

# BIJLAGE: TLN-WRO-GA-G-M-PAAD

## VALID REQUEST FRAMEWORK

**for one or more Services based on the Reference Offer Basic TV, the Annex Interactive Services and the Reference Offer Broadband Services.**

- (1) This document constitutes an integral part of the Telenet Reference Offer for Basic TV and Telenet Reference Offer Broadband Services and should be fully complied with by the entity/Beneficiary at all times.
- (2) At any time this document is susceptible to change by Telenet, Regulator's decision or by decision of a relevant judicial authority. Changes to this document will, depending on the circumstances for change, be appropriately notified to the Beneficiary and published on the Telenet website.
- (3) Telenet has appealed the CRC Decisions of the VRM, BIPT and CSA of 29 June 2018 concerning the market analysis of the broadband and the broadcasting market in Belgium and it consequently reserves all its rights in relation to this document.
- (4) The moment at which the relevant Service will become available will depend on the implementation timings necessary for Telenet to make the relevant Service operational.
- (5) In case the Beneficiary qualifies as an operator with an own network, access to the services included in the Reference Offer should only be provided in case the access request can be considered as reasonable. In this respect the CRC Decision includes a framework for the assessment of the reasonableness that will be applied by Telenet for each request by an operator with an own network.
- (6) An entity may decide to submit a Letter of Intent to Telenet in which it obliges itself to immediately pay to Telenet the fixed sum of:

200.000 euro for the resale of analogue radio and television signals,

or

500.000 euro for the resale of analogue radio and television signals in combination with access to the digital television platform,

or

600.000 euros for the three regulated services combined (resale of analogue radio and television signals in combination with access to the digital television platform and broadband services)

#### **Valid Request**

- (7) Telenet will only accept to consider entity's request conform the Telenet Reference Offer Basic TV, the Annex Interactive Services and/or the Reference Offer Broadband

Services, and start negotiations in order to conclude a Contract and/or Agreement if the following conditions are met by the entity concerned:

- a) the entity or his authorized agent provides Telenet with official documents to identify himself as an Operator in relation to the relevant regulation;
- b) the entity or his authorized agent has fully provided prior written proof to Telenet of having acquired or conducting negotiations and/or cleared all necessary Intellectual Property Rights, including the relevant copyright and neighbouring rights;
- c) the entity has provided Telenet the written proof of deposit of a Bank Guarantee corresponding to the Telenet General Terms and Conditions;
- d) the entity has provided Telenet with a contact person for the execution of the relevant Service;
- e) the entity confirms that it is in general terms allowed to provide the request Service;
- f) the entity unconditionally confirms that it will fully fulfill all aspects of the relevant Reference Offer and/or Annex for the selected services, including all associated Annexes;
- g) the entity provides estimation of the expected volumes during six months of the operation. This information will have to be provided in conformity with the conditions set out in Annex 'TLN\_WRO\_GA\_P\_O\_PAAB - SLA en Voorspellingsysteem';
- h) the entity provides proof of the Quality measurements as described in the Annex 'TLN\_WRO\_GA\_G\_M\_PAAG - Test and Implementation Procedures';
- i) the entity has fulfilled its obligations arising from another contract for a Telenet service and for which he has not filed a claim in accordance with the procedure specified in the terms and conditions for the service in question;

Without prejudice to the above, Telenet may refuse to negotiate with an entity or immediately reject to (continue to) provide one or more Services in the following cases:

- j) in an emergency situation (i.e., exceptional cases of *force majeure*), for the purpose of ensuring the safe operation of the Telenet Network;
- k) following the entity's failure to observe obligations arising from the General Terms and Conditions for the use of one or more Services;
- l) for the purpose of maintaining network integrity or the interoperability of the services or for any other technical reasons that must be specified;
- m) the non-fulfillment of the financial obligations as set out in Annex 'TLN-WRO-GA-G-M-PAAC - Algemene voorwaarden'

n) a breach of Contract and/or Agreement by the Beneficiary.

(8) In the event of a refusal, Telenet shall notify the entity of its decision and the grounds for the decision by registered mail.