

**European Commission
DG MOVE, Unit B4: Sustainable and Innovative Transport**

Subject: Alternative Fuel Regulation statutory review – submission of AmCham Romania input

Esteemed Officials,

On behalf of the American Chamber of Commerce in Romania (“AmCham Romania”), please find attached our contribution to the European Commission’s statutory review of Regulation (EU) 2023/1804 on the deployment of alternative fuels infrastructure.

Our submission puts forward a set of targeted observations and recommendations aimed at ensuring a coherent, realistic, and investment-enabling implementation of AFIR across Member States. In essence, we highlight the need for a more demand-driven and phased deployment of infrastructure — particularly for heavy-duty vehicles and hydrogen — better alignment with national market maturity and grid readiness, and stronger coordination between regulatory targets, funding instruments, and permitting frameworks. We also underline persistent bottlenecks related to grid access, permitting procedures, and data availability, as well as the importance of a stable and predictable national framework to effectively mobilise private investment.

At the same time, we would like to draw particular attention to an issue of immediate legal and operational relevance. Romania has already enforced provisions into binding national legislation — specifically through OUG No. 4/2026 — which establishes direct administrative sanctions, ranging from 5,000 RON to 40,000 RON, for non-compliance with Article 5 of Regulation (EU) 2023/1804. In the absence of an authoritative interpretation, Charge Point Operators face the imminent risk of being sanctioned under national law for conduct whose compliance status remains legally uncertain at EU level — a situation that is incompatible with the principles of legal certainty and uniform application of EU law across Member States.

In this context, we respectfully request further clarification from the Commission on several key aspects of Article 5, which are critical for ensuring consistent compliance and avoiding divergent enforcement practices:

— **Art. 5(2)**: what constitutes sufficient fulfilment of the obligation to present the ad-hoc payment option “clearly” and in a “convenient manner” at a publicly accessible recharging point equipped with automatic authentication;

— **Art. 5(3)–(4)**: the distinction between “display” (≥ 50 kW) and “present” (< 50 kW) for price information is not operationally defined. It is essential to clarify which physical or digital methods fulfil each obligation, including whether shared infrastructure (such as a common POS kiosk) can serve multiple charge points;

— **Art. 5(5):** the criteria for eMSP pricing to be considered “reasonable, transparent and non-discriminatory” require further specification. In the absence of objective benchmarks, operators are exposed to inconsistent interpretation and enforcement;

— **Art. 5(8):** the definition of smart charging refers to real-time adjustment “based on information received via electronic communications” without specifying the source. Clarification is needed as to whether this refers to inputs from the vehicle battery management system, the electricity grid, or an external back-end platform;

— **Art. 5(11):** where a CPO operates infrastructure owned by a third party, and the owner fails to provide hardware with the required technical characteristics, the CPO bears sanction risk for a breach it cannot control. A clear allocation of liability, alongside appropriate procedural safeguards, is therefore essential.

We remain convinced that addressing these aspects would significantly enhance legal certainty, support uniform application across Member States, and contribute to a more effective and user-friendly recharging ecosystem.

We thank you for your consideration and remain at your disposal for any further information or follow-up discussions.

Yours faithfully,

Nicoleta Forfota

AmCham Romania Energy Committee Chair

REGULATION (EU) 2023/1804 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 September 2023

