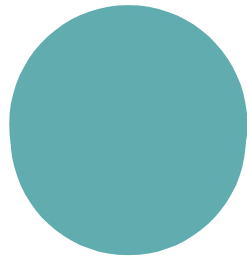


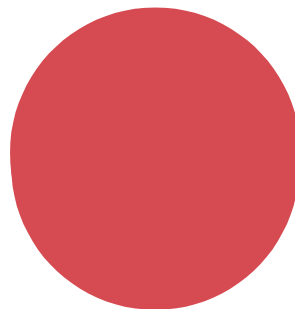


Energistyrelsen



# **Information Memorandum**

## **Annex J**



### **Bidder Declaration**

**1500 MHz, 2100 MHz, 2300 MHz, 3.5 GHz and  
26 GHz Auction**



**2021**

## Annex J: Bidder Declaration

It should be noted that for the purposes of this declaration the concepts of "bidder", "connected person", "confidential information", "insider", "legal entity", "mobile operator", "associated person" and "associated bidder" shall be construed as defined in the Danish Energy Agency's Decision of 22 December 2020 on the 1500 MHz, 2100 MHz, 2300 MHz, 3.5 GHz and 26 GHz Auction.

The bidder hereby confirms and declares that:

1. The bidder is entitled to submit the application and participate in the auction, and the bidder has obtained all necessary declarations of consent, permissions and approvals.
2. The bidder has ensured and will ensure that all information and all declarations contained in the application and appendices attached thereto are correct and accurate to the best knowledge of the bidder.
3. The bidder is not under the joint control of two or more mobile operators or the bidder warrants that it acts in conformity with the competition legislation in force, if the bidder is under the joint control of two or more mobile operators or previously has obtained an approval under the competition legislation on joint control. Any previous approvals have to be enclosed with the application.
4. The bidder has ensured and will ensure that after submitting the application, the bidder and its connected persons abstain from establishing, through their actions or failure to act, a connection to another bidder, which would lead to the bidders falling within clause 12 of the Danish Energy Agency's decision.
5. The bidder has ensured and will ensure that the bidder, only to the extent it is necessary, discloses confidential information to its connected persons or to other relevant persons who, prior to such disclosure or by virtue of such disclosure, are insiders in relation to the same bidder and that, in connection with the disclosure, the bidder has taken or will take all reasonable measures with a view to ensuring that the person who receives such confidential information complies with clauses 6-9 below.
6. The bidder has ensured and will ensure that until the licences have been issued the bidder, the bidder's employees, board of management, board of directors and persons connected with the bidder or insiders refrain from disclosing information to parties other than as specified in clause 5.
7. The bidder has ensured and will ensure that the bidder - and, to the knowledge of the bidder, any connected persons and any insiders - prior to the submission of the application and until the date on which the licences have been issued, shall refrain from entering into agreements with other bidders or the connected persons in relation to such other bidders concerning the auction.
8. The bidder has ensured and will ensure that the bidder - and, to the knowledge of the bidder, any connected persons and any insiders - both prior to and after the submission of the application and until the licences have been issued, refrain from any action that could have an adverse effect on the auction.

9. The bidder has ensured and will ensure that the bidder - and, to the knowledge of the bidder, any connected persons and any insiders - neither prior to nor after the submission of the application and until the licences have been issued, enter into any agreement or establish any understanding with a third party if the agreement or understanding directs this third party not to participate in the auction, or restricts the ability of this third party to participate in the auction.  
  
The bidder has ensured that agreements already entered into or understandings already established, as mentioned in the first sentence hereof, have been terminated, including to the knowledge of the bidder, that any connected persons and any insider have ensured that all such agreements or understandings established have been terminated.
10. A bidder has ensured and will ensure that a natural person who is a member of the board of directors of a bidder or employed by a bidder or any connected persons or insiders in relation to a bidder and who is also a member of the board of directors of another bidder or employed by another bidder or any connected persons or insiders in relation to such other bidder,
  - a is in no way whatsoever involved in the preparation of an application or submission of a bid for both bidders or their connected persons, and
  - b is not in possession of, or obtains, any confidential information concerning both bidders or their respective connected persons or insiders.
11. The bidder has ensured and will ensure that if a natural person who is an insider in relation to the bidder and who is a member of the board of directors of a person or employed with a person who is a connected person in relation to the bidder, and if another member of the board of directors of the person, or another employee with the connected person, is or can be an insider in relation to another bidder, the connected person shall inform the bidder (the party giving this declaration) to this effect, and the bidder shall take all reasonable measures with a view to ensuring compliance with clauses 6-9 above.
12. The bidder has ensured and will ensure that prior to submitting its application, the bidder has taken all reasonable measures with a view to identifying its connected persons, associated persons and insiders.
13. The bidder or, in case the bidder is a partnership, a joint venture or equivalent, the relevant partners or participants are not in suspension of payments, liquidation, or bankruptcy or winding-up proceedings.
14. The bidder is duly established under the legislation governing the country in which the bidder's registered office is situated - or in case the bidder is a partnership or a joint venture, etc., in which one or more partners or participants are legal entities - these are duly established under the legislation governing the country in which their registered office is situated.
15. The bidder is not, or, in case the bidder is a partnership, a joint venture or equivalent, the relevant partners or participants are not, nor are expected to be involved in any disputes which may in any material and adverse way affect the bidder's ability to comply with the terms of the licence, if the bidder is awarded such licence.

For and on behalf of the bidder:

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(Signature of the persons who are empowered to bind the bidder or otherwise authorised to bind the bidder)

If the bidder is a partnership, a joint venture or equivalent, the declarations in clauses 13-15 shall also be signed by the relevant partners or participants:

As partner/participant:

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[Documentation of the authenticity of the signatures in case of physical signatures may be provided for example by two persons other than those empowered to sign stating that the signature is authentic, by signing their name, address and position]