

# AUSTRIA: NEW RULES FOR A PUBLIC CHARGING POINT REGISTER IN AUSTRIA

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The increasing use of electric vehicles (EVs) in Austria means the supporting infrastructure requires constant development. The Austrian federal government program 2020-2024 envisages expanding the Austrian network of charging points for alternative fuels as an essential pillar of its drive towards implementing sustainable mobility solutions. In September 2020, the Austrian government followed through with its agenda

by proposing the Austrian Renewable Energy Expansion Act (Erneuerbaren-Ausbau-Gesetz, EAG), which includes an amendment of the Austrian Act on Uniform Standards for Alternative Fuels Infrastructure Developments (Bundesgesetz zur Festlegung einheitlicher Standards beim Infrastrukturaufbau für alternative Kraftstoffe, BGFS). The EAG has recently been approved by the government and is now subject to discussions/approval by the Austrian parliament. The cornerstone of the amendment, which is expected to enter into force in the second half of 2021, involves establishing a public charging point register so that EV drivers can locate publicly accessible charging points when they need them and obtain other relevant information.

Given the rapid development of and innovation in electric mobility, instituting appropriate infrastructure measures is becoming ever more important. With this step forward, the Austrian government has given the starting signal for accelerating the implementation of a comprehensive Austrian charging point network.

## Status Quo

In Austria, electrifying road traffic has been identified as one of the most important contributions the country can make to reaching the 2030 EU climate targets. Recent measures implemented on the basis of the Austrian national “Clean Energy in Traffic” policy framework (derived from Directive 2014/94/EU on the deployment of an alternative fuels infrastructure, aimed at achieving a resource-efficient transport system and reducing fossil fuel use), such as increasing public subsidies, exempting certain taxes, and reducing the cost of the private or commercial purchase of alternative-fuel vehicles and charging points, triggered a significant demand for EVs in Austria. The Austrian Statistics Office reports that the number of new EVs registered in Austria increased by 391% in 2020, to a total of over 60,000 (compared to approximately 5 million vehicles with combustion engines).

In line with Directive 2014/94/EU, the Austrian legislator introduced the BGFS, which took effect in July 2018. The BGFS introduced binding rules on constructing and operating publicly accessible charging points for vehicles with alternative fuel systems (including electricity, hydrogen, biofuels, synthetic and paraffinic fuels, natural gas,

and liquefied petroleum gas). The BGFS thus sets out the technical requirements for publicly accessible charging points and alternative fuel stations, enables charging point operators to supply electricity from third-party energy producers, and obliges operators to let users charge their vehicles without entering into a continuing contractual relationship (on-demand charging).



## Establishment of an Austrian Charging Point Register

Although not mandated on a European basis, Austria had already paved the way for a public charging point register in 2018 by requiring the Austrian Energy Control Authority (“E-Control”) to develop one. In November 2019, E-Control presented the beta version of its public charging point register (Ladestellenregister). Finally, by passing the EAG, the Austrian legislator will provide the legal basis for the register’s further deployment, maintenance, and operation. Subject to details still to be determined by the Austrian Climate Change Minister, the charging point register shall contain certain user-relevant information on publicly accessible EV charging points (including location, technical parameters, and the price for punctual charging) that must be made available to users in an open and non-discriminatory manner. To ensure the completeness and accuracy of the data, operators must submit relevant information about their publicly accessible charging points directly to the charging point register and update such information on a regular basis. If an operator discontinues a publicly accessible charging point, they must report it within two weeks. E-Control has to implement further measures to improve price transparency of publicly accessible EV charging points, which are still to be determined.

## Outlook

With the upcoming BGFS amendment, the Austrian legislator has taken a further step towards the mobility turnaround and a climate-neutral society. Based on the rather narrow scope of the rules, the new Austrian charging point register will, however, also raise interesting legal and practical questions for the operators of publicly accessible charging points in Austria. These include, for instance, questions regarding the addressee of the obligations targeted at the operators of publicly accessible charging points (*i.e.*, is it the landowner, the lessee, or the technical operator?), the inclusion of charging points other than EV charging points (*e.g.*, hydrogen, biofuels), the prevention of discriminatory treatment of operators, and the scope and form of data to be submitted to the register. The answers to these and other questions will need to be sought in practice. ■