

# Fast criticism of the Fast-Charging Infrastructure Act bill

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The bill is designed to address a market failure

On 28 December 2020, the [Federal Ministry of Transportation](#) introduced a bill for a Fast-Charging Infrastructure Act (an Act to Provide Nationwide Fast-Charging Infrastructure for Pure Battery Electric Vehicles). The legislative intent for this bill states that Germany will not be able to accomplish its environmental policy goals unless it cuts carbon emissions in the transportation sector by a considerable amount and that electric vehicles in particular are indispensable for achieving this end. But it notes that the country's progress in implementing these plans has been slower than had been hoped due to a "dilemma of cause and effect": the lack of adequate charging infrastructure makes electric vehicles seem less attractive while the resulting weak market for electric vehicles is attributable to the lack of adequate charging infrastructure.

The [German government](#) plans to break this deadlock through the "provision of nationwide fast-charging infrastructure, commensurate to demand, for pure battery electric vehicles." The key provisions of this Fast-Charging Infrastructure Act are as follows:

- ▶ The German government will ascertain demand and will then select at least ten regional lots in which the number of fast-charging stations will be determined for individual locations, as well as their equipment and ancillary installations.
- ▶ The German government will determine the technical, financial and legal conditions for performance of the work, which will have to be met by federal contractors in terms of the accessibility, capacity, reliability and user-friendliness of the offered infrastructure, as well as its ability to meet demand.
- ▶ In the early phase (the market ramp-up phase), the German government will provide funding to ensure that infrastructure will be created even in locations which are less attractive commercially.

## Substantial criticism

Despite the very brief period allotted for responses from interested parties (which expired on 5 January 2021), some organizations have expressed sharp criticism ([BDEW](#), [BEM](#))(only in German). This criticism has been directed in particular at the very narrow scope of the bill: all of its provisions relate exclusively to vehicles which run on electric batteries only, and do not take into account existing solutions (such as plug-in hybrids), products

which are currently in the process of development (such as e-trailers) or new technologies which may be developed in the future (e.g. by way of an opening clause). Concerns have also been raised from a technical standpoint, particularly given the fact that the charging capacity which is to be provided for fast-charging stations (at least 100 kW) is not defined in relation to the system's voltage level.

### Legal implications and outlook

It is to be expected that the "technical, financial and legal conditions" which will be determined in the future will have a considerable impact on the industry. For example, automotive manufacturers may decide to concentrate exclusively on the production of vehicles which meet these requirements. This would affect the entire supply chain, as suppliers would also have to align their operations to conform to these conditions in case of doubt. These aspects will also ultimately be of relevance for the drafting of agreements (e.g. with regard to quality and intended purpose) and when it comes to monitoring compliance. After all, regardless of the specific way in which the provisions of the Fast-Charging Act are implemented, lawmakers will be required to bring them in line with the existing legislative framework (e.g. in the [Energy Act](#), the [Electric Mobility Act](#) and the [Charging Stations Ordinance](#)) (only in German).

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