

## **APPLICATION FORM**

### **Auction of -rights of use for radio frequencies in the 2500 – 2690 MHz band**

Rights of use for radio frequencies will be auctioned for the first time in the 2,6 GHz band (4G-rights of use for radio frequencies). Currently no operator has rights of use for radio frequencies in the 2500 – 2690 MHz band in Belgium.

A first phase of the auction process is the call for applications, allowing candidates to submit applications to qualify for the auction (i.e. to comply with the auction validity rules). Submission of an application will be done through filling out an application form.

On 18 May 2011, the Council of BIPT decided to call for applications.

Below you will find instructions regarding the information required to fill out this application form and regarding the manner in which it is to be presented. The terms used in the application form and in these instructions shall be interpreted in the sense as indicated in the Royal Decree of 22 December 2010 on radio access to the 2500-2690 MHz band (hereinafter: the “4G Decree”).

The frequency blocks referred to both in Article 4, § 1, and in Article 4, § 4 of the 4G Decree are put up for auction. If there are less than four candidates for the auction, the FDD blocks will be assigned in accordance with Article 4, § 2.

BIPT will publish the results of the study regarding the measuring campaign to determine the radar degradation in the 2700-2900 MHz band due to Wimax and LTE signals, as mentioned in the BIPT Council Communication of 7 December 2010, as stipulated at the end of June 2011 on the website “www.auction2011.be”. Afterwards the BIPT Council will adopt a decision on the matter. In order to allow all parties the necessary time to examine this, the deadline for submission of applications is set on 14 October 2011 instead of 15 September 2011 as was originally specified in the 4G memorandum.

#### **1. Candidate’s details (article 14, §1, 4G Decree):**

1.1. The candidate’s name (“the candidate”).

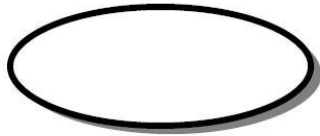
1.2. The address, telephone and fax number in the EU where the candidate can be reached on working days between 8 am and 7 pm, serving as the candidate’s official address for this procedure and intended for the delivery of documents and notifications and to make services. (article 14, §1, 1°, 4G Decree)

1.3. The names, titles, capacities and signatures of at least one person legally authorized to fully represent the candidate by virtue of the law or the candidate’s articles of association for all actions that may relate to the procedure for the assignment of user rights. (article 14, §1, 2°, 4G Decree)

1.4. The candidate’s bank account onto which the amount in accordance with Article 18 or 35, § 3 4G Decree can be refunded. (article 14, §1, 7°, 4G Decree)

1.5. The technical standard or technology the candidate intends to apply and frequency blocks for which a bid will be made. (article 14, §1, 8°, 4G Decree)

1.6. A detailed, clear and complete view of the candidate's ownership structure, according to the instructions below (article 14, §1, 5°, 4G Decree):



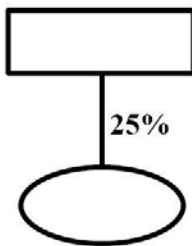
**The Candidate**



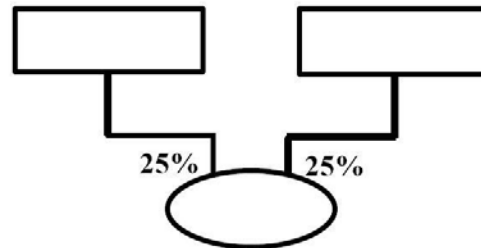
**Connected Person**

Each form should contain the name of its representative.

- Direct holdings should be indicated by a full line connecting the two parties, with on the side an indication of the holding percentage between the two parties. The lines should be horizontal or vertical, not diagonal.



**or:**



Other forms of control or influence, such as a management agreement or common directors are to be indicated by means of a double dotted line (= = =), with a text or footnote added for illustration or clarification, indicating the control mechanism.

- Should there be other companies that are controlled by a connected person, the information should be rendered as in the diagram below. Add on a separate sheet a list of the companies controlled by this connected person as well as associated bidders (if known)(cf. the point at the bottom of the list):



2.3. Proof of notification in conformity with Article 9 of the Act of 13 June 2005 on electronic communications. (article 14, §1, 9°, 4G Decree)

2.4. The proof of payment of the deposit (article 14, §1, 6° 4G Decree): the proof must include the indisputable instructions of payment given to the bank(s) tasked with the payment, with the confirmation from the bank(s) that the payment has been made through the clearing system (a confirmation from the bank(s) that the deposit has been paid into the recipient's account must not be produced).

### **3. Payment instructions**

3.1 The deposit of EUR 1 million shall be paid into the account number 100-0086954-76 – IBAN: BE91 1000 0869 5476 – BIC: NBBE BEBB 203 with mention “4G-Procedure”.

### **4. Application instructions**

Applications must be submitted by 14 October 2011, 10 a.m. at the latest.

The applications shall be submitted between 9 a.m. and 5 p.m., during working days, at:

BIPT  
Ellipse building C  
Boulevard du Roi Albert II, 35  
1030 Brussels

An acknowledgement of receipt will be provided.

Applications shall be submitted in twofold, with indication of one original copy co-signed by the candidates' authorised representatives). (article 13, §1, 2°-3°, 4G Decree)

Applications shall be submitted in sealed boxes with mention:

**To Mr Luc Hindryckx**  
**[name of the candidate]**  
**Application 4G-auction**  
**Box [box number] of [total number of boxes]**

### **5. Comments**

**Candidates will note that the application must be complete when it is submitted, with the correct amount of copies, with neither mistakes nor omissions. The application shall also be submitted during the hours indicated and at the latest by the date and hour specified by BIPT. If these requirements are not met, the application might be declared inadmissible.**

## Application form

### Auction of rights of use for radio frequencies in the 2500 – 2690 MHz band

**(1) Data regarding the candidate**

<b>1.1. Name of the candidate:</b>

<b>1.2. Contact information:</b> (Workings days from 8 a.m to 7 p.m)
<b>Address:</b>
<b>E-mail address :</b>
<b>Telephone number:</b>
<b>Fax number:</b>

<b>1.3. Authorised representatives:</b>			
<b>Name</b>	<b>Title</b>	<b>Capacity</b>	<b>Signature</b>

<b>1.4. Candidate's bank account number (for the reimbursement of the amount as laid down in article 18 or 35, §3, 4G Decree):</b>

<b>1.5. The technical standard or technology the candidate intends to apply and frequency blocks for which a bid will be made:</b>

<b>1.6. A detailed, clear and complete view of the candidate's ownership structure:</b>

**(2) Checklist of documents to be attached**

		<b>Please tick off</b>
2.1.	A copy of the candidate's statutes of association or equivalent documents that govern the candidate's functioning.	
2.2.	The proof that the candidate: <ul style="list-style-type: none"><li>• is not in a state of bankruptcy, liquidation or a similar situation</li><li>• has not made any declaration of bankruptcy and is not involved in a liquidation procedure or judicial concordat, and is not involved in a similar situation under foreign regulation.</li></ul>	
2.3.	The proof of notification in conformity with article 9 of the Act of 13 June 2005 on electronic communications.	
2.4.	The proof of payment of the deposit (copy of the payment order and the confirmation from the bank(s)).	