

**Tender Document
for the Process of
Awarding Spectrum Rights of Use
in the Frequency Bands
of 900 MHz and 1800 MHz**

(Unofficial Translation of the Greek Text)

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1 TERMS USED IN THE INFORMATION MEMORANDUM

The terms used in this document, are defined hereinafter, unless otherwise inferred from the context.

1. **“Inert Participant”**: A Current Price Bidder that does not submit a bid in a specific Auction round, according to the specific terms of this information memorandum.
- 2.
3. **“Reserved Spectrum Segments for the company «COSMOTE–Mobile Telecommunications SA»”**: In the first stage of the auction, the Spectrum Segments A.1 and A.2 have been reserved for COSMOTE–Mobile Telecommunications SA.
4. **“Reserved Spectrum Segments for the company «VODAFONE-PANAFON»”**: In the first stage of the auction, the Spectrum Segments A.3 and A.4 plus one of the blocks A.5 – A.14 have been reserved for VODAFONE-PANAFON.
5. **“Reserved Spectrum Segments for the company «Wind Hellas»”**: In the first stage of the auction, three Spectrum Segments of A.5- A.14 have been reserved for WIND Hellas.
6. **“Waiver”**: The right given to non Bidders not to submit a bid in an auction round for up to six (6) times. The number of waivers may be reduced as a result of a penalty imposed on a Participant during the auction for committing an offence.
7. **“Good Performance Letter of Guarantee”**: The Letter of Guarantee submitted by all Winning Bidders, during the assignment of spectrum rights of use. The letter of guarantee is issued by credit institutions or other financial institutions, operating legally in member states of the EU, which have the right to issue Letters of Guarantee according to the legislation of the corresponding state. A sample of the Letter of Guarantee can be found in Appendix E.
8. **“Participation Letter of Guarantee”**. The Letter of Guarantee to be submitted together with the Application of Participation in the Auction. The amount of the Letter of Guarantee is Two (2) million Euros (€ 2.000.000,00). The letter of guarantee is issued by credit institutions or other financial institutions, operating legally in member states of the EU, which have the right to issue Letters of Guarantee according to the legislation of the corresponding state. A sample of the Letter of Guarantee can be found in Appendix B. The Participation Letter of Guarantee is valid for up to 50 days following the Announcement of the Winning Bidders from the EETT.
9. **“Final Auction Bid”**: The highest bid reached in the Final Auction Round to be paid for the assignment of each Spectrum Segment respectively.
10. **Confidential Information**: Information of any kind, pertaining to any Participant, which if it became known to other Participants it would likely affect their Bids. Indicatively such information may include the Bidder’s business plan, strategy and highest Bid. It is at the EETT’s discretion to decide when the disclosure of such information may affect a Bid.

11. **“Active Participant”**: A participant is considered active after the completion of one Auction Round if:
 - i. He was the highest Bidder for a Spectrum Segment in either of the two frequency bands, in the round just completed, or
 - ii. He submitted a valid Bid for a Spectrum Segment in either of the two frequency bands, in the round just completed, or
 - iii. He exercised one (1) of his six (6) waiver rights in the round just completed.
12. **“Authorized Person”**: One of the three (3) persons who, according to the Auction Rules, has been authorized by the Participant to bid on his behalf during the Auction. The identity of these persons is to be communicated to the EETT with the Submission of the Application of Participation. An Authorized Person may change before the Auction Start Date upon the receipt of a written request.
13. **“Tie”**: The submission of an equal Bid by two or more participants in a specific Auction round.
14. **“Legal Representatives”**: The Persons, who, according to the legislation of the state that governs the operation of a Participant, bind the Participant and his authorized attorney in Greece. The Application of Participation should bear the signature of the legal representatives. In the case of a Consortium or an Enterprise under formation, Legal Representatives are the legal representatives of the members of the Consortium or the future shareholders/partners of the Enterprise under formation who act jointly or independently according to their contractual agreement.
15. **“Current Price Bidder”**: The Participant that submitted the Current Bid Price for a specific Spectrum Segment in a specific Auction round
16. **“Bid”**: The price an Auction Participant declares as willing to pay to be awarded a Spectrum Segment.
17. **“Last Round”**: It is the Auction round after which, the Current Price Bidder is the only active Participant and no other bid or waiver right has been submitted.
18. **“Reserve Price”**: It is the initial price per Spectrum Segment and the minimum valid Bid for the first round, as defined in the paragraph 3.1.2 of this document.
19. **“Spectrum Segment ”**: One of the following spectrum segments:
 - Frequency Band of GSM 900:**
 - A.1 and A.2: Blocks of 2 x 2,5 MHz within the range of 885 - 890 MHz & 930 - 935 MHz (effective starting date of use 9-9-2017)
 - A.3 and A.4: Blocks of 2 x 2,5 MHz within the range of 900 - 905 MHz & 945 - 950 MHz (effective starting date of use 6-8-2016)
 - A.5 up to and including A.14: Blocks of 2 x 2,5 MHz within the range of 880 - 885 MHz & 925-930 MHz, 890 - 900 MHz & 935 - 945 MHz, and 905 - 915 MHz & 950 - 960 MHz (effective starting date of use 30-9-2012)

Frequency Band of DCS 1800:

B.1 up to and including B.3: Blocks of 2 x 5 MHz within the range of 1710 MHz – 1730 MHz & 1805 MHz – 1825 MHz

B.4: Block of 2 x 5 MHz within the range of 1710 MHz – 1730 MHz & 1805 MHz – 1825 MHz in which 2x2MHz may be used on a secondary basis for mobile services on ships (services MVC) in the European Union in accordance with the Committee Decision of 2010/166/EE.

