PART III.5.B - SUPPLEMENTARY INFORMATION SHEET ON STATE AID FOR THE DEPLOYMENT OF BROADBAND NETWORK

*This supplementary information sheet should be used for notifications of aid for the deployment of broadband networks covered by the Commission Guidelines on State aid for broadband networks[[1]](#footnote-1) (“Broadband Guidelines”).*

1. General information

1.1. Please provide a detailed description of the aid measure and of its objectives.

1.2. Please identify the type of broadband network[[2]](#footnote-2) supported by the aid measure.

* deployment of fixed access networks[[3]](#footnote-3). If so, please specify the type of areas targeted by the aid measure.
* White[[4]](#footnote-4)
* Grey[[5]](#footnote-5)
* Mixed (white and grey)[[6]](#footnote-6)
* Black[[7]](#footnote-7)
* deployment of mobile access networks[[8]](#footnote-8).
* 4G
* 5G
* other
* deployment of backhaul networks[[9]](#footnote-9).
* only backhaul
* backhaul linked to the deployment of an access network[[10]](#footnote-10)

1.3. Please explain how the aid measure fits with the national broadband strategy and the Union digital policy and environmental objectives[[11]](#footnote-11).

1.4. Please confirm that all speeds mentioned in this notification are deemed to mean speeds under peak-time conditions[[12]](#footnote-12).

Yes  No

1.5. Please indicate the time horizon[[13]](#footnote-13) of the aid measure and how it has been determined.

1.6. Please indicate the investment model through which the aid measure is implemented.

* Gap funding[[14]](#footnote-14)
* Support in kind[[15]](#footnote-15)
* Direct investment[[16]](#footnote-16)
* Concessionaire[[17]](#footnote-17)
* Other. If so, please provide details. …………………..

2. Facilitation of the development of an economic activity

2.1. Please identify the economic activities that will be facilitated by the aid measure and explain how the development of those activities is supported[[18]](#footnote-18).

2.2. Please confirm that the aid measure, the conditions attached to it (including its financing method where that method forms an integral part of the aid) or the activity it finances do not entail any violation of provisions or general principles of Union law[[19]](#footnote-19).

Yes  No. In this case, please provide explanations …………..

3. Positive effects of the aid

3.1. Please describe whether and, if so, how the aid measure will bring about positive effects (for example, in terms of reduction of digital divide[[20]](#footnote-20), correction of social or regional inequalities, equity, sustainability goals[[21]](#footnote-21), lower prices and better choice for end-users, higher quality and innovation, completion of the Digital Single Market[[22]](#footnote-22))[[23]](#footnote-23).

4. Market failure as regards fixed access networks

4.1. Please indicate the performance in terms of download speed (and, if applicable, of upload speed and other parameters) that the subsidised networks will have to provide[[24]](#footnote-24).

4.2. Please indicate end-users’ current and future needs capable of being addressed by fixed networks providing the performance mentioned at point 4.1 (and not by the existing fixed networks), submitting verifiable supporting evidence thereof (for example, consumer surveys, independent studies)[[25]](#footnote-25).

4.3. Mapping exercise[[26]](#footnote-26). Please provide the following information.

(a) Performance of the existing and planned (in the relevant time horizon) networks that have been mapped (for example, download speed, upload speed, latency, packet loss, packet error, jitter, service availability)[[27]](#footnote-27).

(b) How future investment plans in the relevant time horizon of the aid measure have been assessed to establish their credibility[[28]](#footnote-28). *Inter alia*, please indicate:

1. The evidence requested to, and submitted by, the relevant stakeholders to demonstrate the credibility of their investment plans[[29]](#footnote-29).

1. The assessment criteria applied to assess the credibility of future investment plans[[30]](#footnote-30).

1. Whether the stakeholders concerned were invited to sign commitment agreements regarding the implementation of the declared investment plans[[31]](#footnote-31).

Yes  No

If yes, please clarify whether such commitment agreements include milestones and obligations to report progress[[32]](#footnote-32).

1. Whether the results of the assessment and the relative justified conclusions were communicated to all stakeholders who submitted information about their private investment plans (and how)[[33]](#footnote-33).

(c) Start and end date of each step of the mapping exercise.

(d) Number and identity of contributors to each step of the mapping exercise.

(e) Intermediate results and final results of the mapping exercise.

(f) Confirmation that the mapping exercise has been carried out[[34]](#footnote-34):

* for fixed wired networks, at address level on the basis of premises passed[[35]](#footnote-35).
* for fixed wireless networks, at address level on the basis of premises passed or on the basis of a maximum 100 x 100 metre (or smaller) grids. Please specify which of the two criteria was applied: ………………………

(g) Confirmation that the mapping exercise also mapped existing networks that could be upgraded with marginal investments (such as an upgrade of the active components) to provide 1 Gbps download and 150 Mbps upload speeds and that such areas have been carved out from the intervention area[[36]](#footnote-36).

Yes  No

(h) Whether your authorities complied with the best practices for applying the mapping methodologies described in Annex I of the Broadband Guidelines[[37]](#footnote-37).

