

Disclaimer: This is a Romanian to English translation meant to facilitate the understanding of these Terms of Reference. Should differences appear between the Romanian version and the English version, following translation, the Romanian version shall prevail.

**TERMS OF REFERENCE
FOR ORGANISING THE COMPETITIVE SELECTION PROCEDURE
FOR AWARDING LICENCES FOR THE USE OF THE RADIO
FREQUENCY SPECTRUM IN DIGITAL TERRESTRIAL TELEVISION SYSTEM**

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Chapter 1 – Introduction

1.1. Legal framework applicable to the selection procedure

The legislation applicable to the awarding of the licences for the use of the radio frequency spectrum in the terrestrial digital system, hereinafter referred to as *licences*, is represented by:

- Audiovisual Law no.504/2002¹, with the subsequent amendments and completions;
- Government Emergency Ordinance no.111/2011² on electronic communications, approved, with amendments and completions, by Law no.140/2012;
- Government Emergency Ordinance no.22/2009³ on the establishment of the National Authority for Management and Regulation in Communications, approved by Law no.113/2010, with the subsequent amendments and completions;
- Government Decision no.403/2013⁴ for the approval of the Strategy regarding the digital switchover and the implementation of multimedia services on a national level;
- Government Decision no. ____/2013 on awarding the licences for the use of the radio frequency spectrum in the digital terrestrial television system;
- Decision of the president of the National Authority for Management and Regulation in Communications no.____/2013 on the selection procedure for the awarding of the licences for the use of radio frequency spectrum in digital terrestrial television system;
- Decision of the president of the National Authority for Management and Regulation in Communications no.629/2010⁵ on the procedure for authorising the provision of audiovisual programmes.

In accordance with the provisions of Article 59(4) of the Audiovisual Law no.504/2002, with the subsequent amendments and completions, hereinafter referred to as the *Audiovisual Law*, the licences for the use of the radio frequency spectrum in a terrestrial digital system shall be granted by the National Authority for Management and Regulation in Communications, hereinafter referred to as *ANCOM*, to multiplex operators based on a selection procedure, in accordance with the strategy regarding the digital switchover and the implementation of digital multimedia services on a national level.

Moreover, according to the Audiovisual Law, the licence awarding is bound to the payment of a licence fee to the state budget. The amount of the licence fee, the manner of conducting the selection procedures and the conditions for awarding the licences are determined by the Government Decision no. ____/2013 on awarding the licences for the use of the radio frequency spectrum in the digital terrestrial television system.

The strategy regarding the digital switchover and the implementation of multimedia services on a national level, approved by the Government Decision no.403/2013, hereinafter referred to as *The Strategy*, establishes that the following licences are available for the selection procedure:

- one national licence in the UHF (Ultra High Frequency) band, according to the criteria determined under point 3.2.1 of the Strategy;
- four national licences [three licences in the UHF band and one licence in the VHF (Very High Frequency) band], according to the criteria determined under point 3.2.2 of the Strategy;
- regional/local licences, according to the provisions under point 3.2.5 of the Strategy, depending on the technical possibilities resulted from the assignment of the rights of use granted at a national level.

¹ Published in the Romanian Official Journal, Part I, no. 534 of 22 July 2002.

² Published in the Romanian Official Journal, Part I, no. 925 of 27 December 2011.

³ Published in the Romanian Official Journal, Part I, no. 174 of 19 March 2009.

⁴ Published in the Romanian Official Journal, Part I, no. 400 of 3 July 2013.

⁵ Published in the Romanian Official Journal, Part I, no. 660 of 24 September 2010.

According to Article 59(7) of the Audiovisual Law, the technical, administrative and/or financial pre-qualification criteria, as well as the obligations that must be undertaken by the persons who obtain the licences for the use of the radio frequency spectrum in a digital terrestrial television system shall be established by the Terms of Reference elaborated with a view to organising the selection procedure, a document that takes into account the strategy.

The selection procedure to be organised is a competitive one and represents the procedure by which the right of use of the radio frequency spectrum is granted to the winners of an auction, due to the bidding of a maximum amount for the licence fee, having the minimum amount established by Government Decision as a starting point, while ensuring the fulfilment of certain technical, administrative or financial pre-qualification criteria, as applicable.

The validity of the rights to be granted by the selection procedure is subject to the provisions of Article 61¹ of the Audiovisual Law, corroborated with the provisions of points 3.2.1 and 3.2.2 of the Strategy.

1.2. Stages preceding the organisation of the selection procedure

Prior to the organisation of the selection procedure, the following stages are to be completed:

- a) approval of the Government Decision no. ____/2013 on granting the licences for the use of the radio frequency spectrum in a digital terrestrial television system;
- b) adoption of the Decision of the president of the National Authority for Management and Regulation in Communications no. ____/2013 regarding the selection procedure for granting the licences for the use of the radio frequency spectrum in a digital terrestrial television system:
 - conduct the public consultation procedure on the draft decision;
 - analyse the observations received during the consultation procedure and amending, where the applicable, the draft decision in order to take into account the comments;
 - adopt the final version of the decision.
- c) completing these Terms of Reference;
 - conduct the public consultation procedure on these Terms of Reference;
 - analyse the comments received during the public consultation procedure and amending, where the case required, the draft Terms of Reference in order to take into account the comments;
 - consolidating the final version of the Terms of Reference.
- d) publishing these and entry into force for:
 - the government decision provided under letter a);
 - the decision provided under letter b).

1.3. Definitions and terminological clarifications

Within this document:

- *"Commission"* – is the auction commission designated by decision of the ANCOM president;
- *"participant"* – is the applicant or the bidder in the selection procedure;
- *"digital terrestrial television"* – is the television system by which the television programmes are transmitted to the users by terrestrial radio means as a multiplex, in accordance with a digital television standard;
- *"digital multiplex"* – is a group of radiobroadcasting and television programme services, additional multimedia services and other associated identification data transmitted from the portable transmitters to the end-users by terrestrial radio means, using digital modulation within the limits of a standard television channel/frequency block;
- *"multiplex with a national/regional/local coverage"* – is a digital multiplex transmitted on a network with national/regional/local coverage;
- *"free to air"* – is a non-encrypted programme transmission, respectively the free reception of these programmes;
- the syntagms *"acquire/get/purchase/win/be awarded multiplexes/spectrum"* are used exclusively for the fluency of expression, with regard to the awarding of the rights for the use of the radio frequency spectrum included in the multiplexes envisaged by the selection procedure, and is a simple language convention, without reference to other legal operations related to the respective radio spectrum;
- *"DVB-T"* – Digital Video Broadcasting-Terrestrial;
- *"T-DAB"* – Terrestrial Digital Audio Broadcasting;
- *"VHF band"* – the 174-230 MHz band;
- *"UHF"* – the 470-862 MHz band;
- *"RRC06"* – the Regional Radiocommunication Conference organised with a view to planning the digital terrestrial television in parts of Region 1 and Region 3 of the International Telecommunication Union, in the VHF and UHF frequency bands;
- *"The Geneva 2006 Agreement"* – is the agreement signed by the countries participating in RRC06;
- *"The RRC06 Plan"* – is the frequency plan for digital television associated to The Geneva 2006 Agreement;
- *"allotment"* – one of the 36 areas into which the territory of Romania was splitted for the purpose of achieving The RRC06 Plan;
- *"NTFA"* – National Table for Frequency Allocation;
- *"ITU"* – International Telecommunication Union.

Chapter 2 – Object of the selection procedure

2.1. Overview

Following the RRC06, Romania signed, alongside other states from Europe, Africa and the Middle East, the Geneva 2006 Agreement. A frequency plan for digital terrestrial television in the bands currently used for by the analogue terrestrial television service VHF and UHF has been negotiated and agreed upon.

According to the Geneva 2006 Agreement, the analogue switchoff and the digital switchover process must be completed by 17 June 2015.

The RRC06 Plan, adopted following the conference, includes 6 (six) national digital terrestrial television coverages in the UHF band and 1 (one) in the VHF band, as well as a series of regional coverages. Each national coverage includes a number of 36 allotments determined taking into account the geographical configuration, as well as the administrative and demographic distribution on the territory of Romania.

After the RRC06, at the level of the European Union, there was adopted Decision no. 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme (RSPP), a document which contains a five-year policy programme for planning and harmonising the usage of the radio frequency spectrum within the European Union. The RSPP defines the policy key actions and the goals for the strategic planning and harmonisation of the radio spectrum usage in accordance with the Directives⁶ that apply to the electronic communications networks and services and support the goals and key actions outlined in the Commission Communication on the Europe 2020 Strategy, the Commission Communication on "A Digital Agenda for Europe", and is included among the 50 priority actions of the Commission Communication "Towards a Single Market Act".

According to the RSPP, all the Member States had to take, until 1 January 2013, the necessary steps in order to allow the usage of the 800 MHz [790-862 MHz (channels 61-69)] band for broadband wireless services (the First Digital Dividend). Through this measure, approximately 1.5 of the 6 UHF coverages provided in the RRC06 Plan can no longer be used.

At the 2012 World Radiocommunication Conference (WRC 2012), the agenda of the next World Radiocommunication Conference was established to include an item proposing that the 694-790 MHz band (channels 49-60) could be used for the same type of services as the 790-862 MHz band, as the European trends go towards giving up the use of this band for digital terrestrial television. The implementation of the Second Digital Dividend in the 694-790 MHz band involves freeing more than 2 digital terrestrial coverages in the UHF band.

For the purpose of ensuring a reasonable number of national coverages in the UHF band, ANCOM initiated, subsequently to WRC-12, a process of replanning and coordinating with the neighbouring countries the use of the channels in the 470-694 MHz band (channels 21-48). An important share of these radio channels have already been coordinated, others are in process of coordination.

⁶ Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive), Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services and Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities and 2002/20/EC on the authorisation of electronic communications networks and services.

Therefore, until the completion of the coordination process, channels in the 694-790 MHz band will also be used and are to be replaced according to the coordination results.

2.2. Digital television multiplexes

Through this selection procedure, 5 (five) licences will be granted:

- 1 (one) in the VHF band (channels 5-10) and
- 4 (four) in the UHF band (channels 21-60).

These licences allow the use of the radio frequency spectrum with a view to operating 5 (five) national multiplexes of digital terrestrial television.

Each of the five licences grants the right of use of certain radio frequencies with a view to operating a digital terrestrial television multiplex, through allotment at a national level.

The 5 digital terrestrial television multiplexes are encoded as follows:

- 1) Multiplex no.1 (UHF) – MUX 1;
- 2) Multiplex no.2 (UHF) – MUX 2;
- 3) Multiplex no.3 (UHF) – MUX 3;
- 4) Multiplex no.4 (UHF) – MUX 4;
- 5) Multiplex no.5 (VHF) – MUX 5.

The allotment of the channels for the digital terrestrial television multiplexes under this selection procedure is presented in Table 1 below.

Table 1 – Structure and channels of digital television multiplexes

No.	Allotment name	Chan. MUX 1	Chan. MUX 2	Chan. MUX 3	Chan. MUX 4	Chan. MUX 5	Remarks
1	ROU001- CONSTANȚA	30	44	48	21	10	
2	ROU002 -CĂLĂRAȘI	36	46	47	31	7	
3	ROU003 - BUCUREȘTI	30	37	32	34	8	
4	ROU004 -ALEXANDRIA	42	33	35	31	6	
5	ROU006 - CRAIOVA	28	37	39	34	8	
6	ROU007 - CALAFAT	21	33	35	27	5	
7	ROU008 - REȘIȚA	44	36	38	34	9	
8	ROU009 - DR. TURNU SEVERIN	40	25	47	31	6	
9	ROU010 - PETROȘANI	29	36	38	22	9	
10	ROU011 - RÂMNICU VÂLCEA	27	23	26	46	5	
11	ROU012 - PLOIEȘTI	22	41	39	21	10	
12	ROU013 – BUZĂU	28	44	27	45	5	
13	ROU014 - GALAȚI	24	29	26	33	6	
14	ROU015 - TULCEA	38	41	32	35	9	
15	ROU017 - BRAȘOV	34	29	42	35	6	
16	ROU018 – SIBIU	37	28	47	43	7	
17	ROU019 – DEVA	21	23	32	45	10	
18	ROU020 – FĂGET	28	33	26	42	5	
19	ROU021 - TIMIȘOARA	21	39(46)	27	47	8	Chan. 39 will be replaced by 46, after coordination with HUN and SRB
20	ROU022 – ARAD	21	39	35	47(34)	8	Chan. 47 will be replaced by 34, after coordination with HUN and SRB
21	ROU023 – ORADEA	44	25	27	45	5	

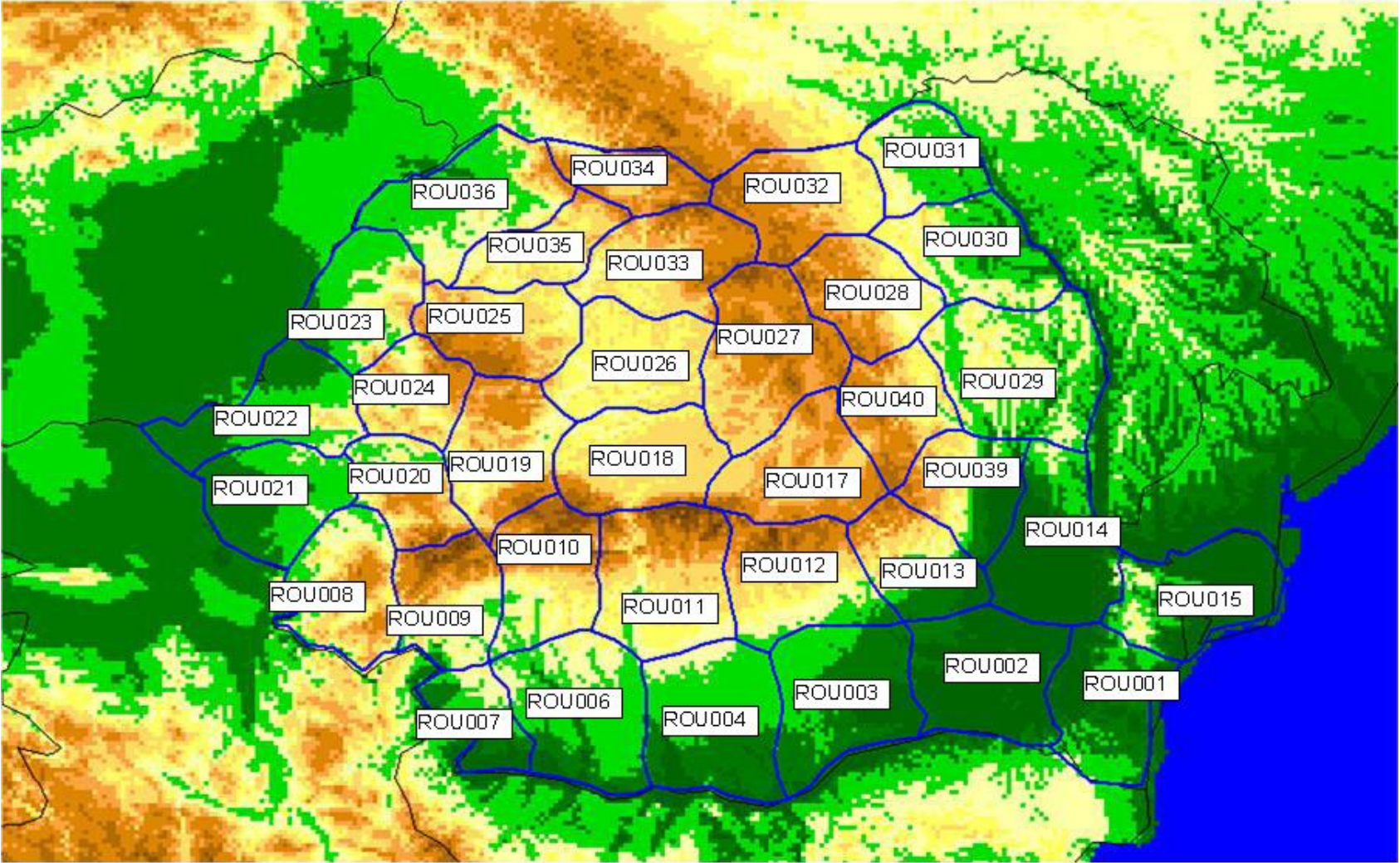
22	ROU024 – BIHOR	30	36	56(22)	43	7	Chan. 56 will be replaced by 22 after coordination with HUN
23	ROU025 - CLUJ- NAPOCA	26	33	31	42	9	
24	ROU026 - TÂRGU MUREȘ	24	25	27	36	5	
25	ROU027 – GHEORGHENI	32	33	31	39	8	
26	ROU028 - PIATRA NEAMȚ	26	30	27	48	10	
27	ROU029 – BACĂU	39	41	35	45	5	
28	ROU030 – IAȘI	43	25	58(44)	34	9	Chan. 58 will be replaced by 44 after coordination with MDA
29	ROU031 - BOTOȘANI	31	54(28)	35	45	6	Chan. 54 will be replaced by 28 after coordination with MDA
30	ROU032 – SUCEAVA	38	41	46	42	7	
31	ROU033 – BISTRIȚA	40	34	22	48	6	
32	ROU034 – SIGHET	32	25	26	43	5	
33	ROU035 – ZALĂU	30	23	35	39	8	
34	ROU036 - SATU MARE	21	37	47	28	8	
35	ROU039 – FOCȘANI	38	25	50(32)	21	9	Chan. 50 will be replaced by 32 after coordination with MDA
36	ROU040 - COMĂNEȘTI	40	23	37	36	7	

Note: ROU – Romania; HUN – Hungary, MDA – Rep. of Moldova, SRB – Serbia

The geographic coordinates, the shape and the location on the map of the allotments in the table above are presented in Annex no.5.

