

# **Aid for recharging and refueling infrastructure for heavy vehicles (Støtte til lade- og fyllinfrastruktur for tunge kjøretøy)**

State aid Reference no.: GBER 98/2024/ENV

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## **i. Description of the aid measure**

### **1. State**

Norway

### **2. Aid granting Authority**

Enova SF<sup>1</sup> is the authorized body to implement the Scheme.

### **3. Objective of the aid scheme and eligible activities**

The scheme “Aid for recharging and refueling infrastructure for heavy vehicles” (hereby the Scheme) aims at reducing the CO<sub>2</sub> emissions from transport sector by increasing the use of heavy-duty transport vehicles.

Eligible for aid under the Scheme will be undertakings wanting to establish recharging or refuelling infrastructures that supply heavy road vehicles with electricity or renewable hydrogen.

### **4. Scope of the scheme**

The Scheme is open to large undertakings and SMEs that are registered in the Norwegian Register of Business Enterprises<sup>2</sup>. The projects receiving aid under the Scheme must be realized in Norway or within the Norwegian economic zone.

### **5. Legal Basis**

Aid granted under this Scheme will comply with Commission Regulation (EU) No 651/2014<sup>3</sup>, declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (General Block Exemption Regulation or GBER), and the following article(s): GBER article 36a.

The national legal basis for aid granted under this Scheme is the present document<sup>4</sup> describing the Scheme’s compliance under Commission Regulation (EU) No 651/2014 and the specific terms and conditions set by Enova.

In order to ensure compliance with the Commission Regulation (EU) No 651/2014 (GBER), aid under the Scheme must fulfil the relevant requirements set in GBER in chapters I, II and III.

## **ii. Compliance with the general rules in GBER (art.1-12)**

### **6. Aid Category and Definitions**

Aid under the Scheme falls under the following categories of aid in line with article 1 of GBER:

- Aid for environmental protection (art. 1(c) GBER)

For the purpose of the Scheme the definitions laid down in Chapter 1 Article 2 of the General Block Exemption Regulation (GBER) are applied by Enova SF.

<sup>1</sup> <https://www.enova.no/about-enova/>

<sup>2</sup> <https://www.brreg.no/en/>

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0651-20230701>

<sup>4</sup> <https://www.enova.no/om-enova/drift/rettslig-grunnlag-for-enovas-stotteordninger/>

Aid under the Scheme will be compliant with the scope of application of the GBER as described in the paragraphs of article 1 GBER.

Aid will not be granted to undertakings that are in difficulty or subject to a pending recovery order in line with article 1 §4(a) - (c) and article 2 §18 of GBER.

## 7. Notification thresholds, duration of the Scheme and total budget for aid under the Scheme

In line with article 4 GBER, aid under the Scheme shall not exceed the following thresholds (also in cases when it is cumulated with other aid, ref. article 8 GBER):

In the case of investment aid for recharging or refuelling infrastructure referred to in Article 36a (1) and (2): EUR 30 million per undertaking per project and, in the case of schemes, an average annual budget of up to EUR 300 million;

The thresholds set out or referred to above shall not be circumvented by artificially splitting up the aid schemes or aid projects.

The Scheme will run from 22 August 2024 until December 31<sup>st</sup> 2026.

The annual budget for the Scheme is estimated to maximum 500 MNOK.

## 8. Transparency of aid

All aid awarded under the Scheme will be transparent and in line with criteria set out in Article 5 of the GBER.

Aid under the Scheme may be awarded by way of grants.

## 9. Incentive effect of the aid

The Scheme concerns aid that has an incentive effect, in line with the criteria set out in article 6 of the GBER.

Aid recipients must demonstrate that the aid is required for projects to proceed by submitting a written application before work on the project or activity has started. The application will as a minimum contain the following information (Art 6 GBER):

- (a) Name and size of the undertaking receiving the aid;
- (b) Description of the project, including its start and end dates;
- (c) Location of the project;
- (d) List of project costs;
- (e) Type of aid (for example grant) and amount of public funding needed for the project

## 10. Aid Intensity and eligible costs

In line with article 7 GBER, for the purposes of calculating aid intensity and eligible costs, all figures used shall be taken before any deduction of tax or other charge. Value added tax charged on eligible costs or expenses that is refundable under the applicable national tax law shall, however, not be taken into account for calculating aid intensity and eligible costs. The eligible costs shall be supported by documentary evidence which shall be clear, specific and contemporary. Aid payable in the future, including aid payable in several instalments, shall be discounted to its value at the moment it is granted. The eligible costs shall be discounted

to their value at the moment the aid is granted. The interest rate to be used for discounting purposes shall be the discount rate applicable at the moment the aid is granted.

