

Public consultation on the evaluation of the State aid rules for the deployment of broadband networks

Fields marked with * are mandatory.

Introduction

Although investment in telecommunications network deployment comes mainly from private operators, EU countries also provide public support ('state aid').

EU competition controls play an important role in ensuring this public support does not harm competition (by crowding out private investment, subsidising local monopolies or discriminating against certain technology platforms), while ensuring that public support creates modern infrastructure that reduces the digital divide where commercial operators have no incentives to invest.

The **EU rules** for public spending on the deployment of broadband infrastructure are:

- The 2013 [Broadband Guidelines](#)
- the relevant provisions of the [General Block Exemption Regulation \(GBER\)](#), 2014

Taken together, these EU rules are referred to as 'the state aid rules for the deployment of broadband infrastructure'.

In addition, public support in this sector must be in line with the objectives set out in the:

- [Digital Agenda for Europe \(DAE\)](#) (2010)
- [Gigabit Society Communication](#) (targets added in 2016 for telecoms network deployment by 2025, in line with expected use, market and technological developments).

Note also that investing in connectivity to achieve the 2025 objectives is a prerequisite for the new EU digital strategy, [Shaping Europe's Digital Future](#).

Why are we consulting?

As part of our evaluation of the rules described above, we would like to know your views on whether the rules:

- have stimulated telecommunications infrastructure deployment and boosted competitiveness in the sector
- respond to both technological developments and socio-economic needs
- meet the new EU strategic objectives in [Shaping Europe's Digital Future](#).

Following the evaluation, we may make some changes (legislative or other).

A **summary of our findings** from the consultation will be [published here in Q3/2021](#).

To help us analyse your reply:

- please **keep your answers concise**
- the 'extra comments' box is limited to **3,000 characters** (unless stated otherwise), but you can include **documents** and **URLs** to relevant online content
- although you can respond '*not applicable/no relevant experience or knowledge*' to any question, please **give specific answers as much as possible** (to help us gather solid evidence).

Saving and submitting

*If you click '**Save as Draft**' (to break off and finalise your response later), **you must save the link** that you receive from the EUSurvey tool on your computer. Without it, you won't be able to access the draft again.*

After submitting your finalised response, you'll be able to **download a copy**.

Questions marked with an asterisk (*) are **mandatory**. To see how we will protect your data, read the attached privacy statement.

Contacts

[Still got questions?](#)

For **technical problems**, please contact our [CENTRAL HELPDESK](#).

You may also contact us via the following functional mail box: COMP-BBGL@ec.europa.eu

Who are we consulting?

The consultation is open to any interested public or private organisation or individual.

We are particularly interested in feedback from bodies with expertise or **experience in the broadband infrastructure sector** (industry, academia, consultancy/law firms, all levels of government and managing authorities managing as well as national regulators applying EU state aid rules).

This general consultation is complemented by the technical questionnaire available on the website of [DG Competition](#).

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French

- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Irina

* Surname

Varlan

* Email (this won't be published)

irina.varlan@gigaeurope.eu

* Organisation name

255 character(s) maximum

GIGAEurope aisbl

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

42178977290-80

* Country of origin

Please add your country of origin, or that of your organisation.

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| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |
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- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania

- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria

- Burkina Faso
- Burundi

- Cambodia

- Cameroon

- Canada
- Cape Verde
- Cayman Islands

- Central African Republic
- Chad
- Chile
- China

- Christmas Island
- Clipperton
- Cocos (Keeling) Islands

- Colombia
- Comoros

- Congo

- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan

- Nicaragua
- Niger
- Nigeria
- Niue

- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal

- Thailand
- The Gambia
- Timor-Leste
- Togo

- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan

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| <input type="radio"/> Costa Rica | <input type="radio"/> Kiribati | <input type="radio"/> Qatar | <input type="radio"/> Vatican City |
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| <input type="radio"/> Cuba | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Russia | <input type="radio"/> Wallis and Futuna |
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Rwanda | <input type="radio"/> Western Sahara |
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| <input type="radio"/> Czechia | <input type="radio"/> Lebanon | <input type="radio"/> Saint Helena Ascension and Tristan da Cunha | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia | |

What is your interest and the main reason for responding?

