



## Broadband Guidelines

The Commission applies the "**Community Guidelines for the application of State aid rules in relation to rapid deployment of broadband networks**" for the assessment of state aid to broadband measures.

The document is available [here](#).

The European Commission has launched [public consultation](#) on the revision of these Guidelines. The consultation documents and the comments received are available [here](#).

## Commission decisions on State aid to broadband

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

#	Decision	Member State	Decision Date	Decision type (*)
1	<a href="#">N 282 / 2003 - Cumbria Broadband-Project ACCESS</a>	UK	10/12/2003	Article 4(3)
2	<a href="#">N 213 / 2003 - ATLAS : Broadband infrastructure scheme for business park</a>	UK	20/07/2004	Article 4(3)
3	<a href="#">N 199 / 2004 - UK - Broadband Business Fund</a>	UK	16/11/2004	Article 4(3)
4	<a href="#">N 307 / 2004 - Broadband in Scotland - remote and rural areas</a>	UK	16/11/2004	Article 4(3)
5	<a href="#">N 381 / 2004 - Haut débit en Pyrénées-Atlantiques</a>	FR	16/11/2004	Article 4(2)
6	<a href="#">N 126 / 2004 - Broadband in Lincolnshire</a>	UK	14/12/2004	Article 4(3)
7	<a href="#">N 382 / 2004 - Haut débit en Limousin - DORSAL</a>	FR	3/05/2005	Article 4(2)
8	<a href="#">N 583 / 2004 - Broadband in rural and ultra-remote areas of Spain</a>	ESP	6/04/2005	Article 4(3)
9	<a href="#">N 57 / 2005 - Regional Innovative Broadband Support</a>	UK	1/06/2005	Article 4(3)
10	<a href="#">N 117 / 2005 - Broadband aggregated procurement - Scotland</a>	UK	21/09/2005	Article 4(2)/ Article 4(3)
11	<a href="#">N 263 / 2005 - Broadband for Kaernten</a>	AT	20/10/2005	Article 4(3)
12	<a href="#">C 35 / 2005 (ex N59 / 2005) - Broadband development Appingedam – NL</a>	NL	20/10/2005	Article 4(4)
13	<a href="#">N 267 / 2005 - Rural Broadband Access Project Wales</a>	UK	20/10/2005	Article 4(3)
14	<a href="#">N 131 / 2005 - Fibre Speed Broadband Project in Wales</a>	UK	22/02/2006	Article 4(3)
15	<a href="#">N 284/2005 - Metropolitan Area Network Broadband Program, Ireland</a>	IRL	8/03/2006	Article 4(3)
16	<a href="#">N 398 / 2005 - Development tax benefit - modification of measure HU 3/04</a>	HU	16/05/2006	Article 4(3)
17	<a href="#">N 118 / 2006 - Development of broadband communication networks in rural areas</a>	LV	7/06/2006	Article 4(3)
18	<a href="#">N 201 / 2006 - Broadband access development in underserved territories</a>	GR	4/07/2006	Article 4(3)
19	<a href="#">C 35 / 2005 - Broadband development Appingedam</a>	NL	19/07/2006	Article 7(5)
20	<a href="#">N 264 / 2006 - Broadband for rural Tuscany</a>	IT	13/09/2006	Article 4(3)
21	<a href="#">N 222 / 2006 - Digital Divide in Sardinia</a>	IT	22/11/2006	Article 4(3)
22	<a href="#">N 157 / 2006 - South Yorkshire Digital Region Broadband Project</a>	UK	22/11/2006	Article 4(3)
23	<a href="#">C 53 / 2006 (ex N 262 / 2005) – Citynet Amsterdam – NL</a>	NL	20/12/2006	Article 4(4)
24	<a href="#">N 746 / 2006 - North Yorkshire NYNET Project</a>	UK	21/02/2007	Article 4(3)
25	<a href="#">N 46 / 2007 - Welsh Public Sector Network Scheme - UK</a>	UK	30/05/2007	Article 4(2)



26	<a href="#">NN 24 / 2007 - Prague Municipal Wireless Network</a>	CZ	30/05/2007	Article 4(2)
27	<a href="#">N 890/2006 – France – Aide du Sicoval pour un réseau de très haut débit</a>	FR	10/07/2007	Article 4(3)
28	<a href="#">N 475/2007 - IRL - National Broadband Scheme Ireland</a>	IRL	25/09/2007	Article 4(3)
29	<a href="#">N 473 / 2007 - IT - Broadband connections for Alto Adige</a>	IT	11/10/2007	Article 4(3)
30	<a href="#">N 570 / 2007 – D - Broadband in rural areas of Baden-Württemberg</a>	GER	23/10/2007	Article 4(3)
31	<a href="#">N 442/2007 – IT - Aid in favour of broadband in remote areas of Veneto</a>	IT	23/10/2007	Article 4(3)
32	<a href="#">C 53 / 2006 (ex N 262 / 2005) – NL - Citynet Amsterdam</a>	NL	11/12/2007	Article 7(2)
33	<a href="#">N 692 / 2007 - UK - Amendment of N131/2005 Fibrespeed broadband project in Wales - UK</a>	UK	10/01/2008	Article 4(3)
34	<a href="#">N 412/2007 – IT - Aid to reduce digital divide in Piedmont</a>	IT	11/03/2008	Article 4(3)
35	<a href="#">N 14/2008 - UK - Broadband in Scotland - Extending broadband reach</a>	UK	30/04/2008	Article 4(3)
36	<a href="#">N 73/2008 - ES - Public support to broadband, digital TV, mobile and infrastructures in rural areas</a>	ESP	17/06/2008	Article 4(3)
37	<a href="#">N 250/2008 - IT - Broadband connections for Alto Adige II</a>	IT	2/07/2008	Article 4(3)
38	<a href="#">N 115/2008 - GER - Broadband in rural areas of Germany</a>	GER	2/07/2008	Article 4(3)
39	<a href="#">N 497/2007 - LT - Broadband infrastructure in Lazdijai and Alytus</a>	LT	17/07/2008	Article 4(3)
40	<a href="#">N 150/2008 - GER - Broadband in rural areas of Freistaat Sachsen</a>	GER	5/11/2008	Article 4(3)
41	<a href="#">N 237/2008 - GER - Broadband support in Niedersachsen</a>	GER	5/11/2008	Article 4(3)
42	<a href="#">N 266/2008 - GER - Broadband in rural areas of Bayern, Germany</a>	GER	5/11/2008	Article 4(3)
43	<a href="#">N 508/2008 - UK - Provision of Remote Broadband Services in Northern Ireland</a>	UK	10/12/2008	Article 4(3)
44	<a href="#">N 238/2008 - DE - Broadband infrastructure development</a>	GER	23/02/2009	Article 4(3)
45	<a href="#">N 153/2009 - DE - Amendment of the State aid broadband scheme N266/2008 Bayern</a>	GER	19/05/2009	Article 4(3)
46	<a href="#">N 183/2009 - LT - RAIN project</a>	LT	17/07/2009	Article 4(3)
47	<a href="#">N 243/09 - DE - Extension of broadband coverage in Niedersachsen</a>	GER	14/08/2009	Article 4(3)
48	<a href="#">N 331/2008 -FR - Réseau à très haut débit en Hauts-de-Seine</a>	FR	30/09/2009	Article 4(2)
49	<a href="#">N 172/2009 - SL - Broadband development in Slovenia</a>	SL	19/10/2009	Article 4(3)
50	<a href="#">N 418/2009 - UK - Northern Ireland - Next Generation Broadband</a>	UK	5/11/2009	Article 4(3)
51	<a href="#">N33/2009 National broadband project</a>	GR	18/11/2009	Article 4(3)
52	<a href="#">N 607/2009 - IE - Rural Broadband Scheme</a>	IRL	4/12/2009	Article 4(3)
53	<a href="#">N 423 2009- CY -Broadband infrastructure deployment in Cyprus</a>	CY	10/12/2009	Article 4(3)
54	<a href="#">N 323 2009 - ES - Broadband in rural areas of Asturias</a>	ESP	14/12/2009	Article 4(3)
55	<a href="#">N 388/2009 – FI - High-speed broadband pilot projects in Finland</a>	FI	16/12/2009	Article 4(3)
56	<a href="#">N 368/2009 - DE - Amendment of the State aid broadband scheme N115/2008 Federal</a>	GER	22/12/2009	Article 4(3)
57	<a href="#">N 383/2009 – DE - Amendment of the State aid broadband scheme N 150/2008 Freistaat Sachsen</a>	GER	8/02/2010	Article 4(3)
58	<a href="#">N 596/2009 – IT - Bridging the digital divide in Lombardia</a>	IT	8/02/2010	Article 4(3)
59	<a href="#">N 30/2010 - SWE - Broadband development within the framework of rural development</a>	SWE	25/03/2010	Article 4(3)
60	<a href="#">N 646/2009 - IT - National broadband plan for rural areas in Italy</a>	IT	30/04/2010	Article 4(3)



