

Ministry of Climate and Enterprise

Annex accompanying the notification to the European Commission under Directive (EU) 2015/1535 of the draft Ordinance amending the Ordinance (2020:750) on State aid for certain green vehicles

**Ordinance amending the Ordinance (2020:750) on State aid for certain green vehicles**

As regards the Ordinance (2020:750) on State aid for certain green vehicles, the Government hereby lays down<sup>1</sup>

*that* Sections 1-4, 6-8, 10, 12, 13 and 22 shall read as follows,

*that* sixteen new sections, namely 2 a, 4 a, 4 b, 6 a, 6 b, 8 a-8 d, 10 a-10 c, 13 a-13 c and 14 a shall be introduced, as follows.

**Section 1<sup>2</sup>** In order to promote the market introduction of green machines for carrying out work, zero-emission heavy-duty truck, green trucks, light-duty electric trucks and gas-powered trucks, and to contribute to the reduction of greenhouse gas emissions, the Swedish National Energy Administration may provide State aid in the form of grants under this Ordinance for the purchase of such vehicles. Grants will be provided if funds are available.

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<sup>1</sup> See Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

<sup>2</sup> Most recent wording 2021:1274.

The Ordinance is issued by virtue of Chapter 8, Section 11 of the Instrument of Government with respect to Section 19 and Chapter 8, Section 7 of the Instrument of Government with respect to other provisions.

**Section 2<sup>3</sup>** For the purposes of this Ordinance, the following definitions apply:

*green machine for carrying out work*: motorised machinery or a tractor pursuant to the Road Traffic Definitions Act (2001:559), which has a net power of at least 15 kW and is intended to run on electricity or fuels permitted under Article 36 of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty;

*zero-emission heavy-duty truck*: a heavy-duty truck pursuant to the Road Traffic Definitions Act, which is a zero-emission vehicle within the meaning of point (c) of Article 2(102g) of Commission Regulation (EU) No 651/2014;

*green truck*: a heavy-duty truck pursuant to the Road Traffic Definitions Act, which is a clean vehicle within the meaning of point (b) of Article 2(102f) of Commission Regulation (EU) No 651/2014 and is powered partly on electricity or hydrogen;

*light-duty electric truck*: a light-duty truck pursuant to the Road Traffic Definitions Act, which is a zero-emission vehicle within the meaning of point (b) of Article 2(102g) of Commission Regulation (EU) No 651/2014;

*gas-powered truck*: a heavy-duty truck pursuant to the Road Traffic Definitions Act intended to be powered by biogas; and

*the Swedish Road Traffic Register*: the collection of data referred to in Chapter 2, Section 1 of the Road Traffic Data Act (2019:369).

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<sup>3</sup> Most recent wording 2021:1274.

Otherwise, words and expressions in the Ordinance have the same meaning as in Commission Regulation (EU) No 651/2014.

**Section 2 a** Provisions setting out criteria for determining the size of enterprises can be found in Annex I to Commission Regulation (EU) No 651/2014.

**Section 3**<sup>4</sup> Aid may be granted to enterprises, municipalities and regions for the purchase of a green machine for carrying out work, zero-emission heavy-duty truck, green truck, light-duty electric truck or gas-powered truck which:

1. is or will be registered in accordance with the Ordinance (2019:383) on Registration and Use of Vehicles;
2. will be placed on the road for use in accordance with the Ordinance on Registration and Use of Vehicles and has not been previously placed on the road for use in accordance with that Ordinance; and
3. has not been previously put into use in Sweden or elsewhere.

Aid may also be granted for the purchase of a green machine for carrying out work that has not been previously put into use in Sweden or elsewhere, and which is not subject to the registration requirements in the Ordinance on Registration and Use of Vehicles, provided that the machine can be identified by means of a unique identification number or other information enabling the machine to be identified.

**Section 4**<sup>5</sup> Aid to enterprises for the purchase of green machines for carrying out work may only be granted under the conditions set out in Chapter I and Article 36 of Commission Regulation (EU) No 651/2014.

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<sup>4</sup> Most recent wording 2022:1418.

<sup>5</sup> Most recent wording 2021:1274.

**Section 4 a** Aid to enterprises for the purchase of zero-emission heavy-duty trucks, green trucks or light-duty electric trucks may only be granted under the conditions set out in Chapter I and Article 36b of Commission Regulation (EU) No 651/2014.

**Section 4 b** Aid to enterprises for the purchase of gas-powered trucks may only be granted under the conditions set out in Commission Regulation (EU) 2023/0000.

**Section 6<sup>6</sup>** No aid shall be granted for the purchase of green machines for carrying out work, zero-emission heavy-duty trucks, green trucks, light-duty electric trucks or gas-powered trucks which:

1. must be implemented in order to fulfil an obligation under law or other statute or condition of a permit; or
2. were ordered before the application for aid was submitted to the Swedish National Energy Administration.

**Section 6a** Aid may not be granted to an enterprise if the Swedish National Energy Administration has decided to stop the payment to the enterprise of previously granted aid under Section 15 due to circumstances relating to the enterprise.

**Section 6 b** *De minimis* aid covered by Commission Regulation (EU) 2023/0000 shall not be granted to enterprises in difficulty as defined in Article 2(18) of Commission Regulation (EU) No 651/2014.

**Section 7<sup>7</sup>** The eligible cost is the price difference between the green machine for carrying out work, the zero-emission heavy-duty truck, the green truck, the light-duty electric truck or the gas-powered truck and the nearest comparable vehicle.