on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU

Articles	REGULATION (EU) 2023/1804	Proposed amendment/clarification
Pt 1 – Pag 1	<p>(1) Directive 2014/94/EU of the European Parliament and of the Council (4) laid down a framework for the deployment of alternative fuels infrastructure. The Commission Communication of 9 December 2020 entitled ‘Sustainable and Smart Mobility Strategy – putting European transport on track for the future’ points to the uneven development of recharging and refuelling infrastructure across the Union and the lack of interoperability and user friendliness. It notes that the absence of a clear common methodology for setting targets and adopting measures under the national policy frameworks[IM1.1] required by Directive 2014/94/EU has led to a situation whereby the level of ambition in target setting and supporting policies differs greatly among Member States[IM2.1]. Those differences have hindered the establishment of a comprehensive and complete network of alternative fuels infrastructure across the Union.</p>	<p>The implementation of AFIR depends heavily on national policy frameworks, yet progress across Member States remains uneven. In some cases, comprehensive national strategies and dedicated regulatory frameworks for alternative fuels infrastructure are still evolving, which can create challenges for consistent implementation.</p> <p>At the same time, project development is often expected to move forward without full alignment with existing infrastructure conditions, grid capacity, and market demand, while coordination between relevant institutions could be further strengthened.</p> <p>Recommendation: Strengthen requirements for Member States to develop and publish clear national strategies, and provide comprehensive, EU-aligned guidelines and best practices on planning, permitting, and grid integration. This would support a more coherent and realistic implementation framework across the EU and help create a more predictable environment for investors.</p> <p>While AFIR provides a strong regulatory framework, greater flexibility and alignment with national market realities, grid constraints, and infrastructure readiness are essential to ensure efficient implementation and avoid stranded investments.</p>
Pt 3 - Pag 2	<p>(3) Regulations (EU) 2019/631 (6) and (EU) 2019/1242 (7) of the European Parliament and of the Council already set CO2 emission performance standards for new passenger cars and for new light-duty vehicles, as well as for certain new heavy-duty vehicles. Those Regulations should accelerate the uptake of, in particular, zero-emission vehicles and thereby create demand for</p>	<p>A more balanced approach between light-duty vehicles (LDV) and heavy-duty vehicles (HDV) infrastructure deployment should be considered, reflecting actual market demand in less mature Member States.</p> <p>In many countries, including Romania, the uptake of LDVs significantly exceeds that of HDVs, while HDV electrification remains at a very early stage. Prioritising HDV infrastructure in such contexts risks underutilised assets and inefficient allocation of public funding, especially given the higher costs and grid requirements associated with high-power charging.</p>

	recharging and refuelling infrastructure. It is important that Regulations (EU) 2019/631 and (EU) 2019/1242 and this Regulation ensure a coherent framework for the use and deployment of alternative fuels in road transport.[]	At the same time, LDV infrastructure continues to face coverage gaps and growing demand, particularly in urban and peri-urban areas. Recommendation: Introduce a more demand-driven and phased approach, allowing Member States to prioritise LDV infrastructure where market uptake is higher, while scaling HDV deployment in line with fleet electrification, technology readiness, and real usage patterns.
Pt 15 – Pag 4	It is important that the deployment of publicly accessible recharging infrastructure primarily be the result of private market investment. However, Member States should, subject to Union State aid rules, be able to support the deployment of the necessary publicly accessible recharging infrastructure in cases where, due to market conditions, public support is needed before a fully competitive market is established.	While the Regulation emphasises that deployment should primarily rely on private market investment, this approach requires a stable and predictable framework at national level. In practice, where clear strategies, dedicated legislation, and coordinated implementation approaches are not yet in place, it is difficult to place the responsibility for delivery on private investors. This creates investment uncertainty and delays, particularly in emerging markets. Recommendation: Ensure that Member States provide clear national strategies, harmonised regulatory frameworks, and coordinated implementation guidelines before relying on private investment. In addition, public support mechanisms should be better targeted to address early-stage market gaps, enabling a more balanced transition towards a fully competitive market.
Pt 18 – Pag 4	Heavy-duty electric vehicles need a distinctively different recharging infrastructure than light-duty electric vehicles. Currently, however, there is almost no available publicly accessible infrastructure for heavy-duty electric vehicles	Deployment targets for HDV infrastructure should be more closely linked to actual fleet uptake and technology readiness (e.g. MCS availability), to avoid underutilized assets. AFIR HDV targets are currently too ambitious compared to market reality, particularly when considering the limited uptake of electric heavy-duty vehicles and the uncertain timeline for Megawatt Charging System (MCS) deployment, which risks leading to underutilized infrastructure. In Romania, a total of 53 heavy-duty trucks were registered as of 31 December 2025. In addition, several EU co-funded projects implemented over the past years (including recent ones) have focused on deploying HDV charging infrastructure based on currently available technologies, which may not be fully compatible with future MCS standards. This creates a risk of technology mismatch and stranded investments. Recommendation: A more phased and adaptive approach should be introduced, linking infrastructure deployment targets to market uptake, technology standardization, and real usage data, in order to ensure efficient allocation of public funding.

