to the FP/MS-02/rev.5<sup>25</sup> Frequency Spectrum Utilization Plan, as amended, and will be reflected in the Decisions of the Authority on the Determination of Conditions, or will be taken into account in further acts of the Authority pursuant to the Electronic Communications Act.

Frequencies from the 1800 MHz frequency band will be available for use by any successful Tenderer after a period of six (6) months from the date, on which the allocation decision becomes final. The given period of 6 months is intended for all holders of frequencies from the 1800 MHz frequency band to reach an agreement and carry out refarming of frequencies in this frequency band. The Authority does not require a refarming obligation but provides space and its assistance for its implementation.

In the Decisions of the Authority on the Determination of Conditions, the Authority shall determine the obligation to pay a repeated remuneration for the right to use the allocated frequencies from the 1800 MHz frequency band, which are the subject of this Tender,

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<sup>20</sup>[https://www.teleoff.gov.sk/data/files/49514\\_agreement-900-mhz-e-gsm-aut-cze-hun-dec-2001.pdf](https://www.teleoff.gov.sk/data/files/49514_agreement-900-mhz-e-gsm-aut-cze-hun-dec-2001.pdf)

<sup>21</sup>[https://www.teleoff.gov.sk/data/files/49515\\_agreement-900-mhz-e-gsm-cze\\_pol\\_svk-2002.pdf](https://www.teleoff.gov.sk/data/files/49515_agreement-900-mhz-e-gsm-cze_pol_svk-2002.pdf)

<sup>22</sup>[https://www.teleoff.gov.sk/data/files/49517\\_agreement-900-mhz-gsm-cze\\_pol\\_svk-2002.pdf](https://www.teleoff.gov.sk/data/files/49517_agreement-900-mhz-gsm-cze_pol_svk-2002.pdf)

<sup>23</sup>[https://www.teleoff.gov.sk/data/files/49516\\_agreement-900-mhz-e-gsm-hng\\_svk\\_ukr-2009.pdf](https://www.teleoff.gov.sk/data/files/49516_agreement-900-mhz-e-gsm-hng_svk_ukr-2009.pdf)

<sup>24</sup><https://www.teleoff.gov.sk/data/files/39891.pdf>

<sup>25</sup>[https://www.teleoff.gov.sk/data/files/49005\\_fp\\_ms\\_02\\_rev\\_5.pdf](https://www.teleoff.gov.sk/data/files/49005_fp_ms_02_rev_5.pdf)

pursuant to par. 35 (1) and (2) of the Electronic Communications Act, after the expiry of this six-month period.

The holder of the Decisions of the Authority on the Determination of Conditions must respect the conditions laid down in the following applicable international agreements when conducting the frequency planning in border areas<sup>26</sup>:

- Agreement between the Telecommunications Administrations of Austria, Croatia, the Czech Republic, Hungary, the Slovak Republic and Slovenia concerning the Allotment of Preferential Frequencies and the Coordination of Systems using the DCS 1800 Standards in the 1710-1785 MHz and 1805-1880 MHz Frequency Bands, concluded on 30 September 1994 in Vienna<sup>27</sup>;
- Agreement between the Administrations of Austria, the Czech Republic, Poland, the Slovak Republic and Germany on Frequency Coordination of Systems using the DCS 1800 Standards in the 1710 -1785 MHz and 1805 -1880 MHz Frequency Bands, concluded on 01 October 1995 in Mainz<sup>28</sup>;
- The protocol of the Multilateral Meeting of Experts between the Administrations of Romania, the Slovak Republic, Ukraine and Hungary on Frequency Coordination, held in Budapest on 18-22 October 1999<sup>29</sup>;
- Agreement between Administrations of Austria, Croatia, Hungary, Romania, Serbia, Slovak Republic, Slovenia and Ukraine on Border Coordination of IMT / UMTS Systems in GSM Bands, concluded on 28 October 2010 in Budapest<sup>30</sup>;
- Procedure between the telecommunications administrations of Austria, Croatia, the Czech Republic, Hungary, the Slovak Republic and Slovenia of 26-30 September 1994 on Border Coordination in the 410 MHz – 1880 MHz Frequency Bands;
- Agreement between Administrations of Austria, Croatia, Hungary, Romania, Serbia, Slovak Republic and Slovenia on Border Coordination of Broadband Systems (UMTS, LTE and WiMAX) in the 1800 MHz Frequency Band of 28 May 2014<sup>31</sup>.