Yes

No. In this case, please specify in which respects your authorities deviated from Annex I of the Broadband Guidelines and for what reason.

(i) Confirmation that the methodology and the underlying technical criteria for mapping have been made publicly available (and how)[[38]](#footnote-38).

4.4. If the aid measure targets areas in which at least two independent networks providing at least 100 Mbps download speed under peak time conditions are present or credibly planned[[39]](#footnote-39), please clarify if:

(a) None of the existing or credibly planned networks provide a download speed of at least 300 Mbps under peak-time conditions[[40]](#footnote-40).

Yes  No

(b) At least one of the existing or credibly planned networks provides a download speed of at least 300 Mbps under peak-time conditions but does not provide a download speed of at least 500 Mbps under peak-time conditions[[41]](#footnote-41).

Yes  No

If yes, please clarify why your authorities are of the view that no networks will evolve towards providing the same download speed (and, if appropriate, the same additional features) of the networks subsidised under the aid measure and, therefore, State intervention is needed to address a market failure[[42]](#footnote-42).

(c) At least one of the existing or credibly planned networks provides a download speed of at least 500 Mbps[[43]](#footnote-43).

Yes  No

4.5. Public consultation. Please provide the following information:

(a) Start and end date of each public consultation carried-out[[44]](#footnote-44).

(b) Content of each public consultation[[45]](#footnote-45).

(c) Publicly accessible Internet site (at regional and national level) where the consultation was published[[46]](#footnote-46).

(d) A recap of the main observations submitted by contributors in each public consultation, specifying how they were addressed.

4.6. Please indicate the final scope of the aid measure in terms of the size of the intervention area and its population density.

5. Market failure as regards mobile access networks

5.1. Please indicate the performance in terms of download speed (and, if applicable, of upload speed and other parameters) that the subsidised networks will have to provide[[47]](#footnote-47).

5.2. Please indicate end-users’ current and future needs capable of being addressed by mobile networks providing the performance mentioned at point 5.1 (and not by the existing mobile networks), submitting verifiable supporting evidence thereof (for example, consumer surveys, independent surveys)[[48]](#footnote-48).

5.3. Please confirm that the aid measure cannot be used for the fulfilment of any legal obligations (for example, obligations linked to the rights to use spectrum)[[49]](#footnote-49).

5.4. Please indicate whether the aid measure targets areas where there is already at least one existing or credibly planned mobile network[[50]](#footnote-50) capable of addressing identified end-users’ needs.

Yes  No

If yes, please demonstrate (with the support of verifiable evidence): (a) why such network is considered insufficient to provide end-users with sufficient quality of services to satisfy their evolving needs; and (b) if and how the aid measure will provide such quality of services, thus bringing about a material improvement that the market cannot deliver[[51]](#footnote-51).

5.5. Mapping exercise[[52]](#footnote-52). Please provide the following information:

(a) The type (for example, 3G, 4G, 5G, 6G, others) of networks and their number available in the intervention area

(b) Performance criteria of the existing and planned (in the relevant time horizon) networks that have been mapped (for example,download speed, upload speed, latency, packet loss, packet error, jitter, service availability)[[53]](#footnote-53).

(c) How future investment plans in the relevant time horizon of the aid measure have been assessed to establish their credibility. *Inter alia*, please indicate:

1. The evidence requested to, and submitted by, the relevant stakeholders to demonstrate the credibility of their investment plans[[54]](#footnote-54).

1. The assessment criteria applied to assess the credibility of future investment plans[[55]](#footnote-55).

1. Whether the stakeholders concerned were invited to sign commitment agreements regarding the implementation of the declared investment plans[[56]](#footnote-56).

Yes  No

If yes, please clarify whether such commitment agreements include milestones and obligations to report progress[[57]](#footnote-57).

1. Whether the results of the assessment and the relative justified conclusions were communicated to all stakeholders who submitted information about their private investment plans, and how[[58]](#footnote-58).

(d) Start and end date of each step of the mapping exercise.

(e) Number and identity of contributors to each step of the mapping exercise.

(f) Intermediate results and final results of the mapping exercise.

(g) Confirmation that the mapping exercise has been carried out at address level on the basis of premises passed or on the basis of a maximum 100 x 100 metre (or smaller) grids[[59]](#footnote-59). Please specify which of the two criteria was applied.

(h) Whether your authorities complied with the best practices for applying the mapping methodologies described in Annex I of the Broadband Guidelines[[60]](#footnote-60).

Yes

No. In this case, please specify in which respects the your authorities deviated from Annex I of the Broadband Guidelines and for what reason.

(i) Confirmation that the methodology and the underlying technical criteria for mapping have been made publicly available (and how)[[61]](#footnote-61).

5.6. Public consultation. Please provide the following information:

(a) Start and end date of each public consultation carried-out[[62]](#footnote-62).

(b) Content of each public consultation[[63]](#footnote-63).

(c) Publicly accessible Internet site (at regional and national level) where the consultation was published[[64]](#footnote-64).

