

# NOTICE ON THE OPENING OF THE AUCTION

**The Office of the National Media and Infocommunications Authority announces an auction for the entitlements to radio spectrum use in the 32 GHz frequency band**

1. The auction (hereinafter the auction procedure) is launched ex officio on the date of publication of this notice, on 10 February 2023. Case number of the auction procedure: K/230/2023.
2. The auction procedure is an administrative matter and an administrative procedure which falls within the competence of the Office of the National Media and Infocommunications Authority (hereinafter as: the Auctioneer).

The auction procedure is governed by the rules of Act C of 2003 on Electronic Communications (hereinafter as: the Eht.) and of Act CL of 2016 on the Code of General Administrative Procedure, as applicable.

The general rules of the auction procedure is governed by NMHH Decree no. 4/2011 (X. 6.) on the rules of auction or competitive procedure for obtaining the entitlement to frequency use (hereinafter as: the Ápszr.).

3. The detailed rules and conditions of the auction procedure are set out in the auction documentation (hereinafter the Documentation) drawn up by the Auctioneer.
4. The [Documentation](#) is available to the public on the website of the Auctioneer and can be downloaded free of charge; however, only persons and entities officially registered as stipulated in the Documentation may submit written questions regarding the Documentation, as specified in Section 8 (1) of the Ápszr.

Registration is allowed from the date of publication of the Notice until the application deadline. Questions regarding the Documentation submitted in writing up to the tenth day prior to the application deadline shall be answered by the Auctioneer within eight days, in order to ensure that applicants will have at least two days from receiving the answer to the expiry of the application deadline.

Registration shall be conditional upon the registrant completing the [Datasheet](#) available for download from the Auctioneer's website, sending the completed Datasheet to the Auctioneer through any of the contact points set out in Section (40) of the Documentation and providing proof of payment of the registration fee. If any of the conditions are not met, the registration is invalid.

The Auctioneer shall register those registered in accordance with the conditions set out in the Documentation and shall notify the registered parties of the fact of such registration. In the event of an incomplete registration or one that is inadequate for any other reasons, the Auctioneer shall inform the initiator of the registration by indicating the deficiencies.

The amount of the registration fee is HUF 100,000 + VAT, totalling HUF 127,000 (i.e. one hundred and twenty-seven thousand forints).

The registration fee must be transferred to the Auctioneer's account number 10032000-00300939-00000017 held at the Hungarian State Treasury, and the words "Regisztráció 32GHz" (32 GHz registration) must be indicated in the payment reference field.

5. The *subject matter of the auction procedure*

The subject of the auction procedure is the following frequency range, pursuant to NMHH Decree no. 7/2015 (XI. 13.) on the National Frequency Allocation and the Rules for the Use of Frequency Bands (hereinafter the NFFF):

- the 31.8-33.4 GHz frequency band (the 32 GHz frequency band)

In the auction procedure, bids can be submitted for the following lots:

Name of frequency band	Number of lots	Frequency amount offered for sale in total
<b>32 GHz</b>	<b>24 lots of duplex 28 MHz</b>	24x2x28 MHz i.e. in total (2x672 MHz)

The winning participant that has been granted an entitlement to radio spectrum use may, subject to the fulfilment of other legal requirements, install a radio station or radio system by design and, on the basis of an individual licence for the use of radio spectrum, may legally operate it in accordance with the terms of the licence, and use it for the provision of electronic communications services.

The description of the frequency band subject to the auction procedure and the detailed conditions of use are set out in the Documentation, in particular in Annex 1 of the Documentation, and in the legislation applicable to the use of radio spectrum (in particular the NFFF).

6. The quantitative (acquisition) limits applied in terms of the acquisition of entitlement to radio spectrum use are set out in the NFFF and the Documentation.
7. Duration of the entitlement to radio spectrum use, the initial date for the use of the user blocks, the usability of the user blocks:

The duration of the entitlements to radio spectrum use that may be obtained as a result of the auction procedure shall be 15 years, pursuant to Section 55(9b) of the Electronic Communications Act.

The period of 15 years shall begin as of the day of acquisition of the exclusive right provided for in Section 22(2) of the Ápszr.

The period of the entitlement to radio spectrum use may be extended once for a period of 5 (five) years without a competitive procedure, in accordance with the procedure detailed in Section 34/C of NMHH Decree no. 7/2012 (I. 26.) on certain official procedures of civil spectrum management, provided that the conditions specified therein are met.

NMHH Decree 7/2013 (IX. 19.) on the secondary trading of radio frequencies governs the procedural rules on the secondary trading of the entitlements and rights to radio spectrum use acquired in the course of the auction procedure, which can be transferred and leased.

8. The reserved price of one lot:

The reserved price of 1 (one) lot in the 32 GHz frequency band shall be HUF 50,000,000 (fifty million HUF).

The prices do not include VAT, pursuant to Section 7 of Act CXXVII of 2007 on value added tax; the full amount of the payable auction fee shall be VAT-exempt due to the public authority activity nature of the auction procedure.

9. Applicants to the auction procedure shall be obliged to pay a participation fee of HUF 10,000,000 + VAT, totalling HUF 12,700,000 (i.e. twelve million, seven hundred thousand Hungarian forints) in line with the rules specified in Section 3.7 of the Documentation.

10. The applicants can submit their Application, subject to the requirements of form and content set out in the Documentation, only electronically, after authentication through the Client Gate, through the Auctioneer's [dedicated form](#) on 13 March 2023 from 09:00 to 12:00.

For detailed technical (IT) information on how to submit the form, see Annex 4 of the Documentation.

11. The personal conditions for participation in the auction procedure, as well as the formal validity conditions and mandatory content elements of the application, are set out in the Ápszr. and in the Documentation.

Budapest, 10 February 2023