



14 October 2025

Draft tender documents

Annex V

Specimen licence (excluding annexes)

FOR INFORMATION ONLY

Reference: Licence No. °

Bern, dd.mm.yyyy

Mobile radio licence

issued by the Federal Communications Commission ComCom

to

XYZ

Licensee
Address

concerning

the use of mobile radio frequencies in the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz and 2600 MHz bands for the nationwide provision of telecommunications services in Switzerland

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1 Subject of the licence

This licence is issued by the Federal Communications Commission (ComCom) (Art. 22a para. 1 of the Telecommunications Act of 30 April 1997, TCA; SR 784.10) and consists of the licence document and Annexes I to V. The annexes form an integral part of this licence and may be updated dynamically.¹

The licence authorises the licensee to use the frequency spectrum for the purpose described in the licence and subject to the conditions listed therein (Art. 16 of the Ordinance of 18 November 2020 on Use of the Radio Frequency Spectrum, VNF; SR 784.102.1). This licence grants the licensee the rights to use the mobile radio frequencies in the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz and 2600 MHz bands, which it purchased at the auction held between DD Month YYYY and DD Month YYYY.

2 Purpose of the licence

The auctioned frequency usage rights serve to operate a cellular mobile network (MFCN, (MFCN,² IMT³) for the nationwide provision of telecommunications services in Switzerland. The licensee is free to choose the technology used, within the framework of the harmonised standards. Operation of this mobile network should ensure that a range of cost-effective, high-quality, and nationally and internationally competitive telecommunications services is available to private individuals and the business community (Art. 1 TCA).

3 Legal basis

The rights and obligations of the licensee are governed by the provisions of this licence, including its annexes, and the applicable legal basis. The legal basis for this licence includes the following items in particular:

- Telecommunications Act of 30 April 1997 (TCA; SR 784.10)
- Ordinance of 9 March 2007 on Telecommunications Services (OTS; SR 784.101.1)
- Ordinance of 18 November 2020 on Use of the Radio Frequency Spectrum (VNF; SR 784.102.1)
- National frequency allocation plan (NFAP) and the relevant technical radio interface regulations (RIR)
- OFCOM Ordinance on the Use of the Radio Frequency Spectrum (VVNF; SR 784.102.11)
- Telecommunications Installations Ordinance (TIO; SR 784.101.2)
- Ordinance of 18 November 2020 on Fees in the Telecommunications Sector (Telecommunications Fees Ordinance, GebV-FMG; SR 784.106)

The version of the relevant legal basis valid at the time in question shall apply in each case. The conditions of this licence shall apply subject to any changes to the legal basis applicable to it. In particular, the administrative fees under Section 9.2 shall be set in accordance with the applicable legal basis and may be subject to change during the term of the licence with regard to the basis for calculation and the amount. The conditions are also subject to other future regulations, for example concerning cybersecurity and Security of information and telecommunications infrastructures and services.⁴

The above legal basis does not exclude the applicability of other legislation or provisions. The licensee must also comply with all other relevant regulations beyond the scope of telecommunications law, in particular those relating to the telecommunications surveillance traffic, data protection, environmental

¹ As a result of such dynamic updating, the licence and the annexes may have different issue dates.

² Mobile/Fixed Communications Networks

³ International Mobile Telecommunications (generic term used for broadband mobile systems)

⁴ For example, based on a revision of the TCA or the OTS.

protection, nature conservation and protection of cultural heritage, spatial planning, radiation protection, electricity, competition law and broadcasting.

4 Term of the licence

The licence is granted for a specific period of time on the basis of Article 24c TCA, with ComCom determining the term according to the type and importance of the licence. The frequency usage rights assigned under this licence shall apply from 1 January 2029 until DD Month YYYY. Unless challenged, the licence shall come into force 30 days after issue to the licensee.

ComCom may renew a licence or extend its term under Article 20 VNF if a public tendering process under Article 22a paragraph 2 TCA is not warranted.