20. **“Current Price”**: The highest valid Bid for each Spectrum Segment in each auction round. In the first round, the Current Price is the Reserve Price.
21. **“Winning Bidder”**: The Auction Participant that submitted the Current Price for a specific Spectrum Segment in the Last Round.
22. **“Frequency Band”**: For the purposes of this document, the term Frequency Band refers to the following frequency spectrum:
 - α) Frequency Band of GSM 900 refers to the frequency spectrum within the range of 880-915 MHz & 925-960 MHz,
 - β) Frequency Band of DCS 1800 refers to the frequency spectrum within the range of 1710 MHz – 1785 MHz & 1805 MHz – 1880 MHz

2 EXECUTIVE SUMMARY

3 Rights of Use and Granting Process

The procedure described in the draft Tender Document (full version is available in Greek on the EETT website) will result in the administration of:

- **fourteen (14) blocks** of 2 x 2,5 MHz in the radio frequency band of 880 - 915 MHz & 925 - 960 MHz and
- **four (4) blocks** of 2 x 5 MHz in the radio frequency band of 1710 - 1730 MHz & 1805 - 1825 MHz

More specifically, the following radiofrequency blocks will be granted:

Frequency Band of GSM 900:

A.1 and A.2: Blocks of 2 x 2,5 MHz within the range of 885 - 890 MHz & 930 - 935 MHz (effective starting date of use 9-9-2017)

A.3 and A.4: Blocks of 2 x 2,5 MHz within the range of 900 - 905 MHz & 945 - 950 MHz (effective starting date of use 6-8-2016)

A.5 up to and including A.14: Blocks of 2 x 2,5 MHz within the range of 880 - 885 MHz & 925-930 MHz, 890 - 900 MHz & 935 - 945 MHz, and 905 - 915 MHz & 950 - 960 MHz (effective starting date of use 30-9-2012)

Frequency Band of DCS 1800:

B.1 up to and including B.4: Blocks of 2 x 5 MHz within the range of 1710 MHz – 1730 MHz & 1805 MHz – 1825 MHz

4 Duration of Rights of Use

The duration of rights of use is listed below:

- a) Radiofrequency blocks A.5 up to and including A.14 is set from 30-9-2012 until 29-9-2027, namely for **fifteen (15) years**,
- b) Radiofrequency blocks B.1 up to and including B.4 is set to **fifteen (15) years**,
- c) Radiofrequency blocks A.1 and A.2 is set from 9-9-2017 until 29-9-2027, namely for **ten (10) years and twenty (20) days**,
- d) Radiofrequency blocks A.3 and A.4 is set from 6-8-2016 until 29-9-2027, namely for **eleven (11) years and twenty-three (23) days**.

5 *Reserve Price for Spectrum Rights of Use*

The proposed Reserve Price represents the minimum valid Bid of the auction per each radiofrequency block. The reserve price is presented in the following table:

<i>Radiofrequency Blocks</i>	<i>Reserve Price</i>
A.1 and A.2 : Blocks of 2 x 2,5 MHz within the range of 885-890 MHz & 930-935 MHz (with an effective starting date of use, the 9-9-2017)	15,5 M Euro
A.3 and A.4: Blocks of 2 x 2,5 MHz within the range of 900-905 MHz & 945-950 MHz (with an effective starting date of use, the 6-8-2016)	17,1 M Euro
A.5 up to and including A.14: Blocks of 2 x 2,5 MHz within the range of 880-885 MHz & 925-930 MHz, and 890-900 MHz & 935-945 MHz, and 905-915 MHz & 950-960 MHz (with an effective starting date of use, the 30-9-2012)	23,3 M Euro
B.1 up to and including B.4: Blocks of 2 x 5 MHz within the range of 1710 MHz – 1730 MHz & 1805 MHz – 1825 MHz	20,5 M Euro

6 *Licensees' Rights*

The assignment of spectrum rights of use in the above bands grants the right of installation, operation and exploitation of a public electronic communications network, so as to provide public electronic communications services in the Greek territory.

Successful bidders will be granted the right to install GSM / DCS, UMTS, LTE and WiMax systems, as well as other terrestrial systems capable of providing electronic communications services to the public. Such systems may coexist with GSM / DCS systems, based on the technical measures adopted, pursuant to EU Directive 676/2002/EC.

Successful bidders may select, without any limitations, the technology that will be used in accordance with the above, by also ensuring that there is no harmful interference with other legitimate spectrum users. They are also bound to make every effort to resolve any interference problems that may arise with other holders of spectrum usage rights in the bands of 900 MHz and 1800 MHz.

7 Procedure for Granting the Rights of Use

The procedure to be followed consists of two stages : in the first stage, the network providers, for which radiofrequency blocks have been reserved, have the first right to request the granting of such rights of use, as defined in the draft Tender Document.

