



**LEGAL REPORT
ON ELECTROMOBILITY
DECEMBER 2017**

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INTRODUCTORY LETTER

This report prepared within our DLA Piper Electromobility Team in Poland presents a number of issues concerning the development of electromobility and the applicable legal framework in six European countries: Germany, Belgium, Czech Republic, Poland, Hungary and Ukraine. The issues were chosen based on their practical use for investors.

Five of the countries covered by report are members of the European Union and therefore the focus is on the implementation of specific legislation that is key for the electromobility sector in the EU, i.e. the European Union Directive on the deployment of alternative fuels infrastructure (Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014). Ukraine, which is not a member of the EU, is at an early stage of establishing its legal framework for electromobility, but plans related to the electric vehicles market and some draft laws on electromobility are already in place.

The report comprises two separate parts. The first part is a two-page table that summarizes and compares the selected issues. The second part is a presentation of 15 topics related to electromobility from the perspective of Germany, Belgium, Czech Republic, Poland, Hungary and Ukraine.



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PART 1 – SUMMARY OF SELECTED ISSUES

Country/ issue	implementation of Directive 2014/94/EU	DSOs responsible for the development of a chain of charging points	ownership of charging points	incentives for the general public aimed at developing the EV fleet	location plans / standards regarding charging points	grid connection priorities	number of charging points depend on number of EVs	incentives for charging point operators	operation of a charging point/ rendering charging services requires a licence	obligation for public authorities to use EVs or to organise public transport based on EVs
Poland	in progress	Y (as of 2020 - if free market competition does not result in a sufficient number of charging points)	investor	free access to clean zones and bus lanes special parking spaces tax and excise duty privileges (e.g. plug in hybrids exempted from excise duty until end of 2020)	Y (prepared by communes in cooperation with DSOs)	N	predefined number of charging points irrespective of number of EVs	N (investment subsidies may apply)	N	Y (50% central administration authorities, 30% some communes – exceptions apply; 30% of local transport to be carried out by EVs or natural gas vehicles)
Hungary	in progress	N (free competition)	investor	subsidy (up to HUF 1.5 million) tax privileges free parking access to protected zones and bus lanes	N	N	number of charging points subject to the market	N	Y	N (voluntary plans)
Germany	Y	N (free competition)	investor	subsidy (up to EUR 4,000) tax privileges preferences in parking and specific traffic lanes	N	N	number of charging points subject to the market	subsidy (federal budget of EUR 300 million) subsidy (state budgets possible)	N	N (voluntary budget of EUR 100 million for federal public authorities to increase the number of EVs by 2019 to at least 20%)

Country/ issue	implementation of Directive 2014/94/EU	DSOs responsible for the development of a chain of charging points	ownership of charging points	incentives for the general public aimed at developing the EV fleet	location plans / standards regarding charging points	grid connection priorities	number of charging points depend on number of EVs	incentives for charging point operators	operation of a charging point/ rendering charging services requires a licence	obligation for public authorities to use EVs or to organise public transport based on EVs
Belgium	Y	Y (public tenders organised by DSOs)	investor for 10 years (may be prolonged)	subsidy (up to EUR 5,000) tax privileges	Y (prepared by communes in cooperation with DSOs)	N	"charging point follows car" initiative	subsidy (up to EUR 150K and 50% of the cost of infrastructure)	N	Y (10% of vehicles to be EVs by 2020)
Czech Republic	partial	not decided	not decided	subsidy (up to 75% of price of EV) access to bus lanes (planned) tax privileges (planned)	N	N	number of charging points subject to the market	subsidy (up to CZK 30 million and 80% of the cost of infrastructure)	N	N
Ukraine	N	N (free competition)	investor	customs privileges tax and excise duty privileges (planned)	N	N	number of charging points subject to the market	N	no specific regulation (sale of electricity is licensed)	N

PART 2 – REPORT



A. Implementation of the Directive 2014/94/EU

POLAND

Directive 2014/94/EU is to be implemented by way of the Electromobility Act. However, it is still a subject of debate within the legislative process. The most recent draft of the

Electromobility Act was published in the end of November 2017. All information given in the report is based on that draft.

HUNGARY

The implementation of Directive 2014/94/EU is being carried out in several legislative stages and is still in progress. The main provisions and concepts introduced by the directive have already been implemented, mostly in 2016 - 2017, by several legislative acts and governmental and ministerial decrees. According to unofficial public information, the government plans to incorporate the main provisions related to e-mobility into a single act (the main rules are currently contained in the Act on Electricity).

GERMANY

The German legislator has already implemented a number of the provisions of Directive 2014/94/EU concerning the technical requirements for plugs used for charging by way of the German Ordinance on Charging Poles (*Ladesäulenverordnung*) of 9 March 2016. Further provisions of the Directive concerning authentication and payment at charging points have been implemented by an amendment to the German Ordinance on Charging Poles (*Ladesäulenverordnung*) dated 1 June 2017.