500 character(s) maximum

Please briefly describe your **activities/organisation/company** and (if applicable) the main **goods/services** you provide

500 character(s) maximum

What kind of services does your company provide?

- Wholesale
- Retail
- Both

What kind of technology does your company use?

- ADSL/SDSL/HDSL
- VDSL

- VDSL + Vectoring
- G.Fast
- Coax DOCSIS 1.x/2.x
- Coax DOCSIS 3.0
- Coax DOCSIS 3.1
- 3G
- 4G/LTE
- 5G
- FWA
- FTTH
- FTTB
- FTTC
- other

If other, please specify

1000 character(s) maximum

* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

Questionnaire

This consultation relates to the EU state aid rules for deploying broadband infrastructure – namely the Broadband Guidelines and the relevant parts of the General Block Exemption Regulation (*unless otherwise specified*).

Section 1 – Effectiveness

To what extent have the rules met their objectives?

1. What is your assessment of state aid policy on broadband infrastructure deployment in general?

- Very good
- Good
- Neutral
- Not so good
- Very bad
- Not applicable/no relevant experience or knowledge

Please explain

3000 character(s) maximum

The current State aid regime for broadband deployment has worked well as it supports the use of state aid in those areas only where there is no prospect of private investment. Reflecting the principles of proportionality and appropriateness it is vital that State aid is targeted, efficient and contained to the specific areas (or premises) in question. In order to ensure that state aid of broadband deployment does not create market distortions and discourage investment, it should be limited to situations where there is clearly a market failure and a real need to provide connectivity. For instance, use of public money for providing connectivity to second houses, summer cottages, etc. should be restricted or at least given significantly lower priority vis á vis primary homes. This is instrumental for the development of European connectivity and achievement of the Commission's Gigabit Society goals.

There may be some need to update the current rules to reflect changes in technological development. This should continue to be done with respect for the principle of technological neutrality. This means that policies should be technology-agnostic and capability-based when seeking to encourage deployment of broadband networks. Innovation in the telecommunications sector will not cease, and future networks will not be limited to the network infrastructure and technologies that we know today. Any regulatory policy should therefore be designed to reward permanent innovation and investment.

As to the concrete rules, they must be designed in such a way to avoid unnecessary administrative burdens whilst on the other hand providing sufficient 'checks and balances' to make sure that the abovementioned principles are respected.

2. To what extent have the Broadband Guidelines achieved the following objectives?

Objective 1. Supporting the rapid deployment of broadband infrastructure, helping reduce the '*digital divide*':

	Totally	Partially	Neutral	Not at all	Not applicable /no relevant experience or knowledge
a. Facilitating the deployment of broadband infrastructures.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Bringing connectivity to low population density, rural and remote areas.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Addressing market failures or major inequalities.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Providing higher quality services at affordable prices.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Supporting investments in line with EU common objectives, as specified in the Digital Agenda connectivity targets for 2020: (i) all Europeans have access to much higher internet speeds of above 30 Mbps and (ii) 50 % or more of European households subscribe to internet connections above 100 Mbps.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Objective 2. Limiting distortion of competition:

	Totally	Partially	Neutral	Not at all	Not applicable /no relevant experience or knowledge
a. Protecting existing investment.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Protecting future investment plans.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Promoting competition in the electronic communication sector for the market (via competitive selection procedures).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Promoting competition in the electronic communication sector in the market (via wholesale access rules).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Objective 3. Transparent decision making

	Totally	Partially	Neutral	Not at all	Not applicable/no relevant experience or knowledge
Are the Broadband Guidelines clear?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do the Broadband Guidelines provide sufficient guidance?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain and give examples

3000 character(s) maximum

It is important to note that if not properly administered, State Aid for broadband deployment could cause overbuild in grey and maybe even black areas. Subsidization of network infrastructure in commercially viable areas, or cross-subsidization by funding deployment projects in an area containing both commercially viable and non-commercially viable areas, distorts competition and undermines investment incentives.

The current state aid guidelines prescribe an open and competitive selection procedure. In many Member States merely geographically dispersed solo-addresses (not groups of addresses) are left without access to highspeed broadband access. In this case, we foresee difficulties in maintaining the current selection procedure without distorting the market. For instance, there is a risk of overpayment per individual address, parallel infrastructure and unintended overbuild as well as influence on competition in linked locations.

