HBOR
HRVATSKA BANKA ZA OBNOVU I RAZVITAK

Financira Europska unija
NextGenerationEU

Interest Subsidy on Loans to Public Sector Entities

Operational Programme for the Implementation of the Financial Instrument of Interest Subsidy Fund for Loans to Public Sector Entities under the National Recovery and Resilience Plan

From the funds of the National Recovery and Resilience Plan (NRRP)[1], HBOR implements, on its own behalf and for the account of the Republic of Croatia, the Financial Instrument of Interest Subsidy Fund for Loans to Public Sector Entities (hereinafter: the Financial Instrument) within the framework and in accordance with the terms and conditions:

- of this Operational Programme for the Implementation of the Financial Instrument and
    - loan programmes **Public Sector Investment and EU Projects** (direct HBOR loans and loans in cooperation with commercial banks) or
    - framework loan contract with leasing companies for the financing of leasing recipients (leasing contracts via leasing companies).

Interest rate subsidy depends on the type of capital investment financed by loan or leasing contract (hereinafter: the loan):

Type of investment	Interest rate subsidy according to the type of investment
Green transition and/or Digital transition	Up to 75% of regular interest rate, but a maximum of 3.00 p.p.
Investments in special areas of the Republic of Croatia and/or Research, development and innovation (RDI) and/or Investments aimed at recovery from the consequences of earthquake	Up to 65% of regular interest rate, but a maximum of 3.00 p.p.
Strengthening sustainability and quality of public infrastructure	Up to 50% of regular interest rate, but a maximum of 3.00 p.p.

Interest subsidy is determined in a nominal amount in accordance with the terms and conditions of the loan approval decision (loan amount, subsidy rate, disbursement period, grace period and repayment period, under the assumption that the entire loan amount has been disbursed at the day of calculation) and represents the highest possible amount of interest subsidy per individual loan, which cannot be higher than EUR 1,000,000.

1. Borrowers

1.1. Eligible borrowers

Public sector entities

Units of local and regional government, companies, institutions and agencies and other entities owned by them and/or owned by the Republic of Croatia.

[1] The Recovery and Resilience Facility (RRF) has been introduced under the „Next GenerationEU" instrument, from which EU member states, through their own national plans, are able to use funds to finance reforms and investments that accelerate recovery and increase resilience of the economy and society. The goals of the 2021-2026 National Recovery and Resilience Plan of the Republic of Croatia (NRRP) are, among others, mitigation of consequences of the crisis, recovery, resilience and competitiveness of the economy, modernisation and accelerated growth of the economy, strengthening Croatia's competitiveness at the European and the global levels.

1.2. Ineligible borrowers

Entities in difficulties

Borrowers cannot be entities that, at the time of loan approval, belong to the category of companies in difficulties in accordance with the provisions of Article 2, paragraph 18 of the 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 (OJ L 187, 26 June 2014, hereinafter: the Regulation: 651/2014), i.e. with the provisions of the regulation in force at the moment of loan approval.

More details at link: https://www.hbor.hr/naslovnica/hbor/poduzetnici-u-teskocama/

2. Area of investment

2.1. Eligible area of investment

Eligible are investments in the territory of the Republic of Croatia.

2.2. Special areas of the Republic of Croatia

Special areas of the Republic of Croatia are economically less developed areas (supported areas), hill or mountain areas and the islands:

Supported areas

Units of local and regional government classified into groups I, II, III or IV in accordance with the Regional Development Act of the Republic of Croatia (Official Gazette of the Republic of Croatia Nos. 147/2014, 123/2017, 118/2018) and the Decision on the Classification of Units of Local and Regional Government According to the Level of Development (Official Gazette of the Republic of Croatia No. 132/2017) and all their amendments.

Hill or mountain areas

Areas in accordance with the Act on Hill or Mountain Areas (Official Gazette of the Republic of Croatia No. 118/2018) and the Decision on the Coverage and Classification of Local Government Units Acquiring the Status of Hill or Mountain Area (Official Gazette of the Republic of Croatia No. 24/2019) and all their amendments.

The islands

In accordance with the Islands Act (Official Gazette of the Republic of Croatia Nos.116/2018, 73/2020, 70/2021) and all its amendments.

3. Type of investments

3.1. Green transition

Projects that, according to the EU taxonomy criteria and accompanying regulations (delegated acts), contribute significantly to the achievement of at least one of the following environmental objectives:

- Climate change mitigation;
- Climate change adaptation;
- Sustainable use and protection of water and marine resources;
- Transition to a circular economy;
- Pollution prevention and control;
- Protection and restoration of biological diversity and ecosystems,

and at the same time satisfy the “do no significant harm” principle.