Specifically, in the first stage the radio frequency blocks A.1, A.2, A.3 and A.4 plus four radiofrequency blocks A.5 to A.14 are reserved.

In the second stage, the radio frequency blocks that remain unallocated, following the completion of the first phase, as well as the radio frequency blocks which are not reserved for the first phase, are administered through a multiple rounds auction process with increasing price.

If after the end of the auction:

- a) There remains any radio frequency block (A.1, A.2, A.3 or A.4), which was reserved for the existing mobile operators, and was not granted under the first stage, no future renewal request from its current holder will be accepted by EETT. The remaining radio frequency block will be granted in accordance with Article 25 of Law 3431/2006.
- b) There remains any radio frequency block following the completion of the whole process; this may be granted through a new process that will commence at least two (2) years after the completion of the current auction.
- c) All radio frequency blocks remain unallocated; these will be granted at a later point in time.

8 Payment Terms

The Final Auction Bid is paid as follows:

- 100% of the Final Auction Bid to be deposited in a bank account specified by EETT, within **ten (10) days** following EETT's Decision announcing the successful bidders or
- 70% of the Final Auction Bid to be deposited in a bank account specified by EETT, within **ten (10) days** following EETT's Decision announcing the successful bidders. The remaining 30% of the Auction Bid has to be paid in three (3) equal annual installments, adjusted by the twelve month Greek government treasury bill interest rate and increased by an additional 0.25 percentage basis points (0.25%). The first annual installment date is set on **November 28th**, 2015.

9 Rules of the Auction

Chapters 3-7 of the draft Tender Document set forth detailed rules regarding confidentiality, anti-competitive practices and collusive behavior, the process of granting spectrum rights of use as well as the selection criteria of the Participants.

The process of awarding spectrum rights of use will be tentatively based on the timetable set out in Table 2.1 below:

**Table 2.1: Auction timetable**

Publication of Information Memorandum – Tender Auction Draft Document	September 20 th , 2011
Deadline for Filing Comments Regarding the Information Memorandum	September 27 th , 2011 Time 11:00
Publication of the Tender Auction Document	September 28 th , 2011
Filing of Applications for Participation in the Auction	October 21 st , 2011 Time 10:00 – 11:00
Publication of the List of Prospective Participants	October 21 st , 2011
Posting the List of Selected Participants and Dispatching the Auction Entry Forms to them	October 25 th , 2011
Deadline for Submission of Objections	October 26 th , 2011 Time 13:00
EETT's Decision on any Submitted Objections	October 27 th , 2011
Scheduled Completion of the Process – Announcement of Successful Bidders	November 18 th , 2011
Payment of Final Price	Until November 28 th , 2011, ten (10) days after Successful Bidders Announcement
Contract signature – Grant of Rights of Use	Up to sixty (60) days after Successful Bidders Announcement

10 RULES OF THE LICENSING PROCESS

11 Confidentiality and Competition Rules

Concept of Confidential Information

- 3.1.1 The Confidentiality Rules presented hereinafter are valid from the submission closing date and time of the Participation Envelopes by the Participants. In case of infringement of the Rules by the Participants, the EETT reserves the right to exclude the infringers from the Licensing Process.
- 3.1.2 Any information exchanged among Participants with the purpose of coordinating their participation in the Licensing Process as well as any information exchanged between Participants and suppliers in order to create their business plan, is not to be considered Confidential Information if the exchange takes place before the submission of each Participant's Participation Envelope, .
- 3.1.3 Any Person or Team of Persons, to whom Confidential Information is revealed regarding a Participant in the Auction, is thereafter considered holder of Confidential Information. Members of a Consortium or a joint venture, established for the purpose of participating in the Auction, are considered to be holders of Confidential Information regardless of the percentage of their participation or the extent of control they may have in the consortium or joint venture.
- 3.1.4 Participants in the Licensing Process and holders of Confidential Information are not allowed to convey or attempt to convey in any way, Confidential Information, to another Participant in the Licensing Process or to a Person who is also considered to be a holder of Confidential Information in relation to another Participant.

Anti-competitive Agreements

- 3.1.5 Participants must not enter into any agreement with equipment suppliers (including software suppliers) that would restrict the supplier's ability to supply such equipment (or software) to other Participants.
- 3.1.6 Participants must not enter into any agreement with equipment suppliers (including software suppliers) that would result in restrictions, as to the prices or the terms and conditions agreed between the suppliers and other Participants in the future.

12 Submission of False or Misleading Information

- 3.2.1 At no stage of the Auction are Participants allowed to adduce to the EETT intentionally or due to inadvertence, information that is false or misleading.

3.2.2 At no stage of the Auction are Participants allowed to adduce to the EETT additional information other than what is required and specified at each stage.

13 Obligation to Notify the EETT for Potential Errors or Omissions

3.3.1 The Participants in the Auction upon becoming aware of any errors made by the EETT at any stage of the Licensing Process are required to immediately notify the EETT in writing.

3.3.2 If the alleged error is not communicated to the EETT to be confirmed and then rectified, in order for the Licensing Process to proceed smoothly, the error or any false information (e.g. the amount quoted as a Bid) will be deemed to be correct and valid.