BELGIUM

The Directive 2014/94 has been implemented in the following acts of law:

- Decision of the Flemish Government of 9 September 2016 on the funding of projects implementing the "Clean Power

for Transport" action plan, Belgian Official Journal of 13 March 2017.

- Decision of the Flemish Government of 15 July 2016 amending the decision of the Flemish Government of 16 May 2014 on the modalities in order to grant a project funding in respect of licence holders for charging infrastructure for electric vehicles on carpool parking lots or Park+ Rides in the charge of the Flemish Region in implementation of the Flemish Climate Policy Plan 2013-2020, amended by the decision of the Flemish Government of 12 December 2014, Belgian Official Journal of 15 September 2016.
- Decision of the Flemish Government of 4 May 2016 amending the decision of the Flemish Government of 17 December 2010 on the granting of aid to companies for (ecology) (investment) in the Flemish Region, with regard to the extension of the investment period, Belgian Official Journal of 30 June 2016.
- Decision of the Flemish Government of 25 March 2016 amending the Energy Decision of 19 November 2010 with regard to the activities and public service obligations of distribution system operators in order to stimulate the infrastructure for electric vehicles, Belgian Official Journal of 13 April 2017.
- Decision of the Flemish Government of 8 January 2016 amending the Energy Decision of 19 November 2010 with regard to the introduction of funding zero-emission vehicles, Belgian Official Journal of 14 January 2016.

- Decree of 18 December 2015 on the provisions supporting the budget of 2016, Belgian Official Journal of 29 December 2015.
- Decision of the Flemish Government of 16 May 2014 on the modalities in order to grant project funding in respect of licence holders for charging infrastructure for electric vehicles on carpool parking lots or Park+ Rides in the charge of the Flemish Region in implementation of the Flemish Climate Policy Plan 2013-2020, Belgian Official Journal of 1 October 2014.

CZECH REPUBLIC

The Directive 2014/94/EU has been implemented by means of amendments to Act No. 311/2006 Coll., on Fuels and Act No. 56/2001 Coll., on Traffic on Terrestrial Communications (more legislative amendments are planned).

The Czech Ministry of Economy and Trade adopted a National Action Plan of Clean Mobility in October 2015 outlining the strategy with respect to clean mobility.

UKRAINE

Directive 2014/94/EU has not been implemented in Ukraine since there is no such obligation (Ukraine is not a member of the EU).

B. Development of a chain of EV charging points - the role and involvement of distribution system operators (DSO) in the development of a chain of EV charging points, the location of EV charging points, and the rules of their operation

POLAND

According to the current draft of the Polish Act on Electromobility and Alternative Fuels (**Electromobility Act**), the development of a chain of publicly available EV charging points will be subject to the rules of the free market (first stage of development). The Electromobility Act specifies certain requirements concerning the minimum number of EV charging points to be built in communes by 2020, which depend on their population and the number of vehicles (of all categories) registered. For example, in communes with over one million citizens where there are at least 600,000 vehicles registered and where there are at least 700 vehicles per 1,000 citizens, there should be 1,000 publicly available EV charging points.

By 15 January 2020, communes should deliver a report on the need for publicly available EV charging points in their area, and based on that report the local administration will prepare a plan for building them. The plan will indicate the number of desired publicly available EV charging points in the commune, their locations and the timetable for their construction. It will also be subject to consultations with the commune's citizens and the DSOs acting in the area covered by the plan.

If the minimum number of publicly available EV charging points indicated in the Electromobility Act is not built on commercial terms by 31 December 2019, the EV charging points will be built by DSOs (second stage of development). The costs

incurred by DSOs in building the EV charging points can then be transferred to their tariffs for electricity distribution services.

HUNGARY

Based on Hungarian regulations, DSOs (or any other participants) are not designated as having the ultimate responsibility for the development of EV charging points. As a consequence, any eligible market participant can establish EV charging points in Hungary without any statutory restrictions - thus encouraging free competition between all market participants. In addition, the government has established the e-Mobi Elektromobility Nonprofit Limited Liability Company with the main goal of setting up EV charging points via tender procedures. E-Mobi plans to establish approximately 300 EV charging points by May 2018. According to publicly available information, e-Mobi also intends to develop an IT platform that will support the settlement of fees paid by customers for EV charging.

GERMANY

Under the German Energy Act (*Energiewirtschaftsgesetz*), and by way of statutory definition, EV charging points qualify as end customers (*Letztverbraucher*) and will therefore not be governed by the strict regulatory framework for network systems.

As a result, various investors from different industries and with different market objectives will contribute to the development of the EV charging infrastructure. Accordingly, the locating of EV charging points will generally be subject to the decision of investors. However, the decisions will still be subject to general network connection rules.

