

Appendix 1 to the decision to issue open invitation to apply for licences to use radio transmitters in parts of the 1800 MHz band, Ref. no. 24-487

# Open invitation part 1 to apply for licences to use radio transmitters in parts of the 1800 MHz band

Application deadline:	30 September 2024
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Preliminary start of auction:	November 2025
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This document is a non-binding translation to English of the Swedish Open invitation part 1 and its appendices published 5 June 2024

**Open invitation part 1 to apply for licences to use radio transmitters in parts of the 1800 MHz band**

**Reference number**

24-487

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# 1. Introduction

## 1.1 Open invitation for applications

The Swedish Post and Telecom Authority (PTS) hereby invites you to apply for licences to use radio transmitters in the frequency ranges:

- 1710–1720/1755–1780 MHz and 1805–1815/1850–1875 MHz (parts of the 1800 MHz band)

The frequency bands are internationally harmonised for terrestrial systems capable of providing wireless communication services.

It follows from PTS's decision to limit the number of licences and the decision to issue open invitation to apply that the number of licences to use radio transmitters in the band shall be limited in order to ensure an efficient use of frequencies, and that the licensing process shall take place in a bidding procedure in which the price the applicant is willing to pay for the licence shall be the deciding factor (auction).

Terms used in this document have the same meanings as in the Swedish Electronic Communications Act (2022:482) (LEK). In addition, the following terms are used as defined below:

- *bidder*: the one who has submitted an application for a licence to use radio transmitters in the current frequency band and whose application has been approved by PTS.
- *spectrum cap*: the maximum amount of frequencies in one or more frequency band for the use of radio transmitters that can be assigned one and the same bidder.

## 1.2 Open invitation in two parts

Chapter 3 Section 11 third paragraph LEK, states that the open invitation shall contain information about the procedure to be used, the conditions for participation in the procedure and the conditions to which the licences will be subject. Chapter 3, Section 6 LEK stipulates inter alia that an application for a licence to use radio transmitters may be rejected if it could be assumed that the radio usage will cause harm to the national security of Sweden. Chapter 3, Section 12, first paragraph, point 9, of LEK stipulates that a licence to use radio transmitters can be subject to

conditions on requirements that are of importance to the national security of Sweden. In matters that concern licences to use radio transmitters in accordance with Chapter 3 of LEK, PTS will consult with the Swedish Security Service and the Swedish Armed Forces (the consultation authorities) before PTS makes a decision in the matter. As the rules are formulated, a formal consultation with the consultation authorities cannot take place before there is an application for a licence to use radio transmitters. Conditions regarding requirements that are of importance to the national security of Sweden cannot be assessed or finalised before a consultation has taken place. To ensure that the applicants are aware of the prerequisites, all licence conditions, including conditions regarding requirements that are of importance for the national security of Sweden, will be announced simultaneously and in good time before the auction.

In the light of this matter, the open invitation to apply is divided into two parts: Open invitation part 1 (OI part 1) and Open invitation part 2 (OI part 2).

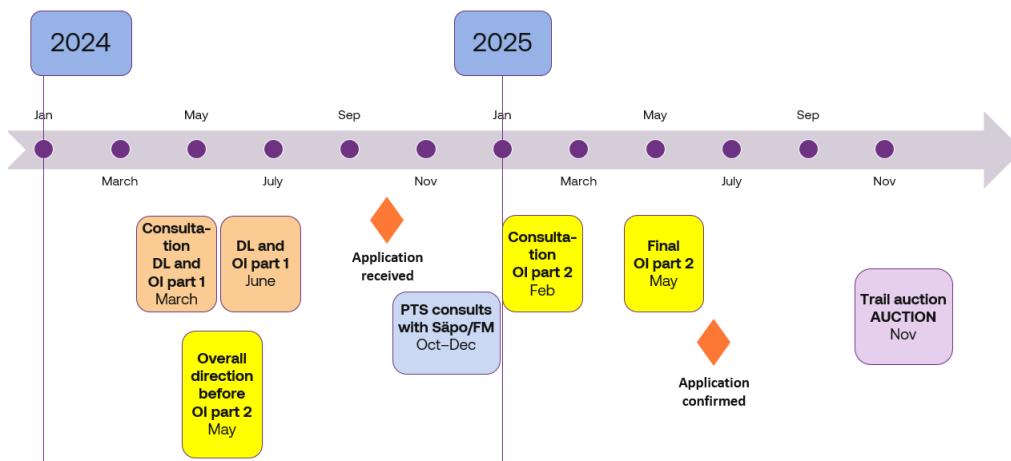
OI part 1 (this document) contains information about the process and application, the protection of the national security of Sweden when using radio transmitters and about PTS's consultation regarding applications with the Swedish Security Service and the Swedish Armed Forces.