Green transition projects include, among others, investments such as green technologies, business models based on the circular economy, renewable energy sources, energy efficiency, etc.

3.2. Digital transition

Development and/or introduction of digital technologies (for example, digitalisation of production, procurement and sales) in certain areas of business and their full integration and education of employees and users including the following investments:

- Digital infrastructure;
- Digital transformation of companies, research in the field of digital technologies;
- ICT (investments in information and communication technologies), digital marketing, digitalisation and automation of business processes, digital procurement, digitalisation of sales representatives, changes in all forms of businesses and processes in which employees of the organisation interact with its customers and similar;
- Industry 4.0 - production processes based on the latest technology and covered by devices for mutual autonomous communication; machines controlled by artificial intelligence that can independently exchange information; application of smart factory models in which robotic machines control and monitor physical processes; production system that can independently exchange information during the production process and knows at any time at what stage the output product is.

3.3. Strengthening sustainability and quality of public infrastructure

Projects of strengthening the sustainability and quality of public infrastructure and investments in new technologies and systems necessary to increase the efficiency of public sector entities include all other investments by public sector entities in public economic, communal, transport, social and other infrastructure as well as investments in new technologies and systems necessary to increase efficiency of public sector entities, all with the aim of improving the quality of public services – investments in long-term tangible and intangible assets (new technologies, vehicles and equipment; construction and/or extension and/or adaptation/modernisation/renovation of infrastructure and/or business and/or production and/or service facilities etc.).

3.3.1. Research, Development and Innovation - RDI[2]

Projects based on research, development and innovation or investment in research, development and innovation in the field of products, processes, business organisation and marketing (customer relations) in a company. They include projects based on industrial and experimental research; products/services/processes and methodologies protected by intellectual property regulations but also other projects based on the application of a new or substantially modified product (goods or services), processes, new organisational methods, business practices or new marketing methods and their introduction into practical use, that is, the commercialisation or expansion of existing production/service capacities for RDI-based operations.

3.3.2. Investments aimed at recovery from the consequences of earthquake

Investments aimed at rehabilitation, elimination and/or reduction of the consequences of earthquake (includes the reconstruction of existing and construction of new buildings, infrastructure etc. damaged or destroyed in earthquake).

3.4. Ineligible activities

Ineligible activities include activities, business activities and purposes that are not eligible for funding and the corresponding exemptions, if any, listed in Schedule 1.

[2] RDI - Research, Development and Innovation

4. Purpose of Loans

4.1. Eligible purposes

Investment in fixed assets – investments in tangible and intangible assets, i.e. investments in economic, communal, transport, social and other infrastructure and investments in new technologies, vehicles, facilities and other fixed assets necessary for Green transition and/or Digital transition and increase in efficiency and quality of services of public sector entities, except for investments in Ineligible activities (Schedule 1).

VAT is not an eligible cost.

4.2. Do No Significant Harm Principle (DNSH)

All investments under this Financial Instrument must comply with the **„Do No Significant Harm“ principle**.

More details can be found in the document Guidelines on the Application of the DNSH Principle in the Implementation of HBOR's Financial Instruments under the NRRP (Schedule 2).

5. Other Terms and Conditions

Collateral for subsidy repayment
Before the first disbursement of loan, the borrower shall submit a promissory note issued in favour of HBOR for the nominal amount of the subsidy, increased by the statutory default interest, in a form and content acceptable to HBOR, which will serve as collateral for the repayment of interest subsidy.

Application of the state aid regulations
The financial instrument is implemented with the application of HBOR's state aid programmes in line with the valid state aid regulations.

Avoidance of double funding
The financial instrument can be used in combination with other forms of financial support from the national and the EU funds in compliance with the national and the EU state aid regulations as well as in compliance with applicable provisions on avoiding double funding under the NRRP and other EU programmes.

Period of implementation
The financial instrument is implemented until the available funds have been disbursed in full, i.e. no later than until 30 June 2026 (approval of interest subsidy is possible until the available funds have been disbursed in full, and no later than until 30 June 2026).

