

## **› POSITIONSPAPIER**

zum Berichtsentwurf im TRAN-Ausschuss über den Entwurf für eine Verordnung über den Aufbau der Infrastruktur für alternative Kraftstoffe vom 14. Juli 2021

Berlin/Brüssel, 10.03.2022

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## Vorbemerkung

Der Prozess der Novellierung der europäischen Richtlinie über den Aufbau der Infrastruktur für alternative Kraftstoffe (2014/94/EU, AFI-Richtlinie, AFID) ist notwendig, um dem technischen Fortschritt in der Entwicklung der Ladeinfrastruktur- und Fahrzeugtechnologien zu folgen. Vor allem der bereits erkennbare Hochlauf der Zulassungszahlen von Elektrofahrzeugen macht es notwendig, jetzt die Weichen für ein gut ausgebautes europäisches Netz an öffentlich zugänglichen Normal- und Schnellladepunkten zu stellen. Die europäische Ladeinfrastruktur soll sicher, zuverlässig und komfortabel sein. Die Preisbildung soll für die Verbraucher transparent und der Zugang zur Ladeinfrastruktur soll für alle europäischen Nutzer einfach, diskriminierungs- und barrierefrei möglich sein.

Laut Bundesnetzagentur wurden in Deutschland bis zum 01. Februar 2022 insgesamt 55.205 öffentlich zugängliche Ladepunkte betrieben. Etwa 15 Prozent davon entfallen auf Schnellladepunkte. Der Aufbau wird engagiert fortgesetzt, wobei insbesondere die kommunalen Energieversorgungsunternehmen eine Vorreiterrolle eingenommen haben. Sie sorgen in den Städten und in der Fläche für die vertrauensstiftende Basis, auf der die Verbraucher und Gewerbeunternehmen zunehmend die Entscheidung treffen, auf elektrisch betriebene Fahrzeuge zu setzen.

Gleichwohl kommt es nun – sowohl in Deutschland als auch in ganz Europa – darauf an, den Ladeinfrastrukturaufbau zu forcieren. Dazu müssen Rahmenbedingungen geschaffen werden, die geeignet sind alle Investorenpotenziale zu aktivieren. Dies kann nur gelingen, wenn die AFIR einen größtmöglichen Spielraum für die wettbewerbliche Entwicklung von kundenfreundlichen Betriebs- und Geschäftsmodellen zulässt und den Mitgliedstaaten Vorgaben macht, die den Betreibern öffentlich zugänglicher Ladepunkte die bestmögliche Sicherheit und Planbarkeit ihrer Investitionen garantieren.

Der Berichtsentwurf des Berichterstatters im TRAN-Ausschuss, MdEP Ismail Ertug, adressiert viele Aspekte des Kommissionsvorschlages, die für die zeitnahe Entwicklung einer hinreichend ausgebauten und im europäischen Kontext harmonisierten Infrastruktur für alternative Kraftstoffe betrachtet werden müssen. Mit Blick auf die oben genannten Notwendigkeiten, alle verfügbaren Investorenpotenziale zu erschließen und dafür weitgehende Freiheit für die wettbewerbliche Entwicklung kundenfreundlicher Betriebs- und Geschäftsmodelle zu ermöglichen sowie gleichzeitig den Kunden umfassende Transparenz über die Kosten und Bedingungen der Nutzung der Angebote zu bieten, müssen aus VKU-Sicht folgende Punkte im Berichtsentwurf angepasst werden:

- › Die **Definition für öffentlich zugängliche Infrastruktur für alternative Kraftstoffe** muss zwischen verschiedenen Anwendungsfällen (use cases) differenzieren und insbesondere für kleine Anbieter Erleichterungen hinsichtlich der technischen Anforderungen ermöglichen. Andernfalls behindern die Vorgaben die Erschließung

des wichtigen Bereichs des „destination charging“, welcher eine zentrale Rolle bei der Verdichtung des Netzes spielen könnte.

