

Annex: 3 Application Form

This document contains the Phase 1 Application Form for participation in ComReg's Multi Band Spectrum Award 2021 in a writeable PDF format.

For the meaning of capitalised terms used but not defined in this document, readers are referred to the Information Memorandum ("IM) setting out the processes and procedures for the Multi Band Spectrum Award (ComReg Document 21/40).

As part of Phase 1 of the Application Stage, Interested Parties must complete and submit the Phase 1 Application Form set out in Annex 3a. As part of Phase 2 of the Application Stage, Applicants must then complete and submit the Phase 2 Application Form set out in Annex 3b.

Any additional documentation required to be supplied by the Applicant as part of its Application is to be appended to the relevant Phase 1 or Phase 2 Application Form.

See Table 17 of the IM for an outline of the timing for each of these phases.

Annex 3a – Phase 1 Application Form

Part 1: Administrative Information

For an Application to be complete, the administrative information listed in Table A3.1 below and the statement of intent regarding the submission of the Phase 2 Application Form must be provided.

Appropriate evidence of the authorisation of Authorised Agent(s), as per Section 3.3.2 paragraph 3.57 of the IM, must also be attached hereto.

Note that the Applicant name provided will be that to whom Licence/s will be awarded where relevant. Contact details for Authorised Agents are those that will be used by ComReg for circulating Bidder Materials for the Award Process and for contacting the Bidder during the Award Process if necessary. As discussed below, some details will also be used for two-factor authentication for electronic signatures.

Table A3.1: Administrative information

Information required	Information provided
Name of Applicant*	Name:
Complete postal address of registered office or, if it does not have a registered office, the principal place where it carries on business	Address 1:
Telephone number for Applicant	Telephone:
Bank details of Applicant (for the purpose of returning part or all of the Applicant's Deposit where applicable)	Name of bank and address of relevant branch:
	Account Number:

Information required	Information provided
	Sort Code: BIC Code: IBAN No:
Name of Applicant's Authorised Agent 1** (Block capitals)	Name:
Position of Applicant's Authorised Agent 1	Position:
Telephone numbers and e- mail address of Applicant's Authorised Agent 1****	Telephone (fixed): Telephone (mobile): Email: [Telephone (Mobile) and email to be used for two-factor authentication for electronic signatures]
Specimen signature of Applicant's Authorised Agent 1 Witnessed By:	Signature 1: Name: Position: Signature:

Information required	Information provided
Name of Applicant's Authorised Agent 2 (optional)*** (Block capitals)	Name:
Position of Applicant's Authorised Agent 2	Position:
Telephone numbers and e-mail address of Applicant's Authorised Agent 2****	Telephone (fixed): Telephone (mobile): Email: [Telephone (Mobile) and email to be used for two-factor authentication for electronic signatures]
Specimen signature of Applicant's Authorised Agent 2 Witnessed By:	Signature: Name: Position: Signature:

Information required	Information provided
Name of Applicant's Authorised Agent 3 (optional)*** (Block capitals)	Name:
Position of Applicant's Authorised Agent 3	Position:
Telephone numbers and e-mail address of Applicant's Authorised Agent 3****	Telephone (fixed): Telephone (mobile): Email: [Telephone (Mobile) and email to be used for two-factor authentication for electronic signatures]
Specimen signature of Applicant's Authorised Agent 3 Witnessed By:	Signature: Name: Position: Signature:

* Note: In the case of Applicants that are bodies corporate, attach a certified copy of Certificate of Registration along with the constitution of the company or equivalent together with a certified translation thereof into English or Irish, where the original is not in English or Irish. The Company Secretary or other authorised signatory is required to certify the copy.

** Note: Authorised Agents must be authorised to bind the Bidder and to take all decisions or communicate all decisions connected with the Auction on the Bidder's behalf including, but not limited to, the authority to submit Bids (including the Initial Bid Form) in respect of any of the Lots available in the Award Process and to commit to payment of the necessary amount if the Bidder is granted a Licence as a result of the outcome of the Award Process. The same applies with respect to Authorised Agents 2 and 3 where appointed (see Note below).

*** Note: Applicants can authorise other persons (i.e. Authorised Agent 2 and/or Authorised Agent 3) to act as an alternative Authorised Agent in case of unavailability of the primary Authorised Agent (i.e. Authorised Agent 1). In case of any duplication of documentation submitted (this would not include documentation requested by ComReg, or where an Applicant is updating or replacing its Application in accordance with this IM) on behalf of the Bidder by different Authorised Agents, the documentation submitted by the highest listed Authorised Agent (i.e. Authorised Agent 1 or 2 as appropriate) would be considered as final and binding unless ComReg, at its sole discretion, clearly indicates otherwise in writing.

**** Note: Any two-factor authentication must use the mobile phone number and email address of the relevant Authorised Agent set out in this Table A3.1 (but this does not preclude further appropriate electronic security measures that the Applicant may also use). Applicants should ensure that this can be complied with at the time of electronic signature.

Statement of intent regarding the submission of Phase 2 Application Documentation

(Please state YES/NO in boxes as appropriate)

Hardcopies of the Phase 2 Application Form will be submitted to ComReg

OR

Electronic copies of Phase 2 Application Documentation with the electronic signature of an Authorised Agent (in accordance with the Award Rules) will be submitted to ComReg. If so, please complete the following:

- Name of the secure reputable third-party electronic signature platform that will be used:

- Confirmation which type of electronic signature will be used and details of same (e.g. advanced electronic signature, qualified electronic signature, simple or basic electronic signature with at a minimum of two factor authentication). Note that two-factor authentication must use the mobile phone number and email address of the relevant Authorised Agent set out in this Table A3.1 (but this does not preclude further appropriate electronic security measures that the Applicant may also use):

Part 2: Applicant Declaration

The terms “Award Rules”, “Associated Bidders”, “Applicant”, “Bidding Group”, “Connected Person”, “Confidential Information” and “Insider” for the purposes of this declaration shall be construed as defined in the Information Memorandum.

We, the undersigned, being Authorised Agents of [_____]
(the “**Applicant**”) hereby undertake, warrant, acknowledge and declare, and to the extent that anything contemplated hereunder remains to be done, covenant, both on our own behalf and on behalf of the Applicant, having made all reasonable inquiries that:

1. The Applicant is entitled to submit the Application and participate in the Award Process, and the Applicant has obtained all necessary declarations of consent, permissions and approvals, whereas we, as Authorised Agent(s), are authorised to bind the Applicant and to take all decisions or communicate all decisions connected with the Auction on the Applicant’s behalf including, but not limited to, the authority to submit Bids (including the Initial Bid Form) in respect of any of the Lots available in the Award Process and to commit to payment of the necessary amount if the Applicant is granted a Licence as a result of the outcome of the Award Process.
2. The Applicant has ensured and will ensure that all information and all declarations contained in the Application and appendices attached thereto are correct and accurate.
3. The Applicant has and will ensure that, until public announcement by ComReg on the outcome of the Award Process, the Applicant discloses Confidential Information only to the extent necessary and then, save as expressly permitted by the Information Memorandum, only to other parties within the Applicant's own Bidding Group or to persons who, prior to such disclosure, are Insiders in relation to the same Applicant and that the Applicant shall take all reasonable measures with a view to ensuring that the person who receives such Confidential Information treats it as confidential at all times until public announcement by ComReg on the outcome of the Award Process.
4. The Applicant has ensured and will ensure that the Applicant, the Applicant's employees, board of directors (where Applicant is a body corporate) and persons connected with the Applicant or Insiders refrain from disclosing Confidential Information to parties other than as specified in paragraph 3 above and from exchanging Confidential Information with other parties regarding the Applicant’s strategy for obtaining and use of the Licence or Licences until public announcement by ComReg on the outcome of the Award

Process.

5. Save as expressly permitted by the Information Memorandum, the Applicant will ensure that the Applicant, the Applicant's employees, any Connected Persons and any Insiders - shall refrain from entering into agreements or negotiations with a view to entering into agreements with other Interested Parties or their Connected Persons in relation to matters concerning the Award Process, including without prejudice to the generality of the foregoing, agreements relating to spectrum, network or infrastructure sharing, from the time at which this Application is submitted until the public announcement on the outcome of the Award Process by ComReg.
6. The Applicant has ensured and will ensure that the Applicant - and, to the best knowledge of the Applicant, the Applicant's employees, any Connected Persons and any Insiders - neither prior to the submission of the Application, nor after the submission thereof and until the public announcement on the outcome of the Award Process by ComReg, shall enter into agreements or establish any understanding with a provider of equipment or software which:
 - regulates such provider's possibility of supplying equipment or software to another Applicant or their Connected Persons concerning the planning, establishment or operation of a network using the frequencies dealt with in this Award Process, or
 - regulates the prices or other terms and conditions that a provider of equipment or software may offer another Applicant or their Connected Persons in connection with the planning, establishment or operation of a network using the frequencies dealt with in this Award Process.

The Applicant has ensured that agreements already entered into or understandings already established, as mentioned in this paragraph 6, have been terminated, and to the best knowledge of the Applicant, any Connected Persons and any Insider have ensured that any such agreements or understandings have been terminated.