3.3.3 The obligation to notify the EETT for potential errors or wrong information is not only restricted to actions or information exchanged between the Participant and the EETT but it also extends to actions, data or information exchanged between any of the other Participants of the Auction and the EETT as well as among all the Participants of the respective Auction.

14 Infringement of the Terms of the Auction and Penalties

3.4.1 The Penalties that may be imposed by the EETT are:

- Forfeiture of one waiver right
- Expulsion from the auction
- Expulsion from the auction and forfeiture of the Participation Letter of Guarantee
- **Forfeiture of Participation Letter of Guarantee**
- **Forfeiture of Good Performance Letter of Guarantee**

3.4.2 Penalties may be imposed for the following reasons:

- a) Disclosure of Confidential Information. Penalties that may be imposed in this case, are expulsion from the auction and forfeiture of the Participation Letter of Guarantee.
- b) Submission of false or misleading information. Penalties that may be imposed in this case, are expulsion from the auction and forfeiture of the Participation Letter of Guarantee.
- c) Anti-competitive agreements. Penalties that may be imposed in this case, are expulsion from the auction and forfeiture of the Participation Letter of Guarantee.

- d) Submission of invalid Bid. Penalties that may be imposed in this case are forfeiture of one waiver right or where the waiver rights have been used up, expulsion from the auction
 - e) The Participant does not act within the defined time limits after the Auction start date. Penalties that may be imposed in this case, are forfeiture of one waiver right or where the waiver rights have been used up, expulsion from the auction.
 - f) Malicious use of the electronic bid submission system. The penalty in this case, is loss of one (1) waiver right. The participant is expelled from the auction if his waiver rights are already exhausted.
- 3.4.3 Notwithstanding the information stated in paragraph 3.4.1, if a Participant, who is the highest bidder for a Spectrum Segment, is excluded from the Auction or withdraws, then the full amount stated in the Participation Letter of Guarantee is forfeited and the EETT reserves the right to appeal to the court, in order to claim the remaining amount of the respective Highest Bid. In such a case, the EETT reserves the right to restart the auction.

15 Procedure for Imposing Penalties

- 3.5.1 The procedure for imposing penalties may be initiated either ex officio by the EETT or following the submission of an objection by another Participant.
- 3.5.2 The objection may be submitted at any stage of the Auction process.
- 3.5.3 The EETT is informed of the views of all Participants concerned with regards to the submitted objection.
- 3.5.4 Immediately following the hearing the EETT is to decide whether to impose a Penalty or not.
- 3.5.5 There is no possibility of submitting an objection or filing an appeal against the EETT's decision for the duration of the process described in this document.

16 SUBMISSION OF PARTICIPATION AND INITIAL BID ENVELOPE

17 Entities Eligible to Submit an Application for Participation

4.1.1. The following entities may participate in the licensing process:

- (a) Any person acting under a General Authorisation regime
- (b) Any consortium of Enterprises committed to establish an Enterprise with the objective of providing electronic communications networks and services within forty-five (45) days from the allocation of a Spectrum Segment to them,
- (c) Any type of enterprise, existing or under formation, with the intention to provide electronic communications networks and services, as well as, any type of enterprise committed to include in its articles of association its intent to provide electronic communications networks and services in the event of a Spectrum Segment allocation. The process for setting up the enterprise or the required modification in its articles of association and the submission of the respective Registration Declaration according to the General Authorizations Regulation should be completed in forty five (45) days from the award of the Spectrum right of use,
- (d) A natural person, committed to submit the respective Registration Declaration, according to the General Authorizations Regulation, within twenty (20) days of being awarded the Spectrum right of use.
- (e) A natural or legal person established in another member state of the European Union, that falls under any of the above stated categories a to d.

4.1.2. The Application is to be completed in Greek and includes the following:

- a) Application Form according to the sample presented in Appendix A.
- b) Participant's Declaration of Acceptance of the terms of the auction, according to the sample in Appendix A.
- c) The Participation Letter of Guarantee according to the sample in Appendix B
- d) Wind Hellas should complete the Application form according to the sample in Appendix D, if one or more of the specifically reserved Spectrum Segments are to be awarded to the company. For each Spectrum Segment the Reserve Price should be paid, according to Table 6.1. The Serial Number of each Spectrum Segment that Wind Hellas wishes to be awarded is stated on the Application Form. The Award as well as the payment for the Spectrum rights of use are to follow the provisions of Chapter 7. Spectrum Segments reserved but not requested by Wind Hellas, will be available in the multiple-round Auction.

Vodafone-Panafon, should complete the Application form according to the sample in Appendix D, if one or more of the specifically reserved Spectrum Segments are to be awarded to the company. For each Spectrum Segment the Reserve Price should be paid, according to Table 6.1. The Serial Number of each Spectrum Segment that Vodafone-Panafon wishes to be awarded is stated on the Application Form. The Award as well as the payment for the Spectrum rights of use are to follow the provisions of Chapter 7. Spectrum Segments reserved but not requested by Vodafone-Panafon, will be available in the multiple-round Auction. In the event that the company wishes to be awarded only one or two of the Spectrum Segments then these can be the A.3 and/or A.4.

