

# The Cross-Border Compliance Stack

*Submission to the AFIR mandatory review, public consultation*

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## THE CROSS-BORDER COMPLIANCE STACK

*Operator-Level Evidence for the AFIR Mandatory Review*

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## THE PROBLEM

AFIR sets one regulatory floor across all 27 EU member states. A charge point operator that achieves full compliance in its home market is not compliant in the next one.

AFIR's drafting is not the issue. The gap sits between what a framework regulation signals and what member state implementation actually requires. Every member state examined in this submission has added national requirements on top of the EU baseline. Those additions are individually rational. Together, they produce a four-layer compliance stack that compounds non-linearly as an operator expands cross-border: EU baseline obligations, national transposition instruments, hardware protocol variance, and DSO connection queue interactions.

A six-week firmware delay in one layer can cost ten to fourteen weeks of deployment once it collides with a grid connection queue that does not pause to wait for it.

## THE EVIDENCE

This submission draws on country-pair analysis across the Netherlands, Germany, Spain, and Portugal, anchored to a composite 200 to 500 charger operator profile, the realistic scale of a growth-phase CPO expanding cross-border on institutional debt.

Germany. Eichrecht requires MID certification plus separate PTB type-testing, a metrological layer with no Dutch equivalent. Paragraph 14a EnWG requires DSO-specific smart charging signal integration that a CSMS built for Dutch demand-response frameworks does not support without reconfiguration.

Spain. CNMC Circular 1/2024 introduced flexible grid access in saturated zones, but its implementing specifications were not operational until December 2025, nearly a full year after the Circular came into force. Order ITU/1475/2024 uses a metrological conformity assessment module that does not recognise standard MID certification, a divergence the Commission was formally notified of in September 2024 and which remains unresolved.

Portugal. Mobi.E, once a genuine interoperability solution, became a market exclusion condition once AFIR's own OCPI roaming mandate superseded its core function. An operator with full OCPI 2.2.1 compliance was still legally barred from public operation in Portugal until Decree-Law 93/2025 removed the mandatory connection requirement in August 2025, fourteen months after AFIR came into force.

None of these national instruments are mistaken. Each is a rational member state response to a real problem the EU baseline had not yet addressed. The problem is that they remain national solutions to problems that stopped being nationally bounded the moment EV charging scaled across the single market.

## THE FINANCIAL CONSEQUENCE

A 30-month grid connection delay under standard site cost assumptions runs to approximately €87,500 per site in carry costs. Across a multi-site expansion programme, this is not a rounding error in an acquisition model. It is a direct compression of investor returns, and the compression lands disproportionately on the months when a new site's utilisation is climbing toward break-even, not on the early, low-revenue months. The IRR effect is therefore larger than a simple pro-rata delay calculation would suggest.

This produces a measurable market consequence. Large pan-European operators absorb compliance complexity as overhead. Growth-phase operators, the segment with covenant-linked debt and the least capacity to absorb delay, make the rational choice to stay in markets they already understand. The result is concentration: large operators dominate the markets AFIR's targets are already close to meeting, and underserved regions, where new entrants matter most, get the fewest of them.

## THREE RECOMMENDATIONS

- 1. Consolidate the Commission's 33 non-binding Article 5 Q&As into a single binding technical standard under Article 15 review powers.** A manufacturer building EVSE hardware for EU-wide compliance needs one binding document to build against, not a guidance layer with no legal force sitting alongside 27 national variants.
- 2. Establish a single EU-level EVSE hardware type-approval registry with mutual recognition across all member states.** The German Eichrecht and Spanish Order ITU/1475/2024 divergence is resolved directly under this approach, and no third member state has reason to build a further incompatible national instrument addressing the same underlying problem.
- 3. Mandate a minimum OCPP version with a phased rollout and built-in forward compatibility for ISO 15118-20.** This recommendation is independently corroborated by CharIN's own April 2026 submission to this same review, which calls for the same mechanism from the standards-body side. Two independent routes arriving at the same fix is a strong signal the gap is real.

## WHY THIS SUBMISSION IS DIFFERENT

Most submissions to this consultation will come from industry associations, member state authorities, or large pan-European operators with established government affairs functions. Few will document what a growth-phase operator, fully compliant in its home market, actually encounters when that compliance does not travel to the next one. That operator-level evidence is this submission's contribution to the Commission's evidence base.

Full country-by-country analysis, financial modelling, and complete citations are available in the white paper cited above, published under CC BY 4.0 and submitted as a companion document to this response.

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