3. To what extent has the General Block Exemption Regulation specifically contributed to the following objectives:

Objective 1. Supporting the rapid deployment of broadband infrastructure, helping reduce the 'digital divide':

	Totally	Partially	Neutral	Not at all	Not applicable /no relevant experience or knowledge
a. Facilitating the deployment of broadband infrastructures.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Bringing connectivity to low population density, rural and remote areas.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Addressing market failures or major inequalities.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Providing higher quality services at affordable prices.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

e. Supporting investments in line with EU common objectives, as specified in the Digital Agenda connectivity targets for 2020: (i) all Europeans have access to much higher internet speeds of above 30 Mbps and (ii) 50 % or more of European households subscribe to internet connections above 100 Mbps.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Objective 2. Limiting distortion of competition:

	Totally	Partially	Neutral	Not at all	Not applicable /no relevant experience or knowledge
a. Protecting existing investment.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Protecting future investment plans.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Promoting competition in the electronic communication sector for the market (via competitive selection procedures).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Promoting competition in the electronic communication sector in the market (via wholesale access rules).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Objective 3. Transparent decision making

	Totally	Partially	Neutral	Not at all	Not applicable /no relevant experience or knowledge
Are the rules in the General Block Exemption Regulation clear?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do the rules in the General Block Exemption Regulation give sufficient guidance?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain and give examples

3000 character(s) maximum

The General Block Exemption Regulation outlines the scenarios under which state aid for broadband deployment would fall under the exemption clearly. However, more guidance should be given as to what is meant by a transparent process. Additionally, the principle of technological neutrality – that policies should not favor any particular form of technology, instead adopting a technology agnostic, capability-based approach (i.e. at least upgradable to Gigabit speeds) – should be clearly reflected.

4. The General Block Exemption Regulation sets conditions for **aid measures to be exempted from the obligation to be notified** to the Commission. To what extent do you agree with the following statements on those eligibility and compatibility conditions?

	Totally	Partially	Neutral	Not at all	Not applicable /no relevant experience or knowledge
The conditions for broadband deployment in the Regulation are appropriate and justified.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The conditions for broadband deployment in the Regulation are easy to implement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain and give examples

3000 character(s) maximum

Our understanding of the structure and content of the General Block Exemption regulation indicates that the conditions are appropriate and proportionate, given that our members have not experienced significant market distortion as a result of parties availing of the General Block Exemption Regulation.

Bearing in mind the required investments in fixed and mobile infrastructure in the upcoming years to fulfil the EU Gigabit Society targets and the national and EU funds that will be made available, the revised GBER and a restricted scope for its application shall ensure that all the forms of market distortions (e.g. overbuilt and reinforcement of dominant positions) are efficiently impeded.

5. Regarding the different activities listed below, **have you faced any barriers** in deploying broadband infrastructure? They are related to:

	Yes	No	Not applicable/no relevant experience or knowledge
1. Administration related to State aid assessment	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
2. Administration related to national procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Due diligence/feasibility study	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Designing the deployment & technical assistance	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
5. Mapping	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Public consultation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

7. Competitive selection process/ Tender	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
8. Civil engineering/construction specifications	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
9. Rights of way, permits, etc.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Wholesale access products and price specifications	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Project management	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
12. Information sharing among public administrations	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
13. Legal actions/ challenges	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. Marketing	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. Transparency / access to documents	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. Other	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain and give examples

3000 character(s) maximum

We understand this question to be about broadband deployment in general – not just in the context of state aid. Some of our members have experienced some barriers to deployment in the context of mapping the ducts of other operators. This information can be difficult to come by and can be eased by digital mapping solutions for future roll-out. In this context, it is important to note that utmost transparency on infrastructure and effective procedures to obtain access are indispensable to ensure that open access obligations are met in practice and to allow for more competitive effects state aid and avoid any possible distortive outcomes.














Access to rights of way and permits can cause some delays to broadband deployment. This varies from authority to authority and region to region, particularly in contexts where multiple authorities may be involved for different permits.

Access to documents giving information regarding but not limited to mapping of ducts can cause some barriers to deployment.

These and other elements should not only be addressed in the revision of the Broadband Cost Reduction Directive, but also the Broadband Guidelines, where relevant.

