|  |
| --- |
| Part III.5 - Supplementary Information Sheet on State aid for take-up measures |

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

|  |
| --- |
| General information |

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

* 1. Please explain why, in your view, the aid measure amounts to State aid[[2]](#footnote-2).

* 1. Please indicate whether the aid measure consists of:

Social vouchers[[3]](#footnote-3)  Connectivity vouchers[[4]](#footnote-4)

* 1. Please explain how the aid measure fits with the national broadband strategy and the Union digital policy and environmental objectives[[5]](#footnote-5).

* 1. Please explain whether the reason justifying the aid measure is[[6]](#footnote-6):

Economic impact of the cost of subscribing to broadband services. If so, please provide details……………………………………………………………….

Lack of awareness of the benefits brought by the subscription to broadband services. If so, please provide details………………………….......................................

Other reasons. If so, please provide details………………………………………….

* 1. Please explain the context of the aid measure (*e.g.,* current level of coverage of broadband networks in the Member State, current level of take-up of broadband services), indicating the sources of information provided.

* 1. Please confirm that all speeds mentioned in this notification are deemed to mean speeds under peak-time conditions[[7]](#footnote-7).

Yes  No

* 1. If available, please submit the following documents and provide a description of their content.

Impact assessment of the aid measure……………………………………………….

*Ex post* evaluation plans of similar predecessor schemes…………………………...

Counterfactual analysis demonstrating that the measure has positive effects compared to what would have happened without the aid…………………………….....

|  |
| --- |
| Social vouchers |

* 1. Please identify the particular categories of individual consumers targeted by the aid measure, specifying the financial circumstances that justify the granting of aid for social reasons (*e.g.*, low-income families, students, pupils, etc.) and the objective criteria used to identify eligible consumers[[8]](#footnote-8).

* 1. Please provide an estimate of the number of consumers that could benefit from the aid measure.

* 1. Please identify the eligible service providers.

* 1. Please indicate the eligible services covered by the aid measure (*e.g.* in terms of download speed, upload speed, etc.) and explain how your authorities identified such services.

* 1. Please specify how the vouchers will be used and provide specific details[[9]](#footnote-9):

Subscribe to new broadband services. Details:

…………………………………………………………………………………………..

Retain existing subscriptions. Details:

…………………………………………………………………………………………...

Others. Details:

…………………………………………………………..…………………………….....

* 1. Please list the eligible costs covered by the aid measure[[10]](#footnote-10).

* 1. Please indicate the maximum duration of the voucher   
     (if any).

* 1. Please indicate form and amount of the vouchers, specifying how such amount has been set and the percentage of the cost of subscription covered by the voucher.

* 1. Please explain if and how the aid measure complies with the principle of technological neutrality[[11]](#footnote-11).

* 1. To demonstrate that the aid measure ensures equal treatment of all possible service providers and offer consumers the widest possible choice of suppliers[[12]](#footnote-12), please confirm (providing relevant details) that[[13]](#footnote-13):
     + - 1. An online registry of all eligible service providers (or an equivalent alternative platform) will be implemented.

* + - * 1. Consumers are free to consult the registry.

* + - * 1. All undertakings capable of providing the eligible broadband services may request to be included in the registry (or in the alternative platform chosen).

* + - * 1. The registry (or the alternative platform chosen) provides additional information to assist consumers (*e.g.* type of services provided by different undertakings, etc.). If so, please indicate the additional information provided.

* 1. Please explain in detail the implementing procedure of the aid measure.

* 1. Public consultation[[14]](#footnote-14). Please provide the following information:
     + - 1. Start and end date of each public consultation carried-out.

* + - * 1. Content of each public consultation.

* + - * 1. Publicly accessible Internet site (at regional and/or national level) where the consultation was published.

* + - * 1. A recap of the main observations submitted by contributors in each public consultation, specifying how they were addressed.

* 1. Please indicate whether additional safeguards to avoid possible misuse of social vouchers will be implemented. If so, please provide details[[15]](#footnote-15).

* 1. Please indicate whether the aid measure provides for specific rules concerning the management of the subscription, with regard, *inter alia*, to early termination of the subscription, possibility to migrate the subscription to another provider during the period covered by the voucher (if so, under which conditions), continuation of the subscription after the expiry of the voucher. If so, please provide details.

|  |
| --- |
| Connectivity vouchers |

* 1. Please indicate the type of end-users targeted by the measure.

Consumers  Businesses

* 1. Please explain the eligibility conditions for end-users to get connectivity vouchers.

* 1. Please provide an estimate of the number of end-users that could benefit from the aid measure.

* 1. Please identify the eligible service providers.

