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Draft tender documents

Invitation to tender for mobile radio frequencies for the nationwide provision of telecommunications services in Switzerland

FOR INFORMATION ONLY

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1 Introduction

The Federal Communications Commission (ComCom) has instructed the Federal Office of Communications (OFCOM) to prepare the public invitation to tender for the frequencies becoming available from 2029 for the provision of telecommunications services.

The mobile radio licences which ComCom, as the competent licensing authority,¹ awarded to the three Swiss mobile operators in 2012 expire on 31 December 2028. After evaluating the public consultation, ComCom has decided on 9 July 2024 to reallocate the frequency usage rights that will become available by issuing an invitation to tender.

The award process will be carried out in a transparent and non-discriminatory way, focusing on efficient utilisation and pro-competitive assignment of the frequencies. The tender procedure will be open to all interested parties who wish to offer public mobile communications services with own frequency usage rights on the Swiss market.

This invitation to tender covers the reassignment of frequency usage rights available from 1 January 2029 in the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz and 2600 MHz frequency bands. A total of up to 590 MHz is available, broken down as follows:

- 60 MHz FDD² in the 800 MHz band;
- 70 MHz FDD in the 900 MHz band;
- 150 MHz FDD in the 1800 MHz band;
- 120 MHz FDD in the 2100 MHz band;
- 140 MHz FDD in the 2600 MHz band;
- 40-50³ MHz TDD⁴ or if necessary SDL⁵ in the 2600 MHz band.

The frequency usage rights serve to operate a cellular mobile network (MFCN,⁶ IMT⁷) for the nationwide provision of telecommunications services in Switzerland. The licensees are free to choose the technology used, within the framework of the harmonised standards. Operation of this mobile

¹ Art. 22a para. 1 of the Telecommunications Act of 30 April 1997 (TCA; SR 784.10)

² Frequency Division Duplex

³ The actual usable bandwidth depends on the assignment, see Annex I

⁴ Time Division Duplex

⁵ Supplemental Downlink

⁶ Mobile/Fixed Communications Networks

⁷ International Mobile Telecommunications (generic term used for broadband mobile systems)

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 community⁸.

The frequency usage rights allocated are exclusively for nationwide use. All available frequencies are to be awarded simultaneously in a single procedure. The frequency blocks will be assigned to participants⁹ in a two-stage auction procedure. This procedure has already been used successfully twice in Switzerland.¹⁰ As part of this process, one of three identical and predefined frequency portfolios can be applied for at a fixed price. The remaining frequency usage rights will be allocated in a multi-round auction with increasing prices. Regardless of excess demand, the requested or auctioned frequency usage rights will be allocated in a sealed bid round as part of the second auction stage (see Annex II, Section 1).

2 Subject of the invitation to tender (mobile radio frequencies)

2.1 Overview of mobile radio frequencies

This award procedure concerns the following mobile radio frequencies available for the nationwide provision of telecommunications services from 1 January 2029, subject to the regulations on use set out in Section 2.3:

Category	Frequency band (operating band)	Frequency range (MHz)	Block size	Number of blocks	Bandwidth
A	800 MHz	791-821 (DL) ¹¹ / 832-862 (UL) ¹²	2x 5 MHz	6 blocks	60 MHz FDD
B	900 MHz	880-915 (UL) / 925-960 (DL)	2x 5 MHz	7 blocks	70 MHz FDD
C	1800 MHz	1710-1785 (UL) / 1805-1880 (DL)	2x 5 MHz	15 blocks	150 MHz FDD
D	2100 MHz	1920-1980 (UL) / 2110-2170 (DL)	2x 5 MHz	12 blocks	120 MHz FDD
E	2600 MHz	2500-2570 (UL) / 2620-2690 (DL)	2x 5 MHz	14 blocks	140 MHz FDD
F	2600 MHz	2570-2620 (UL/DL)	1x 20-25 MHz ¹³	2 blocks	40-50 MHz TDD or SDL

Table 1: Overview of available frequencies

A detailed listing of the frequency blocks to be awarded and the designation and description can be found in Annex I. The specific bandwidths and band limits of the assigned blocks can only be precisely

⁸ Art. 1 TCA

⁹ The footnote in the German, French and Italian version is not applicable in English

¹⁰ [Auction of mobile phone frequencies in 2012](#) / [Mobile radio frequencies for 5G awarded in Switzerland](#)

¹¹ Uplink

¹² Downlink

¹³ The actual usable bandwidth depends on the assignment, see Annex I List and designation of frequency blocks

determined after the auction has taken place. In view of essential guard bands between the future licensees and other services which border on these frequency bands, blocks may be slightly smaller than indicated in the table above. It is therefore expressly stated that deviations of a few 100 kHz may occur.

2.2 General regulations on use

As the competent regulatory authority, OFCOM manages the radiocommunications frequency spectrum at national level.¹⁴ It is important to coordinate and regulate the use of radio frequencies in order to avoid interference between different radio applications. In accordance with the relevant international agreements,¹⁵ OFCOM issues the national frequency allocation plan (NFAP),¹⁶ which is subject to approval by the Federal Council.¹⁷ The NFAP is used to allocate radio frequencies to specific radio services, such as mobile communications. It also sets the framework of applicable technical regulations on use for each radio service. The NFAP is updated regularly, currently at yearly intervals.¹⁸

The basic regulations for frequency use are set out in the NFAP and the technical radio interface regulations (RIR) listed therein. The decisions, recommendations and reports of the European Conference of Postal and Telecommunications Administrations (CEPT) and of the Electronic Communications Committee (ECC),¹⁹ as referenced in the RIR and NFAP, are published on the OFCOM website²⁰ with a reference to the European Communications Office (ECO) Documentation Database.²¹ The latest versions of the NFAP and RIR and of the decisions and recommendations referenced therein and adopted by Switzerland apply in each case.

The current specific regulations on use, conditions and restrictions for the available mobile radio frequencies are described below. These regulations on use are essential to ensure the orderly and efficient use of the radiocommunications frequency spectrum, free from interference.

Frequency regulation and regulations on use are dynamically adapted and updated in line with international and national technological developments and with a view to ensuring non-discriminatory access to radio frequencies. We therefore reserve the right to make any changes to the basic and specific regulations on use. The same applies to any changes or amendments to CEPT decisions, recommendations and reports. Reservations also apply in particular with regard to future regulations such as those concerning the integration of satellite-based networks into mobile networks or the use of mobile radio frequency bands in airspace (e.g. for drones).²²

¹⁴ Art. 25 para. 1 TCA

¹⁵ See Art. 25 para. 1 TCA and Art. 3 para. 2 of the Ordinance on Use of the Radio Frequency Spectrum (VNF; SR 784.102.1)

¹⁶ The NFAP is published via the Federal Gazette on the publication platform for federal law (Fedlex) as a referenced publication (see Art. 3 para. 3 VNF). The current version of the plan, NAF 2025, is available at: <https://www.fedlex.admin.ch/eli/fga/2024/3141/de/annexes>

¹⁷ Art. 25 para. 2 TCA

¹⁸ Art. 3 para. 3. VNF

¹⁹ Formerly the European Radiocommunications Committee (ERC)

²⁰ <https://www.bakom.admin.ch/en/cept-decrec>

²¹ <https://docdb.cept.org/>

²² [ECC/DEC/\(22\)07](#) (Harmonised technical conditions for the usage of aerial UE for communications based on LTE and 5G NR in the bands 703-733 MHz, 832-862 MHz, 880-915 MHz, 1710-1785 MHz, 1920-1980 MHz, 2500-2570 MHz and 2570-2620 MHz harmonised for MFCN) has not

2.3 Frequency use and coordination at the national borders

2.3.1 Regulatory framework

Special regulations on frequency use and coordination apply at national borders in order to prevent interference between mobile networks in neighbouring countries. These regulations also ensure that operators from all countries in the border regions can expand their mobile networks and operate them efficiently right up to the border.

