

Annex V: Specimen template for the bank guarantee

Bank guarantee in the case of default on payment, issued by a bank authorised according to the Federal Law on Banks and Savings (SR 952.0) with a place of business in Switzerland in favour of the Swiss federation represented by the Federal Commission for Communications (ComCom), Marktgasse 9, 3003 Bern.

Specimen

GUARANTEE IN CASE OF DEFAULT ON PAYMENT

..... (company) is candidate for the award of a licence within the framework of the auction of frequency blocks for the national provision of mobile telecommunication services in Switzerland by the Federal Commission for Communications (ComCom).

We, (bank), undertake herewith irrevocably to pay the Swiss Federation represented by ComCom on first demand, irrespective of the validity and legal effects of the above-mentioned auction, and waiving any objections and pleas, all amounts up to a maximum of

CHF xxx.-

upon receipt of ComCom's written request for payment, including a declaration according to which

a) (company) has been awarded a license and on the due date, ComCom has received no payment or incomplete payment for the amount demanded.

or

b) (company) has violated in an other way the auction rules and/or texts related to that matter (including decisions).

All payments made under this guarantee reduce our liability by an equivalent amount.

Our guarantee is valid until 31. August 2012 and is automatically cancelled in full, if you do not avail yourselves of it by this date, irrespective of whether or not this is a bank working day.

Swiss Law shall apply to this bank guarantee, legal domicile being Bern.

Bank

(signatures)

Remarks:

The above bank guarantee is a specimen only. Exactly the same wording does not necessarily have to be used.

However, the following minimum content is mandatory for the bank guarantee which is submitted:

- Denomination and content of an irrevocably guarantee in case of default payment
- Name of the bank issuing the guarantee, which must be a bank authorised according to the Federal Law on Banks and Savings Banks (RS 952.0) with a place of business in Switzerland;
- Name of the Federal Commission for Communications, Marktgasse 9, 3003 Bern, as the beneficiary;
- Name of the company participating in the auction;
- Irrevocable obligation to pay as soon as the beneficiary makes the demand, irrespective of the validity and legal effects of the auction , and waiving any objections and pleas, upon receipt of a written request for payment, including a declaration according to which:
 - a)..... (company) has been awarded a licence and on the due date, the beneficiary has received no payment for the amount demanded
- or**
- b)(company) has violated in an other way the auction rules and/or texts related to that matter (including decisions);
- Indication of the amount guaranteed, which must comply with the amount stated in paragraph 3 of the frequency assignment application form (appendix IV of the tender documents);
- Period of validity of the guarantee, extending at least until 31.August 2012;
- Swiss Law designated as the applicable law;
- Legal domicile in Switzerland.