Art. 13(b) - Scope of the "broadband sector" listed as ineligible for funding under regional investment aid

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Article	Article 13 - Scope of regional aid
Key words	broadband sector
Member State	BG
Question	In connection with the restriction set out in Article 13 (b) of Commission Regulation (EU) № 651/2014 concerning the prohibition of granting aid to the broadband sector under the "regional investment aid", we would like to know what is meant by the "broadband sector". In this regard, could you please specify the relevant codes in accordance with NACE 2025 (NACE Rev. 2.1 according to Commission Delegated Regulation (EU) № 2023/137 of 10 October 2022 amending Regulation (EC) № 1893/2006 of the European Parliament and of the Council), under which the activities of undertakings in this sector are classified as is the case with the transport sector which is also excluded from the scope of regional aid, as specified in Article 13 (b) of Regulation (EU) № 651/2014. In addition, please clarify whether the restriction concerning the "broadband sector" included in Article 13 refers only to the exclusion from financing of broadband infrastructures identified as eligible for support under Section 10 "Aid for broadband infrastructures" of Regulation (EU) № 651/2014. If our understanding is correct, does this mean that undertakings involved in the construction, management or operation of a fixed broadband network with a download speed of less than 100 Mbps may be considered eligible for support under the "regional investment aid"? The following questions also arise in the context of the inquiry: 1) Can an undertaking engaged in the construction or expansion of a telecommunications network for end users (households, companies) or an undertaking that is an internet service provider and provides internet access to end users (e.g. dial-up access), be considered eligible for support under "regional investment aid"? *2) In case the undertakings, referred to in point 1) above do not meet the eligibility criteria for "regional investment aid" according to Art. 13-14 of Regulation (EU) 651/2014, could you please indicate which scheme applies to such investments?*
Creation Date	2026.04.01
COMP Reply	In connection with the restriction set out in Article 13 (b) of Commission Regulation (EU) № 651/2014 concerning the prohibition of granting aid to the broadband sector under the "regional investment aid", we would like to know what is meant by the "broadband sector".

In this regard, could you please specify the relevant codes in accordance with NACE 2025 (NACE Rev. 2.1 according to Commission Delegated Regulation (EU) № 2023/137 of 10 October 2022 amending Regulation (EC) № 1893/2006 of the European Parliament and of the Council), under which the activities of undertakings in this sector are classified as is the case with the transport sector which is also excluded from the scope of regional aid, as specified in Article 13 (b) of Regulation (EU) № 651/2014.

For the purpose of NACE classification, Broadband is treated as part of telecommunications services, and it needs to be mapped to the closest relevant class depending on the specific project you are considering for exemption from notification under the GBER.

More specifically, The broadband sector is considered to be part of Division 61, "Telecommunications activities", and, depending on the type of measure, it may fall within:

- *1 Wired telecommunications activities;*
- *2 Wireless telecommunications activities;*
- *3 Satellite telecommunications activities.*

In addition, please clarify whether the restriction concerning the "broadband sector" included in Article 13 refers only to the exclusion from financing of broadband infrastructures identified as eligible for support under Section 10 "Aid for broadband infrastructures" of Regulation (EU) № 651/2014. If our understanding is correct, does this mean that undertakings involved in the construction, management or operation of a fixed broadband network with a download speed of less than 100 Mbps may be considered eligible for support under the "regional investment aid"?

Under the GBER currently in force (Article 13) regional aid does not apply to aid in the broadband sector, except for regional operating aid schemes (provided that all conditions of Article 15 are fulfilled). For the investment aid, Only the relevant provisions of Section 10 apply.

The following questions also arise in the context of the inquiry:

- Can an undertaking engaged in the construction or expansion of a telecommunications network for end users (households, companies) or an undertaking that is an internet service provider and provides internet access to end users (e.g. dial-up access), be considered eligible for support under "regional investment aid"?

Under the GBER currently in force (Article 13), such an undertaking cannot benefit from the regional investment aid. If it fulfils the relevant criteria it can benefit from aid under Section 10 of the GBER.

- *In case the undertakings, referred to in point 1) above do not meet the eligibility criteria for "regional investment aid" according to Art. 13-14 of Regulation (EU) 651/2014, could you please indicate which scheme applies to such investments?*

	The construction or expansion of a telecommunications network for end-users falls either under Article 52 (aid for fixed broadband networks) or Article 52a (aid for 4G and 5G mobile networks). If the measure does not concern the deployment of broadband infrastructure but is rather intended to facilitate the take-up of broadband services, Article 52c (connectivity vouchers) may apply, provided that the relevant conditions are fulfilled. Notably, under Article 52c(a), vouchers may be used "...for subscribing to a new broadband service or upgrading an existing subscription to a service providing speeds of at least 30 Mbps download under peak-time conditions..." *Disclaimer: This reply does not represent a formal and definite position of the European Commission but is only an informal guidance provided by the services of DG Competition to facilitate the application of the notices, communications and regulations relating to State aid. It is therefore not binding and cannot create legal certainty or legitimate expectations.*
COMP Reply date	2026.04.24
COMP Responsible	☑ Unit C Four ESTATE-AID-WIKI-C FOUR

[1] Article numbers & names:

- Article 13 - Scope of regional aid
- Article 14 - Regional investment aid
- Article 15 - Regional operating aid

[2] AT, BE, BG, HR, CY, CZ, DE, DK, EE, EFTA, EL, ES, FI, FR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK.