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**Subject: State aid N 266/2008 – Germany**  
**Broadband in rural areas of Bayern**

Sir,

## **I. SUMMARY**

- (1) I am pleased to be able to inform you that the European Commission has assessed the measure "*Broadband in rural areas of Bayern*" (hereafter: "the measure") and decided not to raise objections as the State aid contained therein is compatible with Article 87(3)(c) of the EC Treaty.

## **II. PROCEDURE**

- (2) By letter registered on 6 June 2008, pursuant to Article 88 (3) of the EC Treaty, the German authorities notified the above mentioned measure to the Commission. By letter registered on 1 August 2008, the Commission requested additional information on the proposed measure. The German authorities submitted the answers to the Commission's request of information by letters registered on 28 August 2008 and 23 September 2008.

## **III. DESCRIPTION OF THE MEASURE**

- (3) **Objective:** The objective of this measure is to support investments necessary to ensure access to broadband services in those geographic locations of *Bayern* where no such services are currently available and where there are no plans for coverage in the near future. The measure primarily targets micro, small and medium enterprises without adequate broadband services in typically rural areas of *Bayern*. The measure also aims at increasing the economic

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attractiveness of rural areas and improving the competitiveness of the local SMEs.

- (4) **Legal basis:** The notified measure is based on *Article 23, 44 of the "Bayerische Haushaltsordnung"*; the *"Gesetz über die Gemeinschaftsaufgabe,, Verbesserung der Agrarstruktur und des Küstenschutzes" (GAK-Gesetz)*"; the *"Grundsätze für die Förderung der integrierten ländlichen Entwicklung (ILE) – Teil B im GAK-Rahmenplan 2008-2011"*; and the *"Breitbandrichtlinie des Freistaats Bayern"*<sup>1</sup>. Like the other German *Länder*<sup>2</sup>, based on the objectives, rules and conditions of the federal level broadband scheme<sup>3</sup>, the authorities of *Bavaria* have designed a broadband measure that also takes into account the local specificities. The directive that stipulates the general rules and conditions for granting aid, entitled *"Richtlinie zur Förderung der Breitbanderschließung in ländlichen Gebieten (Breitbandrichtlinie)"* will be adopted after the approval by the Commission<sup>4</sup>. Similarly to the federal level broadband scheme, the measure will be implemented by single projects and the support measures will follow the conditions set out in the scheme.
- (5) **Target areas:** The measure targets geographic locations in *Bayern* where no or insufficient broadband services are available primarily for business users<sup>5</sup>. The German authorities explain that these areas are mainly rural areas at the periphery or out of reach of existing telecommunication technologies. For instance, no or limited ADSL connection is available because exchanges are particularly far away from the end-users sites<sup>6</sup>. Other market solutions, such as satellite broadband offers are not able to satisfy the needs of business users, mainly due to their limited bandwidth capacities (for instance due to limited upload capacities). Leased lines are not always available on rural areas or do not offer services at affordable prices in comparison with urban areas.
- (6) **Budget:** The aid takes the form of grants. The *Bayerischen Staatsministerium für Wirtschaft, Infrastruktur, Verkehr und Technologie* will finance the measure with €10 million. Additional funding is expected from the local municipalities hence the total aid amount will be around €20 million.
- (7) **Aid intensity and maximum aid amount:** The aid intensities of each single project will depend on the outcome of the local selection procedures. Similarly

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<sup>1</sup> The legal bases are available at the following websites: [http://www.rechtliches.de/bayern/info\\_BayHO.html](http://www.rechtliches.de/bayern/info_BayHO.html), [http://www.bmelv.de/cln\\_045/nn\\_751002/SharedDocs/Gesetzestexte/G/GesetzBund-Laender-GAK.html](http://www.bmelv.de/cln_045/nn_751002/SharedDocs/Gesetzestexte/G/GesetzBund-Laender-GAK.html?nnn=true) and [www.breitband.bayern.de](http://www.breitband.bayern.de).

<sup>2</sup> See for instance *Baden-Württemberg* that issued an *"Eckpunkte für die Verwendung öffentlicher Mittel zur flächendeckenden Versorgung des Ländlichen Raums mit Breitbandanschlüssen in Baden-Württemberg"*. The Commission endorsed the broadband measure in the decision of N570/2007 - Broadband in rural areas of Baden-Württemberg, OJ C/282/2007, 24.11.2007.