The location on the map of the areas specified in the table above is presented in image 1.

Image 1



2.3. General conditions for the implementation of the digital terrestrial television multiplexes

In principle, the conditions for the implementation of the digital terrestrial television multiplexes are provided in the Strategy.

According to the document presented in the previous paragraph, MUX 1 will have the obligation to broadcast free-to-air - under transparent, competitive and non-discriminatory conditions - the public and private television stations currently broadcasted in terrestrial analogue system, after 17 June 2015.

Furthermore, the other multiplexes will be enabled to provide commercial services of retransmission of the television programmes after 17 June 2015.

The multiplex capacity may be also used for the transmission of broadcasting-related services, such as subtitling, EPG (Electronic Programme Guide), digital audio broadcasting and teletext. Where part of the multiplex capacity is not used for broadcasting services, this may be used for data and Internet services, without exceeding 20% of the total multiplex capacity.

The channels highlighted in Table 1 will be used on a temporary basis, until the completion of the coordination with the neighbouring countries, as mentioned in the "Remarks" item of the respective table. The channels that will be replaced are either in the band to be allotted to the second digital dividend (Channels 49-60), or are channels allotted in two adjacent areas (e.g. at RRC06 in ROU021 and ROU022 the same channels were allotted, thus creating a larger area).

The channels assigned for allotments in the frequency table under point 2.2 will be used for establishing electronic communications networks with a view to providing television programmes in digital terrestrial format. The number and the location of the transmitters corresponding to each allotment will be chosen so as to ensure effective radio coverage of the area within the respective allotment. The effective assignments containing the technical requirements of the transmitters corresponding to each allotment will be proposed by the licence holder, while ensuring the radio compatibility between the transmitters of the network and will be verified in accordance with the provisions of the Decision of the President of the National Authority for Management and Regulation in Communications no. 629/2010 on the procedure for the authorisation of the provision of audiovisual services, a normative act that can be amended and/or completed in accordance with the legal provisions in force.

The specific conditions for the use of the channels assigned to each allotment and to each multiplex will be specified upon the licence awarding, in the assignment authorisations that are annexes to the respective licence.

Chapter 3 – Legal regime of the licences to be awarded under the selection procedure

3.1. Licence duration

The right of use will be granted for a 10-year period according to Article 61¹(1) of the Audiovisual Law, corroborated with the provisions of points 3.2.1 and 3.2.2 of the Strategy. The licence may be extended under the legal conditions.

3.2. Rights conferred by the licences

According to the provisions of the Audiovisual Law, through the licence, a person authorised in accordance with the provisions of Article 6 of the Government Emergency Ordinance no. 111/2011 on electronic communications, approved, with amendments and completions, by Law no. 140/2012, is granted the right to use the radio frequency spectrum for a determined period in the digital terrestrial system.

The holders of the licences to be granted following the selection procedure will be able to install, operate, control and make available to third parties a public electronic communications network, as well as the corresponding infrastructure, with a view to providing publicly available electronic communications services consisting of television programmes in digital terrestrial system, as well as other related services, through the use of the radio frequencies over which they will acquire rights of use following the procedure.

The holders will have the obligation to exercise their rights arising from the licence under such conditions as to ensure the effective, rational and efficient use of the radio spectrum and prevent harmful interferences.

The adoption of a good engineering system in the installation, operation and control of the electronic communications network is a necessary condition, meant to ensure higher service quality, as well as a minimum potential of harmful interference with other radiocommunication systems that operate in frequency bands according to the NTFA.

3.3. Obligations imposed under the licences

3.3.1. Radio coverage obligations

3.3.1.1. Coverage obligations for MUX 1

In accordance with the provisions of point 3.2.1 of the Strategy, MUX 1 will have to ensure a coverage, in fixed reception, of 90% of the population and of 80% of the national territory until 31 December 2016.

3.3.1.2. Coverage obligations for MUX 2, MUX 3, MUX 4 and MUX 5

With a view to the efficient and effective use of the allotted radio spectrum, until 1 May 2017, each of the networks corresponding to MUX 2, MUX 3, MUX 4 and MUX 5 will have to be operational with at least 36 transmitters, one in each allotment.

3.3.1.3. Coverage definition

3.3.1.3.1. The coverage quality shall be defined as follows:

- a) For indoor fixed receivers:
 - an area has "acceptable quality" coverage if reception is achieved with a probability of at least 70% of the area and a probability of 99% of the time;
 - an area has "good quality" coverage if reception is achieved with a probability of at least 95% of the area and a probability of 99% of the time.
- b) For portable indoor or outdoor receivers:
 - an area has "acceptable quality" coverage if reception is achieved with a probability of at least 70% of the area and a probability of 99% of the time;
 - an area has "good quality" coverage if reception is achieved with a probability of at least 95% of the area and a probability of 99% of the time.
- c) For mobile outdoor receivers:
 - an area has "acceptable quality" coverage if reception is achieved with a probability of at least 90% of the area and a probability of 99% of the time;
 - an area has "good quality" coverage if reception is achieved with a probability of at least 99% of the area and a probability of 99% of the time.

3.3.1.3.2. An area is covered with a quality according to the above definitions if – at any point of the respective area – the following parameters are observed:

- a) the carrier-to-noise ratio measured at 10 m above the ground for the fixed reception and at 1.5 m above the ground for the mobile receivers is higher or equal to the "minimum C/N necessary to the system" value (as exemplified in the set of recommended system options - Table 7 from paragraph 3.3.2.7);
- b) the level of the field strength measured at 10 m above the ground for the fixed reception and at 1.5 m above the ground for the mobile receivers is higher or equal to the "Minimum usable field" values (as exemplified in the set of recommended system options - Table 7 from paragraph 3.3.2.7).

Remark: The level of the field strength regarding indoor reception refers to the level of the field strength measured outdoor with a reception antenna situated at the same height above the ground.

3.3.2. Obligations regarding compliance with certain technical and operational conditions of the radio spectrum usage

3.3.2.1 Channel arrangement in the VHF and UHF

The arrangement and numbering of the digital television channels in the VHF and UHF bands are presented in Table 3 and, respectively, Table 4.

Table 3 – Channel arrangement in the VHF band

Channel number	Channel limits (MHz)
5	174-181
6	181-188
7	188-195
8	195-202
9	202-209
10	209-216
11	216-223
12	223-230

Table 4 – Channel arrangement in the UHF band

Channel number	Channel limits (MHz)	Channel number	Channel limits (MHz)	Channel number	Channel limits (MHz)
21	470-478	38	606-614	55	742-750
22	478-486	39	614-622	56	750-758
23	486-494	40	622-630	57	758-766
24	494-502	41	630-638	58	766-774
25	502-510	42	638-646	59	774-782
26	510-518	43	646-654	60	782-790
27	518-526	44	654-662	61	790-798
28	526-534	45	662-670	62	798-806
29	534-542	46	670-678	63	806-814
30	542-550	47	678-686	64	814-822
31	550-558	48	686-694	65	822-830
32	558-566	49	694-702	66	830-838
33	566-574	50	702-710	67	838-846
34	574-582	51	710-718	68	846-854
35	582-590	52	718-726	69	854-862
36	590-598	53	726-734		
37	598-606	54	734-742		

3.3.2.2 Terrestrial television system

The television standard used both in the VHF band and in the UHF band will be DVB-T2 (Digital Video Broadcasting Terrestrial Second Generation), adopted through the standard ETSI EN 302 755 v1.3.1 (04.2013) "Digital Video Broadcasting (DVB); Frame Structure channel coding and modulation for a second generation digital terrestrial television system (DVB-T2)".

The encoding standard will be MPEG 4, according to the standard ISO/IEC 14496 "Information Technology – Coding of audio-visual objects".

During RRC-06, the DVB-T and T-DAB systems were established as the ones envisaged by the RRC06 Plan, the signatory countries of the Geneva 2006 Agreement accepting these systems as the only ones for which the plan and its entries could be amended. Therefore, Article 4 of the Geneva 2006 Agreement, establishing the procedures for amending the RRC06 Plan and for the

coordination with other services with primary status in these frequency bands, was elaborated with special consideration of the above-mentioned systems.

Nevertheless, Article 5 of the Geneva 2006 Agreement allows that, if an administration intends to implement a plan entry with another digital system (e.g. DVB-T2 or other preferred digital system), it may do so in compliance with the provisions of Article 5.1.3 of the Agreement. The text provides:

“ A digital entry in the Plan may also be notified with characteristics different from those appearing in the Plan, for transmissions in the broadcasting service or in other primary terrestrial services operating in conformity with the Radio Regulations, provided that the peak power density in any 4 kHz of the above-mentioned notified assignments shall not exceed the spectral power density in the same 4 kHz of the digital entry in the Plan. Such use shall not claim more protection than that afforded to the above-mentioned digital entry. ”

For the implementation of the DVB-T2 system it is essential that the DVB-T assignments and allotments in the RRC06 Plan be used, in order to avoid a re-planning process, thus hindering the introduction of the DVB-T2 system.

Following the above-mentioned requirements, one of the conditions for using the DVB-T2 system is that the emission systems using the specifications of the DVB-T2 standard should observe the interference levels and the spectrum mask such as defined during GE06 and should not produce greater interferences than the DVB-T system.

In comparison with the DVB-T system, as planned in RRC06, the DVB-T2 system:

- has the same (or better) values of the protection ratios and comparable values of the minimum fieldstrength usable for various implementation options;
- can use the same polarisation as the digital entries in the Plan;
- can provide the same coverage area using the same or a lower radiated power;
- holds the same (or lower level) of the spectrum power density for system options that occupy the same band and use the same number or a greater number of OFDM (FFT no.) carriers, for the same values of the radiated power.

Therefore, the protection ratios, as well as the calculation methods for the electromagnetic fields at the border of each allotment must correspond to the ones provided in the Geneva 2006 Agreement.

The DVB-T2 system allows sufficient flexibility as regards the number of system variants equivalent to the DVB-T system variants, i.e. maintain the same service area and the possibility of using assignments that comply with the provisions of Article 5.1.3 of the Geneva 2006 Agreement. As well, the spectrum mask of the DVB-T2 signal must match the one provided in diagram 3-3 and table 3-11 of the Geneva 2006 Agreement. Nevertheless, there are certain DVB-T2 system variants with an extended number of carriers for the 7 MHz band that are not compatible with the “plan entry” concept in Article 5.1.3 of the Agreement.

The DVB-T2 system variants compatible with the RRC06 Plan are presented in Tables 5 and 6.

Table 5 – DVB-T2 system variants compatible in VHF (7 MHz channelling)

Modulation	Number of carriers	Encoding rate	Empty interval
QPSK or 16-QAM or 64-QAM or 256-QAM	2k	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/32, 1/16, 1/8, 1/4
	4k	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/32, 1/16, 1/8, 1/4
	8k	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/128, 1/32, 1/16, 19/256, 1/8, 19/128, 1/4
	16k	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/128, 1/32, 1/16, 19/256, 1/8, 19/128, 1/4

	32k	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/128, 1/32, 1/16, 19/256, 1/8, 19/128
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Table 6 – DVB-T2 system variants compatible in UHF (8 MHz)

Modulation	Number of carriers	Encoding rate	Empty interval
QPSK or 16-QAM or 64-QAM or 256-QAM	2k	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/32, 1/16, 1/8, 1/4
	4k	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/32, 1/16, 1/8, 1/4
	8k	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/128, 1/32, 1/16, 19/256, 1/8, 19/128, 1/4
	16k	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/128, 1/32, 1/16, 19/256, 1/8, 19/128, 1/4
	32k	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/128, 1/32, 1/16, 19/256, 1/8, 19/128
	8k extended	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/128, 1/32, 1/16, 19/256, 1/8, 19/128, 1/4
	16k extended	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/128, 1/32, 1/16, 19/256, 1/8, 19/128, 1/4
	32k extended	1/2, 3/5, 2/3, 3/4, 4/5, 5/6	1/128, 1/32, 1/16, 19/256, 1/8, 19/128

Another parameter that must be taken into account in establishing the DVB-T2 system variant is the pilot pattern (PP).

The DVB-T2 system variants that may be implemented are obtained by combining the parameters in Table 5 and, respectively Table 6, as well as by choosing a corresponding pilot pattern.

The pilot signals are carriers that do not contain concrete data, but are used for information regarding the channel estimate, equalization, error correction and synchronisation, DVB-T2 receivers using these pilot signals to make channel measurements and to estimate the channel response for each OFDM cell, so that the distortions of the received signal should be corrected to a certain extent.

Within the DVB-T2 system, there are 8 pilot patterns available, from PP1 to PP8. Due to the fact that the pilot patterns are suitable to certain radio channel types, the range of these patterns offers, in the network planning, a greater freedom of choice with respect to the transmission manner and the pilot pattern depending on the desired type of transmission channel or type of reception.

In choosing the pilot matrix, the winners of the selection procedure will take into consideration the following key factors:

- **Doppler Performances:** patterns with a higher repeating sequence, where the pilot signals repeat each second OFDM symbol, offer a good Doppler performance; for the networks where the Doppler factor is essential (networks designed for mobile and nomadic reception), PP2, PP4 or PP6 are best suited;
- **Capacity:** the less dense the pilot signal network, the greater the data transmission; although the trend goes toward having a greater capacity, a reduction in the pilot signals will affect other network performances (e.g. Doppler);
- **The number of FFT carriers and the empty interval:** not all the pilot patterns may be used for any combination between the number of carriers and the empty interval; the usable structures are presented in Table 7;
- **The carrier-to-noise ratio (C/N):** the carrier-to-noise ratio depends on the pilot pattern; thus, if the carrier uses a denser pilot signal network, it will need a higher carrier-to-noise ratio; where the carrier-to-noise ratio is a key factor, matrixes with a lower density of pilot signals must be chosen, such as PP6 or PP7.

A PP1 matrix offers greater carrier resilience to self-interference, whereas PP6 and PP7 are the most vulnerable to self-interference.

Table 7 – Pilot patterns that may be used for a certain combination between the number of carriers (FFT) and the empty interval

FFT size	Empty interval						
	1/128	1/32	1/16	19/256	1/8	19/128	1/4
32k	PP7	PP4 PP6	PP2 PP8 PP4	PP2 PP8 PP4	PP2 PP8	PP2 PP8	<i>n/a</i>
16k	PP7	PP7 PP4 PP6	PP2 PP8 PP4 PP5	PP2 PP8 PP4 PP5	PP2 PP3 PP8	PP2 PP3 PP8	PP1 PP8
8k	PP7	PP7 PP4	PP8 PP4 PP5	PP8 PP4 PP5	PP2 PP3 PP8	PP2 PP3 PP8	PP1 PP8
4k, 2k	<i>n/a</i>	PP7 PP4	PP4 PP5	<i>n/a</i>	PP2 PP3	<i>n/a</i>	PP1
1k	<i>n/a</i>	<i>n/a</i>	PP4 PP5	<i>n/a</i>	PP2 PP3	<i>n/a</i>	PP1

3.3.2.3 Types of reception

The digital terrestrial television network may be implemented for various types of reception, using a corresponding DVB-T2 system variant, a combination of the parameters in the Tables 5, 6 and 7.