OI part 2 will contain rules regarding the auction procedure, such as auction rules, any rules on competition-promoting measures (spectrum cap) and conditions to which the licences to use radio transmitters will be subject.

### 1.3 The process up to the auction

The illustration below explains the procedure and preliminary timetable leading to the assignment of licences.

Figure 1 Preliminary process and schedule until auction



PTS’s decision to limit the number of licences (DL) and the decision to issue open invitation to apply will be published in June 2024. Application for a licence to use radio transmitters must be submitted no later than 30 September 2024. PTS will then begin consultations of the applications with the consultation authorities.

PTS intends to announce dates for other steps in the consultation version of OI part 2. The auction is preliminarily planned to begin in November 2025.

The application and confirmation process is described in Section 4.

## 2. Licence to use radio transmitters

### 2.1 Licences to be assigned

The procedure refers to national licences to use radio transmitters in the frequency range:

- 1710–1720/1755–1780 MHz and 1805–1815/1850–1875 MHz (parts of the 1800 MHz band)

It follows from PTS's decision to limit the number of licences that the number of licences is limited to a maximum of seven licences of 2×5 MHz (FDD<sup>1</sup>) each. The block division of the frequency ranges are presented in Figure 2. Note that a licence can consist of more than one block.

Figure 2 The figure shows the block division for the available frequency space in the 1800 MHz band



### 2.2 Conditions under OI part 2

The final conditions to which the licences to use radio transmitters in the frequency band will be subject will be presented in OI part 2. Each licence will, after the auction, be subject to the conditions applicable to the respective licence. The licences will at least be subject to the following conditions:

- Conditions regarding available frequency range
- Conditions regarding licence duration
- Technical conditions
- Conditions regarding shared use and coordination
- Conditions regarding requirements that are of importance to the national security of Sweden

The licences may also be subject to additional conditions.

<sup>1</sup> FDD – Frequency Division Duplex



## **3. Protection of the national security of Sweden with respect to radio usage**

### **3.1 Provisions for the protection of the national security of Sweden**

A prerequisite for an application for a licence to use radio transmitters to be approved is that, pursuant to Chapter 3, Section 6, point 7 of LEK, it could be assumed that the radio usage will not cause harm to the national security of Sweden. Pursuant to Chapter 3, Section 12, first paragraph, point 9 of LEK, a licence to use radio transmitters can also be subject to conditions on i.e. requirements that are of importance to the national security of Sweden. A licence may, with support of Chapter 11, Section 7 of LEK, be revoked and licence conditions amended with immediate effect if the radio usage has caused harm to the national security of Sweden or if it could be assumed that the radio usage could cause such harm.

### **3.2 Examination of whether the radio usage could cause harm to the national security of Sweden**

Pursuant to Chapter 3 Section 13 of Regulation (2022:511) on Electronic Communication (FEK), PTS will consult with the Swedish Security Service and the Swedish Armed Forces (the consultation authorities) on the matter of licences to use radio transmitters. This consultation shall aim to clarify whether the radio usage according to the application could be assumed to cause harm to the national security of Sweden, and the need to combine the licence applied for with conditions regarding requirements that are of importance to the national security of Sweden and, if such needs exist, which conditions the licences should be subject to.

The applicants shall provide information in their application that will form the basis subject to examination of whether the radio usage that the application concerns could cause harm to the national security of Sweden.

Appendix B1 provides a number of questions that the applicant must answer in the application. Appendix B2 constitutes a basis from the consultation authorities on guiding principles that suppliers of vital electronic communication networks must take into account when designing their networks in order to ensure the protection that is necessary for the national security of Sweden. Appendix B3 provides a

number of clarifications to assist in the answering of the questions in Appendix B1 and in the reporting of how each principle in Appendix B2 is fulfilled. The answers to the questions in Appendix B1, and the reporting of how each principle in Appendix B2 will be considered, constitute, along with other application documents and any supplementations to the application, the basis for the consultation with the consultation authorities, and for PTS's assessment of whether the radio usage that the application concerns could cause harm to the national security of Sweden.

