

December 2022

## AFIR TRILOGUE

### **1. TARGETS FOR ELECTRIC ROAD CHARGING POINTS (ART. 3, 4), OBLIGATIONS FOR CHARGING POINT OPERATORS (ART 5,18) AND HYDROGEN RE-FUELLING STATIONS (ART. 6)**

In order to enable the transport transition envisaged in other EU legislation (most prominently the recent agreement on CO2 performance standards for cars), the targets in the Commission proposal and the Council General Approach are wholly insufficient (both fleet-based targets per BEV/PHEV and per charging pool, distance-based targets, envisaged timetable). In addition, the Council position contains too many opportunities for relatively open-ended exemptions and lowering of targets, especially when it comes to the distance-based targets and the minimum pool capacity requirements for both light- and heavy-duty vehicles.

The regulation should give room for development of the new market for recharging services. The obligations placed upon charging point operators in article 5 (AM 126-148) and article 18 (AM 237-256) risk to restrain innovation and making it too complex to enter the market. This barrier to business development increases the risk of slowing down the transition, resulting in a higher need for public support, and an increased total cost to society.

BusinessEurope supports the targets proposed by the European Parliament (EP), as well as the governance aspects enumerated in the EP text (exemptions only after reasoned and justified requests to the Commission for outermost regions, islands and itineraries with very low user frequency). Similarly, BusinessEurope supports the higher ambition in the EP report when it comes to hydrogen refuelling stations. On this issue, the Council text would undermine the development of the market for commercial use of hydrogen vehicles.

### **2. INFRASTRUCTURE AT SEAPORTS (ART. 9) AND AIRPORTS (ART. 12)**

With the provision of infrastructure mandates, AFIR intends to make Europe's ports and airports ready for the sustainable transition and ensure their status as global transport hubs in the future. However, as aviation and shipping are sectors operating under extremely intense global competition, it is crucial that the right balance is struck between long term investments in sustainability, and short- to medium-term competitiveness.

With regards to seaports, the EP proposals strike this balance best. BusinessEurope supports the obligation for member states to provide sufficient grid connections for on-shore power supply (OPS) (AM 163), as well as the discounting of port calls that were prolonged beyond the 2-hour-limit due to events outside ship operator's control (AM



165). Furthermore, the EP is right to insist that the text should explicitly authorize OPS provided by mobile and floating units (AM 81).

With regards to airport infrastructure, a general, one-sized-fits-all obligation to provide pre-conditioned air (PCA) systems is not always an effective measure for climate action and risks to undermine the competitiveness of European airports. Since the effectiveness of PCAs is dependent on climatic conditions as well as existing infrastructure, member states need to evaluate whether requiring PCAs at their airport is feasible and effective. Therefore, instead of a universal requirement for the provision of PCAs at all TEN-T core airports, member states shall examine the usefulness and feasibility of such a mandate for their core airports in their national policy frameworks.

BusinessEurope supports the obligation for member states to assess the market development for hydrogen and electricity for aviation and, as first step towards deployment of hydrogen refuelling and electric recharging infrastructure at airports (AM 195, 223). These assessments should not automatically lead to obligations for electricity and hydrogen infrastructure at airports, but instead respond to the local market demands.

Maintaining coherence between AFIR and the sectoral legislation (ReFuelEU and FuelEU) is crucial - especially when it comes to the liability issues (e.g. for justifications of non-compliant port calls).

### **3. GOVERNANCE, PROGRESS TRACKING AND REVIEW (ART. 15, 16, 22)**

Due to the variability in starting points between the member states when it comes to Alternative Fuel Infrastructure (currently, [70% of the EU's charging points are installed in just 3 countries](#), for example) it is extremely important that the present regulation is implemented uniformly and effectively. Towards that goal BusinessEurope endorses the Parliament's proposals to hold member states more accountable when it comes to the implementation of their national policy frameworks (AM 221) and to call on the Commission to use all instruments at its disposal – including infringement proceedings if need be (AM 230).

Furthermore, in its regular reviews of the regulation the Commission must not only address the effects on the single market, competitiveness and carbon leakage (EP AM 227). Beyond this, policymakers must ensure that the regulation, its target levels and instruments remain fit for purpose: delivering the framework conditions necessary for the transition towards emission free mobility, as defined by the regulation on CO2 performance standards for cars, as well as ReFuelEU Aviation and FuelEU Maritime.