3.3.2.3.1. Fixed reception

The fixed reception is defined as reception with a directive antenna mounted on buildings. In the calculation of the electromagnetic field for the fixed reception, an antenna height of 10 m above the ground will be considered.

3.3.2.3.2. Portable reception

Portable reception is defined as stationary reception or reception in slow motion (walking). Portable reception may be of two types:

- Class A: outdoor portable reception:
 - ✓ with an external antenna or a receiver-integrated antenna
 - ✓ at an antenna height of at least 1.5 m above the ground at slow motion speeds or at a standstill.
- Class B: indoor portable reception:
 - ✓ with an external antenna or a receiver-integrated antenna
 - ✓ at an antenna height of at least 1.5 m above the ground at slow motion speeds or at a standstill
 - ✓ on the groundfloor, in rooms with a window on an external wall.

In this type of reception, the portable receiver is considered to be steady during reception, while large objects around keep their position.

3.3.2.3.3. Mobile reception

Mobile reception is defined as reception by a moving receiver with an antenna height of no less than 1.5 m above the ground. Moving speeds may range from that of a walking person to that of a car on a highway or that of fast trains.

3.3.2.3.4 Handheld reception

3.3.2.3.4.1 Portable handheld reception

Portable handheld reception is defined as reception at a standstill or in slow motion (walking). Compared to the portable reception defined under 2.2.3.3.2, the reception antenna gain differs. Portable handheld reception may be categorized into two classes:

- Class H-A: outdoor portable handheld reception
 - ✓ with an external antenna or a receiver-integrated antenna
 - ✓ at an antenna height of at least 1.5 m above the ground at slow motion speeds or at a standstill.
- Class H-B: indoor portable handheld reception
 - ✓ with an external antenna or a receiver-integrated antenna
 - ✓ at an antenna height of at least 1.5 m above the ground at slow motion speeds or at a standstill
 - ✓ on the groundfloor, in rooms with a window on an external wall.

3.3.2.3.4.2 Mobile handheld reception

Mobile handheld reception may be categorized into two classes:

- Class H-C: handheld reception inside a moving vehicle
 - ✓ with the receiver antenna connected to the vehicle external antenna
 - ✓ at an antenna height of at least 1.5 m above the ground at high speeds
- Class H-D: handheld reception inside a moving vehicle
 - ✓ without a connection between the receiver antenna and the vehicle external antenna
 - ✓ with an external antenna or a receiver integrated antenna
 - ✓ at an antenna height of at least 1.5 m above the ground at high speeds.

3.3.2.4. Network types

3.3.2.4.1. Multifrequency network (MFN)

A network of transmitters using several RF channels.

3.3.2.4.2. Single-frequency network (SFN)

A network of synchronized transmitters radiating identical signals in the same RF channel.

3.3.2.5. Polarisation

The RRC06 plan, for the segment dedicated to Romania, has been elaborated taking into account that the assignments within the allocations will have vertical polarisation, in order to facilitate the implementation of digital multiplexes also in case of portable/mobile reception.

Nevertheless, the multiplexes may be implemented also for the fixed reception, using the horizontal polarisation for assignments, which requires a case-by-case analysis of each situation and the possibility of imposing power restrictions, with a view to ensuring compatibility with the co-channel allotments in the country or in the neighbouring countries.

3.3.2.6. The field values used for the implementation of digital terrestrial television networks (according to the ITU-R BT.2254/2012 Report).

Taking into account the many DVB-T2 system variants, obtained from combining the parameters of this television standard, data regarding the field values used in planning the network for each of them are difficult to be provided.

Based on the reception type, there is a set of recommended system variants (Table 8), so as to ensure both the network resilience and an increased capacity of the data transmitted.

Table 8 – Reception types, DVB-T2 system variants, carrier-to-noise ratio (C/N)

Reception type	Recommended DVB-T2 option	C/N (dB)
Fixed	256-QAM, FEC 2/3, 32k, PP7(MFN) / PP2(SFN)	20
Outdoor portable/urban (Class A)	64-QAM, FEC 2/3, 32k, PP4	17.9
Indoor portable/urban (Class B)	64-QAM, FEC 2/3, 16k, PP1	18.3
Mobile/rural	16-QAM, FEC 1/2, 8k, PP1	10.2
Outdoor portable handheld (Class H-A)	16-QAM, FEC 1/2, 16k, PP3	9.8
Outdoor portable handheld (Class H-D)	16-QAM, FEC 1/2, 8k, PP2	10.2

In Tables 9 and 10 the fieldstrength values for planning the networks based on the reception type for the VHF and UHF bands are presented.

Table 9 – DVB-T2 in VHF

Reception type	Fixed	Outdoor portable/urban	Indoor portable/urban	Outdoor portable handheld	Mobile handheld with an integrated antenna (class H-D)
Parameter					
Required carrier-to-noise ratio C/N (dB)	20	17.9	18.3	9.8	10.2
System variant	256-QAM, FEC 2/3, 32k, PP7(MFN)/PP2(SFN)	64-QAM, FEC 2/3, 32k, PP4	64-QAM, FEC 2/3, 16k, PP1	16-QAM, FEC 1/2, 16k, PP3	16-QAM, FEC 1/2, 8k, PP2
Data capacity (Mbit/s)	30-35	22-25	19-24	10-13	10-12
Probability of covered locations (%)	70	70	70	70	90
Minimum usable field ¹⁾ (dB μ V/m)	41.3	52.4	62.4	51.1	64.1
Probability of covered locations (%)	95	95	95	95	99
Minimum usable field ¹⁾ (dB μ V/m)	47.4	58.5	69.2	57.2	70.3

The values in Table 9 are established for the 200 MHz frequency and for a 7 MHz bandwidth.

¹⁾ These values are determined for a receiver antenna height of 10 m for the fixed reception and of 1.5 m for the other reception types.

Table 10 – DVB-T2 in UHF

Reception type Parameter	Fixed reception	Outdoor portable/urban	Indoor portable/urban	Mobile/rural	Outdoor portable handheld	Mobile handheld with an integrated antenna (class H-D)
Required carrier-to-noise ratio C/N (dB)	20	17.9	18.3	10.2	9.8	10.2
System variant	256-QAM, FEC 2/3, 32k, PP7(MFN) / PP2(SFN)	64-QAM, FEC 2/3, 32k, PP4	64-QAM, FEC 2/3, 16k, PP1	16-QAM, FEC 1/2, 8k, PP1	16-QAM, FEC 1/2, 16k, PP3	16-QAM, FEC 1/2, 8k, PP2
Data capacity (Mbit/s)	35-40	26-29	23-28	11-14	12-15	11-14
Probability of covered locations (%)	70	70	70	90	70	90
Minimum usable field ¹⁾ (dB μ V/m)	48.2	54.1	66.8	49.5	54.2	67.5
Probability of covered locations (%)	95	95	95	99	95	99
Minimum usable field ¹⁾ (dB μ V/m)	54.3	60.2	75.9	55.2	60.6	73.7

¹⁾ These values are determined for a receiver antenna height of 10 m for the fixed reception and of 1.5 m for the other reception types.

The values in Table 10 are established for the 650 MHz frequency and for an 8 MHz bandwidth. With a view to calculating the electromagnetic field for a different frequency, a correction factor differentiated by reception type shall be used. Thus, the correction factor is $C=20\log_{10}(f/650)$, for the fixed reception, while for the mobile reception the correction factor is $C=30\log_{10}(f/650)$.

With a view to ensuring the compatibility of neighbouring allotments using the same channel, the compliance with a field strength level at any point on the allotment frame of maximum 70 dB μ V/m, for the VHF band, respectively 80 dB μ V/m, for the UHF band, will be taken into account when planning the assignments. The maximum effective radiated power of a transmitter cannot exceed 50 kW.

3.3.2.7. Technical conditions for the use of the radio spectrum in border areas

In border areas, the licence holders will only use the assigned frequencies based on the coordination with the communication administrations of the neighbouring countries, in compliance with the requirements resulting from the enforcement of the international agreements in which Romania is a party or from the international regulations regarding the frequency coordination as applicable to the assigned spectrum.

ANCOM will analyse the assignment proposals of the licence holder and, where coordination is needed, it will request the agreement of the neighbouring country involved. The coordination will be performed during a process of at least 3 months. Until the completion of the coordination process and obtaining ANCOM's approval, the licence holder will not be empowered to implement the proposed assignments.

The procedures of coordination with the neighbouring countries and of notifying the ITU on the amendments to the RRC06 Plan are those provided in the Geneva 2006 Agreement, pursuant to article 5.1.3.

Taking into account the necessity of partially replanning the radio spectrum, caused by the obligativity of freeing up the 694-862 MHz band, for part of the channels in the digital television multiplexes, the process of coordination with the neighbouring countries has not been completed yet. Therefore, on a temporary basis, channels in the 694-790 MHz frequency bands in the RRC06 Plan will be used and will be subsequently replaced by the new coordinated channels. Moreover, there are situations in the RRC06 Plan where a channel was allotted in two adjacent areas, such implementation requiring the establishment of a large SFN network. Despite the fact that the use of the DVB-T2 system is highly adequate in such situations, in order to avoid the possible implementation problems, the allotment of another channel in an adjacent area was proposed. Based on the coordination results, such situations will diminish or will disappear.

3.3.3. Obtaining the frequency assignment authorisations

A licence holder has the obligation to obtain the frequency assignment authorisation/authorisations, hereinafter referred to as FAA, in accordance with the legal provisions in force.

On the date of publishing the Terms of Reference, the procedure for obtaining an FAA is regulated by Articles 26-27 of the ANCOM President's Decision no. 629/2010.

The frequency assignments for the transmitters of the network, as well as the technical parameters defining the service area associated to the assigned frequencies and the characteristics of the radio signals transmitted within the network are included in the frequency assignment authorisations.

The licence holder will propose the actual assignments for each transmitter in the electronic communications network, within the limits of the allotments and under the technical operational conditions provided in the licence.

Taking into account the technical conditions considered in the establishment of the RRC06 plan, with a view to observing the compatibility between co-channel allotments, the assignments will be so designed as to avoid the use of very high sites, which could be accepted only in certain cases following the analysis of the technical proposals submitted to ANCOM, based on the channel configuration in the neighbouring allotments and in the neighbouring countries.

3.3.4. Obtaining the technical authorisation

The transmitter/stations can be effectively used upon obtaining the technical authorisation/authorisations, hereinafter referred to as TA, in accordance with the legal provisions in force.

On the date of publishing the Terms of Reference, the procedure of obtaining the technical authorisation is regulated by Articles 33-35 in the ANCOM President's Decision no. 629/2010.

3.4. Transfer of the usage rights

The rights to be granted by the selection procedure may be transferred, under the legal provisions, unless upon obtaining ANCOM's prior approval, the consultative advice of the National Audiovisual Council and only with the new holder's commitment to fulfill all the obligations associated to the licence.

The legal provisions that currently regulate the transfer of the frequency usage rights are the following:

- Article 66(2) of the Audiovisual Law;
- Chapter IV – "Transfer of the frequency usage rights" in the ANCOM President's Decision no. 629/2010.

3.5. Amounts to be paid by the licence holders

The winners of the selection procedure organised with a view to awarding the rights for the use of the radio frequency spectrum will take into account the following:

- payment of the licence fee established following the selection procedure under the terms of Article 59(5) of the Audiovisual Law and of the Government Decision no. ____/2013 on granting the licences for the use of the radio frequency spectrum in the digital terrestrial television system;
- payment of the spectrum usage tariff, charged annually pursuant to the provisions of Article 62 and Article 62¹ of the Audiovisual Law, as well as of the ANCOM President's Decision no. 551/2012 on establishing the spectrum usage tariff, with the subsequent amendments and completions.

3.6. Assessment methodology and control of compliance with the obligations

In assessing the coverage conditions, only the coverage of the transmitters for which the technical authorisation was obtained under the legal provisions will be taken in consideration.

The coverage obligation under 3.3.1.1 will be checked for a level of the field strength corresponding to an "acceptable" coverage quality, as defined under 3.3.1.3.1. letter a).

Thus, for fulfilling the coverage requirement under 3.3.1.1, a holder will submit, within 5 working days since the deadline under 3.3.1.1, a documentation containing the justification for the coverage of the MUX 1 transmitter network, as follows:

- the total coverage of the territory will result from totalling the coverages achieved in each allotment, as per the technical designs of each transmitter (in case of a single transmitter) or of each network of synchronised transmitters within the respective allotment, submitted by the licence holder with a view to obtaining the technical authorisation, approved by ANCOM and checked on site, through measurements; there will be taken into account the transmitters in operation on the date of 31 December 2016;
- the coverage in population will result from totalling the population corresponding to the localities covered within each allotment, as per the technical designs of the transmitters submitted by the licence holder with a view to obtaining the technical authorisation, approved by ANCOM and checked on site, through measurements; the transmitters in operation on the date of 31 December 2016 will be taken into account; for the partially covered localities, the population evenly distributed throughout the territory of the locality will be considered, the value of the coverage in population to be considered being the fraction of the total population of the locality represented by the ratio between the area covered and the total area of the locality.
- in calculating the coverage in population, the values made available by the National Statistics Commission will be used.

For the purpose of checking the territory coverage, the provisions of Recommendation ITU-R SM.1875-1 will be applied, with the following specifications:

- 1) the coverage of each allotment within the reach of MUX 1 will be checked;
- 2) the area to be checked will be the one estimated in the technical documentation submitted by the holder for each allotment;
- 3) at least the following parameters will be measured: level of the field strength and the C/(I+N) ratio.

In order to fulfil the coverage obligation provided under 3.3.1.2, the licence winner will have to install at least one transmitter in each of the 36 allotment areas, which must be in operation and hold a valid TA as of 1 May 2017.

The transmitter will be installed in a location within the allotment and will function on the channel allotted to the multiplex for the respective area, observing the parameters in the assignment authorisation issued by ANCOM.

3.7. Licence amendment and withdrawal of the usage right

The licences awarded following the selection procedure may be amended under the provisions of Articles 28-29 of the ANCOM President's Decision no. 629/2010.

ANCOM will amend or revoke the licences, as the case may be, also following the occurrence of one of the following situations:

- transfer of rights;
- withdrawal of the rights, as applicable, under the provisions of the Audiovisual Law;
- amendment of the technical conditions provided in the licence following the conclusion/completion of the international coordination process.

“Serious infringement” of the obligations provided in the licence will be deemed the failure to comply with the coverage obligations laid down in these Terms of Reference or breach of the conditions regarding the effective, rational and efficient use of the radio spectrum.

The usage right conferred by the licence ceases under the provisions of Article 42 of the ANCOM President’s Decision no. 629/2010.

Chapter 4 – Selection procedure

4.1. Multiplexes available and applicable restrictions

4.1.1. Description of the multiplexes offered within the procedure

An amount of 5 (five) digital terrestrial television multiplexes will be auctioned out, 4 (four) of which in UHF and 1 (one) in VHF, divided into 3 categories: A, B and C, according to the description in Table 11.

According to the Strategy, MUX 1 will have the possibility of broadcasting “free to air” the public and private television stations that are currently broadcasted in analogue terrestrial system under transparency, competitive and non-discriminatory conditions, after 17 June 2015. Moreover, according to the Strategy, this multiplex will have to ensure a coverage in fixed reception of 90% of the population and of 80% of the territory by 31 December 2016.

MUX 2, MUX 3, MUX 4 and MUX 5 will have the possibility of providing the commercial services of television programme retransmission after 17 June 2015.

Table 11 – Digital television multiplexes available

Category	Multiplex	Band	Use
A	MUX 1	UHF	17.06.2015 –17.06.2025
B	MUX 2	UHF	17.06.2015 –17.06.2025
	MUX 3		
	MUX 4		
C	MUX 5	VHF	17.06.2015 –17.06.2025

4.1.2. Reserve price (minimum licence fee) and eligibility points

Each multiplex has an associated reserve price (minimum licence fee) and a number of eligibility points.