<sup>3</sup> Commission decision of 2 July 2008 in case N 115/2008 *Broadband in rural areas of Germany*. OJ C/194/2008, 31 July 2008.

<sup>4</sup> The referred *Richtlinie* also covers the possibility to provide State aid under the GAK scheme that has already been approved by the Commission (for reference see footnote 3). Therefore only the part not covered by the approved scheme is subject to the current State aid assessment.

<sup>5</sup> Citizens without adequate broadband services are expected to be covered by the federal level broadband scheme – for reference, see footnote 3.

<sup>6</sup> Due to technological reasons, the available bandwidth via copper network using ADSL technology is significantly deteriorating as the distance between the exchange and the end users sites increase. Hence, although in some places copper line is available, it is not capable of sustaining broadband (ADSL) services.

to the other German broadband schemes<sup>7</sup>, the basis of the grant will not be the total cost of the project, but the so-called "*profitability gap*", i.e. the difference in investment costs and profitability threshold between providing broadband services in rural areas compared to urban areas<sup>8</sup>. The value of the "*profitability gap*" for each project will be calculated and submitted by the tenderers to the granting authority in the course of the tender procedure. The measure will finance this "*profitability gap*" and any aid is limited to a maximum public funding of €200.000 per project.

- (8) **Funding instruments:** The amount of public support for each of the projects will be granted from municipal funding and resources of the *Freistaat Bayern*.

Freistaat Bayern	Municipality	Total
Max. 50 %	Min. 50 %	100 %

- (9) The German authorities have confirmed that there is no cumulation possible with any other State aid broadband measures, including the federal level broadband scheme<sup>9</sup>.
- (10) **The selection procedure:** Similarly to the other German broadband schemes, as a first step, the municipalities will have to prove the need for broadband services as well as the absence or insufficient offer in the area. To this purpose the municipality will carry out a market analysis<sup>10</sup> and publish the results on the dedicated internet portal of *Bayern* ([www.breitband.bayern.de](http://www.breitband.bayern.de)). Next the municipality will consult operators of electronic communication networks to understand whether they would be ready to provide broadband without public support. Aid may only be granted if, after such a consultation, there is no sufficient broadband offer provided or expected to be provided by the market in the near future.
- (11) In case there is no other solution than public support, the municipalities will publish the envisaged support plans on the dedicated website of the *Bayern* authorities ([www.breitband.bayern.de](http://www.breitband.bayern.de)) together with a publication in the official local bulletins. The selection procedures will be conducted in a transparent manner and in full compliance with the national procurement rules (*Vergaberecht*). The published description of the project must be technology and provider neutral and correspond with the described needs<sup>11</sup>.

<sup>7</sup> For reference, see footnote 3.

<sup>8</sup> According to the German authorities the "*profitability gap*" derives from the diseconomies of establishing broadband networks in rural areas (for instance, due to low population densities and high fixed costs of network deployment). As a consequence, electronic communication operators do not provide widely available broadband services at affordable prices in such areas.

<sup>9</sup> For reference, see footnote 3.

<sup>10</sup> Municipalities are also encouraged to use the existing broadband mapping initiatives, such as the "*Breitband Atlas*" initiated by the Federal Ministry of Economics and Technology (available at: <http://www.zukunft-breitband.de/BBA/Navigation/breitbandatlas.html>) to more accurately identify the targeted areas.

<sup>11</sup> Similarly to the other broadband measures approved under the State aid rules (N115/2008 and N570/2007), in a few exceptional cases, when the call for tenders remains unsuccessful or the aid amount required by the tenderer is significantly higher, the municipalities could initiate the investment themselves. In such cases municipalities will not engage in retail broadband service provision, but will grant wholesale access to third party operator(s) in an open, non-discriminatory procedure afterwards.