## 11. Cumulation

According to article 8 of the GBER, in determining whether the notification thresholds and the maximum aid intensities are respected, the total amount of State aid for the activity or project shall be taken into account. The total amount of State aid may be comprised of local, regional, national or other funds managed and controlled by Norway as a contracting party to the EEA Agreement.

EU funding that is understood as centrally managed by the institutions, agencies, joint undertakings or other bodies of the EU and outside the direct and indirect control of Norway will not be regarded as state aid and will thus not be taken into account when determining whether notification thresholds and maximum aid intensities or maximum aid amounts are respected.

The total amount of public funding, which includes State aid and EU funding together and is granted in relation to the same eligible costs should not exceed the most favourable funding rate<sup>5</sup> laid down in the applicable rules of EU/EEA Law.

Aid under the Scheme that is granted based on identifiable eligible costs may be cumulated with

- any other State aid, as long as those measures concern different identifiable eligible costs;
- any other State aid, in relation to the same eligible costs, partly or fully overlapping, only if such cumulation does not result in exceeding the highest aid intensity or aid amount applicable to this aid under GBER.

Aid provided under this Scheme will not be cumulated with any de minimis aid in respect of the same eligible costs, if such cumulation would breach the applicable aid intensities.

In all cases, cumulation of aid under the Scheme will respect the rules set out in article 8 of GBER.

## 12. Publication and Information

In accordance with article 9 GBER, Enova will ensure the publication on Norway's national State aid register of:

- The summary information about each aid measure exempted under GBER in the standardised format laid down in Annex II of the GBER (ref. GBER information sheet), or a link providing access to it
- The full text of each aid measure, including its amendments (ref. the Scheme), or a link providing access to it
- The information referred to in Annex III of the GBER on each individual aid award exceeding EUR 100 000

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<sup>5</sup> The term "funding rate" is broader than "aid intensity". It refers to the ratio of the total amount of public funding (State aid and EU funding together) to the eligible costs for a specific project.

In particular, the information on each individual aid award shall be organised and accessible in a standardised manner, as described Annex III of GBER, and shall allow for effective search and download functions.

All the above information shall be published within 6 months from the date the aid was granted and shall be available for at least 10 years from the date on which the aid was granted.

### 13. Reporting and Monitoring

Enova will follow the requirements on reporting and monitoring as they are described in articles 11 and 12 of the GBER.

Detailed records with the necessary information and supporting documentation will be maintained for 10 years from the date of the last award of aid under the Scheme.

Enova will provide the EFTA Surveillance Authority with all the information and supporting documentation it considers necessary to monitor the application of the GBER within 20 working days of such request from the Authority.

### iii. Compliance with Chapter 3 GBER

The costs of the project must be transparent and directly and exclusively related to the project. The eligible costs must also be specified at the time of application.

There is no automatic entitlement to support from the Scheme. All support is subject to rigorous due diligence appraisal and internal approval by Enova and all projects shall be assessed against the conditions of the Scheme and the criteria set out by Enova in the program specific criteria.

### 14. Aid for environmental protection

Aid under the Scheme aimed at promoting environmental protection will be granted in line with the conditions set out in article 36a in the GBER.

#### **Aid under article 36a GBER**

##### Scope

Investment aid for recharging or refuelling infrastructure shall be in line with article 36a GBER.

Aid will be granted for recharging or refuelling infrastructures that supply vehicles, mobile terminal equipment or mobile groundhandling equipment with electricity or hydrogen. For aided refuelling infrastructure supplying hydrogen, the beneficiary must commit that by 31 December 2035 at the latest, the refuelling infrastructure will solely supply renewable hydrogen.

No aid will be granted for investments relating to recharging and refuelling infrastructure in ports.

Where the recharging or refuelling infrastructure is open for access by users other than the aid beneficiary or beneficiaries, aid shall only be granted for the construction, installation, upgrade or extension of recharging or refuelling infrastructure accessible to the public and providing non-discriminatory access to users, including in relation to tariffs, authentication and payment methods and other terms and conditions of use. The fees charged to users other

than the aid beneficiary or beneficiaries for using the recharging or refuelling infrastructure shall correspond to market prices.

