



Broadband Guidelines

The Commission applies the "**Guidelines on State aid for broadband networks**" for the assessment of state aid to broadband measures. The document is available [here](#).

Commission decisions on State aid to broadband and mobile

Please note that the decision texts (authentic and working language versions) can be found with the help of the [case search tool](#).

#	Decision	Member State	Decision Date	Decision type (*)
199	SA.105187 (2023/N) – Portugal – Deployment of fixed access networks	PT	24/11/2023	Article4(3)
198	SA.108821 (2023/N) – Spain RRF-Modification of the measure “RRF –Support for 5G equipment and infrastructure”	ES	09/10/2023	Article4(3)
197	SA.107876 (2023/EV) – RRF and EFDD – Poland Evaluation plan for the deployment of broadband infrastructure in Poland	PL	20/07/2023	Article4(3)
196	SA.104933 (2023/N) RRF- Spain- Support for 5G equipment and infrastructure	ES	15/06/2023	Article4(3)
195	SA.102977 (2022/N) RRF-Cyprus- Broadband connectivity vouchers for households	CY	21/12/2022	Article4(3)
194	SA.104469 (2022/N) - Prolongation of SA.57496 - Broadband vouchers for SMEs – Italy	IT	06/12/2022	Article4(3)
193	SA.102847 (2022/N) RRF- Spain - Support for connectivity in rural areas	ES	17/11/2022	Article4(3)
192	SA.103451 (2022/N) ES - RRF -Deployment of backhaul networks for mobile connectivity	ES	17/10/2022	Article4(3)
191	SA.63098 (2022/N) Modification of the measure “Development of Next Generation Access Infrastructure – RAIN 3 – Lithuania”	LT	26/09/2022	Article4(3)
190	SA.102127 (2022/N) Prolongation of the SFBB voucher scheme in Greece	EL	04/05/2022	Article4(3)
189	SA.100138 (2022/N) RRF - Spain- RRF – Social connectivity vouchers for economically vulnerable categories of end-users	ES	05/05/2022	Article4(3)
188	SA.100557 (2022/N) IT RRF- Italian 5G plan	IT	25/04/2022	Article4(3)
187	SA.63172 (2021/N) RRF-Austria-Broadband Austria 2030 –AT	AT	24/03/2022	Article4(3)



