

EU LEGISLATION UPDATE

FEBRUARY-MARCH 2009



RELEVANT FOR DIALOGUE

European Commission moves on Intelligent Transport Systems

In December, the European Commission proposed a plan for the enhanced deployment and use of Intelligent Transport Systems (ITS) in road transport. The initiative comprised an Action Plan outlining possible actions and a proposal for a Directive establishing the legal framework for the future specific actions (please see December 08-January 09 EU issues update). As one of the actions proposed by the Commission was to “Promote deployment of advanced driver assistance systems and safety and security-related ITS systems, including their installation in new vehicles (via type approval) and, if relevant, their retrofitting in used ones” – FIVA lobbied the European Parliament (EP) Transport Committee to address the concern that mandatory retrofitting should not be an option for consideration for historic vehicles due to the practical and use implications. As a result, the Rapporteur in the Transport Committee, Danish MEP Mrs. Anne Jensen, proposed an amendment to the Recitals of the Framework Directive stating:

“Vehicles which are operated mainly for their historical interest and were originally registered and/or type-approved and/or put into service before the entry into force of this Directive and of its implementing measures should not be affected by the rules and procedures laid down in this Directive.”

She explained the need for the amendment as follows:

“Retrofitting of ITS systems would be practically and technically impossible for many historic vehicles. Consequently these vehicles should be exempted from the requirements of this Directive.”

FIVA Legislation Commission members then lobbied their respective national MEPs on the Transport Committee to urge them to support this proposed amendment. On Tuesday 31 March during a Committee vote on the proposal, the amendment was adopted. This is clearly a very positive development – but it does need to now be approved by the whole Parliament and then agreed by the European Commission and member states. FIVA will continue efforts to ensure this amendment is included in the Directive when it is finally adopted.

EU agrees new EU tyre noise proposal

The EU institutions have reached agreement on the new standards for tyres designed to reduce carbon emissions and noise pollution from vehicles (see EU issues April-May 2008, October-November, and December 08-January 09 updates). The exemption which applies to “tyres designed only to be fitted to vehicles registered for the first time before [1 October 1990] as achieved by FIVA in the early stages of the institutional discussions remains in the final text.

INFORMATION

European Parliament considers congestion charges for passenger cars

In a debate and vote on the proposed Directive revising the rules for the charging of heavy good vehicles, the EP has concluded that member states should be allowed to charge lorries for congestion costs during peak periods but these charges should not apply to passenger cars. This decision overruled a vote a few weeks earlier by the EP Transport Committee which had voted to allowing the member states to charge lorries for congestion costs but only if the charge also applies to cars in order to prevent the “unfair treatment of commercial traffic compared to other road users”. The final EP agreement also said that lorries should pay for air pollution and noise but not for greenhouse gas emissions and costs related to road accidents and introduced reduced maximum charges for air pollution costs for vehicles complying with Euro VI emission standards or better. The Parliament also removed a definition of congestion costs and a proposed formula for calculating such charges - but it kept a provision allowing governments to levy congestion charges on busy roads at peak periods and agreed provisions stating that revenues generated from road charging must be used by member states to reduce the external costs associated with road transport, and that at least 15 per cent of these revenues must be used for sustainable trans-European transport network projects.

However, the parallel EU member states discussion on the proposal are stalled as the member states do not support the initiative primarily because of concerns of the impact of the charging during the economic crisis.

EU car rescue plans to require “green” development

The European Commission has announced that the EU’s plans designed to help the European car industry in the current economic crisis will be used to help manufacturers develop the next generation of “green” vehicles with the key objective of the measures being to “assist industry to implement the radical technological change required by the climate change challenge”. The Commission has also said that there are no concerns (under competition rules) about the state aid which has been given by 9 member states with financial incentives for the scrapping of old cars in favour of new models but has also said that the aid should be linked to the green performance of replacement vehicles. The Commission has also announced other measures to assist the sector which include state aid for research and development of greener technologies, subsidised loans for the production of cleaner cars, and public procurement rules that boost demand for fuel efficient vehicles.

EU to waive asbestos ban in second-hand products

The European Commission and member states have agreed that the re-sale of asbestos-containing products that had been in use before the 2005 EU ban on the cancer-causing substance can continue indefinitely in order to allow the sale of older "articles" containing asbestos, such as houses and aircraft. The EP has 6 months in which to oppose the Decision – if it does not, the Decision will be enacted.

Sweden proposes CO2 based car tax

The Swedish Government has announced its intention to impose higher fuel taxes and vehicle registration fees linked to carbon dioxide emissions and has proposed that new environment-friendly cars would be exempt from the registration tax for five years. If the Swedish parliament

supports these measures, it will increase the pressure on the EU to adopt the Commission's proposed Directive designed to harmonise passenger car taxes with pricing based on CO2 emissions.

European Commission prepares work for White paper on the Future of Transport

The European Commission has launched a consultation on "The future challenges for the transport sector" in preparation for a Communication on the Future on Transport which is expected to be adopted in June 2009. This is a wide ranging policy initiative encompassing all forms of transport.

- 00 -

The FIVA Legislation Commission members are: Winfried Kallinger (Chairman), Tiddo Bresters (Vice Chairman), Lars Genild (Vice Chairman), Patrick Rollet (Member/Secretary), Andrew Burt (Member), David Hurley (Member), Carla Fiocchi (Member), Zoltán Gárdos (Member), Adalberto Gueli (Member), Johann König (Member), Horst Brüning (Member coopted), Peeter Henning (Member coopted), and Andrew Turner of EPPA works with the Committee.