There are no specific statutory requirements for the number of EV charging points to be built in Germany. Specifically, the development of EV charging infrastructure is not directly linked to the number of registered electric vehicles (**EV**).

BELGIUM

The Energy Decision states that each DSO, in its geographical territory, has to organise an annual public tender for the installation, maintenance and commercial exploitation of publicly accessible EV charging points for normal or high power EVs.

Furthermore, the Energy Decision states that municipalities can also decide to organise a public tender for the installation, maintenance and commercial exploitation of publicly accessible EV charging points for normal or high power EVs. In this case, the municipalities have an obligation to inform the competent DSO prior to the award of the tender.

By means of public tender procedures, DSOs and/or municipalities appoint operators of EV charging points.

Prior to the abovementioned public tender procedure, a DSO and the municipality where the EV charging point will be installed are obliged to discuss and draft together a local location plan for EV charging points.

If the abovementioned public tender cannot be awarded, the DSO has to procure on the one hand a public tender for the installation and maintenance of EV charging points and on the other hand a separate public tender for the commercial operation of EV charging points. In any case, the public tender with regard to the installation and maintenance of EV charging

points can only be awarded if the costs do not exceed the revenue in respect of the DSO.

If no regular operator is found on the basis of the aforementioned public tender procedure, the annual obligation of the DSO with regard to the specific plot is deemed to be fulfilled for a given year.

CZECH REPUBLIC

According to our information, the business model has not yet been established.

The currently existing EV charging network is being developed mainly by DSOs on a purely commercial basis, with some support from the EU CEF Energy programme.

UKRAINE

As of today Ukraine's legislative framework regulating the EV market is at a very early stage of development. In fact, it is currently based on several draft laws.

At the moment, the establishing and locating of EV charging points is not the direct responsibility of communes. In practice, EV charging points are established by private entities (e.g. petrol stations or private operators).

However, it should be noted that certain city councils have indicated 'equipping car parks with EV charging points' as one of the key aspects of their development strategies. In addition, it is possible that in the future the responsibility for the locating of EV charging points may be passed on to communes.



C. Arrangements connected with the operation of an EV charging point – ownership

POLAND

In the first draft of the Electromobility Act, the appointed EV charging point operator was to conclude with the commune an

agreement for the operation of an EV charging point for a minimum of four years and thereafter transfer the ownership of the EV charging point to the commune. Under the current draft of the Electromobility Act, ownership of the EV charging point is retained by the entity that built it and there is no concept of transferring it to the commune.

If a DSO builds the EV charging point, the costs incurred are to be reflected in the tariffs used by the DSO for providing electricity distribution services.

HUNGARY

Ownership of EV charging points will be retained by the market participant that built them. Subject to obtaining the relevant permit, any person can establish and use their own EV charging point to satisfy their own energy charging needs.

GERMANY

The ownership of EV charging points remains with the investors.

BELGIUM

The Energy Decision states that in the context of a public tender procedure for establishing publicly accessible EV charging points, the maximum operation period is 10 years. However, the Flemish Minister of Energy may decide to change this term.

CZECH REPUBLIC

According to our information, the business model has not yet been established. The currently existing EV charging network

is being developed mainly by DSOs on a purely commercial basis, with some support from the EU CEF Energy programme.

UKRAINE

As a rule, EV charging points are owned by private entities. There are no requirements to transfer the ownership to communes.

D. Incentives for the general public to purchase EVs

POLAND

The main incentives proposed by the Electromobility Act are as follows:

- free access to clean zones in cities;
- special parking spaces for EVs;
- amortisation for tax purposes of up to EUR 30,000 for EVs instead of EUR 20,000 for other vehicles;
- access to bus lanes;
- 0% excise duty (plug in hybrids).

The Electromobility Act does not provide for any direct subsidies for the purchase of EVs; however, the National Framework for Policy on the Development of Alternative Fuels Infrastructure adopted by the Polish Government envisages the introduction of such an incentive.

HUNGARY

The government has introduced several benefits, subsidies and incentives to promote the purchase of EVs. Firstly, the government grants a non-refundable subsidy of 21% of the gross purchase price of an EV up to the maximum amount of HUF 1.5 million (approx. EUR 4,800). For this purpose, the government has allocated a total amount of HUF 5 billion (approx. EUR 1,600,000), expected to cover the purchase of 3,500 EVs. In addition, the purchase of EVs will be exempted from registration tax, business car tax and motor-vehicle tax, as well as the transfer fee. There are also further benefits available for EVs that have "green licence plates", such as free parking (subject to the decision of local governments), free charging (temporarily - but it will change soon), free entry into protected zones (subject to the decision of local governments) and the right to use bus lanes (although legislation has not yet been amended accordingly).

