

Guidance document on the revised Article 8, paragraphs 2 to 8 EPBD

Electro-mobility

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1. INTRODUCTION

Article 1 of **Directive (EU) 2018/844 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27 on energy efficiency**¹ introduces new provisions related to electro-mobility into Article 8 of Directive 2010/31/EU (hereafter referred to as "the revised EPBD").

Lack of recharging infrastructure is a barrier to the take-up of electric vehicles in the EU and the new provisions aim to accelerate deployment. Buildings can effectively promote e-mobility, notably in targeting the private domain (car parks in or adjacent to private buildings). The revised EPBD complements Directive 2014/94/EU on the deployment of alternative fuels infrastructure, (hereafter "the Alternative Fuels Infrastructure Directive" or "the AFID") which defines technical specifications and requires Member States to adopt national policy frameworks for the deployment of alternative fuels infrastructure, including of publicly accessible recharging points.

Member States must transpose all these obligations by the transposition date (10 March 2020). This includes national requirements for a minimum number of recharging points for electric vehicles for parking spaces in car parks in existing non-residential buildings, even though these do not need to come into force until 2025.²

| Scope | | MS obligation |
|--|---|--|
| <i>New buildings and buildings undergoing major renovation</i> | Non-residential buildings with more than 10 parking spaces | Ensure the installation of at least 1 recharging point Ensure the installation of ducting infrastructure for at least 1 in 5 parking spaces |
| | Residential buildings with more than 10 parking spaces | Ensure the installation of ducting infrastructure for every parking space |
| <i>Existing buildings</i> | Non-residential all buildings with more than 20 parking spaces | Lay down requirements for the installation of a minimum number of recharging points – applicable from 2025 |

¹ Directive (EU) 2018/844 of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency.

² A hypothetical alternative interpretation, under which the date of 2025 in Article 8(3) would apply to the transposition and not the implementation of this requirement, is ruled out by the wording of Recital 26 of Directive (EU) 2018/844.

Member States are also required to provide for measures to simplify the deployment of recharging points in new and existing buildings and to address possible regulatory barriers. All of the obligations related to electro-mobility in the revised EPBD constitute new obligations. The aim of this guidance document is to provide clarity to Member States for the correct transposition of these provisions into national law. This note aims to provide guidance on how to apply the provisions of Article 8, paragraphs 2 to 8 of the revised EPBD. The note states the views of the Commission services, does not alter the legal effects of the Directive and is without prejudice to the binding interpretation of Article 8, paragraphs 2 to 8 as provided by the Court of Justice.

DRAFT

2. SCOPE

2.1. Parking spaces

The scope of the obligations in the revised EPBD extends to certain **parking spaces** – namely, those located in **car parks**

- with a **minimum number** of parking spaces; and
- in or adjacent to certain **types of building**.

2.2. When obligations are triggered

2.2.1. Basic criteria

The obligations to install recharging points or ducting infrastructure are triggered depending on whether a *building* is **new, undergoing a major renovation or existing**. In the case of a major renovation, obligations may also be triggered if the *electrical infrastructure* of the building or of the car park is included in the renovation measures.

The requirements for new buildings and buildings undergoing major renovation apply only to buildings:

- with car parks with more than 10 parking spaces; and
- where the car park is inside the building or physically adjacent to it.

In the case of **major renovation**, the requirement only applies where renovation measures include the car park or the electrical infrastructure of the **building** (if the car park is inside the building).³ Member States may consider establishing minimum information requirements for permitting procedures which enable verification of whether or not this condition is triggered.

2.2.2. Buildings that have both a residential and a non-residential function

The revised Directive does not include any express provision regulating the application of electro-mobility requirements with regard to buildings that have both a residential and a non-residential function (e.g. a residential building with commercial spaces on the ground floor), Member States may therefore define the most appropriate approach for such cases.⁴

2.3. Meaning of terms

A number of terms are particularly relevant in the provisions related to electro-mobility; some are explicitly defined but others are not.

³ In paragraph (a), reference to "electrical infrastructure" is made in relation to the *building* where a distinction between car park and electrical infrastructure of the building is necessary. In paragraph (b), reference to "electrical infrastructure" is made in relation to the *car park*. Here, the distinction between *car park* and *electrical infrastructure of the car park* is not necessary since the electrical infrastructure of the car park is part of the car park.