* 1. Please indicate the eligible services covered by the aid measure (*e.g.* in terms of download speed, upload speed, etc.) and explain how your authorities identified such services. In this regard, please indicate end-users’ needs capable of being addressed by connections providing the eligible services, submitting verifiable supporting evidence thereof (*e.g.*, consumer surveys, independent studies)[[16]](#footnote-16).

* 1. Please specify how the vouchers will be used and provide specific details Moreover, please confirm that the vouchers cannot be used for retaining existing subscriptions[[17]](#footnote-17).

Subscribe to new broadband services. Details:

…………………………………………………………………………………………..

Upgrade existing subscriptions. Details:

…………………………………………………………………………………………...

Confirmation that the vouchers cannot be used for retaining existing subscriptions. Details:

* 1. Please list the eligible costs covered by the aid measure[[18]](#footnote-18).

* 1. Please indicate form and amount of vouchers, specifying how such amount has been set and the percentage of the costs of subscription covered by the voucher)[[19]](#footnote-19).

* 1. Please explain if and how the aid measure complies with the principle of technological neutrality[[20]](#footnote-20).

* 1. To demonstrate that the aid measure ensures equal treatment of all possible service providers and offer consumers the widest possible choice of suppliers, please confirm (providing relevant details) that[[21]](#footnote-21):
     + - 1. An online registry of all eligible service providers (or an equivalent alternative platform) will be implemented.

* + - * 1. Consumers are free to consult the registry.

* + - * 1. All undertakings capable of providing the eligible broadband services may request to be included in the registry (or in the alternative platform chosen).

* + - * 1. The registry (or the alternative platform chosen) provides additional information to assist consumers (*e.g.* type of services provided by different undertakings, etc.). If so, please indicate the additional information provided.

* 1. Please explain in detail the implementing procedure of the aid measure.

* 1. Public consultation. Please provide the following information[[22]](#footnote-22):
     + - 1. Start and end date of each public consultation carried-out.

* + - * 1. Content of each public consultation.

* + - * 1. Publicly accessible Internet site (at regional and/or national level) where the consultation was published.

* + - * 1. A recap of the main observations submitted by contributors in each public consultation, specifying how they were addressed.

* 1. Please indicate whether additional safeguards to avoid possible misuse of connectivity vouchers will be implemented. If so, please provide details[[23]](#footnote-23).

* 1. Please indicate whether the aid measure provides for specific rules concerning the management of the subscription, with regard, *inter alia*, to early termination of the subscription, possibility to migrate the subscription to another provider during the period covered by the voucher (if so, under which conditions), continuation of the subscription after the expiry of the voucher. If so, please provide details.

* 1. Please identify the economic activities that will be facilitated by the aid measure through the increase of connectivity and the access to performant broadband services, and explain how the development of those activities is supported[[24]](#footnote-24).

* 1. Please provide evidence for the incentive effect of the aid measure[[25]](#footnote-25).

* 1. 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.

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

* 1. Please explain why alternative measures to State aid (*e.g.*, administrative and regulatory measures, market-based instruments, loans, tax measures) are not capable of addressing the objective(s) of the aid measure[[26]](#footnote-26).

* 1. Please submit a market assessment containing: (i) an assessment of the risk that the aid measure gives a disproportionate advantage – at the retail and/or at the wholesale level – to some providers to the detriment of others, possibly reinforcing (local) market dominance; (ii) an assessment of the actual need to implement a connectivity voucher by comparing the situation in the intervention area(s) with the situation in other areas of the Member State or the Union; (iii) an analysis of the trends in take-up of eligible services by end-users[[27]](#footnote-27).

* 1. Please indicate if any of the eligible provider of broadband services is vertically integrated and has a retail market share above 25 %.

Yes  No.

* 1. In case the answer to the previous question is positive, please confirm that any vertically integrated provider of broadband services which has a retail market share above 25 %, will offer, on the corresponding wholesale access market, wholesale access products on the basis of which any access seeker will be able to provide the eligible services under open, transparent and non-discriminatory conditions.

Yes  No.

* 1. Please indicate the duration of the aid measure and the period of validity of the vouchers for individual end-user[[28]](#footnote-28).

* 1. Please explain what potential negative effects on competition and trade the aid measure may have and what elements in the design of the measure could minimize those risks.

|  |
| --- |
| Other information (applicable to both social and connectivity vouchers) |

* 1. Please explain the role played by the NRA in the design, implementation and monitoring of the aid measure.

* 1. Please report the opinion of the NRA on the aid measure (if available).

* 1. Please report the opinion of the National Competition Authority on the aid measure (if available).

* 1. Transparency.