- › **Zahlkartenlesegeräte sollten nicht für alle Ladesäulen unabhängig von deren Kapazität verpflichtend sein.** Der undifferenzierte Regelungsentwurf im Berichtsentwurf sieht eine Ausrüstpflicht für alle neu errichteten Ladesäulen unabhängig von deren Kapazität vor. Eine solche Regelung ginge an der aktuellen Marktrealität vorbei, in der sich abhängig von der Kapazität und vom Standort verschiedene Zahlungsmodalitäten etabliert haben. Zudem könnte die Ausrüstpflicht den weiteren Ausbau und die Verdichtung des Ladenetzes verhindern, da nicht alle marktgängigen Ladesäulen mit Kartenlesegeräten angeboten werden.
- › Von einer Nachrüstplicht für **Zahlkartenlesegeräte für Ladesäulenbestände ist dringend abzuraten**, da diese eine unverhältnismäßig hohe Kostenbelastung schaffen würde. In vielen Fällen wäre der Austausch bestehender Ladesäulen erforderlich, und in manchen Fällen könnte diese Regelung zum vollständigen Abbau bestehender Ladesäulen und damit zu einer Reduzierung des Bestandsangebotes führen.
- › Die **Verpflichtung zur Angabe des Preises pro Kilowattstunde**, welche im Berichtsentwurf vorgesehen ist, sollte dem Ziel der Transparenz für Verbraucher Rechnung tragen und ist damit zu unterstützen. Darüber hinaus sollten aus VKU-Sicht auch weitere fixe Preisbestandteile sowie zusätzliche Kosten, wenn etwa der Ladepunkt länger als nötig blockiert wird, aufgeschlüsselt werden können. Von einer Ausrüstpflicht mit individuellen Displays ist aus Kostengründen abzusehen.

## VKU's core interests

### Guidance:

- In ***bold italics*** we indicate where the draft report is being modified
- **Amendment X** refers to the number given to the corresponding amendment in the draft report

## Allowing for differentiation between use-cases when defining publicly accessible alternative fuels infrastructure

### Amendment 30 Proposal for a Regulation Article 2 – paragraph 1 – point 38

Draft report	VKU proposal
(38) 'publicly accessible' alternative fuels infrastructure, means an alternative fuels infrastructure which is located at a site or premise that is open to the general public, including persons with reduced mobility, irrespective of whether the alternative fuels infrastructure is located on public or on private property, whether limitations or conditions apply in terms of access to the site or premise and irrespective of the applicable use conditions of the alternative fuels infrastructure;	(38) 'publicly accessible' alternative fuels infrastructure, means an alternative fuels infrastructure which is located at a site or premise that is open to the general public, including persons with reduced mobility, irrespective of whether the alternative fuels infrastructure is located on public or on private property, <del>whether limitations or conditions apply in terms of access to the site or premise and irrespective of the applicable use conditions of the alternative fuels</del> infrastructure; <b><u>except the operator has, at the infrastructure for alternative fuels or in its immediate vicinity, through clearly visible signs, limited usage to an clearly defined group of persons;</u></b>

### Justification

Alternative fuels infrastructure should be considered 'publicly accessible' and therefore all under the scope of this regulation if it is de facto accessible to the general public. To tap into the area of destination charging, cases in which

- a) the infrastructure for alternative fuels is located on private property and where the access is restricted to a certain clearly definable circle of people, and
- b) if using the infrastructure for alternative fuels is inseparably connected to a different main service or a different contractual relationship between the two parties (e.g. renting a holiday flat, membership in a sports club etc.),

it should be excluded from the scope of this regulation. Otherwise, this regulation would hamper the rollout of infrastructure for destination charging for small businesses, an area which could help densify the network of recharging infrastructure beyond that on public roads or at home.

### **Explanatory statement**

The present proposal of the Commission as well as the draft report, in conjunction with the statements in recital 17, suggest that the possibility of differentiation between different use cases is to be created. In our view, the exemplary mention of an office building and the reference to ‘authorized persons’ are too vague and would in practice lead to a wide scope of interpretation and a lack of legal certainty for potential CPOs. In practice, individual judicial clarifications will be necessary to determine whether a charging point is publicly accessible or not. Consequently, the definition needs to be adapted as proposed above in order to ensure the exclusion of certain use cases in the field of destination charging from the scope of the AFIR.

