

InterEULawEast
3rd International Conference
Digital Market Strategy: Legal, Economic and Educational Perspectives

BROADBAND NETWORKS & STATE AID POLICY AND LAW

IZR. PROF. DR. ALEŠ FERČIČ
ales.fercic@um.si

INTRODUCTION

[digital single market and state aid policy]

* Digital single market policy

> H2020, DAE etc.

- all Europeans have access to much higher Internet speeds of above 30 Mbps (60 billion EUR)
- 50 % or more of European households subscribe to Internet connections above 100 Mbps (270 billion EUR),

> **public resources are needed**

- (own) capital injections, credits, guarantees, subsidies, etc.
- ESI and other EU funds.

* State aid policy

> state aids and social market economy

- poison or remedy?

CONCEPT OF STATE AID

[Art. 107(1) TFEU]

* Art. 107(1) TFEU:

- > public resources,
- > economic benefit for at least one undertaking,
- > selectivity,
- > (potential) distortion of market competition, and
- > (potential) effect on trade between Member States.

* Aid-free public measures.

STAND-STILL OBLIGATION

[Art. 108(3) TFEU]

* Art. 108(3) TFEU:

- > stand-still obligation,
- > exceptions,
- > breach of the stand-still obligation and legal consequences.

COMPATIBILITY WITH INTERNAL MARKET

[Art. 106(2), 107(3)(a) and 107(3)(c) TFEU]

* Compatibility assessment:

- > Art. 106(2) TFEU,
- > Art. 107(3)(a) TFEU,
- > Art. 107(3)(c) TFEU.

* Hard law and soft law.