



STATUTORY INSTRUMENTS.

S.I. No. 414 of 2018

EUROPEAN UNION (DEPLOYMENT OF ALTERNATIVE FUELS
INFRASTRUCTURE) REGULATIONS 2018

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I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purposes of giving effect to Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Deployment of Alternative Fuels Infrastructure) Regulations 2018.

Interpretation

2. In these Regulations—

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

“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, they include, inter alia—

- (a) electricity,
- (b) hydrogen,
- (c) biofuels,
- (d) synthetic and paraffinic fuels,
- (e) natural gas, including biomethane, in gaseous form (compressed natural gas (“CNG”)), and
- (f) liquefied petroleum gas (“LPG”);

“authorised officer” means a person appointed under Regulation 13 as an authorised officer;

“CNG refuelling nozzle” means a device which permits quick connection and disconnection of a fuel supply hose to the CNG receptacle in a safe manner;

¹OJ No. L 307, 28.10.2014, p. 1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 12th October, 2018.*

“CNG refuelling receptacle” means a device connected to a vehicle or storage system which receives the CNG refuelling nozzle and permits safe transfer of fuel;

“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;

“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;

“infrastructure operator” means the party responsible for operating a recharging point, including shore-side electricity supply installations, or refuelling point, be it the owner of the infrastructure or a party operating the infrastructure on behalf of the owner;

“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;

“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;

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

“Regulator” means—

- (a) in respect of the enforcement of Regulations 4 and 5 and, in relation to electric recharging points, Regulations 8 and 9, Sustainable Energy Authority of Ireland, and
- (b) in respect of the enforcement of Regulations 6 and 7 and, in relation to hydrogen and CNG refuelling points, Regulations 8 and 9, Commission for Regulation of Utilities;

“renewed” means the replacement of recharging or refuelling point’s essential physical components or parts;

“shore-side electricity supply” means the provision of shore-side electrical power through a standardised interface to seagoing ships or inland waterway vessels at berth.

(2) A word or expression which is used in these Regulations and is also used in Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014¹ has, unless the context otherwise requires, the same meaning in these Regulations as it has in that Directive.

Scope

3. These Regulations apply to alternative fuels which are electricity, hydrogen and CNG.

Recharging points for electric vehicles

4. (1) An infrastructure operator shall ensure that—

- (a) alternating current (AC) normal and high power recharging points for electric vehicles accessible to the public, excluding wireless or inductive units, deployed or renewed after the making of these Regulations, shall be equipped, for interoperability purposes, at least with socket outlets or vehicle connectors of Type 2 as described in standard EN 62196-2, and
- (b) direct current (DC) high power recharging points for electric vehicles accessible to the public, deployed or renewed after the making of these Regulations, shall be equipped, for interoperability purposes, at least with a connector of the combined charging system ‘Combo 2’ as described in standard EN 62196-3 or with a connector that provides the same or higher performance capacity of the ‘Combo 2’.

(2) An infrastructure operator shall provide, in respect of all recharging points accessible to the public, deployed or renewed after the making of these Regulations, the feasibility for electric vehicle users to recharge their vehicles on an ad hoc basis without entering into a contract with the electric supplier or operator concerned.

Shore-side electricity for maritime transport

5. An infrastructure operator who installs or operates shore-side electricity supply for maritime transport accessible to the public, deployed or renewed after the making of these Regulations, the infrastructure operator shall ensure that the installations including the design, installation and testing of the systems, conform with the technical specifications of the IEC/ISO/IEEE 80005-1 standard.

Hydrogen refuelling point

6. An infrastructure operator who operates hydrogen refuelling points accessible to the public, shall ensure that connectors for motor vehicles for the refuelling of gaseous hydrogen conform with—

- (a) the ISO 17268 gaseous hydrogen motor vehicle refuelling connection devices standard, and
- (b) the ISO 14687 hydrogen purity standard.

CNG gas refuelling nozzles and receptacles

7. An infrastructure operator who installs or operates CNG refuelling points for motor vehicles accessible to the public, deployed or renewed after the making of these Regulations, shall ensure that—

- (a) CNG refuelling points for motor vehicles conform with IS EN ISO 16923:2018, and
- (b) CNG refuelling nozzles and receptacles conform with IS EN ISO 14469:2017.

Data accessibility

8. (1) Data indicating the geographic location of the recharging and refuelling points accessible to the public, covered by these Regulations, shall be made accessible by an infrastructure operator on an open and non-discriminatory basis to all users. For recharging points, such data may include information on real-time accessibility as well as historical and real-time charging information.

(2) Data indicating the geographical location of infrastructure referenced in paragraph (1) shall be made available, at least, online and in a format that provides for the geographical coordinates of the recharging and refuelling points using, where appropriate, geographical information mapping systems.

(3) The Minister for Communications, Climate Action and Environment may request an infrastructure operator to provide the data mentioned in paragraph (1) to him or her or such other person as he or she designates for the purposes of providing a centralised repository for such data, which would allow access to all users on an open and non-discriminatory basis. The operator shall provide such data.

(4) Where the Minister for Communications, Climate Action and Environment makes a designation under paragraph (3), he or she shall publish notice of this in *Iris Oifigiúil*.

(5) Where an infrastructure operator fails to provide the data required under paragraph (3), the Minister for Communications, Climate Action and Environment may apply to the High Court for an order to provide the data requested.

User information

9. An infrastructure operator who operates recharging or refuelling facilities accessible to the public shall ensure that relevant, consistent and clear information is made available as regards those motor vehicles which can be regularly fuelled by individual fuels places on the market, or recharged by recharging points. Such information shall be made available in a clearly visible manner at refuelling and recharging points and shall conform with the labelling provisions regarding fuel compliance under I.S. EN 16942:2016 for CNG and hydrogen refuellers and I.S. EN 1786 for electric vehicle rechargers.

Complaints

10. (1) The Regulator shall provide a customer complaint resolution service for any customer of recharging or refuelling facilities accessible to the public, which is operated by an infrastructure operator, who has reason to believe that an infrastructure operator is not conforming with these Regulations and shall publish details of the service on its website.

(2) Where a person considers that an infrastructure operator is not conforming with these Regulations, a complaint may be made in writing to the Regulator. The Regulator may make an investigation regarding the complaint.

Directions

11. (1) Where the Regulator considers, on its own initiative or following the investigation of a complaint under Regulation 10(2), an infrastructure operator is failing to comply with these Regulations, the Regulator may issue a direction to the infrastructure operator stating the non-conformance, directing the operator to so conform with the direction and specifying the date by which the compliance must be remedied. The infrastructure operator may make representations to the Regulator regarding the direction within 21 days of the issue. The Regulator may having considered any representations may confirm, amend or withdraw the direction.

(2) An infrastructure operator who fails to comply with a direction under paragraph (1) commits an offence and is liable on summary conviction to a class A fine.

Service of directions

12. (1) A direction under Regulation 11 shall, as soon as practicable, be sent or given in writing by the Regulator in any of the following ways:

- (a) by delivering it to the parties to the dispute;
- (b) by leaving it at the addresses at which the parties to the dispute ordinarily carry on business;
- (c) by sending it by pre-paid registered post addressed to the parties to the dispute at the addresses at which the parties to the dispute ordinarily carry on business;
- (d) if an address for service has been furnished by a party to the dispute to the Regulator, by leaving it at, or sending it by pre-paid registered post to, that address;
- (e) in any case where the Regulator considers that the immediate giving of the decision is required, by sending it, by means of electronic mail, to a device or facility for the reception of electronic mail located at the address at which a party to the dispute carries on business or, if an address for the service of notices has been furnished by a party to the dispute, that address, but only if the recipient's facility for the reception of electronic mail generates a message confirming receipt of the electronic mail, and it is also given in one of the other ways mentioned in subparagraphs (a) to (d).