The specific regulations governing the use and coordination of frequencies at the national borders are set out in the radio network specification.²³ Essentially, these are regulations for the co-channel use of mobile communications on both sides of the national borders.

The provisions set out under the specific regulations on use provide an overview of the regulations currently in force. They are based on CEPT/ECC recommendations as well as bilateral and multilateral agreements with neighbouring countries. These agreements may contain different and/or more detailed provisions compared with the CEPT/ECC recommendations.

The regulations concerning frequency use and coordination at the national borders may be adapted at any time in response to updates to the relevant CEPT/ECC recommendations or changes to the bilateral or multilateral agreements.

2.3.2 Agreements between mobile operators

In the context of frequency use and coordination at the national borders, mobile operators in shared frequency segments or (U)ARFCNs²⁴ may enter into agreements with foreign mobile operators, with a view to making more efficient use of the frequency spectrum and reducing administrative work.

Such agreements between operators may cover, for example, the apportionment of preferential frequencies, the apportionment of preferential codes, the definition and specification of harmonised centre frequencies or carrier frequencies (e.g. for LTE or UMTS) and the synchronisation of networks. These agreements must not be concluded at the expense of third parties and require the prior consent of all affected countries.

The procedure for operator agreements comprises the following steps:

- The mobile operators involved submit the application for consent and the agreement in the form of a draft contract to the relevant frequency management authority.

yet been implemented in Switzerland. However, it is already certain that the two uppermost ranges (2500-2570 MHz and 2570-2620 MHz) will be excluded from use in airspace.

²³ The radio network specification forms part of every radiocommunications licence (Art. 17 VNF).

²⁴ (UTRA) Absolute Radio Frequency Channel Number

- The relevant frequency management authority checks the draft contract and sends written notification of its decision, including any comments, to the other frequency management authority or authorities concerned.
- The feedback from the contacted frequency management authority or authorities is evaluated.
- The relevant frequency management authority informs the mobile operators of the decision (consent, modification, rejection) based on the assessments of the frequency management authorities concerned. The latter are notified with a copy.

2.4 Specific regulations on use in the 800 MHz range

2.4.1 Regulatory framework

The applicable regulations on use are set out in the NFAP and [RIR0501-19](#)²⁵ as well as the ECC decision and CEPT reports referenced therein. In particular, the following CEPT decisions, recommendations and reports apply to this band:

Decisions		
2009-10-30	ECC/DEC/(09)03	ECC/DEC/(09)03 of 30 October 2009 on harmonised conditions for Mobile/Fixed Communications Networks (MFCN) operating in the band 790-862 MHz
CEPT Reports		
2009-10-30	CEPT Report 031	Report from CEPT to the European Commission in response to the Mandate "Frequency (channelling) arrangements for the 790-862 MHz band" (Task 2 of the 2nd Mandate to CEPT on the digital dividend)
2009-10-30	CEPT Report 030	Report from CEPT to the European Commission in response to the Mandate on The identification of common and minimal (least restrictive) technical conditions for 790-862 MHz for the digital dividend in the European Union
2008-10-30	CEPT Report 019	Report from CEPT to the European Commission in response to EC Mandate to develop least restrictive technical conditions for frequency bands addressed in the context of WAPECS

This is subject to any changes or amendments to the aforementioned CEPT provisions.

Attention is drawn in particular to the following regulations on use:

- Duplex mode: FDD, 832-862 MHz (UL), 791-821 MHz (DL).
- Block edge masks (BEMs):
 - maximum mean in-block EIRP²⁶ of base stations (BSs) as stated in ECC/DEC/(09)03, Annex 2, Section 1: 56 dBm/5 MHz for all blocks;
 - maximum mean out-of-band EIRP of BSs as stated in ECC/DEC/(09)03, Annex 2, Table 3 on the protection of DTT frequencies under 694 MHz: -23 dBm/8 MHz.

²⁵ [RIR0501-20](#) (LTE UE) and [RIR0501-34](#) (Repeaters) must also be observed.

²⁶ Equivalent Isotropic Radiated Power

2.4.2 Frequency use and coordination at the national borders

The regulations for frequency use and coordination at the national borders in the 800 MHz range are based on [ECC/REC/\(11\)04](#) and bilateral and multilateral agreements.

The maximum field strength must not exceed 59 dBµV/m per 5 MHz bandwidth at a height of 10 m above ground at the border and 41 dBµV/m per 5 MHz bandwidth at a height of 10 m on a coordination line 6 km inside the neighbouring country. Where TDD is used, a value of 15 dBµV/m applies at the border. Where non-preferential network parameters are used, lower maximum field strengths may be applied.

2.5 Specific regulations on use in the 900 MHz/1800 MHz range

2.5.1 Regulatory framework

The applicable regulations on use are set out in the NFAP, [RIR0501-27](#)²⁷ (900 MHz) and [RIR0501-22](#)²⁸ (1800 MHz) and the ECC/ERC decisions and CEPT reports referenced therein. In particular, the following CEPT decisions, recommendations and reports apply to this band:

Decisions		
2022-03-04	ECC/DEC/(06)13	ECC/DEC/(06)13 of 1 December 2006 on harmonised technical conditions for mobile/fixed communications networks (MFCN) including terrestrial IMT systems, other than GSM and EC-GSM IoT, in the bands 880-915/925-960 MHz and 1710-1785/1805-1880 MHz
ECC Reports		
2006-06-02	ECC Report 082	Compatibility study for UMTS operating within the GSM 900 and GSM 1800 frequency bands
2007-04-04	ECC Report 096	Compatibility between UMTS 900/1800 and systems operating in adjacent bands
2010-07-06	ECC Report 146	Compatibility between GSM MCBTS and other services (TRR, RSRN/PRMG, HC-SDMA, GSM-R, DME, MIDS, DECT) operating in the 900 and 1800 MHz frequency bands
2015-05-22	ECC Report 229	Guidance for improving coexistence between GSM-R and MFCN in the 900 MHz band
2017-06-30	ECC Report 266	The suitability of the current ECC regulatory framework for the usage of Wideband and Narrowband M2M in the frequency bands 700 MHz, 800 MHz, 900 MHz, 1800 MHz, 2.1 GHz and 2.6 GHz
2019-03-08	ECC Report 297	Analysis of the suitability and update of the regulatory technical conditions for 5G MFCN and AAS operation in the 900 MHz and 1800 MHz bands
CEPT Reports		
2010-11-12	CEPT Report 040	Report from CEPT to European Commission in response to Task 2 of the Mandate to CEPT on the 900/1800 MHz bands "Compatibility study for LTE and WiMAX operating within the bands 880-915 MHz / 925-960 MHz and 1710-1785 MHz / 1805-1880 MHz (900/1800 MHz bands)"
2010-11-12	CEPT Report 041	Report from CEPT to European Commission in response to Task 2 of the Mandate to CEPT on the 900/1800 MHz bands Compatibility between LTE and WiMAX operating within the bands 880-915 MHz / 925-960 MHz and 1710-1785 MHz / 1805-1880 MHz (900/1800 MHz bands) and systems operating in adjacent bands

²⁷ [RIR0501-03](#) (GSM BS), [RIR0501-01](#) (GSM MS), [RIR0501-26](#) (LTE UE) and [RIR0501-34](#) (Repeaters) must also be observed.