The reserve price is equal to the minimum licence fee for each multiplex.

The eligibility points are “quotations” of the multiplexes submitted to the selection procedure, counting as a “trading stock” in acquiring the rights of use corresponding to the respective multiplexes. The bidders “purchase”, once with the submission of the initial bid form and of the participation bond, a certain budget of eligibility points, corresponding to the maximum number of multiplexes for which a bidder participates in the auction.

Eligibility is, therefore, a qualification pre-requisite for acquiring the rights of use over a certain quantity of the radio spectrum and may vary during the auction, according to the activity rules (Section 5.3.5). The eligibility of a bidder in a certain round is the number of eligibility points available to the respective bidder in the respective round, defining the respective bidder’s qualification for acquiring the spectrum quantity corresponding to the respective number of points, should the auction be over in the respective round.

Table 12 – Reserve prices and eligibility points
for the multiplexes available during the selection procedure

Category	Number of multiplexes	Band	Reserve price (licence fee)	Eligibility points
A	1	UHF		1
B	3	UHF		1
C	1	VHF		1

4.1.3. Limitations to acquiring the usage rights

The usage rights that a bidder may acquire following the selection procedure are not limited.

4.2. Overview of the procedure

4.2.1. Launching the procedure

The selection procedure is launched by publishing an auction notice on ANCOM's website (www.ancom.org.ro). The form and content of the notice are established by ANCOM.

4.2.2. Stages of the procedure

The competitive selection procedure is structured by four stages:

- Application stage;
- Qualification stage;
- Auction stage;
- Licence awarding/handing out stage.

4.2.3. Calendar of the procedure

An approximate calendar of the selection procedure is outlined in Table 13 below.

Table 13 – Approximate calendar of the selection procedure

ANCOM may extend the deadlines provided in this table depending on necessities or these may be hastened where the term reserved for an ANCOM action can be shortened. The time intervals reserved for a bidder's action cannot be shortened.

No.	Activity	Date/Period
1	Publish the auction notice (start the procedure) and Terms of Reference (final version)	Anticipated deadline: _ February 2014 ⁷ (Deadline X)
2	Deadline for submitting clarification requests	X+2 weeks
3	Publish the answers to the clarification requests	7 days from each request
4	Deadline for receiving the applications (including the participation bond)	X+6 weeks
5	Announcing the qualified/unqualified applications	X+7 weeks
6	Enter complaints	2 days from the announcement regarding the qualification
7	Solving the complaints	3 days from the entry of a complaint
8	Announcing that: a) the organisation of the auction stage is required; b) the organisation of the auction stage is not required.	X+8 weeks
9	Organising the rounds (auction stage)	X+10 weeks
10	Completing the procedures	30 April 2014
11	Awarding/handing out the licences	16 June 2014

⁷ The deadline is not fixed and ANCOM may change it.

4.3. Rules regarding participation in the selection procedure

Only the persons that purchased these Terms of Reference can participate in the selection procedure. The price of the Terms of Reference is RON 4000. The Terms of Reference may be obtained from the ANCOM headquarters in 2 Delea Nouă Street, Bucharest, Sector 3, , or, upon the buyer's request, may be sent to the respective buyer in physical or electronic format, upon presentation by the interested person of:

- a document proving the payment of a non-refundable amount of RON 4,000, representing the countervalue for the Terms of Reference, either at the ANCOM pay desk in 2 Delea Nouă Street, Sector 3, or in the ANCOM account no. RO03TREZ7005025XXX000274 opened with the Activity of Treasury and Public Accountancy of Bucharest, whereas the payment order must specify ANCOM as the **Beneficiary** and that the payment represents the countervalue for the Terms of Reference.
- the mandate, in original, of the person delegated to take the Terms of Reference.

Where the countervalue for the Terms of Reference is paid from abroad, the interested persons may pay the amount specified in the previous paragraph, in euro, at the exchange rate communicated by the National Bank of Romania, valid on the day of payment, into the account no. RO86RNCB0082044181470003 opened with the Romanian Commercial Bank – Unirea Branch.

By submitting the application form, the participant unconditionally and irrevocably accepts the rules regarding the participation in the selection procedure provided in Sections 4.3.1 to 4.3.5, as well as the sanctions applicable in the event of breaching these rules, provided for in Section 4.3.6.

4.3.1. Rules on the participants' independence

A applicant/bidder who is a member of another applicant's/bidder's group cannot take part in the selection procedure with an independent offer.

With a view to enforcing this rule, the concept of "applicant's/bidder's group", has the meaning set, for the purposes of verifying the economic concentrations, in the Instructions on the concepts of economic concentration, involved company, full operation and turnover issued by the Competition Council, implemented by Order of the Competition Council's president no. 386/2010.

In this respect, the concept "applicant's/bidder's group" is defined as including the following entities:

- a) the applicant/bidder;
- b) the companies in which the applicant/bidder directly or indirectly:
 - (i) holds more than half of the social capital or of the operating capital; or
 - (ii) has the competence to exercise more than half of the voting rights; or
 - (iii) has the competence to name more than half of the members of the supervisory board or of the management board; or
 - (iv) has the competence to name more than half of the members of the bodies which legally act on behalf of the respective companies or has the right to lead the activities of the respective companies;
- c) the companies that hold within the applicant/bidder the rights or competences specified under letter b);
- d) the companies in which a person holds within the applicant/bidder the rights or competences enlisted under letter b);

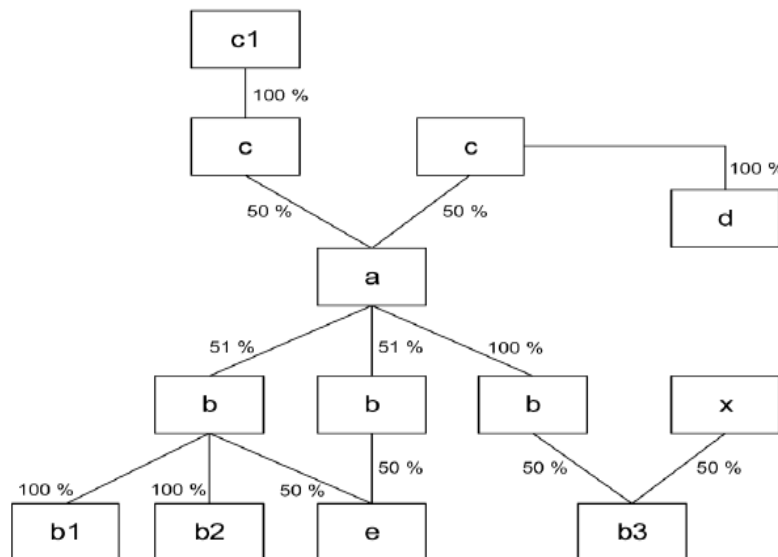
- e) the companies within which two or more of the persons provided under letters a) to d) hold together the rights or competences under letter b).

The competences regarding the exercise of the voting rights or the appointment of certain members, mentioned under letter b) may result from a *de jure* situation (constitutive act, contractual agreements etc.) or *de facto* (the competences are exercised *de facto*, in the absence of certain provisions). The exercise of competences due to a *de facto* situation will be determined pursuant to the specifications of the Regulation of 5 August 2010 on economic concentrations, enforced by the Competition Council President's Order no. 386/2010, with the subsequent amendments and completions.

The right to lead the activity of the company may result, among others, from holding the voting rights (standalone or in combination with contractual agreements, such as the shareholders' agreement) which allows for establishing the strategy for a company, based on certain rightful stable elements. The right to lead also includes situations where an applicant/bidder holds, jointly with third parties, the right to manage the activity of a (joint stock) company.

The diagram below contains a graphic example of the concept of "applicant's/bidder's group".

Diagram 2 – Example of structure of an applicant's/bidder's group



Legend of the represented categories:

a = applicant/bidder;

b = applicant's/bidder's subsidiaries;

b1, b2 = subsidiaries of the companies in category "b";

b3 = companies jointly held by the "b" category companies with third parties;

c = the applicant's/bidder's parent companies;

c1 = the parent companies of the companies in category "c";

d = other subsidiaries of the companies in category "c";

e = companies jointly owned by two or several companies in a group;

x = third party.

4.3.2. Rules relating to agreements between participants

The conclusion of, or the attempt to conclude, any agreements between the participants in relation to the selection procedure, during the procedure or previously to the procedure being held, is forbidden.

The scope of this interdiction covers the agreements between the applicants/bidders themselves and the agreements involving members of the groups of different applicants/bidders.

4.3.3. Confidentiality rules

The participants are forbidden to disclose confidential information to other participants or to third parties, during the procedure or previously to the procedure being held.

The scope of this interdiction covers:

- a) not only the deed of the applicant/bidder itself, but of the other companies in its group as well;
- b) the disclosure of information to the applicant/bidder itself and to other companies of that applicant's/bidder's group.

The scope of this interdiction does not include the disclosure of information to the companies of the same group, to the applicant's/bidder's employees, to its lawyers or to its consultants.

With a view to enforcing this rule, "confidential information" will mean information of any kind which concerns, directly or indirectly, the strategy of a participant within the selection procedure or any bid which a participant submitted or intends to submit within the procedure, regardless of the support of such information.

4.3.4. Rules of conduct

During the selection procedure, the participants will refrain from any action that may affect the procedure or its results, including, for example:

- a) attempts at influencing the Commission members, at hiding in any way the Commission decisions or at influencing or hindering the actions of other participants in the procedure;
- b) attempts at contacting the Commission members in any other way or on any other issues than those provided in Sections 5.1.4, 5.1.5 and 5.1.7, from the moment of opening the envelopes with the application files until the licence awarding moment;
- c) all behaviour representing a threat or a menace to the other participants or to the Commission members, irrespective of the purpose of such behaviour;
- d) endeavours to contact the other bidders, directly or indirectly, in any of the areas available to them or located on the selection procedure site.
- e) disturbing the smooth progress of the bidding rounds etc.

4.3.5. Rules regarding the provision of information to the Commission

At any moment during the selection procedure, the Commission may request the participants any specifications, documents or information, while indicating the term within which such an input must be provided, with a view to establishing or clarifying the *de facto* situation that:

- a) grounds or grounded a applicant's qualification; or

- b) could drive to assessing one or several participants' breach of the rules provided in Sections 4.3.1 to 4.3.4 above.

The participants must comply with the information requests addressed by the Commission, within the term established by it.

Taking into account the importance of ensuring the fairness of the selection procedure, the deadlines allowed by the Commission may be very short, in order to enable keeping or the prompt resuming of the normal procedure progress and/or to prevent evidence destruction, especially where there are signs of breach of the regulations provided in Sections 4.3.1 to 4.3.5.

Moreover, the participants have the obligation to provide, in the above-mentioned application file, as well as at any moment during the procedure, true, accurate and complete information. Where, subsequent to a applicant's qualification, the information grounding the qualification is modified, the respective applicant/bidder, as well as any other participant in the procedure that is aware of the respective modification has the obligation to timely inform the Commission thereon. The Commission has the obligation to analyse the modifications occurred and to review the qualification decision, if the respective modifications change the *de facto* situation based on which the qualification decision was taken to such an extent that the qualification criteria are no longer fulfilled.

4.3.6. Applicable sanctions

Where, during the selection procedure, the rules provided in Sections 4.3.1 to 4.3.5 are found to be infringed, the Commission will proceed to disqualifying all the participants involved from the procedure and to enforcing the participation bond/bonds submitted by them. The situation where breach of the regulations provided in Section 4.3.1 is assessed during the qualification stage is excepted. In this situation, the rules provided in Section 4.6.2. apply.

Where a breach of the above-mentioned regulations is found after the licence awarding, ANCOM may revoke the licences granted to the participants involved and/or may enforce the participation bonds submitted by them, as applicable.

4.4. Participation bond

4.4.1. Bond format

The participation bond will be set up as a letter of bank guarantee issued by a banking company and will be presented, in original, as part of the application file, in the amount provided in Section 4.4.2 and for the period specified in Section 4.4.3.

The bond must be irrevocable.

The letter of bank guarantee must provide that payment is to be performed instantly, respectively upon ANCOM's first and simple request, based on the Authority's statement regarding the bidder's assessment as liable for one of the bond execution situations mentioned in Section 4.4.4.

The participation bond may consist of several letters of bank guarantee, which may be issued by different banking companies, each of these letters having to comply with all the format conditions stipulated within this Section.

The participation bond will be set up in the format presented in Annex 4.

4.4.2. Amount of the bond

The amount of the bond is 25% of the price of the initial bid, determined according to Section 4.5.3.

The participation bond will be included in the application form and will be submitted as part of the application file.

4.4.3. Bond validity

The participation bond will be valid at least from the date of submitting the application file until 30 June 2014⁸.

4.4.4. Cases of bond execution

The purpose of the participation bonds is to protect ANCOM in case of the participants' misbehaviour during the procedure and to ensure in particular that:

- a) for the rights of use of the radio frequencies awarded following the selection procedure, the licence fee owed by the winning bidders is paid and the corresponding licences are issued;
- b) the applicants/bidders observe the rules regarding the participation in the selection procedure .

The participation bond is executed, upon ANCOM's first and simple request, in one of the following situations:

- a) where the winning bidder does not pay the price owed as a licence fee on the deadline, under the legal conditions;
- b) where the winning bidder gives up the right to be granted/awarded the licence for the use of the radio spectrum;
- c) where a applicant/bidder breaches the rules regarding the participation in the selection procedure established in sections 4.3.1 to 4.3.5 of these Terms of Reference.

⁸ The term will be determined in the final version of the Terms of Reference based on the deadline for paying the licence fee or the date of granting/awarding the Licence, whichever may be the last.

4.4.5. Returning the bond

The participation bond is returned to the participants in the selection procedure, to the extent that no withholdings from this have been performed, according to Section 4.4.4, as follows:

- a) to the applicants that did not qualify to the subsequent stages of the selection procedure, within 30 days from communicating the applicant's rejection;
- b) to the bidders that did not acquire rights of use of the radio spectrum following the procedure, within 30 days from the date of the Commission's communications regarding the closure of the auction stage;
- c) to the bidders that gained rights of use of the radio spectrum following the procedure, within 30 days from the date of granting/awarding the licences;
- d) in case of cancellation of the selection procedure in accordance with the provisions of Section 6.3, the participation bond will be returned to all the applicants/bidders, within 30 days from the date of communications on the cancellation of the selection procedure.

The participation bond will be returned by handing back the letter of bank guarantee in original.

4.5. Application submission stage

4.5.1. Application file

In this stage, the interested persons must submit to ANCOM an application file. Once the file submitted, the person concerned becomes a *applicant*, a quality which the respective person keeps until the decision on the admission to the superior stages of the selection procedure (when the applicant becomes a *bidder*) is communicated, or until the decision on the rejection of the application (when the respective person is eliminated from the procedure) is communicated.

The application file must contain the following documents:

- a) documents presenting the applicant's standing;
- b) the multiplex allocation application (the initial bid);
- c) the participation bond.

These documents will be presented in detail in Sections 4.5.2 to 4.5.5 below.

4.5.2. Documents presenting the applicant's standing

The application file will contain the following documents presenting the applicant's standing:

- a) the authenticated power of attorney granted to at most 3 natural persons acting on behalf of the applicant, which is to certify that these persons are authorised to engage the applicant during the selection procedure and is to show the limits of the respective power of attorney granted to each of these persons, without a limitation as to the joint signature of the mandated persons; the authenticated power of attorney is not necessary for the person mandated to legally represent the applicant;
- b) the acknowledging certificate (in original) issued by the National Trade Register Office (or other similar body from abroad) at most 30 days before the date of submitting the application file, which shows at least:
 - (i) the legal identification attributes;
 - (ii) the company life duration;
 - (iii) the main and secondary (if applicable) object of activity;
 - (iv) the value and structure of the social capital;
 - (v) the administrators/managers/representatives/mandated persons, clearly mentioning the duration of the mandate of the company's representative;
 - (vi) the non-existence of a dissolution procedure either voluntary, juridical or following the enforcement of the insolvency procedures;
 - (vii) the status of the company;
- c) the registration certificate issued by the National Trade Register Office or other similar body from abroad;
- d) the applicant's constitutive act (company contract and/or statutes), in a consolidated updated form (including all changes to date);
- e) the structure of the applicant's group, valid at the date of submitting the application file, which must include the names and addresses of all the companies listed at letters a) to e) in Section 4.3.1, as well as the connections between them;
- f) the certificate of fiscal acknowledgement of the compliance with the exigible payment obligations to the state budget, to the social insurance and special funds budgets of the taxes, contributions and other revenues, issued according to the legal regulations in force (in original);
- g) the financial statements for the last 3 years, approved under the law, according to the accounting standard applied;
- h) the statement of the applicant's legal representative regarding the capacity as a participant in the selection procedure (in original) (Annex 1).