### 4.3 Technology Employed

In accordance with the principle of technology and service neutrality, with the exception of the establishment and provision of 5G networks, the Authority has not imposed any conditions or restrictions in relation to the technologies used.

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<sup>26</sup><https://www.teleoff.gov.sk/povolenia-vydane-po-elektronickej-aukcii-800-mhz-1800-mhz-a-2600-mhz/>

<sup>27</sup><https://www.teleoff.gov.sk/data/files/38551.pdf>

<sup>28</sup><https://www.teleoff.gov.sk/data/files/38561.pdf>

<sup>29</sup><https://www.teleoff.gov.sk/data/files/38581.pdf>

<sup>30</sup><https://www.teleoff.gov.sk/data/files/38571.pdf>

<sup>31</sup><https://www.teleoff.gov.sk/data/files/39901.pdf>



The Authority may individually determine such technical parameters as to ensure that when using these frequencies, harmful interference and that public exposure to the electromagnetic field are avoided.

#### 4.4 Period of Validity of an Individual License for the Use of Frequencies

The Authority's decisions on the Allocation of Frequencies and the Authority's Decisions on the Determination of the Conditions in each frequency band shall be issued with the following validity:

- a) 700 MHz frequency band – to 31 December 2040;
- b) 900 MHz frequency band – to 31 December 2025;
- c) 1800 MHz frequency band – to 31 December 2025;

#### 4.5 Conditions for Efficient Use of Frequencies

For the purposes of the use of the frequencies, which are the subject of this Tender, conditions are laid down in order to ensure their efficient use. These conditions shall be part of the individual licensing and shall be binding on the holder of the individual license.

The individual license for the use of frequencies may be revoked pursuant to par. 34 (3) (a) to (f) of the Electronic Communications Act without the right to a refund of a one-off sum paid for the right to use frequencies, or an aliquot part thereof.

##### 4.5.1 Development Criteria and Coverage Conditions for the 700 MHz Frequency Band

A successful participant, to whom frequencies from the 700 MHz frequency band will be allocated, shall:

- a) Build a public 5G mobile electronic communications network with a 5G NR (New Radio) radio access network, in an architecture that meets the requirements of ETSI TS 123 501 (3GPP TS 23.501), and ETSI TS 138 401 (3GPP TS 38.401) or of those amended, while the public mobile electronic communications network shall be constructed and equipped so as to meet the service requirements as referred to in ETSI TS 122 261 (3GPP TS 22.261) for Release 16 or higher up to five years from the validity of the Authority's decision to Allocate Frequencies in the 700 MHz Frequency Band;
- b) Start using the allocated frequencies to provide a public electronic communications service to end-users through a public electronic communications network with a 5G NR radio access network using the frequencies in the 700 MHz frequency band, which were allocated to it upon the Tender, within two years from the date, on which the decision allocating these frequencies becomes effective;
- c) Ensure coverage of all operated sections:
  - i. Highways

