



## **APPLICATION FOR INDIVIDUAL AUTHORIZATION OF RADIOELECTRIC SPECTRUM USE FOR PILOT TESTS AND SHORT TERM EVENTS (TEMPORARY AUTHORIZATIONS)**

### **GENERAL CONSIDERATIONS**

- The Regulation for the use of the radioelectric public domain approved by Royal Decree 123/2017, of February 24, considers as experimental tests those with the aim to carry out technical tests or tests on propagation, the use of new frequency bands or demonstrations of new services or technologies. Their duration is limited to a maximum of six months.
- The Regulation for the use of the radioelectric public domain approved by Royal Decree 123/2017, of February 24, considers short-term events those that include sports, cultural or other events of special interest. Their duration is limited to a maximum of one month.
- The application for a temporary authorization for the use of the radioelectric spectrum must be submitted to this Secretary of State **within at least ten working days at the beginning of the period of requested use.**
- Together with the application, a technical report (xml file and/or pdf file, depending on the service electronic form) must be submitted. This file will include the period of use, a description of the service to be provided, the radio network, the stations and equipment that are intended to be used, indicating their technical characteristics and location. The mentioned technical report shall be signed by a qualified technician or, in other case, by the holder or his/her legal representative. .
- The procedures to apply for licenses for the use of the radioelectric spectrum are carried out exclusively by electronic means. **All applications must be electronically signed. Whoever submits the application must have a qualified electronic certificate of electronic signature<sup>1</sup>.**
- To sign documents electronically, any digital signature tool that allows signing XML and PDF files can be used. One example would be the “Autofirma” called tool, which can be downloaded from the following link:  
<https://sede.minetur.gob.es/es-ES/firmaelectronica/Paginas/AutoFirma.aspx>
- **Holder Accreditation:**
  - The holder of the spectrum rights of use is obliged to comply with the provisions of the applicable regulations. The Authorization Resolution and the corresponding fee for the use of the radio spectrum are issued on the name of the holder.
  - Those who submit the application for the authorization to use frequencies must have a qualified electronic certificate to access the application form and to sign it.
  - **The foreign holder** (as well as the national holder) **must have a Spanish tax identification number (NIF)**, which must be obtained from the State Tax Administration Agency through the presentation of the 036 model form and some additional documentation. All the frequently asked questions about obtaining the Spanish NIF for foreigners (natural and legal persons) can be found at the following link (to copy and paste):  
<https://www2.agenciatributaria.gob.es/wlpl/AVAC-CALC/InformadorCensal>

See more detailed information on the request for a NIF in the section “INFORMATION POSTED BY THE STATE TAX ADMINISTRATION AGENCY IN RELATION TO THE STEPS AND DOCUMENTATION NEEDED IN ORDER TO OBTAIN A TAX IDENTIFICATION NUMBER (NIF)” on page 4.

<sup>1</sup> Qualified electronic certificates of electronic signature are those listed in the following Confidence List:  
<https://avancedigital.gob.es/es-es/Servicios/FirmaElectronica/Paginas/Prestadores.aspx>