GERMANY

The German Federal Government has decided on a package of measures to increase the demand for EVs. These measures include:

- a so-called 'buyer's premium' for the purchase of EVs. This amounts to EUR 4,000 for pure EVs and EUR 3,000 for plug-in hybrid vehicles. The German Federal Office for Economic Affairs and Export Control is the competent authority for applications for the buyer's premium. (However, please note that the entitlement to the buyer's premium will be subject to certain conditions.);
- the extension of the EV charging infrastructure will receive financial support, in particular focusing on high-speed EV

charging points (*Schnellladepunkte*) at major transport links and in large cities;

- EVs will be exempted from motor vehicle tax for 10 years. Moreover, employees who charge their EVs at the premises of their employer will not need to pay tax on the relevant countervailing benefit (*geldwerter Vorteil*).

Besides, based on the German E-Mobility Act (*Elektromobilitätsgesetz*), municipalities may give preference to EVs in public road traffic, especially as regards the use of parking spaces and specific traffic lanes.

BELGIUM

Several incentives regarding the purchase and/or use of EVs have been introduced:

- zero-emission vehicles are exempt from tax, including the tax levied when a car is first put on the road and the annual circulation tax;
- with regard to companies: 120% tax reduction regarding the purchase of an EV or the purchase of an EV charging point;
- electric motorcycles, tricycles and four-wheelers are eligible for a 15% tax reduction of personal income tax;
- a purchase bonus of EUR 5,000 with regard to zero-emission vehicles;
- there are a number of alternatives to promote EVs in companies: Cleaner Car Contracts and Lean & Green Personal Mobility are two initiatives that engage

companies to achieve concrete targets for a 'green' fleet;

- automotive leasing companies and network administrators Eandis and Infrax regularly organise events or road shows with EVs to introduce citizens and businesses to electric transport.

CZECH REPUBLIC

First and foremost, a distinction has to be made between support aimed at private individuals and support aimed at businesses and municipalities.

There are currently a number of incentives in place to support electromobility aimed at businesses and municipalities. These are organised by various ministries – e.g. the Ministry of Industry and Trade has recently completed the collection of applications for a second round of its electromobility incentive.

Investments supported under this incentive include (i) the purchase of EVs falling into specific categories (sports cars, luxury cars and SUVs are excluded) and (ii) the purchase of EV charging points (only private points serving the needs of a particular company). The incentive is organised as a public tender in which the support ranges from CZK 50,000 to CZK 10 million (EVs) or to 30 million (EV charging points). Up to 75% (EVs) or 80% (EV charging points) of the investment can be claimed under the incentive.

There are similar incentives in place which apply to municipalities (administered by the Ministry of Environment) and to electricity in public transport (administered by the Ministry of Regional Development).

As regards the second type of support, there are currently no incentives in place aimed at private individuals. However, according to the National Action Plan of Clean Mobility, the idea is to introduce similar support schemes for private individuals in the near future.

As regards other forms of incentives, it is also planned that EVs could be allowed to use bus and taxi lanes (now being discussed at the ministerial level) and that EVs would have 100% tax reductions on motorway stamps (not yet effective - but the legislative process is ongoing).

UKRAINE

- custom duties for imported EVs have recently been abolished;
- legislation on cancelling VAT and excise duties on the acquisition of EVs has been drafted;
- the number of EV charging points is increasing every year.

Please also note that the Ministry of Infrastructure has announced the development of a 15-year Strategy of Electric Vehicles Development in Ukraine. This strategy has three stages: (i) activating the market for EVs and abolishing custom duties and VAT on imported EVs and EV charging points (five years); (ii) establishing EV production in Ukraine (10 years); and (iii) stimulating the localisation of production of EVs, components and equipment (15 years).

E. Location of EV charging points – efficiency of the process and ensuring that EV charging points are in the right, convenient places

POLAND

Generally, the location of EV charging points is decided in local laws adopted by communes, i.e. special plans. Although the Electromobility Act does not limit the right of communes to indicate the locations of EV charging points and thus they should be located where it is most convenient for users, each location is subject to technical conditions and the availability of interconnection capacity, which is defined by the DSO. Consequently, the DSO may have a significant influence on the location of EV charging points.

Nevertheless, the Electromobility Act requires that EV charging points be located along the Trans-European Transport Network. Additionally, under the National Framework for Policy on the Development of Alternative Fuels Infrastructure, there will be an obligation to ensure sufficient interconnection capacity at car parks located by newly constructed public buildings and residential buildings.

HUNGARY

No special laws have been adopted in this area. The distance between EV charging points and the distribution network could be relevant in the course of locating the EV charging infrastructure, since a longer distance between the EV charging point and the DSO network may require additional investment when connecting the EV charging point to the network. In addition, the (not yet implemented) related provisions of Directive no. 2014/94/EU (Art. 4 (1)) should be borne in mind, which state that EV charging points must be

established along the Trans-European Transport Networks (TEN-T), in city/suburban agglomerations, and in other densely populated areas.