For the foreign legal persons the above documents will be legalised and authenticated according to the provisions of the Hague Convention of 5 October 1961 abolishing the requirement of legalisation for foreign public documents for the signatory states, or according to the international law rules applicable to the other states, in a legalised translation into Romanian.

Special conditions for foreign legal persons:

- if the national legislation and the institutional system in the bidder's native country allow the precise fulfilment of the requirement, the bidder will provide the requested information in the imposed form;
- if the national legislation and the institutional system in the bidder's native country allow for obtaining this information from one or several relevant authorities, without the possibility to present it in a single document, the requirement will be deemed fulfilled upon the submission of several documents;
- if the national legislation and the institutional system in the bidder's native country do not allow for obtaining certain information from a relevant authority, this information will be presented in the constitutive act, where such information is comprised within this act, or by means of equivalent documents to those requested, upheld by a legal opinion elaborated by a form of exertion of the lawyer profession in the native country, which would have a professional liability insurance worth more than 20,000,000 euros, addressed to ANCOM, to certify that the submitted document is equivalent to the one requested in the present Section. In this situation, if the national legislation and the institutional system in the bidder's native country do not allow for obtaining certain information from a relevant authority, a statement on own liability concerning the legal impossibility to submit the information requested in the Terms of Reference is required.

As for associations, each of the members of the association must submit the documents enlisted at letters b) to h) above. The document under letter a) will be submitted by the representative of the association.

The associations must present an association agreement concluded between all the members of the association. This agreement will be presented, in original, in an authentic form and will contain at least the following elements:

- a) the names of the members of the association and the share of each of the members within the association;
- b) the legal person, member of the association, which represents the association within the present procedure;
- c) the firm engagement of all the association's members in view of submitting a joint bid during the selection procedure and in view of granting unconditional financial and/or technical support to the legal person that will be issued the licence and that represents the association;
- d) the validity period of the association agreement; this is not to cease before 30 June 2014.

In the cases where the original documents are not requested, the applicant will present a legalised copy or a copy of the documents certified by the applicant for the conformity with the original. The person making the certification for the conformity with the original and acting on behalf of the applicant must be one of the persons mandated to represent the applicant according to letter a) under the first paragraph of this Section.

4.5.3. Multiplex allocation application (the initial bid)

The frequency allocation application will necessarily be completed by one of the persons mandated to act on behalf of the applicant according to Section 4.5.2 letter a) or by the applicant's legal representative, in the form provided for in Annex 2 hereto, without deletions and/or additions, except for those imposed by the form of the document, and represents the initial bid of

the applicant, should the latter be admitted to the superior stages of the selection procedure, following the qualification stage.

In view of completing the application, the applicant will select the number of multiplexes it wishes to acquire in each of the A to C categories, using the multiple answer boxes available in the table included in the application.

Where a applicant wishes to purchase one or several multiplexes in B category, it will have to fill in the table with its preferences for the multiplexes in this category.

The price of the initial bid is established as follows:

- a) for each category, the number of multiplexes in that category included in the bid will be multiplied by the reserve price for that category (minimum licence fee), specified under Section 4.1.2; and
- b) the values determined according to letter a) will be summed up.

The initial bid must be firm, definitive, irrevocable, unconditional and valid at least until 30 June 2014.

Alternative bids are not accepted.

4.5.4. Letter of bank guarantee

The application file will contain the letter of bank guarantee, in original, in the form and amount provided for in Section 4.4, according to the model in Annex 4.

4.5.5. Elaboration and submission of the application file

4.5.5.1. Language of the documents

All the application documents will be elaborated in Romanian, including the annexes. Nevertheless, in the case of the annual financial statements of the companies, although the provision of a version in Romanian is preferable, the applicants may present only a version in English, if available.

4.5.5.2. Form of the documents

The representative authorised to engage the applicant has the obligation to number and sign each page of the application file (original and copies), as well as to attach a list of the documents submitted.

As for the documents issued by official institutions/bodies authorised therefor, the respective documents must be signed and sealed according to the legal provisions. Any deletion, addition, interlining/underlining or overwriting are valid only if endorsed by the person authorised to sign the documents. These documents will not be signed by the applicant's authorised representative.

The application file will be submitted in original and in two copies on hardcopy, certified by the applicant for conformity with the original, as well as in electronic format, on CD-ROM with full rights for the use of files, in Microsoft Word and/or Microsoft Excel and/or Adobe Acrobat format. The original copy will be signed by the representative authorised to engage the applicant.

If the application file contains confidential information, the contents will be provided in a separate annex, the applicant explicitly signalling that the respective information is confidential. ANCOM will

keep confidential this information to the extent the information is not considered public under the law.

4.5.5.3. Envelope sealing and marking

The applicant must seal the original and the copies in separate envelopes, marking the envelopes correspondingly with the wordings "ORIGINAL" and, respectively, "COPY". The envelopes will be introduced in a non-transparent and adequately closed exterior envelope. The exterior envelope must be marked with the inscription "**Application file for the participation in the selection procedure for the awarding of the licences for the use of the radio spectrum in digital terrestrial television system**", the ANCOM address and the name and address of the applicant. If the exterior envelope is not marked according to the aforementioned provisions, ANCOM is not liable for the mislaid documents or for the delayed reception of the documents.

The applicant will cover all the costs incurred by the elaboration and submission of its application file, and ANCOM will not be in any way liable for the payment of these costs, irrespective of the development or outcome of the selection procedure.

4.5.5.4. Transmission and reception of the application file

The application file will be transmitted by post with confirmation of receipt or will be submitted personally to the ANCOM headquarters in 2 Delea Noua Street, Sector 3, Bucharest, and must be received by ANCOM until _____, _____ hours ("deadline for receiving the applications"), Romania's time. The files received by ANCOM after the deadline set for receiving the applications will not be taken into consideration and are to be returned unopened to the address on the envelope. The applicant must take all measures in order to make sure that its file is received by ANCOM no later than the deadline set for receiving the applications, and will assume all the risks related to the transmission of the file, including force majeure.

ANCOM reserves the right to extend the deadline set for receiving the applications and, correspondingly, the date set for opening the envelopes containing the application files, case in which it will communicate the new deadline set for receiving the applications and, respectively, the new date set for opening the envelopes containing the application files, on its website (www.ancom.org.ro), at least 10 days before the initial deadline.

4.5.5.5. Modification of the application file

Any bidder has the right to modify or withdraw its application file only prior to the deadline set for receiving the applications and only by written request therefor, signed by one of the persons mentioned under section 4.5.2. letter a) or by the legal representative, and received by ANCOM before the deadline set for receiving the applications. While elaborating and submitting the modified documents, the applicant will need to observe the instructions provided for in Sections 4.5.6.1 to 4.5.6.4, with the amendment that the exterior envelope will necessarily be marked with the wording "**MODIFICATIONS**". If the applicant withdraws its application file after the deadline set for reception, the participation bond will not be returned.

4.5.5.6. Opening of the envelopes containing the application file

The envelopes containing the application files will be opened by the Commission on the day immediately following the deadline set for their submission.

4.5.5.7. Clarification requests

Only the persons who purchased the Terms of Reference may send clarification requests.

The interested persons may address to ANCOM requests for clarifications, in writing, at ANCOM headquarters in 2 Delea Noua Street, Sector 3, Bucharest, to the **Commission's** attention, or in electronic format, having included, attached or logically associated, an extended electronic signature based upon a qualified certificate that has not been invalidated or revoked at the respective moment and generated using a secured device for creating electronic signature, to the e-mail address **licitatiedvbt@ancom.org.ro**, until _____. ANCOM is to answer the clarification requests until _____ at the latest.

ANCOM's fax messages will be deemed transmitted when ANCOM receives the transmission confirmation generated by the fax upon sending the message.

The questions received and the answers to these questions will be communicated to all the persons who bought the Terms of Reference and will be published on the ANCOM website, without revealing the identity of the person who requested the respective clarifications.

4.6. The qualification stage

Within the qualification stage, the Commission evaluates the compliance of the applicants who submitted files during the application submission stage with a set of qualification criteria (Section 4.6.1) and, following evaluation, decides either the admission of the applicant to the superior stages of the selection procedure or the rejection of the application.

4.6.1. Qualification criteria

In order to be admitted to the superior stages of the selection procedure, the applicant must cumulatively fulfil the following qualification criteria:

- a) the applicant must be a Romanian or foreign legal person (commercial company);
- b) the applicant must have submitted all the documents provided in Sections 4.5.2 to 4.5.5, completely and correctly prepared, no later than the deadline set for receiving the applications;
- c) the life duration of the applicant company provided in its constitutive act must run until 17 June 2025, at least;
- d) the average turnover of the applicant for the last 3 years or from its setting up, if shorter than 3 years, must be of minimum 2,000,000 euros;
- e) the applicant must not be in a state of insolvency or liquidation, its business must not be managed by a syndic judge, its entire commercial activities must not be suspended or the applicant must not be in a situation similar to those previously mentioned, regulated by the law;
- f) the applicant must not be subject to a legal procedure began upon its own initiative aimed at declaring it in one of the situations provided for at letter e);
- g) the applicant must have submitted the participation bond (in original) in the form and amount specified under Section 4.4;
- h) the bidder must have fulfilled the exigible payment obligations to the state budget, the social insurance budgets and special tax funds, contributions and other revenues, ANCOM, the taxes, contributions and other revenues which benefited from payment facilitation (postponements, phasing etc.) granted by the competent bodies are not deemed exigible payment obligations, to the extent the conditions imposed at the facilitation granting were observed;
- i) the applicant must not be a member of another applicant's group;
- j) the applicant must have purchased the Terms of Reference.

As for the associations, each of the association members must fulfil all the criteria mentioned above, with the following exceptions:

- the criterion specified at letter c), which is to be fulfilled by at least one member of the association and by the person to whom the licence will be issued; and
- the criteria specified at letters d), g) and j), which are to be fulfilled by the designated representative of the association.

As for criterion specified at letter h), the obligation is to be fulfilled only in relation to budgets managed by the Romanian authorities.

4.6.2. Evaluation of the application files

After the deadline set for receiving the applications, the Commission will evaluate all the submitted application files, based on the qualification criteria (Section 4.6.1), and will decide on the admission of the applicant to the superior stages of the selection procedure or on the rejection of the application.

The Commission may request, at any time during the evaluation of the application files, any specifications, documents and/or additional information and/or clarifying documents, in view of establishing or clarifying the actual situation based on which a applicant's qualification is determined, while the rules under Section 4.3.5 and the sanctions under Section 4.3.6 will apply.

As regards the criterion under Section 4.6.1 letter i), if the Commission finds that there is a connection of the type envisaged by this criterion between two or more applicants, the Commission informs all the involved applicants on the situation found, requesting them to express in writing, within a certain term, the option for only one of these applications, to be maintained within the procedure. The non-expression of an option or the expression of several different options triggers the rejection of all envisaged applications. To avoid any doubt, in accordance with the provisions under Section 4.3.1, corroborated with Section 4.3.6, in case the abovementioned situation is discovered subsequently to the qualification stage, all the involved bidders will be excluded from the procedure.

4.6.3. Determining and presenting the applicants qualified for participation in the superior stages of the selection procedure

Following the evaluation of each application file, the Commission may take one of the following decisions:

- a) admit the application, if all the qualification criteria are met; or
- b) reject the application, if at least one of the qualification criteria is not met.

After completing the evaluation of the application files, the Commission will communicate to each applicant the admission or the rejection of its application within the procedure.

In the communication on the application admission, the applicant will be informed on the change of its status within the selection procedure into *bidder*.

In the communication on the application rejection, the applicant will be informed that it is eliminated from the procedure, specifying at the same time the reasons which grounded this decision, and that the term within which the participation bond will be returned is to be communicated in accordance with the provisions of Section 4.4.5, letter a).

The Commission will not communicate to the qualified applicants the initial eligibility of the other qualified applicants or the identity of the applicants that did not qualify for participation in the superior stages of the selection procedure.

The participation bond will be returned to the applicants who did not qualify to the superior stages of the selection procedure within 30 working days from the application rejection date. These applicants are further subject to the rules on information confidentiality provided for in Section 4.3.3, for the entire duration of the selection procedure.

4.6.4. Establishing and announcing the procedure continuation

During the qualification stage, the Commission evaluates the level of the aggregated (initial) demand of multiplexes, based on the applications forms submitted by the qualified applicants (bidders), and may take one of the following decisions:

- a) to organise the auction stage, if the aggregated demand does not exceed the number of multiplexes and there is excess demand in at least one category; in this case, the Commission will communicate to all bidders the fact that the auction stage is required, as well as the date of starting the primary rounds;

- b) to organise the auction stage, if the aggregated demand does not exceed the number of multiplexes and there is no excess demand in any category, but several bidders have preferences for some multiplexes in B category ; in this case, the Commission will communicate to all bidders the fact that the auction stage is required, as well as the date of starting the assignment round;
- c) it is unnecessary to organise the auction stage if the aggregated demand does not exceed the number of multiplexes and there is no excess demand in any category and there are no more preferences from several bidders for the multiplexes in B category , in this case, the Commission :
 - i) will communicate to each bidder the identity of the other bidders and the fact that the auction stage is not required;
 - ii) will declare as winning all the initial bids of the bidders, which will thus be designated winning bidders, and will communicate each bidder the number of multiplexes won by the respective bidder; and
 - iii) will communicate each bidder the basic price of its winning bid, which is the total price for the ensemble of multiplexes in the initial bid.

4.6.5. Complaints

A participant in the procedure may lodge a complaint regarding the rejection of its application within 2 days from receiving the communication sent by the Commission in this regard, in accordance with the provisions under Section 4.6.3.

The complaint must be made in writing and submitted to the ANCOM headquarters in 2 Delea Noua Street, Sector 3, Bucharest, by the mandated representative of the applicant, upon signature, or sent by mail, with confirmation of the receipt.

Within 3 days from the lodging of the complaints, a commission designated by decision of the ANCOM president (the "Commission for settling the complaints"), comprising other persons than those who were members of the Commission, will examine the lodged complaints. The Commission for settling the complaints may extend the 3 day term, if the examination of the complaints involves the processing of a large volume of information. The complaints lodged within the due term will be settled in the sense of admission or rejection, while the complaints lodged after the due term will be rejected without examination. The Commission for settling the complaints will conclude a minute, approved by the president of ANCOM, and will communicate each complainant the outcome of the lodged complaint, as comprised in the minute.

The Commission will establish and announce the continuation of the procedure in line with Section 4.6.4 only after the expiry of the period for lodging the complaints set in this section, and if complaints are lodged within the aforementioned period, only after the approval of the minute on the settlement of complaints, in accordance with the provisions of this Section.

4.7. Auction stage (principal stage)

The principal stage consists of one or several primary rounds, followed by one assignment round, if required.

All bids submitted during the principal stage are package bids or multiplexes packages. This means that a bid submitted in a round may only be a winner in its entirety and bidders cannot win a multiplex for which they did not place a bid.

The maximum amount of multiplexes which a bidder may obtain by auction is limited by the total number of eligibility points (Section 4.1.2).

4.7.1. Primary bid rounds

At the beginning of each primary round, the Commission communicates the bidders the price for a multiplex in each of the A to C categories. In the first primary round, the price for each of the A to C categories will be equal to the reserve price (minimum licence fee) for that category.

Each bidder is invited to submit one bid stating the number of multiplexes it wishes to bid at the given price, subject to the activity rule described below.

When the primary round is closed, demand is aggregated across all bidders and if, in the respective round, demand (represented by the total number of multiplexes requested according to the bids) exceeds the number of multiplexes available in at least one category from A to C, another primary round is scheduled.