186	SA.63170 (2021/N) RRF-Italy - Plan 1 Gbps	IT	27/01/2022	Article4(3)
185	SA.64394 (2021/N) RRF - Spain- National aid scheme for passive infrastructure for mobile networks	ES	15/12/2021	Article4(3)
184	SA.57216 (2021/N) Mobile coverage in rural areas in Galicia-Spain	ES	15/12/2021	Article4(3)
183	SA.57496(2021/N) Broadband vouchers for SMEs – Italy	IT	15/12/2021	Article4(3)
182	SA.100662 (2021/N) RRF-Croatia-National Broadband Plan	HR	10/12/2021	Article4(3)
181	SA.62696 (2021/N) RRF Extension of Broadband Scheme for NGA White and Grey Areas	ES	14/06/2021	Article4(3)
180	SA.59574 (2021/N) Deployment of high-performance mobile infrastructure in Germany	DE	25/05/2021	Article4(3)
179	SA.56426 (2021/N) High-performance mobile infrastructure roll-out in Lower Saxony -DE	DE	10/03/2021	Article4(3)
178	SA.57497 (2020/N) Broadband infrastructure roll-out to connect schools - IT	IT	21/01/2021	Article4(3)
177	SA. 54684 (2020/N) High-capacity mobile infrastructure roll-out in Brandenburg-DE	DE	16/12/2020	Article4(3)
176	SA.58261 (2020/N) Broadband Austria 2020 Prolongation-AT	AT	14/12/2020	Article4(3)
175	SA.57357 (2020/N) Broadband voucher scheme for students – Greece	EL	03/12/2020	Article4(3)
174	SA.58074 (2020/N) Mobilfunk Bayern Modification - DE	DE	21/10/2020	Article4(3)
173	SA.52732 (2020/N) National gigabit scheme Germany - DE	DE	13/11/2020	Article4(3)
172	SA. 55578 (2020/N) Mobilfunk - Mobile telecommunication Hessen-DE	DE	29/10/2020:	Article4(3)
171	SA.57495 (2020/N) Broadband vouchers for certain categories of families – Italy	IT	04/08/2020	Article4(3)
170	SA.56599 (2020/N) Modification of the Superfast Broadband (SFBB) Project - EL	EL	05/05/2020	Article4(3)
169	SA.53925 (2019/N) Broadband scheme for NGA white and grey areas - Spain	ES	10/12/2019	Article4(3)
168	SA.54668 (2019/N) Bavarian gigabit scheme - DE	DE	29/11/2019	Article4(3)
167	SA.54472 (2019/N) National Broadband Plan - IE	IE	15/11/2019	Article 4(3)
166	SA.52224 (2019/N) Austria- Broadband project in Carinthia	AT	20/08/2019	Article 4(3)
165	SA.53135 (2019/N) Ultrafast Broadband Infrastructure Scheme – EL	EL	31/05/2019	Article 4(3)
164	SA.54166 (2019/N) - Germany – NGA Bayern – further prolongation	DE	17/05/2019	Article 4(3)
163	SA.49935 (2018/N) – Superfast Broadband (SFBB) Project - Greece	EL	07/01/2019	Article 4(3)
162	SA.48324 (2018/N) – Mobilfunk Bayern	DE	16/11/2018	Article 4(3)
161	SA.48418 (2018/N) – Bayerisches Gigabit Pilotprojekt (Bavarian gigabit pilot project)	GER	18/12/2018	Article 4(3)
160	SA.50844 (2018/N) – Broadband Styria – Austria	AT	08/11/2018	Article 4(3)
159	SA.49614 (2018/N) - Development of Next Generation Access Infrastructure – RAIN 3 – Lithuania	LT	12/10/2018	Article 4(3)



158	SA.48325 (2018/N) - NGA-Broadband project in Upper Austria	AT	26/07/2018	Article 4(3)
157	SA.50847 (2018/N) - Prolongation of NGA Bayern Abänderung (SA.38690)	GER	04/06/2018	Article 4(3)
156	SA.46613 (2017/N) - Broadband Rivierenland Region	NL	10/04/2018	Article 4(3)
155	SA.49445 (2017/N) - Modification of the National Broadband Scheme for the UK for 2016-2020 (BDUK - SA 40720)	UK	15/01/2018	Article 4(3)
154	SA.46203 (2017/N) - Modifications in the aid scheme the Broadband network project in Eastern Poland	PL	21/12/2017	Article 4(3)
153	SA.46805 (2017/N) - Follow up German NGA / Vula product	GER	11/08/2017	Article 4(3)
152	SA.46372 (2017/N) - NGA broadband deployment in rural areas of Lithuania (PRIP 2)	LT	04/07/2017	Article 4(3)
151	SA.41065 (2016/N) - National Programme for broadband aggregation infrastructure	HR	06/06/2017	Article 4(3)
150	SA.46731 (2016/N) - Aid to fast broadband infrastructure in rural areas in Niederösterreich	AT	03/04/2017	Article 4(3)
149	SA.37183 (2015/NN) - Plan France Très Haut Débit	FR	07/11/2016	Article 4(3)
148	SA.41647 (2016/N) - Italy - Strategia Banda Ultra Larga	IT	30/06/2016	Article 4(3)
147	SA.40720 (2016/N) - National Broadband Scheme for the UK for 2016-2020	UK	26/05/2016	Article 4(3)
146	SA.43484 (2015/N) – Evaluation plan for broadband infrastructure Digital Poland 2014-2020	PL	15/04/2016	Article 4(3)
145	SA.38626 (2015/N) - National Broadband Plan – Croatia	HR	25/01/2016	Article 4(3)
144	SA.41175 (2015/N) - Broadband Austria 2020	AT	17/12/2015	Article 4(3)
143	SA.43404 (2015/N) - Prolongation of aid scheme concerning high-speed broadband construction in sparsely populated areas in Finland	FI	14/12/2015	Article 4(3)
142	SA.38863 (2015/N) - Emergency Services Mobile Communications Programme	UK	02/12/2015	Article 4(3)
141	SA.41416 (2015/N) - NGA Scheme Baden-Württemberg	GER	22/07/2015	Article 4(3)
140	SA.38348 (2014/N) - NGA Germany	GER	15/06/2015	Article 4(3)
139	SA.39518 (2015/N) - NGA-Cluster Nordhessen	GER	21/04/2015	Article 4(3)
138	SA.39090 (2014/N) - Mobile telephony in mountainous areas of Bolzano (Passo Rombo)	IT	07/04/2015	Article 4(3)
137	SA.39089 (2014/N) - Mobile telephony in mountainous areas of Bolzano (Favogna, Mazia, Alpe Guazza)	IT	07/04/2015	Article 4(3)
136	SA.38025 (2014/NN) - Prolongation of National Broadband Plan	IT	11/12/2014	Article 4(3)
135	SA.36918 (2014/N) - Baltic Sea Submarine cable	FI	16/09/2014	Article 4(3)
134	SA.38690 (2014/N) - NGA Bayern Abänderung	GER	09/07/2014	Article 4(3)
133	SA.37685 (2013/N) - Modifications in the aid scheme concerning high-speed broadband construction in sparsely populated areas in Finland	FI	20/02/2014	Article 4(3)
132	SA.37864 (2013/N) – High-speed broadband in Portugal – prolongation	PL	04/02/2014	Article 4(3)
131	SA.37860 (2013/N) - Prolongation of Broadband Network Development in White Rural Areas of Greece	EL	16/01/2014	Article 4(3)
130	SA.36601 (2013/N) - NGA Sachsen-Anhalt	GER	13/12/2013	Article 4(3)