(d) A recap of the main observations submitted by contributors in each public consultation, specifying how they were addressed.

6. Market failure as regards backhaul networks

6.1. Please clarify whether the subsidised backhaul networks support:

* Fixed access networks
* Mobile access networks
* Both of them

6.2. Please indicate the technical characteristics of the subsidised backhaul networks, including their desired level of performance, reliability, capacity or dimensioning[[65]](#footnote-65).

6.3. Please explain the expected development of fixed or mobile access networks based on current and future end-users’ needs and why the existing or planned backhaul capacity cannot cope with such expected development, submitting verifiable supporting evidence thereof (for example, independent surveys)[[66]](#footnote-66).

6.4. Please clarify whether State intervention is considered necessary, because existing backhaul networks provide a suboptimal combination of service quality and prices[[67]](#footnote-67).

6.5. Mapping exercise[[68]](#footnote-68). Please provide the following information:

(a) Whether the existing or planned backhaul networks are based:

* Fibre
* other technology with the same performance of fibre
* other technologies without the same performance of fibre

(b) Performance criteria of the existing or planned (in the relevant time horizon) backhaul networks that have been mapped.

(c) How future investment plans in the relevant time horizon of the aid measure have been assessed to establish their credibility. *Inter alia*, please indicate:

1. The evidence requested to, and submitted by, the relevant stakeholders to demonstrate the credibility of their investment plans[[69]](#footnote-69).

1. The assessment criteria applied to assess the credibility of future investment plans[[70]](#footnote-70).

1. Whether the stakeholders concerned were invited to sign commitment agreements regarding the implementation of the declared investment plans[[71]](#footnote-71).

Yes  No

If yes, please clarify whether such commitment agreements include milestones and obligations to report progress[[72]](#footnote-72).

1. Whether the results of the assessment and the relative justified conclusions were communicated to all stakeholders who submitted information about their private investment plans (and how)[[73]](#footnote-73).

(d) Start and the end date of each step of the mapping exercise.

(e) Number and identity of contributors to each step of the mapping exercise.

(f) Intermediate results and final results of the mapping exercise.

(g) Confirmation that the methodology and the underlying technical criteria for mapping have been made publicly available (and how)[[74]](#footnote-74).

6.6. Public consultation. Please provide the following information:

(a) Start and end date of each public consultation carried-out[[75]](#footnote-75).

(b) Content of each public consultation[[76]](#footnote-76).

(c) Publicly accessible Internet site (at regional and national level) where the consultation was published[[77]](#footnote-77).

(d) A recap of the main observations submitted by contributors in each public consultation, specifying how they were addressed.

7. Appropriateness of the aid as a policy instrument

7.1. Please explain why alternative, less distortive measures to State aid (for example, administrative measures, regulatory measures, market-based instruments, loans, tax measures, etc.) are not capable of addressing the objective(s) of the aid measure and the identified market failure[[78]](#footnote-78).

7.2. Step-change[[79]](#footnote-79).

(a) For an aid measure concerning fixed access networks, please provide the following information:

1. If the State intervention concerns white or grey areas, please indicate whether the subsidised networks at least triple the download speed provided by existing network(s), and represents a significant new infrastructure investment bringing significant new capabilities to the market (for example, in terms of availability, capacity, speeds and competition)[[80]](#footnote-80).

1. If the State intervention concerns mixed (i.e., white and grey) areas, please state reasons why the dissociation of white and grey areas is not justified[[81]](#footnote-81).

Moreover, please confirm that the following cumulative conditions are fulfilled[[82]](#footnote-82):

* The overbuilding of the grey areas[[83]](#footnote-83) does not create undue distortions of competition, based on the results of a public consultation.
* The overbuilding is limited to maximum 10 % of all premises in the target area.
* The subsidised networks at least triple the download speed provided by network(s) already existing in the white part of the mixed area, and provide substantially better services than the ones available in the grey part of the mixed area.

1. If the State intervention concerns black areas, please confirm that the subsidised networks fulfil the following cumulative conditions[[84]](#footnote-84):

* They at least triple the download speed provided by the existing networks.
* They provide a download speed of at least 1 Gbps and an upload speed of at least 150 Mbps.
* They represent a significant new infrastructure investment bringing significant new capabilities to the market (for example, in terms of availability, capacity, speeds and competition).

(b) For aid measure concerning mobile access networks, please explain if and how the aid measure will ensure an improvement of mobile services’ availability, capacity, speeds and competition capable of fostering the adoption of new innovative services[[85]](#footnote-85).

(c) For aid measure concerning backhaul networks, please explain if and how, as a result of the State intervention, the subsidised networks represent a significant investment in backhaul infrastructure and adequately support the increasing needs of fixed and/or mobile access networks[[86]](#footnote-86).

8. Proportionality of the aid

8.1. Competitive selection procedure.

(a) Please indicate whether the aid is granted on the basis of an open, transparent and non-discriminatory competitive selection procedure, in line with the principles of public procurement[[87]](#footnote-87).

