Commission Implementing Regulation (EU) 2020/858 of 18 June 2020 amending Implementing Regulation (EU) 2018/732 as regards postponing its date of application (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/858

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amending Implementing Regulation (EU) 2018/732 as regards postponing its date of application

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure[(1)], and in particular Article 7(3) thereof,

Whereas:

(1) In accordance with Commission Implementing Regulation (EU) 2018/732[(2)] the display of the comparison of the fuel prices in fuel stations should rely on samples of passenger cars that are comparable, at least in view of their weight and their power. Member States have the possibility to make use of the opportunities offered by digitalisation such as online tools, to provide information on vehicle models existing in the market, and to add other information. Therefore, the display of a link to a website with more complete or additional information may be used as a complementary means to the display of fuels unit price comparison at fuel stations. It should not replace the display at the fuel station.

(2) Member States should determine which filling stations are to display the results of the alternative fuels unit price comparison following the common methodology set out in Annex I of Implementing Regulation (EU) 2018/732. Information display should happen in a way to ensure adequate consumer information such as through posters, panels or monitors. Their installation requires specific works at fuel stations. Solutions should not burden small and medium-sized enterprises.

(3) The Union set up a Programme Support Action (PSA) under Connecting Europe Facility to assist Member States with the implementation of Article 7(3) of Directive 2014/94/EU, including recommendations for a harmonised roll out of information displays. Those recommendations are not yet available as the implementation of the required face-to-face tests had to be postponed because access to filling stations for testing is severely constrained since the start of confinement measures relating to the COVID-19 pandemic. In this respect, the Commission, at the request of the Member States participating in the PSA, has extended its duration through an amendment of the relevant Grant Agreement until 30 September 2020. This will imply a delay in the final

delivery of the recommendations to be issued from the PSA to Member States for a harmonised implementation of Article 7(3) of Directive 2014/94/EU.

(4) Member States in the Committee on Alternative Fuels Infrastructure at the meeting of 3 April 2020 noted that the measures to confine the spread of COVID-19 constrain the possibility to access filling stations. Consequently, it is not possible to carry out all necessary works to equip filling stations with displays in line with the recommendations from the PSA. In addition, the implementation of posters, panels or monitors requires physical work at filling stations, which could entail safety risks to customers and working staff due to the obligation to maintain social distancing. For those reasons, Member States requested the postponement of the date of application of Implementing Regulation (EU) 2018/732.

(5) Those constraints make it impossible to set up the necessary infrastructure to enable filling stations to accommodate the methodology set out the Annex to Implementing Regulation (EU) 2018/732 on the date of application laid down in Article 2. In addition, Member States also face challenges with collecting the relevant data. For those reasons, the date of application of Implementing Regulation (EU) 2018/732 should be postponed for 6 months to allow the Member States to offset the negative impact of the delay caused by the COVID-19 crisis in putting the measures provided for in that Regulation into practice.

(6) To provide an immediate relief in the ongoing COVID-19 crisis and to allow Member States and all stakeholders to adapt their planning in accordance with the proposed amendment, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.

(7) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 9(1) of Directive 2014/94/EU,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Implementing Regulation (EU) 2018/732, the second subparagraph is replaced by the following:

It shall apply from 7 December 2020

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.