## **Involve local authorities and network operators in the timely planning of electric recharging infrastructure expansion**

**New**  
**Proposal for a Regulation**  
**Article 4 – paragraph 3 – new**

**Draft report**

**VKU proposal**

*Member States shall ensure that, no later than 6 months after the date specified in Art. 24, binding planning areas for the development of these sites are defined with the involvement of local authorities and affected electricity distribution system operators.*

### **Justification**

The draft report would drastically increase the targets and deadlines for the expansion of electric recharging infrastructure dedicated to heavy-duty vehicles. The provision of the capacity required for the 2025 and 2030 expansion targets for recharging infrastructure will in many cases require grid expansion. New power lines will have to be planned and built in the high and medium voltage range. In order to ensure the necessary lead time

for planning and implementation processes, it is necessary to urgently identify and define the locations and the corresponding local energy needs in cooperation with the local authorities and electricity distribution system operators in advance.

## Flexible payment options for different capacities of recharging infrastructure

### Amendments 59-62

#### Proposal for a Regulation

#### Article 5 – paragraph 2 – subparagraph 1

Draft report	VKU proposal
<p>2. Operators of recharging points shall, at the publicly accessible recharging points operated by them, provide end users with the possibility to recharge their electric vehicle on an ad hoc basis using a payment instrument that is widely used in the Union. To that end:</p>	<p>2. Operators of recharging points shall, at the publicly accessible recharging points operated by them, provide end users with the possibility to recharge their electric vehicle on an ad hoc basis using a payment instrument that is widely used in the Union. To that end:</p>
<p>(a) operators of recharging points shall, at publicly accessible recharging stations deployed from the date referred to in Article 24, accept electronic payments through terminals and devices used for payment services, <b>including at least payment card readers and, if possible also</b> one of the following:</p>	<p>(a) operators of recharging points shall, at publicly accessible recharging stations <b>with a power output below 50 kW</b>, deployed from the date referred to in Article 24, accept electronic payments through terminals and devices used for payment services, including at least one of the following:</p>
<p>(i) <del>payment card readers;</del></p>	<p>(i) payment card readers;</p>
<p>(ii) devices with a contactless functionality that is at least able to read payment cards, <b>or</b></p>	<p>(ii) devices with a contactless functionality that is at least able to read payment cards; <b>or</b></p>
<p>(iii) devices using an internet connection with which for instance a Quick Response code can be specifically generated and used for the payment transaction;</p>	<p>(iii) devices using an internet connection with which for instance a Quick Response code can be specifically generated and used for the payment transaction;</p>
<p><del>(b) operators of recharging points shall, at publicly accessible recharging stations</del></p>	<p>(b) operators of recharging points shall, at publicly accessible recharging stations</p>

~~with a power output equal to or more than 50 kW, deployed from the date referred to in Article 24, accept electronic payments through terminals and devices used for payment services, including at least one of the following:~~

- ~~(i) payment card readers;~~
- ~~(ii) devices with a contactless functionality that is at least able to read payment cards.~~

with a power output equal to or more than 50 kW, deployed from the date referred to in Article 24, accept electronic payments through terminals and devices used for payment services, including at least one of the following:

- (i) payment card readers;
- (ii) devices with a contactless functionality that is at least able to read payment cards.

### **Justification**

The draft report would mandate all recharging points to be equipped with payment card readers and a pin pad, irrespective of their charging capacity and without the possibility to offer different payment solutions as an alternative. This mandate would go against the principle of market-based solutions, as payment card readers do not make sense for all use cases for publically accessible recharging infrastructure. To ensure accessibility for a widespread and easily accessible payment method for ad hoc charging, the options for payment solution proposed by the Commission would suffice. Consumers would be able to pay with their credit or other payment card at all new charging points over 50kW, which will be the capacity predominant along major transport corridors, where ad hoc charging is most relevant.

Therefore, we support the original Commission proposal, as it struck the right balance between a standardized payment options for ad hoc charging and flexibility for charging point operators. Especially the differentiation between recharging stations over and below 50 kW is important against the backdrop of different business models and use cases.

## No retrofitting obligations for existing recharging infrastructure

### Amendment 63

#### Proposal for a Regulation

#### Article 5 – paragraph 2 – subparagraph 2

##### Draft report

From 1 January 2025 onwards, operators of recharging points shall ensure that all publicly accessible recharging stations operated by them comply with the requirements laid down in this Article.

##### VKU proposal

~~From 1 January 2025 onwards, operators of recharging points shall ensure that all publicly accessible recharging stations operated by them comply with the requirements laid down in this Article.~~

### Justification

Retrofitting existing recharging points with new payment installations is in most of the cases technically impossible. Therefore, such mandates would necessitate the full replacement of the recharging point with an entirely new system, causing a substantial economic burden to operators. Instead, these financial and hardware-resources should be spent expanding and consolidating the existing network. In addition, retrofitting obligations would adversely affect early adopters with a substantial number of existing recharging points.

