

HT.5766 – Revision of the Guidelines on State aid for broadband networks

Estonia's position on the draft guidelines

In general we welcome the draft guidelines. We think that the draft guidelines are more concrete and easier to follow than the existing ones. We are also thankful for Annex II of the draft guidelines (Public interventions falling outside the scope of Article 107(1) of the TFEU).

Please find below our comments on the draft guidelines:

- 1) **Point 153**: it is stipulated in point 153 that certain information about wholesale access products, the terms and conditions and the prices in the tender documents must be published on the State aid website.
In Estonia we have a *State aid and de minimis aid registry* where all relevant information to ensure the transparency of aid is published (as stipulated in point 202 of the draft). E.g. the registry includes information on aid grantor, aid beneficiary, aid measure (national legal basis, EU legal basis), aid amount (both decided aid amount and payments) etc.
We are of the opinion that information stipulated in point 153 of the draft guidelines should not be published on the State aid website (i.e. in case of Estonia in the registry and on relevant public enquiry to the registry) but on some other public website (e.g. aid grantor's website).
So our suggestion is to refer in point 153 to “Member State’s relevant website”, not to refer to “State aid website”.
- 2) **Point 156**: it is stipulated in point 156 that “Member States must implement a claw-back mechanism for at least the duration of the project if the amount of the project is above EUR 5 million”. At the same time in [GBER](#) this threshold is 10 million euros (please see Articles 52 and 52a of GBER).
We suggest to align the thresholds and stipulate in the draft guidelines that the claw-back mechanism has to be implemented if the amount of the project is above EUR 10 million.

Tallinn,
11 February 2022