Yes No

(b) If yes:

1. Please explain if and how the design of the competitive selection procedure is capable of fostering the widest possible participation[[88]](#footnote-88).

1. Please confirm that, if the number of participants to the competitive selection procedure or the number of eligible bids is not sufficient, an independent auditor will be entrusted with the assessment of the winning bid (including cost calculations)[[89]](#footnote-89).

1. Please confirm that the tender will be awarded on the basis of the most economically advantageous offer[[90]](#footnote-90) and provide details in this regard.

1. Please indicate the objective, transparent and non-discriminatory award criteria and specify the relative weighting of each criterion[[91]](#footnote-91).

(c) If no, please confirm that the State intervention is implemented through a direct investment model and provide adequate justification of the choice of network and of the technological solution adopted[[92]](#footnote-92).

(d) Please confirm that any concession or other entrustment by a public authority or in-house entity to a third party to design, build or operate the subsidised network is allocated through an open, transparent and non-discriminatory competitive selection procedure, in line with the principles of public procurement, based on the most economically advantageous offer[[93]](#footnote-93). Please provide details in this regard.

8.2. Technological neutrality. Please explain if and how the aid measure complies with the principle of technological neutrality[[94]](#footnote-94).

8.3. Use of existing infrastructure. Please provide the following information:

(a) Whether and, if so, how undertakings willing to participate in a competitive selection procedure are encouraged to use available existing infrastructures to deploy the subsidised networks[[95]](#footnote-95).

(b) Whether and, if so, how undertakings willing to participate in a competitive selection procedure are encouraged to provide detailed information on the existing infrastructures that they own or control in the planned intervention area in due time to be taken into account when preparing the bids, specifying the type of information requested[[96]](#footnote-96).

(c) Whether the provision of that information is a condition for participation in the selection procedure[[97]](#footnote-97).

Yes  No

(d) Whether and, if so, how all available information on existing infrastructure that could be used for rolling out broadband networks in the intervention areas are made accessible, specifying whether a Single Information Point has been set up pursuant to Article 4(2) of Directive 2014/61/EU[[98]](#footnote-98).

8.4. Wholesale access for third parties to the subsidised networks.

(a) General information.

1. Please confirm that wholesale access will be granted as early as possible before starting to provide the relevant services and, where the network operator also intends to provide retail services, at least 6 months before the launch of those retail services[[99]](#footnote-99).

1. Please confirm that the subsidised networks will offer access under fair and non-discriminatory conditions, specifying whether this implies the upgrade and/or increase of the capacity of existing infrastructure, where necessary, and the deployment of sufficient new infrastructure[[100]](#footnote-100). Please provide details in this regard.

1. Please confirm that the terms, conditions and prices for the wholesale access products will be indicated in the documents of the competitive selection procedure and on a comprehensive website, at national or regional level, accessible to the general public without any restrictions (specifying the relevant web address)[[101]](#footnote-101).

1. Please confirm that wholesale access will also be granted to parts of the network that have not been State funded or that may not have been deployed by the aid beneficiary if necessary to render the wholesale access effective and to enable access seekers to provide their services[[102]](#footnote-102).

(b) Wholesale access terms and conditions.

1. Please indicate for how many years effective wholesale access will be granted to:

* Active products (except VULA)[[103]](#footnote-103) ……………………………..
* VULA[[104]](#footnote-104) ………………………………………………………
* New infrastructures[[105]](#footnote-105) …………………………………………..

1. Please confirm that, if State aid is granted for new infrastructure, the infrastructure will be large enough to meet access seekers’ current and evolving demand[[106]](#footnote-106).

Yes No

1. Please explain how the new infrastructure will be able to meet access seekers’ current and evolving demand (for example, size of the ducts, number of fibres, etc.).

1. Please confirm that the same access conditions apply to the entire subsidised network, including the parts of the network where existing infrastructure has been used[[107]](#footnote-107).

Yes  No

1. Please confirm that the access obligations will be enforced irrespective of any change in ownership, management or operation of the subsidised network[[108]](#footnote-108).

Yes  No

1. Please explain whether the aid beneficiary and/or access seekers linked to the aid beneficiary are permitted to extend their networks into adjacent areas outside the target area using their own resources[[109]](#footnote-109).

Yes  No

If yes, please confirm that:

* In the public consultation it was indicated that private extensions were permitted at a later stage and useful information regarding the potential coverage of such extensions was provided[[110]](#footnote-110).

Yes  No

* The results of the public consultation do not show evidence of risks of significant distortions of competition[[111]](#footnote-111).

Yes  No

* Please confirm that extensions into adjacent areas may only be carried out 2 years after the subsidised network enters into operation, where one of the following situations occurs[[112]](#footnote-112):
* in the public consultation, stakeholders demonstrate that the planned extension would risk entering an adjacent area which is already served by at least two independent networks providing speeds comparable to those of the State-funded network; or
* there is at least one network in the adjacent area providing speeds comparable to those of the subsidised network which entered into operation less than 5 years before the subsidised network enters into operation[[113]](#footnote-113).

Yes  No

(c) Wholesale access products.

