ENOVA

Aid for environmentally friendly infrastructures Scheme

**State aid Reference no.:**

**GBER 52/2023/INFR**

# State

Norway

# Title of aid scheme

Aid for environmentally friendly infrastructures Scheme (The Scheme).

# National legal basis

The national legal basis for Enova SF as aid grantor is:

* + Parliamentary Decision of 5 April 2001[[1]](#footnote-2) on the basis of a proposition by the Ministry of Petroleum and Energy of 21 December 2000[[2]](#footnote-3). The Parliamentary Decision amends the Energy Act of 29 June 1990 No 50 (Energiloven)
  + The Agreement[[3]](#footnote-4) (Avtalen) between Enova and the Ministry of Climate and Environment[[4]](#footnote-5) on the management of the funds derived from Enova’s budget.

All aidprovided under this Scheme will be within the limits set out in Articles 56, 56a,56b and 56c of Commission Regulation (EU) No 651/2014[[5]](#footnote-6) declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (General Block Exemption Regulation).

The national legal basis for aid granted under this Schemeis the programme specific regulations[[6]](#footnote-7) and the present document[[7]](#footnote-8) describing the Scheme’s compliance under Commission Regulation (EU) No 651/2014.

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

# Definitions

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.

# Objective of the Scheme

The objective of the Scheme is to support the development and upgrade of local infrastructures, regional airports, maritime and inland ports, with a purpose to contribute to a higher level of environmental protection.

# 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. 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.

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

In the case of:

* Local Infrastructures: the eligible costs shall be the investment costs in tangible and intangible assets
* Regional airports: the eligible costs shall be the costs relating to the investments in airport infrastructure, including planning costs
* Maritime and inland ports: The eligible costs are the costs, including planning costs, of investments for the construction, replacement or upgrade of port infrastructures; investments for the construction, replacement or upgrade of access infrastructure; dredging

# Aid Intensities

The aid amount shall not exceed the difference between the eligible costs and the operating profit of the investment. The operating profit shall be deducted from the eligible costs ex ante, on the basis of reasonable projections, or through a clawback mechanism. Exceptions to this approach: a) in the case of maritime ports, for aid not exceeding EUR 5 million, the maximum amount of aid may be set at 80% of eligible costs as a cap; b) in the case of inland ports, for aid not exceeding EUR 2 million, the maximum amount of aid may be set at 80% of eligible costs as a cap.

In the case of **regional airports** the investment aid amount shall not exceed:

(a) 50% of eligible costs for airports with an average annual passenger traffic of one to three million passengers during the two financial years preceding the year in which aid is actually granted

(b) 75% of the eligible costs for airports with average annual passenger traffic of up to one million passengers during the two financial years preceding the year in which aid is actually granted

(c) For small airports with an average annual passenger traffic less than 200 000 passengers, the aid amount may go up to the maximum aid intensity applied to the eligible costs **or** the difference between the eligible costs and the operating profit of the investment

In the case of **maritime ports:**

For eligible costs associated with investments for the construction, replacement or upgrade of port infrastructure the maximum aid intensity is:

(a)100% where total eligible costs are up to EUR 20 million;

(b) 80% where total eligible costs are above EUR 20 million and up to EUR 50 million

(c) 60% where total eligible costs are above EUR 50 million and up to EUR 130 million

For eligible costs associated with investments for the construction, replacement or upgrade of access infrastructure and/or dredging the maximum aid intensity is 100%, up to EUR 130 million per project.

In the case of **inland ports** the maximum aid intensity is 100% of eligible costs up to EUR 40 million per project.

# Notification Threshold

In the case of investment aid for local infrastructures: the aid threshold will be EUR 10 million per investment project or the total costs exceeding EUR 20 million for the same infrastructure.

In the case of maritime ports: maximum of €130 million per undertaking, per project.

In the case of inland ports: maximum of €40 million per undertaking, per project.