129	SA.37558 (2013/N) - Ro-Net project	RO	12/12/2013	Article 4(3)
128	SA.36234 (2013/N) - Broadband network project in Bulgaria	BG	09/12/2013	Article 4(3)
127	SA.33656 (2012/NN) - Next Generation (backhaul) Network (NGN) alongside a gas pipeline in Galway and Mayo	IRL	04/12/2013	Article 4(3)
126	SA.35949 (2012/N) - Regional broadband network of Lodz	PL	30/09/2013	Article 4(3)
125	SA.36703 (2013/N) – Entwicklungskonzept Brandenburg Glasfaser 2020 II	GER	12/09/2013	Article 4(3)
124	SA.34708 (2012/N) - Broadband network in Cieszyn region	PL	02/09/2013	Article 4(3)
123	SA.34932 (2012/N) - Broadband network in Czestochowa region	PL	29/08/2013	Article 4(3)
122	SA.35834 (2012/N) - Extension of high speed broadband in Spain	ESP	05/07/2013	Article 4(3)
121	SA.35027, SA.35028 & SA.35029 (2012/N) - Local broadband network projects in Podlasie	PL	06/06/2013	Article 4(3)
120	SA.36132 (2013/N)- Development of Rural Area Information Technology Network-Amendment	LT	13/05/2013	Article 4(3)
119	SA.34665 (2012/N) - Regional broadband network of Rzeszow	PL	16/04/2013	Article 4(3)
118	SA.35913 (2012/N) - Amendment of the State aid to broadband scheme within the framework of the rural development program (modification of N30/2010 and SA.33221)	SWE	24/01/2013	Article 4(3)
117	SA.35884 (2012/N) - Austrian federal broadband scheme	AT	18/01/2013	Article 4(3)
116	SA.35562 (2012/N) – Brandenburg Glasfaser	GER	17/01/2013	Article 4(3)
115	SA.34199 (2012/N) - Digital Plan – Super-fast broadband	IT	18/12/2012	Article 4(3)
114	SA.33386 (2012/N) - Broadband network in Lower Silesia	PL	14/12/2012	Article 4(3)
113	SA.33641 (2011/N) - Metropolitan Area Networks (MAN)/Fibre to the Home (FTTH) Greece	GR	30/11/2012	Article 4(3)
112	SA.33671 (2012/N) - National Broadband scheme for the UK - Broadband Delivery UK	UK	20/11/2012	Article 4(3)
111	SA.35000 (2012/N) – NGA Bayern	GER	20/11/2012	Article 4(3)
110	SA.33473 (2012/N) - Broadband network project in Mazovia	PL	29/10/2012	Article 4(3)
109	SA.33092 (2012/N) - Regional broadband network in Silesia	PL	19/10/2012	Article 4(3)
108	SA.34031 (2011/N) - Next generation broadband in Valle d'Aosta	IT	08/10/2012	Article 4(3)
107	SA.34732 (2012/N) – BULGAS – FIBERSAR – NGA Sardegna	IT	28/09/2012	Article 4(3)
106	SA.35233 (2012/N) – Broadband Marche - Amendment	IT	11/09/2012	Article 4(3)
105	SA.34290 (2012/N) - Modifications in the aid scheme supporting the development of high-speed broadband infrastructure in sparsely populated areas of Finland	FI	07/09/2012	Article 4(3)
104	SA.34809 (2012/N) – NGA Breitband Markt Reisbach	GER	30/08/2012	Article 4(3)
103	SA.33099 (2012/N) – High Speed broadband in Rioja	ESP	24/08/2012	Article 4(3)
102	SA.33063 (2012/C) – Trentino NGA	IT	25/07/2012	Article 4(4)