In the subsequent round, the Commission will increase the price for multiplexes in category or categories for which the demand is exceeded for the number of multiplexes available in previous round.

The price will be increased by adding a bid increment to the price of the previous round, expressed as a percentage between 5% and 20%, as follows:

- 20% of the reserve price, to the round where the price will be equal to or will exceed 200% of the reserve price;
- 10% of the reserve price, starting with the round immediately following the one in which the value specified at the bullet above was reached until the round in which the price will reach a value equal to or will exceed 300% of the reserve price;
- 5% of the reserve price, starting with the round immediately following the one within which the value specified at the bullet above was reached or exceeded.

The primary rounds end after a round in which there is no excess demand for multiplexes in any of the categories.

During the primary rounds, bidders are subject to an activity rule whose purpose is to prevent the pointless extension of the procedure. As shown before, each multiplex has attached a number of eligibility points (Section 4.1.2). A bidder's activity in a certain round is measured as the sum of eligibility points over all the multiplexes included in its bid in that round. In any round, a bidder's eligibility is equal to that bidder's activity in the previous round.

Prior to beginning the auction, upon the set up of the participation bond, each bidder holds a budget of eligibility points (initial eligibility), which defines its qualification (maximum) for acquiring the frequency usage rights. A bidder's initial eligibility is determined by the sum of the eligibility points in all the multiplexes included in its allocation application. A bidder's activity in the first primary round cannot exceed its initial eligibility, and its activity in each subsequent primary round may not exceed its eligibility in the previous round. This means that a bidder's eligibility may remain constant or decrease throughout the primary rounds; it cannot increase. Therefore, the bidders are stimulated to bid in every round at a level that would enable them to gain the desired usage rights while avoiding the loss of qualification for their acquiring.

The winning bids, respectively the winning bidders (see Section 5.3.6) and the basic prices they must pay (see Section 5.3.7) are determined following the primary rounds.

4.7.2. Assignment round

The assignment round is organised in the following cases:

- a) after finishing the primary rounds or,
- b) after the qualification stage, where it is not necessary to organise the primary rounds, but for at least one multiplex in B category several bidders have preferences.

The purpose of the assignment round is to determine how the available multiplexes in B categories are to be distributed amongst the winners of the primary round in the relevant frequency bands and the additional prices to be paid by each winning bidder for obtaining a specific allocation.

Each bidder that has won multiplexes based on the initial bid or in the primary rounds will express its options, based on a list of pre-defined options with regard to the specific assignments provided for by the Commission.

In this regard, each winning bidder has the opportunity to bid the amount that it would be willing to pay for a given specific allocation of a multiplex or multiplexes in addition to the overall basic price it has to pay, determined by the initial bid or in the primary rounds.

Winners who are indifferent as regards a specific assignment do not have to make any bids. The combination of bids identified with the highest total value is the winning combination, and the bids compounding it are declared winners for the multiplexes in B category.

If, following the primary rounds, there is only one winning bidder in the B category, an assignment bid for the frequencies in that category is not necessary.

4.7.3. Determining the winner and establishing the licence fees

The bidders which submitted valid bids during the last primary round and the assignment round, if such is the case, are designated as the winning bidders.

These bidders will obtain the usage rights for the radio frequencies corresponding to the winning bids, with the condition that they pay a licence fee whose amount is established by applying the final price determined according to Section 5.5.

4.8. Licence awarding stage

4.8.1. Announcement of the procedure outcomes

At the beginning of the licence awarding stage, the Commission will communicate each winning bidder:

- a) the final price standing for the licence fee that the winning bidder will have to pay for obtaining the usage rights for the radio frequency it acquired during the procedure, which represents the sum between the basic price determined following the qualification stage or the primary rounds and the additional price determined following the assignment round, as the case may be;
- b) the price payment conditions and the conditions relating to the issuance of the licences.

4.8.2. Payment of the licence fees

The licence fees owed by the winning bidders following the bids submitted within the selection procedure will be paid as follows:

- a) _____⁹;

The bond is returned under the terms specified in Section 4.4.5.

4.8.3. Award of the licences

The licences are awarded to the winning bidders on 16 June 2014 under the following conditions:

- a) upon making the notification under article 6 of the Government Emergency Ordinance no. 111/2011;
- b) upon paying the license fee under the law.

In view of observing the date specified in the Audiovisual Law and the conditions set out under point 3.2.1 and point 3.2.2 of the Strategy, the licences are deemed communicated and enter into force on 17 June 2015.

⁹ Payment terms and conditions are determined by the Government Decision no. ____/2013 on awarding the licences for the use of radio frequencies in digital terrestrial system.

Chapter 5 – Auction rules

5.1. General rules of the auction stage

5.1.1. Auction location

The auction will take place at the headquarters of ANCOM-Bucharest Regional Division in 4 Lucian Blaga Street, block M110, Sector 3, Bucharest, where each bidder will be provided with a room endowed with telephone, fax and wireless Internet access connection. Also, the bidders will have access, in accordance with the rules under Sections 5.1.3, 5.1.4 and 5.1.6, in the room where the Commission is to activate, located in the proximity of the rooms made available to the bidders.

The individual location of each bidder will be established by draw on the first day of the auction stage.

During the auction, the bidders' representatives will be able to use their own technical means in view of communication.

The primary rounds and the assignment round may take place during one or several working days, as deemed necessary, between 9.00 hours and 16.00 hours.

Access of the bidders' representatives within the premises of the auction will only be allowed to the persons mandated according to Section 4.5.2. letter a); the maximum number of three mandated persons includes the legal representative, if the latter attends.

5.1.2. Bidders' information

The Commission will provide the bidders with several pieces of information before each primary round, at the end of each type of round, as well as at any time the auction process requires it. The general rules on the provision of such information are depicted under this Section, while specific rules are mainly provided under Sections 4.3.5, 5.1.2, 5.3.2, 5.3.8, 5.4.2, 5.4.5 and 5.4.7.

Information is to be made by a representative of the Commission who will go therefor in the room reserved for each of the bidders. The information forms will be drawn up in two original copies, signed by the representatives of both parties, and each of these parties is to keep their copy. The form must be signed by only one representative of a bidder. Where no representative of the bidder can be reached until the next round begins or where the representatives of the bidder refuse to sign the information form, the respective bidder will be considered to have waived its participation in the auction and the rules under Section 4.4.4 will be applied.

5.1.3. Submitting the bids

In view of submitting the bid during a certain round, a representative of each bidder will fill in and sign a specific bid form within the timeframe established for the respective round, except if the bidder makes use of one of its extension rights (Section 5.1.4). The chairman of the Commission (or the member of the Commission replacing the chairman) will note the receipt of the bid in the synoptic table of the respective round and will endorse the form submitted by the bidder for proof of non-alteration.

After each round, the chairman of the Commission (or the member of the Commission replacing the chairman) will sign the form submitted by the bidder for proof of non-alteration, will send the bidder the proof of receipt of the form and will note the receipt of the bid in the synoptic table of the respective round.

The bid forms for each type of round are to be elaborated by ANCOM and made available to the bidders prior to the launch of each type of round.

To ensure the possibility of filling in the bid form, the Commission will provide, in the locations reserved for each bidder, sufficient bid forms to allow the submission of the bids during the round that is taking place at that time, and these forms are to be handwritten in blue coloured pen.

The bids shall not be submitted before the expiry of the time allocated for exercising the right of extension under Section 5.1.4.

Before or after submitting the bid, if the Commission is just receiving another bid, the bidder's representative may wait in the location reserved therefor (the room reserved for the Commission) until the other bidders submit their bids. The receipt of the bid will be noted in the synoptic table of the respective round. After receiving the bid, the Chairman of the Commission (or the member of the Commission replacing the chairman) will sign the form submitted by the bidder for proof of non-alteration and will hand in a copy of the document to the bidder.

Once all bidders submit their bids, the bidders' representatives are invited to leave the room reserved for the Commission, in the event they chose to attend the process.

5.1.4. Extension rights

During the auction stage, each bidder has at its disposal two extension rights that may be exerted in two distinct rounds, irrespective of their type (primary or assignment).

An extension right confers the bidder additional time for submitting a bid during a certain round. The extension rights are granted to the bidders in order to protect them in the event of certain circumstances which might prevent them from submitting a bid during a certain round.

The extension right may be exerted 10 minutes before the closing of the round at the latest. The non-observance of the established timeframe stands for the refusal of exercising this right for the respective round.

The extension right may be exerted only actively and only if it has not been exerted previously by one of the bidders.

In case of exerting its extension right, the bidder will announce the Commission, during a certain round, on the occurrence of a situation that prevents it from submitting a bid during the respective round, and will require an extension period in order to submit the bid. The extension period is of 30 minutes from the scheduled closing time of the round. The extension may be required only during a certain round, and not during the recess between rounds or at another time.

The extension period has effects on all bidders, regardless of whether they hold or not extension rights at the time when the extension is granted.

On the first day of the auction stage, before launching the primary round, the Commission will hand in to each bidder two customized cards to be used as a means for requesting and granting an extension right.

The extension right is granted when the bidder's representative goes to the room reserved for the Commission and hands in to one of the Commission's members one of the cards it has at its disposal.

After receiving the extension request, a member of the Commission or a representative of ANCOM, the person ensuring the logistical support at the auction location, will go to each of the rooms reserved for the bidders and will inform them on the exertion of the extension right.

Only one extension right may be exerted during a certain round, regardless of the bidder who understands to exert this right.

5.1.5. Electronic surveillance of the auction

During the auction, the activity of the bidders and of the Commission will be electronically surveyed by means of audio-video equipment. The records will be used in view of monitoring the observance of the auction rules and will be archived by ANCOM after the procedure is completed.

5.1.6. Exceptional circumstances

In case exceptional circumstances occur during the auction, the Commission may take one of the following decisions:

- a) postpone the scheduling or the closing of a certain round or the announcement of the results of a certain round;
- b) cancel a certain ongoing round or whose results have not yet been announced and reschedule the respective round;
- c) cancel one or several rounds and the bids submitted during these rounds and resume the auction stage from a previous round;
- d) suspend the auction stage, cancel the auction stage and/or restart the auction stage.

The occurrence of an exceptional circumstance is assessed by the Commission. Such circumstances may include, for example, the occurrence of natural catastrophes, demonstrations, strikes, violent conflicts or incidents of any kind, technical faults or any other exceptional events that may disturb or hinder the activities carried out at the ANCOM headquarters, the existence of indications or acknowledgements of breaches of the rules regarding the participation in the selection procedure by one or several bidders, as well as any other exceptional circumstances that may in any way endanger the carrying out of the auction.

The bidders are obliged to immediately announce the Commission on the occurrence or imminence of an exceptional situation, and a representative of the bidder that announced this situation will go therefor to the room reserved for the Commission.

5.2. Other rules of the auction stage

5.2.1. Security measures

In the locations made available for the bidders only the mandated representatives of the bidders according to Section 4.5.2 letter a) of the Terms of Reference will have access.

The access of the bidders' representatives in the auction premises is allowed only during the rounds and only after the representatives are identified pursuant to the provisions of the first paragraph. They will be identified based on their identity act.

Where a bidder is legally represented by two or several persons (as resulting from the information available in the certificate referred to in Section 4.5.2 letter b), sub-letter (v) of the Terms of Reference), the access in the premises where the selection procedure is carried will be permitted to only one of these persons and the respective person will be expressly nominated by the bidder. The provisions of this paragraph apply in view of reasonably limiting the number of persons who can enter the individual location to be allocated to each bidder.

After verifying the identity of the bidders' mandated representatives, ANCOM will give badges to each of these persons. The badges will be worn at sight at the auction site throughout the auction stage.

In the individual location allocated to each bidder only the representatives of that bidder will have access. In view of ensuring the observance of this obligation, the activity of the bidders and of the Commission will be electronically surveyed by means of audio-video equipment.

Any intervention on the auxiliary means (e.g. cables, extensions etc.) found and made available in the location reserved for each bidder is forbidden. In case of necessity, only the ANCOM personnel can intervene, upon previously informing the Commission.

The connection of electrical accessories (extension, connector, socket adaptor etc.) to the electricity network serving the premises of the selection procedure is forbidden. In the event the bidders intend to use their equipment, this will be connected directly to the electricity network or to the electrical accessories made available by ANCOM. The rooms intended for bidders will have extensions with minimum 3 ports of shucko-220 V 50 Hz alternative power.

5.2.2. Rules regarding the bidder's communication with the Commission

In order to ensure the bidders' communication with the Commission, each bidder will designate a person who will facilitate this connection.

The bidders will communicate with the Commission by means of the person designated therefor, who will go to the room reserved for the Commission.

The designated person will go to the room reserved for the Commission only for the following purposes:

- a) submit the bid during a certain round;
- b) announce the Commission on the exertion of an extension right;
- c) communicate the explanations, the documents or the information requested by the Commission in accordance with Section 4.3.5 of the Terms of Reference;
- d) inform the Commission on the occurrence of unforeseen circumstances leading to the impossibility of submitting the bid during a certain round.

In view of observing the rules under this Section, the room reserved to the Commission will be electronically surveyed by means of an audio-video equipment in line with Section 5.1.6 of the Terms of Reference.

5.2.3. Rules regarding the Commission's communication with the bidders

The Commission will communicate with the bidders by means of one of its members, who will go to the room reserved to each bidder.

The Commission member will go to the room reserved to each bidder only for the following purposes:

- a) announce them on the exertion of an extension right by one of the bidders;
- b) inform on the occurrence of exceptional circumstances in accordance with the provisions of Section 5.1.7 of the Terms of Reference;
- c) inform each bidder in accordance with the provisions of Sections 4.3.5, 5.1.2, 5.3.2, 5.3.8, 5.4.2, 5.4.5 and 5.4.7 of the Terms of Reference.

The Commission will inform the bidders in accordance with Section 5.1.2 of the Terms of Reference.

5.2.4. Language used

The language used throughout the selection procedure is Romanian.

5.3. Rules for the primary bid rounds

5.3.1. Scheduling of the primary rounds

The rounds are scheduled by the Commission.

Rounds are exclusively scheduled one by one, and not several rounds simultaneously, considering that, depending on the result, the scheduled round may be the last one of the auction. The Commission sets the beginning date and time of the round as well as its duration (closing date and time). In principle, a round may not last less than 15 minutes and may not exceed two hours.

All rounds will be scheduled to take place between 9.00 and 16.00 hours, on working days. Each bidder must ensure on a daily basis the permanent presence of its representatives at the location chosen for the holding of the auction procedure, starting 9.00 hours and until 16.00 hours or until the receipt of the Commission's notification regarding the completion of the rounds for that respective day. The bidders will be announced about the beginning time of the round at least 15 minutes and at most 30 minutes in advance.

One or several rounds may be scheduled during the same day, and the duration of the recess between rounds is to be established by the Commission (but it cannot be shorter than 30 minutes). The rounds must begin and be completed during the same day, and round interruption by the end of the day and resumption during the next morning are not accepted. At the end of the last round of the day, the Commission will announce the bidders that no other rounds are to be organised during that respective day. Also, in case exceptional circumstances occur and justify the interruption of the auction for the rest of the day or for a longer period of time, the Commission will immediately announce the bidders thereon.

5.3.2. Informing the bidders prior to the primary rounds

Once the beginning time of a round is announced, the Commission will inform each bidder with respect to:

- a) the duration of the respective round (hours, minutes), specifying its closing time;
- b) the prices for each category, applicable to the respective round;
- c) its eligibility for submitting bids during the respective round (expressed as number of eligibility points); and
- d) the number of remaining extension rights.

5.3.3. Bid prices

In the first primary round, the price for each of the A to C categories will be equal to the reserve price (minimum licence fee) for the respective category.

In the second primary round, the price for each of the A to C categories will be equal to the reserve price, except for the categories which registered excess demand in the first primary round. For these categories, the Commission will set prices applicable in the second primary round that are to be higher than the reserve prices with a percentage (bid increment) ranging between 5% and 20%.

The same rules for setting the prices will apply to the following primary rounds. Thus, in case the demand exceeds the supply in a certain category during a certain round, the price for the respective category will be increased during the next round.

The price will remain unchanged during the next round in the case of those categories for which there is no excess demand.

Excess demand exists during a certain round when the total number of multiplexes in that category, indicated in the valid bids submitted during the respective round, exceeds the number available in that category.