⁴ Recital 24 of the amending Directive (EU) 2018/844 states that in the implementation of electromobility requirements, Member States should duly consider potential diverse conditions, such as the case of buildings that have both a residential and a non-residential function.

Car park – no express definition is provided in the revised EPBD, however "car park" within the context of the EPBD should exclude for example on-street parking located on public roads

Residential / non-residential – this distinction was already present in the EPBD, although it was not defined. No definition has been included in the revised EPBD. Residential includes single-family and multi-family dwellings. Non-residential includes buildings that are used for a purpose other than residential (i.e. office buildings, healthcare buildings, wholesale and retail trade buildings, educational buildings, hotels and restaurants, etc).

Electrical infrastructure (of building / of car park) – no express definition is provided in the revised EPBD, however it refers to the electrical installation (either the whole installation or any part thereof) of the building or of the car park – including the electrical wiring, apparatus, and associated equipment.

Major renovation was already defined in Article 2(10) of the EPBD⁵. This definition is applicable to the provisions on electro-mobility of the revised EPBD.

Physically adjacent – no express definition is provided in the revised EPBD; physical adjacency is an important notion as there are many situations where a car park is not located inside a building, while still presenting clear links with the building. *A priori*, physical adjacency implies that the perimeter of the car park touches the perimeter of the building in at least one place. However, other criteria may help assess whether a car park should fall under the obligations set out in these articles. The following may be taken into consideration:

1. Is there a **physical/technical connection** between the car park and the building?
2. Is the car park **used** only or mostly by the occupants of the building?
3. Is there a degree of joint **ownership** between the car park and the building?

While Member States have some flexibility on how to interpret the notion of adjacency and on how to address specific cases, they are encouraged to take these three criteria into consideration when transposing and implementing the obligations.

In particular, there can be situations where the car park is not strictly speaking physically adjacent to the building (e.g. on the other side of a street, or separated from the building by a green area) but has a clear link with the building in terms of ownership and/or usage, which would make application of the obligations relevant and appropriate (e.g. the parking spaces are owned and used by the occupants in the case of a multi-family buildings). Moreover, it can be assumed that, where the owner(s) are authorised to decide upon renovation measures on the car park (or its electrical infrastructure), it likely means they can also decide upon other measures (e.g. deployment of recharging infrastructure).

The following table gives indicative examples of situations that may be encountered, and comments on how to address them.

⁵ 'major renovation' means the renovation of a building where: (a) the total cost of the renovation relating to the building envelope or the technical building systems is higher than 25 % of the value of the building, excluding the value of the land upon which the building is situated; or (b) more than 25 % of the surface of the building envelope undergoes renovation; Member States may choose to apply option (a) or (b).

| Situation | Comment | Examples |
|---|--|---|
| Car park shares the same electrical infrastructure as the building | Generally relevant to apply the obligations: strong likelihood that owners of the building and the car park are the same | Car park of a shopping centre; of a collective residential building. |
| Car park located beside the building and has separate electrical infrastructure | Assessment will depend on ownership and / or usage; | Public or private shared car park with several buildings nearby. |
| Users of the building are users of the car park | Generally be appropriate to apply the obligations to the car park | Company car park used by the company employees |
| Owner(s) of the building is(are) the same as the owner(s) of the car park | In such situations, it will generally be relevant to apply the obligations to the car park | Non-residential building and car park owned by a company; parking spaces belonging to apartments in a multi-family building |
| Owner(s) of the building is(are) different from the owner(s) of the car park | Will depend on the use of the car park; in most cases, it will be appropriate to apply the obligations to the car park | Non-residential building owned by a company and car park used only or mostly by the company's employees; the car park is rented |

2.4. Requirements for installation of a minimum number of recharging points

In addition to the installation requirements set out in paragraphs 2 and 5 of Article 8 of the revised EPBD, paragraph 3 requires Member States to **lay down requirements** for the installation of a minimum number of recharging points for all **non-residential buildings with more than 20 parking spaces**. These requirements are to apply from 2025.

The requirements, which should be laid down by 10 March 2020, **must at least** define a **minimum number of recharging points** per non-residential building with more than 20 parking spaces. Member States also have the discretion to adopt requirements with a broader scope (such as also including requirements for installation of ducting infrastructure, or defining a minimum number of recharging points for buildings with 20 or *fewer* parking spaces or for *residential* buildings).

