



## Meeting report

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**Theme: 2010 173 PL KE TEL Working Group on Broadband– Minutes from the meeting on 21<sup>st</sup> of June 2011**

### **I. BACKGROUND INFORMATION**

JASPERS has been tasked with the organization of the Working Group on Broadband following recommendations made by the European Commission to facilitate exchange of information in relation to the preparation of the broadband projects. Further background information and the report from the earlier meeting in January 2011 can be found on the JASPERS website.<sup>1</sup>

Following the last meeting, the Beneficiaries and the European Commission asked that the theme of the next Working Group meeting focuses on the guidelines how to complete the Request for Confirmation of Assistance Form (Annex XXI) and offers the opportunity to share information on the status of state aid (pre)notification. In line with this request, JASPERS organized this session and presented guidelines for the completion of Annex XXI tailored for the broadband sector. In this document, the following information is provided: the summary and conclusions from the Working Group meeting, agenda and the list of participating institutions. In addition, at its website, JASPERS plans to publish practical guidelines to fill up applications for funding in the case of broadband projects, with details on the expected contents of each section.

### **II. MAIN ISSUES DISCUSSED DURING THE MEETING**

#### Opening

Following welcome, short introduction of the Working Group and the agenda of the meeting presented by JASPERS, the European Commission in the opening remarks underlined the importance attached to the priorities of the Information Society, stressing that Poland is the biggest beneficiary of the EU structural funds for broadband with over 1 bn EUR allocated for the objective of Information Society in the programming period 2007 – 2013 and expressed concern that small amount of funds has been spent to date. Bilateral meetings to discuss the status of preparations within individual projects with beneficiaries of Regional Operational Programmes in the area of broadband have been organized with the Ministry of Regional Development for mid July 2011. The Commission encouraged the beneficiaries to closely monitor the timeline for the investment to ensure that all the expenses are accounted for and the project is running before December 31st 2015.

#### Update on State Aid (pre)notification status

1. Beneficiaries presented brief updates on the status of their projects and the planned next steps. There are two options on state aid considered (1) regional aid; and (2) individual notification.
2. In terms of the state aid notification, the following information was provided:

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<sup>1</sup> <http://www.jaspers-europa-info.org/index.php/workpap/nowecoerwaste.html>

- a. Details of the public consultation of Eastern Poland, including information on the scope of the intervention (also published at: [http://www.forumszerokopasmowe.pl/aktualnosci.php?news\\_id=1950](http://www.forumszerokopasmowe.pl/aktualnosci.php?news_id=1950) and [http://www.polskawschodnia.gov.pl/Projekty/Strony/Konsultacje\\_siec\\_szerokopasmowa.aspx](http://www.polskawschodnia.gov.pl/Projekty/Strony/Konsultacje_siec_szerokopasmowa.aspx) )
  - b. Other projects (Wielkopolskie, Mazovia, Lower Silesia) will publish the details of the projects, in the context of the required public consultation after the prenotification process is completed (official prenotification has been initiated by all three regions, and it is expected that the first complete application would be that of Wielkopolska Broadband Network (WSS)).
  - c. Malopolska plans to manage the project in line with the regional aid, under the Regulation issued by the Ministry of Regional Development.
3. The Office of Competition and Consumer Protection (UOKiK) echoed the information presented by the Beneficiaries, adding that in some cases the time of prenotification at the national level may be extended if not all of the required annexes are provided.

#### Presentation on Working Group on Broadband - - Guidelines for the preparation of Annex XXI

1. Presentation prepared by the JASPERS team and delivered by Mr. Waldemar Jastrzemski, outlined the key aspects that beneficiaries will encounter when filling up the application for assistance in case of broadband projects. The presentation is available on request from JASPERS and detailed guidelines are expected to follow. The general recommendations can be summarized as follows:
  - a. In terms of timing, it is strongly recommended to (1) get familiar with the structure of the application before relevant documentation and analysis are conducted, e.g. type of information, competences required; and (2) prepare the form in parallel to the ongoing state aid notification (if state aid notification is required)
  - b. In terms of general advice on how to complete the form, JASPERS recommended to make it “readable” and “user friendly” for the evaluation officers, ensure consistency throughout the form, focus on substance and key conclusions of analysis conducted (make it reasonably short and avoid “copy-paste” of the Feasibility Study!), but provide all necessary information within the application, and finally to avoid repetition.
- c. As regards the Environmental Aspects:
  - a. For the purpose of Application Form section F has to be duly filled in as well as an Annex 1 Natura 2000 Declaration is required from the relevant environmental protection authority. If the relevant authority requires, information needed for the purpose of screening for the need of Natura 2000 screening or assessment (as required by the Habitat’s Directive 92/43/EEC Article 6(3) and 6(4) may be requested at the stage of development consent permit, if not identified otherwise.
  - b. In the section F.3.1 of the Application Form, the Beneficiary should provide information on the development consent that has been issued (construction permit or an equivalent).
  - c. The Broadband Act (Ustawa o wspieraniu i rozwoju usług telekomunikacyjnych), art. 50 (6) provides information and conditions related to the localization decision for the regional broadband networks –

it was noted in the meeting that further clarification on the interpretation of this Act may be required from the national authorities.