- (12) **Award criteria:** on the basis of the technical specifications determined beforehand, the operator requesting the lowest aid amount will be selected.
- (13) **Beneficiaries:** The recipients of the aid will be electronic communications operators offering broadband services. The indirect beneficiaries, according to the German authorities, will be mainly local SMEs which will benefit from improved broadband coverage.
- (14) **Pricing:** the retail prices of the broadband services provided by the selected supplier will be established in the course of the selection procedure. However, the retail prices should be similar to those in other, non assisted areas.
- (15) **Technology:** The municipalities will not specify the technology to be used for the deployment of broadband networks in the areas concerned.
- (16) **Wholesale offer:** The tender will oblige the selected operator to provide wholesale access to the subsidised infrastructure to all electronic communications operators on equal and non-discriminatory conditions that will enable them to compete with the selected operators, thereby strengthening choice and competition in the areas concerned by the measure<sup>12</sup>.
- (17) **Duration of the measure:** The scheme runs from 2008 (after the approval of the Commission) until 31 December 2010. The actual length of the contracts between the municipalities and the selected service providers will be maximum 5 years.
- (18) **Monitoring:** each individual project will be examined on regular basis by the granting authorities in accordance with the National Household Regulation (i.e. *Haushaltvorschriften*)<sup>13</sup>.

#### IV. ASSESSMENT OF THE MEASURE: PRESENCE OF AID

##### *De minimis aid*

- (19) According to the *de minimis* Regulation<sup>14</sup>, state funding of less than €200,000 over a period of 3 years in favour of one company is deemed to have no substantial effect on competition and trade between Member States, and therefore does not constitute state aid. However, in the measure at hand, certain service providers could carry out several local projects and could receive aid in excess of €200,000 over 3 years. Also, the German authorities have not argued that the notified aid falls under the "*de minimis*" Regulation.

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<sup>12</sup> Similarly to federal broadband scheme, in some rare cases, the German authorities consider possible that projects are funded when no wholesale access is provided due to technical restrictions or cost reasons (in case this would make total investment costs considerably more expensive, by at least 50%).

<sup>13</sup> This includes, *inter alia*, auditing on the expenditure of the funds and regular monitoring whether the network is functional. The granting authority will be in the position to recover the aid and if the selected operator fails to carry out the service in accordance with the provisions of the contract.

<sup>14</sup> Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to *de minimis* aid, Official Journal L 379 of 28.12.2006

- (20) Hence, it is necessary to assess whether the measure entails State aid, and whether this aid can be deemed compatible with the EC Treaty.

#### *Presence of aid*

- (21) According to Article 87 (1) of the EC Treaty, “*any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market*”. It follows that in order to be qualified as State aid, the following cumulative conditions have to be met: 1) the measure has to be granted out of State resources, 2) it has to confer an economic advantage to undertakings, 3) the advantage has to be selective and distort or threaten to distort competition, 4) the measure has to affect intra-Community trade.

#### **IV.1. State resources**

- (22) The measure will be financed by resources of the municipalities and of *Freistaat Bayern*. Hence State resources are involved.

#### **IV.2. Economic advantage**

- (23) *Selected operators*: The selected operators will receive financial support which will enable them to enter the market and provide broadband services on conditions not otherwise available on the market. The selected operators will also be in ownership of the networks as well as other tangible and intangible assets acquired with State funds even after the lifetime of the projects and hence enjoy continuing benefits partly funded with State resources after the end of the project. In view of the above, it is clear that an economic advantage will be granted to the selected operators.
- (24) *Third party providers*: In the areas covered by the project, there is no or limited broadband connection and therefore no or limited broadband wholesale offer, preventing market entry of third party service providers which do not have their own infrastructure. Therefore, third party providers of broadband services using wholesale access provided under the measure might also benefit indirectly from the measure at hand.

#### **IV.3. Selectivity and distortion of competition**

- (25) The notified measure supports the provision of certain electronic communication services, namely broadband services. The intervention of the State alters the existing market conditions by allowing the provision of broadband services by the selected telecommunication operators and, potentially, third party providers. A number of undertakings are likely to subscribe to the services provided by the selected suppliers instead of more expensive market-based solutions (for instance satellite or leased lines). Therefore, the fact that a new broadband service becomes available at a lower price than existing ones has the effect of distorting competition.
- (26) In addition, while the German authorities decided to intervene precisely in view of the lack of private initiatives in the targeted areas, it cannot be excluded that market initiatives could become viable in some areas in the

longer term. By securing this project, the chosen operators will be capable of establishing their business and developing their customer base, enjoying a first mover advantage over prospective competitors.

- (27) The measure is also selective in that it is addressed to undertakings active only in certain regions or in certain markets for electronic communications services. These selectivity elements also induce a potential distortion of competition<sup>15</sup>.

