ADDITIONAL CO-ORDINATION AGREEMENT
BETWEEN
POLAND AND GERMANY
IN THE FREQUENCY BANDS
791 - 821 MHz AND 832 - 862 MHz

1 INTRODUCTION

The co-ordination procedure for the frequency bands 791-821 MHz, 832-862 MHz is laid down in the following agreement:

- Agreement between the administrations of Poland and Germany on frequency planning and frequency usage at the border areas for terrestrial systems capable of providing electronic communications services in the frequency bands 791-821 MHz and 832-862 MHz (Warszawa, 12th April 2011).

Annex 1 to this additional agreement gives an overview of the current German assignments of 800 MHz FDD frequency blocks.

Recent feedback from practical LTE-800 network deployments in Germany indicates that the field strength values laid down in the above-mentioned co-ordination Agreement are sometimes not sufficient to ensure good quality coverage of certain urban and industrial areas in the border region.

Yet, in accordance with the agreement mentioned above, Polish and German LTE-800 operators are allowed to conclude arrangements to especially improve the situation in those cases.

Poland and Germany recognize that it is practically impossible for the German LTE-800 operator Telefónica Germany GmbH & Co. OHG to conclude an arrangement with a Polish operator because LTE-800 frequency block (Annex 1) is not currently used in Poland.

Taking into consideration these circumstances, Poland and Germany agree, in addition and deviation to the above-mentioned agreement, on the following co-ordination procedure for the bilateral relation between Poland and Germany in the frequency bands 791-821 MHz, 832-862 MHz.

2 TECHNICAL PROVISIONS

Telefónica Germany GmbH & Co. OHG may use in the geographical area Görlitz the defined below in Annex 2 / Annex 3 base stations, if the field strength of each carrier produced by the base stations does not exceed the values of 29 dBµV/m/5MHz at a height of 3 meters above ground at a distance of 9 kilometers beyond the border.

Annex 2 contains a printout of the base stations in Görlitz.

Annex 3 contains the current technical specification of the station in the data exchange record format for the Mobile Service. The technical parameters for the stations can be modified until the field strength produced by the base stations does not exceed the values defined above.

3 ADMINISTRATIVE PROVISIONS

The Polish Administration will notify the German Administration when the frequency bands 791-821 MHz, 832-862 MHz have been assigned to a LTE-800 operator in Poland.

The German Administration will inform its LTE-800 operator Telefónica Germany GmbH & Co. OHG accordingly and advise him to start negotiations with the Polish operator to conclude an arrangement on frequency utilizations in the border area.

The present additional agreement shall become invalid 6 months after the administrative notification mentioned above.

From that date on, all base stations in operation in the LTE-800 FDD frequency block 791-821 MHz, 832-862 MHz have to comply again with all provisions of the existing Agreements unless an arrangement between the operators is in force and lays down other provisions.

4 REVIEW OF THE AGREEMENT

Each Administration may request a review of this agreement. Any part of this agreement may be revised in the light of future developments and experience in the operation of the networks covered by this agreement.

In case that unexpected difficulties emerge in applying this agreement, both administrations agree to meet again and discuss this agreement and if necessary revise it.

In particular, the present additional agreement can be revised at the request of the Polish administration, if harmful consequences to other parties are reported, such as:
- extensive non wanted international roaming situations experienced by users;
- interferences or traffic collection suffered by operators non concerned by this agreement.

5 WITHDRAWAL FROM THE AGREEMENT

Each Administration may withdraw from this agreement subject to 6 months prior written notice.

6 DATE OF ENTRY INTO FORCE

This agreement will enter into force on 01.08.2012.

Done by correspondence, 18.07.2012 and 24.07.2012.

For POLAND

Wiktor SĘGA

For GERMANY

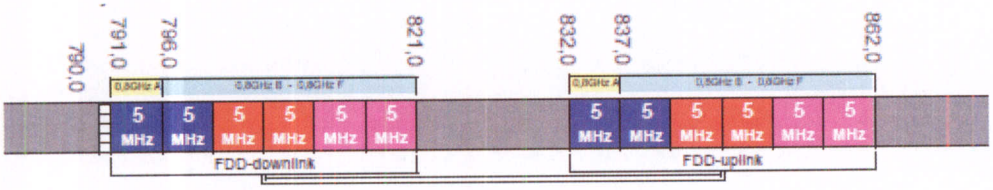
Heinz HÖNNEKES

Annex 1

Overview of the assignments of 800MHz frequency blocks in Germany

German network operators:

Telefónica Germany GmbH & Co. OHG
Vodafone
Telekom Deutschland



Annex 2

Printout of the base stations in Görlitz

Annex 3

Current technical specification of the stations in the data exchange record format for the mobile service

4220. DOI0312-LTE800-Görlitz ND__Gertsuski 089-24424885 28 23042012

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