

EU LEGISLATION UPDATE

NOVEMBER 2006



OPPORTUNITIES FOR DIALOGUE

End-of-life vehicles – new amendment will not impact upon historic vehicles

Further to the information in last month's update on a new consultation for possible amendments to the End of Life Vehicles Directive, the European Commission official responsible for the dossier has confirmed to FIVA that she believes that the proposed amendments will not impact upon historic vehicles - and that there is therefore no action is necessary.

New laws affecting chrome plating

Perfluorooctane Sulfonate (PFOS) is a compound which has been used for many years in a wide range of chemical and manufacturing processes including as a mist suppressant in the chrome plating process. Further to the recent realisation that PFOSes pose a danger to human health (it is carcinogenic), the world's largest manufacturer of PFOSes - 3M - stopped manufacturing it. Because of this action member states and the European Commission began to look at the need to ban the use of the product completely. The result has been the European Commission proposing a "Directive on restrictions on the marketing and use of perfluorooctane sulfonates PFOS" At the time of the initial discussions on this proposal, sources in the chrome industry suggested that this action would not pose a problem and then when the proposed Directive was published it included an exemption for the use of PFOSes as a mist suppressant in the chrome plating industry. However, when the proposal was before the European Parliament the Swedish Government lobbied the EP rapporteur to remove the chrome plating exemption from the text. After discussions, the exemption was reinstated but not for chrome plating for decorative purposes - taps/showers etc - because alternative methods are available to the industry which only needs thin layers of plating.

Because of the large amount of chrome plating used in historic vehicle, FIVA has had discussions with the European Commission who have reassured FIVA that chrome plating for vehicle parts is exempted and that chrome plating of bumpers and window seals is also not considered as "decorative use purposes" and will therefore also not be affected by this Directive. The Commission official concerned did say that the Commission will be monitoring the implementation of the Directive carefully and if Member States do not adhere to these conditions (i.e if vehicle parts do become affected by member state legislation) then the Commission will act to ensure that the member state makes any necessary changes. However, chrome plating for internal decorative parts of vehicles will probably be considered as "decorative use" and so will not be covered by the exemption - but as noted above, this should not prove a problem for the industry.

Blind spot mirrors for trucks

Further to information provided in earlier updates, it has been noted that the European Commission proposal for a Directive to require trucks up to 10 years old to fit special mirrors designed to cover blind spots – which is designed not to affect vehicles more than 10 years old - . actually states that the 10-year provision will apply to all trucks "registered" with in the last 10 years – rather than "manufactured" in the last 10 years. As historic vehicle enthusiasts often register vehicles bought abroad or which have been off the road for many years this would be a problem. Accordingly, FIVA has spoken to the European Commission who appreciate the concern and are currently working on a way to amend the text to address this problem.

Truck drivers hours and digital tachograph

Earlier this year the European Commission adopted a Regulation on drivers' hours. The Regulation amends existing rules on drivers' hours and also requires the mandatory fitment and use of digital tachographs. The Regulation also includes an exemption for historic commercial vehicles which needs to be implemented by the Member States. Accordingly, FIVA's Legislation Commission members are currently checking with their national Governments to ensure that the national governments implement this exemption appropriately.

Daytime running lights

FIVA made a submission to the European Commission's consultation on the possible use of daytime running lights at the end of November. The submission is attached to this e-mail. The submission thanked the Commission for recognising in its consultation that historic vehicles should be exempted from the need to use DRL if DRL use were imposed – but also stressed the view that FIVA does not see the need for such a Europe-wide DRL use (noting the widely different daylight conditions found across the EU) and that if DRL-use were to be imposed across the EU, the safety of historic vehicles not able to use DRL for technical reasons would be impaired as they would become less conspicuous.

Drivers licence Directive

The European parliament Transport Committee has approved the Council's Common Position on the Driver's Licence Directive. The text remains the same as reported in the March 2006 update.

INFORMATION

The Enterprise and Industry Commissioner, Gunter Verheuge, has presented a paper to the Commission making proposals designed to ensure that Europe's economy and competitiveness is not harmed in the drive to protect the environment. The paper makes a number of points including that:

- The EU should adopt a twin-track approach to long-term greenhouse gas emissions: modest unilateral commitments (lower than currently proposed) to show willingness, backed by more ambitious targets that Europe would be willing to take on together with other emitters.

- The EU should strengthen the emission trading scheme (expand it when the second period ends in 2012) - and should bring private cars into it
- Europe must create a special framework for energy intensive industries to ensure they do not suffer against global competition
- The EU should develop an ambitious industrial policy which will help bring to market environmental technologies and should pursue a "technology push" for the car industry.

EU to revise clean vehicle quotas plan

The European Commission has agreed to redraft its proposal for a directive on public procurement of clean vehicles following the European Parliament's strong criticism of the proposal for being too weak. The proposal required public authorities to ensure that at least 25% of heavy vehicles purchased met an EU "enhanced environmentally friendly vehicle" standard. The new proposal will probably cover all vehicles, not just those heavier than 3.5 tonnes – but it is has been suggested that the proposal may be a non-binding recommendation rather than a binding directive – and may also propose incentives rather than mandatory quotas.

Car industry rebuffs CO2 criticism

The European car industry association ACEA has called on the European Commission to introduce harmonised carbon dioxide-based taxation and other demand-side measures to cut CO2 from cars rather than demanding more technology changes by manufacturers. These comments have been made further to the threat by the Commission that it will impose legal curbs on average vehicle CO2 emission in light of the industry seemingly failing to meet its voluntary agreement targets. The industry claims that the CO2 reduction achieved to date are a result of "technological advances, without the backing of clear customer demand" – as there has been great demand for larger cars and consumers have not been buying the most CO2-efficient models placed on the market. ACEA is therefore calling for an integrated approach to reducing CO2 – i.e harmonised taxation of cars based on CO2 emissions and use of alternative fuels in the EU. It also wants drivers to be trained in eco-driving and wants governments to improve transport infrastructure to cut congestion. The industry has also complained that the EU's safety measures have made cars heavier and therefore less fuel efficient.

CDU attacked over delay to filter incentives

Germany's centre-right CDU/CSU party has been criticised by its SPD governing partner, the opposition Greens and environmental groups for delaying tax incentives to fit diesel cars with particle filters. The incentive will now be introduced next spring rather than in January, and it will be revenue neutral unlike an earlier incentives plan blocked last year.

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The FIVA Legislation Commission members are: Horst Bruning (Chairman), Tiddo Bresters (the Netherlands), Andrew Burt , (UK), David Davies (UK), Marek Gacek (Poland), Zoltán Gárdos (Hungary), Dage Groop (Finland), Adalberto Gueli (Italy), Peeter Henning (Belgium), Maik Hirschfeld (Germany), David Hurley (UK), Winfried Kallinger (Austria), Jim Krier (Luxembourg), Victor Papadopoulos (Cyprus), Patrick Rollet (France), Svend Aage Tholstrup

(Denmark), Zdenek Ruzicka (Czech Republic) and Carla Fiocchi (Secretariat). Andrew Turner of EPPA works with the Committee.