

Subsidiary Legislation made under s.18.

Environment (Deployment of Alternative Fuels Infrastructure) Regulations 2016

LN.2016/222

Commencement **18.11.2016**

Amending
enactments

Relevant current
provisions

Commencement
date

LN. 2016/228 s.1 (*Notice of Corrigendum*)

18.11.2016

Transposing:

Directive 2014/94/EU

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In exercise of the powers conferred on it by section 18 of the Environment Act 2005 and for the purpose of transposing into the law of Gibraltar, Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure, the Government has made the following Regulations-

Title and commencement.

1. These Regulations may be cited as the Environment (Deployment of Alternative Fuels Infrastructure) Regulations 2016 and come into operation on 18 November 2016.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“alternative fuels” means fuels or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector which include, inter alia—

- (a) electricity;
- (b) hydrogen;
- (c) biofuels as defined in regulation 2(1) of the Environment (Renewable Energy Sources) Regulations 2011;
- (d) synthetic and paraffinic fuels;
- (e) natural gas, including biomethane, in gaseous form (compressed natural gas (CNG)) and liquefied form (liquefied natural gas (LNG)), and
- (e) liquefied petroleum gas (LPG);

the “Directive” means Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure, as the same may be amended from time to time;

“electric vehicle” means 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;

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“high power recharging point” means a recharging point that allows for a transfer of electricity to an electric vehicle with a power of more than 22 kW;

“normal power recharging point” means 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;

“policy framework” means the policy framework adopted under regulation 4;

“recharging point” means an interface that is capable of charging one electric vehicle at a time or exchanging a battery of one electric vehicle at a time;

“recharging or refuelling point accessible to the public” means a recharging or refuelling point to supply an alternative fuel which provides Union-wide non-discriminatory access to users, but non-discriminatory access may include different terms of authentication, use and payment;

“refuelling point” means a refuelling facility for the provision of any fuel with the exception of LNG, through a fixed or a mobile installation;

“refuelling point for LNG” means a refuelling facility for the provision of LNG, consisting of either a fixed or mobile facility, offshore facility, or other system;

“shore-side electricity supply” means the provision of shore-side electrical power through a standardised interface to seagoing ships at berth;

“Trans-European Network for Transport (TEN-T)” and “TEN-T Core Network” shall be construed in accordance with Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU.

Subject matter of these Regulations.

3. These Regulations—

- (a) seek to contribute to the establishment of a common framework of measures for the deployment of alternative fuels infrastructure in the European Union in order

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to minimise dependence on oil and to mitigate the environmental impact of transport; and

- (b) set out minimum requirements for the building-up of alternative fuels infrastructure, including recharging points for electric vehicles and refuelling points for natural gas (LNG and CNG) and hydrogen, to be implemented by means of national policy frameworks, as well as common technical specifications for such recharging and refuelling points, and user information requirements.

Policy framework for Gibraltar.

4.(1) The Government shall adopt a policy framework for Gibraltar for the development of the market as regards alternative fuels in the transport sector and the deployment of the relevant infrastructure.

(2) The policy framework referred to in sub-regulation (1) shall contain at least the following elements—

- (a) an assessment of the current state and future development of the market as regards alternative fuels in the transport sector, including in light of its possible simultaneous and combined use, and of the development of alternative fuels infrastructure, considering, where relevant, cross-border continuity;
- (b) targets and objectives for Gibraltar pursuant to sub-regulations (1), (2), (3) and (7) of regulation 5, sub-regulations (1) to (7) of regulation 7 and, where applicable, regulation 6(1), for the deployment of alternative fuels infrastructure;
- (c) measures necessary to ensure that Gibraltar's targets and the objectives contained in the policy framework are reached;
- (d) measures that can promote the deployment of alternative fuels infrastructure in public transport services;
- (e) designation of the urban/suburban agglomerations of densely populated areas and of networks which, subject to market needs, are to be equipped with recharging points accessible to the public in accordance with regulation 5(1);
- (f) designation of the urban/suburban agglomerations of densely populated areas and of networks which, subject to market needs, are to be equipped with CNG refuelling points in accordance with regulation 7(6);