Member State adoption by 10 March 2020 of requirements for a minimum number of recharging points per non-residential building with more than 20 parking spaces will ensure that building owners have a period of almost 5 years (10 March 2020 to 31 December 2024) during which they can take the necessary steps to bring their buildings into compliance.

In determining the minimum number of recharging points, Recital 26 of Directive (EU) 2018/844 lists factors which Member States can take into account: for example, relevant national regional and local conditions, as well as possible diversified needs and circumstances based on area, building typology, public transport coverage and other relevant criteria, in order to ensure the proportionate and appropriate deployment of recharging points.⁶ Member States may decide to carry out an inventory of car parks with more than 20 spaces in order to identify those which would be subject to these requirements.

⁶ Recital 26 of Directive (EU) 2018/844

As in the case of the AFID, the minimum number of recharging points could be established by taking into consideration, *inter alia*, the number of electric vehicles estimated to be registered by the end of 2024.

The requirements laid down by Member States under Article 8(3) will apply individually to each non-residential building with a car park that exists on 1 January 2025 and which has more than 20 parking spaces.

In the case of new buildings or buildings undergoing major renovation with more than 20 parking spaces, where the requirements set out in Article 8(2), including for ducting infrastructure, differ from the requirements laid down by a Member State pursuant to Article 8(3), both requirements are applicable.

Four Member States have already implemented legislation which sets out requirements on the installation of recharging points and infrastructure (France, Austria, Spain and Italy).⁷ The following table gives a simplified overview of the current requirements in place.

| | Austria (e.g. Region of Lower Austria) | France | Italy | Spain |
|--------------------|--|--|--|--|
| Residential | <p>New buildings with more than 2 residential units : ducting, space for the installation of a meter, power distribution for 1 in every 2 parking spaces (exception: disproportionately high costs);</p> <p>All other non-publicly-accessible car parks with more than 10 parking spaces: ducting (normal power) for at least 1 in 10 parking spaces or ducting for high power for at least 1 in 25.</p> | <p>New buildings with 40 or fewer parking spaces: ducting for 1 in 2 parking spaces</p> <p>New buildings with more than 40 parking spaces: ducting for 3 in 4 parking spaces</p> | <p>New buildings with 10 or more residential units : ducting for 1 in 5 parking spaces</p> | <p>New buildings: Ducting for 15% (3 in 20) parking spaces to enable future installation</p> |

⁷ **France** http://www.avere-france.org/Site/Article/?article_id=6675 (accessed June 2018); http://www.avere-france.org/Site/Article/?article_id=5887 (accessed June 2018); **Austria** <http://ec.europa.eu/growth/tools-databases/tris/de/index.cfm/search/?trisaction=search.detail&year=2016&num=624&mLang=EN> (accessed June 2018); **Spain** <http://normativa.infocentre.es/sites/normativa.infocentre.es/files/noticies/20204606e.pdf> (accessed June 2018); and **Italy** http://www.edilportale.com/news/2017/01/risparmio-energetico/dal-2018-obbligo-di-colonnine-di-ricarica-elettrica-nei-nuovi-edifici_55898_27.html (accessed June 2018).

| | | | | |
|------------------------|--|--|---|---|
| Non-residential | <p>Non-publicly-accessible car parks with more than 10 parking spaces: ducting (normal power) for at least 1 in 10 parking spaces or ducting for high power for at least 1 in 25;</p> <p>New publicly-accessible car parks with more than 50 parking spaces: ducting for at least 1 in 10 parking spaces and installation of at least 4 recharging points (normal power) or 1 recharging point (high power) for every 25 spaces.</p> | <p>New buildings (including public services) with 40 or fewer parking spaces: ducting for 1 in 10 parking spaces</p> <p>New buildings with more than 40 parking spaces: ducting for 1 in 5 parking spaces</p> <p>Existing office buildings with a covered car park and no residential, undergoing a major renovation, are also subject to the above requirements.</p> <p>Shopping malls, cinemas and theatres : ducting for 1 in 20 parking spaces (and for 1 in 10 where more than 40 parking spaces)</p> | Private: new buildings and major renovations : ducting for parking spaces | Private and public: New buildings: 1 recharging point for every 40 parking spaces |
| Right to plug | No right to plug: agreement of co-owners is necessary (where the request relates to the recharging point for an individual owner, unanimity of other co-owners is required). | Right of co-owner or tenant to request the equipment of their parking space with a recharging point, to be equipped with separate metering; co-owners can block if they consider there is a serious and legitimate reason; co-owners must be informed in advance. | | Right of co-owners to install recharging points in individual parking spaces |

2.5. Alternative Fuels Infrastructure Directive and the EPBD

Article 8 of the revised EPBD and the AFID are complementary legislative instruments. Both include provisions relating to the deployment of recharging points for electric vehicles, however their scope and the obligations incumbent upon Member States pursuant to the two directives differ.