5.3.4. Bid rules

All multiplexes in the A to C categories are available for the submission of bids during the primary rounds.

In each primary round, a bidder may submit only one bid.

Each bid will specify the number of multiplexes in each category the bidder wishes to acquire at the price communicated at the beginning of the round. A bid may include any combination of multiplexes from any category.

In order to submit a bid, the bidders select the number of multiplexes they wish to acquire in each of the categories, using the dedicated bid form. The bidders may choose to submit a "zero" bid that does not include any multiplex within the A to C categories. In such case, the available amount of the eligibility points for the respective bidder will be considered "zero". Should a bidder not submit a bid during a round or during the extension period granted to that bidder (see Section 5.1.4), the Commission will record a zero bid for that bidder *ex officio*.

The price of the bid is determined as follows:

- a) for each category, the number of multiplexes in that category that have been included in the bid will be multiplied by the price communicated by the Commission for that category; and
- b) the values determined according to letter a) will be summed up for all the multiplex categories.

The bid will be submitted according to the rules set out under Section 5.1.3.

Each submitted bid will be considered valid and represents a firm, definitive, irrevocable and unconditional commitment to acquire the multiplex or the package of multiplexes specified in the respective bid, at the bid price determined in accordance with the rules set out in this Section.

A bid remains valid until:

- a) it is replaced by a higher bid for the same multiplex or package of multiplexes, submitted by the same bidder during one of the subsequent rounds; or
- b) it is cancelled as a result of the Commission cancelling one or several rounds and the bids submitted during those rounds; or
- c) the winning bidders are granted licences for the rights of use gained as a result of the selection procedure.

5.3.5. Activity rules

The activity associated with a bid submission represents the total amount of eligibility points for all the multiplexes included in the bid and is calculated as follows:

- a) for each category between A and C, the number of multiplexes in that category, included in the bid, will be multiplied by the eligibility points per multiplex for that category; and
- b) the values determined according to letter a) will be summed up for all the multiplex categories.

In each round, a bidder may submit a bid with an activity level lower than or equal to its available eligibility (corresponding to the respective round) for the A to C categories.

The eligibility of a bidder for the first primary round represents its initial eligibility. The initial eligibility represents the sum of the eligibility points for all the multiplexes in the A to C categories included in the application form, submitted by the respective bidder as part of its application file, and it is calculated as follows:

- a) for each of the A to C categories, by multiplying the number of multiplexes specified in the bid form with the eligibility points associated to each multiplex; and
- b) by summing up the values determined according to letter a) for all multiplex categories.

For each of the next rounds, the eligibility of each bidder is equal to the activity of that bidder during the previous round. Thus, after a certain number of successive rounds, a bidder's eligibility may remain constant or may decrease, but it can never increase. However, during the rounds, a bidder's eligibility may fluctuate between the different multiplex categories, considering that, from one round to another, the bidder may change the package of multiplexes included in its bid, including by renouncing certain multiplexes from certain categories and selecting multiplexes from other categories; this way, it is possible that, from one round to another, the bidder's eligibility in one or several categories may increase, and in other categories it may decrease.

5.3.6. Determining the winning bidders

The valid bids submitted during the last primary round will be declared winning bids, and their holders will be designated as winning bidders. The winners will be granted the rights to use radio frequencies after the payment of the licence fees.

5.3.7. Determining the basic price

Each winning bid has an associated basic price. This basic price is the total price for the aggregate of multiplexes in the winning bid.

5.3.8. Completion of the primary rounds

The primary rounds end after a round where no excess demand exists for multiplexes in any category. From this moment on, the Commission establishes the winning bids, the winning bidders and the basic prices, and announces that the primary rounds have ended.

Moreover, the Commission communicates to each bidder some information on the results of the primary rounds, as follows:

- a) each bidder will be informed on the multiplex/multiplexes won by the respective bidder in each of the categories from A to C;
- b) each winning bidder will be informed on:
 - (i) the basic price corresponding to its winning bid;
 - (ii) the specific basic prices for each of the multiplexes included in its winning bid, which are equal to the prices against which the bidder gained the respective multiplex/multiplexes.

The information under letters a) and b) above will not be communicated to other bidders.

5.3.9. Organising an additional primary round

If, following the primary rounds, there are multiplexes which have not been won by any bidder, the Commission may decide to schedule an additional primary round, in view of awarding them.

All bidders that obtained this capacity pursuant to Section 4.6.3. have access to the additional primary round, regardless of their eligibility at the closing of the primary rounds and regardless of whether they acquired or not multiplexes during the primary round/s.

In this round, each multiplex, in each category, will have a minimum price, to be determined according to the following rules:

- I. For each multiplex in the A to C categories, the minimum price will be the one corresponding to that multiplex in the penultimate primary round;
- II. For each multiplex in the B category, the minimum price will be:
 - a) The price of the respective multiplex in the last primary round, if at least one multiplex in B category was won in the last primary round;
 - b) The price of the respective multiplex in the penultimate primary round, if no multiplex in B category was won in the last primary round.

If there was only one primary round, the minimum price for each multiplex will be equal to the minimum licence fee.

Each bidder will be able to submit a bid for any of the multiplexes, with the condition that this price is higher or equal to the minimum price corresponding to that multiplex, determined according to the rules mentioned above. If a bidder submits a bid with a price which is not higher or equal to the minimum price corresponding to that multiplex, that price will be considered as equal to zero. There are no maximum limits as to the bid amount in the additional primary round.

The bidders' information prior to the additional primary round, the auctioning, the bid submission, the establishment of the winners and the establishment of the price following this round are done pursuant to the Terms of Reference, applicable to the primary rounds.

5.4. Rules for the assignment round

5.4.1. Scheduling the assignment round

The assignment round is scheduled in the following cases:

- a) after the primary rounds, or
- b) after the qualification stage, if the primary rounds are not necessary, but there are preferences from several bidders for at least one multiplex in B category.

The assignment round is scheduled by the Commission, which sets the beginning date and time of the round as well as its duration (closing date and time). In principle, the duration of the assignment round may not be less than one hour.

The assignment round will be scheduled to take place between 9.00 and 16.00 hours, on a working day. The bidders will be announced on the round date and time with at least one working day in advance.

The assignment round must begin and be completed during the same day, while round interruption by the end of the day and resumption during the next day are not accepted. If exceptional circumstances occur and justify the interruption of the auction for the rest of the day or for a longer period of time, the Commission will immediately announce the bidders thereon.

5.4.2. Informing the bidders prior to the assignment round

At the same time when the assignment round date and time are announced, the Commission will inform each bidder with respect to:

- a) the duration of the respective round (hours, minutes), specifying its closing time;
and
- b) if the bidder still has or has not an extension right available after the primary rounds.

5.4.3. Bid prices

There is no minimum or maximum price limitation as regards the assignment bids. These bids must be expressed in Euro.

5.4.4. Bid rules

Gaining one or two multiplexes in B category following the initial bid or in the primary rounds implies the right as well as the obligation of the winning bidder to acquire one of the assignment options presented to that bidder by the Commission for these multiplexes during the assignment round.

In the assignment round, the bidders will submit a bid form, according to the rules depicted in Section 5.1.3.

For each bidder separately, the bid form will encompass a list of assignment options for the multiplexes available to the respective bidder in B category, where it won usage rights in the primary rounds. A member of the Commission will make available the bid form to the bidders at the beginning of the assignment round.

Each bidder may submit one assignment bid for each option listed in its bid form, indicating the amount it is willing to pay in order to acquire the respective assignment option.

Zero bids will be automatically recorded for those assignment options for which no bid is submitted. In case a bidder does not submit a bid form during the allocated timeframe, it shall be considered as submitting a zero bid for each of the assignment options available to the respective bidder.

Each bid submitted during the assignment round represents a firm, definitive, irrevocable and unconditional commitment to pay the specified price for each assignment option, in view of obtaining the respective specific assignments, as an additional price to the basic price the bidder must pay after the primary rounds.

A bid remains valid until:

- a) it is cancelled as a result of the cancellation by the Commission of the round and of the bids submitted during that round;
- b) the winning bidders are awarded licences for the usage rights gained as a result of the selection procedure.

5.4.5. Determining the winning bids

After the completion of the assignment round, the Commission will assess the bids and will establish the winning combination, representing the combination of submitted valid assignment bids that has the highest total value among all possible combinations, if the following conditions are met:

- a) the combination includes only one bid from each bidder;
- b) each bidder will be assigned the quantity of multiplexes won during the primary rounds;
- c) the multiplex assigned to one bidder does not overlap with the multiplex assigned to another provider.

After the assignment round, the Commission will provide the bidder information on:

- i) the price of its winning bid;
- ii) the concrete multiplex/multiplexes resulted following the round.

Each bidder will have a winning assignment bid in B category where it has won usage rights during the primary rounds. The winning assignment bid may be a zero bid, automatically recorded on behalf of the bidder for an assignment option for which the respective bidder has not submitted an assignment bid.

In case several combinations of assignment bids meeting the above conditions have equal and the highest value, the Commission will select a combination by means of draw.

5.4.6. Determining the additional price

Each winning bid has associated an additional price. This price corresponds to the assignment option of the winning bid of each bidder and represents the sum to be paid by the holder of the respective bid, in addition to the basic price determined as a result of the primary rounds, in order to obtain the said assignment.

5.4.7. Completion of the assignment round

After the completion of the assignment round for each category, the Commission will communicate to each participating bidder some information on the results of the round, as follows:

- a) each bidder will be informed on the assignment obtained within the category;
- b) each winning bidder will be informed on the additional price for the assignment obtained within the category.

Information under letters a) and b) above will not be communicated to other bidders.

5.5. Completion of the auction stage

After the completion of the auction stage, the Commission:

- a) will determine the final price each winning bidder must pay for the rights to use the radio frequencies awarded to the respective bidder, representing the sum between the basic price determined as a result either of the initial bid or of the primary rounds (and which cannot be less than the reserve price for each category) and the additional price determined after the assignment round, if applicable; this final price will be announced at the same time with the results of the procedure;
- b) will inform the bidders that did not gain usage rights during the procedure on the timeframe within which the participation bond is to be returned to them.

Chapter 6 - Miscellaneous

6.1. Publicity of the selection procedure

ANCOM may issue any public communication related to the selection procedure, as it deems necessary, without prior notification to the participants in the procedure. ANCOM may use any communications means, as it considers necessary, including written and online mass-media, its webpage (www.ancom.org.ro) etc.

Information publicly communicated by ANCOM may relate, *inter alia*, to:

- a) the identity of the participants and of the winning bidders;
- b) the multiplex/multiplexes for which the bidders have acquired usage rights following the procedure;
- c) the licence fees owed by the winning bidders;
- d) the licences that will be awarded as a result of the selection procedure.

Bidders are required to refrain from all communications related to the selection procedure, during the entire selection process.

6.2. Suspension of the selection procedure

In the event of occurrence of exceptional circumstances that may affect the procedure, ANCOM has the right to suspend the selection procedure at any time during its progress. The occurrence of an exceptional circumstance is assessed by the Commission. Such circumstances may include, for example, the occurrence of natural catastrophes, demonstrations, strikes, violent conflicts or incidents of any kind, technical faults or any other exceptional events that may disturb or hinder the holding of the selection procedure, the existence of indications or acknowledgements of breaches of the rules regarding the participation in the selection procedure by one or several bidders, as well as any other exceptional circumstances that may in any way endanger the carrying out of the auction.

In case of suspending the procedure, ANCOM has the obligation to request the applicants/bidders to extend the validity of their bids, as well as of their participation bond, if necessary.

6.3. Cancellation of the selection procedure

According to the provisions under art. 26 paragraph (6) of the Framework-Ordinance, ANCOM may cancel the started selection procedure, prior to the deadline for the submission of the last bid during the principal stage. The decision to cancel the selection procedure must be objectively justified or must represent a consequence of certain conditions that could not have been known at the time when the selection procedure had been initiated. ANCOM will communicate publicly the reasons for cancelling the selection procedure, within a 30-day timeframe.

Annexes

Annex 1 – Statement on the capacity as a participant in the selection procedure

Annex 2 – Application form

Annex 3 – Model of a licence for the use of radio frequencies in digital terrestrial television system

Annex 4 – Model of a letter of bank guarantee

Annex 5 – Geographic coordinates and map location of the assignments

[*heading of the individual applicant/associate applicant*]

**STATEMENT
ON THE CAPACITY AS A PARTICIPANT IN THE SELECTION PROCEDURE**

To:

**National Authority for Management and Regulation in Communications
2 Delea Noua Street, Sector 3, Bucharest**

With reference to:

Participation in the competitive selection procedure in view of awarding the rights to use the radio spectrum in digital terrestrial television system

After examining the provisions of the *Terms of Reference for organising the competitive selection procedure for awarding the licences for the use of the radio spectrum in digital terrestrial television system*, as well as of the ANCOM President's Decision no. [...] / [...] [on the organisation of the selection procedure in view of awarding the rights to use radio frequencies in digital terrestrial television system, I, the undersigned [*name and first name*], legal representative of [*name and headquarters of the individual applicant/associate applicant*], under the sanction of being disqualified from the selection procedure and being aware of the sanctions applicable in case of false statements, declare on my own responsibility the following:

1. In the selection procedure, I participate and submit a bid in my capacity as (tick the corresponding option):

- individual applicant;
- associate applicant in the association led by [*name and address of the association leader*].

2. I do not submit more than one application, individually and/or in association with other legal person, being aware that breaching this rule triggers the rejection of all applications thus submitted.

3. The applicant on whose behalf I act [tick the corresponding option]:

- is not a member of a group of undertakings;
- is a member of a group of undertakings whose names, addresses and links are presented in the document [*name of the document comprising the structure of the applicant's group*], which I submit as part of the application file.

4. All the documents and information presented and provided as part of the application file are complete, accurate in every detail and concordant with the reality and the auction commission appointed by decision of the president of ANCOM has the right to require any other justifying documents for the purpose of verifying and confirming my statement.

5. I will immediately inform the auction commission appointed by decision of the president of ANCOM if any changes will occur to the present declaration at any time during the selection procedure.

I, the undersigned, hereby authorise any institution, commercial company, bank, and other legal persons to provide information to the authorised representatives of ANCOM on any commercial, technical and financial aspect related to the activity of the applicant I represent.

I also declare that I acknowledged the provisions of art.292 "False statements" of the Penal Code of Romania, stating that, "*A statement which does not correspond to the truth, delivered to a state body or institution or to another entity referred to under art.145 [i.e. public bodies], for the purpose of producing legal effects, on own behalf or on somebody else's behalf, in such a case when, in accordance with the law or the circumstances, the delivered statement serves for generating the respective consequence, shall be sanctioned by 3 months to 2 years imprisonment or by fine*".

The present statement is valid until [*the date when the bid validity expires*].

Filled in on

[*name of the individual applicant/associate applicant*]

(authorised signature and seal)

[applicant heading]

APPLICATION FORM

To

**National Authority for Management and Regulation in Communications
2 Delea Noua Street, Sector 3, Bucharest**

With reference to:

Participation in the competitive selection procedure in view of awarding the rights to use the radio spectrum in digital terrestrial television system

After examining the provisions of the *Terms of Reference for organising the competitive selection procedure for awarding the licences for the use of the radio spectrum in digital terrestrial television system*, as well as of the ANCOM President's Decision no. [...]/[...] [on the organisation of the selection procedure in view of awarding the rights to use radio frequencies in digital terrestrial television system, I, the undersigned [*name and first name*], legal representative of [*name and headquarters of the individual applicant/associate applicant*], hereby firmly, irrevocably and unconditionally undertake:

1. To participate in the selection procedure and observe its rules (including the sanctions applicable in case of breaching the said rules), so as they have been established by the Terms of Reference and the ANCOM Decision, during the entire duration of the procedure, until the licences are awarded, without causing any prejudice to the right of ANCOM to also enforce certain sanctions after the licence award (e.g. licence revoking);

2. To maintain valid the bid for the usage rights over the amounts of radio frequencies in each of the bands indicated in the table below, at the price specified therein (to which the possible additional price communicated by ANCOM by the closing of the assignment round may be added) until [*the date when the bid validity expires*] or until the date of the bid validity advance termination¹⁰; I thereby acknowledge that:

- the bid is valid only for the entire package of multiplexes indicated in the table and, based on this bid, I may not gain a lower amount of frequencies than the amount corresponding to the indicated package;
- the submission of the present bid does not prejudice my right to subsequently submit a bid for any other package of multiplexes during the primary and/or allocation rounds, provided that the activity and eligibility rules, as well as the rules referring to the limitations as to the gaining of frequency usage rights established in the Terms of Reference and in the Decision of the president of ANCOM.