Cosmote, should complete the Application form according to the sample in Appendix D, if one or more of the specifically reserved Spectrum Segments are to be awarded to the company. For each Spectrum Segment the Reserve Price should be paid, according to Table 6.1. The Serial Number of each Spectrum Segment that Cosmote wishes to be awarded is stated on the Application Form. The Award as well as the payment for the Spectrum rights of use are to follow the provisions of Chapter 7. Spectrum Segments reserved but not requested by Cosmote, will be available in the multiple-round Auction.

- 4.1.3. The Application form for participating in the Auction must be signed by the Participant's Legal Representative.
- 4.1.4. All Applications should be submitted to the EETT.

18 Withdrawal from the Process before the Starting Day of the Auction

- 4.2.1. The Participants may, at any time following the submission of their Participation in the Auction and before the announcement of the Auction start date, withdraw from the process, by informing the EETT in writing.
- 4.2.2. If a Participant withdraws from the auction, the EETT should notify the other Participants of the withdrawer's identity within two (2) days and should return the Participation Letter of Guarantee to the withdrawer.
- 4.2.3. In accordance with this Article, the withdrawer is not permitted to reapply and is permanently excluded from the Auction.

19 PRE-QUALIFICATION OF THE PARTICIPANTS

20 Dates

- 5.1.1. The candidates' pre-qualification process begins upon filing their Application of Participation and ends on the date the Qualified Participants are announced as presented in table 2.1.

21 Evaluation and Pre-qualification

- 5.2.1. The list with the prospective Participants is posted on the EETT's website the day their Application of Participation is filed with the EETT.
- 5.2.2. The pre-qualification of the Participants in the Auction, is conducted by the EETT according to the following criteria:

(a) Submission of a complete Application according to chapter 4.

The Application must comply with all the conditions presented in Chapter 4. Failure to submit all necessary documents within the predetermined time period may result in the disqualification of the Applicant from the Auction.

(b) Certification of the adequacy of financial resources.

- i) The EETT will evaluate the adequacy of the candidate's financial resources, required for the minimum development of the network and the provision of services, on the basis of a minimum amount of shareholders' equity equal to 50 million Euro (50,000,000 Euro).
- ii) The adequacy of financial resources is concluded by verifying the total amount of shareholders' equity as shown in the candidate's most recent financial statements. If this is not sufficient, external financing is also added for up to a maximum of 50% of the shareholders' equity, which is certified with a binding letter from a credit or financing organization, which guarantees the legal person's long term financing.

- iii) In the event of a consortium of enterprises, the adequacy of financial resources is concluded by taking into account the balance-sheets of the participating legal persons. If the resulting **total** is not sufficient, external financing is also added for up to a maximum of 50% of **the amount in i)**, which is certified with a **binding** letter from a credit or financing organization, which guarantees the consortium's long term financing.
- iv) In the event of an enterprise under formation, the adequacy of financial resources is concluded by taking into account the balance sheets of the legal persons who constitute the shareholders of the enterprise under formation. If the resulting total is not sufficient, external financing is also added for up to a maximum of 50% of the amount in i), which is certified with a binding letter from a credit or financing organization which guarantees the long term financing of the enterprise under formation. If the enterprise under formation comprises of natural persons the adequacy of financial resources is concluded by a deposit made in a bank account held by at least two (2) of the future natural persons of the enterprise under formation. The holders of the account must ascertain in writing that they will immediately transfer the amount from the bank account to the enterprise under formation. If the resulting total is not sufficient, external financing is also added for up to a maximum of 50% of the amount in i), which is certified with a binding letter from a credit or financing organization which guarantees the long term financing of the enterprise under formation. If the enterprise under formation constitutes a civil association or a commercial partnership the percentage of the external financing cannot exceed 25% of the amount in i).
- v) In the case of a consortium or an enterprise under formation, the shareholders are also required to state in writing that the shareholders' equity of the consortium or the enterprise under formation will not be less than the amount in i)
- vi) In the case of an individual, the adequacy of financial resources is concluded by a deposit made in a bank account held by that individual. If the resulting total is not sufficient, external financing is also added for up to a maximum of 25% of the amount in i), which is certified with a binding letter from a credit or financing organization which guarantees the long term financing of that individual.

(d) No infringement of the provisions stated in paragraphs 3.1 and 3.2.

(e) Submission of a Participation letter of Guarantee.

5.2.3. During the pre-qualification process, it is at the EETT's discretion to justifiably decide whether a Participant must be disqualified from the Auction process so that national security and public order are not jeopardized.

22 Announcement of Qualified Participants and Distribution of the Auction Participation Forms

- 5.3.1. The EETT will notify each of the Qualified Participants, about its decision regarding their qualification, as well as the identity of the other qualified Participants. The EETT will also notify the Participants that did not qualify. The announcement of the Qualified Participants will take place in the timeframe presented in table 2.1.
- 5.3.2. Following the announcement of the list of Qualified Participants, the EETT will distribute to each Qualified Participant the Auction Participation Forms, informing them of:
- The definitive starting date and time of the Auction
 - The Auction place.
 - The tentative timetable for conducting the Auction.
- 5.3.3. Disqualified Participants have the right to appeal the decision until 13:00 p.m. of the next working day following the notification of the EETT's decision. The EETT will decide regarding the appeal within **one (1) working day**.

