



EUROPEAN COMMISSION

Brussels, 29.7.2013
C(2013) 4998 final

Dear President,

The Commission would like to thank the Senat for its Opinion concerning the proposal for a Directive of the European Parliament and of the Council on the deployment of alternative fuels infrastructure {COM(2013) 18 final} and apologises for the delay in replying.

The Commission would also like to thank the Senat for supporting the efforts to reduce greenhouse gas emissions from transport and limit transport's dependence on imported oil.

The Senat raises a number of substantial reservations concerning specific measures put forward in the proposal on which the Commission would like to provide the following clarifications:.

National policy frameworks for the market development of alternative fuels and their infrastructure are important in order to transpose the objectives of the proposed Directive whilst taking account of national contexts or specificities. The periodic reports by the Member States on the national policy frameworks and their implementation, their evaluation by the Commission and the periodic Commission reports on the application of the Directive, which are forwarded to the European Parliament and the Council, are a useful and flexible way to ensure coherence at EU level and to keep pace with technological developments. By their evolving nature the national policy frameworks will be a sort of "living documents".

The Commission is ready to assist Member States with the drafting of their national policy frameworks, for example by using a management committee which is already foreseen in the Legislative Financial Statement published together with the legislative proposal. This will help ensure EU-wide coherence of the various national frameworks.

Indeed, coordinated national policy frameworks of all Member States should provide the long-term security required for private and public investments in vehicle and fuel technology, and infrastructure build-up for alternative fuels. Member States should therefore establish national policy frameworks outlining their objectives, targets, and supporting actions on the market development of alternative fuels, including the necessary infrastructure to be put into place.

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It is precisely through their national policy frameworks that Member States have a free choice of instruments to propose measures to support the build-up of alternative fuels infrastructure such as building permits, parking lots permits, or fuel stations concessions. National policy frameworks could include direct or indirect incentives for the purchase of alternative fuels means of transport or for building the infrastructure. Demand side non-financial incentives could include e.g. preferential access to restricted areas, parking policy or dedicated lanes.

A binding framework for the deployment of infrastructure for alternative fuel vehicles and vessels at European level based on national plans with clear targets and common standards would act as a catalyst and would help creating the conditions for the market development of clean transport fuels and vehicles. This is a major opportunity for Europe to reinforce its competitiveness and establish a strong position in a fast growing global market.

The proposal is based on three years of preparatory work. The Commission consulted the Joint Expert Group on Transport & Environment composed of representatives of the Member States, which delivered a report. This report fed into the Commission's impact assessment which accompanies the proposal.

The delegated powers conferred on the Commission are compatible with the conditions laid down in Art. 290 TFEU.

Firstly, the proposal explicitly defines the objectives, the content and the scope of the delegation of power (update of the information to be included in the national frameworks, update of technical specifications), as well as its duration (for an indeterminate period of time, subject to revocation).

Moreover, the delegated powers conferred on the Commission would be subject to the limits, conditions and control mechanisms laid down in Art. 8, paragraph 3 (the delegation may be revoked at any time by the European Parliament or by the Council), paragraph 4 (as soon as a delegated act is adopted, the Commission shall notify it simultaneously to the European Parliament and to the Council), and paragraph 5 (a delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council).

Finally, the delegated powers conferred on the Commission would not affect essential elements of the Directive (the obligation to adopt a national policy framework, the obligation to ensure that recharging/refuelling points for electricity, hydrogen and natural gas supply are available, as well as the obligation to ensure the availability of consumer information on the compatibility between fuels and vehicles). The delegated acts would therefore only affect certain non-essential elements of the Directive, notably Annex I on the minimum elements that the national policy frameworks should contain and Annex III on technical specifications for the alternative fuels covered by the Directive to take account of scientific or technical progress. The legislator can therefore concentrate on policy direction and objectives without entering into overly technical debates.

Since the objective of promoting a broad EU-wide market development of alternative fuels cannot be sufficiently achieved by the Member States individually, but requires action at Union level in order to help build up the demand for a critical mass of these vehicles for cost-efficient developments by European industry and allow Union-wide mobility of alternatively

fuelled vehicles, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives, and focuses only on road and waterborne transport where there is insufficient infrastructure build up.

The proposal is currently under discussion in the Council and the European Parliament. The questions raised by the Senat, including the proposal to prolong the deadlines, will no doubt be raised during these negotiations.

The Commission hopes that these clarifications address the concerns raised by the Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

Maroš Šefčovič
Vice-President