- (g) an assessment of the need to install refuelling points for LNG in ports outside the TEN-T Core Network; and
 - (h) consideration of the need to install electricity supply at airports for use by stationary airplanes.
- (3) The targets and objectives referred to in sub-regulation (2)(b) shall be established and may be revised on the basis of an assessment of demand whether in Gibraltar or on an EU-wide basis, while ensuring compliance with the minimum infrastructure requirements set out in these Regulations.
- (4) The Government shall ensure that policy framework takes into account the needs of the different transport modes existing in Gibraltar, including those for which limited alternatives to fossil fuels are available.
- (5) The policy framework shall take into account, as appropriate, the interests of authorities as well as those of the stakeholders concerned.
- (6) Where necessary, the Government shall cooperate, by means of consultations or joint policy frameworks to ensure that the measures required to achieve the objectives of these Regulations are coherent and coordinated.
- (7) Support measures for alternative fuels infrastructure shall be implemented in compliance with the State aid rules contained in the Treaty on the Functioning of the European Union.
- (8) The policy framework shall be in line with the EU environmental and climate-protection legislation in force.

Electricity supply for transport.

5.(1) The Government shall ensure, by means of the policy framework, that an appropriate number of recharging points accessible to the public are put in place by 31 December 2020, in order to ensure that electric vehicles can circulate at least in urban/suburban agglomerations and other densely populated areas, and, where appropriate, within networks determined by the Government.

(2) The number of recharging points referred to in sub-regulation (1) shall be established taking into consideration, inter alia, the number of electric vehicles estimated to be registered by the end of 2020, as indicated in the policy framework, as well as best practices and recommendations issued by the European Commission and particular needs related to the

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installation of recharging points accessible to the public at public transport stations shall be taken into account, where appropriate.

(3) The Government shall also take measures within the policy framework to encourage and facilitate the deployment of recharging points not accessible to the public.

(4) The Government shall ensure that normal power recharging points for electric vehicles, excluding wireless or inductive units, deployed or renewed as from 18 November 2017, comply at least with the technical specifications set out in point 1.1 of Schedule 2 and with specific safety requirements in force at Gibraltar.

(5) The Government shall ensure that high power recharging points for electric vehicles, excluding wireless or inductive units, deployed or renewed as from 18 November 2017, comply at least with the technical specifications set out in point 1.2 of Schedule 2.

(6) The Government shall ensure that the need for shore-side electricity supply for seagoing ships in the port is assessed in the policy framework.

(7) The shore-side electricity supply referred to in sub-regulation (6) shall be installed as a priority in ports of the TEN-T Core Network and in other ports, by 31 December 2025, unless there is no demand and the costs are disproportionate to the benefits, including environmental benefits.

(8) The Government shall ensure that shore-side electricity supply installations for maritime transport, deployed or renewed as from 18 November 2017, comply with the technical specifications set out in point 1.7 of Schedule 2.

(9) The recharging of electric vehicles at recharging points accessible to the public shall, if technically feasible and economically reasonable, make use of intelligent metering systems as defined in section 3(1) of the Environmental Protection (Energy Efficiency) Act 2009.

(10) The Government shall ensure that operators of recharging points accessible to the public are free to purchase electricity from any EU electricity supplier, subject to the supplier's agreement.

(11) The operators of recharging points shall be allowed to provide electric vehicle recharging services to customers on a contractual basis, including in the name and on behalf of other service providers.

(12) All recharging points accessible to the public shall also provide for the possibility for electric vehicle users to recharge on an ad hoc basis without entering into a contract with the electricity supplier or operator concerned.

(13) The Government shall ensure that prices charged by the operators of recharging points accessible to the public are reasonable, easily and clearly comparable, transparent and non-discriminatory.

(14) The Government shall ensure that distribution system operators cooperate on a non-discriminatory basis with any person establishing or operating recharging points accessible to the public.

(15) The Government shall ensure that the legal framework permits 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 where such a recharging point is located.

Hydrogen supply for road transport.

6.(1) The Government may include hydrogen refuelling points accessible to the public in the policy framework, and where it does so it shall ensure that, by 31 December 2025, an appropriate number of such points are available, to ensure the circulation of hydrogen-powered motor vehicles, including fuel cell vehicles, within networks determined by the Government, including, where appropriate, cross-border links.

(2) The Government shall ensure that hydrogen refuelling points accessible to the public deployed or renewed as from 18 November 2017 comply with the technical specifications set out in point 2 of Schedule 2.

Natural gas supply for transport.

7.(1) The Government shall ensure, by means of its policy framework, that an appropriate number of refuelling points for LNG are put in place at the maritime ports, to enable seagoing ships to circulate throughout the TEN-T Core Network by 31 December 2025.

(2) The Government shall cooperate with neighbouring Member States where necessary to ensure adequate coverage of the TEN-T Core Network.

