



**HELLENIC REPUBLIC**

**11/2/2022**

**HT.5766 – Consultation - Revision of the Guidelines on state aid for broadband networks**

The Greek Authorities would like to thank the Commission for the draft proposal for the revision of the Guidelines on state aid for broadband networks aiming at ensuring that they cater appropriately for market and technological development, reflecting the increasing connectivity needs of end-users and clarifying the conditions under which Member States may grant support, in particular with respect to the existence of a market failure and the performance that the networks must achieve.

Having reviewed the draft proposal and taking into consideration the proceedings during the relevant Multilateral meeting of 27/1/2022, we consider that the text reflects the current trends in broadband deployment and that the new approach will facilitate and expedite targeted public interventions aiming to further promote both broadband coverage and usage in Member States.

However, we would like to bring to your attention the following comments and kindly ask you to consider them accordingly, for the preparation of the final text.

In particular:

1. Member states are encouraged to engage the NRAs in all stages of the preparation and implementation of a state aid measure. We recognize the important role of the NRA; however, its engagement should be consistent with their competencies provided by the national legislation. It is within the sole jurisdiction of MSs to distribute roles and competencies in the framework of the existing legislative regime. Hence, the guidelines should by no means impose new legal obligations to MSs (e.g., point 113, page 27 and footnote 81 therein). We propose that the guidelines should stress the importance of the early engagement of the NRAs in the preparation of state aid measures; however, the MSs should have flexibility in the relevant administrative procedures.
2. Point 52 (page 16): a detailed mapping of the network deployment plans is crucial for the definition of the scope of a potential public intervention. The credibility of the announced plans should be assured; to this end, we propose to include in the guidelines a more explicit definition or best practices proposed for the referred to as “credible plans”.
3. Point 99 (page 24): we propose to modify the definition of the step change in the white areas, in order to be consistent and to contribute to the European Gigabit connectivity targets.

4. Point 129 (page 30) provides an obligation for MSs to set up a national database on the availability of existing infrastructures. Bearing in mind that similar provisions are included in both the Broadband Cost Reduction Directive and the Electronic Communications Code, it should be clarified that this provision shall not lead to duplication of databases. Hence, we propose to clarify that information about existing available infrastructures may be provided through other electronic platforms (e.g., Single Information Point, Broadband Atlas, etc.)

5. Point 185 (page 41): considering that social voucher schemes aim to address specific social needs, we propose to extend the maximum period considered reasonable for the social vouchers to at least 5 years, provided that the eligibility criteria are fulfilled for the whole duration of the aid. In any case, it should be clarified if this threshold refers to the state aid scheme (scheme duration) or to the period that the aid is provided to the beneficiary (voucher duration).

6. Point 191 (page 43 ) Could a scheme for connectivity voucher as described in section 6.2 of draft BB GL identify as the sole eligible costs for public support, the costs which are related for in-house wiring and some limited deployment in the end-user's private property (point 191)? We consider that the works of in-house wiring can be considered as necessary for the provision of the service by the providers and could contribute to the take-up of available electronic communications services and remedy a specific market failure in a Member State as foreseen in point 173) of the draft GL.

7. Point 200 (page 43): the establishment of a horizontal threshold for the duration of the connectivity vouchers is not duly justified; the guidelines should provide flexibility for ad hoc assessment of the potential negative effects on the competition, considering the specific market conditions, dynamics, and peculiarities. The assessment should examine the two conditions provided by the Article 107(3), point c, of the Treaty, as they are interpreted in Section 4 of the proposed Broadband Guidelines. Furthermore, considering the time required for all stakeholders to get accustomed to the scheme and for ISPs to adopt the scheme and adapt their IT systems and marketing strategies, several months are required in order for the scheme to demonstrate its real impact. Moreover, it should be clarified if this duration threshold refers to the state aid scheme (scheme duration) or to the period that the aid is provided to the beneficiary (voucher duration). In any case, we propose to extend the maximum duration considered to at least three (3) years.

8. Point 202b), page 44: We consider that the €100.000 threshold for the transparency obligation is too low, imposing disproportionate administrative burden.