

EU LEGISLATION UPDATE

April 2015



OPPORTUNITIES FOR DIALOGUE

REACH - Registration, Evaluation, Authorisation and Restrictions of Chemicals

The European Commission consultation on the REACH process for the authorisation for use of substances in low volumes and for substances used in legacy spare part was run from February through April (see February EU issues update). The consultation provided further opportunity for the historic vehicle movement to promote a change to the system to resolve the concern that REACH may prevent the continued use of substances and parts which are necessary for the replacement or repair of parts for historic vehicles or which are used in the renovation process. FIVA suggested that the Directive be amended with the inclusion of an exemption for historic vehicles to read: “in respect of vehicles put on the market before the sunset date, processes, materials for processes and spare parts put on the market and used after the sunset date for the purposes of repair, renovation and restoration of these vehicles shall be exempted from the provisions of Article 56, REACH.” FIVA argued that this approach would be consistent with the End-of life Vehicle Directive (adopted in 2000) which:

- allows spare parts to be available for the repair of vehicles which were put on the market before 1 July 2003;
- states that all new material restrictions in the ELV Directive have a ‘repair as produced’ exemption for spare parts that were not originally designed to be compliant with the new material restrictions; and which:
- recognises the value of the historic vehicle movement and the need to ensure that the Directive does not unnecessarily or disproportionately impact on the preservation of vehicles with its Recital 10 stating that: “Vintage vehicles, meaning historic vehicles or vehicles of value to collectors or intended for museums, kept in a proper and environmentally sound manner, either ready for use or stripped into parts, are not covered by the definition of waste laid down by Directive 75/442/EEC and do not fall within the scope of this Directive.”

FIVA substantiated its position by explaining that:

- Restoration, maintenance and repair require the use of a wide range of materials, components and processes, is a core facet of preserving historic vehicles and is essential to ensure safe and reliable use of the vehicles
- Spare parts for historic vehicles must therefore meet the performance demands of the original part and be able to function with associated systems and components. This means that the chemical composition should be the same as the original to avoid adverse chemical reaction with other parts and that the geometry of the parts must be identical to the original in order for the components to physically fit into the required space. Therefore, substitution is unlikely to be a viable option

- Maintaining the authenticity of historic vehicles is important to ensure that our motoring heritage is accurately preserved for future generations –hence FIVA recommends and encourages owners, wherever possible, to use replacement parts and repairs use the design and material of the original components
- These concerns apply to the supply of parts for all older vehicles, but are especially important for historic vehicles where a significant proportion are vehicles which were made more than 40 years ago and where some may be over 100 years old. There will always be a need for restoration and maintenance of historic vehicles because the objective is preservation so there will be a need for legacy parts and traditional renovation processes for the foreseeable future. Moreover, a certain amount of this work will be complete restorations as there are still numerous instances of “barn finds” - one well documented example being the find of the Roger Baillon collection in France. These “barn finds” allow lost heritage to be brought back to life for enjoyment for future generations
- The chemicals and substances used for the maintenance, repair and restoration of historic vehicles are used in such small quantities that when used in controlled environments they present no significant risk to human health and/or the environment
- The authorisation process would be prohibitively expensive and ban on the use of any product for these purposes would unnecessary. Due to the relatively low demand for spare parts, any additional costs for authorisation, testing validations on components and/or vehicle level would make this business unprofitable, independent of the size of the supplier. Hence, it may force these manufacturers to cease producing these parts or stop offering the processes. Such an impact to the historic vehicle movement would be incalculable – it would eventually lead to the inability to undertake certain renovations and repairs which would mean the vehicle would not be able to be used. The possibility to preserve, restore and maintain historic vehicles is therefore inexorably threatened by REACH in its current form.
- These concerns will not be resolved by:
 - stockpiling of parts: as extensive storage capacity would be required and because many spare parts – notably rubber components – perish over relatively short time frames;
 - the substitutions of substances: as this would impact on authenticity and because substitution is not always a viable option because replacement substances or components can result in a change in the function, geometry and thermal durability of the part or vehicle.
- Therefore the impact of REACH would be two-fold:
 - the economic impact: almost all historic vehicle repair and restoration businesses are small enterprises providing specialist services - these businesses will either no longer be able to provide specific services or will be forced to use alternative products and substances which will impact on:
 - the originality, safety and viability of these vehicles: which will penalise historic vehicle owners and lead to a loss of motoring heritage.
- One current concern is chromium plating which is a significant and often very visible part of most historic vehicles. Many businesses, most of which are SMEs, provide chromium plating services to historic vehicle owners for maintenance, repair or complete restoration of historic vehicles, often by the application of a new plated surface to an existing component. Chromium trioxide (chromic acid) is one of the most important of all plating chemicals and is used extensively by these businesses. Chromium trioxide has recently been added to the authorisation list and while a Consortium has been established for its authorisation, costs

