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### WORKING PAPER

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### **WORKING DOCUMENT**

From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	COM (2021) 559 final
Subject:	Proposal for a Regulation on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU (AFIR) - Presidency compromise proposal on the EU Common Access Point (article 18(3))

In view of the working party on Transport - Intermodal Questions and Networks of 16 March, delegations will find in the annex a Presidency compromise proposal on the subject mentioned above.

## Presidency compromise proposal (14 March 2023)

### EU Common Access Point

It is the Presidency's intention to agree with including the EU Common Access Point in AFIR based on the latest compromise proposal (WK 3251/2023). Still, the Presidency would propose some changes, as these were mentioned by delegations, in particular as keeping the specific reference to Delegated Regulation (EU) 2022/670 as in the Council General Approach and to delete reference to the 'common European access point' in Article 18(3b) to make it clear where the operators shall submit information on API.

Changes suggested by the Commission are presented below, compared to the general approach.

The Presidency is also proposing to insert the proposed paragraph 3b as paragraph 2a. Paragraph 2 deals with the obligation of the operators to make the data available and then it is followed by paragraph 2a that provides for the operators to set up an API to provide that data.

### Article 2 (add to the list of definitions)

**(13a) 'Data user' means any public authority, road authority, road operator, recharging and refuelling point operator, research or non-governmental organisation, mobility service provider, e-roaming platform, digital map provider or any other entity interested in using data to provide information, create services or perform research or analysis on alternative fuels infrastructure.**

### Article 18 (3, 3a and 3b)

**2a. ~~3b~~ Each operator of recharging and refuelling points, or, in accordance with the arrangement between them, the owner of those points, shall set up an API that provides free and unrestricted access to the data types defined in Article 18(2), and shall submit information on that API to the National Access Point as well as the common European access point. The API of each operator of recharging and refuelling points, or, in accordance with the arrangement between them, the owner of those points, shall comply with common technical requirements established by the Commission by means of a Delegated Act in accordance with Article 18(4) to enable an automated and uniform data exchange between the operators of publicly accessible recharging and refuelling points and data users.**

3. No later than 15 months after the date of application referred to in Article 24, Member States shall ensure that the data referred to in paragraph 2 is made accessible on an open and non-discriminatory basis to all stakeholders through their National Access Points in accordance with the relevant provisions related to such data in Delegated Regulation (EU) 2022/670<sup>1</sup> and in compliance with the additional complementary specifications that may be adopted in accordance with paragraph 4a. **Where Member States aggregate data under their National Access Points,**

they may provide data to the common European access point by means of a common Application Programme Interface (API).

3a. By 1 January 2027, the Commission shall establish a common European access point for alternative fuels infrastructure data. The common European access point shall function as a data gateway connecting *alternative fuels infrastructure related data* from the National Access Points. It shall facilitate the access to all available data on alternative fuels infrastructure made accessible via the National Access Points. The Commission shall ensure that the common European access point is easily accessible and can be used by all data users, for example through the creation of a dedicated web portal.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 to add to the data types specified in paragraph 2 additional data types concerning publicly accessible recharging points and refuelling points for alternative fuels or services inherently linked to such infrastructure that the operators of that infrastructure provide or outsource in view of technological developments or new services made available on the market and to adopt common technical requirements for a common application programme interface to enable an automated and uniform data exchange.

## Recitals

(45) It is necessary to provide consumers with sufficient information regarding the geographic location, characteristics and services offered at the publicly accessible recharging and refuelling points of alternative fuels covered by this Regulation. Therefore, Member States should ensure that operators or owners of publicly accessible recharging and refuelling points make relevant static and dynamic data available. Requirements on data types regarding availability of and accessibility to relevant recharging and refuelling-related data should be laid down, building on the outcomes of the Programme Support Action on “Data collection related to recharging/refuelling points for alternative fuels and the unique identification codes related to e-mobility actors” (‘IDACS’).

(45a) This Regulation addresses those data types that are necessary for the functioning of a competitive and open market, and essential for end users to make informed decisions on their recharging and refuelling sessions including through high-quality information services developed by relevant market actors. The data types laid down should apply only to the data that is available in machine-readable format. Where necessary, those data types should be further complemented by delegated acts under this Regulation. The Commission should consult relevant expert groups in view of prescribing additional data types such as the existence of facilities offering associated services to end users, accepted payment methods, available languages on the infrastructure or the data related to providing smart and bidirectional recharging services. To this end, the Commission should ensure that only those data types are

introduced in the future that are harmonised at European level and consistent with recharging and refuelling point operators technical means, building on clear definitions on the format, frequency and quality. In addition, the future recharging infrastructure is expected to progressively increase renewable electricity share in view of achieving the decarbonisation objectives. It is therefore necessary that electric vehicle users, recharging point operators and all relevant market actors have access to the data on the share of renewable electricity and the intensity of greenhouse gas emissions of the supplied electricity in the grid, based on the future provisions under the revised Renewable Energy Directive (EU/2018/2001) that should allow more accurate information in addition to the data type on 100% renewable electricity provided by recharging point operators included in this Regulation.

(46) Data should play a fundamental role in the adequate functioning of recharging and refuelling infrastructure. The format, the frequency and the quality in which these data should be made available and accessible determine the overall quality of an alternative fuels infrastructure ecosystem that meets user needs. Moreover, those data should be accessible in a coherent manner in all Member States. Therefore, data should be provided **as open data** and in accordance with the requirements set in Directive 2010/40/EU of the European Parliament and the Council ~~for national access points (NAPs)~~ and the relevant delegated and implementing acts adopted on the basis thereof, that may be complemented by the Commission in the framework of this Regulation. To facilitate the accessibility for market actors to alternative fuels infrastructure data a Common European Access Point could function as a single EU data gateway to the national access plans and data which have to be made available by operators. Therefore, the Commission should establish a common European access point at Union level, for example through the creation of a dedicated web portal, building on the existing structures and functions of the European Alternative Fuels Observatory (EAFO) in conjunction with the TENtec information system, where possible. This access point should enable data users to easily access the relevant data made available via the National Access Points. The common European access point should help in providing better services on price comparisons between publicly accessible recharging and refuelling operators as well as relevant information on the characteristics of the infrastructure, such as accessibility, availability or power capacity.