- D1 Bratislava (Petržalka – Intersection with D2) – Trnava – Trenčín – Žilina – Prešov – Košice – the State Border of SR/Ukraine;
  - D2, the State Border of ČR/SR – Kúty – Malacky – Bratislava – the State Border of SR/Hungary;
  - D3 Žilina – Kysucké Nové Mesto – Čadca – Skalité – the State Border of SR/Poland;
  - D4, the State Border of Austria/SR – Bratislava – Intersection of D2 Jarovce – Intersection of Rovinka – Intersection with D1 Ivanka pri Dunaji-North – Intersection with the Road II/502 – Intersection with the Road I/2 – Intersection with D2 Stupava-South – the State Border of SR/Austria;
- ii. Expressways
- R1 Trnava – Nitra – Žarnovica – Žiar nad Hronom – Zvolen – Banská Bystrica – Ružomberok;
  - R2, Intersection with D1 Trenčín – Prievidza – Žiar nad Hronom – Zvolen – Lučenec – Rimavská Sobota – Rožňava – Košice;
  - R3, the State Border of Hungary/SR Šahy – Zvolen – Žiar nad Hronom – Turčianske Teplice – Martin – Kraľovany – Dolný Kubín – Trstená – the State Border of SR/Poland;
  - R4, the State Border of Hungary/SR – Milhošť – Košice – Prešov – Svidník – the State Border of SR/Poland;
  - R5, the State Border of ČR/SR Svrčinovec – Intersection with D3;
  - R6, the State Border of ČR/SR Lysá pod Makytou – Púchov – Beluša;
  - R7, Bratislava – Dunajská Streda – Nové Zámky – Veľký Krtíš – Lučenec;
  - R8, Nitra – Topoľčany – Hradište – Intersection with R2;
  - R9, Lipníky – Humenné – Snina – Ubľa (relocation of Roads I/18, I/74);
- iii. Pan-European Railway Corridors
- Corridor IV: Dresden – Prague – Bratislava / Vienna – Budapest – Arad, of which in the SR:
    - the State Border of ČR / SR; the border crossing point of Kúty, districts of Skalica – Malacky – Bratislava;
    - Bratislava – the border crossing point of Rusovce, district of Bratislava, the State Border of SR/Hungary;
    - Bratislava – Nové Zámky – the border crossing point of Štúrovo, district of Nové Zámky, the State Border of SR/Hungary;
  - Corridor V: Venice – Trieste / Koper – Ljubljana – Budapest – Chop – Lviv;
    - Bratislava – Trnava – Trenčín – Žilina – Liptovský Mikuláš – Poprad – Košice – Trebišov – the border crossing point of Maťovce, district of Michalovce, the State Border of SR/Ukraine;
  - Corridor VI: Gdansk – Warsaw – Katowice – Zwardon / Čadca – Žilina, of which in the territory of the SR in the route:
    - Žilina – Čadca – the border crossing point of Skalité, district Čadca, state border Poland/SR;

iv. Inland Waterways of International Importance

- Corridor VII – Inland E80 waterway – Danube (outside the state border part of the waterway);

Located in the territory of the Slovak Republic, with a 5G network that meets the requirements of 3GPP/ETSI standards for Release 16 or higher, until 31 December 2025.

In the case of demonstrable obstacles in establishing the mobile electronic communication networks imposed by the state institutions, the Authority is ready to assist in the disputed sections of highways and railways in the communication with the state authorities and to take these obstacles into account when assessing coverage.

- d) Ensure coverage of at least 95% of the population of each regional capital of the Slovak Republic by a 5G network, subject to the condition of the lower Reference Signal Received Power (RSRP) - 110 dBm, while meeting the requirements of 3GPP/ETSI standards for Release 16 or higher, by 31 December 2025;
- e) Ensure coverage of at least 90% of the population living outside the regional cities in the territory of the Slovak Republic by a 5G network, subject to the condition of the lower Reference Signal Received Power (RSRP) -110 dBm, while meeting the requirements of 3GPP/ETSI standards for Release 16 or higher, by 31 December 2027;
- f) Ensure coverage of 70% of the population of the Slovak Republic by the 5G network using frequencies from the 700 MHz frequency band, while meeting the requirements of 3GPP/ETSI standards for Release, 16 or higher, by 31 December 2027;
- g) Continuously update the infrastructure and equipment of each part of the 5G network within twenty-four (24) months of the end date, when the relevant vendor has demonstrably included the standardization of the relevant release technology into the infrastructure or equipment used by the successful Tenderer so that the infrastructure and services provided by the 5G system conform to the current release, which adopted the “(protocols) stable” status, and was implemented by the respective vendor; the successful Tenderer is not obliged to update the infrastructure and equipment of the individual parts of the 5G network if having submitted documents to the Authority in writing that prove the following facts:
  1. It is not possible to update the infrastructure and equipment within that deadline because of the technical unfeasibility on the part of the vendor concerned; or
  2. The updating of the infrastructure and equipment of the individual parts of the 5G network is not justified by the demand of more than 15% of the end-users of the successful participant for the new electronic communications services that could be provided through this update and, at the same time, there is evidence of the non-return on investment that the successful Tenderer would have to spend on the update in question.
- h) Always inform the Authority within thirty (30) days of updating the infrastructure and equipment of the individual parts of the 5G network.