101	SA.34845 (2012/N)- Breitbandinfrastrukturausbau Thüringen (Änderung)	GER	04/07/2012	Article 4(3)
100	SA.33540 (2012/N) - City of Birmingham - Digital District NGA Network	UK	12/06/2012	Article 4(3)
99	SA.33807 (2011/N) - National Broadband Plan	IT	24/05/2012	Article 4(3)
98	SA.33222 (2011/N) - Wielkopolska Broadband Network	PL	23/05/2012	Article 4(3)
97	SA.34166 (2012/N) - Development of Rural Area Information Technology	LT	16/05/2012	Article 4(3)
96	SA.33151 (2011/N) - Basic broadband deployment in white areas of Slovakia	SK	07/05/2012	Article 4(3)
95	SA.34188 (2012/N) - Next Generation Broadband in North Yorkshire – alterations to existing aid	UK	04/04/2012	Article 4(3)
94	SA.33364 (2011/N) - Breitbandinfrastrukturausbau Thüringen	GER	08/12/2011	Article 4(3)
93	SA.33869 (2011/N) - Breitband Markt Mömbris	GER	07/12/2011	Article 4(3)
92	SA.33859 (2011/N) - Broadband support in the rural areas of Germany Amendment of Broadband scheme N 383/2009	GER	02/12/2011	Article 4(3)
91	SA.33438,SA.33440,SA.33441,SA.33439,SA 30851 (2011/N) - Broadband network project in Eastern Poland	PL	10/11/2011	Article 4(3)
90	SA.32866 (2011/N) - Broadband development in Greek rural areas	GR	10/11/2011	Article 4(3)
89	SA.33324 (2011/N-4) - Next generation network for rural areas of Latvia	LV	09/11/2011	Article 4(3)
88	SA.33077 (2011/N) - Northumberland Uplands Rural Community Broadband	UK	08/11/2011	Article 4(3)
87	SA.32829 (2011/N) - Rural Broadband Project in Devon and Somerset	UK	27/10/2011	Article 4(3)
86	SA.31316 (N 330/2010) - Programme national «Très haut débit» - Volet B	FR	19/10/2011	Article 4(3)
85	SA.33420 (2011/N) - Breitband Lohr am Main	GER	19/09/2011	Article 4(3)
84	SA.32037 (2010/N) - Broadband development in Västra Götaland, Sweden	SWE	22/08/2011	Article 4(3)
83	SA.33221 (2011/N) - Amendment of State aid broadband scheme N30/2010	SWE	25/07/2011	Article 4(3)
82	SA.32309 (N 53/2010) - Amendment of the Federal framework programme on duct support	GER	08/06/2011	Article 4(3)
81	SA.31687 (N 436/2010) - Broadband in Friuli Venezia Giulia (Project Ermes)	IT	23/05/2011	Article 4(3)
80	SA.32203 (2011/N) - Breitband Egenhofen, Germany	GER	20/05/2011	Article 4(3)
79	SA.31851 (N 499/2010) - Broadband Marche	IT	11/04/2011	Article 4(3)
78	SA.30317 (N 252/2010) - High-speed broadband in Portugal	PT	19/01/2011	Article 4(3)
77	N 451/2010 - Creation of Next Generation Access Infrastructure in Landkreis Rotenburg	GER	24/01/2011	Article 4(3)
76	SA.32021 (2010/N) - Broadband in the rural areas of Saxony	GER	20/12/2010	Article 4(3)
75	N 304/2010 - Programa Avanza Nuevas Infraestructuras de Telecomunicaciones	ESP	17/12/2010	Article 4(3)
74	N 497/2010 - SHEFA – 2 Interconnect	UK	13/12/2010	Article 4(3)
73	N 336/2010 – Breitband Austria Zwanzigdreizehn	AT	10/12/2010	Article 4(3)
72	N 305/2010 - Reduction of the digital divide in Trentino	IT	16/11/2010	Article 4(3)