5 Frequency usage rights and obligations

5.1 Regulations on use

The licensee is entitled to use the frequency spectrum assigned to it subject to compliance with the regulations on use (Art. 22 para. 1 and 2 TCA in conjunction with Art. 8 para. 1 and Art. 16 ff. VNF). The regulations concerning the assigned frequency usage rights are based on the NFAP, the relevant RIR and the information set out in the radio network specification (Annex III).

The radio network specification defines the technical and operational characteristics of frequency use, in particular frequency, occupied bandwidth, power, location and transmission time (Art. 18 para. 1 VNF). The radio network specification forms part of this licence (Art. 18 para. 2 VNF). If a need for adjustment is identified during a periodic review, the radio network specification may be updated dynamically. The licensee may change the characteristics only with the consent of ComCom (Art. 18 para. 3 VNF).

5.2 Network refarming

Under this licence, the licensee is granted rights to use frequencies that are being used by another licensee (XXX) or other licensees (XXX and YYY) until 31 December 2028. This will necessitate network refarming (refarming).

The licensee shall draw up a proposal for the refarming together with the licensee(s) concerned.

The requirements for this proposal are set out in Annex V. The licensees shall submit the proposal to ComCom **within three months** from the date on which the licence comes into force. The approval process and the reporting obligations in connection with the refarming are set out in Annex V.

If the licensees fail to reach an agreement, the licensee shall submit its own refarming proposal to ComCom by the same deadline. ComCom determines the further procedure.

5.3 Obligation to provide coverage via own terrestrial network infrastructure

The licensee is obliged to cover at least 50% of the Swiss population with mobile services by DD Month YYYY at the latest. It must meet this obligation via its own terrestrial mobile radio installations.

If the required coverage is not provided via its own terrestrial network infrastructure within the period prescribed, the licence may be withdrawn. There will be no reimbursement of the auction price (Art. 24 para. 2 VNF). The annual administrative fees charged in advance for the management and technical monitoring of the frequency spectrum will be reimbursed pro rata temporis (Art. 7 para. 2 GebV-FMG).

The obligation to provide coverage via its own terrestrial network infrastructure may be modified only if the licensee proves that it is unable to meet the obligation for reasons beyond its control. The licensee must be able to demonstrate credibly that it has made every reasonable attempt to meet its obligations.

5.4 Frequency coordination obligations

5.5 National borders

The requirements concerning frequency coordination at the national borders are set out in the radio network specification (Annex III). In the border areas, the following in particular may be adjusted with appropriate prior notice: field strength values, coordination lines, preferential use of frequencies and radio cell identification resources (including scrambling code [SC] and preferential physical layer cell identifier [PCI]) as well as the calculation methods for frequency coordination. In this case, the radio network specification shall be updated accordingly.

5.6 Federal measuring and receiving installations

OFCOM and other federal authorities operate measuring and receiving installations in order to perform their statutory duties (Art. 26 TCA). The operation of these installations may be impaired under certain circumstances by the exercise of the frequency usage rights assigned to the licensee.

Mobile radio installations (base stations) that are to be built within one kilometre (1 km) of a federal measuring and receiving installation are subject to a coordination obligation. OFCOM will provide the licensee with a list of the locations of measuring and receiving installations. For the purposes of coordination, the licensee must notify OFCOM of all the radiocommunication parameters required for the technical assessment. OFCOM will decide which, if any, additional technical regulations on use are required to protect these installations.

5.7 Radio interference

The mobile radio installations (base stations) operated under this licence must comply with the relevant regulations. If a mobile radio installation (base station) operated under this licence causes interference to telecommunications or broadcasting, OFCOM may require the licensee to modify it at its own expense or to suspend operation of the installation (Art. 34 para. 1 TCA).

6 Obligation to provide and report information

The licensee is obliged to provide OFCOM with the information required to implement and evaluate the Telecommunications Act, its implementing provisions and this licence (Art. 59 TCA and Annex II).