Where network sharing is used to meet the development criteria and coverage conditions, the shared network shall be counted towards the fulfillment of the development criteria and coverage conditions of all relevant network-sharing participants<sup>32</sup>, if the frequencies allocated to all operators participating in the sharing are used in those networks.

Where the coverage of Highways, Expressways, pan-European Rail Corridors and Inland Waterways of International Importance referred to in letter (c) is provided by commercially agreed national roaming, the corridors covered by national roaming shall be counted against the fulfillment of the development criteria and coverage conditions of both, the national roaming operator, and the operator using national roaming.

#### 4.5.2 Measurement of Coverage – Measured Parameters

Taking into account the intelligence of radio network elements, in particular of the base stations (dynamic power changes, the formation of antenna beams as required by the UE, etc.) for the objective assessment of territorial signal coverage, the following signal parameters (frequencies) with the limit values ensuring the radio network functionality shall be measured:

- a) Reference Signal Received Power (RSRP):  
Individual 5G NR cells must meet the high-quality criterion according to ETSI TS 138 304 (3GPP TS 38 304), chap. 5.1.1.2.; therefore, in the whole 5G NR cell, the lower limit of the RSRP is -110 dBm.
- b) Signal-to-Noise and Interference Ratio (SINR):  
SINR has a clear relationship to the achievable data rate. Due to the same attenuation of the useful and disturbing signals, the value does not need to be corrected depending on the frequency band. The lower SINR limit value is -5 dB.

The limit values of the measured parameters are given for the UE antenna height of 1.5 m, except for railway corridors, where the antenna height is assumed to be 4.5 m (a train wagon roof).

As part of the control of compliance with the above development criteria and the coverage conditions as specified in point 4.5.1, the Authority will proceed in accordance with Methodological Instruction No. 1/OSD/2020.

#### 4.5.3 The 900 MHz Frequency Band

The successful Tenderer, to which frequencies from the 900 MHz frequency band will be allocated on the basis of this Tender, is obliged to start using the allocated frequencies to provide the public electronic communication service to end-users via the public electronic communications network, using the 900 MHz frequency band, within six (6) months from the date, on which the decision on the allocation of these frequencies becomes effective.

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<sup>32</sup>Coverage provided by the national roaming shall not be considered as network sharing under this point.

#### 4.5.4 The 1800 MHz Frequency Band

The successful Tenderer, to which frequencies from the 1800 MHz frequency band will be allocated on the basis of this Tender, is obliged to start using the allocated frequencies to provide the public electronic communication service to end-users via the public electronic communications network, using the 1800 MHz frequency band, within twelve (12) months from the date, on which the decision on the allocation of these frequencies becomes effective.

Frequencies from the 1800 MHz frequency band will be available for use by the successful Tenderer after a period of six months from the date, on which the allocation decision becomes effective.

#### 4.6 Change, Revocation of the Individual License for the Allocation of Frequencies; Withdrawal of Allocated Frequencies

The change, revocation of the decision on the allocation of frequencies, or the withdrawal of the allocated frequencies, are regulated in the provisions of par. 34 (2) and par. (3) of the Electronic Communications Act.