(2) In paragraph (1), a party to a dispute which is a company or an existing company (within the meaning of the Companies Act 2014) is deemed to be ordinarily resident at its registered office and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

Authorised officers

13. (1) The Regulator may for the purposes of enforcing these Regulations appoint in writing such persons or classes of persons as it considers appropriate to be authorised officers to exercise the functions referred on an authorised officer under this Regulation.

(2) An authorised officer may enter a premises or land, at all reasonable times (other than premises used as a private dwelling, except with the consent of its occupier) upon production, if so requested, of his or her warrant of appointment or other evidence that he or she is such an officer for inspection, for the purposes of ensuring conformity with these Regulations or investigating whether there has been any breach of the requirements of these Regulations and may:

- (a) inspect the premises or land and any recharging point or refuelling point or shore-side electricity supply installation, as well as related plant or machinery situated on those premises or land;
- (b) require any person on the premises or land to produce for inspection documents, records or any other information, in whatever form it is held, within such period as the officer considers reasonable or take copies of or extracts from such or take them away for further inspection;
- (c) carry out tests on any component or part of any infrastructure, plant or machinery on the premises or land or seize them and retain them to carry out tests on them elsewhere;
- (d) take photographs or measurements.

(3) An authorised officer may be assisted by such persons and bring such equipment as he or she considers necessary to enable him or her to exercise his or her powers under this Regulation.

(4) A person who—

- (a) fails to permit an inspection of a premises or land under this Regulation,
- (b) without reasonable explanation, fails or refuses to comply with any request or requirement made by an authorised officer under this Regulation,
- (c) obstructs, impedes, interferes with or assaults an authorised officer in the exercise of a power under this Regulation,
- (d) knowingly gives to an authorised officer information which is false or misleading in a material respect, or
- (e) knowingly alters, suppresses, or destroys any document or record, including a printed copy of it or electronic data, which the person

concerned has been requested or required to produce, or may reasonably expect to be required to produce,

commits an offence and is liable on summary conviction to a class C fine.

- (5) (a) An authorised officer may apply to a judge of the District Court for a warrant authorising the entry by the authorised officer onto or into the premises or the land or any part thereof—
- (i) where an authorised officer in the exercise of his or her powers under this Regulation is prevented from entering any premises or land or any part thereof, or
 - (ii) if he or she has reason to believe that evidence related to a suspected offence under Regulation 11 may be present in any premises or land or any part thereof and that the evidence may be removed therefrom or destroyed.
- (b) If, on application being made to the District Court under this paragraph, the judge is satisfied, on the sworn information of the authorised officer that he or she has been prevented from entering a premises or land or any part thereof, the judge may issue a warrant authorising that person, accompanied, if the judge deems it appropriate by another authorised officer or a member of the Garda Síochána, as may be specified in the warrant, at any time or times within one month from the date of the issue of the warrant, on production if, so requested, of the warrant, to enter, if need be by force, the premises concerned and exercise the powers under this Regulation.

Offences by bodies corporate

14. (1) If an offence under Regulation 11(2) is committed by a body corporate and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a person who is a director, manager, secretary or other similar officer of the body, or is a person who was purporting to act in any such capacity, that person as well as the body corporate commits an offence and is liable to be proceeded against and punished as if that person had committed the first-mentioned offence.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and omissions of a member of the body in connection with the member's functions of management as if the member were a director or manager of it.

Prosecution of offences

15. Proceedings for an offence under these Regulations may be brought and prosecuted summarily by the Regulator.



GIVEN under my Official Seal,
10 October 2018.

SHANE ROSS,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Statutory Instrument legally transposes the interoperability and other standards of the Alternative Fuels Infrastructure Directive into Irish law.

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