More specifically,

- The AFID sets the **overall legislative framework**⁸ for the deployment of alternative fuels and infrastructure (which includes recharging infrastructure for electric vehicles), while the revised EPBD, in Article 8, establishes **specific requirements** for installation of infrastructure for electric vehicles;
- the scope of Article 8 of the revised EPBD relates to electro-mobility in relation to parking spaces in car parks which are in or physically adjacent to **buildings** (both public and private), while the scope of the AFID relates to all **recharging points**⁹ (both public and private and including those which are not necessarily in or physically adjacent to a building);
- the AFID **defines recharging point** (including normal power and high power recharging points) and sets common **technical specifications** for recharging points and enables the Commission to adopt further standards and requirements through delegated acts, while the revised EPBD makes reference to these definitions and specifications;
- the revised EPBD has **no geographic limitation** (except the possible non-application to outermost regions under Article 8(6)(b)), while the AFID provides that vehicles should be able to circulate at least in **urban and sub-urban agglomerations** and other **densely populated** areas (and where appropriate, within networks determined by Member States), but this does not limit its application exclusively to those areas;
- the revised EPBD sets out **specific installation requirements** (for non-residential and residential buildings which are new or undergoing major renovation) and requires Member States to **lay down requirements for a minimum number** of recharging points for certain existing buildings, while the AFID only requires Member States to **ensure by way of National policy frameworks that an appropriate number** of

⁸ AFID defines alternative fuels and sets out minimum requirements for the building-up of infrastructure for alternative fuels that require distinct infrastructure (electricity, natural gas and hydrogen), to be implemented by means of Member States' national policy frameworks. Importantly, Member States have to adopt national policy frameworks for the development of the market as regards alternative fuels in the transport sector and the deployment of infrastructure.

⁹ A 'normal power recharging point' is defined in Article 2(4)) of the AFID as "*a recharging point that allows for a transfer of electricity to an electric vehicle with a power less than or equal to 22 kW, excluding devices with a power less than or equal to 3,7 kW, which are installed in private households or the primary purpose of which is not recharging electric vehicles, and which are not accessible to the public.*" A combined reading of Article 4(4) of the AFID excludes the recharging points that meet all of the following conditions from complying with the standards in Annex II of the Directive:

- (i) have a power less than or equal to 3.7kW,
- (ii) are installed in private households or their primary purpose is not recharging electric vehicles; and
- (iii) are not accessible to the public.

The definition of 'high power recharging point', in Article 2(5), does not contain any similar exclusion of non-publicly accessible recharging points. The fact that a recharger is not publicly accessible is not in and of itself enough to exclude it from complying with the technical specifications set out in Annex II. Only normal power sockets installed in private households and not made accessible to the public, are excluded from these definitions. Consequently, all recharging infrastructure installed under the revised EPBD is *de facto* covered by the AFID standards and requirements, except if the criteria above are cumulatively met.

recharging points **accessible to the public** are put in place but does not itself define specific requirements;¹⁰

- the revised EPBD covers recharging points and **ducting infrastructure**, while the AFID relates only to **recharging points**;
- installation requirements in the revised EPBD relating to new buildings and major renovations will apply **from 10 March 2020** and those laid down by Member States and relating to existing buildings will apply **by 1 January 2025**, while recharging points accessible to the public are to be put in place under the AFID **by 31 December 2020**.

Although the AFID primarily relates to "publicly accessible recharging points", it does include a number of provisions which apply to all recharging points (thus both accessible to the public and non-accessible to the public) – notably Article 4(4) which requires that Member States ensure that all normal and high power recharging points comply with the aforementioned technical specifications and Article 4(12) which requires that Member States ensure that the legal framework permits choice of electricity supply for all recharging points associated with a household or premises.

¹⁰ Recital 26 of the AFID provides: "A recharging or refuelling point accessible to the public may include, for example, privately owned recharging or refuelling points or devices accessible to the public through registration cards or fees, recharging or refuelling points of car-sharing schemes which allow access for third party users by means of subscription, or recharging or refuelling points in public parking. Recharging or refuelling points which allow private users physical access with an authorization or a subscription should be considered to be recharging or refuelling points accessible to the public."