61	<a href="#">N 62/2010 - FI - High speed broadband in Finland</a>	FI	6/05/2010	Article 4(3)
62	<a href="#">N 461/2009 - UK - Cornwall &amp; Isles of Scilly Next Generation Broadband</a>	UK	12/05/2010	Article 4(3)
63	<a href="#">N 626/2009 - IT - NGA for industrial districts of Lucca</a>	IT	28/06/2010	Article 4(3)
64	<a href="#">N 559/2009 – UK- North Yorkshire – Next Generation Broadband</a>	UK	28/06/2010	Article 4(3)
65	<a href="#">N 53/2010 - DE - Federal framework programme on duct support, Germany</a>	GER	12/07/2010	Article 4(3)
66	<a href="#">N 196/2010 - EE - Establishment of a Sustainable Infrastructure Permitting Estonia-wide Broadband Internet Connection (EstWin project)</a>	EST	20/07/2010	Article 4(2)
67	<a href="#">N 407/2009 - ES - Optical fibre Catalonia (Xarxa Oberta)</a>	ESP	11/08/2010	Article 4(3)
68	<a href="#">N 699/2009 – ES - Desarrollo del programa de infraestructuras de telecomunicaciones en la Región de Murcia</a>	ESP	12/08/2010	Article 4(3)
69	<a href="#">N 391/2010 - DE - Broadband development in Hessen</a>	GER	12/10/2010	Article 4(3)
70	<a href="#">N 299/2010- DE - Prolongation of the Bavarian State aid broadband scheme</a>	GER	26/10/2010	Article 4(3)
71	<a href="#">N 424/2010 - ES - Broadband deployment in Galicia</a>	ESP	10/11/2010	Article 4(3)
72	<a href="#">N 305/2010– IT - Reduction of the digital divide in Trentino</a>	IT	16/11/2010	Article 4(3)
73	<a href="#">N 336/2010 – AT – Breitband Austria Zwanzigdreizehn</a>	AT	10/12/2010	Article 4(3)
74	<a href="#">N 497/2010 – UK - SHEFA – 2 Interconnect</a>	UK	13/12/2010	Article 4(3)
75	<a href="#">N 304/2010 - ES - Programa Avanza Nuevas Infraestructuras de Telecomunicaciones</a>	ESP	17/12/2010	Article 4(3)
76	<a href="#">SA.32021- DE - Broadband in the rural areas of Saxony</a>	GER	20/12/2010	Article 4(3)
77	<a href="#">N 451/2010 - DE - Creation of Next Generation Access Infrastructure in Landkreis Rotenburg</a>	GER	24/01/2011	Article 4(3)
78	<a href="#">SA.30317 High-speed broadband in Portugal</a>	PT	19/01/2011	Article 4(3)
79	<a href="#">SA.31851 (N499/2010) Broadband Marche, Italy</a>	IT	11/04/2011	Article 4(3)
80	<a href="#">SA.32203 Breitband Egenhofen, Germany</a>	GER	20/05/2011	Article 4(3)
81	<a href="#">SA.31687( N436/2010) Broadband in Friuli Venezia Giulia (Project Ermes), Italy</a>	IT	23/05/2011	Article 4(3)
82	<a href="#">SA.32309 Amendment of the Federal framework programme on duct support (Case N53/2010)</a>	GER	8/06/2011	Article 4(3)
83	<a href="#">SA.33221 - Amendment of State aid broadband scheme N30/2010, Sweden</a>	SWE	25/07/2011	Article 4(3)
84	<a href="#">SA.32037 Broadband development in Västra Götaland, Sweden</a>	SWE	22/08/2011	Article 4(3)
85	<a href="#">SA.33420 Breitband Lohr am Main, Germany</a>	GER	19/09/2011	Article 4(3)
86	<a href="#">SA. 31316 Programme national «Très haut débit», France</a>	FR	19/10/2011	Article 4(3)
87	<a href="#">SA.32829 Rural Broadband Project in Devon and Somerset, United Kingdom</a>	UK	27/10/2011	Article 4(3)
88	<a href="#">SA.33077 Northumberland Uplands Rural Community Broadband, United Kingdom</a>	UK	8/11/2011	Article 4(3)
89	<a href="#">SA.33324 Next generation network for rural areas of Latvia</a>	LV	9/11/2011	Article 4(3)
90	<a href="#">SA.32866 Broadband development in Greek rural areas</a>	GR	10/11/2011	Article 4(3)
91	<a href="#">SA.33438,SA.33440,SA.33441,SA.33439,SA 30851 PL Broadband network project in Eastern Poland</a>	PL	10/11/2011	Article 4(3)
92	<a href="#">SA.33859 (2011/N)*DE*Broadband support in the rural areas of Germany Amendment of Broadband scheme N383/2009</a>	GER	2/12/2011	Article 4(3)
93	SA.33869 Breitband Markt Mömbris	GER	7/12/2011	Article 4(3)
94	SA.33364(2011/N) Breitbandinfrastrukturausbau Thüringen	GER	8/12/2011	Article 4(3)