GERMANY

The locating of EV charging points will be dependent on the commercial decisions of the investors. However, the network connection of EV charging points will be subject to general network connection rules.

BELGIUM

Prior to a public tender procedure for the installation, maintenance and commercial exploitation of publicly accessible EV charging points for normal or high power EVs, a DSO and the municipality where the EV charging point will be installed are obliged to discuss and draft together a local location plan for EV charging points.

The location plan has to take the following elements into account: local parking policy, presence of sites that attract a lot of visitors, public transport links, and the availability and reception capacity of the electricity grid.

Furthermore, under its public service obligations, each DSO has to report to the Minister on a quarterly basis on the number of EV charging points installed.

The Minister evaluates on an annual basis the fulfilment of the DSO's public service obligations and the number of EV charging points installed in relation to (i) the total number of publicly accessible EV charging points in the Flemish Region, (ii) the number of EVs registered in the Flemish Region, and (iii) the objectives based on Directive 2014/94/EU. The results

of the Minister's evaluation are communicated annually to the Flemish Government before 1 May.

CZECH REPUBLIC

According to our information, the incentives which are currently being prepared should include a condition that the project applying for support must prove its economic viability.

According to the National Action Plan of Clean Mobility, it is planned that by 2022 there will be three or four calls for the development of the main network and three for the supplementary EV charging network. There should be 500 high-speed EV charging points built on the main network and 800 regular EV charging points on the supplementary network by 2020.



UKRAINE

This issue is not yet directly governed by legislation. EV charging points are often located at petrol stations. There are also publicly available maps of EV charging points (made available by private persons and EV charging point operators).

F. Priorities in connecting EV charging points to the electricity grid

POLAND

The Electromobility Act does not provide for any priorities in connecting EV charging points to the electricity grid. Connection is subject to general rules; however, the interconnection fees are to be lower and amount to 1/16 of the actual costs in the case of connecting to a 1-110 kV voltage grid and a fixed amount expressed in the DSOs tariff in the case of connecting to a grid of below 1 kV voltage.

HUNGARY

The establishment of EV charging points does not enjoy any priorities and the investor has to pay for the connection to the DSO network itself.

GERMANY

DSOs are not responsible for the construction of EV charging points - they are responsible for the network connection. There are no priorities or fixed deadlines concerning the network connection of EV charging points. However, network connection will be subject to general network connection rules,

which means that network connection by the DSO must be transparent, reasonable and non-discriminatory.

BELGIUM

The Energy Decision simply states that after the tender procedure organised by a DSO, an EV charging point has to be installed within a reasonable period of time. However, prior to the installation, the DSO has to consult with the municipality and, where applicable, with the public domain administrator responsible for the domain on which the EV charging point will be installed, with regard to the installation of the EV charging point.

CZECH REPUBLIC

No priorities have been introduced to date.

UKRAINE

This issue is not governed by legislation yet.

G. Competition on the market of operators and electricity/charging services suppliers

POLAND

As described above, in the first stage of the development of EV charging points, the chain will be fully subject to the rules of free market competition. If the minimum number of publicly available EV charging points is not built by the end of 2019, the DSO will be obliged to build the missing EV charging points. The EV charging points built in that procedure will be operated by an electricity trading company that sells electricity to at least

40% of the citizens connected to the grid in the given commune and will be appointed by way of an administrative decision of the President of the Energy Regulatory Office. Within a year of the appointment, the DSO will have to conduct a competitive procedure in order to appoint another operator of the EV charging points.

Furthermore, the EV charging point operator must ensure that at least one charging services supplier renders its services at an EV charging point (however, the operator may render the service itself). Lastly, the EV charging points are subject to the rule of third-party access and all charging services suppliers should be given equal access to the EV charging point operated by a given operator.

HUNGARY

Eligible market participants may freely set up EV charging points; therefore, competition is duly ensured in this segment.

GERMANY

EV charging points will not qualify as network systems in Germany and will not be installed/operated by DSOs. Instead, EV charging points will qualify as end customers under the EnWG. Various investors from different industries and with different market objectives will contribute to the development of the EV charging infrastructure and therefore ensure competition. The DSOs will need to comply with third-party access rules applicable to EV charging points.

BELGIUM

DSO's and/or municipalities appoint operators of publicly accessible EV charging points by means of public tender procedures.

Moreover, the DSO's or the municipalities ensure that the principle of interoperability regarding the operation of the EV charging points is respected and that market-based prices are ensured.

CZECH REPUBLIC

The business model for this has not yet been fully established.

The currently existing EV charging network is being developed mainly by DSOs on a purely commercial basis, with some support from the EU CEF Energy programme.

UKRAINE

This issue is not governed by legislation yet.

