

## PRESS RELEASE

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expansion in Lower Austria**

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### **Bidding process successfully completed: CMS supports Niederösterreichische Breitband Holding in its selection of an investor in its broadband network**

**Broadband for everyone! This is the motto of Lower Austria's efforts to build a broadband network covering nearly the entire state. The next step to this goal is a 300-million-euro investment package to expand the network to the rural regions of Lower Austria, on which the Broadband Holding of Lower Austria and the financial investor Allianz Capital Partners have just agreed, all that by means of a bidding process developed and comprehensively supported by CMS.**

The international commercial law firm CMS, is regularly brought on board for its infrastructure projects, especially when complicated project financing and complex bidding procedures must be dealt with. Nevertheless, this project somewhat represented new territory because of its unique structure in Austria.

"This project combines an existing glass fibre -network with a second and larger part of the network still to be developed. The network will be operated as a non-discriminatory 3-layer open access model (3LOM). This model has attracted great interest, especially among international infrastructure investors," says Thomas Hamerl, partner at CMS Vienna and expert in national and international infrastructure projects. Clemens Grossmayer, partner and member of the CMS Vienna transaction team, adds: "Against this background, the allocation of tasks and risks as well as their contractual implementation had to be developed from scratch and integrated into a corporate structure." The CMS team, which also included the three associates Marlene Wimmer-Nistelberger and Ruth Bittner (both EU state aid law) as well as Marco Selenic (Corporate), was responsible for the complete structuring and legal support of the bidding process.

#### **The project expands broadband to a further 100,000 households**

Broadband Holding of Lower Austria and Allianz Capital Partners are currently in the final negotiations of the investment package and aiming to close the contract by the end of the year. Between 2020 and 2022, a total of around 140,000 households in small communities of fewer than 5,000 inhabitants will be provided with high-speed broadband internet access. With the rollout of the future-proof FTTH ("Fibre-to-the- Home") network in rural regions, the Province of Lower Austria and Allianz Capital Partners close the gap to the better-served urban areas. In addition, the so-called 3 Layer Open Access model, which is open to all internet service providers, will allow end customers to choose from a large number of suppliers on the market for broadband services in the future.

Pictures of Clemens Grossmayer and Thomas Hamerl that may be used free of charge are available here:

[Clemens Grossmayer](#)  
[Thomas Hamerl](#)

**- END -**

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