



**Český telekomunikační úřad**  
**Czech Telecommunication Office**

Sokolovská 219, Praha 9  
Post Box 02, 225 02 Praha 025, Czech Republic

## Appendix 2

to the Invitation to Tender for the award of rights  
to use radio frequencies to provide an electronic communications network  
in the 3600–3800 MHz band

### **Statement of Acceptance of Obligations by the Applicant**

Text after the corrigendum of obvious inaccuracies from April 27, 2017.

## Statement of Acceptance of Obligations by the Applicant

This Appendix 2 is an integral part of the Application for the Award of Rights to Use Radio Frequencies (hereinafter referred to as the “**Application**”) under the provisions of Section 21 of Act No. 127/2005 Coll., on electronic communications (hereinafter referred to as the “**Act**”) as submitted pursuant to the Invitation to Tender for the Award of Rights to Use Radio Frequencies to provide an electronic communications network in the 3600–3800 MHz band (hereinafter referred to as the “**ITT**”) announced on **March 27, 2017**.

by the Czech Telecommunication Office  
with its registered seat at Sokolovská 219, Praha 9, P.O. Box 02, Postcode 225 02, Praha 025  
(hereinafter referred to as the “**Office**”)

### **Identification data of the Applicant accepting the obligations:**

Company: .....  
Address: .....  
Company Number (IČO): .....  
Person authorized to act on the Applicant's behalf: .....  
(hereinafter referred to as the “**Applicant**”)

Terms not defined in this Appendix 2 to the Application, submitted on the basis of the ITT, have the same meaning as the terms defined or specified in the ITT and/or in the Application.

### **Content of the obligations accepted by the Applicant:**

I, the Applicant, hereby accept the following obligations associated with the award of rights to use radio frequencies in the 3600–3800 MHz band pursuant to the tender described in the ITT (hereinafter referred to as the “**Tender**”) and undertake to discharge them in a due and timely manner:

#### **1 Refarming**

I, as the Applicant, hereby accept the refarming obligation.

I am aware that the objective of the Office in this Tender is to ensure the effective utilization of radio frequencies in the 3600–3800 MHz band and in the entire 3400–3800 MHz band by allowing the future unification of the radio frequency allocations of individual Allocation Holders within the 3400–3800 MHz band as a whole. In order to achieve this objective, the Office lays down the refarming obligation for the Holders of allocations awarded based on this Tender such that, after the issuance of further allocations in the 3400–3800 MHz band based on a future tender or future tenders, the entire 3400–3800 MHz band could be refarmed, meaning the re-distribution of the radio frequencies allocated in this frequency band such that the integrity of the radio frequency allocations awarded to a single Allocation Holder in this band is secured to the maximum possible extent.

In order to ensure this obligation, if I am awarded an allocation of radio frequencies in the 3600–3800 MHz band based on this Tender (hereinafter referred to as the “**Radio Frequency Allocation based on the Tender**”), I undertake to submit to the Office, in accordance with Section 22a of the Act or in accordance with a similar provision of the Act effective at the time of issuance of the ITT permitting Allocation Holders to apply for a change of allocation, and not later than within 60 days of the date of delivery of the Call of the Office, a full application for the

change of Radio Frequency Allocations based on the Tender as complying with all statutory requirements and satisfying the requirements placed on content, as described hereunder.

Such application according to this refarming obligation shall describe the change of specification of radio frequencies such that the specification of radio frequencies corresponds to the Agreement on Targeted Distribution or, if the Agreement on Targeted Distribution is not concluded within the sixty-day time limit for submitting applications for a change of allocations that commences with the delivery of the Call, information on the targeted distribution of radio frequencies in the 3400–3800 MHz band specified by the Office in the Call. If concluded, the Agreement on Targeted Distribution must respect the requirement of integrity of allocations. For the sake of precluding doubt, I undertake to do as follows within a time limit of sixty days following the delivery of the Call:

- (i) to submit to the Office an application for a change to my Radio Frequency Allocation based on the Tender in accordance with the refarming obligation and with specifications of the change of radio frequencies in accordance with the Agreement on Targeted Distribution, together with one counterpart of the Agreement on Targeted Distribution; or
- (ii) if I do not submit an Agreement on Targeted Distribution, to submit an application for a change to radio frequency allocations in accordance with the refarming obligation and with specifications of the radio frequencies according to information on the targeted distribution of radio frequencies in the 3400–3800 MHz band specified by the Office in the Call.

In case I am not a holder of any frequency segment in the 3400–3600 MHz band on the date of delivery of the Call of the Office, information about the target division of radio frequencies cannot determine that the specification of the radio frequencies in my allocation, acquired based on this Tender, will be outside the scope of the 3600–3800 MHz band.