#### **IV.4. Effect on trade**

- (28) Insofar as the intervention is liable to affect providers of electronic communications services from other Member States, the measure has an effect on trade. The markets for electronic communications services are open to competition between operators and service providers, which generally engage in activities that are subject to trade between Member States. There may also be an effect on trade between the businesses using the broadband services enabled by the measure and their competitors in other Member States.

#### **IV.5. Conclusion**

- (29) In view of the above, the Commission considers that the projects covered by the notified measure will grant an economic advantage to the selected operators and possibly to third party operators. The projects are publicly funded, have a potential of distorting competition and have an effect on trade between Member States. Therefore the Commission considers that, for those projects which are not covered by the remit of *de minimis* Regulation (see paragraphs (19) and (20) above), the funding covered by the scheme involves State aid within the meaning of Article 87(1) of the EC Treaty.
- (30) Having established that the project involves aid within the meaning of Article 87(1) of the EC Treaty to the selected service providers, third party providers and businesses, it is necessary to consider whether the measure can be found to be compatible with the common market.

#### **V. ASSESSMENT OF THE MEASURE: COMPATIBILITY**

- (31) The Commission notes that the project aims to ensure the widespread availability and use of broadband services in currently unconnected or underserved rural and remote areas of *Bayern* with no prospect for coverage on commercial terms in the near and medium term and, as such, does not fall under one of the existing frameworks and guidelines.
- (32) Similarly to other broadband measures, the Commission considers that the assessment of the compatibility of the measure with the common market needs to be based directly on Article 87(3)(c) of the EC Treaty<sup>16</sup> which states that:

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<sup>15</sup> As regards the sectoral specificity, see for instance Judgement of the Court in case C-143/99 *Adria-Wien Pipeline and Wietersdorfer & Peggauer Aementwerke* [2001] ECR I-8365.

<sup>16</sup> This approach was also followed by the Commission in other cases, see for instance: State aid decisions for cases N 442/2007 "*Aid in favour of broadband in remote areas of Veneto*", Italy of 23.10.2007 or N 570/2007 "*Broadband in rural areas of Baden-Württemberg*", Germany of 23.10.2007 or N 14/2008 "*Broadband in Scotland – Extending broadband reach*", United Kingdom of 30.04.2008. The public versions of all broadband decisions are available at the following website: [http://ec.europa.eu/comm/competition/state\\_aid/register/ii/](http://ec.europa.eu/comm/competition/state_aid/register/ii/).

*“aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest”*

may be considered to be compatible with the common market.

- (33) In order to be compatible under article 87(3)(c), an aid must pursue an objective of common interest in a necessary and proportionate way. In particular, the measure shall be assessed with respect to the following questions:
- (1) Is the aid measure aimed at a well-defined objective of common interest (i.e. does the proposed aid address a market failure or other objective)?
  - (2) Is the aid well designed to deliver the objective of common interest? In particular:
    - (a) Is the aid measure an appropriate instrument?
    - (b) Is there an incentive effect, i.e. does the aid change the behaviour of firms?
    - (c) Is the aid measure proportional, i.e. could the same change in behaviour be obtained with less aid?
  - (3) Are the distortions of competition and the effect on trade limited, so that the overall balance is positive?

## **V.1. The support of broadband rollout is in line with the common interest**

### ***Community policy***

- (34) As outlined in its Communication “i2010 – A European Information Society for growth and employment”<sup>17</sup> and the eEurope Action Plan 2005<sup>18</sup>, the Commission actively supports the widespread availability of broadband services. There is clear evidence of regional economic development benefits that result from greater broadband deployment, including job creation and retention as well as improved health and education services<sup>19</sup>. In order to achieve better broadband coverage, the Commission encourages Member States to put comprehensive national broadband strategies in place.<sup>20</sup> By improving broadband access for citizens and businesses in areas of *Bayern* where these services are not satisfactorily available, the measure helps achieving greater cohesion and is therefore in line with the common interest.

### ***Market failure and cohesion considerations***

- (35) Lack of broadband coverage is due, among other factors, to some of the typical economic problems associated with networks industries. In particular,

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<sup>17</sup> COM(2005)229 final, 1 June 2005.