H. Trading in electricity for the purpose of rendering charging services

POLAND

As explained earlier, an operator of an EV charging point is obliged to ensure that at least one charging services supplier is rendering its services at an EV charging point. An operator may also act as a charging services supplier. The sale of electricity at an EV charging point may not be dependent upon

the conclusion of a written agreement between a charging point user and an electricity supplier.

Where an EV is equipped with a metering device and electricity is off taken in a residential building, the DSO should include the payments in the invoice issued for the overall electricity consumption of the user who owns the vehicle.

Additionally, the EV charging point should also be equipped with a metering device allowing electricity consumption per minute to be measured.

Trading in electricity at an EV charging point will not require a trading licence.

HUNGARY

Operators of EV charging points will buy electricity for this purpose themselves from the free market under electricity supply agreements. No special rules apply in this regard.

GERMANY

Different supply chains are conceivable. In general, the operator of the EV charging point will purchase/provide for the electricity necessary for the electricity supply at the EV charging point. The EV user will either purchase electricity directly from the EV charging point operator or - where the EV charging point operator operates on behalf of a third-party electricity supplier - from the third-party electricity supplier.

BELGIUM

DSO's and/or municipalities appoint operators of publicly accessible EV charging points by means of public tender

procedures. These charging point operators are responsible for the commercial exploitation of their EV charging points.

CZECH REPUBLIC

The operator of an EV charging point buys electricity from the DSO and the customer then buys the electricity from the operator (the DSO can also be the operator).

UKRAINE

This issue is not governed by legislation yet. However, it is reasonable to assume that EV charging point operators buy electricity themselves. Afterwards they offer EV charging points requiring payment or free of charge.

- I. **Standards referring to EV charging points (except for technical standards), such as location, area (i.e. size) of the land for the charging point, etc.**

POLAND

The Minister of Energy will be obliged to adopt a regulation specifying safety requirements with respect to the operation of EV charging points, technical conditions for publicly available EV charging points, EV charging sockets and connection devices, and technical conditions referring to interconnection to a grid. No such regulation has been adopted to date.

There are no directives referring to the location of EV charging points other than the requirement for new and renovated residential and public buildings to have EV charging points.



HUNGARY

There are no specific standards defined for EV charging points. However, general planning law and safety regulations will apply. Besides, the location of EV charging points will obviously depend on the specific network connection situation.

GERMANY

There are no specific standards defined for EV charging points. However, general planning law and safety regulations will apply. Besides, the location of EV charging points will obviously depend on the specific network connection situation.

BELGIUM

The first standard concerns the number of EV charging points. In the Flemish Region, the number of EV charging points to be installed by 2020 is approximately 7,400. The number of EV

charging points to be installed is defined by multiplying the number of access points of electricity in the geographical territory of a DSO on 31 December 2015 by a given number and subsequently dividing the resulting sum by the total number of access points in the Flemish Region in 2015. The given number is 500 in 2016, 1000 in 2017, 1000 in 2018, 1,000 in 2019, and 1,500 in 2020.

The second standard is that a citizen can demand that a DSO organise a public tender procedure if (i) the citizen can prove that he/she is or will be using an EV, (ii) the citizen does not have a private garage or driveway where he/she can charge his/her EV, and (iii) the citizen can demonstrate that there is no EV charging point on a public or private domain available or planned at a distance of up to 500 metres from his/her home.

CZECH REPUBLIC

This matter has not been fully resolved yet. The current EV charging network is being developed mostly by DSOs on a purely commercial basis, with some support from the EU CEF Energy programme.

UKRAINE

This issue is not governed by legislation yet.

J. Mechanisms preventing monopolisation of the market

POLAND

The Electromobility Act does not provide for any specific antimonopoly regulations and thus it is possible that a single

operator may control a large share of the market. General competition rules apply.

HUNGARY

The market is open for competition between any eligible market participants. Moreover, under Hungarian regulations, DSOs (or any other participants) are not designated as having the ultimate responsibility for the development of EV charging points.

GERMANY

EV charging points qualify as end customers. Therefore, various investors from different industries and with different market objectives will contribute to the development of the EV charging infrastructure in Germany.

BELGIUM

Firstly, DSOs as well as municipalities are allowed to organise public tender procedures.

Secondly, all DSOs create a joint database of information provided to them by the operators of EV charging points. The database can be accessed by the public, free of charge.

Thirdly, under its public service obligations, each DSO has to report to the Minister on a quarterly basis on the number of EV charging points installed.

CZECH REPUBLIC

There are no antimonopoly mechanisms in place at the moment. As noted in the response to question 1 above, the business model for this has not yet been fully established.

UKRAINE

This issue is not directly governed by legislation yet. Therefore, the operators' activities must comply with the general requirements of antimonopoly legislation in Ukraine.