- If the holder is a legal person
  - Those who have a certificate of natural person with representation of the legal entity can submit the application.
  - Those who have a certificate of natural person and attach the corresponding powers of representation of the legal entity holder can submit the application. It is possible to process the designation of a representative via the called "APODERA" system at <https://sede.administracion.gob.es/apodera/home.htm>, attaching in this case the proof obtained.
- If the holder is a natural person
  - The application can be submitted with a qualified electronic signature certificate. If the request is submitted by another person on your behalf, that person must have an electronic certificate of natural person and attach the powers of representation. It is possible to process the designation of a representative via the called "APODERA" system at <https://sede.administracion.gob.es/apodera/home.htm>, attaching in this case the proof obtained.
- **Access to Notifications.** The notifications corresponding to the application, such as the Authorization Resolution, will be issued by electronic means through the presence of the applicant or his duly accredited representative, at the Ministry's electronic site of this Ministry. **An email address must be specified on the application form, where a message will be sent informing about the availability of the notifications related to the application at the Ministry's electronic site.** The notifications will be accessible for both, the holder and the natural person who has presented the application using the corresponding electronic certificate.
- Together with the corresponding Authorization Resolution, the fee for the use of the radio spectrum in a standard model form 990 is issued and notified. The fee (model form 990) can be paid by anyone in any Spanish collaborating entity (most banks and savings banks). The holder must have a tax identification number as explained before.
- In the case of stations intended for short-term events, the start-up will be considered authorized under the technical conditions established in the corresponding authorization for the use of the radioelectric public domain. Therefore, once the Authorization Resolution has been received, the radio spectrum can be used within the authorized period.
- After obtaining the rights of use of the spectrum for the test or the pilot, and after the installation of the network or the station, it is necessary to apply for the authorization to put into service such system and to pay the correspondent fee for each station put into service. Depending on the kind of station, the station may be put into service by a certification signed by a qualified technician or by the installation revision by our inspection services. More information on the following web page: <https://avancedigital.gob.es/inspeccion-telecomunicaciones/Paginas/autorizaciones-estaciones-radioelectricas.aspx>
- A high number of pilots and short-term events are applied in mobile service bands managed by the Mobile and Fixed Narrow-band Service Unit. Hence, further description on the electronic procedure for short-term events and pilots of this particular service unit is given in the following section.
- In case of requesting frequencies corresponding to the satellite service, broadcasting service or fixed service, the following links provide access to the corresponding application forms for radioelectric spectrum use:
  - Radiodetermination, Satellite, Point-Multipoint Fixed Service and others: <https://sede.minetur.gob.es/es-es/procedimientoselectronicos/Paginas/detalle-procedimientos.aspx?IdProcedimiento=148>
  - Radioelectric Networks Wide Band Fixed Service: <https://sede.minetur.gob.es/es-es/procedimientoselectronicos/Paginas/detalle-procedimientos.aspx?IdProcedimiento=161>
  - Other general applications or consultations: <https://sede.minetur.gob.es/es-es/procedimientoselectronicos/Paginas/detalle-procedimientos.aspx?IdProcedimiento=203>



- It is also necessary to provide a document justifying the telecommunications **tax payment (model 790)**, which must be made prior to submitting the application, either at the bank office or electronically through the Ministry's electronic site (in both cases, the file with the proof of payment in pdf format must be attached to the application form). In the case of electronic payment, the procedure can be accessed from [Pago de tasas de Telecomunicaciones. Modelo 790](#), through the link "Acceso al procedimiento con certificado digital: Generar el Modelo 790 de Tasas de Telecomunicaciones y realizar el pago." In the form, the following option must be checked: "por la tramitación de concesión demanial o autorización para el uso privativo o de autorización general para el uso especial del dominio público radioeléctrico".



## **CONSIDERATIONS RELATED TO THE PROCEDURE FOR REQUESTING FREQUENCIES FOR PILOT TESTS OR SHORT-TERM EVENTS OF THE MOBILE AND FIXED NARROW-BAND SERVICE UNIT (TEMPORARY NETWORKS OF THE MOBILE AND FIXED NARROW-BAND SERVICE UNIT)**

The application for the use of frequencies for short-term events and pilots must be submitted using the procedure "[\*Solicitud Nuevas Redes Radioeléctricas Servicio Móvil y Fijo de banda estrecha\*](#)"<sup>2</sup>, corresponding to the set of procedures related to "[\*Redes Radioeléctricas del Servicio Móvil y Fijo de banda estrecha\*](#)"<sup>3</sup>, available at the following electronic site:

<https://sede.minetur.gob.es/es-es/procedimientoselectronicos/Paginas/detalle-procedimientos.aspx?IdProcedimiento=162>

The previous link also gives access to the following tools:

- ✓ User manual of electronic procedures.
- ✓ Software tool (SM\_genxml) for the generation of a structured information file XML describing the requested network. The XML file must be electronically signed (.XSIG file after the signature) and attached to the online application form.
- ✓ User manual of the software tool SM\_Genxml.
- ✓ Documents templates.

