

EU LEGISLATION UPDATE

SEPTEMBER 2015



OPPORTUNITIES FOR DIALOGUE

European Parliament Historic Vehicle Group meeting

Kemal Önel from the European Commission's DG MOVE attended the 23 September European Parliament Historic Vehicle Group meeting to talk about the Commission's work to provide guidance for the implementation of Urban Vehicle Access Restrictions (UVAR). UVAR include Low Emission Zones. The Commission intends for the guidance to allow national decision makers to benefit from other experiences and to foster a more common approach to UVAR. Amongst many other issues, the guidance will list vehicles which should be exempted from UVAR. The MEPs stressed to the Commission that it would be appropriate for the guidance to state that historic vehicles should be exempted from all Low Emission Zones and also made reference to the definition of historic vehicles provided by the 2014 Roadworthiness Testing Directive. The Group and FIVA detailed the rationale for exemptions for historic vehicles: that there is minimal use of historic vehicles and rarely during peak traffic hours, that they are well maintained, that few are diesels, and that bans or high charges imposed on historic vehicles would therefore be disproportionate to the environmental aims – particularly on urban based owners and businesses serving the movement - and would lead to a loss of the cultural and economic benefits of historic vehicle preservation and use. The Group agreed to write to Commissioner Bulc to that effect.

A Deuvel representative reminded the Group of the presentation made in June about the concerns for the future of the historic vehicle movement as a consequence of the increase in the use of electronics in vehicles since 1980 and sought support to address the concern. However, the Group noted that there is little scope for European Parliament action in this area as it is a concern which can only be resolved by industry actions.

Win van de Camp MEP asked whether there are different car tax regimes for historic vehicles across the EU and if so, whether EU harmonisation might be considered. FIVA explained that there are different tax regimes for historic vehicles which generally allow a favourable tax rate. FIVA went on to explain that the European Commission adopted a proposal for a Council Directive on passenger car tax in 2005 (COM(2005) 261 final) which was designed to require Member States to re-structure their passenger car taxation systems in order to improve the functioning of the internal market and restructure the tax base of both registration taxes and annual circulation taxes to address carbon dioxide emissions; that the proposal was not intended to harmonise tax rates or oblige Member States to introduce new taxes; and that it is understood that the proposal would have allowed Member States to continue to treat historic vehicles differently for tax purposes. However, FIVA also pointed out that the European Council has shown little interest in adopting the proposal.

Further to the information in the July EU issues update that the European Commission is not intending to propose a solution that will fully address the concerns posed by REACH to the maintenance and renovating of historic vehicles, the Group agreed to invite a European Commission representative to attend the next EPHVG meeting.

European Commission stakeholder meeting for UVARs

On 25 September, FIVA attended a European Commission Stakeholder meeting on the UVAR guidance led by the consultants who are drafting recommendations for the Commission's work. FIVA made a clear statement explaining the rationale for a historic vehicle exemption to be included in the Consultant's recommendations and then in the Commission guidance itself (see above EPHVG meeting). The message was well received by the consultants and the European Commission representative noted that the Commission is "sympathetic" to the request. Other stakeholders attending from the auto industry were also supportive. Less supportive was an "air quality" consultant who also manages the CLAS LEZ website for the Commission – who said that the guidance should include only a minimal number of exempted vehicle types. More broadly, there was less agreement on the consultant's text – with a number of attendees questioning the scope of the recommendations and the wording, with much debate about a planned reference to emissions testing in the guidance.

FIVA Action: FIVA will now submit commentary to the paper the consultants have drafted for the European Commission.

REACH – Court Ruling

The European court of Justice has backed a more stringent interpretation of the REACH chemicals regulation than that given by the European Commission, ruling that REACH information requirements in relation to 'substances of very high concern' (SVCHs) apply to the individual components of a given article and not just to the article as a whole. The background to the issue is that REACH sets a 0.1% concentration threshold for SVHCs in articles. Above that threshold, firms must communicate the presence of the SVHC to regulators and to others in the supply chain. In 2011, the European Commission advised member states that the 0.1% threshold applied to the whole article rather than to its individual components. This new ruling means that the REACH impact will be more severe. It is a consequence of some member states arguing that individual components should be regulated to ensure a higher level of protection of human health and the environment. The European Commission will now need to work with the European Chemicals Agency and member states to implement the judgment.

INFORMATION

Industry developments put pressure on the need for changes to emission testing

A European Parliament report on the mid-term review of the 2011 Transport White Paper (which provided the policy impetus for the implementation of UVARs) has backed the goals of the paper, including the need to cut greenhouse gas emissions from transport by 60% by 2050, has called for the Commission to re-evaluate whether actions set out in the White Paper are sufficient to meet its targets, and has called for a "general framework for national road charging schemes" to encourage a transition toward electric vehicles.

In a separate initiative, in early September, the European Parliament's Environment Committee voted to strengthen the planned new diesel car emission test real world driving test rules (will should more accurately measure air pollutant emissions in real-life driving conditions), calling for them to be implementation by 2017 rather than 2019 as proposed by the Commission. Events then changed the nature of the debate as the VW emissions testing/defeat device story unfolded with the result that the European Commission has since agreed that the start date for a new car emissions test may be brought forward. The Commission has also said that it plans to "reassess" its proposal for the revision of the type approval system. A parallel consideration is that the news that diesel cars may have been emitting more pollutants than allowed for many years may go some way toward explaining why urban air quality has not been improving in line with expectations, which in turn could impact on the ongoing debate about Low Emission Zones.

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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.