²⁸ [RIR0501-04](#) (GSM BS), [RIR0501-02](#) (GSM MS), [RIR0501-21](#) (LTE UE) and [RIR0501-34](#) (Repeaters) must also be observed.

2010-11-12	CEPT Report 042	Report from CEPT to European Commission in response to Task 3 of the Mandate to CEPT on the 900/1800 MHz bands Compatibility between UMTS and existing and planned aeronautical systems above 960 MHz
2018-03-02	CEPT Report 066	Report from CEPT to the European Commission in response to the Mandate "to review the harmonised technical conditions for use of the 900 MHz and 1800 MHz frequency bands for terrestrial wireless broadband electronic communications services in support of the Internet of Things in the Union"
2019-07-05	CEPT Report 072	Report from CEPT to the European Commission in response to the Mandate "to review the harmonised technical conditions for certain EU-harmonised frequency bands and to develop least restrictive harmonised technical conditions suitable for next-generation (5G) terrestrial wireless systems" Report A: Review of technical conditions in the paired terrestrial 2 GHz and the 2.6 GHz frequency bands, and the usage feasibility of the 900 MHz and 1800 MHz frequency bands
2021-07-02	CEPT Report 080	Report from CEPT to the European Commission in response to the Mandate "to review the harmonised technical conditions for certain EU-harmonised frequency bands and to develop least restrictive harmonised technical conditions suitable for next-generation (5G) terrestrial wireless systems" Report B: Channelling arrangements and least restrictive technical conditions suitable for ECS including 5G terrestrial wireless systems in the 900 MHz and 1800 MHz frequency bands, in compliance with the principles of technology and service neutrality
GSM		
Decisions		
1994-10-24	ERC/DEC/(94)01	ERC/DEC/(94)01 of 24 October 1994 on the frequency bands to be designated for the coordinated introduction of the GSM digital pan-European communications system
1997-03-21	ERC/DEC/(97)02	ERC/DEC/(97)02 of 21 March 1997 on the extended frequency bands to be used for the GSM Digital Pan-European Communications System

This is subject to any changes or amendments to the aforementioned CEPT provisions.

Attention is drawn in particular to the following regulations on use:

- Duplex mode: FDD
 - 900 MHz: 880-915 MHz (UL), 925-960 MHz (DL)
 - 1800 MHz: 1710-1785 MHz (UL), 1805-1880 MHz (DL)
- BEM as per ECC/DEC/(06)13, Annex 1
- Maximum mean in-block power of BSs for all blocks:
 - EIRP of 63 dBm/5 MHz per antenna for non-AAS²⁹ for a broadband system
 - EIRP of 60 dBm/200 kHz per antenna for non-AAS for a narrowband system (NB)

²⁹ Adaptive Antenna Systems

- 1800 MHz: TRP³⁰ limit of 58 dBm/5 MHz per cell for AAS

Additional regulations on use to protect other systems:

- In frequency block B1, the construction, expansion and operation of mobile radio systems in the 900 MHz band up to a distance of 4 km from a railway line must be coordinated with the GSM-R operators and/or interference prevention techniques must be used to protect GSM-R.
- In all category B and C frequency blocks, in the event of interference, priority³¹ is always given to GSM (including GSM-R) over systems using other transmission technologies (e.g. UMTS/LTE/WiMAX/5G NR).
- In the case of operation of systems in the 960 MHz to 1215 MHz frequency band (e.g. DME³²), the use of techniques to prevent interference may be necessary in frequency block B7 (see Annex I).

Additional regulations on use for GSM:

- No GSM guard channels shall be used between two different operators' blocks used with GSM. Details will be set out in the radio network specification.
- In the 1878-1880 MHz range, interference due to DECT systems may occur (see ERC Report 100). It is recommended that the upper 2 MHz (1878-1880 MHz) are not used for broadcast control channels (BCCH) or that suitable alternative measures are taken (see ERC Report 100).

Additional regulations on use for GSM MCBTS (multi-carrier base transceiver station):

- Only class 1 and 2 equipment is permitted for GSM MCBTS.
- Power control (PC) must be used in the uplink and downlink.
- The minimum separation of carrier frequencies between GSM MCBTS and GSM-R is 0.4 MHz
- The minimum distance between a GSM MCBTS and a GSM-R-BTS is at least 50 m.
- Coordination with other network operators, in particular with operators of GSM-R networks, and the use of techniques to prevent interference may be necessary.

Additional regulations on use for MFCN:

- Unless network operators agree otherwise, the GSM channels/carriers at the block limits of the assigned blocks shall be used. The UMTS channels/carriers shall be used between the GSM carriers in the assigned frequency ranges.

³⁰ Total Radiated Power

³¹ Priority means that, in the event of interference, until further notice the operator of a mobile radio system with a transmission standard other than GSM must take measures to prevent interference (mitigation techniques).

³² Distance Measuring Equipment used in aviation safety

- The carrier separation between one's own UMTS carrier and another operator's GSM carrier shall be as large as possible and
 - at least 2.8 MHz in the uncoordinated case or
 - at least 2.6 Mhz in the coordinated case.
- The carrier separation between one's own UMTS carrier and that of another operator shall be
 - at least 5 MHz in the uncoordinated case or
 - 5 MHz or less in the coordinated case.
- In the case of adjacent blocks (channel edge) of different operators with MFCN use on the one hand and GSM or GSM-R use on the other hand, a separation of at least 200 kHz must be observed by the holder of the block with MFCN use.
- A carrier separation of 200 kHz would have to be maintained between the channel edges of networks with neighbouring frequencies in the following cases: FRMCS³³ NB vs. MFCN WB³⁴ and FRMCS WB vs. MFCN NB.
- In the event of interference, network construction must be coordinated between operators and/or interference prevention techniques shall be applied.
- In the case of adjacent blocks (channel edge) of different operators with MFCN use on both sides, no minimum separation is necessary (minimum separation 0 kHz).

2.5.2 Frequency use and coordination at the national borders

Global System for Mobile Communications (GSM)

The regulations for frequency use and coordination at the national borders in the 900 MHz and 1800 MHz ranges are based on [ECC/REC/\(05\)08](#) and bilateral and multilateral agreements. The agreements concerning the use of GSM at the national borders are still valid. It is possible that GSM preferential frequencies are used at the national border in neighbouring countries. Such emissions may extend up to around 15 km into Switzerland. The current status of GSM use in neighbouring countries at the time of the frequency reassignment is at present unknown. The regulations for frequency use and coordination at the national borders and the apportionment of preferential frequencies for GSM are therefore still listed.

The maximum permitted interference field strength in the 900 MHz range for non-preferential frequencies is 19 dBµV/m per 200 kHz bandwidth at a height of 3 m above ground at the border. The maximum permitted interference field strength for preferential frequencies is 19 dBµV/m per 200 kHz bandwidth at a height of 3 m above ground on a line 15 km inside the neighbouring country.

The maximum permitted interference field strength in the 1800 MHz range for non-preferential frequencies is 25 dBµV/m per 200 kHz bandwidth at a height of 3 m above ground at the border. The

³³ Future Railway Mobile Communication System

³⁴ Wideband

maximum permitted interference field strength for preferential frequencies is 25 dBµV/m per 200 kHz bandwidth at a height of 3 m above ground on a line 15 km inside the neighbouring country.

The apportionment of preferential frequencies in the 1800 MHz frequency band with Italy is provisional. It is not possible to say exactly when this use can be definitively confirmed.

