
**AOTEC reply — Consultation on draft State aid guidelines
State for the promotion of broadband**

In relation to these guidelines, we found it useful, in addition to the comments set out below, to send the document recently drawn up by this association and shared with the State Secretariat for Telecommunications of the Spanish Ministry of Economy regarding the forthcoming public aid linked to mobility services.

In short, what we have to bear in mind is that one of the new features of these guidelines is that they may sometimes, as the document envisages, be intended for mobility services. In this case, we are faced with a particular feature: these services are linked to scarce resources, in particular spectrum. As we know, in all countries these radio resources are in the hands of a few. In this respect, if public aid policies are implemented to strengthen these services, particularly in less densely populated areas, which seems logical, we must ensure that the subsidy does not strengthen the privileged position of those who own these scarce resources.

There are three principles the protection of which is at the origin of the suggestions we make in relation to this draft. The defence of competition, secondly, the efficiency of public money, and thirdly the rights of residential or business users, as ensuring greater competition is synonymous with better and wider customer services.

It is suggested that paragraph 139 be worded as follows (additions are in bold):

Alternative One:

*'For interventions supporting mobile access networks, the State-funded network should offer the widest range of wholesale access products, including, inter alia, bitstream access, access to poles/masts/towers and, as they become available, access products necessary to exploit the state-of-the-art characteristics of 5G networks and future mobile generations. Effective access may include access to network components which have not been financed from State resources (e.g. **spectrum**) but which are necessary to enable the access seeker to provide its services.'*

Alternative two:

'For interventions supporting mobile access networks, the State-funded network should offer the widest range of wholesale access products, including, inter alia, bitstream access, access to poles/masts/towers and, as they become available, access products necessary to exploit the state-of-the-art characteristics of 5G networks and future mobile generations. Effective access may include access to

components of the network which have not been financed from State resources but which are necessary to enable the access seeker to provide its services. In this respect, wholesale access obligations may be included not only to the subsidised network but also to the frequencies of the beneficiary in the area covered by the network for which it has received the subsidy and where there is sufficient bandwidth.'

On the other hand, in relation to the economic characteristics of possible subsidised open network obligations, it is proposed to add the following paragraph 151 (d):

'Public support associated with services necessarily linked to scarce resources held by only a few operators may be associated with the need for open networks to which access is fixed at a cost-oriented price.'