6. Please give a weighting from 1 to 5, depending on the size of the barrier (1 for least obstructive and 5 for most obstructive)

1. Administration related to State aid assessment	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
2. Administration related to national procedures	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
3. Due diligence/feasibility study	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

4. Designing the deployment & technical assistance	
5. Mapping	
6. Public consultation	
7. Competitive selection process/ Tender	
8. Civil engineering/construction specifications	
9. Rights of way, permits, etc.	
10. Wholesale access products and price specifications	
11. Project management	
12. Information sharing among public administrations	
13. Legal actions/ challenges	
14. Marketing	
15. Transparency / access to documents	
16. Other	

Please explain and give examples

3000 character(s) maximum

Please see our response to question 5.

7. Have there been any **unexpected results** after implementing the requirements set by the State aid rules for the deployment of broadband infrastructure?

- Yes
- No
- Not applicable/no relevant experience or knowledge

Please explain and give examples

3000 character(s) maximum

8. To what extent have the state aid rules for the deployment of broadband infrastructure led to more **effective State expenditure** (better targeted State

intervention that delivers the desired objectives) – compared to a situation before entry into force of the Broadband Guidelines in 2013 and General Block Exemption Regulation in 2014.

- Totally
- Partially
- Neutral
- Not at all
- Not applicable/no relevant experience or knowledge

Please explain and give examples

3000 character(s) maximum

The state aid rules have emphasized the importance of ensuring that state aid of broadband deployment only occurs in regions where private investment is not viable and that it is carried out in a manner that does not distort competition.

This ensures that State funding is targeted to where it is really needed. It also ensures that private investors are incentivized to invest further in broadband infrastructure deployment and upgrades.

9. The current General Block Exemption Regulation requires the use of a **transparent and non-discriminatory selection procedure**, precluding a public authority from deploying and managing the network directly (or through a fully-owned entity). Is it appropriate?

- Yes
- No
- Not applicable/no relevant experience or knowledge

Please explain and give examples

3000 character(s) maximum

10. Do the provisions of the state aid rules for the deployment of broadband infrastructure concerning requirements for transparency (such as publishing information on the aid on a centralised public website) ensure **adequate access to the information**?

- Yes
- No
- Not applicable/no relevant experience or knowledge

Please explain and give examples

3000 character(s) maximum

GIGAEurope is very supportive of the transparency requirements. It is important that this information is made easily available.

We believe that in addition to information about the application of state aid, an essential aspect of transparency is oversight on the efficacy of the aid. Reviews on the efficiency and efficacy of state aid projects should be carried out and the results of these reviews made public.

On the level of transparency there are important differences between the different markets. Some of the methods used in some Members States for creating transparency could serve as best practices.

Section 2 – Efficiency

Were the administrative costs involved proportionate to the benefits?

Were the state aid rules more or less efficient than before 2013, a period when support in this sector was regulated only by the [2009 Broadband Guidelines](#) (the Broadband Guidelines and the relevant parts of the General Block Exemption Regulation entered into force in 2013 and 2014, respectively).

Were the costs of complying with the state aid rules proportionate to the benefits of having them? Have the rules ensured efficient State expenditure?

11. Based on your experience, to what extent have the requirements set by the state aid rules for the deployment of broadband infrastructure led to more efficient **State expenditure** (timely and less costly intervention) than in 2009-13, when support in this sector was regulated only by the 2009 Broadband Guidelines)?

- Totally
- Partially
- Not at all
- Not applicable/no relevant experience or knowledge

Please explain and give examples

3000 character(s) maximum

12. Can you estimate the **level of the cost generated** by applying the **2013 Broadband Guidelines**?

	< 0.5%	< 1.0%	< 2%	< 5%	< 10%	>10%
Cost as % of aid amount	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cost as % of project budget	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain and give examples

3000 character(s) maximum

13. Can you estimate the **level of the cost generated** by the application of the **General Block Exemption Regulation**?

	< 0.5%	< 1.0%	< 2%	< 5%	< 10%	>10%
Cost as % of aid amount	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cost as % of project budget	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain and give examples

3000 character(s) maximum

14. To what extent have the **2013 Broadband Guidelines reduced the administrative burden** (compared to 2009-13, when the sector was regulated only by the 2009 Broadband Guidelines)?