## **PARTICULARITIES IN THE GENERATION OF THE DESCRIPTION OF THE NETWORK (XML File)**

- To generate the description of the network, the SM\_GenXML tool mentioned above is provided. With this tool downloaded and following steps 2.3.1 to 2.3.12 from the user manual, the descriptive file of the network is completed and then the process of signing can begin. Beginning by selecting that the request is for pilot tests or short-term events.
- In the user manual, specific clarifications are available regarding the case of temporary (short-term events and pilots) networks. One of these clarifications for short-term events is referred to the case in which the XML file is signed not by a qualified technician in telecommunications matters but by the holder or his representative. In this case, this fact will be indicated as follows:
  - In the data screen of the SM\_GenXML tool referred to the qualified technician, enter the data of the holder of the network or his representative instead of those of the technician. Check the box relating to the fact that the XML file is not signed by a competent technician, or if a competent technician would like to sign it, checking that he is not disqualified from practicing his profession.
  - The same person who appears on the previous mentioned data screen of the SM\_GenXML tool referred to the qualified technician, is the one who must sign electronically the XML file of the radio network.
- In the application form of the Ministry's electronic site, section "*Usos de la red y Datos adicionales*"<sup>4</sup>, it is worth noting that the network is requested for short-term events or a test pilot and, when necessary, that the XML file has been signed by the holder or his representative instead of by a qualified technician.
- In section 2.3.8 "*Anexo de documentos*"<sup>5</sup> of the user manual, in relation to the "***Datos Adicionales No estructurados del Proyecto***"<sup>6</sup> document, the **dates of the event**, alternative frequencies to those recorded in the file, range of operation in frequencies of the equipment and any other necessary information that can facilitate the study of the network by the Administration, must be provided. In relation to this document the following must be taken into account:
  - When using the SM\_GenXML tool to generate the description of the network in XML format, the just above mentioned file must be attached electronically signed in the window requested in order to obtain a hash that will be internally used by our informatics systems for the corresponding security checks during the online application via the form on our electronic site.
  - In the application form of the Ministry's electronic site, the just above mentioned file must be attached electronically signed as well as the rest of files or documents and information requested.

<sup>2</sup> The translation for this text would be: "*Request for New Radio Networks, Mobile and Fixed Narrow-band Services*".

<sup>3</sup> The translation for this text would be: "*Radioelectric Networks of the Mobile and Fixed Narrow-band Services*".

<sup>4</sup> The translation for this text would be: "*Network usages and additional data*".

<sup>5</sup> The translation for this text would be: "*Attachment of documents*".

<sup>6</sup> The translation for this text would be: "*Additional unstructured data of the project*".



## **INFORMATION POSTED BY THE STATE TAX ADMINISTRATION AGENCY IN RELATION TO THE STEPS AND DOCUMENTATION NEEDED IN ORDER TO OBTAIN A TAX IDENTIFICATION NUMBER (NIF).**

To carry out operations or procedures with economic or tax significance in Spain, foreign legal persons must have a Spanish tax identification number (NIF or NIE)<sup>7</sup>.

In order to obtain a NIE for a foreign legal person or entity, the natural person that represents the foreign legal person (representative with powers) who will request the NIE on behalf of the foreign legal entity must have a Spanish NIF (it can be a representative of the company, also a foreigner, who has previously obtained a NIE of a natural person, or well a Spaniard, with their corresponding NIF, to whom the company grants a specific power of attorney for this activity/operation).

### **General Information to obtain a NIF type N (foreign legal entity):**

- The natural person who requests the NIF for the foreign legal entity or person must have a Spanish NIF.
- If the documentation to submit to the AEAT is not in Spanish, it must be translated into Spanish and to provide proof of being authentic for their validity and effectiveness before the Spanish Public Administration. To do this, you must provide a legalized copy, through:
  - Apostille of The Hague
  - Official translation, where appropriate, by a sworn translator or through consular or diplomatic representations.

Non-resident in Spain foreign entities may request their NIE through the electronic procedure enabled by the Consular Offices of Spain abroad or directly before the AEAT:

**A) Processing through the Consular Offices of Spain abroad<sup>8</sup>** (We think that perhaps this option A can be helpful as it has been established to facilitate procedures abroad.)