Pt 22 – Pag 5	<p>New recharging infrastructure standards for heavy-duty electric vehicles are currently being developed. Therefore, the Commission should consider increasing the individual power output of recharging stations at recharging pools once the new common technical specifications are available.</p>	<p>It is important to emphasize that megawatt (MW) charging technologies are not yet sufficiently mature from a technological and commercial perspective.</p> <p>Furthermore, significant investments have already been made by private investors in high-power charging infrastructure (e.g., 350 kW chargers) in line with current regulatory requirements and market standards. Any premature shift toward mandatory MW-level charging could create regulatory uncertainty and investment risk, potentially leading to stranded assets.</p> <p>In this context, it is essential to consider the ability of investors to recover existing capital expenditures. Imposing new requirements before the market and technology are fully ready may undermine business cases and slow down further infrastructure deployment.</p> <p>In this regard, clarification is needed as to whether HDV-dedicated chargers equipped with CCS2 will remain compliant under the evolving regulatory framework, and whether future heavy-duty vehicles will continue to be equipped with CCS2 interfaces.</p>
Pt 28– Pag 6	<p>Those smart recharging points should comprise a set of physical attributes and technical specifications (hardware and software) that are necessary for sending and receiving data in real-time and enabling the flow of information between market actors that are dependent on those data for fully developing the recharging experience, including recharging point operators, mobility service providers, e-roaming platforms, distribution systems operators and, ultimately, end users.</p>	<p>Implementation timelines for smart charging should take into account national grid capacity and digital infrastructure readiness, which vary significantly across Member States.</p> <p>In less mature markets, the deployment of smart charging solutions is constrained by limited grid flexibility, lack of advanced metering infrastructure, and insufficient digital integration. Imposing uniform timelines may therefore lead to implementation delays or increased costs without immediate operational benefits.</p> <p>Recommendation: Introduce phased implementation timelines and allow flexibility based on national readiness levels, while supporting Member States through guidelines and funding for grid digitalisation and smart metering infrastructure.</p>
Pt 30– Pag 6	<p>The increasing number of electric vehicles in road, rail, maritime and other transport modes will require recharging operations to be optimised and managed in such a way that does not cause congestion and takes full advantage of the availability of renewable electricity and low electricity prices in the system. Smart recharging</p>	<p>While the objectives of smart and bidirectional recharging under paragraph (30) are supported, their uniform and large-scale implementation presents significant technical and economic challenges. Not all existing or planned infrastructure can be easily adapted for bidirectional charging, as compatibility depends on specific hardware and software configurations, often requiring full replacement rather than simple upgrades.</p>