7. The Applicant has ensured and will ensure that the Applicant - and, to the best knowledge of the Applicant, the Applicant's employees, any Connected Persons and any Insider - does not enter into agreements or establish any understanding with a third party, either prior to or during the Award Process, for the access to or the use of the Applicant's network or networks using the frequencies dealt with in this Award Process, if the agreement or the understanding directs such third party not to participate or limits such third party's ability to participate in the Award Process.

8. The Applicant has ensured that agreements already entered into or understandings already established, as mentioned in paragraph 7, have been terminated, including to the best knowledge of the Applicant, any Connected Persons and any Insider have ensured such agreements or understandings have been terminated.
9. The Applicant has ensured and will ensure that the Applicant – and, to the best knowledge of the Applicant, the Applicant's employees, any Connected Persons and any Insiders – both prior to and after the submission of an Application and until the public announcement on the outcome of the Award Process by ComReg, refrains from any action that could have an adverse effect on the Award Process.
10. The Applicant shall comply with the Award Rules as contained in the Information Memorandum as well as the provisions of Chapter 5 of the Information Memorandum at all times and shall procure that its personnel, Insiders and Connected Persons, to the extent appropriate, shall also comply with the Award Rules and the provisions of Chapter 5 of the Information Memorandum from the date of publication of the Information Memorandum until the commencement of the Licences.
11. The Applicant has ensured and will ensure that, prior to the submission of its Application, it has taken all reasonable measures with a view to identifying its Connected Persons and Associated Bidders.
12. The Applicant will ensure that, in accordance with Section 3.3 of the Information Memorandum, after submitting its Application all material changes to its ownership structure are notified to ComReg.
13. Save as disclosed in an appendix attached to this Declaration, the Applicant (i) is not, or, in case the Applicant is a partnership, a joint venture or equivalent, each of the relevant partners or participants is not and is not expected to be subject to an insolvency process including, without prejudice to the generality of the foregoing, liquidation, examinership, receivership, bankruptcy, winding-up proceedings or equivalent proceedings in other jurisdictions and (ii) is capable of paying its debts as they fall due.
14. Save as disclosed in an appendix attached to this Declaration, the Applicant is not, or, in case the Applicant is a partnership, a joint venture or equivalent, each of the relevant partners or participants is not and is not expected to be involved in any disputes which may in any material and adverse way affect the Applicant's possibility of complying with the terms of any Licence, if the Applicant is awarded such Licence.

15. Any disclosure made under paragraph 13 and/or paragraph 14 above will contain sufficiently clear and detailed information to allow ComReg to assess the Applicant's capacity to participate in the Award Process, to comply with the Award Rules and the provisions of Chapter 5 of the Information Memorandum and to comply with the terms of any Licence. ComReg's decision further to any assessment in this respect shall be final and that ComReg reserves the right to, where necessary and proportionate, seek further information or clarification from an Applicant, to specify the level of detail required and the timescales within which it must be provided. Any failure to cooperate fully with this disclosure requirement may result in an Applicant's Application being deemed invalid or in subsequent disqualification of the Applicant from the Award Process.
16. Even if an Applicant is unsuccessful in becoming a Bidder or withdraws its Application, it remains bound by the Award Rules and the provisions of Chapter 5 of the Information Memorandum, including those on confidentiality and Bidder behaviour, until a public announcement on the outcome of the Award Process is made by ComReg.
17. The Applicant will take part and be bound by any Transition Plan that may be defined by ComReg with regard to the Award Spectrum.
18. This Declaration is without prejudice to the Applicant's legal obligations more generally, including those relating to any duty of confidence and its obligations under competition law.
19. That, if the Applicant indicates on its Phase 1 Application Form that it intends to use electronic signatures as part of the Award Process, it and each Authorised Agent:
- consents to the use of electronic signatures;
 - is authorised and has the requisite capacity to use electronic signatures;
 - will be bound by the said electronic signature(s); and
 - will use electronic signatures in accordance with the terms of the Award Rules and the Information Memorandum.

Applicant Name: _____

For and on behalf of the Applicant (**Authorised Agent 1**):

Name in block capitals: _____

Date (DD/MM/YYYY):

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Where the Applicant has authorised a second person to act as Authorised Agent:

Applicant Name: _____

For and on behalf of the Applicant (**Authorised Agent 2**):

Name in block capitals: _____

Date (DD/MM/YYYY):

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Where the Applicant has authorised a third person to act as Authorised Agent:

Applicant Name: _____

For and on behalf of the Applicant (**Authorised Agent 3**):

Name in block capitals: _____

Date (DD/MM/YYYY):

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If the Applicant is a partnership, a joint venture or equivalent, the Declaration must also be signed by each of the relevant partners or participants:

As partner/participant:

(Signature)

Name in block capitals: _____

Date (DD/MM/YYYY):

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Phase 1 Application Documentation Checklist

Tick the boxes to ensure that all the required information is included in your Phase 1 Application Documentation. Completed Phase 1 Application Documentation must consist of the following:

Part 1: Original Administrative Information - All sections of Table A3.1 completed and signed.