(3) The Government shall designate in the policy framework the maritime ports that are to provide access to the refuelling points for LNG referred to in sub-regulations (1) and (2), also taking into consideration actual market needs.

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(4) The Government shall ensure, by means of the policy framework, that an appropriate number of refuelling points for LNG accessible to the public are put in place by 31 December 2025, at least along the existing TEN-T Core Network, in order to ensure that LNG heavy-duty motor vehicles can circulate throughout the EU, where there is demand, unless the costs are disproportionate to the benefits, including environmental benefits.

(5) The Government shall ensure that an appropriate LNG distribution system is available in Gibraltar, including loading facilities for LNG tank vehicles, in order to supply the refuelling points referred to in sub-regulations (1) and (4), but the Government may in the context of the policy frameworks, form a pool for the purposes of fulfilling this requirement, and such pooling agreements shall be the subject of the reporting obligations under the Directive.

(6) The Government shall ensure, by means of the policy framework, that an appropriate number of CNG refuelling points accessible to the public are put in place by 31 December 2020, in order to ensure, in line with the regulation 4(2)(f), that CNG motor vehicles can circulate in urban and suburban agglomerations and other densely populated areas, and, where appropriate, within networks determined by the Government.

(7) The Government shall ensure, by means of the policy framework, that an appropriate number of CNG refuelling points accessible to the public are put in place by 31 December 2025, at least along the existing TEN-T Core Network, to ensure that CNG motor vehicles can circulate throughout the European Union.

(8) The Government shall ensure that CNG refuelling points for motor vehicles deployed or renewed as from 18 November 2017 comply with the technical specifications set out in point 3.4 of Schedule 2.

User information.

8.(1) Without prejudice to the Environment (Renewable Energy Source) Regulations 2011, the Government shall ensure that relevant, consistent and clear information is made available as regards those motor vehicles which can be regularly fuelled with individual fuels placed on the market, or recharged by recharging points.

(2) The information required under sub-regulation (1) shall be made available in motor vehicle manuals, at refuelling and recharging points, on motor vehicles and in motor vehicle dealerships.

(3) The requirement under sub-regulation (2) shall apply to all motor vehicles, and their motor vehicle manuals, placed on the market after 18 November 2016.

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(4) The supply of information referred to in sub-regulations (1) to (3) shall be based on the labelling provisions regarding fuel compliance under standards of the ESOs setting the technical specifications of fuels and where such standards refer to a graphical expression, including a colour coding scheme, the graphical expression shall be simple and easy to understand, and it shall be placed in a clearly visible manner—

- (a) on corresponding pumps and their nozzles at all refuelling points, as from the date on which fuels are placed on the market; and
- (b) on or in the immediate proximity of all fuel tanks' filling caps of motor vehicles recommended and compatible with that fuel and in motor vehicle manuals, when such motor vehicles are placed on the market after 18 November 2016.

(5) Where appropriate, and in particular for natural gas and hydrogen, when fuel prices are displayed at a fuel station, a comparison between the relevant unit prices shall be displayed for information purposes and the display of this information shall not mislead or confuse the user.

(6) The Government shall ensure that, when available, the data indicating the geographic location of the refuelling and recharging points accessible to the public of alternative fuels covered by these Regulations are accessible on an open and non-discriminatory basis to all users and for recharging points, such data, when available, may include information on real-time accessibility as well as historical and real-time charging information.

Reporting to the Commission.

9.(1) The Government shall submit to the Commission a report on the implementation of the national policy framework by 18 November 2019, and every three years thereafter.

(2) The reports referred to in sub-regulation (1) shall cover the information listed in Schedule 1 and shall, where appropriate, include a relevant justification regarding the level of attainment of the targets and objectives for Gibraltar as referred to in regulation 4(2)(b).

Enforcement powers.

10.(1) For the purposes implementing the provisions of these Regulations or any matter provided for within the policy framework, the Minister may by written notice direct that a person do or refrain from doing a particular act or rectify an act or omission.

(2) A person who without reasonable excuse fails to comply with a Direction is liable to a civil penalty not exceeding £5,000.

(3) A civil penalty is recoverable as a debt owed to the Government.

Appeals.

11. A person who is aggrieved by the imposition of a civil penalty may appeal to the Magistrate's Court and in considering an appeal the Magistrates' Court may make such order as it deems fit.

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SCHEDULE 1

Regulation 9(2)

REPORT

The report shall contain a description of the measures in support of alternative fuels infrastructure build-up. The report shall include at least the following elements:

1. Legal measures

Information on legal measures, which may consist of legislative, regulatory or administrative measures to support the build-up of alternative fuels infrastructure, such as building permits, parking lot permits, certification of the environmental performance of businesses and fuel stations concessions.