	<p>in particular can facilitate the further integration of electric vehicles into the electricity system as it enables a demand response through aggregation. System integration can be further facilitated through bidirectional recharging (vehicle-to-grid), while smart and bi-directional recharging can also reduce recharging costs for the consumer. all recharging points built or renovated after 13 april 2024 should therefore support smart recharging. In addition, communication standards supporting smart and bidirectional recharging should be adopted to ensure interoperability.</p>	<p>In addition, the deployment of vehicle-to-grid (V2G) functionality must be closely coordinated with distribution system operators to ensure system stability. Without proper coordination and control mechanisms, unplanned or unmanaged bidirectional flows could lead to local grid imbalances. Therefore, implementation should be accompanied by appropriate technical standards, market mechanisms, and system-level coordination to ensure controlled integration into the electricity network.</p>
Pt 35– Pag 7	<p>Hydrogen-powered vehicles have at present very low market penetration rates. However, a deployment of sufficient hydrogen refuelling infrastructure is essential in order to make large-scale use of hydrogen-powered vehicles possible as envisaged in the Commission Communication of 8 July 2020 entitled ‘a hydrogen strategy for a climate-neutral Europe’. Currently, hydrogen refuelling points are only deployed in a few Member States and are largely unsuitable for heavy-duty vehicles. It is therefore not possible for hydrogen-powered vehicles to circulate throughout the Union. Mandatory deployment targets for publicly accessible hydrogen refuelling points should ensure</p>	<p>The deployment of hydrogen refuelling infrastructure should be aligned with actual market demand, technological maturity, and economic viability. In certain Member States, including those with no existing hydrogen-powered transport fleet, the imposition of binding infrastructure targets risks leading to underutilised assets making it failed investments .</p> <p>Furthermore, the development of hydrogen mobility depends on the prior establishment of adequate upstream and midstream infrastructure, including production, storage, and transportation networks. In the absence of such enabling conditions, mandatory deployment obligations may create disproportionate financial burdens on investors without delivering corresponding societal or environmental benefits.</p> <p>Therefore, a phased and demand-driven approach, taking into account national specificities, should be ensured.</p>
Pt 58– Pag 11	<p>Member States should take all necessary steps to ensure that the electricity grid meets the power demand of the recharging infrastructure provided for in this Regulation. To that end, Member States should upgrade and maintain the electricity grid so</p>	<p>Grid access remains a key bottleneck for the deployment of EV charging infrastructure, particularly in Romania. The process for obtaining the Technical Connection Approval (ATR) is often lengthy and unpredictable, and connection costs lack sufficient transparency for high-power installations.</p>

	that it is able to handle present and future demand from the transport sector for electricity.	<p>Recommendation: The Regulation should introduce binding timelines for ATR issuance and grid connection, as well as standardised methodologies for calculating connection costs. In addition, Member States should ensure early coordination between DSOs and project developers through transparent grid capacity planning.</p> <p>Finally, the Regulation should support the development of smart grids, enabling efficient integration of high-power charging infrastructure.</p>
Pt 59– Pag 11	<p>additionally, the revised national policy frameworks should describe the overall national framework for planning, permitting and procuring of such infrastructure, identify any obstacles and the actions that will be taken to remove them so that the time between the deployment and use of the infrastructure is reasonable and a faster rollout of infrastructure can be achieved.</p>	<p>Minimum EU-wide standards for permitting procedures and timelines should be introduced, as permitting remains a key bottleneck for infrastructure development. Investors require clear guidance and predictable frameworks to ensure efficient project implementation.</p> <p>In Romania, permitting procedures are still characterised by fragmentation and evolving institutional coordination. A coherent national framework is currently under development, with key strategic and regulatory elements still being aligned and consolidated (as of 2026). This creates administrative delays, uncertainty in approval processes, and challenges in ensuring timely delivery of infrastructure projects.</p> <p>Recommendation: Clear EU-level guidelines and minimum standards for permitting processes would support greater predictability and consistency, while also assisting Romania in strengthening administrative coordination and accelerating the implementation of infrastructure projects under AFIR objectives.</p>
Pt 63– Pag 12	<p>Member States should make use of a wide range of regulatory and non-regulatory incentives and measures to reach the mandatory targets and implement their national policy frameworks, in close cooperation with private sector actors, who should play a key role in supporting the development of alternative fuels infrastructure.</p>	<p>Timely consultations between the private sector and Member State representatives are essential to ensure the efficient and well-coordinated development and implementation of national policies.</p>
Pt 4, (a)– Pag 14	<p>along the TEN-T core road network, publicly accessible recharging pools dedicated to light-duty electric vehicles and meeting the following requirements are deployed in each direction of travel with a maximum distance of 60 km between</p>	<p>Greater flexibility should be allowed in the application of distance-based targets, taking into account national traffic patterns, grid availability, and market maturity, as uniform requirements (e.g. 60 km) may not ensure optimal infrastructure placement in all Member States.</p>