3. GUIDELINES FOR IMPLEMENTING ELECTRO-MOBILITY PROVISIONS IN ARTICLE 8

3.1. Ensure correct transposition

Some definitions originate in the AFID and therefore should already have been transposed into national legislation:

Electric vehicle (or Plug-in Electric Vehicle (PEV¹¹) is defined in Article 2(2) of the AFID. An electric vehicle is “a motor vehicle equipped with a powertrain containing at least one non-peripheral electric machine as energy converter with an electric rechargeable energy storage system, which can be recharged externally”. This definition includes different types of electric vehicles, including electric passenger cars and light electric vehicles, e.g. motorcycles.

Recharging point is defined in Article 2(3) of the AFID as: "an interface capable of charging one electric vehicle at a time and which includes the power supply and the plug to connect the vehicle."

The AFID also defines "normal power" (Article 2(4)) and "high power" (Article 2(5)) recharging points.

In transposing the Article 8 provisions in the revised EPBD, Member States have the discretion to define (or not to define) whether the recharging points to be deployed are to be normal or high power recharging points as per the definitions set out in the AFID.

However, newly defined in the revised EPBD and to be transposed:

Ducting infrastructure means "conduits for electric cables" (Article 8(2) of the revised EPBD). Here, the wording should be understood in a broad sense, including also cable ducting fixed to walls.

3.2. Exemptions (non-application)

The requirements to install recharging points and ducting infrastructure are subject to a number of possible exemptions (non-application). These are set out in Article 8, paragraphs 4 and 6.

3.2.1. Member States' discretion not to lay down or apply in relation to SMEs

During transposition, Member States may decide not to lay down or apply the requirements referred to in paragraphs 2 and 3 of Article 8 to buildings owned and occupied by small and

¹¹ PEVs include two categories: BEVs (Battery Electric Vehicles) and PHEVs (Plug-in Hybrid Electric Vehicles).

medium sized enterprises (SMEs) – these are defined in Title I of the Annex to Commission Recommendation 2003/361/EC concerning the definition of micro, small and medium-sized enterprises¹² as referred to in Article 8(4) of the revised EPBD.

3.2.2. Member States' discretion not to apply to certain requirements specific categories of buildings

During transposition, Member States may decide not to apply obligations referred to in paragraphs 2, 3 and 5 to specific situations. These cases are exhaustively listed in Article 8, paragraph 6 of the revised EPBD.

3.2.2.1. Building permit applications or equivalent submitted by 10 March 2021 (Article 8, paragraph 6(a))

If Member States decide to implement this conditional exemption, they will need to clarify what types of document can be considered as equivalent to a building permit application as well as to specify to which authorities the submission needs to have been made and how.

3.2.2.2. Micro-isolated systems or outermost regions (Article 8, paragraph 6(b))

Some geographical areas with specific vulnerabilities may face difficulties in fulfilling the requirements on electro-mobility. This could be the case of micro isolated systems, whose electricity grid might need to evolve to cope with a further electrification of local transport. It could also be the case for outermost regions within the meaning of Article 349 TFEU, due to remoteness, insularity, small size, difficult topography and climate. In such cases, Member States may decide not to apply the electro-mobility requirements.

If Member States decide to implement this exemption, they should use the transposed definition of micro-isolated system (point 27 of Article 2 of Directive 2009/72/EC" (Directive 2009/72/EC concerning common rules for the internal market in electricity)¹³ and thus identify which system is to be exempted and how it meets the definition. The exemption possible for outermost regions is only relevant for specific regions in France, Portugal and Spain.¹⁴ Recital 27 of Directive (EU) 2018/844 recalls, nevertheless, that the electrification of transport may be a powerful tool to address air quality or security of supply problems which those regions and systems often face.

3.2.2.3. Cost exceeds 7% of the total cost (Article 8, paragraph 6(c))

For cases where the cost of the recharging and ducting installations exceeds 7% of the total cost of the major renovation¹⁵ of the building, Member States may decide not to apply the requirements.

¹² This definition may be subject to legislative revision.

¹³ 'micro isolated system' means any system with consumption less than 500 GWh in the year 1996, where there is no connection with other systems.

¹⁴ The most geographically remote regions of the European Union are known as the "outermost regions" and they are: Guadeloupe, French Guiana, Réunion, Martinique, Mayotte and Saint-Martin, the Azores and Madeira and the Canary Islands.