(\*) **Commission decisions:** the Commission issues the following types of decisions – as defined in the Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (*Official Journal L 83, 27.03.1999, pages 1-9*), (see [http://ec.europa.eu/comm/competition/state\\_aid/legislation/rules.html](http://ec.europa.eu/comm/competition/state_aid/legislation/rules.html))

After a preliminary examination (phase I decisions):

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

After a formal investigation procedure (phase II decisions):

1. **decision that a measure does not constitute aid (after formal investigation procedure)** - where the Commission, after formal investigation procedure, finds that, where appropriate following modification by the Member State concerned, the notified measure does not constitute aid -**art. 7(2)**
2. **positive decision** - where the Commission, after formal investigation procedure, finds that, where appropriate following modification by the Member State concerned, the doubts as to the compatibility of the notified measure with the common market have been removed - **art. 7(3)**
3. **conditional decision** - where the Commission attached to a positive decision conditions subject to which an aid may be considered compatible with the common market or laid down monitoring obligations - **art. 7(4)**
4. **negative decision without recovery** - where the Commission finds that the aid is not compatible with the common market and shall not be put into effect - **art. 7(5)**
5. **negative decision with recovery** - where the Commission finds that the aid is not compatible with the common market and, as it was unlawful aid, the Commission decides that the Member State concerned shall take all necessary measures to recover the aid from the beneficiary - **art. 7(5) with art. 14(1)**
6. **decision to close formal investigation procedure following the withdrawal of notification** – **art. 8(2)**

Other types of decisions:

1. **revocation of decision** - where the Commission decides to revoke its previous decision due to the fact it was based on incorrect information provided during the procedure which was a determining factor for the decision– **art. 9**
2. **information injunction** – where the Commission requires the Member State to provide the information on alleged unlawful aid in a situation in which the Member State despite a reminder did not provide the information previously requested or provided incomplete information - **art. 10(3)**

## Articles on State aid to broadband

### "State aid to broadband: primer and best practices"

Filomena Chirico / Norbert Gaál

[http://ec.europa.eu/competition/publications/cpn/2011\\_1\\_10\\_en.pdf](http://ec.europa.eu/competition/publications/cpn/2011_1_10_en.pdf)

### "The new State aid Broadband Guidelines: not all black and white"

by Lambros Papadias Filomena Chirico and Norbert Gaál

Competition Policy Newsletter, number 2009/3.

[http://ec.europa.eu/competition/publications/cpn/cpn2009\\_3.pdf](http://ec.europa.eu/competition/publications/cpn/cpn2009_3.pdf)

### "Citynet Amsterdam: an application of the Market Economy Investor Principle in the electronic communications sector"

by Norbert Gaál, Lambros Papadias and Alexander Riedl

Competition Policy Newsletter, number 2008/1, p. 82-85.

[http://ec.europa.eu/comm/competition/publications/cpn/cpn2008\\_1.pdf](http://ec.europa.eu/comm/competition/publications/cpn/cpn2008_1.pdf)

### "Public procurement and State aid control - the issue of economic advantage"

by Nóra Tosics and Norbert Gaál

Competition Policy Newsletter, number 2007/3, p. 116-118.

[http://ec.europa.eu/comm/competition/publications/cpn/cpn2007\\_3.pdf](http://ec.europa.eu/comm/competition/publications/cpn/cpn2007_3.pdf)

### "Municipal wireless networks and State aid rules: Insights from *Wireless Prague*"

by Norbert Gaál, Lambros Papadias and Alexander Riedl

Competition Policy Newsletter, number 2007/3, p. 15-18.

[http://ec.europa.eu/comm/competition/publications/cpn/cpn2007\\_3.pdf](http://ec.europa.eu/comm/competition/publications/cpn/cpn2007_3.pdf)

### "Public funding for broadband networks - recent developments"

by Lambros Papadias, Alexander Riedl and Jan Gerrit Westerhof.

Competition Policy Newsletter, number 2006/3, p. 17-18

[http://ec.europa.eu/comm/competition/publications/cpn/cpn2006\\_3.pdf](http://ec.europa.eu/comm/competition/publications/cpn/cpn2006_3.pdf)

### "State aid rules and public funding of broadband"

by Monika Hencsey, Olivia Reymond, Alexander Riedl, Sandro Santamato and Jan Gerrit Westerhof.

Competition Policy Newsletter, number 2005/1, p. 8-15

[http://ec.europa.eu/comm/competition/publications/cpn/cpn2005\\_1.pdf](http://ec.europa.eu/comm/competition/publications/cpn/cpn2005_1.pdf)



## For further information

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