	them:	<p>There is also a need for a clear long-term TEN-T deployment map, supported by national implementation plans, to ensure coordinated rollout. In the absence of such planning, the burden of compliance shifts to private investors, who face uncertainty regarding grid access, permitting, and demand.</p> <p>Recommendation: The Regulation should strengthen requirements for Member States to provide transparent deployment roadmaps and grid readiness visibility, ensuring a better balance between binding targets and implementation responsibilities.</p>
Pt 4, (a), (ii)– Pag 14	by 31 december 2027, each recharging pool offers a power output of at least 600 kW and includes at least two recharging points with an individual power output of at least 150 kW;	<p>The requirement that each recharging pool provides a minimum total power output of 600 kW, including at least two recharging points of 150 kW, raises practical challenges regarding simultaneous power availability.</p> <p>In real-world conditions, the installed (nominal) power does not necessarily reflect the power that can be delivered simultaneously, as charging infrastructure typically operates with dynamic load management and shared capacity between chargers. This is particularly relevant in locations with grid constraints, where ensuring full simultaneous delivery of the declared power would require significant grid overdimensioning, leading to disproportionate costs.</p> <p>Recommendation: The Regulation should clarify that power requirements refer to installed or available power at pool level under managed conditions, rather than strict simultaneous output. Introducing flexibility through smart load management and diversity factors would better reflect operational realities and support cost-efficient deployment, while still ensuring adequate service levels for users.</p>
Pt 1, (a), (b), (i)(ii)– Pag 22	(a) by 31 december 2025, along at least 15 % of the length of the TEN-T road network, publicly accessible recharging pools dedicated to heavy-duty electric vehicles are deployed in each direction of travel and that each recharging pool offers a power output of at least 1 400 kW and includes at least one recharging point with an individual power output of at least 350 kW;	<p>The deployment of recharging infrastructure for heavy-duty electric vehicles should be aligned with actual market uptake and usage patterns across Member States. In Romania, where the number of registered heavy-duty electric vehicles remains extremely limited (53 units), the imposition of binding infrastructure targets risks leading to significant underutilisation and failed investments.</p> <p>Given the high capital expenditure requirements for grid connection and installation of high-power charging infrastructure, premature deployment in the absence of sufficient demand may undermine the economic viability of investments and delay the overall transition.</p>

	<p>(b) by 31 december 2027, along at least 50 % of the length of the TEN-T road network, publicly accessible recharging pools dedicated to heavy-duty electric vehicles are deployed in each direction of travel and that each recharging pool:</p> <p>(i) along the TEN-T core road network, offers a power output of at least 2 800 kW and includes at least two recharging points with an individual power output of at least 350 kW;</p> <p>(ii) along the TEN-T comprehensive road network, offers a power output of at least 1 400 kW and includes at least one recharging point with an individual power output of at least 350 kW;</p>	<p>Therefore, deployment targets should follow a phased, demand-driven approach, allowing Member States to adapt obligations based on fleet penetration levels and demonstrated usage.</p> <p>Member States may adjust this target where the number of registered heavy-duty electric vehicles remains below a minimum threshold, to be defined at Union level or justified at national level.</p> <p>Member States with limited HDV electrification may apply for a temporary derogation or phased implementation, subject to periodic review by the Commission.</p>
Pt 1, (c)– Pag 22	<p>by 31 december 2030, along the TEN-T core road network, publicly accessible recharging pools dedicated to heavy-duty electric vehicles are deployed in each direction of travel with a maximum distance of 60 km between them and that each recharging pool offers a power output of at least 3 600 kW and includes at least two recharging points with an individual power output of at least 350 kW;</p>	<p>AFIR targets should be better aligned with CEF funding priorities and the actual market realities of Member States. In the most recent CEF call, over 70% of eligible locations targeted HDV infrastructure, while in countries such as Romania market uptake remains very limited (e.g. 53 electric HDVs in operation and no dedicated national support schemes). This mismatch risks underutilised infrastructure and inefficient use of public funds.</p> <p>It should also be clarified, as stated in point 5 of Article 4, that simultaneous grid connection of the entire charging pool is not required, and that availability of around 50% of installed energy capacity, supported by smart metering and load management systems, should be sufficient until 2030 given the very low utilisation of HDV charging points. However, current interpretations by road authorities often ignore this provision and impose unjustified and excessively high power availability requirements.</p>