<sup>18</sup> COM(2002)263 final, “eEurope 2005: An information society for all”.

<sup>19</sup> For an overview, see: Lehr, Osorio, Gillet and Sirbu (2005): “Measuring Broadband’s Economic Impact”, and Orazem, Peter, University of Kansas Business School (2005), “The Impact of High-Speed Internet Access on Local Economic Growth”.

<sup>20</sup> Commission Communication COM(2004) 369 of 12.05.2004, “Connecting Europe at High Speed – National Broadband Strategies”.

due to economics of density, broadband networks are generally more profitable to roll-out where potential demand is higher and concentrated, i.e. in densely populated areas. Because of high fixed costs, costs increase significantly as population densities drop. Remoteness also plays a role, requiring bridging longer distances in the backhaul and in the last mile. In addition, although equipment costs have fallen as volumes increase, they remain a significant cost and major barrier to roll-out. In areas where demand is not very developed and coverage of cost is uncertain, private operators do not have sufficient incentives to offer broadband services similar to urban areas under normal market conditions.

- (36) Typically, these underserved areas are rural areas and have a low population density<sup>21</sup> so that commercial providers have no economic incentive to invest in electronic communications networks to provide broadband services. This leads to a "*digital divide*" between the areas which have access to affordable broadband services and those that have not. The gap between the broadband coverage in rural areas and the national average is particularly significant in Germany<sup>22</sup>.
- (37) However, it would be beneficial for the communities concerned if such services were available to citizens and businesses. Regional economic development benefits resulting from greater and wider spread broadband deployment include job creation and retention, improved education and health systems. For rural and remote communities, broadband is a crucial element to avoid economic and social exclusion and to provide the opportunity to participate in the knowledge based economy.
- (38) Hence, by providing financial support for the establishment of infrastructure to provide basic wholesale and retail broadband services in the targeted areas of Germany, the authorities pursue genuine cohesion and economic development objectives.

## V.2. Well-designed aid

### (a) *Aid is the appropriate instrument*

- (39) This measure is part of an overall action program of the authorities of *Bayern* to promote broadband in underserved areas that was initiated in 2006. The authorities of *Bayern* have been collecting information on underserved areas, advising municipalities on the possibilities to receive broadband coverage and facilitating contacts with existing operators with the aim to cover those areas at market terms<sup>23</sup>. However, according to the German authorities, in view of the lack of sufficient market incentives, several municipalities are still not covered and will not be covered by affordable broadband services in the near future.

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<sup>21</sup> For instance, according to the German authorities, the average population density in rural areas is 40 inhabitants/km<sup>2</sup> compared to the average 231 inhabitants/km<sup>2</sup> in urban areas. The average population density in Bayern is also lower (171 inhabitants/km<sup>2</sup>) than the national average.

<sup>22</sup> In Germany, 12% of the population in rural areas did not have access to DSL broadband services at the end of 2007. IDATE, Broadband Coverage in Europe, 2008 (data as at 31 December 2007), *forthcoming*.

<sup>23</sup> For this purpose, a dedicated webpage [www.breitband.bayern.de](http://www.breitband.bayern.de) was created by the Bavarian authorities.



- (40) Although *ex ante* regulation has facilitated broadband deployment in urban and more densely populated areas, it is unlikely to lead to sufficient investments for the provision of broadband services to underserved areas as it presupposes the existence of broadband access infrastructure. Hence, in situations such as those under examination, there is no alternative to granting public funding to overcome the lack of broadband connectivity.
- (41) In view of these considerations, the Commission concludes that, in the case at hand, public funding for the provision of broadband services is an appropriate instrument to achieve the set objectives.

***(b) The aid provides the right incentives to operators***

- (42) The measure will enable municipalities to ensure that operators requesting funding will indicate the amount of public funding they consider necessary to carry out the required investment on the basis of the anticipated total investment, operating costs and revenues and the verified "*profitability gap*"<sup>24</sup> up to a maximum amount of €200.000 per project. The objective of the German authorities in this regard is that the public funding granted provides a direct and appropriate investment incentive limited to the amount required by the selected operators to offer broadband services.