Apportionment of preferential frequencies

900 MHz

Frequency block	B1	B2	B3	B4	B5	B6	B7
France - Switzerland	12	13	10	8	24	18	0
France - Germany - Switzerland	8	8	10	0	9	18	2
Germany - Switzerland	13	10	24	0	0	12	24
Germany - Austria - Switzerland	8	8	12	12	0	0	16
Austria - Switzerland	13	12	12	24	0	0	24
Austria - Liechtenstein - Switzerland	8	8	12	12	0	0	16
Italy - Switzerland	0	0	18	2	12	21	6

1800 MHz

Frequency block	C1	C2	C3	C4	C5	C6	C7	C8
France - Switzerland	0	11	24	14	11	24	0	11
France - Germany - Switzerland	0	4	24	7	5	24	0	0
Germany - Switzerland	13	4	24	14	5	24	7	0
Germany - Austria - Switzerland	0	4	24	7	5	24	0	0
Austria - Switzerland	0	11	24	7	18	24	0	11
Austria - Liechtenstein - Switzerland	0	4	24	7	5	24	0	0
Italy - Switzerland	13	4	24	14	5	0	24	14

Frequency block	C9	C10	C11	C12	C13	C14	C15
France - Switzerland	24	0	5	24	1	5	24
France - Germany - Switzerland	17	0	0	18	0	0	24
Germany - Switzerland	24	5	0	24	13	0	24
Germany - Austria - Switzerland	17	0	0	18	0	0	24
Austria - Switzerland	24	0	5	24	1	5	24
Austria - Liechtenstein - Switzerland	17	0	0	18	0	0	24
Italy - Switzerland	0	23	0	24	13	0	24

Other broadband systems

The operation of GSM has priority over new systems with broader bands (IMT-2000/UMTS, LTE, NR, etc.). The regulations for frequency use and coordination at the national borders in the 900 MHz and 1800 MHz ranges are based on [ECC/REC/\(08\)02](#) and bilateral and multilateral agreements.

The maximum field strength in the 900 MHz range must not exceed 59 dBµV/m per 5 MHz bandwidth at a height of 10 m above ground at the border and 41 dBµV/m per 5 MHz bandwidth at a height of 10 m on a coordination line 6 km inside the neighbouring country.

The maximum field strength in the 1800 MHz range must not exceed 65 dBµV/m per 5 MHz bandwidth at a height of 10 m above ground at the border and 47 dBµV/m per 5 MHz bandwidth at a height of 10 m on a coordination line 6 km inside the neighbouring country.

Where non-preferential network parameters are used, lower maximum field strengths may be applied.

2.6 Specific regulations on use in the 2100 MHz range

2.6.1 Regulatory framework

The applicable regulations on use are set out in the NFAP and [RIR0501-08](#)³⁵ as well as the ECC decision and CEPT reports referenced therein. In particular, the following CEPT decisions, recommendations and reports apply to this band:

Decisions		
2025-03-07	ECC/DEC/(06)01	ECC/DEC/(06)01 of 24 March 2006 on the harmonised utilisation of the bands 1920-1980 MHz and 2110-2170 MHz for mobile/fixed communications networks (MFCN) including terrestrial IMT
ECC Reports		

³⁵ [RIR0501-07](#) (UMTS UE) and [RIR0501-34](#) (Repeaters) must also be observed.

1999-11-01	ERC Report 065	Adjacent band compatibility between UMTS and other services in the 2 GHz band
2019-03-08	ECC Report 298	Analysis of the suitability and update of the regulatory technical conditions for 5G MFCN and AAS operation in the 1920-1980 MHz and 2110-2170 MHz band
CEPT Reports		
2010-06-25	CEPT Report 039	Report from CEPT to the European Commission in response to the Mandate to develop least restrictive technical conditions for 2 GHz bands
2019-07-05	CEPT Report 072	Report from CEPT to the European Commission in response to the Mandate “to review the harmonised technical conditions for certain EU-harmonised frequency bands and to develop least restrictive harmonised technical conditions suitable for next-generation (5G) terrestrial wireless systems” Report A: Review of technical conditions in the paired terrestrial 2 GHz and the 2.6 GHz frequency bands, and the usage feasibility of the 900 MHz and 1800 MHz frequency bands

This is subject to any changes or amendments to the aforementioned CEPT provisions.

Attention is drawn in particular to the following regulations on use:

- Duplex mode: FDD, 1920-1980 MHz (UL), 2110-2170 MHz (DL)
- BEM as per ECC/DEC/(06)01, Annex 2
- Maximum mean in-block power of BSs must not exceed:
 - EIRP of 65 dBm/5 MHz per antenna for non-AAS
 - TRP of 57 dBm/5 MHz per cell/sector for AAS

It should also be noted that, in the case of use of the 1920-1980 MHz FDD band paired with 2110-2170 MHz, interference prevention techniques may be necessary due to the use of services in the 1980-2010 MHz/2170-2200 MHz MSS³⁶ bands in frequency block D12.

2.6.2 Frequency use and coordination at the national borders

The regulations for frequency use and coordination at the national borders in the 2100 MHz range are based on [ERC/REC 01-01](#) and multilateral agreements. The maximum field strength must not exceed 65 dBµV/m per 5 MHz bandwidth at a height of 10 m above ground at the border and 37 dBµV/m per 5 MHz bandwidth at a height of 10 m on a coordination line 6 km inside the neighbouring country. Where non-preferential network parameters are used, lower field strengths may be applied.

Additionally, at the border with Liechtenstein, a coordination line of one kilometre is applied on both sides, along which the maximum field strength of 65 dBµV/m per 5 MHz must not be exceeded.

³⁶ Mobile Satellite Services

2.7 Specific regulations on use in the 2600 MHz range

2.7.1 Regulatory framework

The applicable regulations on use are set out in the NFAP, [RIR0501-12](#)³⁷ and [RIR0501-25](#) as well as the ECC decisions and CEPT reports referenced therein. In particular, the following CEPT decisions, recommendations and reports apply to this band:

Decisions		
2022-03-04	ECC/DEC/(05)05	ECC/DEC/(05)05 of 18 March 2005 on harmonised utilisation of spectrum for Mobile/Fixed Communications Networks (MFCN) operating within the band 2500-2690 MHz latest corrected 4 March 2022 (ECC#58)
ECC Reports		
2004-04-13	ECC Report 045	Sharing and adjacent band compatibility between UMTS/IMT-2000 in the band 2500-2690 MHz and other services
2008-07-10	ECC Report 119	Coexistence between mobile systems in the 2.6 GHz frequency band at the FDD/TDD boundary
2009-02-06	ECC Report 131	Derivation of a Block Edge Mask (BEM) for terminal stations in the 2.6 GHz frequency band (2500-2690 MHz)
2012-04-11	ECC Report 174	Compatibility between the mobile service in the band 2500-2690 MHz and the radiodetermination service in the band 2700-2900 MHz
2020-03-06	ECC Report 308	Analysis of the suitability and update of the regulatory technical conditions for 5G MFCN and AAS operation in the 2500-2690 MHz band
CEPT Reports		
2010-06-25	CEPT Report 039	Report from CEPT to the European Commission in response to the Mandate to develop least restrictive technical conditions for 2 GHz bands
2019-07-05	CEPT Report 072	Report from CEPT to the European Commission in response to the Mandate "to review the harmonised technical conditions for certain EU-harmonised frequency bands and to develop least restrictive harmonised technical conditions suitable for next-generation (5G) terrestrial wireless systems" Report A: Review of technical conditions in the paired terrestrial 2 GHz and the 2.6 GHz frequency bands, and the usage feasibility of the 900 MHz and 1800 MHz frequency bands

This is subject to any changes or amendments to the aforementioned CEPT provisions.

