



Draft act introducing financial assistance for installations enabling the charging of electric vehicles

We, Henri, Grand Duke of Luxembourg, Duke of Nassau,

Having heard the Council of State;

Having regard to the adoption by the Chamber of Deputies;

Having regard to the decision of the Chamber of Representatives of ... and the decision of the Council of State of ... that no second vote should take place;

Have ordered and do hereby order:

Art. 1. Scope of application

(1) Within the limits of the funds available and under the conditions laid down in Chapter 3 of the amended Climate Act of 15 December 2020 and those developed by this Act, financial aid in the form of a capital grant for investments relating to installations not accessible to the public allowing the charging of electric vehicles shall be created.

(2) Financial aid may only be granted for investments made in the territory of the Grand Duchy of Luxembourg. The following are not eligible for aid:

- 1 any second-hand installation;
- 2 any exchange, replacement or repair of parts of installations which cannot operate independently of the rest of the installation;
- 3 any installation for which financial aid has been granted under the amended Act of 26 July 2022 on the aid scheme for undertakings investing in charging infrastructure for electric vehicles.

(3) Financial aid is granted for investments for which the invoice date is:

1 subsequent to one of the following events, whichever occurs first:

- a) the date of entry into force of this Act;
- b) 31 December 2025;

2 before 31 December 2030 inclusively.

Any entitlement to financial assistance lapses one year after 31 December of the calendar year to which the invoice in question relates.



Art. 2. Definitions

For the purposes of this Act, the following definitions shall apply:

- 1 'building': a building built on land with a roof and walls. This term refers to a building as a whole or to parts of a building that have been designed or modified to be used separately;
- 2 "charging point": a charging station within the meaning of Article 2(1), point 52, of Regulation (EU) 2023/1804 of the European Parliament and of the Council of 13 September 2023 on the deployment of infrastructure for alternative fuels and repealing Directive 2014/94/EU, hereinafter "Regulation (EU) 2023/1804";
- 3 'OCPP charging station' means a charging station equipped with an integrated or external interface compatible with the Open Charge Point Protocol (OCPP) standard, version 1.6 or higher, developed by the Open Charge Alliance;
- 4 'applicant': any person in whose name and on whose behalf an application for financial aid as referred to in this Act is made;
- 5 'site': a parking site in the territory of the Grand Duchy of Luxembourg not open to the public, located inside or outside a building;
- 6 'collective building': a building comprising several units;
- 7 'eligible legal entity': a not-for-profit association, a foundation or a civil partnership that does not carry on an economic activity, as well as a syndicate of co-owners in which at least half of the shares of the common parts are held by natural persons, not-for-profit associations, foundations or civil partnerships that do not carry on an economic activity;
- 8 'charging point' means a recharging point within the meaning of point 48 of Article 2(1) of Regulation (EU) 2023/1804;
- 9 'collective intelligent charge management system': a system that manages all charging stations behind a single connection point in order to limit simultaneous power consumption to a value that cannot exceed the capacity made available by the network operator at the connection point. This system must be capable of integrating a number of charge points equivalent to the number of sites inside and outside the building likely to be eligible for the financial aid provided for in Article 3, and must allow non-discriminatory connection of future users and allocation of the energy consumed by each charge point;
- 10 'unit': a building or part of a building, delimited and separated, with a main door giving direct access to the outside of the building or, through a common area inside a collective building, without having to cross another unit;
- 11 'private unit' means a unit in a collective building reserved for the exclusive use of a separate occupant or group of occupants;
- 12 'residential unit' means a private unit intended exclusively for residential purposes;



13 'non-residential unit': a private unit which is not intended or not used for residential purposes;

14 'electric vehicle': an electric vehicle as defined in point 22 of Article 2(1) of Regulation (EU) 2023/1804.

Art. 3. Financial aid for the installation of charging stations for electric vehicles

(1) The Minister responsible for the Environment is authorised to grant financial assistance for the acquisition and installation of new charging stations for electric vehicles meeting the criteria laid down in paragraph 5.

(2) Financial assistance shall be reserved for eligible natural and legal persons who meet the following conditions:

- 1 they acquire ownership, including undivided ownership, of the charging station referred to in paragraph 1 or have entered into a leasing agreement for that station which expressly and unequivocally states:
 - a) the lessee acquires ownership of the charging station at the latest at the end of the leasing agreement;
 - b) the financial aid is entirely transferred to the lessee, which is the sole beneficiary of the aid through a reduction in the leasing price;
 - c) the aid allocated to the loan-lessee has been granted pursuant to this Act;
 - d) the amount of the instalments payable by the leasing company with and without the aid;
- 2 they hold rights in rem in immovable property or a personal right of use or enjoyment, based on an express and formal authorisation duly evidenced in writing, over the site to which a charge point referred to in the third sentence of paragraph 6, subparagraph 1 is allocated.