71	N 424/2010 - Broadband deployment in Galicia	ESP	10/11/2010	Article 4(3)
70	N 299/2010 - Prolongation of the Bavarian State aid broadband scheme	GER	26/10/2010	Article 4(3)
69	N 391/2010 - Broadband development in Hessen	GER	12/10/2010	Article 4(3)
68	N 699/2009 - Desarrollo del programa de infraestructuras de telecomunicaciones en la Región de Murcia	ESP	12/08/2010	Article 4(3)
67	N 407/2009 - Optical fibre Catalonia (Xarxa Oberta)	ESP	11/08/2010	Article 4(3)
66	N 196/2010 - Establishment of a Sustainable Infrastructure Permitting Estonia-wide Broadband Internet Connection (EstWin project)	EST	20/07/2010	Article 4(2)
65	N 53/2010 - Federal framework programme on duct support, Germany	GER	12/07/2010	Article 4(3)
64	N 559/2009 – North Yorkshire – Next Generation Broadband	UK	28/06/2010	Article 4(3)
63	N 626/2009 - NGA for industrial districts of Lucca	IT	28/06/2010	Article 4(3)
62	N 461/2009 - Cornwall & Isles of Scilly Next Generation Broadband	UK	12/05/2010	Article 4(3)
61	N 62/2010 - High speed broadband in Finland	FI	06/05/2010	Article 4(3)
60	N 646/2009 - National broadband plan for rural areas in Italy	IT	30/04/2010	Article 4(3)
59	N 30/2010 - Broadband development within the framework of rural development	SWE	25/03/2010	Article 4(3)
58	N 596/2009 – Bridging the digital divide in Lombardia	IT	08/02/2010	Article 4(3)
57	N 383/2009 – Amendment of the State aid broadband scheme N 150/2008 Freistaat Sachsen	GER	08/02/2010	Article 4(3)
56	N 368/2009 - Amendment of the State aid broadband scheme N 115/2008 - Rural areas in Germany	GER	22/12/2009	Article 4(3)
55	N 388/2009 - High-speed broadband pilot projects in Finland	FI	16/12/2009	Article 4(3)
54	N 323/2009 - Broadband in rural areas of Asturias	ESP	14/12/2009	Article 4(3)
53	N 423/2009 - Broadband infrastructure deployment in Cyprus	CY	10/12/2009	Article 4(3)
52	N 607/2009 - Rural Broadband Scheme	IRL	04/12/2009	Article 4(3)
51	N 33/2009 National broadband project	GR	18/11/2009	Article 4(3)
50	N 418/2009 - Northern Ireland - Next Generation Broadband	UK	05/11/2009	Article 4(3)
49	N 172/2009 - Broadband development in Slovenia	SL	19/10/2009	Article 4(3)
48	N 331/2008 - Réseau à très haut débit en Hauts-de-Seine	FR	30/09/2009	Article 4(2)
47	N 243/2009 - Extension of broadband coverage in Niedersachsen	GER	14/08/2009	Article 4(3)
46	N 183/2009 - RAIN project	LT	17/07/2009	Article 4(3)
45	N 153/2009 - Amendment of the State aid broadband scheme N266/2008 Bayern	GER	19/05/2009	Article 4(3)
44	N 238/2008 - Broadband infrastructure development	GER	23/02/2009	Article 4(3)
43	N 508/2008 - Provision of Remote Broadband Services in Northern Ireland	UK	10/12/2008	Article 4(3)
42	N 266/2008 - Broadband in rural areas of Bayern, Germany	GER	05/11/2008	Article 4(3)