Attention is drawn in particular to the following regulations on use:

- Duplex mode: FDD, 2500-2570 MHz (UL), 2620-2690 MHz (DL)
- BEM as per ECC/DEC/(05)05, Annex 2
- The 2570-2620 MHz frequency band may be used either for TDD mode or for SDL mode under certain circumstances. Depending on the technology deployed, the frequency range can also be used in SDL mode. If this frequency range is assigned to multiple licensees, joint operation of TDD and SDL is only possible with coordination between these licensees. Since possible future coordination cannot be planned prior to the definitive frequency assignment, any subsequent sole or mixed operation of SDL is not guaranteed. This range is therefore being put out to tender primarily for TDD operation.

³⁷ [RIR0501-11](#) (LTE UE) and [RIR0501-34](#) (Repeaters) must also be observed.

- The BEMs for use of the 2500-2690 MHz band are set out in ECC/DEC/(05)05, Annex 2. In this context, there are two types of regulations on use:
 - Unrestricted blocks:³⁸ maximum EIRP = 61 dBm/5 MHz (non-AAS); maximum TRP = 53 dBm/5 MHz (AAS), ECC/DEC/(05)05, Annex 2, Table 2.
 - Restricted blocks: maximum EIRP = 25 dBm/5 MHz (non-AAS); maximum TRP = 22 dBm/5 MHz (AAS), ECC/DEC/(05)05, Annex 2, Table 7.
- The following applies to use of the 2620-2690 MHz FDD downlink band:
 - The conditions for unrestricted blocks apply to all frequency blocks from E1 to E14.
- The following applies to use of the 2570-2620 MHz TDD band:³⁹
 - The conditions for restricted blocks apply to the bottom 5 MHz in frequency block F1.
 - If frequency blocks F1 and F2 are allocated to different licensees and their use is not coordinated, the conditions for restricted blocks apply to the upper 5 MHz of frequency block F1 and the lower 5 MHz of frequency block F2.
 - If frequency blocks E1 and F2 are allocated to different licensees, the top 5 MHz in frequency block F2 serves as a guard band.
 - For the remaining ranges of frequency blocks F1 and F2, the conditions for unrestricted blocks apply.
- In Switzerland, radar installations are in operation which use frequencies above the DL frequency band (above 2690 MHz). These radar installations use pulsed signals and generate high field strengths which may cause localised interference to mobile radio (which works in the upper segment of the frequency band).
- In the converse case the situation looks the same: radar installations may be subject to interference from nearby base stations.

2.7.2 Frequency use and coordination at the national borders

The regulations for frequency use and coordination at the national borders in the 2600 MHz range are based on [ECC/REC/\(11\)05](#) and bilateral and multilateral agreements.

The maximum interference field strength must not exceed 65 dB μ V/m per 5 MHz bandwidth at a height of 10 m above ground at the border and 49 dB μ V/m per 5 MHz bandwidth at a height of 10 m on a coordination line 6 km inside the neighbouring country. Where TDD unsynchronised is used, a value of 21 or 30 dB μ V/m applies at the border. Where non-preferential network parameters are used, lower field strengths may be applied in particular for FDD.

³⁸ In the context of ECC/DEC/(05)05, 'block/blocks' refers to the channelling arrangement blocks in Annex 1 to ECC/DEC/(05)05.

³⁹ Annex I Section 6

3 Invitation to tender

3.1 Procedural sequence

The award procedure for the granting of licences to use the radiocommunications frequency spectrum is based on the provisions of telecommunications legislation.⁴⁰ ComCom has determined⁴¹ that the award procedure takes the form of an auction.⁴²

Figure 1 below shows the procedural sequence schematically.

⁴⁰ Art. 22a TCA and Art. 21 ff. VNF

⁴¹ Art. 22 para. 1 VNF

⁴² Art. 24 VNF

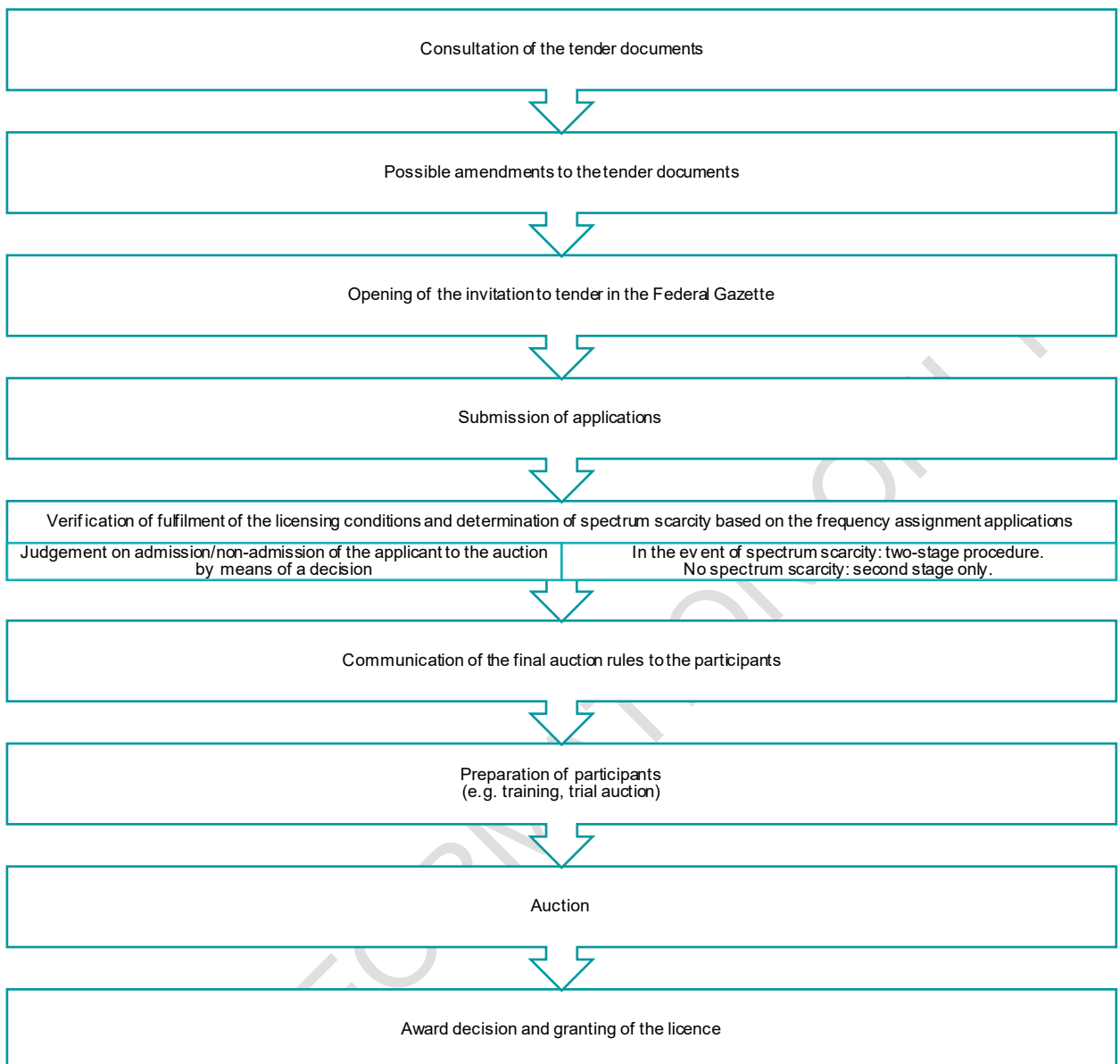


Figure 1: Schematic procedural sequence

The detailed requirements for applying for the award procedure can be found in Section 4. The terms and conditions for the auction are set out in Annex II. The auction rules stated there may still be subject to adjustments (e.g. because of the number of participants). The final auction rules will be communicated to the participants after the admission decision has been issued.