### **3.3 Licence conditions on requirements that are of importance to the national security of Sweden**

Chapter 3, Section 12, first paragraph, point 9 of LEK stipulates that a licence to use radio transmitters can be subject to conditions on requirements that are of importance to the national security of Sweden. In the preparatory work for the provision, it is stated, among other things, that 'Radio usage could be a security threat due to the technical equipment used. It should therefore be possible in the licence conditions to impose security requirements on technical equipment, the organisation or the agreements related to the radio usage. It should also be possible to e.g. exclude components, suppliers or service personnel that do not maintain a sufficiently high level of security. It should also be possible to consider other types of conditions depending on the requirements concerning the national security of Sweden based on the threats that exist in each individual case, the type of radio usage in question, and the extent of the operations.'<sup>2</sup>

PTS intends to combine the licence to use radio transmitters in the 1800 MHz frequency band with a generic condition regarding requirements that are of importance to the national security of Sweden, which will finally be formulated in OI part 2. Preliminarily, such a generic condition will be drafted as a requirement that the licence holder must take the technical and organisational measures required to ensure that the licenced radio usage does not cause harm to the national security of Sweden.

PTS can, based on the results of the consultation of the applications with the consultation authorities, impose other conditions for the protection of the national security of Sweden. The final conditions will be presented, after PTS's consultation concerning the applications with the Swedish Security Service and Swedish the Armed Forces has been carried out, in OI part 2.

PTS will exercise supervision to verify that the licence holders comply with the conditions for the protection of the national security of Sweden throughout the entire

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<sup>2</sup> Government bill 2019/20:15 p. 31

licence period. Depending on developments in operations, technology and threats, as well as other circumstances, the supervision may comprise other types of measures.

## 4. Application and process onward

### 4.1 Application, consultation and confirmation process

#### 4.1.1 Application

Anyone wishing to participate as a bidder in the auction must submit a complete application for a licence to use radio transmitters in the 1800 MHz band to PTS within the application period. The application must be submitted using the form provided by PTS; see Appendix A. **The application with appendices (see Section 4.3) must be submitted in triplicate to PTS** (one original and two copies). The application must meet all the requirements set out in this section.

The application documents must be submitted in a sealed envelope marked 'Ansökan 1800 MHz -auktionen'

The application may be submitted at the PTS reception desk, Hälsingegatan 38, 113 43 Stockholm, Monday to Friday 8:00–17:00 or sent by post to the following address:

Post- och telestyrelsen 'Ansökan 1800 MHz -auktionen' Box 6101 102 32 Stockholm
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Applications must be received by PTS no later than **30 September 2024**. Application documents that come in later than this will be rejected.

When the application has been received, PTS will perform an examination to ensure the application is complete (in accordance with the requirements set out in Section 4). PTS then begins consultation concerning the applications with the consultation authorities (see Section 4.1.2).

#### 4.1.2 Consultation with the Swedish Security Service and the Swedish Armed Forces

After PTS's examination and verification that the application is complete, PTS will begin consultation concerning the applications with the consultation authorities (see Section 3).

The starting points for the consultation regarding the application are an assessment of the applicant's answers and presentation regarding the questions and criteria described in appendices B1 and B2. PTS will then consider the opinions from the consultation authorities in the final assessment.

During the consultation, the applicant's answers and presentation of measures regarding the protection of the national security of Sweden may give rise to questions at PTS and the consultation authorities. The authorities may also assess that the application needs to be supplemented with additional information. In these cases, PTS informs applicants that supplementary answers must be submitted, as well as the form and deadline for this. When the supplement has been received, it is consulted with the Swedish Security Service and the Swedish Armed Forces. There will normally not be room for any additional opportunities for completion.

After the application consultations with the consultation authorities, PTS will assess if the radio usage to which the application refers could be assumed to cause harm to the national security of Sweden. Should PTS deem that an applicant's radio usage could be assumed to cause harm to the national security of Sweden, PTS will issue a final decision rejecting the applicant's application for a licence in the relevant frequency band.

After the consultation, PTS may announce special conditions to protect the national security of Sweden. These conditions will be presented along with other licence conditions in OI part 2.

#### **4.1.3 Confirmation of application**

The applicants whose radio usage cannot be assumed to cause harm to the national security of Sweden will, after the final version of OI part 2 has been published, be asked to confirm their application for a licence to use radio transmitters in the relevant frequency band.

The application confirmation must be done in the form provided by PTS. The form will be part of OI part 2. The confirmation of the application must be submitted in its original to PTS no later than the date specified in OI part 2.

Conditions for the confirmation of the application and the appendices submitted in connection with the confirmation of the application will be provided in OI part 2.

Only applicants who confirm their application by the deadline will be eligible to be approved as bidders in the auction. An applicant who has not confirmed their application on time will have their application rejected.

PTS's examination of the confirmation involves the verification of information received in connection with the application.