		Recommendation: Improve coordination between AFIR targets, CEF allocation, and national market development, and ensure harmonised, realistic guidance on grid connection and power requirements for HDV charging infrastructure.
Pt 1, (h)– Pag 22	by 31 december 2030, in each urban node publicly accessible recharging points dedicated to heavy-duty electric vehicles with an aggregated power output of at least 1 800 kW are deployed, provided by recharging stations with an individual power output of at least 150 kW.	<p>The Regulation should allow greater flexibility in interim milestones, as not all Member States are currently prepared to meet the proposed targets in terms of grid readiness, permitting, and strategic planning.</p> <p>In practice, this leads to the burden of implementation being shifted to private investors, who face uncertainty regarding grid connection, administrative processes, and demand.</p> <p>In addition, CEF funding schemes often exclude grid connection costs, despite these being among the most significant cost and time factors, while national programs remain complex and administratively burdensome.</p> <p>Recommendation: Introduce flexible adjustment mechanisms and strengthen requirements for Member States to ensure coherent national strategies, simplified procedures, and better alignment of funding instruments, including support for grid connection costs.</p>
Pt 1– Pag 26	To that end, Member States shall ensure that by 31 december 2030 publicly accessible hydrogen refuelling stations designed for a minimum cumulative capacity of 1 tonne per day and equipped with at least a 700 bar dispenser are deployed with a maximum distance of 200 km between them along the TEN-T core network.	Member States shall ensure the deployment of hydrogen refuelling infrastructure only where justified by demonstrated and sustained demand, including the presence of a minimum level of hydrogen-powered vehicles or committed fleet deployment.
Pt 1– Pag 26	Member States shall ensure that, by 31 December 2030, at least one publicly accessible hydrogen refuelling station is deployed in each urban node. Member States shall ensure that an analysis is carried out to determine the best location for such refuelling stations and that the analysis examines in particular the deployment of such refuelling	<p>The obligation to deploy hydrogen refuelling stations shall be conditional upon:</p> <p>(a) the existence of operational hydrogen transport and distribution infrastructure at national or regional level;</p> <p>(b) evidence of commercially viable supply of renewable and low-carbon hydrogen at competitive cost;</p> <p>(c) compliance with safety standards and risk mitigation frameworks appropriate to hydrogen technologies.</p>

	stations in multimodal hubs where other transport modes could also be supplied.	Member States with no or negligible hydrogen mobility uptake may apply for a temporary derogation from the deployment targets, subject to periodic review
Pt 1– Pag 27	Operators of hydrogen refuelling points shall, at the publicly accessible refuelling points operated by them, provide end users with the possibility to refuel on an ad hoc basis.	The current targets for hydrogen infrastructure should be reconsidered in light of limited market readiness, high costs, and regulatory gaps. In several Member States, including Romania, there is no mature legislative framework, limited technological deployment, and very low vehicle uptake, making large-scale investments in hydrogen infrastructure high-risk and difficult to justify at this stage. Recommendation: Consider postponing hydrogen infrastructure targets by at least 5 years and aligning future deployment with market development, technological maturity, and clear regulatory frameworks, to avoid inefficient use of public and private investments.
Pt 4– Pag 36	By 31 December 2024, Member States shall ensure that the data referred to in paragraph 2 of this Article are made accessible on an open and non-discriminatory basis to all data users through their national access points in accordance with the relevant provisions related to such data in Delegated Regulation (EU) 2022/670 and in compliance with the additional complementary specifications that may be adopted in accordance with paragraph 7 of this Article. Where Member States aggregate data under their national access points, they may provide those data to a common European access point by means of an API.	While the Regulation requires that data be made available through national access points (NAPs) by 31 December 2024, in practice such systems are not yet fully implemented or operational in all Member States. In Romania, for example, a functional and comprehensive national access point for EV charging infrastructure data is not yet in place, which limits data transparency, accessibility, and market visibility for stakeholders. Recommendation: Strengthen monitoring and enforcement mechanisms to ensure timely implementation of national access points, and provide clear EU-level guidance and support to Member States for their development and interoperability with the common European access point.