ComCom may call in independent experts to help prepare and conduct the award procedure and evaluate the bids.⁴³ For this award procedure, DotEcon Ltd, a consultancy based in London, UK, is on hand to assist ComCom and OFCOM.

3.2 Opening of the procedure and deadlines

The invitation to tender shall be deemed to be opened upon publication in the Federal Gazette (BBl). The invitation to tender shall be published in the three official languages of Switzerland, German, French and Italian,⁴⁴ and in English.

The deadline for submission of applications is **DD Month YYYY**.

3.3 Questions/answers

Interested parties can send questions about the procedure, the auction rules and the structure and content of the application documents electronically to the following email address within 15 working days of the opening of the invitation to tender:

XYZ@bakom.admin.ch

Questions must be submitted in one of the languages in which the invitation to tender is published. The answer will be provided in the same language as the question.

OFCOM will compile an anonymised list of all the questions received and the corresponding answers. It will email this list to all interested parties who submitted questions. The list will also be published in anonymised form on the OFCOM website. If trade secrets are asserted, these must be anonymised and the redacted content described in a comprehensible manner. In addition, reasons must be given for the existence of the trade secrets. Any confidentiality interests must be kept to a minimum.

3.4 Collusion

From publication of the definitive tender documents onwards, it is prohibited for interested parties, applicants and participants to establish contact or exchange information with other interested parties, applicants and participants, either directly or indirectly via intermediaries, with the aim of influencing the outcome of the auction. The public announcement of presumed or actual bidding strategies or of specific bids and any statements liable to influence the participation or bidding behaviour of other interested parties, applicants and participants are also prohibited.

Applicants and participants who act in collusion as defined in the preceding paragraph may not be admitted to the auction or may be excluded from it, depending on the stage of the procedure. If there is a risk of delay, the non-admission or exclusion will take place without a previous hearing of the offending applicant or participant. In addition to the non-admission or exclusion, an applicant or participant may also be subject to an administrative penalty under Article 60 TCA. An exclusion may be decreed up to the licence is granted. If an applicant or a participant is excluded, the procedure or parts of it will be rerun. If the infringement comes to ComCom's attention only after the licence has been

⁴³ Art. 22 para. 2 VNF

⁴⁴ Art. 70 para. 1 Federal Constitution of the Swiss Confederation of 18 April 1999 (Cst.; SR 101)

granted, the licence will be revoked without compensation within the framework of a surveillance procedure. An exclusion or revocation may be dispensed with if the infringement does not or did not affect the outcome of the auction. In this case, an administrative penalty under Article 60 TCA may still be imposed.

3.5 Amendment, suspension and cancellation of the tender procedure

If, between publication of the invitation to tender in the BBI and the granting of the licence, essential conditions change, ComCom may, taking into account the requirements stipulated in the tender documents and their annexes, amend the minimum bids or amend, suspend or cancel the procedure (e.g. auction).⁴⁵ There shall be no entitlement to compensation.

3.6 Costs

All the expenses incurred by an applicant or participant in connection with its application and participation in the auction (e.g. the costs of preparing and submitting the application, of any additional clarifications and of further preparation for the auction) shall be borne in full by the applicant or participant. There shall be no entitlement to reimbursement of these costs.

4 Application

4.1 General information

In order to be admitted to the auction, the applicant must demonstrate in advance that it meets the requirements set out in these tender documents and their annexes. To this end, it shall submit an application in accordance with the requirements set out in Sections below.

Any company may apply, including as part of a consortium, subject to the restrictions concerning the effects on competition (see Section 4.3.8).

The application may be submitted in one of the three official languages of Switzerland, German, French and Italian,⁴⁶ or in English.⁴⁷

4.2 Overview of information required and documents to be submitted

The following list provides an overview of the information required and the documents to be submitted (see Section 4.3).

- Applicant's name and address

⁴⁵ Art. 25 VNF

⁴⁶ Art. 70 para. 1 Federal Constitution of the Swiss Confederation of 18 April 1999 (Cst.; SR 101)

⁴⁷ If an applicant submits their application in English, a translation into an official language may be ordered in the event of appeal proceedings (Art. 33a para. 4 APA).

- Applicant based abroad: a correspondence address in Switzerland to which, in particular, communications, summonses and decisions can be sent with legal force⁴⁸
- Details of the applicant's ownership structure (names and percentages)
- Organisation chart of the applicant
- Overview of the applicant's company or group structure
- Any annual reports for the past three years or, if these are publicly accessible, the internet address (URL) where they can be found
- Certified extract from the commercial register or extract from the commercial register with an apostille or supplementary certification
- Name(s), address(es), telephone number(s) and email address(es) of the contact person(s) responsible for administrative and technical matters, as well as the preferred language for correspondence (German, French or Italian)
- Indication of the language (German, French or Italian) in which the admission and award decision is to be issued and the licence granted⁴⁹
- Details of activity in the telecommunications market (registration as a telecommunications service provider in Switzerland, activity abroad, affiliations, etc.)
- Frequency assignment application
- Market assessment
- Bank guarantee
- Details of technical capabilities and designation of a responsible technical person
- Details of compliance with applicable law
- Details of compliance with the obligation to provide coverage via its own terrestrial network infrastructure and map showing the planned geographical coverage with the newly allocated frequencies using its own terrestrial mobile radio installations
- Indication of effects on competition
- In-person delivery of the application
 - Notification of in-person delivery on the day before delivery

⁴⁸ Art. 17 para. 4 VNF

⁴⁹ Art. 33a of the Federal Act of 20 December 1968 on Administrative Procedure (Administrative Procedure Act, APA; SR 172.021)

- Signed cover letter
- Signed application with six copies
- Signed frequency assignment application in a separate sealed envelope
- Signed bank guarantee in a separate sealed envelope
- USB stick containing the application and cover letter in PDF format

4.3 Details of information required and documents to be submitted

4.3.1 General information

The applicant shall provide its name and address in the application.

If it is based abroad, it must provide a correspondence address in Switzerland to which, in particular, communications, summonses and decisions can be sent with legal force.⁵⁰

The applicant shall provide details (names and percentages) of the ownership structure of its company as well as an organisation chart of the company, an overview of the company or group structure and any annual reports for the past three years. If the latter are publicly accessible, an indication of the internet address (URL) is sufficient.

The application must be accompanied by a certified extract from the commercial register or an extract from the commercial register with an apostille or supplementary certification.

The applicant shall also inform OFCOM of the name(s), address(es), telephone number(s) and email address(es) of the contact person(s) responsible for administrative and technical matters, as well as their preferred language for correspondence (German, French or Italian).

The preferred language (German, French or Italian) for the issuing of the admission and award decision and the granting of the licence must be specified.⁵¹

4.3.2 Activity in the telecommunications market

The applicant must indicate whether it is registered in Switzerland as a telecommunications service provider and/or is active abroad in the telecommunications sector or is affiliated, or associated in any way, with a telecommunications service provider in Switzerland or abroad. Affiliations with companies that are in turn affiliated with other telecommunications service providers must also be disclosed.

4.3.3 Frequency requirement and market assessment

The applicant shall set out its assessment and planning relating to the further development and introduction of new mobile technologies and services. In addition, it shall give its assessment of the

⁵⁰ Art. 17 para. 4 VNF

⁵¹ Art. 33a of the Federal Act of 20 December 1968 on Administrative Procedure (Administrative Procedure Act, APA; SR 172.021)

general further development of the Swiss mobile communications market and explain how it intends to deploy and efficiently utilise the frequencies requested in the frequency assignment application.