- Totally
- Partially
- Not at all
- Not applicable/no relevant experience or knowledge

Please explain and give examples

3000 character(s) maximum

15. To what extent have the requirements set by the **2014 General Block Exemption Regulation reduced the administrative burden** (compared to 2009-13, when the sector was regulated only by the 2009 Broadband Guidelines)?

- Totally
- Partially
- Not at all
- Not applicable/no relevant experience or knowledge

Please explain and give examples

3000 character(s) maximum

16. **Cost of applying the rules** – do you think that, compared with the [2009 Broadband Guidelines](#), the new (2013) **Broadband Guidelines** have led to:

- a reduction of the cost by < 30%
- a reduction in cost by >30% <50%
- a reduction in cost by >50%
- an increase in cost by < 30%
- an increase in cost by >30% <50%
- an increase in cost by >50%
- No impact
- Not applicable/no relevant experience or knowledge.

17. **Cost of applying the rules** – do you think that, compared to 2009-13 (when the sector was regulated only by the 2009 Broadband Guidelines) the **General Block Exemption Regulation** has led to

- a reduction of the cost by < 30%
- a reduction in cost by >30% <50%
- a reduction in cost by >50%
- an increase in cost by < 30%
- an increase in cost by >30% <50%
- an increase in cost by >50%
- No impact
- Not applicable/no relevant experience or knowledge.

18. Are the parts of the General Block Exemption Regulation related to **notification and evaluation amounts ('thresholds')** adequate for efficient State aid expenditure?

- Yes
- No
- Not applicable/no relevant experience or knowledge

Please explain and give examples

3000 character(s) maximum

Section 3 – Relevance

Is EU action still necessary? Are the policy objectives still the right ones?

Are the current EU state aid rules still relevant, given the changes in EU priorities and/or new market and technological developments?

19. How well do the objectives of the state aid rules for the deployment of broadband infrastructure meet the following needs:

	Totally	Partially	Not at all	Not applicable /no relevant experience or knowledge
Current EU priorities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Equipping EU society with better internet connections (as laid down in the Gigabit communication): all households should have access to internet connectivity of at least 100 Mbps download , upgradable to 1 Gbps	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Equipping EU society with better internet connections (as laid down in the Gigabit communication): key socio-economic drivers such as schools, transport hubs and main providers of public services, as well as digitally-intensive companies, should have access to internet connectivity with download and upload speeds of 1 Gbps	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Equipping EU society with better internet connections (as laid down in the Gigabit communication): uninterrupted 5G coverage for all urban areas and major terrestrial transport paths should be ensured	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
EU society's connectivity needs revealed by the COVID-19 crisis	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Responding to ongoing technological developments in the telecoms sector since 2013	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Responding to ongoing market developments in the telecoms sector since 2013	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain and give examples

3000 character(s) maximum

The European Union has set ambitious goals in its digital agenda. Private investment is essential to achieve these goals. The current state aid regime assists in these objectives by limiting state aid to areas where private investment is not viable.

The Guidelines are clear and well-established. This gives regulatory certainty, which also encourages investment. The Guidelines operate in a manner which respects the principles of proportionality and appropriateness, encouraging regulatory forbearance and creating an investment-friendly environment.

In assessing how to achieve Gigabit-capable broadband for all Europeans, we believe that all Europeans should first have access to dependable connectivity. In a forward-looking perspective, the guidelines should be coherent with the expected revised targets set by the EC under the “Digital Decade” initiative. The state aid regime should not move away from using NGA networks as the basis for white/grey/black areas. This approach is the most suitable – at least in the short to medium term (i.e. as the threshold for state aid intervention). It is still too early in the overall roll-out of VHCN to lower the threshold; this could result in overbuild of networks that are not yet upgraded but will be in the coming years. It should not be the goal of the state aid regime to use public money to overbuild private networks to fast-forward the roll-out of VHCN – this will lead to market distortion. Rather, the market will (and is already) incentivizing operators to upgrade their networks in line with demand.

In the current guidelines, the concept of ‘step change’ ensures that these rural /remote areas are not left behind in terms of speed capability. In these areas, we consider that the guidelines could be updated to indicate that Member States should – when considering state aid applications for NGA networks, and whether there is a step change in terms of broadband availability – aim for higher targets (specifically, at least upgradable to 1Gbps) in line with the Gigabit Society Objectives.