Schedule 1 – Ineligible activities

(1) Activities that limit individual rights and freedoms or that violate human rights;
(2) In the area of defence activities: the use, development, or production of products and technologies that are prohibited by applicable international law;
(3) Tobacco-related products and activities (cultivation and production, distribution, processing and trade);
(4) Activities excluded from financing pursuant to the relevant provisions of the Horizon Europe Regulation: research on human cloning for reproductive purposes; activities intended to modify the genetic heritage of human beings which could make such changes heritable; and activities to create human embryos solely for the purpose of research or for the purpose of stem cell procurement, including by means of somatic cell nuclear transfer (SCNT);
(5) Gambling (production-, construction-, distribution-, processing-, trade- or software-related activities);
(6) Sex trade and related infrastructure, services and media;
(7) Activities involving live animals for experimental and scientific purposes insofar as compliance with the European Convention for the Protection of Vertebrate Animals for Experimental and other Scientific Purposes cannot be guaranteed;
(8) Real estate development activity, such as an activity with a sole purpose of renovating and re-leasing or re-selling existing buildings, as well as constructing new buildings intended for sale (investments in energy efficiency projects or social housing are not excluded);
(9) Financial activities (e.g. purchasing or trading in financial instruments). In particular, interventions targeting buy-out intended for asset stripping or replacement capital intended for asset stripping shall be excluded;
(10) Activities forbidden by applicable national legislation;
(11) Decommissioning, operation, adaptation or construction of nuclear power stations;
(12) Activities and facilities related to fossil fuels, including further use[3];
(13) Activities and facilities under the EU Emission Trading System (ETS) with projected CO2 emissions that are not lower than the relevant benchmarks[4];
(14) Activities and facilities related to disposal of waste to landfill facilities, incinerators[5] and mechanical biological treatment plants[6];
(15) Activities and facilities where the long-term disposal of waste may cause harm to the environment;
(16) All activities that are not allowed to be financed by aid from the relevant state aid regulations such as GBER, ABER, de minimis and other regulations applicable to a particular loan;
(17) All prohibitions and restrictions in accordance with the General Eligibility Criteria of HBOR.

[3] Except for projects in the field of electricity and/or heat production and related transmission and distribution infrastructure, in which natural gas is used, which comply with the conditions set out in Annex III to the Technical Guidelines on the Application of "Do No Significant Harm" Principle (2021/C58/01).
[4] If the supported activity achieves projected greenhouse gas emissions that are not substantially lower than the relevant benchmarks, the reasons why this is not possible need to be explained. The benchmarks for the allocation of emission allowances for activities covered by the ETS are set out in the Commission Implementing Regulation (EU) 2021/447.
[5] This exclusion does not apply to investments in plants exclusively dedicated to treating non-recyclable hazardous waste and existing plants, where the investment is for the purpose of increasing energy efficiency, capturing exhaust gases for storage or use or recovering materials from incineration ashes, provided that such activities do not result in an increase in the capacity of waste treatment plant or prolongation of the lifetime of the plant; for which there is evidence at the plant level.
[6] This exclusion does not apply to investments in existing plants for mechanical biological treatment, where the investment is for the purpose of increasing energy efficiency or subsequent incorporation of separate waste into recycling processes for the purpose of composting biowaste and anaerobic digestion of biowaste, provided that such activities do not result in an increase in the capacity of waste treatment plant or prolongation of the lifetime of the plant; for which there is evidence at the plant level.

Schedule 2 – Guidelines on the Application of the DNSH Principle in the Implementation of HBOR's Financial Instruments under the NRRP

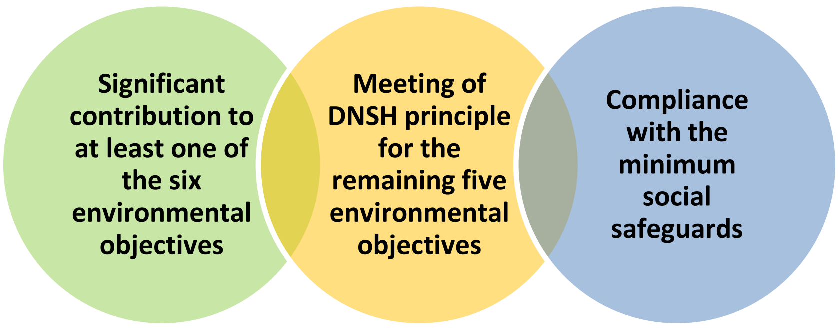
<u>What is the DNSH principle and why is the DNSH analysis carried out?</u>

On 11 December 2019, the European Commission introduced the EU Green Deal as the strategy to attain the sustainability of the EU economy with an objective of achieving the following goals in terms of climate, energy, transport and tax policies: reduction of net greenhouse gas emissions by 55% compared to 1990 by 2030 and net zero greenhouse gas emissions by 2050, which would ensure that Europe becomes the first climate-neutral continent.