The frequency assignment application lists all categories of frequency blocks, the number of blocks in a category and the corresponding minimum bids⁵² as well as the eligibility points⁵³ for each frequency block (see Annex III). The applicant shall specify therein how many frequency blocks per category it is prepared to purchase at the respective minimum bids. In so doing, it must observe the bid restrictions (spectrum caps) set out in the auction rules (see Section 1.3 in Annex II).

In addition, the applicant has the option of acquiring one of three identical frequency portfolios. The frequency portfolios guarantee a minimum allocation of frequencies, but come with a 20 per cent surcharge compared to the minimum bid.

The duly completed and signed frequency assignment application (Annex III) constitutes a binding bid. The applicant thereby undertakes unconditionally and irrevocably to purchase the specified blocks at the minimum bids if the first stage of the auction does not take place (see Section 2.1.4 in Annex II).

However, if the first stage of the auction does take place, the number of eligibility points available to the applicant in the first bidding round will be derived from the blocks applied for in the frequency assignment application (see Section 2.1.5 in Annex II).

This information must be provided in accordance with the form set out in Annex III.

4.3.4 Obligation to provide coverage via own terrestrial network infrastructure

A licensee assigned frequency usage rights under a licence is obliged to use them in accordance with Article 1 TCA and for the purpose of providing commercial telecommunications services.

Furthermore, it is obliged to cover at least 50% of the population of Switzerland with mobile services using the assigned frequencies by 31 December 2034 at the latest. It must meet this obligation via its own terrestrial mobile radio installations.

The applicant must submit a map showing the planned geographical coverage using the frequencies to be allocated, indicating the degree of population coverage expected to be achieved (including planned time frames for achieving this coverage). ComCom may request additional information for the purpose of plausibility checks.

4.3.5 Bank guarantee

Applicants must submit a bank guarantee that is valid until DD Month YYYY.⁵⁴ ComCom may request an extension of the validity of the bank guarantee. The amount guaranteed by the bank must

⁵² Art. 39 para. 4 TCA in conjunction with Art. 24 para. 1 let. a and b VNF

⁵³ Eligibility points determine the number of frequencies that can be bid on in the auction. The activity rules in the auction rules (Section 4.7 in Annex II) set out how this works.

⁵⁴ Art. 24 para. 2 VNF

correspond to the value of the frequency blocks applied for, valued at minimum bid and taking into account any frequency portfolio.

ComCom may require an increase in the bank guarantee in the course of the auction. The amount and the deadline for submission of additional guarantees will be communicated within a reasonable period. The auction will be suspended until the expiry of this period. Any participant that cannot provide the required bank guarantees will be excluded from the auction.

The format of the bank guarantee is governed by the provisions in Annex IV.

4.3.6 Technical capabilities

The applicant shall indicate the extent to which it possesses the necessary technical capabilities in connection with the frequency use.⁵⁵ It shall designate a responsible technical person.

4.3.7 Compliance with applicable law

An applicant must guarantee that it complies with the applicable law, specifically the TCA, the corresponding implementing provisions and the licensing requirements (see Annex V).⁵⁶ In this regard, it must:

1. state the organisational measures by means of which it will ensure compliance with the provisions relating to privacy and data protection in accordance with Article 46 TCA as well as telecommunications law, specifically with regard to telecommunications secrecy in accordance with Article 43 TCA;
2. specify whether it, related companies or persons involved in its company have been or are affected by one of the following measures within the five years preceding the submission of the application, at home or abroad:
 - withdrawal or revocation of licences or authorisations in the telecommunications sector awarded by the state;
 - imposition of restrictions due to non-compliance with obligations arising from licences or authorisations in the telecommunications sector awarded by the state;

⁵⁵ Art. 23 para. 1 let. a TCA; Art. 17 para. 3 VNF

⁵⁶ Art. 23 para. 1 let. b TCA

- legal proceedings due to a breach of national or international telecommunications law, the rules on cartels⁵⁷ and other restraints on competition, the rules on unfair competition,⁵⁸ employment law⁵⁹ or data protection provisions.⁶⁰

Subject to any international obligations to the contrary, ComCom may refuse to grant a licence to undertakings incorporated under foreign law unless reciprocal rights are granted.⁶¹

4.3.8 Effects on competition

The granting of a radiocommunications licence must not eliminate or constitute a serious obstacle to effective competition unless an exception can be justified on grounds of economic efficiency.⁶²

Only applicants who have sufficient economic independence from other applicants will be admitted to the auction. Different companies under unified economic management may submit only one application between them, and not one each.

The applicant shall indicate:

- other companies in Switzerland and abroad active in the telecommunications sector with which it constitutes an economic or legal entity;
- other companies in the telecommunications sector in Switzerland or abroad which it is obliged to assist owing to factual circumstances or legal obligations.

The applicant shall name:

- the shareholders or members whose share of the company capital is more than ten per cent;
- the groups of shareholders or members who, for various – especially legal – reasons, could jointly exercise significant influence on the decisions of the applicant (e.g. under a shareholders' agreement).

⁵⁷ Federal Act of 6 October 1995 on Cartels and other Restraints of Competition (Cartel Act, CartA; SR 251)

⁵⁸ Federal Act of 19 December 1986 on Unfair Competition (UCA; SR 241)

⁵⁹ Art. 6 TCA

⁶⁰ Federal Act of 25 September 2020 on Data Protection (Data Protection Act, FADP; SR 235.1); Federal Act of 21 March 1997 on the Organisation of the Government and the Administration (GAOA; SR 172.010)

⁶¹ Art. 23 para. 2 TCA

⁶² Art. 23 para. 4 TCA

The applicant shall disclose:

- other telecommunications companies in Switzerland and abroad in which it has a financial interest and the size of the interest;
- other companies in Switzerland and abroad with which it cooperates within the framework of technology partnerships, purchasing or marketing partnerships or other forms of cooperation.

Sufficient economic independence between the applicants must be ensured. A merger of two or more applicants, and any process such as the acquisition of shares or the conclusion of an agreement which, directly or indirectly, gives an applicant control over a previously independent applicant or over parts of such must be reported to ComCom immediately. This may result in the exclusion of one or all the applicants concerned.

In case of doubt about the possible effects that the granting of a licence will have on competition, ComCom will consult the Competition Commission (COMCO).⁶³ If the participation of an applicant could constitute a serious obstacle to effective competition, the applicant may be excluded from participation.

4.4 Form and content of the application

Each applicant shall submit a single application. The application must be accompanied by a cover letter⁶⁴ in which the applicant expressly confirms that it agrees with all the information requirements and provisions contained in the tender documents and their annexes.

The structure and content of the application shall follow the information and documentation requirements set out in Sections 4.1 to 4.3 above and the associated classification scheme (titles and numbering).

The application must not exceed 40 A4 pages (excluding the cover letter and annexes⁶⁵). The cover letter, application, frequency assignment application and bank guarantee must be signed by authorised signatories. If the documents are signed by a person or persons with power of attorney, the power of attorney must be enclosed.

In addition to the original application with cover letter, six copies and an electronic version (fully indexed, open PDF document on a USB stick) must be submitted to OFCOM. This does not apply to the frequency assignment application, bank guarantee and cover letter.

⁶³ Art. 23 para. 4 TCA

⁶⁴ Addressed to: Federal Office of Communications, Telecom Services and Post Division, Mobile radio frequencies tender, Zukunftstrasse 44, CH-2501 Biel/Bienne

⁶⁵ Annexes include, for example, annual reports and the presentation of the company's structure.