1. Fixed access networks deployed in white areas. Please list the wholesale access products that the subsidised network must provide, taking into account that it must provide at least bitstream access, access to dark fibre and access to infrastructure (including street cabinets, poles, masts, towers, and ducts)[[114]](#footnote-114) and, in addition, at least physical unbundling or VULA[[115]](#footnote-115).

1. Fixed access networks deployed in grey and black areas. Please list the wholesale access products that the subsidised network must provide, taking into account that it must provide at least bitstream access, access to dark fibre and access to infrastructure (including street cabinets, poles, masts, towers, and ducts) and, in addition, physical unbundling[[116]](#footnote-116). If your authorities intend to grant a derogation from the obligation to provide physical unbundling, please provide relevant justifications, demonstrate that the derogation does not risk unduly distorting competition and indicate the comments received in this regard in the public consultation (and how they were addressed)[[117]](#footnote-117).

1. Mobile access networks. Please list the wholesale access products that the subsidised network must provide, taking into account that it must provide at least roaming[[118]](#footnote-118) and access to poles, masts, towers and ducts. Moreover, please confirm that the subsidised network will have to provide the access products necessary to exploit the more advanced features (for example, MORAN, MOCN, network slicing[[119]](#footnote-119)) of mobile networks, such as 5G and future generations of mobile networks, as soon as they become available[[120]](#footnote-120).

1. Backhaul networks. Please list the wholesale access products that the subsidised network must provide, taking into account that it must provide at least one active service and access to poles, masts, towers, ducts and dark fibre[[121]](#footnote-121). Moreover, please confirm that the aid measure foresees the deployment of sufficient capacity for new infrastructure to ensure effective access under fair and non-discriminatory conditions[[122]](#footnote-122).

1. Wholesale access on the basis of reasonable demand. Should your authorities intend to limit the provision of certain wholesale access products to cases of reasonable demand from an access seeker, please:

* provide well-reasoned, objective and verifiable data and arguments (including cost calculations) proving that the provision of such products would disproportionately increase investment costs without delivering significant benefits in terms of increased competition[[123]](#footnote-123).
* confirm that the access seeker’s demand is considered reasonable if the access seeker provides a business plan that justifies the development of the product on the subsidised network and no comparable access product is already offered in the same geographic area by another undertaking at equivalent prices to those in more densely populated areas[[124]](#footnote-124).

Yes  No

* confirm that, if an access request is considered reasonable, the additional cost of meeting the access request must be borne by the aid beneficiary[[125]](#footnote-125).

Yes  No

(d) Wholesale access pricing. Please indicate on which of the following benchmarks and pricing principles the wholesale access price for each product is based:

* average published wholesale prices that prevail in other comparable and more competitive areas of the Member State[[126]](#footnote-126).
* regulated prices already set or approved by the National Regulatory Authority (NRA) for the markets and services concerned[[127]](#footnote-127).
* costs orientation or a methodology mandated in accordance with the sectoral regulatory framework[[128]](#footnote-128).

8.5. Clawback. Please indicate whether a claw-back mechanism will be applied to the aid measure:

Yes[[129]](#footnote-129)  No

If not, please explain why:

If yes, please provide the following information:

(a) Please confirm that the clawback mechanism will be applied for the lifespan of the subsidised network[[130]](#footnote-130).

Yes  No

(b) Please confirm that the rules of the clawback mechanism are set out transparently and clearly in the competitive selection procedure’s documentation[[131]](#footnote-131). Please provide details in this regard.

(c) Please explain how the design of clawback mechanism will consider and balance two objectives, namely the recovery by the Member State of the amounts that exceed a reasonable profit and the safeguard of incentives for undertakings to participate in a competitive selection procedure and to strive for cost efficiencies (efficiency gains) when rolling out the network[[132]](#footnote-132). In this regard, please specify the criteria adopted to incentivise efficiency gains.

(d) Please indicate the maximum incentive amount (in percentage of the reasonable profit allowed[[133]](#footnote-133)). Moreover, please specify the notion of reasonable profit applied for the purposes of the clawback mechanism[[134]](#footnote-134).

(e) Please confirm that any extra profit equal or below the threshold below (*i.e.*, the reasonable profit increased by the incentive amount) will not be clawed-back by the Member State, whereas any profit in excess of the threshold will be shared between the aid beneficiary and the Member State, on the basis of the aid intensity resulting from the outcome of the competitive selection procedure[[135]](#footnote-135). Please provide details in this regard.

(f) Please confirm that the clawback mechanism takes into account also profits made from other transactions concerning the subsidised network[[136]](#footnote-136).

Yes  No

8.6. Accounting separation. Please confirm that the aid beneficiary must ensure accounting separation so that the costs for deployment and operation, as well as the revenues from the exploitation of the subsidised network are clearly identified[[137]](#footnote-137).

