

## EU ISSUES UPDATE

November 2020



### OPPORTUNITIES FOR DIALOGUE

#### **European Parliament Historic Vehicle Group virtual meeting**

On 11 November, the EPHVG held a virtual meeting during which FIVA:

- Detailed the status of the review of the End of Life Vehicle Directive and the submission which FIVA made to the Consultation on the ELV Roadmap in November in preparation for the Directive's amendment. The ELV Directive Recital 10 states: *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* - this is appropriate given that historic vehicle preservation and use realises two of the core objectives of the Directive: the reuse (or continued use) of products, thereby reducing waste. While Recital 10 suggests the Directive does not impact on the HV movement, FIVA is aware of cases in recent years where intra and extra-EU sales of HVs have not been allowed as the authorities of the exporting country have deemed the vehicles to be "waste" even though the purchasers planned to restore the vehicles; FIVA also sees other unintended effects of the Directive. Accordingly, FIVA called for:
  - the Directive to be amended so it provides a definition of an ELV that makes clear that the decision to end the life of a vehicle can only be taken by the owner. This would also safeguard the cross-border sale of HVs which are unregistered or do not have a current roadworthiness test certificate
  - the Directive to provide for the possibility that if a vehicle which is classified as historic has been delivered for scrappage, Authorised Treatment Facilities should contact HV organisations with a view to possibly finding a new owner in order to preserve the heritage. Likewise, a safeguard should be provided to allow the possibility of saving "barn-finds" and/or HVs without registration papers so they may be restored and reused by new owners

- clarity in the Directive to ensure that the dismantling of a vehicle for restoration does not cause the vehicle to be classified as an ELV; safeguards to ensure that the possibility remains for components to be saved during the ELV process so they may be reused for HVs; and safeguards to allow individuals to dismantle/recover parts from one HV for another without having to prove their identity or provenance
- dispensation be applied to avoid the needless scrapping of a HV in this situation where a vehicle cannot be sold for export (and so is scrapped) if the cost of repairs would be more than 50% of value of the vehicle (as is the case in some countries). All of the above measures would provide legal clarity for the intent expressed by Recital 10
- the exemption for the use of lead batteries to be maintained as they remain necessary for both new and historic vehicles.
- Explained FIVA's 2020 Socio-Economic survey by providing details of the background to the survey and the status of the data gathering and the expectation that the results may be published early 2021. Bernd Lange, the Chair of the EPHVG, offered to hold an event in the Parliament to announce the study results.
- Gave an overview of the impact of Covid-19 on the HV movement: there have been no FIVA World events in 2020; both Car and Motorcycle World Events are now scheduled for second half of 2021; 74% of International FIVA events have been cancelled or postponed; 47% of National FIVA events have been cancelled or postponed; some postponed events took place: 1000 Miles in CZ/SK (August) and Mille Miglia in IT (October) and that FIVA's 2020 Annual General Assembly will be a virtual event.

## **INFORMATION**

### **European Commission consults on a *Zero Pollution Action Plan for air, water and soil***

In mid-November, the European Commission announced a public consultation on a Zero Pollution Action Plan for air, water and soil. This is a component of the Green Deal (see December 2019 EU Issues Update) and will, amongst many other matters addressing agricultural and industrial pollution, be used by the EU as another tool to ensure Member State compliance with Air Quality Rules.

### **EU challenges France over air quality infringements**

The European Commission has informed France that data it has provided confirms that particulate matter pollution in Paris and Martinique has breached the daily limit values set out under the Ambient Air Quality Directive for many years and that it is taking the Government to court over the matter citing also that the European Green Deal *puts emphasis on cutting air pollution*, which will also be *central to the zero pollution action plan* (see above). The ECJ had previously ruled in 2019 that France had "systematically and persistently" breached nitrogen

dioxide limits in 12 urban areas. France was also one of 11 Member States that had failed to submit plans to cut pollution by the 2019 deadline set under the National Emission Ceilings Directive.

### **European Court of Justice rules against Italy for air quality breaches**

The ECJ has ruled that Italy has failed to tackle illegally high levels of air pollution and so is breaching its obligations under the Ambient Air Quality Directive – notably for persistently breaching daily and annual limit values for large particulate matter (PM10) across several regions. The European Commission began the infringement process three years ago noting that several major population centres, including Milan, Turin, Vicenza and the Lombardy region, breached annual limit values for PM10 over that period, while Rome and Palermo breached the daily limit values for the pollutant set out in the 2008 directive. Italy's argument that a partial downward trend in air pollution indicated that it had not broken EU law was rejected by the Court, which also dismissed a claim that the Italian state could not be held responsible for excessive pollution linked to geographical factors or emissions from other Member States.

### **European Environment Agency puts pressure on Commission pollution policies**

The EEA's annual report has found that fine particulate matter (PM2.5) was the deadliest air pollutant in 2018 finding that it was responsible for premature deaths of around 417,000 people. The report also attributed 55,000 premature deaths to nitrogen dioxide (NO2) and 20,600 to ground-level ozone in 41 European countries. The report did cite positive trends for most pollutants (including a 13% reduction in PM 2.5) but claims that the scale of premature deaths is reason to call for ambitious new anti-pollution measures. The report did though note that buildings, agriculture and waste are lagging behind when compared to the declines in pollution seen in road transport and energy supply. Responding to the Report, the environment commissioner Virginijus Sinkevicius said the European Commission intends to "dramatically increase our efforts to cut our emissions" in its Zero Pollution Action Plan (see above).

### **Transport and Environment lobby group claims that hybrid cars pollute more than claimed**

T & E, the environmental lobby group has published research showing that plug-in electric hybrid cars emit considerably more carbon dioxide than manufacturers claim. The study examined large SUV models, from BMW, Volvo and Mitsubishi and found they emitted 28-89% more CO<sub>2</sub> than advertised when driving with a fully charged battery. The disparity increased to three to eight times official figures when the battery was flat. It further found that emissions exceeded the stated average by as much as 12 times when the car was driven in battery-charging mode, a fact that T&E warned could have consequences where 'geo-fencing' technology prompts a car to recharge its battery before entering a low-emissions zone. Consequently, T & E has said that subsidies for car purchases should be limited strictly to zero-emissions vehicles, and tax breaks for Plug-in electric hybrid cars should only be allowed where they have a battery-only range of 80km or more.

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The FIVA Legislation Commission members are: Lars Genild (Chairman), Giuseppe Dell'Aversano, Wolfgang Eckel, Carla Fiocchi, Laurent Heriou, Johann König, Stanislav Minářík, Bob Owen, Kurt Sjoberg, Harit Trivedi and Andrew Turner of EPPA works with the Committee.