The emergence of the Covid-19 pandemic has highlighted the need to develop a new facility for the recovery of the EU economy, as a result of which the **Recovery and Resilience Facility** has been developed as part of the Next Generation EU initiative. The implementation of the Recovery and Resilience Facility in the Republic of Croatia is regulated by the National Recovery and Resilience Plan (NRRP), of which HBOR's financial instruments are also an integral part (hereinafter: HBOR's NRRP measures). The objective of the Recovery and Resilience Facility is to promote the sustainable recovery of the EU economy in terms of the climate and the environment in line with the goals of the EU Green Deal.

In order to ensure the attainment of the climate and environmental goals of the EU, the European Commission has developed a new comprehensive and standardised classification framework called the EU Taxonomy[7]. The main goal of the EU Taxonomy is to enable transparent and comparable measurement of the impact of individual business activities on the attainment of the EU Green Deal objectives, and the EU Taxonomy defines three types of criteria:

1. **Criteria indicating that a particular activity significantly contributes to the attainment of the EU Green Deal's climate and environmental goals (at least one environment goal),** the meeting of which can make it possible for a particular business activity, investment or project to achieve the status of "green" investment
2. **Criteria ensuring that a particular activity does no significant harm to the EU Green Deal's climate and environmental goals**, i.e. the criteria of "Do No Significant Harm" to the climate and the environment
3. **Criteria ensuring that a particular activity is in line with the minimum social safeguard measures**



In order to enable long-term positive or at least neutral impacts on the environment and the climate through the implementation of the NRRP measures, the need to meet the "Do No Significant Harm" principle (hereinafter: DNSH principle) has been introduced for all investments planned under the NRRP.

[7] REGULATION (EU) 2020/852 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 – called the **Taxonomy Regulation**, establishes a comprehensive EU strategy on sustainable finance with a technically reliable classification system for standardising "green sustainable" economic activities and redirecting capital flows towards sustainable investments.

The DNSH principle implies that a certain activity/project must not do significant harm to any of the following six environmental objectives:

- Climate change mitigation
- Climate change adaptation
- Sustainable use and protection of water and marine resources
- Transition to a circular economy
- Pollution prevention and control
- Protection and restoration of biodiversity and ecosystems.

How does HBOR carry out the analysis of compliance of investment projects with the DNSH principle?

In the implementation of HBOR's NRRP measures, HBOR and/or partner financial institutions included in the implementation of the measures are obliged to verify the compliance of investments carried out by final beneficiaries (public or private sector entities) with the DNSH principle by:

1. **Excluding ineligible activities** from the financing – ineligible activities are listed in Schedule 1 to this Operational Programme
2. **Carrying out the analysis of compliance with the relevant environmental legislation both at the EU and the national levels** for every project
3. **Ensuring the application of the Commission's Technical Guidance on Sustainability Proofing under the InvestEU Fund** ((2021/C 280/01)) in the implementation of the NRRP measures.

In order to facilitate the preparation of projects for the final beneficiaries in accordance with the DNSH principle, and also in order to facilitate and accelerate compliance assessment of received applications for finance/issue of guarantee, etc., beside technical, legal and project documentation[8], it is necessary to submit the **Self-Assessment Questionnaire for the purpose of identifying climate, environmental and social risks and impacts** prepared by HBOR and enclosed with these Guidelines.

How can a project satisfy the 'green transition'' criteria and thus achieve even more favourable terms and conditions of finance?

As previously pointed out, the preparation of projects in accordance with the DNSH principle represents the main mechanism for confirming that the respective project or activity has no significant adverse impacts on climate and environmental objectives in terms of the EU Green Deal.

For the project to achieve even more favourable terms and conditions of finance (lower interest rate, higher interest subsidy rate, etc.), it must be assessed as a 'green'' transition project, i.e. it must **meet the conditions for the assessment of a significant contribution to the attainment of climate and environmental objectives under the EU Green Deal**.

An example of significant contribution:

In the case of construction of a new business facility that is intended to be classified as a "green" facility, technical and construction interventions must ensure that the primary energy consumption of the new facility is 20% lower than the current national standard (Nearly Zero Energy Building standard), which significantly contributes to at least one environmental objective (climate change mitigation), and that it meets the DNSH principle in terms of the remaining five EU environmental objectives, i.e. that it does not significantly harm the other environmental objectives.

[8] Preliminary, Main and Final Design, Investment Study, Environmental Study, Environmental Impact Assessment and other relevant documents defined by relevant national and EU legislation