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WORKING PAPER

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From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
Subject:	Fit for 55 Package - AFIR: Proposal for a Regulation on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU - presentation of articles 1, 2, 17 - 24 and annexes - questions from Austria

Delegations will find in the annex, questions from the delegation of Austria on the subject mentioned above.

AFIR - Questions from the Austrian Delegation

General Question:

- ***What role do MS have in monitoring the infrastructure development (e.g. fair fees, barrier-free design, etc.)?***

Article 2, lit. 32

'national access point'

- ***Has the Commission ever considered establishing an EU-wide charging point and price register? Does the Commission plan to enable the development of an EU-wide register to improve transparency?***

Article 2, lit 59

'smart recharging' means a recharging operation in which the intensity of electricity delivered to the battery is adjusted in real-time, based on information received through electronic communication;

- ***Are there already technical specifications which specify "information received through electronic communication"? Until when can MS expect such specifications be established?***

Article 5, para 2, a (iii)

(iii) devices using an internet connection with which for instance a Quick Response code can be specifically generated and used for the payment transaction;

- ***Can a static Quick Response code (i.e. in the form of a sticker) also be suitable for the payment transaction?***

Article 5 Abs. 4

Prices charged by operators of publicly accessible recharging points shall be reasonable, easily and clearly comparable, transparent and non-discriminatory. Operators of publicly accessible recharging points shall not discriminate between the prices charged to end users and prices charged to mobility service providers nor between prices charged to different mobility service providers. Where relevant, the level of prices may only be differentiated in a proportionate manner, according to an objective justification.

- ***Could the Commission provide examples of "an objective justification"?***

Article 5 Abs. 6

Prices charged by mobility service providers to end users shall be reasonable, transparent and non-discriminatory. Mobility service providers shall make available to end users all applicable price information, prior to the start of the recharging session, and specific to their intended recharging session, through freely available, widely supported electronic means, clearly distinguishing the price components charged by the operator of recharging point, applicable e-roaming costs and other fees or charges applied by the mobility service provider. The fees shall be reasonable, transparent and non-discriminatory. No extra charges for cross-border e-roaming shall be applied.

- ***Would the requirement of making available all price information in advance be met if the price is displayed over the customer's smartphone?***
- ***Has the Commission considered abolishing e-roaming nationally to ensure non-discrimination?***

- ***Could the Commission provide an example how mobility service providers can verify that their prices are reasonable?***

Article 7 Abs. 2

Prices charged by the operators of publicly accessible hydrogen refuelling points shall be reasonable, easily and clearly comparable, transparent and non-discriminatory. Operators of publicly accessible hydrogen refuelling points shall not discriminate between the prices charged to end users and those charged to mobility service providers as well as between the prices charged to different mobility service providers. Where relevant, the level of prices may only be differentiated according to an objective justification.

- ***Could the Commission provide examples of “an objective justification”?***

Article 10 & Article 13, para 1, lit o

- ***While the targets in Art. 10 refer only to shore-side electricity in inland waterway ports, the NPF shall also contain a deployment plan for alternative fuels, in particular for both hydrogen and electricity according to Art. 13, para 1, lit o. What is the Commission’s reasoning to include hydrogen in the deployment plan? How is a harmonized roll-out of hydrogen infrastructure ensured throughout Europe without having targets for the network itself?***

Article 14 Abs. 1

Each Member State shall submit to the Commission a standalone progress report on the implementation of its national policy framework for the first time by 1 January 2027 and every two years thereafter.

- ***If reporting has to be carried out every 2 instead of 3 years in the future, AT is of the opinion that the required information of this reporting should also be reduced in order to maintain the necessary level of quality. Could the Commission comment on this?***
- ***Reporting should be designed sensibly. As an example, the EAFO database can be used efficiently to make standardized reporting. This offers a better overview and the appropriate data formats are available. Would the Commission consider shifting reporting obligations from the progress report into the regular reporting to the EAFO database?***

Article 17 (User information)

- ***Who is the addressee of this article?***

Article 18

Austria supports in principle the idea of obliging availability and accessibility to data described in Article 18. However, the mentioning of the “National Access Point” (NAP) in Article 18, para 2 and 3 raises the following questions:

- ***Paragraph 2 speaks of “the” National Access Point – which one is meant here exactly?***

Both Article 18 as well as Recital 46 only refer to the ITS Directive in general. The ITS Directive 2010/40/EU itself does not set up a specific National Access Point – only the delegated regulations under the framework of the ITS Directive mandate several different types of NAPs (national ones, international ones, etc.). Hence, it is unclear for us to which one the AFIR really points to in Article 18?

With the current formulation any NAP in the several delegated regulations could be targeted, e.g. the one for truck parking or the one for safety related information, which would probably not make a lot of sense.

One of the regulations under the ITS Directive is so-called “Spec B” (2015/962 of 18 December 2014 supplementing Directive 2010/40/EU with regard to the provision of EU-wide real-time traffic information services). This delegated regulation under the ITS Directive is currently being revised and not formally adopted by the Commission yet. Hence the link to the AFIR proposal is not entirely clear.

- *In the scope of the revision of the Commission Delegated Regulation 2015/962 a clear link to the AFIR Regulation was proposed, however it is not clear if this will remain in the final version of the adopted act. Would the Commission agree that it would be better to be explicit in the AFIR Regulation on the functioning of the NAP and on the exact NAP that is meant in this provision?*
- *Could the Commission clarify what additional power for delegated regulations is necessary according to paragraph 4? How does this exactly function and go together with the ITS Directive framework (which itself is also currently under revision) – shouldn’t the data elements be rather specified at a single point in the EU legislative framework concerning this type of data in order to ensure continuity and consistency?*

If new types of data, data formats etc. are proposed AT sees the risk of NAP operators having to deal, at the same time, with multiple regulations that lay down the same topics.

- *How does the Commission avoid such a scenario?*

Annex I, paragraph 1, lit. b, paragraphs 2 and 3

- *development of recharging stations for light-duty vehicles not accessible to the public,*
- *development of recharging stations for heavy-duty vehicles not accessible to the public,*
- *utilisation rates: for the categories under point 1(b), reporting the utilisation of that infrastructure,*
- *for recharging points, specifying the ratio of public to private infrastructure;*
- *AT does not have reliable data for not publicly accessible recharging stations. Are there any best practices how to collect these data?*

Annex II Abs. 1.19

1.19. Technical specifications for recharging stations to ensure access to users with disabilities.

- *Are there any recommendations regarding access to users with disabilities for recharging stations going beyond Annex I and Annex III of Directive 2019/882 as referred in Article 13 Abs. 1 (j)? (There are no specific recommendations regarding charging infrastructure in these two annexes).*