

Message 104

Communication from the Commission - TRIS/(2015) 01787

Directive 98/34/EC

Translation of the message 103

Notification: 2015/0120/D

Forwarding of the observations of a Member State (Finland) (article 8, paragraph 2, of Directive 98/34/EC). These observations do not have the effect of extending the standstill period.

(MSG: 201501787.EN)

1. MSG 104 IND 2015 0120 D EN 14-09-2015 15-06-2015 COM 8.2
14-09-2015

2. Finland

3A. Työ- ja elinkeinoministeriö

3B. Liikenne- ja viestintäministeriö

4. 2015/0120/D - N20E

5. article 8, paragraph 2, of Directive 98/34/EC

6. Directive (2014/94/EU) of the European Parliament and of the Council on the deployment of alternative fuels infrastructure. In particular recital (30) of the Directive emphasises the general principle according to which “The establishment and operation of recharging points for electric vehicles should be developed as a competitive market with open access to all parties interested in rolling-out or operating recharging infrastructures.” Definition 7 of Article 2 of the Directive as well as Article 4 and especially its point 4, which refers to requirements for standards of public recharging points, must be interpreted in light of this principle.

In Finland’s view, the implementation of the Directive should also safeguard the option of recharging solutions with limited use (no public access), both with public and private access. In connection with the implementation of the Directive, Germany should thus ensure that its proposed draft Order is not in conflict with this principle of free market access. Therefore, all recharging points which offer unrestricted access to the public must not be defined as recharging points which are accessible to the public by virtue of an Order, as that would restrict the use of standards that apply recharging standards for recharging points accessible to the public for select or limited user groups, such as public transportation or taxi service companies, car sharing services or cars other than those according to European standards, as well as innovations. According to point 11 of Article 4 of the Directive, it shall be ensured

that distribution system operators cooperate on a non-discriminatory basis with any person establishing or operating recharging points accessible to the public. Furthermore, according to point 12, the electricity supply for a recharging point must be capable of being separate from the electricity supply for the premises. According to Finland's interpretation, this means that even an operator working on private premises may establish a recharging point accessible to the public which meets the requirements of the Directive. Thus, the decision whether a recharging point is accessible to the public or not will ultimately be up to the recharging point operator.

European Commission

Contact point Directive 98/34

Fax: +32 229 98043

email: dir83-189-central@ec.europa.eu