would be very prohibitive for these small specialist businesses to be authorised to continue to use Chromium trioxide. There are currently no equivalent substances, and even if one were to be developed it would present authenticity issues. It is important to note that the finished product is not hazardous at all – it is only the use of the product during the process and the EU businesses which provide these services have over recent years continuously developed and improved the conditions in which the processes are undertaken..

- The impact on historic vehicle businesses, historic vehicle owners and the preservation of motoring heritage is therefore totally disproportionate to the aims of the legislation.

FIVA ACTION: discussions on this issue will be ongoing in coming months by the European Commission and Member States. FIVA therefore asks that ANFs contact their national authorities and use the argumentation detailed above to press for the Directive be amended with the inclusion of an exemption for historic vehicles to read: “in respect of vehicles put on the market before the sunset date, processes, materials for processes and spare parts put on the market and used after the sunset date for the purposes of repair, renovation and restoration of these vehicles shall be exempted from the provisions of Article 56, REACH.”

Germany has concerns about REACH

Germany’s Federal Risk Assessment Institute (BfR) has claimed that at least half of EU chemical registration dossiers appear to contain inadequate data on substances of high concern. The institute has therefore urged the European Chemicals Agency to conduct compliance checks on the majority of dossiers for registering chemicals under the REACH regulation. It said the existing target to check 5% of dossiers for compliance is not sufficient.

INFORMATION

eCall – European Parliament supports eCall in new vehicles

The European Parliament has agreed rules to require emergency call devices that automatically alert rescue services to car crashes (eCall) be fitted to all new models of cars and light vans by 31 March 2018. The eCall in-vehicle system uses 112 emergency call technology to automatically alert the emergency services to serious road accidents. This enables them to decide immediately on the type and size of rescue operation needed – and hence should help them to arrive faster, save lives, reduce the severity of injuries and cut the cost of traffic jams. The Parliament also strengthened the data protection clause to preclude tracking of eCall-equipped vehicles before the accident occurs so that the automatic call will give the emergency services only basic minimum data, such as the type of vehicle, the fuel used, the time of the accident, the exact location and the number of passengers. Additionally, the agreed text states that the eCall data gathered by emergency centres or their service partners must not be transferred to third parties without explicit consent of the person concerned. Manufacturers will also have to ensure that the eCall technology design permits full and permanent deletion of data gathered.

MEP wants to exclude methane from vehicle pollution law

The European Parliament wants methane to be excluded from new rules on reducing road vehicle CO₂ emissions on the grounds that including methane would be a burden on the nascent market for natural gas vehicles.

New car CO₂ emissions continue to fall

The European Environment Agency (EEA) has reported that new car emissions fell by 2.6% last year to an average 123.4g of CO₂/km and hence beat the interim goal of 130g for 2015. Average new car CO₂ is required to fall to 95g by 2021. However, emissions fell less than in 2013 when a 4% drop was recorded. Other data reported is that:

- The efficiency gap between petrol and diesel cars, which made up 53% of sales, has narrowed to below 3g CO₂/km
- The most efficient cars were sold in older member states - the Netherlands, Greece and Portugal saw the most efficient vehicle sales - the least efficient cars were bought in Estonia, Latvia and Bulgaria
- Overall, cars sold in 2014 were 12% more efficient than in 2010
- The number of new cars sold in the EU increased in 2014 for the first time since 2007. Electric vehicles continued to constitute only 0.3% of sales.
- The current testing procedure “does not necessarily represent real-world driving conditions”. The EEA will publish a report later this year giving the reasons for the growing differences between official figures and real world driving condition and a new testing procedure for vehicle CO₂ emissions is likely to come into operation in 2017, pending a change in the law.
- The EEA data did not indicate if car manufacturers have met individual targets for CO₂ emissions. Figures on manufacturers’ performances will be published in the autumn.

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The FIVA Legislation Commission members are: Tidde Bresters (Chairman), Claude Delagneau Wolfgang Eckel, Peter Edqvist, Carla Fiocchi, Lars Genild, Adalberto Gueli, Peeter Henning, Johann König, Stanislav Minářík, Bob Owen, Christos Petridis and Andrew Turner of EPPA works with the Committee.