



## EUROPEAN COMMISSION

Brussels, 21.10.2013  
C(2013) 6965 final

Mr Milan ŠTĚCH  
President of the Senát  
Valdštejnské náměstí 17/4  
CZ – 118 01 PRAGUE 1

Dear President,

*The Commission would like to thank the Senát 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 the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Clean Power for Transport: A European alternative fuels strategy {COM(2013) 17 final}.*

*The Commission notes that the proposal aims at mobilizing important investments without public support. It concerns the internal market and the framework conditions for investments, as shown in the impact assessment accompanying the proposal<sup>1</sup>.*

*The Commission finds that a binding framework for the deployment of infrastructure for alternative fuel vehicles and vessels at European level, with numerical targets and common standards, would act as a catalyst and help creating the conditions for the market development of clean transport fuels and vehicles. In the Commission's view this is a major opportunity for Europe to reinforce its competitiveness and establish a strong position in a fast growing global market. At the same time, it would allow EU-wide mobility of citizens with alternative fuel vehicles, resulting in huge environmental and economic benefits. In this respect, the Commission would like to particularly thank the Senát for its explicit support to harmonising the technological interfaces which is a major element to overcome a current fragmentation of the market.*

*The Senát and the Commission share the view that Member States have completely different conditions for development of individual alternative fuels and that the Member States differ in the level of alternative fuels development. In order to overcome the resulting fragmentation of the market, an EU-wide deployment of minimum infrastructure for alternative fuels with common standards is proposed.*

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<sup>1</sup> [http://ec.europa.eu/transport/themes/urban/cpt/doc/swd\(2013\)5-2-impact-assessment-part1.pdf](http://ec.europa.eu/transport/themes/urban/cpt/doc/swd(2013)5-2-impact-assessment-part1.pdf)

[http://ec.europa.eu/transport/themes/urban/cpt/doc/swd\(2013\)5-2-impact-assessment-part2.pdf](http://ec.europa.eu/transport/themes/urban/cpt/doc/swd(2013)5-2-impact-assessment-part2.pdf)



*National policy frameworks for the market development of alternative fuels and their infrastructure would be very 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 would ensure coherence at EU level and allow keeping pace with the technological development.*

*The proposed Directive is perfectly in line with the long-standing position of the Sénat that the EU legislative initiatives should not prioritize one technological solution (in this case one type of alternative fuel) over another, i.e. should observe the principle of technological neutrality. The proposed Directive acknowledges the existence of a series of alternative fuels and mandates the deployment of infrastructure for those alternative fuels for which a minimum infrastructure does not yet exist.*

*The Commission would like to reassure the Sénat that the proposed delegated powers conferred on the Commission are fully compatible with Article 290 TFEU, as they are subject to the limits, conditions and control mechanisms laid down in Article 8(3), (4), and (5) of the proposed Directive. Furthermore the legislative proposal states explicitly and in details the objectives 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).*

*Finally, the delegated acts would not affect essential elements of the proposed 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) but only non-essential elements, notably Annex I on the minimum elements that the national policy frameworks shall contain and Annex III on technical specifications for the alternative fuels covered by the proposed Directive to adapt its provisions to scientific or technical progress whenever this is necessary, without having to go through the ordinary legislative procedure. 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 without infringing 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 the same Article, this proposed Directive does, in the Commission's view, 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 built up.*

*The Sénat calls on the Commission to reconsider certain aspects of the legislative proposal because, given the current state of public finances in the EU, the fulfilment of these obligations seems unrealistic. The Commission notes that as a pro-growth initiative, the proposal relies on private investments for the deployment of the minimum infrastructure. The Commission considers that there are business opportunities for private investors for the construction and the running of this infrastructure. However, EU funds will be made available through the TEN-T and the Connecting Europe Facility instruments. The next Framework Programme for Research and Innovation, Horizon 2020, will also provide support for alternative fuel vehicles and the related infrastructure through calls for*



*proposals, planned in the Smart, Green and Integrated Transport specific objective, part of the priority "Societal challenge" of Horizon 2020.*

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

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