The application with cover letter, the six copies, the frequency assignment application, the bank guarantee and the USB stick must be delivered to OFCOM in person or by courier, with prior notification, by no later than **DD Month YYYY, Time** at the following address: Zukunftstrasse 44, CH-2501 Biel/Bienne. The delivery and prior notification must take place on a working day (Monday to Friday). The frequency assignment application and the bank guarantee must each be submitted separately in a sealed envelope. Each applicant may submit only one envelope containing a single frequency assignment application and a bank guarantee.

Notification of in-person delivery must be given by telephone (+41 58 460 **yyyy**) or email (**XYZ@bakom.admin.ch**) on the **previous day by no later than 4pm** to Mr/Ms **XYZ, Job title**. **This** will confirm the time of delivery. The documents must be handed to Mr/Ms **XYZ, Job title**.

OFCOM will issue the applicant with an acknowledgement of receipt.

4.5 Incomplete application documents and additional clarifications

If the application documents are incomplete or contain inadequate information, OFCOM will give the applicant seven days to submit the required information. The same applies if additional clarifications are required as part of the evaluation. The information and documents submitted subsequently must also meet the aforementioned application requirements regarding structure, language and number of copies.

If the deadline expires without the additional information or documents being submitted, the application will not be considered and the applicant will not be admitted to participate in the auction.

5 Admission to the auction

OFCOM will evaluate the application in accordance with ComCom's instructions.⁶⁶ ComCom will issue a decision informing the applicant whether or not it is admitted to participate in the auction.

The decision on admission or non-admission to the auction will be drawn up in one of the official languages of Switzerland, German, French or Italian.⁶⁷

Administrative fees will be levied for issuing the decision on admission or non-admission, calculated on the basis of the time expended.⁶⁸ The hourly rate is CHF 210.⁶⁹

Upon admission, the applicant becomes a participant in the auction.

⁶⁶ Art. 2 para. 2 of the Federal Communications Commission Ordinance of 23 November 2020 concerning the Telecommunications Act (SR 784.101.112)

⁶⁷ Art. 70 of the Federal Constitution of the Swiss Confederation of 18 April 1999 (Cst.; SR 101) in conjunction with Art. 33a APA

⁶⁸ Art. 6 para. 1 FeeO-TCA

⁶⁹ Art. 6 para. 2 FeeO-TCA

If an applicant does not participate in the auction despite being admitted, the administrative fees for the invitation to tender will nevertheless remain payable on a pro rata basis.

A participant may be excluded from the auction at any time if it is established that it has secured admission to the auction by providing false information or if for other reasons it does not fulfil or no longer fulfils the admission requirements set out in the tender documents.

Sufficient economic independence between the participants must be ensured. A merger of two or more participants, and any process such as the acquisition of shares or the conclusion of an agreement which, directly or indirectly, gives a participant control over a previously independent participant or over parts of such must be reported to ComCom and may result in the exclusion of one or all of the participants concerned.

6 Auction

After being admitted to the auction, the participants will be informed about the subsequent procedure. They will be sent the final auction rules. These may differ from those published in the invitation to tender. The subsequent procedure will depend on the spectrum scarcity.

If it transpires upon admission of applicants to the tender procedure that the demand for frequency blocks or portfolios outstrips supply, assignment will take place by means of one or two multi-round auctions (first stage) followed by a sealed-bid round (second stage).

In the first stage, the number of frequency blocks per frequency band is determined for each participant (see Annex II, Section 4). The first stage is completed when the number of frequency blocks requested in any frequency band no longer exceeds the number put out to tender. In the second stage, the specific position of the frequency blocks in the frequency bands is determined (see Annex II, Section 5). If there is excess demand for frequency portfolios, a multi-round auction is held to determine which participant receives a portfolio (see Annex II, Section 3).

If sufficient frequencies are available, the requested frequencies are allocated only by means of a sealed-bid round (second stage).

Prior to the auction, the participants will be given training and a trial auction will be held.

The detailed auction rules can be found in Annex II. They form an integral part of these tender documents.

ComCom and OFCOM reserve the right to publish, in particular, the names and addresses of applicants, their auction bids (the number of frequency blocks applied for per round, per category and per bidder, any exit bids, assignment bids, etc.) and the result of the auction. The timing of any such publication is at the discretion of the authorities.

7 Award

After conclusion of the auction and before the radio licences are granted, ComCom will inform the participants of the result of the auction by means of a decision. This will be written in the official language of Switzerland chosen by the participant, namely German, French or Italian.⁷⁰

The auction price⁷¹ for the acquired frequency usage rights must be paid in a single payment immediately after the licence is granted.⁷² It becomes due for payment when the licence comes into force. The payment period is 30 days. Payment of the auction price must be made via a bank authorised under the Swiss Banking Act and based in Switzerland.

8 Granting of the licence

The auctioned frequency usage rights will be granted by means of a licence.⁷³ This authorises the licensee to use the frequency spectrum for the purpose described in the licence and subject to the terms and conditions laid down therein.⁷⁴ The auctioned frequency usage rights serve to operate a cellular mobile network (MFCN,⁷⁵ IMT⁷⁶) 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 (technology neutrality).

The licence will be granted by ComCom on conclusion of the auction and following the award decision. It will be written in the official language of Switzerland chosen by the licensee, namely German, French or Italian.⁷⁷ The rights to use the respective frequencies will commence at the earliest on 1 January 2029. The licence is awarded for a period of 15 years.

The specific rights and obligations of the licensee are governed by the provisions of the licence including its annexes (see Annex V) and the applicable legal basis. The version of the relevant legal basis valid at the time in question shall apply in each case. The conditions of the licence shall apply subject to any changes to the legal basis applicable to it. In particular, the annual administrative fees⁷⁸ 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. Other future regulations, such as those concerning cybersecurity and the security of information and telecommunications infrastructure and services, also remain reserved.⁷⁹

⁷⁰ Art. 70 Cst. in conjunction with Art. 33a APA

⁷¹ Art. 39 para. 1 and 4 TCA in conjunction with Art. 24 para. 1 let. a and b and para. 2 VNF

⁷² Art. 24 para. 2 VNF

⁷³ Art. 22 para. 2 let. a TCA

⁷⁴ Art. 17 VNF

⁷⁵ Mobile/Fixed Communications Networks

⁷⁶ International Mobile Telecommunications (generic term used for broadband mobile systems)

⁷⁷ Art. 70 Cst. in conjunction with Art. 33a APA

⁷⁸ Art. 40 para. 1 let. e TCA in conjunction with Art. 13 Ordinance of 18 November 2020 on Fees in the Telecommunications Sector (Telecommunications Fees Ordinance, FeeO-TCA; SR 784.106)

⁷⁹ For example, based on a revision of the TCA or the Ordinance of 9 March 2007 on Telecommunications Services (OTS; SR 784.101.1), see also <https://www.parlament.ch/en/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20203984>

The licence fee for use of the assigned radiocommunications frequency spectrum for the entire term of the licence is included in the auction price.⁸⁰

The specimen licence appended to this document (Annex V) is an integral part of the tender documents. The definitive wording of the licence issued on conclusion of the auction may differ from this.

9 Annexes

The annexes listed below form an integral part of the invitation to tender:

Annex I - List and designation of frequency blocks

Annex II - Auction rules

Annex III - Frequency assignment application

Annex IV - Specimen form for bank guarantee

Annex V - Specimen licence (excluding annexes)

⁸⁰ Art. 39 para. 1 and 4 TCA in conjunction with Art. 24 para. 1 let. a and b and para. 2 VNF