1. Please confirm that the Member State 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[[29]](#footnote-29) (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)[[30]](#footnote-30),

In the Commission’s transparency award module[[31]](#footnote-31).

On a comprehensive State aid website (providing the relevant web address). In this case, please specify whether it is national or regional website[[32]](#footnote-32) 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)[[33]](#footnote-33).

1. Please confirm that the information under point 4.4 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

1. 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[[34]](#footnote-34).

Yes  No

* 1. 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[[35]](#footnote-35).

* 1. 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[[36]](#footnote-36).

* 1. Please indicate whether the aid measure is considered for *ex post* evaluation plan.

No. Please explain why you consider the criteria for *ex post* evaluation plan not to be fulfilled.

Yes. If so, please indicate according to which criteria the aid measure is considered for *ex post* evaluation and provide the relevant information on the *ex post* evaluation plan described in section 8 of the Broadband Guidelines.

* 1. Please indicate any other information relevant for the assessment of the aid measure under theBroadband Guidelinesor any other information that is relevant from the point of view of Union competition and internal market rules.

* 1. Please indicate whether this supplementary information sheet contains confidential information which should not be disclosed to third parties[[37]](#footnote-37).

Yes. If so, please indicate the confidential information and provide reasons for confidentiality.

No.

* 1. Please confirm that the aid measure is not covered by Articles 52c of the General Block Exemption Regulation[[38]](#footnote-38) or by the *De Minimis* Regulation[[39]](#footnote-39).

Yes  No

1. Guidelines on State aid for broadband networks (OJ C 36, 31.1.2023, p. 1). [↑](#footnote-ref-1)
2. Paragraph 177-179. [↑](#footnote-ref-2)
3. Paragraph 181. [↑](#footnote-ref-3)
4. Paragraph 189. [↑](#footnote-ref-4)
5. *E.g.*, 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). [↑](#footnote-ref-5)
6. Paragraph 175. [↑](#footnote-ref-6)
7. Paragraph 19(j) and (k). See also paragraph 20, last sentence. [↑](#footnote-ref-7)
8. Paragraph 182. [↑](#footnote-ref-8)
9. Paragraph 184. [↑](#footnote-ref-9)
10. Paragraph 183. [↑](#footnote-ref-10)
11. Paragraph 185. [↑](#footnote-ref-11)
12. Paragraph 185. [↑](#footnote-ref-12)
13. Paragraph 185. [↑](#footnote-ref-13)
14. Paragraph 186. [↑](#footnote-ref-14)
15. Paragraph 187. [↑](#footnote-ref-15)
16. Paragraph 194. [↑](#footnote-ref-16)
17. Paragraph 195. [↑](#footnote-ref-17)
18. Paragraph 193. [↑](#footnote-ref-18)
19. Paragraph 193. [↑](#footnote-ref-19)
20. Paragraph 196. See also paragraph 194. [↑](#footnote-ref-20)
21. Paragraph 196. [↑](#footnote-ref-21)
22. Paragraph 198. [↑](#footnote-ref-22)
23. Paragraph 187. [↑](#footnote-ref-23)
24. Paragraph 191. [↑](#footnote-ref-24)
25. Paragraph 192. For a definition of incentive effect, see paragraph 38. [↑](#footnote-ref-25)
26. Paragraph 194. [↑](#footnote-ref-26)
27. Paragraph 197. See also paragraph 195. [↑](#footnote-ref-27)
28. Paragraph 200. [↑](#footnote-ref-28)
29. Paragraph 202. [↑](#footnote-ref-29)
30. Paragraph 203. [↑](#footnote-ref-30)
31. Available at: <https://webgate.ec.europa.eu/competition/transparency/public?lang=en>. [↑](#footnote-ref-31)
32. Paragraph 202. [↑](#footnote-ref-32)
33. Paragraph 204. [↑](#footnote-ref-33)
34. Paragraph 204. [↑](#footnote-ref-34)
35. Paragraphs 207-208. [↑](#footnote-ref-35)
36. Paragraph 209. [↑](#footnote-ref-36)
37. For guidance see Article 339 TFEU that refers to “*information about undertakings, their business relations or their cost components*”. The Union courts have generally defined “*business secrets*” as information “*of which not only disclosure to the public but also mere transmission to a person other than the one that provided the information may seriously harm the latter's interest*” in Case T-353/94 *Postbank* v *Commission* ECLI:EU:T:1996:119, paragraph 87. [↑](#footnote-ref-37)
38. Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187 26.6.2014, p. 1), as amended. [↑](#footnote-ref-38)
39. Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (OJ L 352, 24.12.2013, p. 1), as amended. [↑](#footnote-ref-39)