Yes  No

9. Role of the national authorities

9.1. Please explain the role played by the NRA in the design, implementation and monitoring of the aid measure[[138]](#footnote-138). *Inter alia*, please clarify whether it was involved on:

* Mapping exercise[[139]](#footnote-139). If so, please provide details:

* Assessment of private investment plans[[140]](#footnote-140). If so, please provide details:

* Public consultation[[141]](#footnote-141). If so, please provide details:

* Assessment of the fulfilment of the step change requirements[[142]](#footnote-142). If so, please provide details:

* Definition of wholesale access products, conditions and pricing[[143]](#footnote-143). If so, please provide details:

* Resolution of disputes related to wholesale access[[144]](#footnote-144). If so, please provide details:

* Existing infrastructures subject to *ex ante* regulation[[145]](#footnote-145). If so, please provide details:

* Definition of the clawback mechanism. If so, please provide details:

9.2. Please provide the opinion of the NRA on the aid measure[[146]](#footnote-146) (if available).

9.3. Please indicate whether the NRA issued guidelines on, among others, carrying out market analysis and definitions of wholesale access products and pricing. If so, please provide the content of the guidelines and clarify whether they take into account the relevant regulatory framework and recommendations issued by the Commission[[147]](#footnote-147).

9.4. Please provide the opinion of the National Competition Authority on the aid measure[[148]](#footnote-148) (if available).

9.5. Please indicate whether the Broadband Competence Office has been involved in the design of the aid measure[[149]](#footnote-149).

10. Transparency, reporting and monitoring of the aid

10.1. Transparency.

(a) Please confirm that your authorities will publish (i) the full text of the decision approving the aid measure and its implementing provisions (or a link to them), and (ii) information on each individual aid award exceeding EUR 100 000, in accordance with Annex II[[150]](#footnote-150) (within 6 months from the date of award of the aid or, for aid in the form of tax advantages, within 1 year from the date that the tax declaration is due)[[151]](#footnote-151),

* In the Commission’s transparency award module[[152]](#footnote-152).
* On a comprehensive State aid website (providing the relevant web address). In this case, please specify whether it is national or regional website[[153]](#footnote-153) and easy access to the information registered in the aid website is allowed (*i.e.*, the general public must be allowed to access the website without restrictions)[[154]](#footnote-154).

(b) Please confirm that the information under point 10.1. will be available for at least 10 years from the date on which the aid was granted, will be published in a non-proprietary spreadsheet data format, which allows data to be effectively searched, extracted, downloaded and easily published on the internet (for instance, in CSV or XML format).

Yes  No

(c) Please confirm that, for aid that is unlawful but subsequently found to be compatible, the relevant information is published on a State aid website (specifying the relevant web address) within 6 months from the date of the Commission’s decision declaring the aid compatible[[155]](#footnote-155).

Yes  No

10.2. Reporting. Please confirm that your authorities will submit to the Commission (i) annual reports in respect of each measure approved under the Broadband Guidelines, and (ii) a report every two years containing key information on the aid measure approved under the Broadband Guidelines, in accordance with Annex III to the same Broadband Guidelines[[156]](#footnote-156).

10.3. Monitoring. Please confirm that your authorities will maintain – for 10 years from the date of award of the aid – detailed records regarding all aid measures, which contain all information necessary to establish that all the compatibility conditions set out in the Broadband Guidelines are fulfilled, and that it commits to provide them to the Commission upon request[[157]](#footnote-157).

11. Negative effects on competition and trade

11.1. Please explain what potential negative effects on competition and trade the aid measure may have (for example, potential to cause crowding out of private investments[[158]](#footnote-158) or reinforcement of a dominant position) and what elements in the design of the measure could minimize those risks[[159]](#footnote-159).