## 5 Rules and Conditions for Participation in the Tender

### 5.1 Tender Requirements

All the requirements set out in the Invitation to Tender must be met at the time, when the deadline for the submission of Tenders expires. If during the Tender, a situation occurs that would lead to a change in the position of the participant in the Tender, and which would or could imply non-fulfillment of the terms of the Call, the affected participant in the Tender is obliged to notify the Authority thereof in writing without delay. Failure to notify such a fact shall be considered by the Authority as conduct aimed at obstructing the purpose of the Tender.

#### 5.1.1 Financial Security

Depositing financial security is an inseparable part of the Tender. The financial security must credit the account indicated below before the deadline for submission of Tenders has expired.

Tenderers may withdraw their Bid before the expiry of the deadline for submission of their Bids. In this case, financial security will be refunded.

#### Amount of the Financial Security

The financial security for each Auction Block is set at 50% of the opening price of the Auction Block. If the Tenderer plans to bid for multiple Auction Blocks, it is obliged to deposit financial security of 50% of the sum of the opening prices of all Auction Blocks that it plans to bid for. The financial security per an Auction Block of A Category is €8,000,000.

The financial security per an Auction Block of B Category is €420,000.

The financial security per an Auction Block of C Category is €275,000.

The financial security must be deposited to the account number:

**SK26 8180 0000 0070 0049 9798**

The Tenderer shall state to the Message for Recipient field: **Financial security VK 700, 900 and 1800 MHz**; the name and identification details of the Tenderer, and variable symbol, which is:

- The identification number of the Tenderer in the case of a legal entity or a natural person-entrepreneur;
- The date of birth of the Tenderer in the case of a natural person.

#### Purpose of the Financial Security

The purpose of the financial security is to make the Tenderer to refrain from conduct, which would obstruct the purpose or procedure of the Tender.

The financial security deposited by the Tenderer shall be forfeited to the State, if the Tenderer has obstructed the purpose or procedure of the Tender by own conduct, in particular, if the successful Tenderer failed to pay the amount corresponding to the one-off payment for the right to use the frequencies within the prescribed period, or the successful participant has withdrawn its application before the frequency allocation decision was taken.

The Tenderer becomes successful if, in accordance with the terms of the Call and the Auction Rules No. 4 or Auction Rules No. 5, it acquired some of the Auction Blocks offered in the e-auction.

The unsuccessful Tenderer will be returned the cash deposit to without undue delay after the procedure regarding its application has been suspended. The financial security shall be refunded by bank transfer to the account, from which it was paid.

The amount of the financial security deposited by the successful Tenderer will be deducted from the amount of the one-off payment, which the Tenderer is obliged to pay for all the Auction Blocks it has acquired.

## 5.2 Bid Submitted to the Tender

The submitted Bid shall be deemed to be an application for granting the individual license for the use of the frequencies. A Bid specimen is given in Annex 1.

The Bid submitted must contain all the particulars required by the Invitation to Tender, and the financial security as referred to in section 5.1.1 must be paid (it shall credit the indicated account of the Authority) before the deadline for submission of Tenders referred to in section 5.3 of this Call expires.

### 5.2.1 Formal Requirements of the Bid

The administrative fee for submitting an application for granting the individual license for the use of frequencies pursuant to Act No. 145/1995 Coll. on Administrative Fees, as amended, is €6.50 (Item 101 (a) of the Annex to this Act); a payment thereof is a condition for participation in the Tender. The Applicant is obliged to prove the payment of the administrative fee in the Bid submitted by it.

In the case of legal persons, the Bid must be signed by the person or persons who are, in accordance with the entry in the Business Register or another similar register, authorized to act on behalf of the Applicant. In the case of legal entities, whose Bid is not signed by the person or persons authorized to do so in accordance with the entry in the Business Register or other similar register, the Applicant is obliged to attach to the Bid a power of attorney with an officially authenticated signature to prove the authorization of the signatories-natural persons to sign the Bid.