Operators of recharging or refuelling infrastructure that offer or allow contract-based payments on their infrastructure shall not discriminate between mobility service providers, for example by applying preferential access conditions, or through price differentiation without an objective justification.

The necessity of aid to invest in recharging or refuelling infrastructure of the same category as the one to be supported with aid (for example, for recharging infrastructure: normal or high power) shall be established through an ex ante open public consultation or an independent market study, which are no older than 1 year at the moment of the entry into force of the aid measure. In particular, it shall be established that no such investment is likely to take place on commercial terms within 3 years from the entry into force of the aid measure.

The obligation to conduct an ex ante open public consultation or an independent market study laid down in the first subparagraph shall not apply to:

- aid for the construction, installation, upgrade or extension of recharging or refuelling infrastructure that is not accessible to the public, i.e., dedicated infrastructure and
- investment in recharging or refuelling infrastructure for road vehicles, powered exclusively by electricity (for recharging infrastructures) or vehicles powered at least partially by hydrogen (for refuelling infrastructures), that represent respectively less than 3 % of the total number of vehicles of the same category registered in Norway. The necessity of aid is presumed in such cases. Passenger cars and light-duty commercial vehicles shall be considered as being part of the same category of vehicles.

Any concession or other entrustment to a third party to operate the supported recharging or refuelling infrastructure shall be assigned on a competitive, transparent and non-discriminatory basis, having due regard to the applicable procurement rules.

Where aid is granted for the deployment of new recharging infrastructure that allows for a transfer of electricity with a power output of less than or equal to 22 kW, the infrastructure must be capable of supporting smart recharging functionalities.

The aid granted to any one undertaking shall not exceed 40 % of the total budget of the scheme concerned.

#### *Eligible costs and Aid Intensity*

The eligible costs shall be the costs of the construction, installation, upgrade or extension of recharging or refuelling infrastructure. Those costs may include the costs of the recharging or refuelling infrastructure itself and related technical equipment, the installation of or upgrades to electrical or other components, including electrical cables and power transformers, required for connecting the recharging or refuelling infrastructure to the grid or to a local electricity or hydrogen production or storage unit, as well as civil engineering works, land or road adaptations, installation costs and costs for obtaining related permits.

The eligible costs may also cover the investment costs of on-site production of renewable electricity or renewable hydrogen, and the investment costs of storage units for storing renewable electricity or hydrogen. The nominal production capacity of the on-site renewable electricity or renewable hydrogen production installation shall not exceed the maximum rated

output or refuelling capacity of the recharging or refuelling infrastructure to which it is connected.

Aid shall be granted in a competitive bidding process, which fulfils all of the following conditions in addition to those laid down in Article 2, point (38):

(a) the aid award shall be based on objective, clear, transparent and non-discriminatory eligibility and selection criteria, defined ex ante and published at least 6 weeks in advance of the deadline for submitting applications, to enable effective competition;

(b) during the implementation of a scheme, in case of a bidding process where all bidders receive aid, the design of said process shall be corrected to restore effective competition in the subsequent bidding processes, for example, by reducing the budget or volume;

(c) ex post adjustments to the bidding process outcome (such as subsequent negotiations on bid results) shall be excluded;

(d) at least 70 % of the total selection criteria used for ranking bids and, ultimately, for allocating the aid in the competitive bidding process shall be defined in terms of aid in relation to the project's contribution to the environmental objectives of the measure for example aid requested per recharging or refuelling point.

Where the aid is granted in a competitive bidding process complying with the above conditions, the aid intensity may reach up to 100 % of the eligible costs.

<b>Supported activity</b>	<b>Aid Intensity for Large Company</b>	<b>Aid Intensity for Medium Company</b>	<b>Aid Intensity for Small Company</b>
<b>Investment aid for recharging or refuelling infrastructure</b>	<b>20%</b>	<b>40%</b>	<b>50%</b>
	<b>100% if competitive bidding</b>	<b>100% if competitive bidding</b>	<b>100% if competitive bidding</b>

## **iv. Terms and conditions set by Enova**

### **15. Specific terms and conditions**

The terms and condition for aid under the scheme are set out in specific provisions for aid published at Enova's web page [www.enova.no](http://www.enova.no).

The specific provisions might have more limitations concerning eligible projects, maximum aid and duration than what is set for the scheme in chapter iii.

The Scheme replaces former legal basis for an existing aid measure, ensuring compliance with the revised GBER.

The aid measure was approved by Enova's CEO on 26 of May 2023.