

Regulation on the deployment of alternative fuel infrastructure

Briefing Note

COM(2021) 559 final

On 14 July 2021, the European Commission (EC) proposed a regulation that would repeal and replace the existing directive (Directive 2014/94). This demonstrates the European Commission’s intention to strengthen and harmonise the deployment of alternative fuel infrastructure and to minimise discrepancies between Member States. Legally speaking, a regulation is -unlike a directive- directly applicable without requiring Member States to transpose it into domestic law. However, in practice the implementation of the EU objectives set in the regulation will heavily rely on national measures.

The proposal will now be amended separately by MEPs and Member States, after which they will negotiate to reach a compromise text.

Objectives and targets applying to Member States

Fuel type	Deadline	On the core network	On the comprehensive network	In each SSTPA ¹	In each urban node
HGV electric refuelling station. (Art. 4)	31 December 2025	At least 1400kW of recharging points every 60km.	-	-	Aggregated power output of at least 600kW.
	31 December 2030	At least 3,500kW of recharging points every 60km.	At least 1,400kW every 100km.	At least 1 station per SSTPA with at least 100kW.	Aggregated power output of at least 1,200kW.
	1 December 2035	-	At least 3,500kW every 100km.	-	-
Hydrogen. (Art. 6)	31 December 2030	stations with a minimum capacity of 2 t/ day and equipped with at least a 700 bars dispenser every 150km. liquid hydrogen every 450km.		-	At least 1 station in each urban node (if possible, located in multimodal hubs).

¹ Safe and Secure Truck Parking Areas (SSTPAs) are those dedicated to heavy-duty vehicles overnight parking

Fuel type	Deadline	On the core network	On the comprehensive network	In each SSTPA ¹	In each urban node
LNG for road vehicles. (Art. 8)	1 January 2025	an appropriate number of publicly accessible refuelling points for LNG heavy-duty motor vehicles to circulate throughout the Union, where there is demand, unless the costs are disproportionate to the benefits, including environmental benefits	-	-	-
Shore side electricity in maritime ports. (Art. 9)	1 January 2030	Maritime ports with more than 50 port calls by container ships above 5,000t must meet 90% of that demand. Maritime ports with more than 40 calls by passenger ships above 5,000t must meet 90% of that demand. Maritime ports with more than 25 port calls by other vessels above 5,000t must meet 90% of that demand.	-	-	-
Shore side electricity in inland waterway ports. (Art. 10)	1 January 2025	At least 1 installation in each port on the core network.	-	-	-
	1 January 2030	-	At least 1 installation in each inland waterway port on the comprehensive network.	-	-
LNG in maritime ports.	1 January 2025	An appropriate number of refuelling points for seagoing ships to circulate throughout the TEN-T core network	-	-	-
Electricity for stationary aircrafts.	1 January 2025	At all gates used for commercial air transport operations.	-	-	-
	1 January 2030	At all outfield posts used for commercial air transport operations.	-	-	-

Implementation process at Member State level (National Policy Frameworks)

Timeline

The objectives described above are binding on Member States, which must translate them into national targets and policy measures contained in 'National Policy Frameworks' (NPFs).

- 1 By 1 January 2024, Member States must send their draft NPFs to the European Commission.
- 2 Within 6 months, the European Commission shall assess the NPFs and issue recommendations.

- 3 Member States shall process and take into account the European Commission's recommendations. Failure to do so must be duly justified in writing.
- 4 By 1 January 2025, each Member State shall notify to the Commission its final national policy framework.
- 5 By 1 January 2026, the Commission shall assess the national policy frameworks and assess progress with regards to the objectives (EC report).
- 6 By 1 January 2027 and every two years thereafter, each Member State must submit its progress report.
- 7 The Commission will review the Member States' progress reports and issue further recommendations.

- 8 Within 6 months of the recommendations, Member States will have to update their progress reports.
- 9 Within one year of receiving the Member States' progress reports, the Commission shall issue a report to the European Parliament and the Council.

The concept of NPF already existed in the 2014 directive and led to varied outcomes. The process to draft, submit, review and revise NPFs proposed in the new draft regulation has been strengthened, in an attempt to prevent the considerable slippages observed in the implementation of the 2014 directive in certain Member States - an area on which FTAI had asked the European Commission to introduce stricter measures. FTAI notes, however, that despite multiple report obligations, failure to meet the targets wouldn't result in any sanctions² and wouldn't necessarily ensure corrective measures are adopted.

Contents of NPFs (non-exhaustive list)

Member State must devise **measures to remove possible obstacles with regards to planning, permitting and procuring** of alternative fuels infrastructure - this is a welcome provision considering planning failures and implementation delays observed in Ireland in relation to the CNG deployment plan.

In addition to the binding targets described in the table, Member States must also produce **deployment plans for other alternative fuels:**

- Alternative fuels infrastructure in airports other than for electricity supply to stationary aircraft, in particular for hydrogen and electric recharging for aircrafts.

- Alternative fuels infrastructure in maritime ports, in particular for electricity and hydrogen, for port services as defined in Regulation (EU) 2017/352 of the European Parliament and of the Council.
- Alternative fuels infrastructure in maritime ports other than for LNG and shore-side electricity supply for use by sea going vessels, in particular for hydrogen, ammonia and electricity;
- Alternative fuels in inland waterway transport, in particular for both hydrogen and electricity.
- A deployment plan including targets, key milestones and financing needed, for hydrogen or battery electric trains on network segments that will not be electrified.

Non discriminatory pricing provisions

The regulation also includes provisions applying to operators or recharging and refuelling points banning discriminatory pricing provisions, requiring price transparency and mandating a variety of available payment methods.

Common technical specifications

The annexes of the draft regulation define technical specifications for recharging and refuelling points. Additional specifications could be adopted either by the Commission in secondary legislation (delegated acts) or by European standardisation organisations (CEN/CENELEC).

² Member States have the power to amend the proposal or even reject it; they would have been unlikely to support sanctions that could apply to them.

T: 01 8447516
www.ftai.ie



FTA Ireland CLG (a company limited by guarantee)
Unit 1 DHL Building, Airport Business Park, Cloghran, Co Dublin, K67 A0F4
Registered in Ireland Number 487041

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