Bids shall be submitted in writing in **two counterparts**, one of which shall be identified as the original and the other as a copy. The Applicant shall be responsible for the conformity of both copies. The original of the Bid must be accompanied by the original documents or their

certified copies. A copy of the Bid may be accompanied by plain uncertified copies of the relevant documents. The original of the Bid must be secured against the removal or subsequent insertion of letters. The Applicant shall submit, together with the printed documents, also a complete electronic copy of the Bid in a PDF format on a physical data carrier without the possibility of it being rewritten (e.g. DVD, CD). If there is a difference between the individual copies of the Bid, the original of the Bid shall be taken as the basis.

Where the Bid or any annexes thereto contain the information that is a bank secret, tax secret, business secret, or a disclosure thereof would violate a statutory or recognized confidentiality obligation, the Applicant shall attach to its Bid another copy of the Bid, which does not contain such information so that this version of the Bid can be used by the Authority for the purpose of looking into the file pursuant to Section 23 of Act No. 71/1967 Coll. on Administrative Proceedings, as amended. Pursuant to the par. 9 (2) of the Electronic Communications Act, the Tenderer shall attach to its Bid a written justification for marking the information as a subject of business secrets and provide such wording of information that does not contain business secrets.

In Annex 2 to the Bid, the Applicant shall state the identity, telephone number and e-mail address of a maximum of two authorized persons it authorizes, by submitting the Bid, to communicate with the Authority during the Tender procedure, and the e-mail address for participation in the e-auction. The end device of the contact telephone numbers must be able to receive and display SMS messages.

The Bid must be drawn up in an official (Slovak) language. The documents and other documents annexed to the Bid may be in a language other than the official language, but with an official translation into the official language. Documents attached to the Bid, which are in the Czech language, need not be translated.

The Bid must be delivered to the address of the Authority before the deadline specified in part 5.3 of this Call. The original of the Bid, as well as a copy thereof, including any electronic carriers, must be delivered to the Authority together in a single sealed and tamper-proof envelope, bearing the distinctive words "DO NOT OPEN – TENDER 700, 900 and 1800 MHz".

### 5.2.2 Mandatory Annexes to the Bid

The Tenderer is obliged to attach all the following documents to the Bid:

- a) In the case of legal entities, whose Bids are not signed by the person or persons authorized to do so in accordance with the entry in the Business Register or other similar register, a power of attorney with an officially authenticated signature to prove the authorization of the signatories-natural persons to sign the Bid;
- b) Power of attorney to communicate with the Authority throughout the Tender and an e-mail address intended for the participation in the e-auction (Appendix 2 to the Call);
- c) A declaration of completeness of the submitted Bid (Annex 3 to the Call);
- d) A document proving payment of the financial security (the security shall credit the indicated account of the Authority before the deadline for submission of the Bid);



- e) Confirmation of payment of the administrative fee as defined in section 5.2.1. of this Call.

### 5.2.3 Binding Force of the Bid

The Applicant is entitled to change or withdraw its Bid submitted at any time before the deadline for submission of Bids. Such a change or withdrawal shall be signed by a person/persons authorized to act on behalf of the Applicant or to represent it.

### 5.3 Deadline for the Submission of Bids

The Bid shall be delivered to the registry office in person or by post no later than on **25 May 2020 by 01:30 p.m.** to the address: Úrad pre reguláciu elektronických komunikácií a poštových služieb, Továrnská 7, P. O. Box 40, 828 55 Bratislava 24.

The registry office is open:

- Monday 08:00 a.m. to 11:30 a.m. 12:00 p.m. to 03:00 p.m.
- Tuesday 08:00 a.m. to 11:30 a.m. 12:00 p.m. to 03:00 p.m.
- Wednesday 08:00 a.m. to 11:30 a.m. 12:00 p.m. to 04:00 a.m.
- Thursday 08:00 a.m. to 11:30 a.m. 12:00 p.m. to 03:00 p.m.
- Friday 08:00 a.m. to 11:30 a.m. 12:00 p.m. to 02:00 p.m.