K. Connection between the development of the EV fleet and the obligation to develop EV charging infrastructure

POLAND

The development of a chain of EV charging points in Poland is not connected with the number of EVs. The Electromobility Act obliges communes to arrange the construction of a specified number of EV charging points by 2020, which depends on the number of citizens, the overall number of cars (not only EVs), and the ratio of the number of cars (all cars) to the number of citizens.

HUNGARY

The development of EV charging infrastructure is not directly linked to the number of EVs. However, from a practical point of view, the two things are closely connected, i.e. without the penetration of EVs, no large-scale private investment could be expected and vice versa.

GERMANY

There are no specific statutory requirements concerning the development of EV charging infrastructure or the number of EV charging points to be installed. In particular, the development of EV charging infrastructure is not directly linked to the number of registered EVs.

BELGIUM

The "EV charging point follows car" initiative is in place. By virtue of this initiative, a citizen can demand that a DSO organise a public tender procedure if (i) the citizen can prove that he/she is or will be using an EV, (ii) the citizen does not have a private garage or driveway where he/she can charge his/her EV, and (iii) the citizen can demonstrate that there is no EV charging point on a public or private domain available or planned at a distance of up to 500 metres from his/her home.

The "EV charging point follows car" initiative demonstrates the connection between the development of the EV fleet in Belgium and the obligation to develop EV charging infrastructure: if a citizen can prove inter alia that he/she is or will be using an EV, the DSO is obliged to organise a public tender procedure in order to install a publicly accessible EV charging point. Therefore, the use of EVs is directly connected to the development of EV charging infrastructure.

Approximately 2,400 EV charging points should be installed by 2020 based on the initiative described above.

CZECH REPUBLIC

They are not connected. They are separate things and the currently existing incentives do not interconnect these two types of investments.

UKRAINE

In recent years the number of EVs and EV charging points in Ukraine has increased. According to unofficial statistics, the annual EV market growth rate is 300 - 400%. As of the end of 2016, there were about 2,000 EVs registered in Ukraine. In addition, more than 400 EV charging points have been established (more than 100 of which are in Kiev).

L. Support or incentives given to operators of EV charging points

POLAND

There are no specific incentives for operators of EV charging points provided in the Electromobility Act however a number of programmes organised by public institutions are directed to support financing of the development of electromobility in Poland, some of them also are purposed for the development of EV charging infrastructure. There are also general investment subsidies available to operators.

HUNGARY

Currently there are no specific incentives provided to developers / operators of EV charging points.

GERMANY

Investors may apply for subsidies for the installation of publicly accessible EV charging infrastructure. The Federal Republic of Germany has made available a budget of EUR 300 million for this purpose. Subsidies will be subject to a number of preconditions and are capped at defined maximum amounts (the details are given in the funding guidelines). Applications for subsidies will need to be addressed to the German Federal Agency for Administrative Services (*Bundesanstalt für Verwaltungsdienstleistungen*).

Besides the above funding programme of the Federal Republic of Germany, German federal states may also provide their own additional funding programmes.

BELGIUM

By virtue of the decision of the Flemish Government of 9 September 2016 on the funding of projects implementing the "Clean Power for Transport" action plan, the Minister can, within the limits of the budget intended for this purpose, grant funding for projects which implement the "Clean Power for Transport" action plan.

The Minister determines annually which projects are eligible for the abovementioned funding. Each project has to be executed within two years and can be funded up to a maximum of Euro 150,000.

With regard to the installation of EV charging infrastructure, 50% of the total cost can be funded.

CZECH REPUBLIC

There are incentives in place for the support of electromobility aimed at businesses and municipalities. These are organised by the respective ministries – e.g. the Ministry of Industry and Trade recently finished the collection of applications for the second round of its electromobility incentive.

The investments supported under this incentive include (i) the purchase of EVs falling into specific categories (sports cars, luxury cars and SUVs are excluded) and (ii) the purchase of EV charging points (only private EV charging points serving the needs of a particular company). The incentive is organised as a public tender in which the support ranges from CZK 50,000 to CZK 10 million (EVs) or to 30 million (EV charging points). Up to 75% (EVs) or 80% (EV charging points) of the investment can be claimed under the incentive.

There are similar incentives in place which apply to municipalities (administered by the Ministry of the Environment) and electricity in public transport (administered by the Ministry of Regional Development).

As regards the second type of support, there are currently no incentives in place aimed at private individuals. However, according to the National Action Plan of Clean Mobility, the idea is to introduce similar support schemes for private individuals in the near future.

As regards other forms of incentives, it is also planned that EVs could be allowed to use bus and taxi lanes (now being discussed at the ministerial level) and that EVs would have 100% tax reductions on highway stamps (not yet effective - but legislative process is ongoing).

UKRAINE

This issue is not governed by legislation yet.

M. Operation of an EV charging point or the rendering of charging services – license requirements

POLAND

Under the Electromobility Act, neither the operation of an EV charging point nor the rendering of charging services will require obtaining an electricity trading licence.