23 Supplementary Information

- 5.4.1. During the pre-qualification stage, EETT may ask the Participants to submit supplementary information regarding their Application. Any such requests should be made only if deemed necessary, should be communicated in writing, and should allow for a reasonable time period to be processed.
- 5.4.2. Where the Participant does not respond to the request of paragraph 5.4.1. above, the EETT may decide to disqualify the Participant from the Auction.

24 AUCTION PROCESS

25 Preparation for the Auction

- 6.1.1 The auction process begins on the Start Date of the Auction and ends the date of announcing the Winning Bidders.
- 6.1.2 The Participants will be officially notified regarding the definitive Start Date of the Auction via the Auction Participation forms. It is at the EETT's sole discretion to transfer the Start Date of the Auction.
- 6.1.3 Following the day of the delivery of the Auction Participation forms, each Participant should inform the EETT of the following:
- a) The names of the three Persons whom the Participant has authorized to participate in the Auction on the Participant's behalf, by acting either jointly or independently (only if the authorized persons stated in the Application of Participation have changed). Any communication with the EETT during the Auction must be carried out with at least one Authorized Person, whose signature will be verified via signature collation.
 - b) The names of the persons present at the auction location. The number of the persons present including the Authorized Persons, must not exceed five (5).
- 6.1.4 If the EETT judges that the time for the first Auction round cannot be met, the EETT may notify the Participants anew, proposing a different time, provided that the newly proposed time will not be earlier than the one originally specified.

26 Restrictions Concerning the Participants at the Process of Submission Offers at the Auction.

- 6.2.1 The design of the Auction is based on Multiple Rounds Ascending with Simultaneous Separate Bids for Spectrum Segments that belong to the same or different spectrum bands.
- 6.2.2 The Spectrum Segments to be auctioned are A.1 to A.14 and B.1 to B.4 according to chapter 1, point 17, excluding the Spectrum Segments to be awarded to COSMOTE, VODAFONE, and WIND according to paragraph 4.1.2 (d).
- 6.2.3 The Participants have the following restrictions:
- a) Participants are not allowed to communicate with each other in any way.
 - b) Participants are not allowed to exit the rooms provided during the Auction, without the EETT's authorization.
 - c) The number of each Participant's Authorized Representatives, who will attend the Auction is limited to five (5). The composition of the team of the representatives cannot change during any day of the Auction.

6.2.4 The Participant who has not withdrawn or been excluded from the Auction must be Active during the bidding.

6.2.5 The Bidders in the first Round and all Bidders in subsequent Rounds, to the extent that they are not Current Price Bidders, they may:

- i. **Submit a Bid** for Spectrum Segments provided that: a) the spectrum segments for which there is a bid and the Spectrum Segments already owned in the frequency band of 900 MHz, as well as the spectrum segments applied for, which differ from the ones owned, do not exceed 2x15 MHz and b) the spectrum segments for which there is a bid and the spectrum segments already owned in the frequency band of 1800, do not exceed 2x35 MHz.
- ii. **Waive:** A Bidder may exercise a waiver right as an alternative to making a Bid. Each Bidder may exercise up to six (6) waiver rights for both bands during the Auction, according to paragraph 6.3.
- iii. **Withdraw from the Auction:** A Bidder who is not a Current Price Bidder may formally withdraw from the Auction according to paragraph 6.3.

6.2.6 The Current Price Bidder, is not allowed to withdraw the bid for which he has been nominated as the highest Bidder, whereas in the next round he has the following options:

- a) **Right to submit** a Bid for Spectrum Segments for which he is not the Current Price Bidder.
- b) **Right to submit a waiver**
- c) To remain inactive, where the Spectrum Segments for which he is the Current Price Bidder (which differ from the ones already owned) and the spectrum segments already owned in the frequency band of 900 MHz amount to 2x15 MHz.
- d) To remain inactive, where the Spectrum Segments for which he is the Current Price Bidder (which differ from the ones already owned) and the spectrum segments already owned in the frequency band of 1800 MHz amount to 2x35 MHz.

6.2.7 Where a participant, who is not the Current Price Bidder, does not submit a Bid or does not exercise a Waiver right within the timeframe determined by the EETT for each Round, the EETT may extend the initially determined timeframe by a maximum of 10 minutes.

6.2.8 The duration of each round will be determined by the EETT.

6.2.9 **In case there is unallocated spectrum following the last round in the GSM9000 or the DCS1800 bands EETT may start a new auction for its allocation, by modifying the 2x15 MHz and 2x35MHz limitations of the total bandwidth per provider for each spectral range determined in paragraph 7.2.6 parts c and d**

27 Auction Method

6.3.1 The Bids, the waiver right and the statement of withdrawal from the auction are submitted electronically, via a system that will be provided by the EETT, and at the

same time printed and submitted on paper, after being stamped with the company seal and signed by each Participant's Authorized Persons.