Due to the emergency situation related to the worldwide pandemic COVID-19 declared by the Government of the Slovak Republic, the registry office of the Authority is open **until further notice**:

- Monday 08:30 a.m. to 01:30 p.m.
- Wednesday 08:30 a.m. to 01:30 p.m.

If you are interested, it is possible to deliver the consignment to the Authority within these hours outside these days after the previous telephone agreement on the number +421 905 380 600.

The Bid delivered after the deadline will not be accepted by the Authority in case of personal delivery; it will be returned unopened to the Applicant in case of delivery by post.

If the Applicant sends the Bid by post, the **date and time of delivery of the Bid to the Authority** shall be decisive.

### 5.4 Opening of Envelopes (Qualification Phase) with Bids

In order to assess the submitted Bids, the Authority shall establish a selection committee pursuant to par. 33 (5) of the Electronic Communications Act.

The opening of envelopes with Bids shall not be public; it shall be carried out solely in the presence of the members and the secretary of the selection committee. The selection committee shall draw up minutes of the process of opening envelopes.

The selection committee shall exclude from the Tender an Applicant, whose Bid does not meet the requirements as specified in the Call, or the individual license of which was revoked by the Authority in the last three years pursuant to par. 34 (3) of the Electronic Communications Act.

#### 5.5 Assessment of the Bids Submitted

The selection committee will evaluate whether the submitted Bids meet the requirements stated in the Call.

If the Bid submitted does not meet the requirements of the Invitation to Tender, the Committee shall exclude such an Applicant from the Tender.

The Authority invites Tenderers, who have not been excluded, to the auction (Auction Phase).

#### 5.6 Exclusion of Participants and Tender Cancellation

The selection committee shall exclude from the Tender a Tenderer, whose Bid does not meet the requirements specified in the Call, or the individual license of which was revoked by the Authority in the last three years pursuant to par. 34 (3) of the Electronic Communications Act.

The Authority shall exclude from the auction the Tenderer which, by its action, violates the Auction Rules pursuant to the Electronic Communications Act.

The Authority shall cancel the Tender in the form of the e-auction if only one Tenderer proceeds to the auction.

#### 5.7 Participation in the Tender

The Bid of two or more entities that are mutually in the position of a controlled-controlling entity pursuant to par. 66a of Act No. 513/1991 Coll., the Commercial Code, as amended, may be submitted only by one of these entities under Section 5.2. If any of the entities referred to in the preceding sentence is the holder of the Authority's Decision on the Allocation of Frequencies in the 900 MHz or 1800 MHz Frequency Bands, only that entity may participate in the Tender, subject to the conditions laid down in the previous sentence. When the Bid is submitted by both, the controlling and controlled entity, the order of delivery of the Bid to the Authority decides.

The Tenderer, which is the controlling entity, is obliged to submit, as part of the Bid submitted, a clear list of all entities being controlled by it, together with stating the share in voting rights in each of the controlled entities under par. 66a (1), (3) and (4) of Act No. 513/1991 Coll., the Commercial Code, as amended.

The Tenderer as a controlled entity shall submit, as part of its Bid, a clear list of all entities holding a minimum of 10% of voting rights in that Tenderer, together with an indication of the specific size of this holding, while identifying the entity that is the controlling entity vis-à-vis that Tenderer.

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## 6 Information on the Processing of Personal Data

(Pursuant to Art. 13 of the Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and § 19 of Act No. 18/2018 Coll. on the Protection of Personal Data)

### **The Controller:**

Regulatory Authority for Electronic Communications & Postal Services

### **Contact details of the Controller:**

Továrenská 7, 828 55 Bratislava, ID: 42 355 818

### **Contact details of the officer in charge:**

Mgr. Ľudovít Blázy,  
email: gdpr@teleoff.gov.sk,  
Phone: 02/57881 352

**Purpose of Processing:** Identification of participants in the Tender for granting of frequencies from the 700 MHz, 900 MHz and 1800 MHz frequency bands in a form of an electronic auction pursuant to par. 33 of Act No. 351/2011 Coll. on Electronic Communications, which are natural persons-entrepreneurs or natural persons, representatives of participants in the Tender, who are legal persons and their authorized persons.