HUNGARY

Operating a public EV charging point will require a licence issued by the Hungarian Energy and Public Utility Regulatory Authority (HEA). Residential and non-residential customers are allowed to charge their EVs without holding an HEA licence if they do it through their own metering device and their activity is not aimed at making a profit. The licensee will be allowed to operate a specific number of EV charging points under specific conditions specified in the licence issued by the HEA (any change in the number of EV charging points or the conditions of operating them will require the modification of the licence). The licence for the operation of EV charging points and the rendering of charging services will be valid for an indefinite term.

GERMANY

There are no energy regulatory licence requirements for the operation of an EV charging point or for the rendering of charging services. However, the operator will need to notify the

German Federal Network Agency (*Bundesnetzagentur*) of the operation of an EV charging point and will - subject to certain attributes of the EV charging point - also need to prove compliance with the relevant provisions of the German Ordinance on Charging Poles (*Ladesäulenverordnung*).

BELGIUM

An EV charging point operator is appointed by means of a public tender procedure. The public tender procedure can also cover the issuing of licences for the exploitation of EV charging points, however, this is not obligatory and thus depends on the specific tender procedure.



CZECH REPUBLIC

No licence is required for the direct sale of electricity from an EV charging point.

UKRAINE

The requirement is not directly prescribed by legislation. However, the rendering of EV charging services may require licensing as it is connected with the supply of electricity.

N. Construction of EV charging points at petrol stations alongside motorways – free access or reservation for the operators of the petrol stations

POLAND

Since the operator of a petrol station has the title to the land on which the petrol station is located, it is in a privileged position in terms of the operation of EV charging points. However, there is nothing to stop it allowing another operator to render its services on the area - unless relevant contractual exclusions are in place. The General Director for National Roads and Motorways is obliged to prepare a plan determining localisation of publically available EV charging points along roads in the TEN-T net in its charge. The plan is prepared in consultation with DSOs and the operators of the petrol stations in that area.

HUNGARY

Under Hungarian law, it is not prohibited to set up EV charging points at petrol stations. This activity is subject to a licence issued by the Hungarian Energy and Public Utility Regulatory Authority and petrol stations intending to set up EV charging points must apply for the licence before proceeding with the establishment and operation of an EV charging point. In practice, the possibility of building EV charging points at petrol stations will basically depend on civil real estate law, public planning law, and safety regulations.

GERMANY

From a regulatory point of view, the installation of EV charging points at petrol stations alongside motorways should be possible. However, in practice, the possibility of building EV charging points at petrol stations will basically depend on civil real estate law, public planning law, and safety regulations.

BELGIUM

The regulatory framework does not explicitly prohibit the installation of EV charging points at petrol stations alongside motorways. However, it should be noted that prior to a public tender procedure, the DSO and the municipality where the EV charging point will be installed are obliged to discuss and draft together a local location plan for EV charging points. The EV charging points have to be installed in conformity with the local location plans.

CZECH REPUBLIC

There is no limitation.

UKRAINE

The establishing of EV charging points must be approved by the owners of the petrol stations.

O. Obligations concerning the use of EVs imposed on public authorities

POLAND

The development of a chain of charging points is not dependent upon an increase in the number of EVs - the planned number of EV charging points has already been specified in the Electromobility Act. On the other hand, an increase in the number of EVs will be driven by obligations imposed on public authorities.

According to the Electromobility Act, by 2025 public authorities on a national level (except for the police, fire department and other security services) will be obliged to have a fleet of vehicles in which EVs constitute at least 50% thereof. Some local communes (those with more than 50,000 citizens) will also be obliged to have fleets in which at least 30% of the vehicles are EVs, while public transportation services should be contracted from entities which offer at least 30% of vehicles powered by electricity or natural gas. These obligations are currently being widely debated.

HUNGARY

Currently there are no obligations for public authorities to use EVs. According to recently published plans, the government intends to purchase several hundred EVs for its fleet in order to promote the use thereof.

GERMANY

As described above, the German Federal Government has decided on a package of measures to increase the demand for EVs. The package also includes the procurement of EVs by

federal public authorities. Specifically, by 2019 at least 20% of the authorities' fleets should be made up of EVs. A budget of EUR 100 million has been made available for this procurement.

BELGIUM

The Flemish "Clean Power for Transport" action plan contains targets for 2020. In Chapter 5 "The Flemish Government as the launching customer", the Flemish Government has set the following goals with regard to EVs:

- a gradual transition process in its vehicle fleet to EVs: by 2020, 10% of the global vehicle fleet should consist of EVs;
- the installation of EV charging infrastructure on its public sites - the capacity of the infrastructure should be sufficient for the vehicle fleet of the government and for the vehicles of its visitors.

CZECH REPUBLIC

There are no such obligations.

UKRAINE

Currently there are no obligations regarding the use of EVs.