## Enable the remote display of other potential price components

### Amendment 65

#### Proposal for a Regulation

#### Article 5 – paragraph 5 – introductory part

##### Draft report

Operators of recharging points shall clearly display the ad hoc price per kWh and all its components at all publicly accessible recharging stations operated by them so that this information is known to end users before they initiate a recharging session.

##### VKU proposal

Operators of recharging points shall clearly display, **including on a remote display such as a mobile phone or in the vehicle itself**, the ad hoc price per kWh and all its **other** potential **price** components at all publicly accessible recharging stations operated by them so that this information is known to end users before they initiate a recharging session.



### Justification

The Commission proposal as well as the draft report could be read to imply that in the future, every recharging station would need to have an individual display installed on the recharging installation. The retrofitting of existing recharging infrastructure with an individual display would unavoidably lead to unreasonable additional costs, to the extent to which retrofitting is possible and does not make the replacement of the recharging point necessary. This could be avoided if prices can also be shown on a remote display such as a mobile phone or in the electric vehicle. Furthermore, an individual display is not necessary for all use cases.

While we agree that the price per kWh should be displayed to enable transparency, it should remain possible to in addition display other fixed price components and additional costs, for example fees for blocking the recharging point longer than necessary. Furthermore, there may be costs for services, such as the reservation of a charging point or a time slot, which should remain displayable in the future.

## **No retrofitting obligation for smart recharging and no smart recharging for high power recharging points**

### **Amendment 70** **Proposal for a Regulation** **Article 5 – paragraph 8**

#### **Draft report**

From the date referred to in Article 24, operators of recharging points shall ensure that all publicly accessible power recharging points operated by them are capable of smart recharging.

#### **VKU proposal**

From the date referred to in Article 24, operators of recharging points shall ensure that all ***newly installed*** publicly accessible ***normal*** power recharging points operated by them are capable of smart recharging.

### Justification

The use case for smart charging does not lie in public recharging infrastructure, as customers should be able to expect uninterrupted recharging services with full electrical power. This is even more relevant in case of higher-capacity charging points over 22kW and especially HPCs, as their purpose is to ensure fast recharging to quickly provide range to EVs. Enabling smart charging in these use cases would be counterproductive and could hinder EV acceptance.

Furthermore, retrofitting existing recharging points for smart recharging is in many cases technically impossible without fully replacing the individual recharging point. Therefore, retrofitting should not be mandated.

## Involve local authorities and energy supply companies in determining suitable locations for hydrogen refueling infrastructure

### Amendment 76

#### Proposal for a Regulation

#### Article 6 – paragraph 1 – subparagraph 3

##### Draft report

They shall ensure that by 31 December 2027, at least one publicly accessible hydrogen refuelling station is deployed in each urban node. An analysis on the best location shall be carried out for such refuelling stations that shall in particular consider the deployment of such stations in multimodal hubs where also other transport modes could be supplied.

##### VKU proposal

They shall ensure that by 31 December 2027, at least one publicly accessible hydrogen refuelling station is deployed in each urban node. An analysis on ~~the best~~ **a suitable** location shall be carried out for such refuelling stations, **which shall consult regional and local authorities and affected energy supply companies**, that shall in particular consider the deployment of such stations in multimodal hubs where also other transport modes could be supplied.

### Justification

To ensure the proper integration of hydrogen refueling stations into local planning and demand projection, relevant actors must be involved from an early stage on, especially against the backdrop of sparse hydrogen availability and parallel rollout of the technology.

## Involve local authorities and energy supply companies in the timely planning of hydrogen refueling infrastructure

### New

#### Proposal for a Regulation

#### Article 6 – paragraph 1 – subparagraph 4 (new)

Draft report

VKU proposal

*Member States shall ensure that, no later than 6 months after the date specified in Art. 24, binding planning areas for the development of these sites and the associated infrastructure are defined, with the involvement of local authorities, affected administrative bodies and energy supply companies.*

### Justification

To provide all local actors, from urban mobility planners to hydrogen providers and users, with enough lead time, planning areas should be defined early on in the planning process. In order to ensure that this involvement of relevant actors takes place in a timely manner, it should be codified alongside infrastructure expansion targets and dates.