1. Guidelines on State aid for broadband networks (OJ C 36, 31.1.2023, p. 1). [↑](#footnote-ref-1)
2. As defined in paragraph 19(a). See also paragraph 19(b). [↑](#footnote-ref-2)
3. As defined in paragraphs 19(c), 19(d) and 21. [↑](#footnote-ref-3)
4. As defined in paragraph 100. [↑](#footnote-ref-4)
5. As defined in paragraph 101. [↑](#footnote-ref-5)
6. As defined in paragraph 103. [↑](#footnote-ref-6)
7. As defined in paragraph 107. [↑](#footnote-ref-7)
8. As defined in paragraphs 19(e) and 22, 23 and 24. [↑](#footnote-ref-8)
9. As defined in paragraphs 19(f) and 25. [↑](#footnote-ref-9)
10. See paragraph 75. [↑](#footnote-ref-10)
11. For example, in Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4). See Broadband Guidelines, paragraphs 2 to 6, 8, 10 and 171. [↑](#footnote-ref-11)
12. Paragraphs 19(j) and (k). See also paragraph 20, last sentence. [↑](#footnote-ref-12)
13. Paragraph 19(m). See also paragraph 80. [↑](#footnote-ref-13)
14. Annex IV, paragraph 1. [↑](#footnote-ref-14)
15. Annex IV, paragraph 2. [↑](#footnote-ref-15)
16. Annex IV, paragraph 3. [↑](#footnote-ref-16)
17. Annex IV, paragraph 4. [↑](#footnote-ref-17)
18. Paragraphs 35 and 36. [↑](#footnote-ref-18)
19. Paragraph 41. [↑](#footnote-ref-19)
20. Paragraphs 19(q) and 50. [↑](#footnote-ref-20)
21. Paragraph 172. [↑](#footnote-ref-21)
22. Paragraph 171. [↑](#footnote-ref-22)
23. Paragraphs 42 and 43. [↑](#footnote-ref-23)
24. Paragraph 70. [↑](#footnote-ref-24)
25. Paragraph 53 and footnote (48). [↑](#footnote-ref-25)
26. Paragraph 72. [↑](#footnote-ref-26)
27. Paragraph 73(a) and footnote (62). [↑](#footnote-ref-27)
28. Paragraph 55. [↑](#footnote-ref-28)
29. Paragraph 85. [↑](#footnote-ref-29)
30. Paragraph 87. See also paragraph 86. [↑](#footnote-ref-30)
31. Paragraph 88. [↑](#footnote-ref-31)
32. Paragraphs 88 and 92. [↑](#footnote-ref-32)
33. Paragraph 91. [↑](#footnote-ref-33)
34. Paragraph 73(b). [↑](#footnote-ref-34)
35. For a definition of premises passed, see paragraph 19(l). [↑](#footnote-ref-35)
36. Paragraphs 56 and57. [↑](#footnote-ref-36)
37. Paragraph 74. [↑](#footnote-ref-37)
38. Paragraph 76. [↑](#footnote-ref-38)
39. Paragraph 58. [↑](#footnote-ref-39)
40. Paragraph 59(a). [↑](#footnote-ref-40)
41. Paragraph 59(b). [↑](#footnote-ref-41)
42. Paragraph 59(b). [↑](#footnote-ref-42)
43. Paragraph 59(c). [↑](#footnote-ref-43)
44. Paragraph 82. [↑](#footnote-ref-44)
45. Paragraphs 78, 79 and 81. See also footnote (64). [↑](#footnote-ref-45)
46. Paragraph 78. [↑](#footnote-ref-46)
47. Paragraph 70. [↑](#footnote-ref-47)
48. Paragraphs 60, 61 and 64. [↑](#footnote-ref-48)
49. Paragraph 65. [↑](#footnote-ref-49)
50. Paragraph 62. [↑](#footnote-ref-50)
51. Paragraph 63. See also paragraph 66. [↑](#footnote-ref-51)
52. Paragraph 72. [↑](#footnote-ref-52)
53. Paragraph 73(a) and footnote (62). [↑](#footnote-ref-53)
54. Paragraph 85. [↑](#footnote-ref-54)
55. Paragraph 87. See also paragraph 86. [↑](#footnote-ref-55)
56. Paragraph 88. [↑](#footnote-ref-56)
57. Paragraphs 88 and 92. [↑](#footnote-ref-57)
58. Paragraph 91. [↑](#footnote-ref-58)
59. Paragraph 73(b). See also footnote (63). [↑](#footnote-ref-59)
60. Paragraph 74. [↑](#footnote-ref-60)
61. Paragraph 76. [↑](#footnote-ref-61)
62. In this regard, see paragraph 82 and footnote (66). [↑](#footnote-ref-62)
63. Paragraphs 78, 79 and 81. See also footnote (64). [↑](#footnote-ref-63)
64. Paragraph 78. [↑](#footnote-ref-64)
65. Paragraph 68. [↑](#footnote-ref-65)
66. Paragraph 68. [↑](#footnote-ref-66)
67. Paragraph 69. [↑](#footnote-ref-67)
68. Paragraph 72. [↑](#footnote-ref-68)
69. Paragraph 85. [↑](#footnote-ref-69)
70. Paragraph 87. See also paragraph 86. [↑](#footnote-ref-70)
71. Paragraph 88. [↑](#footnote-ref-71)
72. Paragraphs 88 and 92. [↑](#footnote-ref-72)
73. Paragraph 91. [↑](#footnote-ref-73)
74. Paragraph 76. [↑](#footnote-ref-74)
75. In this regard, see paragraph 82 and footnote (66). [↑](#footnote-ref-75)
76. Paragraphs 78, 79 and 81. See also footnotes (64). [↑](#footnote-ref-76)
77. Paragraph 78. [↑](#footnote-ref-77)
78. Paragraphs 51, 95 and 96. [↑](#footnote-ref-78)
