

## Annex IV: Specimen bank guarantee

Bank guarantee in the case of default on payment, issued by a bank authorised according to the Federal Act on Banks and Savings Banks (CC 952.0) based in Switzerland in favour of the Swiss Confederation represented by the Federal Communications Commission (ComCom), Christoffelgasse 5, 3003 Bern.

### Specimen

#### GUARANTEE IN CASE OF DEFAULT ON PAYMENT

..... (company) is a 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 Communications Commission (ComCom).

We, ..... (bank), undertake herewith irrevocably to pay the Swiss Confederation 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 licence and on the due date, ComCom has received no payment or incomplete payment for the amount demanded.

**or**

b) ..... (company) has violated in another way the auction rules and/or texts relevant to the procedure (including decisions).

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

**This guarantee is valid until 30.09.2019 and is automatically cancelled in full, if it is not availed of by this date, irrespective of whether or not this is a bank working day.**

**Swiss law shall apply to this bank guarantee, legal domicile is Bern, Switzerland.**

Bank .....

**(signatures)**

**Notes**

The above bank guarantee is a specimen only. The same exact wording must not necessarily be used.

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

- Description and content of an irrevocable guarantee in case of default of payment
- Name of the bank issuing the guarantee, which must be a bank authorised according to the Federal Act on Banks and Savings Banks (CC 952.0) based in Switzerland;
- Name of the Swiss Confederation, represented by the Federal Communications Commission, Christoffelgasse 5, 3003 Bern, as the beneficiary;
- Name of the company participating in the auction (bidder);
- 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 defences, 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, ComCom has received no payment or incomplete payment for the amount demanded
  - or
  - b) ..... (company) has violated in another way the auction rules and/or texts relevant to the procedure (including decisions);
- Indication of the amount of the guarantee, which must correspond to the information given in Section 3 of the frequency allocation application (Annex IV of the tender documents);
- Period of validity of the guarantee, until 30.09.2019;
- Swiss law designated as the applicable law;
- Legal domicile in Bern, Switzerland.