(3) Only one person may apply for financial assistance for the sites attached to the same private unit.

However, in the event of a change in the transfer of the rights referred to in paragraph 2, point 2, in a site for which a charging station has been subsidised, a financial aid may be granted to another applicant for a charging station installed as a replacement for a dismantled charging station.

(4) Only one financial aid may be granted to the same applicant for the same building. However, if the applicant holds rights as provided for in paragraph 2, point 2, on several sites attached to the same building or if the applicant is the syndicate of co-owners, he may cumulate financial assistance referred to in this section for several sites. The maximum number of eligible sites per person shall be:

- 1 one site per dwelling unit;
- 2 one site per unit not intended for housing, as well as for each second additional site assigned to the same unit, without however exceeding 15 sites.

As for sites that are part of common areas, all sites are eligible.

An applicant may cumulate financial support for as many charge points as eligible sites.



An applicant, to whom financial assistance has been granted pursuant to Article 14(1)(15)(b) of the aforementioned Act of 15 December 2020 and its implementing regulation for a terminal which is not an OCPP terminal, may receive financial assistance for a replacement charging station which is a terminal whose functionalities fulfil at least that of an OCPP terminal and the standard 'EN ISO 15118-20:2022', and whose invoice date is at least five years after the date of acquisition of the first charging station for which it received financial assistance.

Similarly, an applicant, to whom financial aid has been granted pursuant to Article 14(1)(15)(b) of the aforementioned Act of 15 December 2020 and its implementing regulation or pursuant to this Act, may receive financial aid for a replacement charging station where the station for which he has received one of the aforementioned financial aids cannot, for reasons of technical incompatibility, be integrated into the collective intelligent charging management system whose installation in the collective building to which the site on which that charging station is installed is attached has been notified to him after the date of its invoice.

(5) Only charging stations with a maximum charging power of 11 kilowatts per three-phase charging point are eligible, either by design or by other means not modifiable by the user, and installed in accordance with the technical conditions for connection to low-voltage networks referred to in Article 5(2) of the amended Act of 1 August 2007 on the organisation of the electricity market.

In the case of a collective building, only OCPP charging stations or those managed by a collective smart charge management system shall be eligible for the grant of financial aid.

The financial aid is not payable for terminals intended for commercial operation or resale.

(6) The financial aid referred to in this Article shall amount to a maximum of 50 percent of the cost exclusive of value added tax, hereinafter 'VAT', of the acquisition and installation of the charging station, but shall not exceed a ceiling of a maximum of EUR 750 per charging point. A Grand-Ducal regulation shall specify the methods for calculating the amount of financial aid. Each charging point shall be attached to an eligible site in accordance with paragraph 4. Where the sites to which the charging points of a charging terminal are attached are linked to different persons, these shall be considered to be co-applicants and must meet individually all of the conditions of this Article.

However, for types of charging terminals equipped with specific technical functionalities and whose market price is higher than that of simple charging terminals, the amount of financial aid may not exceed a ceiling of maximum EUR 1,400 per charging point. A regulation shall specify how this amount is to be calculated.

Any increase in the aid referred to in subparagraph 2 and related to functionalities complying, for interoperability purposes, with at least the standard 'EN ISO 15118-20:2022', shall be limited to charging terminals with an invoice date before 1 January 2027.

(7) The following shall constitute eligible costs for the installation referred to in paragraph 1:

1 the supports and mounting works of the charging station;



- 2 electrical wiring and communication equipment and work between the electrical switchboard and the charging station;
- 3 the differential switch and the circuit breaker;
- 4 the work of modification of the electrical panel when these modifications are related to the installation of the charging station;
- 5 the impact protection of a charging station.

Where aid as referred to in Article 4 has been granted for a specific building, the costs referred to in points 2 to 4 of this paragraph shall not be eligible as eligible costs as referred to in paragraph 1.

Art. 4. Financial assistance for the installation of a collective intelligent charge management system

(1) The Minister responsible for the environment shall be authorised to grant financial assistance for:

- 1 the acquisition and installation of a collective intelligent charge management system;
- 2 the fitting-out and equipping of a collective building for the installation of charging terminals integrated into a collective smart charge management system.