#### **4.1.4 PTS's decision on approved bidders**

The preliminary date on which PTS plans to notify applicants of whether or not they have been approved as bidders will be given in OI part 2.

## **4.2 Conditions for applications and applicants**

### **4.2.1 Conditions for applications and applicants**

- The application must meet the requirements in this open invitation (Section 4)
- The application documents must be in Swedish unless otherwise specified below (see Section 4.3)
- The application must not contain any false information
- The application must be signed by an authorised signatory or holder of a power of attorney (see Sections 4.3.1 and 4.3.2)
- An applicant may not be closely related to another applicant (see Section 4.2.2)
- Two or more applicants may not coordinate applications or otherwise cooperate during the auction procedure (from submitted application to concluded auction).
- Requirements for an applicant to be approved as a bidder:
  - o it could be assumed that the radio usage will not cause harm to the national security of Sweden
  - o the applicant is not insolvent

PTS can refuse or reject an applicant's application if the above requirements are not met.

### **4.2.2 Rule on closely related parties**

If two or more applicants are closely related, only one of them may participate in the auction. The rule on closely related parties means that

- all companies that are part of the same corporate group are, pursuant to Chapter 1, Section 4 of the Swedish Annual Accounts Act (1995:1554), considered to be closely related,
- if a company or a corporate group holds half of the votes for all of the shares in another company, this company (and any subsidiaries) are considered to be closely related to the owning company and to all companies that are part of the owning corporate group.

The rule on closely related parties means, for example, that half-owned companies in the mobile telephony market in Sweden are considered to be closely related to their owners. However, two companies who each own half of a joint business are not considered to be closely related to each other.

The applicant must provide information on companies that are closely related to the applicant in accordance with the above rule on closely related companies. If two or more applicants are closely related to each other, they must, at the request of PTS, state which of the companies will participate in the auction. If this request is not complied with, neither of the closely related companies will be allowed to participate in the auction.

If, during the auction procedure, PTS becomes aware that an applicant has provided inaccurate information about closely related parties, PTS can decide to exclude the applicant from the auction.

### **4.3 Appendices to the application**

The following appendices must be enclosed with the application:

#### **4.3.1 Extract from the Swedish Companies Registration Office registry**

An applicant that is a legal entity must enclose an extract from the Swedish Companies Registration Office registry (or equivalent for foreign applicants) with information about the company, authorised signatories, corporate registration number, etc. The extract must not be more than six (6) months old.

If the extract from the Companies Registration Office or equivalent is not in Swedish or English, a Swedish or English translation of the extract must be enclosed with the application. If it is not clearly apparent from the extract that the person signing the application form (or power of attorney as per Section 4.3.2) is an authorised signatory for the application, this person's signatory power must be verified in some other way and enclosed, with reference to relevant legislation.

#### **4.3.2 Original power of attorney**

If the application form is signed by someone who is not an authorised signatory, an original power of attorney (not a copy) must be enclosed with the application form. The power of attorney must be signed by an authorised signatory for the applicant. The power of attorney must be in Swedish or English. If the power of attorney is not in Swedish or English, a Swedish or English translation must be attached.

#### **4.3.3 Information on closely related parties in accordance with the rule on closely related parties**

The applicant must provide information on companies that are closely related to the applicant in accordance with the rule on closely related parties (Section 4.2.2). The information provided must be in Swedish or English.

#### **4.3.4 Documentation regarding the national security of Sweden for consultation - Appendices B1 and B2**

Together with the application, the applicant must provide answers to the questions in Appendix B1 and report how each principle in Appendix B2 will be taken into account. If the applicant intends to operate using the network and functions of an owning company or a subsidiary company, documentation in accordance with Appendices B1 and B2 must be submitted for each company.

The clarifications given in Appendix B3 can assist the applicant in preparing the above documentation.

### **4.4 Contact person in application**

The applicant must designate a contact person and specify this in the application. The contacts in the licencing procedure takes place through this person who must be available during office hours at least from the application submitted until three weeks after the application deadline, as well as from two weeks before the trial auction and until the auction has ended. During other times, the contact person must be able to reply to a message from PTS (by email or phone) within three days.

If the applicant needs to change contact person, the applicant must notify PTS of this.

### **4.5 Time consumption**

PTS estimates that the auction may last up to five working days, but the applicant should be prepared that it may take longer.

PTS plans to hold a trial auction and recommends that all bidders attend. All bidders will receive an invitation.



## **5. Decision on licences and payment**

### **5.1 Decision on licences**

When the auction has concluded, PTS will decide on licences for the winning bidders. The decision will specify the conditions for the use of radio transmitters that are applicable for each licence and the terms of payment of auction proceeds and processing fees, which are described below.