# Body authorized to implement the Scheme

Enova SF[[8]](#footnote-9) is the authorized body to implement the Scheme.

# Scope of the Scheme

The scheme will be open to undertakings that are registered in Norway and supports projects that are located in Norway.

In line with article 1 §4(a) and (c) and article 2 §18(a) of GBER aid will not be granted to undertakings that are:

• Subjects to a pending recovery order; or

• In financial difficulties

# Duration of the Scheme

The scheme will run from January the 28th 2020 until December 31st 2024.

# Budget for Aid under the Scheme

The annual budget for the Scheme is estimated to maximum 550 MNOK.

Should the budget for this scheme increase, Enova will inform the EFTA Surveillance Authority.

# Form of aid

. Aid will be awarded in the form of grants.

# Eligible activities to be supported under the Scheme

The Scheme supports investments in measures that aim at environmental protection and are related to local infrastructures within transport, industry and non-industrial stand-alone facilities.

Costs relating to non-transport related activities, including offices, shops, industrial production facilities active in a port, as well as for port superstructures shall not be eligible for aid.

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 relevant programme.

# Transparency

All aid awarded under the Scheme will be transparent and in line with criteria set out in Article 5 of the GBER. Only aid for which it is possible to calculate precisely the gross grant equivalent of the aid ex ante without any need to undertake a risk assessment will be provided under the Scheme (art 5 (1) GBER).

# Incentive effect

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) Form of aid and amount of public funding needed for the project.

# Cumulation

In determining whether the notification thresholds and the maximum aid intensities are respected, the total amount of State aid for the aided activity or project or undertaking shall be taken into account (Art 8 GBER). 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[[9]](#footnote-10) laid down in the applicable rules of EU/EEA Law.

Aid under the Programme 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 Programme 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 Programme will respect the rules set out in article 8 of GBER.

# Publication, Information, Reporting and Monitoring requirements

Enova will ensure the publication on Norway’s national State aid register (art 9 GBER) 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 500 000

In particular, the information on each individual aid award shall be organised and accessible in a standardised manner, as described in GBER Annex III, 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.

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 documentation it considers necessary to monitor the application of the GBER within 20 days of such request from the Authority.

1. Odelstingets vedtak til lov om endringar i lov 29. juni 1990 nr. 50 om produksjon, omforming, overføring, omsetning og fordeling av energi m.m. (energilova). (Besl.O.nr.75 (2000-2001), jf. Innst.O.nr.59 (2000-2001) og Ot.prp.nr.35 (2000-2001)). [↑](#footnote-ref-2)
2. Ot.prp.nr.35 (2000-2001) [↑](#footnote-ref-3)
3. The agreement can be found in: <https://www.enova.no/om-enova/om-organisasjonen/oppdragsbrev-og-avtaler/>  [↑](#footnote-ref-4)
4. On the 1st May 2018 the ownership of Enova (and the Agreement) was transferred from the Ministry of Oil and Energy to the Ministry of Climate and Environment. Reference is made to the letter of assignment (Oppdrags brev 2019) of Enova’s ownership.

   <https://www.regjeringen.no/contentassets/051d75e38a4743c3a29f2bb169a4443d/enova_2019.pdf>   [↑](#footnote-ref-5)
5. A full version of the Regulation can be found at:

   <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0651-20210801> [↑](#footnote-ref-6)
6. As a rule, Enova’s programmes are authorized by Enova’s board, before being published on Enova’s website:.<https://www.enova.no/bedrift/stotte-til-energi--og-klimatiltak-i-virksomheter/>. [↑](#footnote-ref-7)
7. The present document can be found in [enova.no/esa](https://www.enova.no/om-enova/drift/rettslig-grunnlag-for-enovas-stotteordninger/) [↑](#footnote-ref-8)
8. <https://www.enova.no/about-enova/about-enova/259/0/> [↑](#footnote-ref-9)
9. 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. [↑](#footnote-ref-10)