### **Legal Basis for Processing:**

Processing is necessary to fulfill the task performed in the exercise of public authority pursuant to Art. 6 (1) (1) (e) of the Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

### **Categories of Personal Data Processed:**

- a) Identification data: academic title, first name and surname, address of residence, date of birth, identity card number, and signature. In the case of a natural person-entrepreneur, also the company ID and place of business.
- b) Contact details: phone number, an email address;

**Recipients and Categories of Recipients:** Controller and its staff

**Period of retention of personal data:** 15 years

**Transfer of personal data to third countries:** Not performed.

**Automated decision making, including profiling:** Not performed.

### **Rights of the data subject:**

The data subject has the right to:

- a) Access its personal data;
- b) Correct its personal data;
- c) Delete its personal data;
- d) Restrict the processing of its personal data;
- e) Object to the processing of its personal data;
- f) Portability of its personal data;

- g) Lodge a complaint with the Supervisory Authority, which is the Authority for Personal Data Protection of the Slovak Republic, Hraničná 12, 820 07 Bratislava 27.

non-binding-translation

## 7 Glossary

**5G** – The fifth generation of wireless mobile technology that complies with the requirements of International Mobile Telecommunications-2020 (IMT-2020) of the International Telecommunications Union (ITU).

**E-Auction** – a method of frequency license bidding assessment procedure. The electronic auction is part of the Tender for the purpose of granting individual licenses for the use of the frequencies covered by this Tender. It aims to determine the price and holders of individual licenses for the use of frequencies corresponding to individual Auction Blocks.

**Auction Phase** – a set of individual rounds of an e-auction. The Auction Phase results in the identification of successful participants in the e-auction.

**Auction Round** – in an Auction Round, participants in the e-auction will be able to submit their bids in accordance with the Auction Rules.

**Auction Block** – a block of the frequency spectrum, which is offered within the e-auction.

**CEPT** – European Conference of Postal and Telecommunications Administrations.

**Individual License Holder** – a holder of the individual license for the use of frequencies.

**ETSI** – European Telecommunications Standards Institute (or European Telecommunications Standards Institute).

**EU/Union** – European Union.

**ITU** – International Telecommunication Union

**Commission/EC** – European Commission.

**Discussion document** – a document entitled “Public Discussion on the Preparation and Implementation of Tenders for the Allocation of Frequencies in the 700 MHz, 900 MHz, 1500 MHz, and 1800 MHz Frequency Bands” published by the Authority on 26 September 2019.

**Qualification Phase** – the selection phase, which assesses whether the participants meet the qualification requirements and conditions defined in Part 5 of this Call.

**M2M communications** – Machine-machine communications.

**Bid** – a Bid submitted. The Bid submitted is also an application for an individual license for the use of the frequencies.

**IoT** – The Internet of Things.

**Tenderer** – Submitter of the Bid, submitting it within the deadline specified in the Invitation to Tender; Applicant.

**Selection Committee** – A committee assessing submitted Bids to be set up by the Authority pursuant to par. 33 (5) of the Electronic Communications Act.

**Tender** – A selection procedure for granting individual licenses for the use of frequencies from the 700 MHz, 900 MHz and 1800 MHz frequency bands by e-auction.

**Applicant** – A submitter of the Bid submitting it within the deadline specified in the Invitation to Tender; Tenderer; participant in an e-auction.

## 8 List of Annexes

Annex 1 – Form Template ‘Tender Form’

Annex 2 – Power of Attorney specimen for communication with the Authority during Tender and an e-mail address for participation in the e-auction

Annex 3 – Declaration of Bid Completeness specimen

Annex 4 – Auction Rules – 700 MHz and 900 MHz Frequency Bands

Annex 5 – Auction Rules – 1800 MHz Frequency Band

Bratislava, 31/03/2020

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Ing. Vladimír Kešjar  
Chairman of the Authority, by own hand