¹⁵ This possible exemption applies in the case of major renovations pursuant to paragraphs 2 or 5 of Article 8.

Member States making use of this exception will need to clarify how the cost of the recharging and ducting installations and the total cost of the major renovation are to be calculated. The following broad principles should apply:

- **Cost of the recharging and ducting installations** – under Article 8, paragraph 6(c) this means the cost directly associated with the recharging and ducting installations. This includes the costs of the design, materials and installation of the recharging and ducting. However, this does not include costs that would have been incurred in any case, even if recharging and ducting installations were not deployed – for example, costs associated with demolition of parts of the car park or with the installation of certain electrical equipment.
- **Total cost of the major renovation of the building** – under Article 8, paragraph 6(c) this means all costs associated with the renovation of the building envelope and technical building systems, including those associated with the design, materials and construction for renovation of the car park or the electrical infrastructure of the building. In the case of a phased project where the renovation is carried out in several stages, the total cost of the major renovation is the cumulative cost associated with completing all phases of the project.

3.2.2.4. Public buildings already covered by comparable requirements according to Directive 2014/94/EU (Article 8, paragraph 6(d))

Public buildings which are already covered by comparable requirements according to legislation that transposes Directive 2014/94/EU (the AFID) can be exempted from the requirements under the revised EPBD. The meaning of “public buildings” in this provision is different than in Article 2a of the revised EPBD. In the context of this provision, "public buildings" is explicitly linked to the use of the term in the AFID and means buildings which are "accessible to the public."

The AFID does not strictly speaking define deployment requirements but rather obliges Member States to set them in their national policy frameworks. Application of this provision in practice, would therefore be in a case where, for example, a non-residential building is undergoing a major renovation (as per requirements in the revised EPBD) but where a charging point has already been installed pursuant to the AFID under the Member State's national policy framework. In that case, the Member State would not have to install a second recharging point to comply with the revised EPBD, but would still have to comply with the ducting infrastructure requirements under the revised EPBD.

3.3. Define and lay down requirements

3.3.1. *Technical requirements of recharging points*

Recharging points deployed under the revised EPBD should comply with the technical specifications set out in Annex II of the AFID – these include normal and high power recharging points.

Article 4(4) of the AFID requires Member States to ensure that normal and high power recharging points comply at least with the technical specifications set out in point 1.1 of Annex II (as well as with specific safety requirements in force at national level).

In transposing the provisions of the revised EPBD (notably paragraphs 2, 3 and 5 of Article 8), Member States have the discretion to define (or not to define) whether the recharging points to be deployed are normal or high power recharging points as per the definitions in the AFID.

3.3.2. *Other requirements*

Provided that the requirements of the revised EPBD are transposed, the following additional (type of) element(s) may be incorporated into national legislation. Member States will need to determine to what extent specific technical requirements for the installation may need to be defined.

For example:

- Minimum charging capacity¹⁶ (normal power/high power);
- Specifications for ducting infrastructure;¹⁷
- Specifications relating to fire safety;
- Specifications for recharging points¹⁸ including dedicated infrastructure for electrical bicycles and for the vehicles of people with reduced mobility;¹⁹
- Requirements related to intelligent metering²⁰ as well as the possibility for the electricity supply for a recharging point to be the subject of a contract with a supplier other than the entity supplying electricity to the household or premises;²¹
- Requirements related to pricing for recharging and ad-hoc charging;²²

¹⁶ See for example the Austrian legislation; see also definitions of normal and high power in AFID

¹⁷ See for example the Austrian legislation.

¹⁸ Technical specifications in Annex II of AFID;

¹⁹ See Recital 28 of Directive (EU) 2018/844; accessibility of recharging points for people with disabilities should address the following components: the user interface of the recharger and the accessibility of the plug and connections with the car (provisions in the political agreement reached in November 2018 on the Directive on accessibility to products and services are applicable to the user interface of products); the location of the recharging point should be accessible (for example reachable for persons using a wheelchair); the parking space for vehicles needing an accessible recharging point should also be accessible, ensuring sufficient manoeuvring space; a minimum number of recharging points should be "accessible recharging points."

²⁰ See AFID, Article 4(7).

²¹ See AFID, Article 4(12).