41	N 237/2008 - Broadband support in Niedersachsen	GER	05/11/2008	Article 4(3)
40	N 150/2008 - Broadband in rural areas of Freistaat Sachsen	GER	05/11/2008	Article 4(3)
39	N 497/2007 - Broadband infrastructure in Lazdijai and Alytus	LT	17/07/2008	Article 4(3)
38	N 115/2008 - Broadband in rural areas of Germany	GER	02/07/2008	Article 4(3)
37	N 250/2008 - Broadband connections for Alto Adige II	IT	02/07/2008	Article 4(3)
36	N 73/2008 - Public support to broadband, digital TV, mobile and infrastructures in rural areas	ESP	17/06/2008	Article 4(3)
35	N 14/2008 - Broadband in Scotland - Extending broadband reach	UK	30/04/2008	Article 4(3)
34	N 412/2007 – Aid to reduce digital divide in Piedmont	IT	11/03/2008	Article 4(3)
33	N 692/2007 - Amendment of N131/2005 Fibrespeed broadband project in Wales	UK	10/01/2008	Article 4(3)
32	C 53/2006 (ex N 262 / 2005) - Citynet Amsterdam	NL	11/12/2007	Article 9(2)
31	N 442/2007 – Aid in favour of broadband in remote areas of Veneto	IT	23/10/2007	Article 4(3)
30	N 570/2007 – Broadband in rural areas of Baden-Württemberg	GER	23/10/2007	Article 4(3)
29	N 473/2007 - Broadband connections for Alto Adige	IT	11/10/2007	Article 4(3)
28	N 475/2007 - National Broadband Scheme Ireland	IRL	25/09/2007	Article 4(3)
27	N 890/2006 – Aide du Sicoval pour un réseau de très haut débit	FR	10/07/2007	Article 4(3)
26	NN 24/2007 - Prague Municipal Wireless Network	CZ	30/05/2007	Article 4(2)
25	N 46/2007 - Welsh Public Sector Network Scheme - UK	UK	30/05/2007	Article 4(2)
24	N 746/2006 - North Yorkshire NYNET Project	UK	21/02/2007	Article 4(3)
23	C 53/2006 (ex N 262 / 2005) – Citynet Amsterdam	NL	20/12/2006	Article 4(4)
22	N 157/2006 - South Yorkshire Digital Region Broadband Project	UK	22/11/2006	Article 4(3)
21	N 222/2006 - Digital Divide in Sardinia	IT	22/11/2006	Article 4(3)
20	N 264/2006 - Broadband for rural Tuscany	IT	13/09/2006	Article 4(3)
19	C 35/2005 - Broadband development Appingedam	NL	19/07/2006	Article 9(5)
18	N 201/2006 - Broadband access development in underserved territories	GR	04/07/2006	Article 4(3)
17	N 118/2006 - Development of broadband communication networks in rural areas	LV	07/06/2006	Article 4(3)
16	N 398/2005 - Development tax benefit - modification of measure HU 3/04	HU	16/05/2006	Article 4(3)
15	N 284/2005 - Metropolitan Area Network Broadband Program, Ireland	IRL	08/03/2006	Article 4(3)
14	N 131/2005 - Fibre Speed Broadband Project in Wales	UK	22/02/2006	Article 4(3)
13	N 267/2005 - Rural Broadband Access Project Wales	UK	20/10/2005	Article 4(3)
12	C 35/2005 (ex N59 / 2005) - Broadband development Appingedam	NL	20/10/2005	Article 4(4)
11	N 263/2005 - Broadband for Kaernten	AT	20/10/2005	Article 4(3)
10	N 117/2005 - Broadband aggregated procurement - Scotland	UK	21/09/2005	Article 4(2)/ Article 4(3)
9	N 57/2005 - Regional Innovative Broadband Support	UK	01/06/2005	Article 4(3)
8	N 583/2004 - Broadband in rural and ultra-remote areas of Spain	ESP	06/04/2005	Article 4(3)
7	N 382/2004 - Haut débit en Limousin - DORSAL	FR	03/05/2005	Article 4(2)



6	N 126/2004 - Broadband in Lincolnshire	UK	14/12/2004	Article 4(3)
5	N 381/2004 - Haut débit en Pyrénées-Atlantiques	FR	16/11/2004	Article 4(2)
4	N 307/2004 - Broadband in Scotland - remote and rural areas	UK	16/11/2004	Article 4(3)
3	N 199/2004 - UK - Broadband Business Fund	UK	16/11/2004	Article 4(3)
2	N 213/2003 - ATLAS : Broadband infrastructure scheme for business park	UK	20/07/2004	Article 4(3)
1	N 282/2003 - Cumbria Broadband-Project ACCESS	UK	10/12/2003	Article 4(3)

(*) **Commission decisions:** the Commission issues the following types of decisions – as defined in the Council Regulation (EC) No 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the EC Treaty (*Official Journal L 248, 24.09.2015, page 9*) - https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.248.01.0009.01.ENG

After a preliminary examination (phase I decisions):

1. **decision that a measure does not constitute aid** - where the Commission, after a preliminary examination, finds that the notified measure does not constitute aid - **art. 4(2)**
2. **decision not to raise objections** - where the Commission, after a preliminary examination, finds that no doubts are raised as to the compatibility with the common market of a notified measure, in so far as it falls within the scope of Article 87(1) of the Treaty - **art. 4(3)**
3. **decision to initiate the formal investigation procedure** - where the Commission, after a preliminary examination, finds that doubts are raised as to the compatibility with the common market of a measure - **art. 4(4)**

After a formal investigation procedure (phase II decisions):

1. **decision that a measure does not constitute aid (after formal investigation procedure)** - where the Commission, after formal investigation procedure, finds that, where appropriate following modification by the Member State concerned, the notified measure does not constitute aid - **art. 9(2)**
2. **positive decision** - where the Commission, after formal investigation procedure, finds that, where appropriate following modification by the Member State concerned, the doubts as to the compatibility of the notified measure with the common market have been removed - **art. 9(3)**
3. **conditional decision** - where the Commission attached to a positive decision conditions subject to which an aid may be considered compatible with the common market or laid down monitoring obligations - **art. 9(4)**
4. **negative decision without recovery** - where the Commission finds that the aid is not compatible with the common market and shall not be put into effect - **art. 9(5)**
5. **negative decision with recovery** - where the Commission finds that the aid is not compatible with the common market and, as it was unlawful aid, the Commission decides that the Member State concerned shall take all necessary measures to recover the aid from the beneficiary - **art. 9(5) with art. 16(1)**
6. **decision to close formal investigation procedure following the withdrawal of notification** – **art. 12(2)**

As regards **existing aid**, the Commission may **propose "appropriate measures"** to the Member State concerned – **art. 22**

Where the Member State accepts these measures, the acceptance is recorded by the Commission and they become binding upon the Member State – **art. 23**

Where the Member State concerned does not accept the appropriate measures, the Commission may open the **formal investigation procedure** (see above) – **art. 4 (4)**.



Articles on State aid to broadband

"EU State Aid Control in the Broadband Sector – The 2013 Broadband Guidelines and Recent Case Practice"

by Annette Kliemann and Oliver Stehmann
EStAL, 2013, n.3, p.493-515

"The New EU State Aid Broadband Guidelines: What changes for electronic communication network operators"

by Linsey McCallum and Oliver Stehmann
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