

EU ISSUES UPDATE

OCTOBER 2021



OPPORTUNITIES FOR DIALOGUE

European Parliament Environment Committee supports preservation of motoring heritage

In October, the European Parliament Environment Committee adopted its Opinion for an EP Report on the European Commission's Sustainable and Smart Mobility Strategy (see December 2020 EU Issues update). Included in the adopted Opinion is a paragraph stating:

The European Parliament recognizes the cultural heritage of historic vehicles and the necessity to safeguard our common European fleet of historical vehicles; therefore, urges the Commission to actively preserve the value of historical vehicles when adopting future legislative proposals in the field of transport;

This paragraph was adopted by a large majority and had been tabled by Danish MEP Pernille Weiss who is a member of the EP Historic vehicle Group. 2 other paragraphs addressing historic vehicles, also proposed by Pernille Weiss, were rejected by a very small margin. They read:

The European Parliament recognises that our cultural heritage is represented by historic vehicles and that the preservation of this heritage is linked to the use of these specific vehicles on public roads in a limited and controlled way; proposes therefore that synthetic fuel could be an environmentally friendly fuel for historic vehicles and the mobility strategy and possible legislation should take into due account the legal definition of a historic vehicle provided among others by Article 3(7) of the EU Roadworthiness Testing Directive 2014/45/EU and should give enough space for the use and maintenance of this heritage; (Votes: 37 +/41 -)

The European Parliament recognises that any potential future ban on the export of second-hand vehicles, that either do not possess a road safety certificate or have emission standards lower than Euro 5, shall not include historical vehicles given these vehicles' very limited impact on road safety, emissions and pollution in third countries. (Votes: 38 +/40 -)

The EP Transport Committee will adopt its Report in December when two more paragraphs in support of the preservation of motoring heritage will be voted upon. The two paragraphs read:

The European Parliament recognises that our cultural heritage is represented by historic vehicles and that the preservation of this heritage is linked to the use of these specific vehicles on public roads in a limited way; proposes therefore that synthetic fuel could be an environmentally friendly fuel for historic vehicles and the mobility strategy and possible legislation should take into due account the legal definition of a historic vehicle provided among others by Article 3(7) of the EU Roadworthiness Testing Directive 2014/45/EU and should give enough space for the use and maintenance of this heritage;)

The European Parliament recognises the cultural heritage of historic vehicles. Therefore, urges the Commission to preserve the value of historical vehicles when legislating in the field of transport, in order to safeguard the European historical vehicle fleet;

Importantly, these paragraphs, if adopted, will be included in the Parliaments' Report on the Sustainable and Smart Mobility Strategy which outlines the policy and legislative measures needed for the transition to "sustainable and smart" mobility. Given that some of the anticipated regulatory developments have the potential to prevent the use of historic vehicles on public roads, these positive messages from the Parliament will be most welcome if included in the Parliament's formal Report on the Strategy which is expected to be adopted next year.

FIVA and ANFs make representations to the consultation on the End-of-Life Vehicles' Directive

The EU adopted the End-of-life Vehicles Directive in 2000. The Directive sets targets for the reuse, recycling and recovery of end-of-life vehicles and aims to prevent and limit waste from end-of-life vehicles and their components. Recital 10 of the current Directive notes 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.

The European Commission has been reviewing the Directive over the recent years with a view to proposing amendments to it in 2022. FIVA and ANFs have contributed to the consultation to:

- Stress that Recital 10 reflects well the historic vehicle park and the actions and intentions of historic vehicle owners as when individuals preserve a historic vehicle, they are negating the need to end the life of the vehicle because they are reusing the whole vehicle
- Explain that the preservation of historic vehicles is preserving motoring heritage and is also a valuable economic activity
- Stress that only an owner should be able to determine whether a vehicle is "end-of-life". It is important to make this point as authorities in some member states have seized historic vehicles at import/export and classifying them as waste. Furthermore, FIVA and

the ANFs have stressed that if authorities lawfully seize a vehicle because it seems to be abandoned or is causing a hazard, the vehicle will not be waste until the owner or keeper has confirmed they will not reclaim it i.e. the measures are necessary to avoid owners from being prevented from restoring their vehicles

- Stress that if an owner sells a vehicle (or exports it for the purpose of sale) it does not mean that the owner is discarding the vehicle in the context of the definition of waste as provided by the Waste Directives (waste: any substance or object which the holder discards or intends or is required to discard)
- Stress that dismantling a vehicle for renovation must not result in the vehicle being classified as an “end-of-life” vehicle
- Stress that functionally complete components (engines, a gearboxes etc) must be allowed to be saved from an ELV for use in repair/restoration of historic vehicles
- Stress that the Directive must allow for the fact that repair/restoration values for historic vehicles may be disproportionately much greater than the vehicle value
- Note that some countries allow vehicle to be deregistered for periods of time and stress that in these countries the lack of vehicle registration must not consign a vehicle to “end-of-life” status as many historic vehicles are not registered because they not being used for a period of time, are being restored or are in museums
- Stress that if the Directive implements measures to ban the sale of “old” vehicles to third countries it should also make provision for the legitimate sale and export of historic vehicles or of vehicles due for restoration by the new owner in the importing country.
- Stress that in the event that an owner exploits a “scrappage scheme” to end the life of a historic vehicle there must be the possibility for a third party to purchase the vehicle to preserve the heritage.

INFORMATION

In October, the European Parliament adopted an own initiative report on the EU Road Safety Policy Framework 2021-2030. Included in the report¹ were that the European Parliament:

Calls on the Commission to propose a new harmonised regulatory framework for automated cars in order to ensure, by means of comprehensive tests, including real driving conditions, that automated cars will operate in an absolutely safe manner for their drivers and other road users, in particular concerning their interaction with conventional vehicles and vulnerable road users;

¹ REPORT on the EU Road Safety Policy Framework 2021-2030 – Recommendations on next steps towards ‘Vision Zero’ (europa.eu)

Highlights that external factors and emerging societal trends present unprecedented challenges to road safety under the EU strategy to 2030 and beyond; notes that the EU should pave the way for connected and automated vehicles to be rolled out in due time and should assess the possible risks of combining such vehicles with traditional vehicles in mixed traffic and vulnerable road users; calls on the Commission to fully assess the impact on traffic in urban areas and on the environment of the greater number of automated vehicles; highlights that it may be necessary to upgrade infrastructure to guarantee that automated and semi-automated vehicles operate safely, while also improving safety for conventional vehicles and thus benefit all road users;

These recommendations are welcome as there are concerns as to how historic vehicles will fit into future traffic where the majority of other vehicles will be communicating with infrastructure and other vehicles for safety and mobility purposes.

However, the Report also included a recommendation for more scrappage schemes – which when implemented have the potential to make owners scrap potential historic vehicles. The recommendation was that the European Parliament:

Calls on the Member States to set up vehicle scrappage schemes under green conditions in order to incentivise the purchase and use of safer, clean and energy-efficient vehicles and the renewal of public and private vehicle fleets; asks the Commission and the Member States to work with the EIB to study new funding schemes to facilitate investment in safe and sustainable transport services and safe and sustainable vehicle fleets.

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