### **5.2 Payment of auction proceeds**

Auction proceeds must be paid by winning bidders after the auction has concluded.

Conditions for payment of auction proceeds will be presented in OI part 2.

### **5.3 Payment of processing fees**

Pursuant to Section 8 of the Swedish Post and Telecom Authority's regulations regarding fees (PTSFS 2023:4), anyone applying for a licence to use radio transmitters, in which the licensing process takes place after an open invitation to apply, can be imposed to pay a processing fee.

PTS's costs in connection with the auction procedure, including consultant costs and costs for the auction system and translation, shall be reimbursed by the winning bidders paying a processing fee in addition to the auction proceeds. The processing fee for winning bidders is distributed in proportion to the amount of the awarded spectrum per bidder.

Conditions for payment of processing fees will be presented in OI part 2.

## **6. General information**

### **6.1 Notification obligation**

Public communication networks of the kind commonly provided in return for compensation or publicly available electronic communication services may only be provided after notification to PTS, in accordance with Chapter 2, Section 1 of LEK.

### **6.2 Fees**

Holders of licences to use radio transmitters must pay an annual fee in accordance with Chapter 14, Section 2 point 2 of LEK. More detailed provisions on fees can be found in Regulation (2016:602) on the financing of the Post and Telecom Authority's operations, Regulation (2022:511) on Electronic Communication and in PTS's current regulations on fees.

### **6.3 Transfer and leasing of licences**

Pursuant to Chapter 3, Sections 25–28 of LEK, licence holders may transfer or lease all or part of licences to use radio transmitters with the consent of PTS. PTS consults with the Swedish Security Service and the Swedish Armed Forces in matters concerning transfer or leasing.

### **6.4 Changes of license conditions**

Pursuant to Chapter 11, Section 7 of LEK, licence conditions may be changed with immediate effect, including with regard to future changes in radio technology or changes in radio usage due to the international agreements that Sweden has acceded to or provisions adopted pursuant to the Treaty on the Functioning of the European Union, or if the radio usage has caused harm to Sweden's security or it could be assumed that the radio usage could cause such harm.

### **6.5 Revocation of licence**

Pursuant to Chapter 11, Section 7 of LEK a licence can be revoked with immediate effect, e.g. if the applicant has provided false information or not provided information of importance to the licence, if there are changes in radio technology or changes in the radio usage due to international agreements that Sweden has acceded to or if

provisions adopted pursuant to the Treaty on the Functioning of the European Union have meant that a new licence with the same conditions could not be issued, or if the radio usage has caused harm to Sweden's security or it could be assumed that the radio usage could cause such harm, if the licence holder despite reminders has not paid fees pursuant to Chapter 14, Sections 1 or 2 of LEK, or if the licence holder requests that the licence shall be revoked. Pursuant to Chapter 11, Section 8 of LEK, a licence may be revoked only if the purpose of the revocation cannot be fulfilled by changing the licence conditions.

Pursuant to Chapter 11, Section 12 of LEK, a revocation of a licence or a change of the licence conditions does not affect the obligation to pay auction proceeds, unless otherwise decided in connection with the revocation or the changes in conditions.

## 7. Questions and information

It is possible to subscribe to the continuously updated news that is published on the PTS's website's news pages, in this case radio news. Subscribers automatically receive an email when a news item is published. To subscribe, go to <http://www.pts.se/prenumerera> and tick the boxes for 'Radio' and 'Pressmeddelanden' (Press Releases).

Not all information about the auction will be published as a news item. Updated information about the award is available on PTS's website ([www.pts.se/1800MHz](http://www.pts.se/1800MHz)).

After the auction is concluded, information on decided licences in the 1800 MHz band will be published on the PTS's website: [www.pts.se/1800MHz](http://www.pts.se/1800MHz).

Questions concerning the procedure prior to the assignment of licences can be sent by email to the address [1800MHz@pts.se](mailto:1800MHz@pts.se). Questions and PTS's answers will be published on the PTS website. The identity of the questioner is not published. If secret or business-sensitive information is provided in the questions sent to PTS, this should be clearly stated.

## 8. Appendices

- Appendix A Application for licence to use radio transmitters in parts of the 1800 MHz band
- Appendix B1 Questions for assessing whether radio usage according to the licence application can be assumed to cause harm to the national security of Sweden
- Appendix B2 Consultation with the Swedish Post and Telecom Authority (PTS) on the licensing of spectrum bands – general procedure
- Appendix B3 Clarifications of Appendices B1 and B2