2. Policy measures supporting the implementation of the national policy framework

Information on those measures shall include the following elements–

- (a) direct incentives for the purchase of means of transport using alternative fuels or for building the infrastructure;
- (b) availability of tax incentives to promote means of transport using alternative fuels and the relevant infrastructure;
- (c) use of public procurement in support of alternative fuels, including joint procurement,
- (d) demand-side non-financial incentives, for example preferential access to restricted areas, parking policy and dedicated lanes;
- (e) consideration of the need for renewable jet fuel refuelling points in airports within the TEN-T Core Network;
- (f) technical and administrative procedures and legislation with regard to the authorisation of alternative fuels supply, in order to facilitate the authorisation process.

3. Deployment and manufacturing support.

Annual public budget allocated for alternative fuels infrastructure deployment, broken down by alternative fuel and by transport mode (road, rail, water and air).

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Annual public budget allocated to support manufacturing plants for alternative fuels technologies, broken down by alternative fuel and by transport mode.

Consideration of any particular needs during the initial phase of the deployment of alternative fuels infrastructures.

4. Research, technological development and demonstration (RTD&D).

Annual public budget allocated to support alternative fuels RTD&D, broken down by fuel and by transport mode.

5. Targets and objectives.

The targets and objectives for Gibraltar are—

- (a) estimation of the number of alternative fuel vehicles expected by 2020, 2025 and 2030;
- (b) level of achievement of the national objectives for the deployment of alternative fuels in the different transport modes (road, rail, water and air);
- (c) level of achievement of the national targets, year by year, for the deployment of alternative fuels infrastructure in the different transport modes; and
- (d) information on the methodology applied to take account of the charging efficiency of high power recharging points.

6. Alternative fuels infrastructure developments.

Changes in supply (additional infrastructure capacity) and demand (capacity actually used).

SCHEDULE 2

Regulations 5(5) and 5(8), 6(2) and 7(9).

TECHNICAL SPECIFICATIONS**1. Technical specifications for recharging points.****1.1. Normal power recharging points for motor vehicles**

Alternating current (AC) normal power recharging points for electric vehicles shall be equipped, for interoperability purposes, at least with socket outlets or vehicle connectors of Type 2 as described in standard EN 62196-2. While maintaining the Type 2 compatibility, those socket outlets may be equipped with features such as mechanical shutters.

1.2. High power recharging points for motor vehicles

Alternating current (AC) high power recharging points for electric vehicles shall be equipped, for interoperability purposes, at least with connectors of Type 2 as described in standard EN 62196-2.

Direct current (DC) high power recharging points for electric vehicles shall be equipped, for interoperability purposes, at least with connectors of the combined charging system ‘Combo 2’ as described in standard EN 62196-3.

1.3. Wireless recharging points for motor vehicles**1.4. Battery swapping for motor vehicles****1.5. Recharging points for L-category motor vehicles****1.6. Recharging points for electric buses****1.7. Shore-side electricity supply for seagoing ships**

Shore-side electricity supply for seagoing ships, including the design, installation and testing of the systems, shall comply with the technical specifications of the IEC/ISO/IEEE 80005-1 standard.

2. Technical specifications for hydrogen refuelling points for motor vehicles.

2.1. Outdoor hydrogen refuelling points dispensing gaseous hydrogen used as fuel on board motor vehicles shall comply with the technical specifications of the ISO/TSN 20100 Gaseous Hydrogen Fuelling specification.

- 2.2. The hydrogen purity dispensed by hydrogen refuelling points shall comply with the technical specifications included in the ISO 14687-2 standard.
- 2.3. Hydrogen refuelling points shall employ fuelling algorithms and equipment complying with the ISO/TS 20100 Gaseous Hydrogen Fuelling specification.
- 2.4. Connectors for motor vehicles for the refuelling of gaseous hydrogen shall comply with the ISO 17268 gaseous hydrogen motor vehicle refuelling connection devices standard.

3. Technical specifications for natural gas refuelling points

- 3.1. Technical specifications for refuelling points for LNG for sea-going ships
- 3.2. Technical specifications for refuelling points for LNG for motor vehicles
- 3.3. Technical specifications for CNG connectors/receptacles
 - CNG connectors/receptacles shall comply with UNECE Regulation No 110 (referring to ISO 14469, parts I and II).
- 3.4. Technical specifications for CNG refuelling points for motor vehicles