²² *Pour mémoire*: from paper on Electricity Market and Article 7 of the EED: "AFID obliges charge point operators to charge prices that are reasonable, easily and clearly comparable, transparent and non-discriminatory. It also ensures that ev-users can charge on an ad hoc basis at every publicly accessible charging point."

- Requirements related to operators of recharging points being free to purchase electricity from any Union electricity supplier²³ and the possibility for users to contract with a supplier other than the entity supplying electricity to the household or premises;²⁴
- Requirements related to smart charging;²⁵
- Requirements which would facilitate the use of car batteries as a source of power (vehicle to grid).²⁶

3.3.3. *Verification and enforcement*

As part of their wider responsibility and efforts to ensure effective implementation and enforcement of the revised EPBD, Member States will also have to consider how to verify compliance with and to enforce the requirements for e-mobility under Article 8.

As provided by Article 27 of the revised EPBD, Member States must lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to the EPBD and must take all necessary measures to ensure that they are implemented. Such penalties, including in the area of e-mobility must be effective, proportionate and dissuasive.

3.4. **Broader issues to be considered**

Article 8(7) requires Member States to provide for measures to simplify deployment of recharging points in new and existing residential and non-residential buildings and address possible regulatory barriers, including permitting and approval procedures.²⁷

3.4.1. *Split incentives and administrative complications*²⁸

Lengthy and complex approval procedures can act as a major barrier for owners and tenants to install recharging points in existing multi-tenant residential and non-residential buildings. Obtaining the necessary agreement can create delays or prevent installation

"Right to plug" requirements ensure that any tenant or co-owner should be able to install a recharging point for an electric vehicle without having to obtain difficult consent from the

²³ See AFID, Article 4(8).

²⁴ See AFID, Article 4(12).

²⁵ *Pour mémoire* Recital 22 of Directive (EU) 2018/844 – smart charging of electric vehicles; see also paper on Electricity Market and Article 7 of the EED: "charging stations themselves must be smart in order to allow for smart charging. Here, compliance with the existing communication standard for smart charging ISO 15118 is of great importance."

²⁶ *Pour mémoire* Recital 22 of Directive (EU) 2018/844 – basis for Member States to use car batteries as a source of power

²⁷ These measures should be without prejudice to property and tenancy laws of the Member State.

²⁸ *Pour mémoire* Recital 23 of Directive (EU) 2018/844 – Building codes can be effectively used to introduce targeted requirements to support the deployment of recharging infrastructure in car parks of residential and non-residential buildings. Member States should provide for measures to simplify the deployment of recharging infrastructure with a view to addressing barriers such as split incentives and administrative complications which individual owners encounter when trying to install a recharging point on their parking space.

tenant's landlord or from the other co-owners. Legislation establishing the right to plug has been adopted in Member States including Spain, France²⁹ and Portugal.

In Spain, for example, legislation exists which ensure that a co-owner may install a recharging point for private use when located in an individual parking place and when the association of co-owners has been informed in advance. The co-owners cannot block the installation. The cost of the installation and of the subsequent electricity consumption is assumed by the individual who has installed the recharging point.

3.4.2. Sustainability³⁰

Article 8(8) requires Member States to consider the need for coherent policies for buildings, soft (or active) and green mobility and urban planning.

The Sustainable Urban Mobility Planning (SUMP) initiative is a cornerstone of EU urban mobility policy. Incorporating electro-mobility early in the development of Mobility Plans adopted under SUMP can be a helpful tool in realising the objectives of Article 8(8) of the revised EPBD.

SUMP provides a long-term, multi-disciplinary, comprehensive approach covering all transport modes to help tackle issues as congestion, air/noise pollution, climate change, road accidents, health impact, inefficient use of public space, improved quality of life, etc. It is complemented by SUMP guidelines and by comprehensive information on SUMP, available in the "Mobility Plans" section of Eltis website – the urban mobility observatory.³¹ Already over 1000 cities have implemented sustainable urban mobility plans and the concept has proven its value in bringing together different public and private stakeholders in urban mobility planning.

²⁹ http://www.avere-france.org/Site/Article/?article_id=5765

³⁰ *Pour mémoire* Recital 28 of Directive (EU) 2018/844: When applying the requirements for electro-mobility infrastructure provided for in the amendments to Directive 2010/31/EU as set out in this Directive, Member States should consider the need for holistic and coherent urban planning as well as the promotion of alternative, safe and sustainable modes of transport.

³¹ <http://www.eltis.org/mobility-plans>