***(c) Proportionality***

- (43) The German authorities have designed the scheme in a way which minimises the State aid involved and potential distortions of competition. In this respect, the Commission notes the following positive elements in the overall design of the notified measure:

- (a) Market analysis and consultation of operators:* Before any aid is granted, municipalities have to carry out a market analysis to identify the targeted areas. A thorough market research provides evidence for the necessity of the measure and supports the proportionality of the state intervention by limiting any potential distortion of competition *vis-à-vis* existing operators while at the same time reducing the amount of State aid required for the measure. In the case at hand, a subsidy may only be granted if there is no broadband offer provided by the market or expected to be provided in the near future at affordable prices<sup>25</sup>.
- (b) Transparency and open selection of projects:* Each municipality shall publish the envisaged measure in the local bulletin and on the dedicated website of the *Bayern* authorities. The selection of projects shall be conducted in a transparent manner and in full compliance with the procurement rules (*Vergaberecht*). On the basis of the pre-defined technical specifications, the bidder requesting the lowest aid amount shall be selected.
- (c) Technology neutrality:* The scheme is technologically neutral, i.e. it does not favour a priori any given technology.

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<sup>24</sup> See also para (6).

<sup>25</sup> See also para (10).

- (d) *Wholesale access*: The selected operators will have to grant wholesale access to their networks to all electronic communications operators on equal and non-discriminatory conditions that will enable them to compete with the selected operators, thereby strengthening choice and competition in the areas concerned by the measure<sup>26</sup>.
- (e) *Minimising price distortions*: The selected operators will have to offer retail services at prices that are comparable to the average prices in other non-supported areas. The German authorities expect that in light of the wholesale access provisions and the increased competition between service providers, retail prices will follow the likely decrease of the market prices in the medium term.
- (f) *Monitoring*: the projects will be examined on a regular basis by the granting authorities in accordance with the National Household Regulation<sup>27</sup>.

**V.3. The distortions of competition and the effect on trade are limited, so that the overall impact of the measure is positive**

- (44) The Commission concludes that the notified measure will offset a geographical and commercial handicap and is objectively justified to address the lack of availability of broadband services due to the insufficient density of potential and actual subscribers to make delivering broadband services economically viable on a purely market-driven basis. In view of the characteristics of the project and of the safeguards applied by the German authorities, the overall impact on competition is deemed to be positive. On the effect on trade, the Commission does not identify negative spill-overs for other Member States.
- (45) On balance, the Commission concludes that the overall effect of the measure is deemed to be positive. The measure is clearly in line with the objectives of Article 87(3)(c) EC Treaty as it facilitates the development of certain economic activities (retail and, indirectly, wholesale broadband services) in certain remote and rural areas. The intervention is designed in a way that does not distort competition or affect trading conditions to an extent contrary to the common interest.

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<sup>26</sup> Operators deemed to have significant market power are in any case obliged by regulation to offer wholesale access to their networks. Whereas wholesale access is obliged by the scheme, it is possible that projects are funded when no wholesale access is provided due to technical restrictions or cost reasons (see footnote 12). In case of a few villages, which are situated in an area with a difficult telecommunication topology, according to the German authorities, the combination of several platforms might be necessary to provide broadband services, which would create a challenge for operators to provide wholesale access from the technology point of view. The German authorities have also confirmed that the wholesale access provision might be lifted only in a very few exceptional cases. In view of the limited size of the local projects, the low aid amounts concerned and the fact that they typically target rural areas where no broadband services are available at all, in this specific case, the Commission is of the opinion that this does not distort competition or affect trading conditions to an extent contrary to the common interest.

<sup>27</sup> See also para (18).

#### **V.4. Conclusion**

- (46) In the light of the above, the Commission has come to the conclusion that the aid involved in the notified measure is compatible with Article 87(3)(c) of the EC Treaty.

#### **VI. DECISION**

On the basis of the foregoing assessment, the Commission has accordingly decided that the aid measure "*Broadband in rural areas of Bayern*" is compatible with Article 87(3)(c) of the EC Treaty.

The German authorities are reminded that, pursuant to Article 88(3) of the EC Treaty, they are obliged to inform the Commission of any plan to extend or amend the measure.

If this letter contains confidential information which should not be disclosed to third parties, please inform the Commission within fifteen working days of the date of receipt. If the Commission does not receive a reasoned request by that deadline, you will be deemed to agree to the disclosure to third parties and to the publication of the full text of the letter in the authentic language on the internet site:

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Yours faithfully,

For the Commission

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