3. In case the applicant I represent is designated winner as the result of the selection procedure, I will pay within the term and under the conditions established by ANCOM the basic price and, as the case may be, the additional price resulted from the procedure, for the usage rights gained, and I will observe the provisions under Chapter 3 of the Terms of Reference and the Decision of the president of ANCOM.

¹⁰ The date of the bid validity advance termination is the date when:

- a) the bid is replaced by a higher bid for the same package of multiplexes, submitted by the same bidder during the primary or additional rounds; or
- b) the bid is cancelled as the effect of the Commission cancelling one round or several rounds, as well as the bids submitted therein; or
- c) the winning bidders are awarded licences for the usage rights gained as a result of the selection procedure.

(Note: The applicant will fill in the following table and will indicate the number of multiplexes for which it submits the initial bid and the preferences for multiplexes in B category. In case the applicant does not submit a bid for any of the blocks within a certain category, it will cross the respective sections. Pay attention! The applicant must select at least one multiplex from at least one of the categories A to C, otherwise the application will be rejected).

Category	Number of available multiplexes	Band	Usage	Reserve price /multiplex (euro)	Initial Bid (number of multiplexes)	Total (euro)
A	1	UHF	17.06.2015 – 17.06.2025			
B	3	UHF	17.06.2015 – 17.06.2025			
C	1	VHF	17.06.2015 – 17.06.2025			

Multiplex	MUX 2			MUX 3			MUX 4		
Priority	1	2	3	1	2	3	1	2	3
Option*									

*Cross with an "X" the respective sections corresponding to the assignment option
1 = maximum priority; 2 = medium priority; 3 = minimum priority.

5. I hereby expressly and unequivocally, irrevocably and unconditionally declare that, in case of any dispute/issue arising in relation with the present selection procedure and the granting of the radio frequency usage rights as a result of the said procedure, I understand to accept that the substantive and procedural rules under the Romanian law and the Romanian Court of Law jurisdiction be applied and I waive the applicability of any foreign jurisdiction that may be competent in solving the respective dispute/issue.

Filled in on

[applicant name]

.....
(authorised signature and seal)

.....



2 Delea Noua Street, Bucharest 3, Romania
Phone: +40 372 845 400 / +40 372 845 454. Fax: +40 372 845 402
E-mail: ancom@ancom.org.ro. Website: www.ancom.org.ro

On grounds of the Decree of the President of Romania no.509/2009 on the appointment of the president of the National Authority for Management and Regulation in Communications,

On grounds of the provisions of art.10 paragraph (2) points 12 and 13, art.11 paragraph (1), art.12 paragraph (1) of the Government Emergency Ordinance no. 22/2009 on the establishment of the National Authority for Management and Regulation in Communications, approved by Law no.113/2010, with the subsequent amendments and completions, as well as of art.50 paragraph (1) tender, art.52 paragraph (6), art.52 paragraph (6)¹¹, art.59 paragraph (2) of the Audiovisual Law no.504/2002, with the subsequent amendments and completions,

Having regard to the provisions of the Government Decision no. 403/2013 for the approval of the Strategy regarding the switchover to the digital terrestrial television and the implementation of multimedia services on a national level

Having regard to the provisions of the Decision of the president of the National Authority for Management and Regulation in Communications no. ____/2013 on the selection procedure for the awarding of the licences for the use of radio spectrum in digital terrestrial television system,

Having regard to the provisions of the Decision of the president of the National Authority for Management and Regulation in Communications no. 629/2010 on the procedure for authorising the provision of audiovisual programmes,

the president of the National Authority for Management and Regulation in Communications issues this

LICENCE¹²
FOR THE USE OF THE RADIO
SPECTRUM IN DIGITAL TERRESTRIAL TELEVISION SYSTEM
no. _____

Holder: _____
with headquarters in: _____
registered with the Trade Registry Office under no. _____,
unique registration code: _____,

¹¹ Article 52 paragraph (6) applies only to thee MUX that will provide on radio terrestrial support the public television services in digital terrestrial system.

¹² The Licence for the use of radio frequencies to be awarded to the winners of the usage rights will be drawn up by taking into consideration the requirements set under the Terms of Reference. The document "Licence" has a guiding character and is only drawn up for its presentation within the selection procedure, whereas the authorisation act is to contain specific conditions for each radio frequency band.

is authorised to exercise the right to use the radio frequencies specified in this licence in order to provide digital terrestrial television programme services as well as for providing public electronic communications networks and publicly available electronic communications services in the 174-216 MHz band (or 470-790 MHz band), pursuant to the following table :

No.	Name of the assignment area	Chan. MUX X ¹³	OBSERVATIONS
1	ROU001 - CONSTANȚA		
2	ROU002 - CĂLĂRAȘI		
3	ROU003 - BUCUREȘTI		
4	ROU004 - ALEXANDRIA		
5	ROU006 - CRAIOVA		
6	ROU007 - CALAFAT		
7	ROU008 - REȘIȚA		
8	ROU009 - DR. TURNU SEVERIN		
9	ROU010 - PETROȘANI		
10	ROU011 - RÂMNICU VÂLCEA		
11	ROU012 - PLOIEȘTI		
12	ROU013 - BUZĂU		
13	ROU014 - GALAȚI		
14	ROU015 - TULCEA		
15	ROU017 - BRAȘOV		
16	ROU018 - SIBIU		
17	ROU019 - DEVA		
18	ROU020 - FĂGET		
19	ROU021 - TIMIȘOARA		
20	ROU022 - ARAD		
21	ROU023 - ORADEA		
22	ROU024 - BIHOR		
23	ROU025 - CLUJ- NAPOCA		
24	ROU026 - TÂRGU MUREȘ		
25	ROU027 - GHEORGHENI		
26	ROU028 - PIATRA NEAMȚ		
27	ROU029 - BACĂU		
28	ROU030 - IAȘI		
29	ROU031 - BOTOȘANI		
30	ROU032 - SUCEAVA		
31	ROU033 - BISTRIȚA		
32	ROU034 - SIGHET		
33	ROU035 - ZALĂU		
34	ROU036 - SATU MARE		
35	ROU039 - FOCȘANI		
36	ROU040 - COMĂNEȘTI		

The technical and operational conditions for using radio frequencies are provided in Annex A¹⁴. The geographical coordinates, form and location on the map of the assignments listed in the table above are provided for in Annex B. Annexes A and B are part of this licence.

¹³ MUX 1, MUX 2, MUX 3, MUX 4 OR MUX 5.

¹⁴ The Annexes to the licence will be renumbered in the final version of the authorization document

I. Definitions

1. Throughout this licences for the use of the radio spectrum in digital terrestrial television system, hereinafter called *the Licence*, the relevant definitions provided for in the Radio Regulations adopted by the International Telecommunication Union (ITU), the audiovisual law, the electronic communications legislation or the specific legislation adopted thereunder apply.

II. General conditions¹⁵

1. The holder has the right to transmit only the television programme services authorized under the legal provisions in force.

2. The holder of the Licence has the obligation to comply with the requirements of the National Table for Frequency Allocation (NTFA) and with the national legislation, as the case may be.

3. The holder has the obligation to exercise its rights deriving from the present Licence under conditions that would ensure the effective, rational and efficient use of the radio frequencies and the prevention of harmful interferences.

4. The holder has the right to install, operate, control and make available to third parties a public electronic communications network, as well as the corresponding infrastructure, in view of providing programme services in digital terrestrial system, as well as public electronic communications networks and publicly available electronic communications services.

5. The frequency assignments for the transmission stations composing the network as well as the technical parameters that define the service area associated to the assigned frequencies and the characteristics of the radio signals transmitted within the network are comprised in the assignment authorisations which are an integral part of the present Licence.

6. The transmission stations shall be effectively use after obtaining the technical authorisation, according to the legal provisions in force. On the date of obtaining the present Licence, the procedure for obtaining the technical authorisation is regulated by the decision of the ANCOM President no.629/2010 on the authorisation procedure for the provision of audiovisual services.

7. The holder has the obligation to comply with the requirements deriving from the observance of all international agreements to which Romania is a party concerning the use of radio frequencies, including in the border areas.

8. In the border areas, the licence holder will use the allocated frequency blocks only on the basis of the coordination with the communications administrations from the neighbouring countries, in compliance with the requirements deriving from the enforcement of the international agreements to which Romania is a party or from the international regulations on frequency coordination applicable to the allocated spectrum. The technical conditions for the use of radio frequencies in border areas are provided for in Section 3.3.2.7. "Technical conditions for the use of frequencies in border areas" of the Terms of Reference for the organisation of the competitive selection procedure in view of awarding the licences for the use of the radio spectrum in digital terrestrial television system, hereinafter referred to as the *Terms of Reference*.

¹⁵ The reference technical and operational conditions are provided in the Terms of Reference and are to be concretely mentioned depending on the outcomes of the selection procedure (the radio frequency bands to be gained by the interested parties).

9. The holder has the obligation to comply with the requirements deriving from the achievement of the objectives of European harmonisation and international cooperation in the electronic communications field and which may consist of the modification of the assigned radio frequencies or of the corresponding technical parameters set under the present Licence. The modifications specified at this point will be implemented upon consulting the holder, within a reasonable term and balanced to the qualitative and quantitative nature of changes arisen.

10. With a view to prevent or remove the harmful interferences, the holder has the obligation to comply with the technical and operational conditions for the use of radio frequencies established by ANCOM.

11. The holder will take the necessary actions, on its own expense, to remove the harmful interferences that are caused by or may be imputable to the holder, including but not limited to repairs, insertion of certain additional filters, the correction of errors owed to the improper or faulty installation of the network or to the improper operation of the equipment.

12. The equipment within the network will observe the essential requirements and the harmonised European standards applicable in Romania.

III. Coverage and quality conditions¹⁶

- a) _____;
- b) _____;
- c) _____.

IV. Verification of the compliance with the licence obligations¹⁷

The evaluation methodology to be used in order to verify the compliance with the Licence obligations is provided under Section 3.6 of the Terms of Reference

V. Modification of the radio frequency usage rights

1. The radio frequency usage right may be modified, upon the ANCOM initiative in the following situations:

- a) observance of the conditions on the effective, rational and efficient use of the radio frequencies;
- b) prevention of harmful interferences;
- c) implementation of the objectives of European harmonisation and international cooperation regarding the use of the radio frequencies;
- d) compliance with the international agreements to which Romania is a party relating to the use of the radio frequencies following bilateral coordination including Romania and neighbouring countries;
- e) modification of the NTFA.

2. In the situation provided at point 1, ANCOM will inform the holder of the usage rights with regard to the modifications which must be operated and grants the holder a corresponding term in view of implementing these modifications, proportionate to their qualitative or quantitative nature.

3. ANCOM will also modify the Licence as a result of the occurrence of one of the following situations:

- a) transfer of the usage rights;
- b) the modifications of the Licence technical conditions following the closing/completion of the international frequency coordination process;
- c) in the cases provided in arts.28 to 29 of the Decision of the National Authority for Management and Regulation in Communications no. 629/2010.

VI. Transfer of the radio frequency usage rights¹⁸

¹⁶ The conditions set in the Terms of Reference will be mentioned, depending on the MUX.

¹⁷ The verification methodology will be provided in the Licence.

1. The radio frequency usage rights may be transferred to a third party, under the law, only with the prior approval of ANCOM, with the endorsement of the National Audiovisual Council and with the observance of all the deriving obligations, as well as with the compliance with the conditions and objectives set or considered at the award of the right.

2. If the usage rights are transferred, the change of the usage destination of the frequencies for which the Licence was awarded is not allowed.

VII. The spectrum usage tariff

The holder has the obligation to pay, for the entire validity period of the usage rights, the spectrum usage tariff, in the amount and within the terms set according to the normative acts in force.

VIII. Validity period

The radio frequency usage rights are awarded for a 10-year period according to article 61¹ paragraph (1) in the Audiovisual Law, corroborated with point 3.2.1 and point 3.2.2 of the Strategy. The Licence may be extended, under the law.

IX. Revoking of the radio frequency usage rights

The radio frequency usage right may be revoked in accordance with the procedure established under the law, in the following situations:

- a) for serious or repeated breaches of the obligations under the Licence;
- b) the holder's failure to pay the tariff for the use of the spectrum within 45 days from the due date;
- c) upon the holder's request;
- d) following the withdrawal of the general authorisation regime specific to the electronic communications;
- e) the holder does not submit the proof of payment of a fine to the National Authority for Management and Regulation in Communications within six months from its enforcement.

XI. Final provisions

1. ANCOM may forbid for a limited period, at the reasoned request of the competent institutions within the system of national defence, public order and national safety, the partial or total use of the usage rights awarded under this Licence where the national safety, public order and national defence impose this measure, as well as where certain engagements assumed under international agreements must be observed.

2. The holder has the obligation to provide ANCOM with all the information and materials the latter requests in view of fulfilling the incumbent duties on the supervision and control of the compliance with the obligations under the present Licence, the legislation in the audiovisual field or the legislation in the electronic communications field.

3. The holder has the obligation to allow the access of the ANCOM control personnel in any location where equipment, apparatus and electronic communications installations belonging to the network are found, in view of their inspection for the purpose of verifying the compliance with the conditions and obligations set under the Licence or in the legislation in the audiovisual and/or electronic communications field.

4. The non-compliance with the technical and/or operational conditions, as well as with the obligations provided in this Licence, including in its annexes, or the non-observance of any other legal provisions and/or technical regulations applicable to this Licence lead to the enforcement of the sanctions provided for in the legislation in force, which consist of the application of contravention fines, or the revoking of the usage right, as the case may be.

¹⁸ The usage right will be transferred by observing the provisions of art.66 paragraph (2) of the Audiovisual Law.

- 5.**The failure to pay in due term the spectrum usage tariff, according to the law, entails the enforcement of delay penalties, and, for exceeding the legal payment term determined under the terms of the normative acts in force, ANCOM may dispose the revoking of the Licence.
- 6.** The present Licence does not replace other agreements or approvals that are necessary, according to the national legislation in force, for the carrying out of the holder's activity in Romania during the validity period of the usage rights.
- 7.** The provisions of the present Licence are rightfully completed by the legal provisions in force in the audiovisual and/or electronic communications field.

Technical and operational conditions for the use of radio frequencies¹⁹

¹⁹ See Section 3.3.2 of the Terms of Reference.

[heading of the issuer]

LETTER OF GUARANTEE

for the participation with a bid in the competitive selection procedure for awarding the licences for the use of the radio spectrum in digital terrestrial television system

To:

**National Authority for Management and Regulation in Communications
2 Delea Noua Street, Sector 3, Bucharest**

Regarding the competitive selection procedure for awarding the rights to use the radio spectrum in digital terrestrial television system, we *[name and headquarters of the bank/insurance company]*, unconditionally and irrevocably commit hereby toward the National Authority for Management and Regulation in Communications (ANCOM) to pay within maximum 10 working days, the amount of

amount in letters] (*[amount in figures]*) euro,

upon the first and simple written request of ANCOM, which does not have the obligation to justify the respective request provided that ANCOM specifies therein that the amount owed to, and requested by, is thereby requested because of the existence of one of the situations described below:

- 1) *[name of the applicant]*, if being declared winner of the selection procedure, does not pay in due time one or several instalments of the owed final price representing the licence fee;
- (2) *[name of the applicant]*, if being declared winner of the selection procedure, waives the right to be awarded the licence for the use of radio frequencies;
- (2) *[name of the applicant]* breaches the rules concerning the participation in the selection procedure, set out by ANCOM.

This guarantee is valid until *[day/month/year]*.

This guarantee tool/guarantee letter is governed by the Romanian law.

The Romanian Courts of Law are competent to settle any disputes arising in relation to the present guarantee tool/guarantee letter.

Endorsed by the Issuer _____ on *[day/month/year]*.
(authorised signature)

Geographic coordinates and map location of the assignments