The COVID-19 crisis has revealed the importance of connectivity. The state aid regime, as outlined in previous sections, has prevented significant market distortion.

There have been significant developments in the telecoms market over the past years, both in terms of technology and in the types of products and services being offered. In terms of technology, the boundaries between fixed and mobile are blurring, increasing the potential for fixed wireless broadband services. As such the revised guidelines should also deal with mobile/wireless networks and technologies.

Looking forward, the guidelines should provide some guidance to Member States on how they can use public funds for mobile networks.

This, however, without departing from the principles established in our answers to the other questions in this consultation.

20. Overall, are there aspects that the state aid rules for the deployment of broadband infrastructure **do not currently cover**, for which extra objectives could be added? (several answers possible)

- Yes, environmental aspects
- Yes, education
- Yes, public health
- Yes, security

- Yes, others
- No Not applicable/no relevant experience or knowledge.

Please explain and give examples

3000 character(s) maximum

State aid is an economic tool. It is not designed, nor intended to be an appropriate tool to achieve social, cultural or political goals.

Section 4 - Coherence

21. To what extent are the state aid rules for the deployment of broadband infrastructure consistent with EU policy on electronic communications, in particular the following acts:

	Totally	Partially	Neutral	Not at all	Not applicable /no relevant experience or knowledge
Gigabit Communication (COM(2016) 587 final)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Broadband Cost reduction directive (Directive 2014/61/EU)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
European Electronic Communications Code (Directive 2018/1972/EU)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain and give examples

3000 character(s) maximum

The particular relationship between mapping surveys and designated areas under the European Electronic Communications Code and the state aid regime could be made more explicit.

Member States are currently already required under the European Commission's state Aid Guidelines to undertake mapping and analysis of existing coverage information - now further enabled under article 22 of the Code - as well as a formal public consultation. During consultation, parties can advise of their intention to invest, or express interest in investing, in the near future in areas affected by state Aid measures. Such declarations may be made subject to roll-out commitments to ensure their delivery. This state aid assessment procedure is well established, trusted and proven to provide the safeguards and assurance necessary for both providers and the relevant competent authorities. It is therefore vital that it remains a key pillar of the state aid regime.

GIGAEurope supports the existing process obtaining this information on a more targeted basis for state aid purposes.

22. Are the state aid rules for the deployment of broadband infrastructure consistent in the following senses?

	Totally	Partially	Neutral	Not at all	Not applicable /no relevant experience or knowledge
Consistent with other EU state aid rules?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Are the Broadband Guidelines internally consistent (i.e. are there any internal contradictions, etc.?)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Is the General Block Exemption Regulation consistent with the Broadband Guidelines?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain and give examples

3000 character(s) maximum

23. To what extent are the rules in the General Block Exemption Regulation consistent with the following acts:

	Totally	Partially	Neutral	Not at all	Not applicable/no relevant experience or knowledge
Gigabit Communication (COM (2016) 587 final).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Broadband Guidelines (2013/C 25/01)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain and give examples

3000 character(s) maximum

Section 5 - EU added value

Did EU action – in this case, the EU state aid rules – provide clear added value? How useful were they?

24. Have the state aid rules subject to the current evaluation provided an added value in comparison to a situation without Guidelines and General Block Exemption

Regulation, in which case each individual state aid measure would have to be dealt with separately, directly applying the [TFEU](#))?

- Totally
- Partially
- Neutral
- Not at all
- Not applicable/no relevant experience or knowledge

Please explain especially where you answered no or partially

3000 character(s) maximum

The state aid rules have contributed to the creation of greater harmonization between Member States in the provision of state aid for broadband deployment. By providing clear guidelines, it has reduced inconsistencies between Member state and contributed to greater regulatory clarity and certainty. This regulatory certainty is instrumental to encourage private investment.

Final comments and document upload

25. Is there anything else you would like to add?

5000 character(s) maximum

You may attach relevant supporting documents to this questionnaire.

The maximum file size is 10 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

* Can the Commission contact you for further details on the information you have submitted, if required?

- Yes
- No

THANK YOU FOR RESPONDING TO THIS QUESTIONNAIRE

Contact

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