(2) Financial assistance is reserved for:

- 1 the owner of a collective building who is not an undertaking carrying on an activity subject to an establishment permit under the amended Act of 2 September 2011 regulating access to the professions of craftsman, trader, industrialist and certain liberal professions; or
- 2 in the case of joint ownership, to the association of co-owners of a multi-purpose building, the majority of whose shares are held by eligible natural or legal persons.

The owner or the syndicate of the co-owners referred to in paragraph 1 shall acquire ownership rights, including undivided ownership rights, over the collective smart charge management system referred to in paragraph 1, point 1, or have entered into a leasing agreement for that system which expressly and unequivocally states that the lessee acquires ownership of that system at the latest at the end of the leasing agreement.

(3) The aid referred to in this article may be requested only once for the same building.

(4) The amount of the financial assistance referred to in this article shall be a maximum of 50 percent of the cost, net of VAT, of the purchase and installation of a collective intelligent charging system and of the fitting-out of the existing multi-dwelling building with a view to installing charging stations integrated into that system, but not exceeding a maximum ceiling of EUR 40,000 per system. A Grand-Ducal regulation shall specify the methods for calculating the amount of financial aid.

The following shall constitute eligible costs pursuant to paragraph 1:

- 1 the work related to the integration of charging terminals into the collective smart charge management system as well as the programming of this system;



- 2 the equipment and electrical cabling work in low and high current between the electrical panel and the charging points;
- 3 the differential switch and the circuit breaker;
- 4 modification work on the electrical switchboard insofar as these modifications are related to the installation of the collective smart charge management system;
- 5 the costs of strengthening the network and the costs of connection, including the costs for the installation of a dedicated meter for electric mobility;
- 6 the equipped data bay required for the collective intelligent charge management system and the low-current wiring to the telecom room;
- 7 the costs associated with the opening and closing of fire passages;
- 8 the equipment for detection, fire protection and connection of the infrastructure to the fire centre, namely the push buttons triggering the general alarm in the car park and cutting off the power supply from the terminals and the fire extinguishers appropriate to the electrical risks;
- 9 the costs of acceptance by an approved inspection body of the equipment referred to in point 8.

The costs referred to in points 8 and 9 of paragraph 2 may be submitted by means of a separate application which shall be submitted within five years of the submission of the first application. In this case, the two applications are deemed to concern a single grant and are considered together for the purposes of the ceilings referred to in paragraph 1.

Art. 5. Award procedure

(1) Applications for financial aid under this Act shall be submitted to the Environmental Administration using a specific form made available by the Environmental Administration, where appropriate, by electronic means. In order to verify the identity of the applicants, the identity of their authorised representatives within the meaning of Articles 1984 et seq. of the Civil Code, compliance with the eligibility conditions of their application and the payment of aid, said form shall contain the information related to:

- 1 applicants and their representatives;
- 2 the installer who has mounted the installation;
- 3 the eligible costs;
- 4 the building, charge point or collective intelligent charge management system relating to the request;
- 5 the approved inspection bodies involved.

(2) A Grand-Ducal regulation shall specify the information referred to in paragraph 1, second sentence, to be entered on the form, the relevant documents to be attached to the application and the details of the award procedure.

(3) Decisions taken pursuant to this Act may be appealed to the Administrative Court.



(4) Persons who sell, up to three years after their acquisition, one of the installations referred to in Articles 3 and 4, must indicate in a transparent manner the amount of that aid in the sale price. Where such sale is made at a time when applications for financial aid have been submitted to the Environmental Administration, but have not yet been granted by the Environmental Administration, applicants must inform the buyer that an application for aid has been submitted.



Art. 6. Access to data

As part of the examination of the applications referred to in Articles 3 and 4 and the related checks referred to in Article 7, the Environment Administration may, with a view to verifying the accuracy of the data provided by applicants and their eligibility for the granting of aid, have access to:

- 1 data from the National Register of Natural Persons;
- 2 data from the registers of the Cadastre and Topology Administration;
- 3 data on aid granted by the Minister responsible for the Economy under the amended Act of 26 July 2022 on the aid scheme for companies investing in charging infrastructure for electric vehicles.

Art. 7. Control and restitution

The Environmental Administration may check at any time, but no later than five years after notification of a grant decision, the veracity of the information provided in support of that application. Within the context of this inspection, it may request the production of any document it deems necessary in order to ascertain the veracity of the information concerned.

If the documents requested under the first subparagraph are not produced within one year of notification of the request for the production of the additional documents concerned, the Environment Authority shall withdraw the aid.

Art. 8. Entry into force

This Act shall enter into force on the day after its publication in the Official Journal of the Grand-Duchy of Luxembourg.