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<sup>6</sup> Most recent wording 2021:1274.

<sup>7</sup> Most recent wording 2021:1274.

**Section 8<sup>8</sup>** Aid for the purchase of a green machine for carrying out work may be granted in an amount equivalent to not more than 20 per cent of the acquisition cost, up to

1. a maximum of 40 per cent of the eligible cost; or
2. a maximum of 50 per cent of the eligible cost, if the machine is solely electricity-powered.

**Section 8 a** Aid for the purchase of a zero-emission heavy-duty truck may be granted in an amount equivalent to not more than 25 per cent of the purchase cost, up to

1. a maximum of 30 % of the eligible cost in the case of large enterprises;
2. a maximum of 50 % of the eligible cost in the case of medium-sized enterprises; or
3. a maximum of 60 % of the eligible cost in the case of small enterprises.

**Section 8 b** Aid for the purchase of a green truck may be granted in an amount equivalent to not more than 20 per cent of the purchase cost, up to

1. a maximum of 20 % of the eligible cost in the case of large enterprises;
2. a maximum of 40 % of the eligible cost in the case of medium-sized enterprises; or
3. a maximum of 50 % of the eligible cost in the case of small enterprises.

**Section 8 c** Aid for the purchase of a light-duty electric truck may be granted in an amount equivalent to not more than 30 per cent of the eligible cost, up to a maximum of SEK 50 000 per truck.

**Section 8 d** Aid for the purchase of a gas-powered truck may be granted in an amount equivalent to not

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<sup>8</sup> Most recent wording 2021:1274.

more than 20 per cent of the purchase cost, up to a maximum of 40 per cent of the eligible cost.

**Section 10<sup>9</sup>** An application for aid must be submitted in writing to the Swedish National Energy Administration and is to include:

1. the name and identity number of the applicant;
2. the number of green machines for carrying out work, zero-emission heavy-duty trucks, green trucks, light-duty electric trucks or gas-powered trucks to which the application relates;
3. documentation demonstrating that the conditions laid out in Sections 3 to 6 have been fulfilled;
4. information about the eligible costs, and
5. details about all other public aid that has been applied for or granted and which relates to the same eligible costs as the application relates to.

If the applicant is an enterprise, the application shall also include information about the number of employees, annual sales and total assets.

**Section 10 a** Where the application relates to aid covered by Commission Regulation (EU) 2023/0000, the application shall also include a statement of any other *de minimis* aid that the applicant:

1. has received during the calendar year in which the application is submitted;
  2. has received during the previous two calendar years;
- and
3. has previously applied for or been granted, relating to the same eligible cost as the application.

**Section 10 b** Aid under Commission Regulation (EU) 2023/0000 may not be granted until the control provided for in Article 6(4) has been carried out.

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<sup>9</sup> Most recent wording 2021:1274.

**Section 10 c** Before aid under Commission Regulation (EU) 2023/0000 is granted, the Swedish National Energy Administration shall provide the beneficiary with the information set out in Article 7(4).

**Section 12** In a decision to grant aid, the Swedish National Energy Administration shall specify:

1. the date by which the eligible purchase is to have been completed;
2. the additional conditions necessary for the fulfilment of the requirements of this Ordinance and the purpose of the aid as referred to in Section 1;
3. the date by which the request for payment is to have been received by the Swedish National Energy Administration in accordance with Section 13; and
4. that the beneficiary is to provide the information required for the Swedish National Energy Administration to follow up and evaluate the aid.

**Section 13 a** In the case of green machines for carrying out work, zero-emission heavy-duty trucks, green trucks, light-duty electric trucks or gas-powered trucks registered in the Road Traffic Register, the aid shall be paid to the entity that purchased the new vehicle and registered it for use in accordance with the Ordinance (2019:383) on Registration and Use of Vehicles.

The Swedish National Energy Administration shall pay the aid amount granted no earlier than six months after the vehicle has been registered for use. The amount shall be paid if:

1. the data in the Road Traffic Register shows that the entity that purchased and registered the vehicle for use is still registered as the owner and that the vehicle is registered in Sweden, and
2. other conditions for payment are fulfilled.

**Section 13 b** In the case of green machines for carrying out work not subject to registration in the Road

Traffic Register, the aid shall be paid to the purchaser of a new such machine.

The Swedish National Energy Administration shall pay the aid amount granted no earlier than six months after the Administration has received a request for payment.

The amount shall be paid if:

1. the beneficiary has submitted confirmation stating that the recipient still owns the machine and that it is located and used in Sweden; and
2. other conditions for payment are fulfilled.

**Section 13 c** The confirmation referred to in Section 13 b shall contain a declaration on honour from the beneficiary, stating that the recipient still owns the green machine for carrying out work and that it is located and used in Sweden.

The confirmation must have been received by the Swedish National Energy Administration no earlier than six months and no later than eight months after the request for payment has been submitted to the Administration.

**Section 14 a** Aid may not be paid to an enterprise that has debts with the Swedish Enforcement Authority

1. relating to the recovery of State aid or grants; or
2. relating to Swedish taxes or similar levies.

**Section 22** Section 40 of the Administrative Procedure Act (2017:900) contains provisions on appeals to the Administrative Court. However, decisions other than decisions pursuant to Sections 6 a, 14, 14 a, 15 or 18 may not be appealed.

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1. This Ordinance shall enter into force on dd mm 2024.
  2. Older regulations continue to apply to aid granted prior to the entry into force.