- Appropriate evidence for authorisation of Authorised Agents as specified in paragraph 3.57 of the Information Memorandum
- An Ownership Structure Document and accompanying document in accordance with paragraphs 3.61 and 3.62 of the Information Memorandum

Indication as to whether the Applicant will submit the Phase 2 Application Form in hardcopy or electronically with electronic signature.

Part 2: Original Applicant Declaration signed

Note that, for an Application to be considered complete, **five identical paper** copies of the above documents should be provided. The original version of these documents should be identified as such.

Phase 1 Application Procedure

Further to Section 3.3.2 of the IM, Phase 1 Application Documentation consists of:

- a completed and signed Phase 1 Application Form (Annex 3a of this document);
- an Ownership Structure Document along with appropriate certification in relation to same in accordance with paragraphs 3.61 and 3.62 of the IM;
- appropriate evidence in respect of Authorised Agents in accordance with paragraph 3.57 of the IM; and
- a statement of whether an Applicant will submit its Phase 2 Application Documentation:
 - electronically with electronic signature/s¹; or
 - in hardcopy, in a similar way as for the Phase 1 Application Documentation.

An Interested Party must submit **five identical paper** copies of each of the above documents. The original documents should be identified as such.

The container(s) in which the above paper documentation are submitted must not in any way disclose the identity of the Interested Party.

ComReg will only accept Phase 1 Application Documentation submitted between **09.00 hours and 17.30 hours** (Irish time) on any of the following Working Days:

- **Monday 14 June 2021;**
- **Tuesday 15 June 2021**
- **Wednesday 16 June 2021;**
- **Thursday 17 June 2021; and**
- **Friday 18 June 2021.**

Interested Parties must make appointments with ComReg to submit their Phase 1 Application Documentation. To make an appointment for submission of Phase

¹ Details of what constitutes an electronic signature is set out in paragraphs 3.33 – 3.42 of the IM, details of the dedicated file portal to send the documents electronically will be given to Applicants at the time of the submission of Phase 1 Application Documentation.

1 Application Documentation, an Interested Party must contact **Mr Joseph Coughlan or Mr. Patrick Bolton** by telephone between **10:00 to 13:00 and 14:00 to 16:00 hours (Irish time)** on Working Days between **Wednesday 2 June 2021 and Thursday 17 June 2021** inclusive.

The number for telephoning Mr. Coughlan or Mr. Bolton is: **+353 (0)1 804 9761**. ComReg will record all phone calls made or received during the Award Process in order to manage technical issues and risks arising, and to ensure the integrity and administrative efficiency of the Award Process. These recordings, which shall be stored securely, shall be retained and used only for these purposes. In the event of a dispute arising ComReg may seek to rely on the contents of these recordings.

All submitted application documents will be date and time stamped upon being received by ComReg. Once Phase 1 Application Documentation is received by ComReg, the Interested Party is deemed to be an Applicant.

Each Applicant will be given a receipt acknowledging the submission of its Phase 1 Application Documentation.

Only in exceptional circumstances outside the control of the Applicant will Phase 1 Application Documentation be accepted after 17:30 hours on the Phase 1 Application Date and this will be at ComReg's discretion.

Submission of a second or subsequent Application documents during phase 1 of the Application Stage

Phase 1 Application Documentation can be replaced at any time up to **17.30 hours (Irish time) on the Phase 1 Application Date, Friday 18 June 2021**.

In the event that an Applicant submits more than one version of Phase 1 Application Documentation prior to 17:30 hours on the Phase 1 Application Date, only the latest Phase 1 Application Documentation received from that Applicant will be taken into consideration.

On the submission of second or subsequent Phase 1 Application Documentation prior to the Phase 1 Application Date then the Applicant must return the receipt for the prior Phase 1 Application Documentation to ComReg. This receipt will be endorsed to indicate that the earlier Phase 1 Application Documentation has been superseded and will not be evaluated. Any superseded Phase 1 Application Documentation will not be returned and will be securely destroyed.

No Phase 1 Application Documentation will be opened by ComReg before 17:30

hours on **Friday 18 June 2021** (the Phase 1 Application Date. All Applications will be opened at the same time and place and in the presence of an independent auditor.

At the time of submission of Phase 1 Application Documentation, ComReg will provide each Applicant with details on how ComReg will securely communicate with the Applicant. ComReg aims to make use of an electronic means as much as possible to facilitate the process after the Phase 1 Application Date.

Should ComReg determine that additional information is required from an Applicant regarding its Phase 1 Application Documentation, it will instruct the Applicant on the process for providing same.