- 6.3.2 When the round is proclaimed as the last for the day, the Auction is adjourned after the results of the round are announced.
- 6.3.3 In the event of a problem with the operation of the electronic system, the Bids will be submitted on printed forms provided by the EETT.
- 6.3.4 In case of an electronic system failure during an auction round, the participant should report the problem to EETT through written notification. EETT will interrupt the procedure following the verification of the problem and will decide whether to continue the auction once the system has been restored or restart the round by submitting the printed tender forms

28 Round Results and Notification for the Next Round

- 6.4.1 After the end of each Round, and at the start of the following Round, the EETT will notify all Bidders of:
- the Current Price;
 - the identity of the Current Price Bidder;
 - the numerical value of each Bid made in the previous Round and the identity of the Bidder who submitted the Bid;
 - the identity of the Bidders who withdrew from the Auction, or exercised their waiver right or were expelled from the Auction by the EETT;
 - the start time of the next Round and the bid submission deadline;
 - the minimum Bid for the Round

29 Minimum Bid

- 6.5.1 Before each round begins the EETT will determine a minimum Bid for each Spectrum Segment. This is to be determined as follows:
- the Reserve Price (for the First Round)
 - the Current Price plus a minimum increase (for the following Rounds)
- 6.5.2 The EETT determines the minimum increase for each Spectrum Segment as a percentage on the Current Price that resulted from the previous Round. The rate of increase is fixed at 3% rounded to the nearest thousand in Euros. The EETT reserves the right to change the rate of increase, depending on the progress of the Auction..

30 Tie

- 6.6.1 In the event of a tie, the EETT will announce as the Current Price Bidder the Participant who submitted a bid via the electronic system first. Where the electronic system is not functioning, the EETT will choose by draw which of the participants will

be proclaimed as the Current Price Bidder. The rest of the participants, who are involved in the tie, will in the next round have the same rights and obligations, as a non Bidder would have.

31 Valid Bids

- 6.7.1 Each Bid includes the serial number of the Spectrum Segment for which the bid is made, the amount of money that the Participant is willing to pay for the Spectrum Segment and the identity of the Participant.
- 6.7.2 The Serial Number of the Spectrum Segment should be in accordance with Table 6.1.
- 6.7.3 Bids lower than the minimum bid, are not considered valid.
- 6.7.4 The Bids must be multiples of one thousand euros (€ 1.000,00).
- 6.7.5 The Bids will be submitted exclusively via an electronic system provided by the EETT.
- 6.7.6 Notwithstanding the above, a Bid that does not comply with the Invitation to Tender draft document will be rejected and Penalties will be imposed as presented in the respective document.
- 6.7.7 A Bid is considered Valid, if the copy on paper is not altered in any way after being printed from the electronic system of submission, bears the company's seal and is signed by each Participant's authorized persons.

32 Number of Rounds per Day

- 6.8.1 There will be at least one round per day during the Auction, unless the EETT has designated that day as a day off.
- 6.8.2 It is at the EETT's discretion, to determine the total number of rounds per auction day that is not a Day off.
- 6.8.3 The Rounds may take place from 09:00a.m. until 21:00p.m.

33 Days off

- 6.9.1 It is at the EETT's discretion to designate a day as a day off. The Auction will continue the next day following the day(s) off.
- 6.9.2 The EETT will announce the Days off before the end of the last round of the day preceding the day off.
- 6.9.3 It is at the EETT's sole discretion to designate days as days off. The Participants cannot request any day(s) off.

34 Suspension, Cancellation and Auction Restart

6.10.1, At each stage of the Auction, the EETT reserves the right to suspend or cancel the auction without having to compensate the participants. It is at the EETT's discretion to determine when the suspended or cancelled auction will restart.

6.10.2 In such a case the EETT will consult with the remaining Bidders and any Bidders that withdrew (but were not expelled) from the Auction, and are therefore eligible to re-enter a re-started Auction. The consultation will concern the point at which the auction will restart. It could be the point at which the auction stopped, the starting point of the Auction or another point in the Auction process.

6.10.3 The EETT may refuse to readmit to the Auction any Bidder, who withdrew from the Auction, if such a Bidder has infringed the rules of the Auction – even if that infringement occurred after the Bidder's withdrawal.

35 Interruption and Restart Auction Round

6.11.1 In the case of a technical problem, the EETT reserves the right to suspend or cancel an auction round before or during the round. The EETT must notify the participants directly and set a starting time that is feasible for the next Round.

36 Reserve Price

6.12.1 The reserve prices for each Spectrum Segment are presented in the following table 6.1:

Πίνακας 6.1 : Reserve Price per Spectrum Segment

Spectrum Band GSM 900		
<u>Serial Number</u>	<u>Spectrum Segment</u>	<u>Reserve Price</u>
A.1, A.2	Blocks of 2 x 2,5 MHz within the range of 885-890 MHz & 930-935 MHz	15,5 M Euro
A.3, A.4	Blocks of 2 x 2,5 MHz within the range of 900-905 MHz & 945-950 MHz	17,1 M Euro

A.5 to A.14	Blocks of 2 x 2,5 MHz within the range of 880-885 MHz & 925-930 MHz, and 890-900 MHz & 935-945 MHz, and 905-915 MHz & 950-960 MHz	23,3 M Euro
Spectrum Band DCS 1800		
<u>Serial Number</u>	<u>Spectrum Segment</u>	<u>Reserve price</u>
B.1, B.2, B.3, B.4	Blocks of 2 x 5 MHz within the range of 1710 MHz – 1730 MHz & 1805 MHz – 1825 MHz	20,5 M Euro

37 Alternative Location and Time of the Auction

6.13.1 If for any reason, the auction location proves to be unsuitable, the EETT will designate an alternative location and time for the conduct of the Auction, within the prefecture of Attica.