**B) Processing “in Spain”, in the Administration of the Tax Agency (AEAT) (model 036)** (Detailed information in:

<https://www2.agenciatributaria.gob.es/wpl/AVAC-CALC/InformadorCensal?id=1.1.2.2.1>)

**B.1).** Directly in a physical office of the AEAT (previous appointment needed) or by sending the documentation and model form 36 by certificate mail. (To fill in the model 036 needed see the note (\*\*)) below. Find the form in the following link. After filling in the model, it is necessary to download it in a pdf format to present at the AEAT with the rest of the needed documentation: [https://www2.agenciatributaria.gob.es/static\\_files/common/internet/dep/aplicaciones/ov/i903600b.html](https://www2.agenciatributaria.gob.es/static_files/common/internet/dep/aplicaciones/ov/i903600b.html)

**B.2). Online.** The natural person who will sign the application for the NIE must have a qualified electronic certificate. It is needed:

- a) Model 036 properly fulfilled (see note (\*\*)):  
[https://www2.agenciatributaria.gob.es/static\\_files/common/internet/dep/aplicaciones/ov/i903600b.html](https://www2.agenciatributaria.gob.es/static_files/common/internet/dep/aplicaciones/ov/i903600b.html) form (model 036) that you have to fill in and download in a pdf format.
- b) Documentation to provide in electronic format (scanned):
  - Certification from a registry or fiscal authority of the country of origin that accredits the existence of the entity.
  - In relation to the natural person who signs the application for a NIE in representation of the foreign legal entity:
    - Document that allows the official identification of the natural person
    - Document that proves that the person who signs the application has sufficient power to do so (legal representative (attorney powers) or volunteer)
    - Card or document accrediting the Tax Identification Number, assigned by the Spanish Administration.

<sup>7</sup> NIE is the same as a NIF, the only difference is that a NIE refers to persons from other country different to Spain.

<sup>8</sup> Consulate General of Spain in Paris: **165, Boulevard Malesherbes. 75810 Paris CEDEX 17.** [coq.paris@maec.es](mailto:coq.paris@maec.es)

<sup>9</sup>



- c) Presentation of the Model 036 in pdf and the documentation needed in the electronic register of the AEAT: (Link to request a NIF of a legal person online (copy and paste in your browser): <https://www1.agenciatributaria.gob.es/wpl/REGD-JDIT/FG?fTramite=G3229>)

More detailed information in Spanish can be found on:

[https://sede.agenciatributaria.gob.es/static\\_files/AEAT\\_Sede/tramites/G322/Ayuda/G322\\_PExtraordinario\\_NIF\\_ENTIDAD\\_S\\_036.pdf](https://sede.agenciatributaria.gob.es/static_files/AEAT_Sede/tramites/G322/Ayuda/G322_PExtraordinario_NIF_ENTIDAD_S_036.pdf)).

(\*\*) The information to provide in the model 036 form for NIE for a foreign legal entity (type N) is the following:

| Modelo 036            |   |
|-----------------------|---|
| NIF                   |   |
| Pág.1:                | Datos identificativos, casillas 101 y 102 |
|                       | APARTADO 1A) casilla 110                  |
|                       | Lugar, fecha y firma                      |
| Pág.2B): APARTADO 2B) |   |
| Pág.3: APARTADO 3     |   |

**Data and documents necessary to obtain the NIF of the Foreign Company/Company:**

Foreign legal persons or entities without personality, who request the Tax Identification Number N, must provide the following information necessary for the assignment of the said Tax Identification Number:

- Whether or not it has legal personality.
- Social denomination or social reason.
- Tax identification number or code assigned by other countries, if applicable.
- Fiscal domicile, and where appropriate, company.
- Nationality.
- Date of incorporation and Date of registration in the corresponding public registry, if applicable.
- Constitutional share capital, if applicable.
- Representatives: Name and surname or company name or full name and Tax Identification Number of the legal representatives, where appropriate, name and surname or company name or full name, Tax Identification Number, tax address and nationality of their representative in Spain.