



The Scottish Parliament  
Pàrlamaid na h-Alba

**The Presiding Officer**  
Rt Hon Tricia Marwick MSP

William Cash MP, Chair  
European Scrutiny Committee  
7 Millbank  
House of Commons  
London SW1P 3JA

7 March 2013

Dear Mr Cash

The Scottish Parliament has agreed that where the UK Government, the UK Parliament or the Scottish Government brings any EU proposal to the attention of the Parliament as raising a concern in relation to compliance with the principle of subsidiarity the relevant Parliamentary committee will consider that proposal. Where a committee has a concern in relation to the proposal but there is an insufficient period remaining for a chamber debate, parliamentary procedure enables the views of that committee to be transmitted directly to you from the Presiding Officer.

**Explanatory Memorandum in respect of EU Proposal 5899/13**

I understand that the House of Lords EU sub-Committee B – Internal Market, Infrastructure and Employment has recently considered EU Proposal 5899/13 for a Directive of the European Parliament and of the Council on the Deployment of Alternative Fuels Infrastructure.

I am writing to you following the Scottish Parliament Infrastructure and Capital Investment (ICI) Committee's consideration of the Proposal at its meeting of 6 March 2013. The ICI Committee expressed concerns in relation to the Proposal. These concerns are set out below.

**Policy implications**

We understand that the UK Government's EM was drafted in full discussion with Scottish Government officials and note that the Scottish Government shares the concerns of the UK Government. The UK Government's EM highlights concerns in relation to the proposals, such as the setting of rigid interim targets for the uptake of ULEV technology and the targets for the installation of alternative fuels infrastructure.

The Scottish Government shares this concern and is of the view that Member states have a better knowledge of their own market requirements, and are therefore in a better position to set targets. The ICI Committee supports this view.

In principle, the Scottish Government and the ICI Committee are supportive of the Commission's view that common technical specifications for alternative fuel infrastructure would be a sensible measure.

**Concerns in relation to subsidiarity**

On the question of subsidiarity, the EM provided by the UK Government states that subsidiarity is not being respected in all areas of the proposal. The UK Government, the Scottish Government and the ICI Committee agree that the setting of targets within the individual member states is a matter for national policy makers to decide.

Yours sincerely



**TRICIA MARWICK**