- d. Some regions expressed concerns that their Regional Environmental Protection Authorities (Regionalna Dyrekcja ds. Ochrony Środowiska - RDOS) are not willing to issue Natura 2000 Declarations. Other regions, however, did not experience such problems and received Declarations. A clarification letter and terms of issue of Declarations have been issued by the General Environmental Protection Authority in Poland and sent to all RDOSs (07.01.2011, Ref.DOS-idk.070.20.2011.JSz.sw). JASPERS is in favour of a unified approach in case of broadband sector; therefore JASPERS is available to support meetings with RDOSs having such an objective.
- e. JASPERS also provided information that Environmental Impact Assessment (or Strategic Environmental Assessment) may be needed if a likelihood of significant negative impact on a Natura 2000 site, habitats' and species protected under Habitats' 92/43/EEC and Birds' 2009/147/EC Directives (Natura 2000 assessment) is identified in some specific cases. Otherwise, initial screening may conclude that the EIA or SEA procedure is not required for the project since the significant negative impacts on the integrity of Natura 2000 sites and their objectives are unlikely. This has to be verified by relevant responsible authorities based on information provided by Beneficiaries on the projects.

#### Discussion, question and answers, and comments

1. The Ministry of Infrastructure confirmed that there are no information as to any delay related to the completion of broadband inventory managed by the national telecommunications regulator (UKE) and the inventory is expected to be completed in June. Moreover, the Ministry expects that, so called, "systemic" project will be launched in the coming weeks offering additional technical assistance to finalize project preparations.
2. The European Commission offered, based on the experience of major projects' application received to date, its perspective on recommended approaches to avoid mistakes that are common and should be avoided:
  - a. The Cost Benefit Analysis is an important part of the application
  - b. The required opinions related to the Environmental Impact Assessment should be provided
  - c. Demand Analysis should be credible – based on realistic assumptions and data that can be checked
  - d. Consistency of data should be checked across the application. To this end, a quality analysis of the application is strongly recommended before sent to the European Commission
  - e. Ensure that the project are referenced to the Operational Programmes' objectives (priorities, linkages, key indicators)
  - f. Description of the projects – section B (Specifically B.4.1. project description) should be as clear and comprehensive as possible as it is the basis of the Commission's decision
  - g. It is much recommended to take into consideration JASPERS opinion and recommendation

### Conclusions and the theme of the next meeting

1. The participants requested that the next meeting takes place in autumn to discuss practical issues of Annex XXI application. JASPERS confirmed its availability to host one more meeting under the framework of the Working Group. It would be the last meeting of the Working Group. Afterwards, JASPERS recommended aligning any other initiatives with the regular and on-going meetings of the Roundtable on Broadband, organized by the Ministry of Infrastructure.

## **Annex I Agenda**

Date: 21.06.2011; 10.30 - 13.30

Venue: Jaspers Office, Plac Pilsudskiego 1, Warsaw

1. Introduction – JASPERS
2. Update on State Aid (pre)notification – Participants
3. Guidelines for the preparation of Annex XXI in Broadband projects with Q&A – JASPERS
4. Conclusions

## **Annex II List of stakeholders participating in the meeting**

Participants (detailed list has been registered by Jaspers)

1. Marshall Office of Lower Silesia
2. Marshall Office of Mazowieckie
3. Agency for Development of Mazovia
4. Mazovian Unit for Implementation of EU Programmes
5. Marshall Office of Małopolska
6. Marshall Office of Wielkopolska
7. Wielkopolska Broadband Network
8. Marshall Office of Podlaskie
9. Marshall Office of Swietokrzyskie
10. Marshall Office of Warminsko-Mazurskie
11. Ministry of Regional Development (Department of Coordination and Implementation of Regional Programmes)
12. Ministry of Regional Development (Operational Programme for Eastern Poland)
13. Ministry of Regional Development (Department of Management of Competitiveness and Innovation Programmes)
14. Ministry of Regional Development (Department of Individual Projects)
15. Ministry of Infrastructure
16. Polish Agency for Enterprise Development
17. Office of Competition and Consumer Protection
18. European Commission, DG REGIO
19. JASPERS