79. As defined at paragraph 19(p). See also paragraphs 97-98 and footnote (72). [↑](#footnote-ref-79)
80. Paragraph 102. See also footnote (74). [↑](#footnote-ref-80)
81. Paragraph 104. [↑](#footnote-ref-81)
82. Paragraph 105. [↑](#footnote-ref-82)
83. As defined at paragraph 19(n). [↑](#footnote-ref-83)
84. Paragraph 108. [↑](#footnote-ref-84)
85. Paragraph 109. See also paragraphs 110 and 111. [↑](#footnote-ref-85)
86. Paragraph 112. See also paragraphs 113 and 114. [↑](#footnote-ref-86)
87. Paragraph 117. [↑](#footnote-ref-87)
88. Paragraph 118. [↑](#footnote-ref-88)
89. Paragraph 118. [↑](#footnote-ref-89)
90. Paragraph 120. [↑](#footnote-ref-90)
91. Paragraphs 120 and 122. [↑](#footnote-ref-91)
92. Paragraph 123. [↑](#footnote-ref-92)
93. Paragraph 124. [↑](#footnote-ref-93)
94. Paragraph 125. [↑](#footnote-ref-94)
95. Paragraph 127. [↑](#footnote-ref-95)
96. Paragraph 127. [↑](#footnote-ref-96)
97. Paragraph 127. [↑](#footnote-ref-97)
98. Paragraph 128. [↑](#footnote-ref-98)
99. Paragraph 129. [↑](#footnote-ref-99)
100. Paragraph 130. [↑](#footnote-ref-100)
101. Paragraph 131. [↑](#footnote-ref-101)
102. Paragraph 132. [↑](#footnote-ref-102)
103. Paragraph 133. [↑](#footnote-ref-103)
104. Paragraph 134. [↑](#footnote-ref-104)
105. Paragraph 135. [↑](#footnote-ref-105)
106. Paragraph 135. [↑](#footnote-ref-106)
107. Paragraph 137. [↑](#footnote-ref-107)
108. Paragraph 137. [↑](#footnote-ref-108)
109. Paragraph 138. [↑](#footnote-ref-109)
110. Paragraph 138(a). [↑](#footnote-ref-110)
111. Paragraph 139. [↑](#footnote-ref-111)
112. Paragraph 138(b). [↑](#footnote-ref-112)
113. Paragraph 138(b)(ii). [↑](#footnote-ref-113)
114. Paragraph 140. [↑](#footnote-ref-114)
115. Paragraph 141. [↑](#footnote-ref-115)
116. Paragraph 142. [↑](#footnote-ref-116)
117. Paragraph 143. [↑](#footnote-ref-117)
118. Paragraph 144. See also footnote (91). [↑](#footnote-ref-118)
119. Footnote 97. [↑](#footnote-ref-119)
120. Paragraph 144. See also footnote (98). [↑](#footnote-ref-120)
121. Paragraph 145. [↑](#footnote-ref-121)
122. Paragraph 146. [↑](#footnote-ref-122)
123. Paragraphs 147 and 148. [↑](#footnote-ref-123)
124. Paragraph 149. [↑](#footnote-ref-124)
125. Paragraph 150. [↑](#footnote-ref-125)
126. Paragraph 151(a). [↑](#footnote-ref-126)
127. Paragraph 151(b). [↑](#footnote-ref-127)
128. Paragraph 151(c). [↑](#footnote-ref-128)
129. Paragraph 155, according to which a clawback mechanism must be implemented if the aid amount is above EUR 10 million. According to paragraph 156, a clawback mechanism is not necessary in case of adoption of a direct investment model. [↑](#footnote-ref-129)
130. Paragraph 154. [↑](#footnote-ref-130)
131. Paragraph 155. [↑](#footnote-ref-131)
132. Paragraph 157. [↑](#footnote-ref-132)
133. Paragraph 158. [↑](#footnote-ref-133)
134. Footnote (104). [↑](#footnote-ref-134)
135. Paragraph 158. [↑](#footnote-ref-135)
136. Paragraph 159. [↑](#footnote-ref-136)
137. Paragraph 160. [↑](#footnote-ref-137)
138. Section 5.2.4.6. [↑](#footnote-ref-138)
139. Paragraph 77. See also paragraph 162. [↑](#footnote-ref-139)
140. Paragraph 90. [↑](#footnote-ref-140)
141. Paragraph 83. See also paragraph 162. [↑](#footnote-ref-141)
142. Paragraph 162. [↑](#footnote-ref-142)
143. Paragraphs 136 and 152. See also paragraph 163. [↑](#footnote-ref-143)
144. Paragraph 162. [↑](#footnote-ref-144)
145. Paragraph 163. [↑](#footnote-ref-145)
146. Paragraph 163. [↑](#footnote-ref-146)
147. Paragraph 164. [↑](#footnote-ref-147)
148. Paragraph 165. [↑](#footnote-ref-148)
149. Paragraph 166. [↑](#footnote-ref-149)
150. Paragraph 202. [↑](#footnote-ref-150)
151. Paragraph 203. [↑](#footnote-ref-151)
152. Available at: <https://webgate.ec.europa.eu/competition/transparency/public?lang=en>. [↑](#footnote-ref-152)
153. Paragraph 202. [↑](#footnote-ref-153)
154. Paragraph 204. [↑](#footnote-ref-154)
155. Paragraph 204. [↑](#footnote-ref-155)
156. Paragraphs 207 and 208. [↑](#footnote-ref-156)
157. Paragraph 209. [↑](#footnote-ref-157)
158. As defined in paragraph 19(o). [↑](#footnote-ref-158)
159. Paragraphs 168 and169. [↑](#footnote-ref-159)