I undertake to submit the application specified in this Statement on Acceptance of Obligations on the form appended to the ITT as Appendix 5.

For the sake of precluding doubt, if any Allocation Holders submit an application under point (i) above and others under point (ii) above or if the applications for a change of allocation are mutually incompatible for any other reason, the Office is authorized to issue a Call to one, some or all Allocation Holders to amend their applications for a change of allocation, remove flaws in the applications or submit new applications such that the refarming objective can be met. Allocation Holders are obliged to satisfy this second Call of the Office within 10 days of the delivery thereof.

As part of procedure regarding my application according to this obligation, I further undertake to take all steps and measures and to provide all coaction required to ensure that the Office is able to satisfy the application with a final decision and change the allocations of radio frequencies of individual Allocation Holders in the 3400–3800 MHz band in the way described above.

I further undertake to cease using the radio frequencies that are no longer allocated to me once the decision of the Office to change the allocation of radio frequencies has entered into legal force and to do so within one month of the date of delivery of notification from the Office of the legal force of the final decision on the change of allocation according to the refarming obligation in the 3400–3800 MHz band. The Office will inform Allocation Holders in writing of the legal force of the final decision on the change of allocation according to the refarming obligation in the 3400–3800 MHz band.

I am aware that I shall cover all costs associated with the refarming obligation according to this Statement of Acceptance of Obligations and any subsequent implementation within my own communication network.

## 2 Other obligations

I undertake, in relation to the radio frequencies which are the subject of this Tender, to transfer the Radio Frequency Allocation based on the Tender only under the terms and conditions laid down in Section 23 of the Act and cumulatively under the following terms and conditions:

- (i) 5 MHz is considered the smallest unit which may be transferred; and
- (ii) the assignee of radio frequencies acquired based on this Tender must, for a period of 5 years following the date on which the Radio Frequency Allocation based on the Tender enters into legal force, satisfy the conditions laid down in Chapter 6.1 of the ITT which would relate to the assignee if it were an Applicant, with consideration for the conditions of participating in the Tender laid down in Chapter 8.5 of the ITT. If the assignee is a member of a Business Grouping, this Business Grouping may not exceed a maximum Spectral Limit of 40 MHz, if the member of the Business Grouping is also an Incumbent Operator that acquired a Radio Frequency Allocation based on the Tender, or 80 MHz if, based on evaluation of the first Auction Round, the situation arises in which not even one of the Auction Participants that is not simultaneously an Incumbent Operator submits a Bid and the Spectral Limit for Incumbent Operators is increased to 80 MHz or the member of a Business Grouping is a successful Applicant in this Tender and not an Incumbent Operator in accordance with the ITT Proposal.

I am aware that the rental of the rights arising from individual authorizations to use radio frequencies will only be made possible in individual authorizations to utilize the radio frequencies that are the subject of this Tender with the prior consent of the Office, in accordance with Section 18(1)(h) of the Act.

Should I win a Radio Frequency Allocation in the Tender, I am aware that, with regard to the provisions of Section 19(4) and Section 22b(1) of the Act, it is required that I (and my successors or other persons to which any Radio Frequency Allocations are transferred, passed or rented) must, for a period of five years following the legal force of allocation, continue to satisfy any of the terms and conditions pursuant to which the Radio Frequency Allocation based on the Tender was awarded. This is a matter of adhering to the obligations accepted in accordance with Chapter 7.9 of the ITT (Refarming) irrespective of disposal of the frequencies which such obligations concern.

With regard to the provisions of Section 19(4) and Section 22b(1) of the Act, it is required that I (and my successors or other persons to which a Radio Frequency Allocation is transferred, passed or rented) must, for a period of five years following the legal force of Radio Frequency Allocation, continue to satisfy all of the terms and conditions of economic independence and manner of participation in the Tender laid down as terms and conditions of participation in Chapter 8.5 of the ITT.

..... (place), ..... (date)

.....  
**The Applicant**  
(trade name of Applicant,  
first name, surname, position and signature  
of person authorized to act on behalf of the  
Applicant)

### Statement of person authorized to act on behalf of the Applicant

I represent that, as a person authorized to act on behalf of the Applicant, I am authorized to accept the foregoing obligations on the Applicant's behalf, that I have obtained all consent,

permission or other approval required for the valid acceptance of obligations by the law of the Czech Republic and the law which governs the internal relations of the Applicant's company, in witness whereof I have hereunto set my hand.

..... (place), ..... (date)

.....  
Person authorized to act on behalf of the  
Applicant  
(first name, surname and signature)