The licensees must report the current operating data from the mobile radio installations (base stations) to OFCOM every 14 days (see also Art. 11a para. 1 let. c of the Ordinance on Protection against Non-ionising Radiation from 23 December 1999, NIRO; SR 814.710). OFCOM will inform the licensees which specific operating data has to be reported. The information must be reported in the format prescribed by OFCOM. OFCOM operates an antenna database for recording this data (Art. 11b NIRO).

7 Provision of information by OFCOM

There is a great need for public information regarding the usage rights associated with this licence. This need for information represents an important public interest. Certain data from the antenna database is therefore published on an overview map on the federal geoportal (Art. 24f para. 2 TCA and see also Art. 19b para. 1^{bis} NIRO).

OFCOM may disclose additional information under Article 24f paragraph 1 TCA and may grant access to the antenna database based on the provisions of the Federal Act of 17 December 2004 on Freedom of Information in the Administration (Freedom of Information Act, FoIA; SR 152.3). This is subject to any overriding public or private interests in maintaining confidentiality; trade secrets remain protected in any case (Art. 24f TCA and Art. 7 FoIA).

8 Criminal provisions and surveillance measures

The licensee is subject to the criminal provisions of the Telecommunications Act (Art. 49 ff. TCA). In particular, the licensee may be liable to a fine of up to CHF 100,000 if the assigned frequency usage rights are used in breach of the regulations on use or the licence (Art. 52 para. 1 let. b No 4 TCA).

If there is found to be an infringement of international or national telecommunications law, its implementing provisions or the licence, ComCom may implement surveillance measures (Art. 58 para. 4 in conjunction with para. 2 TCA). The licence will be withdrawn if essential conditions for granting it cease to be fulfilled (Art. 58 para. 4 in conjunction with para. 3 TCA). Furthermore, the licensee may be required to pay an amount up to ten per cent of its average turnover in Switzerland in the last three financial years (Art. 60 para. 1 TCA).

The obligation to pay the auction price remains unaffected by any surveillance measure under Article 58 TCA. There will be no reimbursement in the event of restriction, suspension, revocation or withdrawal of the licence (Art. 24 para. 2 VNF).

9 Fees

9.1 Auction price

The frequency usage rights under this licence were acquired in an auction. In order to generate an adequate licence revenue, ComCom had set a minimum bid (Art. 39 para. 4 TCA in conjunction with Art. 24 para. 1 VNF). Its lower limit is made up of the sum of the licence fees discounted at the standard industry interest rate with matching maturities for the entire term of the licence and the administrative fees for the invitation to tender and granting of the licence (Art. 24 para. 1 let. a and b VNF). The licence fee (Art. 39 para. 1 TCA) corresponds to the auction price less the administrative fee for the invitation to tender and the granting of the radiocommunications licence (Art. 39 para. 4 TCA). The licence fee for use of the assigned radiocommunications frequency spectrum for the entire term of the licence is included in the auction price.

The auction price for the frequency usage rights acquired at the auction held between DD Month YYYY and DD Month YYYY is **CHF** ^{*****}.

The auction price for the acquired frequency usage rights becomes due for payment when the licence comes into force and must be paid in a single payment (Art. 24 para. 2 VNF). Payment of the auction price must be made via a bank authorised under the Federal Act of 8 November 1934 on Banks and Savings Banks (Banking Act, BankA; SR 952.0) and based in Switzerland within a payment period of 30 days from the due date. The invoice will be sent by separate post.

If the auction price is not paid within the 30-day payment period, ComCom will demand payment of the bank guarantee in full without prior notice. After expiry of the 30-day period, a late payment interest rate of five per cent will be charged (Art. 12 para. 4 of the General Fees Ordinance of 8 September 2004, GFeeO; SR 172.041.1).

There will be no reimbursement of the auction price in the event of restriction, suspension, revocation or withdrawal of the licence or in the event of premature relinquishment of the licence (Art. 24 para. 2 VNF).

9.2 Administrative fees

In accordance with Article 40 para. 1 let. e TCA in conjunction with Article 13 GebV-FMG, the licensee must pay annual administrative fees for the management and technical monitoring of the frequency spectrum. These fees are determined on the basis of the radio network specification (Annex III).