38 Positioning of the Spectrum Segments within the Available Frequency Bands.

6.14.1 Following the Last Auction Round, the location of the awarded Spectrum Segments is redefined, within the spectrum bands of GSM 900 and of DCS 1800.

6.14.2 The order in which the Winning Bidders select the Spectrum Segments, that correspond to the Radio Spectrum Right of Use that will be granted to them, from the continuous band in the spectral range of GSM 900, is determined by the sum of their successful Bids for spectrum GSM 900. The ranking will be done in descending order based on the sum of their successful Bids. In the event of a tie, there will be a draw.

6.14.3 The order in which the Winning Bidders select the Spectrum Segments, that correspond to Radio Spectrum Right of Use that will be granted to them, from the continuous band in the spectral range of DCS 1800, is determined by the sum of their successful Bids for spectrum DCS 1800. The ranking will be in descending order based on the sum of their successful Bids. In the event of a tie, there will be a draw.

6.14.4 Based on the ranking, each Participant selects the position of the Spectrum Segments that will be granted to him based on the following conditions: a) the Spectrum Segments are continuous, b) the spectrum bands created next to them ensure the continuity of the Spectrum Segments to be granted to the other Winning Bidders and c) they coincide to a great extent with Spectrum Segments already in use by the Participant.

- 6.14.5 In the case where the position of the Spectrum Segment that expires in 2016, 2017 or in 2020 respectively, prevents the application of the rule according to paragraph 6.14.4, then the Segment's location is re-defined so that the above stated rule can be applied.
- 6.14.6 In implementing the above, the applicable solution should cause the smallest possible relocation of the Spectrum Segments which expire in 2016, 2017 or 2020 respectively and do not belong to the Participant who chooses the position for the Spectrum Segments that will be awarded to him.

39 Procedures after the Last Round

- 6.15.1 The EETT informs all auction participants, of the Winning Bidders for each Spectrum Segment after the end of the last auction round.

40 AWARD OF RIGHTS OF USE

41 Introduction

7.1.1 The Rights of Use awarding period begins with announcing the EETT's Decision regarding the Winning Bidders and ends with awarding the Rights of Use.

42 Financial Obligations of Winning Bidders

7.2.1 The Final Auction Bid is paid as follows:

- 100% of the Final Auction Bid to be deposited in a bank account specified by the EETT, within **ten (10) days** following the EETT's Decision announcing the successful bidders or
- 70% of the Final Auction Bid to be deposited in a bank account specified by the EETT, within **ten (10) days** following the EETT's Decision announcing the successful bidders. The remaining 30% of the Auction Bid has to be paid in three (3) equal annual installments, adjusted by the twelve month Greek government treasury bill interest rate and increased by an additional **0.25 percentage basis points (0.25%)**. The first annual installment date is set on **November 28th, 2015**.

7.2.2 The Winning Bidders will pay the annual dues as per the EETT's Regulation on General Authorisations.

7.2.3 If a Winning Bidder does not comply with any of the financial obligations described in this Article, the Participation Letter of Guarantee, or the Good Performance Letter of Guarantee will be forfeited and the awarded Right of Use will be suspended or revoked.

43 Award of Right of Use to the Winning Bidder

7.3.1 The Rights of Use will be awarded following the payment of the Final Auction Bid, the submission of the Good Performance Letter of Guarantee and the signing of the Contract (Appendix C). Exceptionally, where the Winning Bidder is a consortium or an enterprise under formation, the payment of the Final Auction Bid will be made in accordance with paragraph 7.2. However, there will be the possibility of granting the right of use, forty-five (45) days after the date of announcing the Winning Bidders. During this time period, the formation of the enterprise owning the radio frequency rights of use must be completed.

7.3.2 Where the Final Auction Bid (100% or 70%) has not been paid within **the ten (10) day** timeframe according to paragraph 8.2, or the enterprise has not been formed within forty-five (45) days from the date of announcing the Winning Bidders or the Contract has not been signed within sixty (60) days from the date of announcing the Winning Bidders, the Winning Bidder's right to be awarded the Right of Use and his participation Letter of Guarantee are forfeited.

7.3.3 Where the Winning Bidder does not fulfill the roll-out obligations for network development as defined in the Right of Use (Appendix E), the EETT may revoke the Right of Use or impose administrative sanctions as per Article 63 of Law 3431/2006.

44 Possibility of Transfer and Concession of Licences

7.4.1 The transfer of Licences requires the approval of the EETT in accordance with the law in force.

45 Return Letters of Guarantee to Participants

7.5.1 The EETT will return to the Non Winning Bidders the letters of guarantee, less any amounts withheld as a penalty, within ten (10) working days from the date of announcing the Winning Bidders. The letters of guarantee may be obtained from the EETT's offices.