

OPINION

**of the European Union Affairs Committee of the Senate of the Republic of Poland
on the proposal for a directive of the European Parliament and of the Council on the
deployment of alternative fuels infrastructure
COM(2013)018**

adopted at the sitting on 13 March 2013

1. The European Union Affairs Committee (EUAC) supports the efforts to reduce greenhouse gas emissions from transport and limit transport's dependence on imported oil. At the same time, EUAC has substantial reservations concerning specific measures put forward in the proposal.
2. While it is deemed appropriate that Member States establish national policy frameworks for the market development of alternative fuels and their infrastructure, EUAC points out that they should be allowed a free choice of instruments. The European Commission's detailed involvement in regulating the scope of national policy frameworks – and thereby the Member States' obligations in that respect (Article 3(1) and Appendix I) – is too deep an intervention.
3. EUAC believes that powers conferred to the European Commission (Article 3(6)) as regards the shaping of national policy frameworks – the right to evaluate national policy frameworks and to take actions in order to ensure their coherence at EU level – are broad enough to infringe the freedom of the Member States to establish their national policy frameworks. This may lead the Commission to impose certain solutions on Member States without their consent and without taking into consideration their national specificity and capabilities.
4. EUAC believes that binding targets for building infrastructure for alternative fuels should be established following consultation with the Member States and should take into account the Member States' development potential and implementation capabilities. Such targets should be of indicative nature, at least in the interim period.
5. EUAC proposes to prolong the deadlines for achieving the objectives of the Directive or to provide for derogations due to the fact that the use of alternative energy resources is not advanced in Poland and the implementation of the provisions of the proposed Directive might be very expensive.
6. In the opinion of EUAC the powers to adopt delegated acts conferred on the Commission are too broad. The delegated powers referred to in the proposal concern certain essential elements that are important for the Member States, such as the alternative fuel mix, infrastructure coverage (i.e. quantitative targets), technical specifications regarding fuels and related infrastructure and the list of elements included in the national policy framework. According to EUAC, conferring powers to amend such provisions upon the Commission is incompatible with Article 290 of TFEU.