OFCOM will collect these fees annually in advance (Art. 2 para. 1 GebV-FMG).

In the event of revocation, withdrawal or premature relinquishment of the licence, the annual administrative fees will be reimbursed pro rata temporis (Art. 7 para. 2 GebV-FMG).

10 Changes to the licensing relationship

10.1 Transfer of the licence

Under Article 24d paragraphs 1 and 2 TCA, the licence may be transferred in part or in whole to a third party only with the consent of ComCom. This also applies to the economic transfer of the licence (Art. 24d para. 4 TCA). An economic transfer of the licence occurs when a company has taken over control of the licensee in accordance with the law on cartels.

In particular, the transfer of the licence must neither eliminate nor constitute a serious obstacle to effective competition (Art. 24d para. 2 let. a in conjunction with Art. 23 para. 4 TCA). Changes to the ownership structure must therefore also be reported if they affect influence over the licensee's business activities.

Joint use of frequencies requires the consent of ComCom (Art. 24d para. 5 TCA).

10.2 Amendment and revocation of the licence

Under Article 24e paragraph 1 TCA, ComCom may amend or revoke the licence due to changes in actual or legal conditions if the amendment or revocation is necessary to guarantee important public interests. In this context, the licensee shall be appropriately compensated if the transferred rights are revoked or substantially reduced (Art. 24e para. 2 TCA).

ComCom may, upon request from the licensee, amend the licence provided that no overriding private or public interests are affected by the licence amendment and that the licence conditions under Article 23 TCA continue to be fulfilled. There is no legal entitlement to a licence amendment.

There will be no reimbursement of the auction price (Art. 24 para. 2 VNF).

If the licence is revoked, the annual administrative fees charged in advance for the management and technical monitoring of the frequency spectrum will be reimbursed pro rata temporis (Art. 7 para. 2 GebV-FMG).

10.3 Relinquishment of the licence

The licensee may relinquish its licence at any time. The relinquishment must be submitted to ComCom in writing, and the reasons stated.

Relinquishment does not affect the obligation to pay the auction price (Section 9.1). There will be no reimbursement in the event of premature relinquishment of the licence (Art. 24 para. 2 VNF and Art. 7 para. 1 GebV-FMG).

The annual administrative fees charged in advance for the management and technical monitoring of the frequency spectrum will be reimbursed pro rata temporis (Art. 7 para. 2 GebV-FMG).

It is hereby decreed:

1. The licence entitles the licensee to use the frequencies purchased at the auction held between DD Month YYYY and DD Month YYYY in accordance with the provisions specified in the licence and the law applicable to it for the period from 1 January 2029 to DD Month YYYY.
2. The licensee must fulfil the obligations specified in the licence and comply with the applicable law.
3. The auction price for the purchased frequency usage rights is CHF °°, payable within 30 days from the date on which the licence comes into force. The invoice will be sent by separate post.
4. The annually recurring administrative fees for the management and technical monitoring of the frequency spectrum will be determined on the basis of the information in the radio network specification (Annex III). They will be charged in advance and invoiced to the licensee by OFCOM.
5. The licence will be issued to the licensee in writing by registered post with acknowledgement of receipt.

Federal Communications Commission ComCom

Martin Bürki
President

11 Annexes (not included in this specimen licence)

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|------------|---|
| Annex I: | Information about the licensee |
| Annex II: | Obligation to provide information on participant numbers and coverage |
| Annex III: | Radio network specification |
| Annex IV: | Planning and approval questions |
| Annex V: | Network refarming |

12 Right of appeal

Appeals against this licence may be lodged in writing within 30 days of issue. This period is suspended from the seventh day before Easter up to and including the seventh day after Easter; from 15 July up to and including 15 August and from 18 December up to and including 2 January. The appeal must be submitted to:

Federal Administrative Court
Postfach
CH-9023 St Gallen

The appeal must contain the requests, their grounds with an indication of supporting evidence and the signature of the complainant or his/her representative. The complainant must append the disputed licence and the documents cited as evidence, insofar as these are available.

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