



F 1/22

**Consultation on the
Tender Conditions
in the procedure
for awarding spectrum
in the 3600 MHz and 26 GHz ranges**

Vienna, 03. Juli 2023

Telekom-Control-Kommission (TKK)

bei der Rundfunk und Telekom Regulierungs-GmbH (RTR-GmbH)

Mariahilfer Straße 77–79
1060 WIEN, ÖSTERREICH
www.rtr.at

E: rtr@rtr.at
T: +43 1 58058-0
F: +43 1 58058-9191

FN 208312t, HG Wien
DVR-Nr.: 0956732



Contents

1	Introduction	3
2	Award objectives.....	4
3	Tender Document and Auction Rules.....	4
4	Statements.....	5

Annex 1: Cover Sheet

Annex 2: Draft Tender Document (including appendices)



1 Introduction

A position paper on infrastructure sharing was published in 2018, with spectrum use rights in the 3410–3800 MHz range subsequently awarded in 2019, and in the 700, 1500 and 2100 MHz ranges in 2020. The currently planned spectrum award represents another advance in 5G deployment in Austria, encompassing the 3600 MHz subranges that had remained unsold in 2019, as well as spectrum in the 26 GHz range, allocated now for the first time ever for mobile communications and broadband use.

The TKK currently assumes that a date in September 2023 at the earliest is realistically possible for the invitation to tender. Allowing for the time limits required by law, the auction would then take place no sooner than in December 2023.

In the following, the TKK consults stakeholders on the Tender Document and the Auction Rules (Annex 2). In response, the TKK anticipates receiving from market participants valuable input on the Tender Document, which is planned for formal disclosure in September 2023 and might vary from the document currently under consultation.



2 Award objectives

The TKK is focusing the award procedure on the objectives listed below:

- Legal certainty
- Ensure efficient spectrum use
- Safeguard/promote effective competition
- Promote coverage
- Promote innovation and business development

Considering the specific properties of the 26 GHz spectrum (frequencies that are unsuitable for wide-area usage, varying business models, uncertainty in relation to usage), the regulatory authority is focusing this spectrum award not only on legal certainty but especially on the efficient use of spectrum, and the promotion of innovation and business development. Specific objectives:

- Provide optimum support for the various business models/use cases
- Ensure that spectrum does not 'lie fallow' (especially in rural areas) or remain unused if there is a potential group of users
- Choose or develop a selection procedure that is aimed at safeguarding efficiency where spectrum is limited by number (scarce)

Maximising auction income is expressly ruled out as an award objective. The regulatory authority also seeks to uphold climate targets and supports relevant measures for spectrum awards in the context of the award objectives.¹

3 Tender Document and Auction Rules

The planned award procedure covers spectrum in the 3600 MHz (remaining subranges) and 26 GHz ranges. The frequencies in question have been defined in the Frequency Utilisation Ordinance 2013 as ECS spectrum for mobile and broadband use, meaning the regulatory authority is responsible for the spectrum award. Based on an ordinance on frequencies limited by number (Art. 2 ZaBe-V), the frequencies in question have been identified as limited by number, so that for the award of this spectrum a competitive selection procedure has been set by ordinance (Auswahl-V 2023).

As part of this consultation, and as is required in Art.16 Par.3 of the Telecommunications Act 2021 (TKG 2021), the regulatory authority is publishing proposals for the Tender Document and the Auction Rules (see Annex 2). The TKK wishes especially to invite potential participants in the award procedure to comment on the draft versions of the Tender Document and Auction Rules.

¹ Cf. e.g. RSPG, Progress Report of the RSPG Sub Group on Climate Change, 2022. Accessible from: https://rspg-spectrum.eu/wp-content/uploads/2022/06/RSPG22-016final-Progress_report_Climate_Change.pdf



4 Statements

Statements are to be emailed by **8 August 2023** to

tkfreq@rtr.at.

Please use the cover sheet below, referring in the details of your statement expressly to the specific section in the Tender Document or the specific auction rule.

The regulatory authority will publish a list of the organisations/individuals that submitted statements for the consultation and consented to disclosure of the organisation/individual.

If requested, the individual statements will be published in full as well.

ANNEX 1

to the Consultation on the
Tender Conditions
in the procedure for
awarding spectrum in the
3600 and 26 GHz ranges

Cover Sheet



Cover Sheet–statement for the consultation on the tender conditions in the procedure for awarding spectrum 3600 MHz and 26 GHz

General information

Statement submitted by: [Click here to enter text](#)

Represented by (if applicable): [Click here to enter text](#)

Postal address: [Click here to enter text](#)

Email address: [Click here to enter text](#)

Confidentiality

Please indicate whether your statement or parts thereof are confidential and if so provide reasons:

Not confidential	<input type="checkbox"/>	Name/Contact	<input type="checkbox"/>	details/Profession
	<input type="checkbox"/>			
Statement content	<input type="checkbox"/>	Organisation	<input type="checkbox"/>	

Certain passages of the statement are confidential

In this case we request you to additionally submit an appropriately redacted version of the document that you consider suitable for disclosure. The Telekom-Control-Kommission will publish an anonymised summary (without naming organisations/individuals) of all the statements received. Additionally, a list of the organisations/individuals that submitted statements for the consultation and consented to disclosure of the organisation/individual will be published.

Declaration

I hereby confirm that this communication is a formal statement within the framework of the current consultation and that the statement will be used by the regulatory authority subject to any confidentiality requests indicated above. When submitting the statement by email, the requests concerning confidentiality given above will be considered by the regulatory authority as relevant for deciding whether to publish the information, rather than any standard email texts concerning the confidentiality or disclosure of email contents (including any attachments).

Name

Signature



ANNEX 2

to the Consultation on the
Tender Conditions
in the procedure for awarding spectrum
in the 3600 and 26 GHz ranges

Draft Tender Document

The draft Tender Document is separately available for downloading.