

Overview of existing EU LEGISLATION

- 1) Vehicle registration, type approval, customs and taxes
- 2) Road safety
- 3) Environmental issues
- 4) Availability of resources (parts and materials for use and preservation)
- 5) Driving licenses and other administrative regulations

1. VEHICLE REGISTRATION, TYPE APPROVAL, CUSTOMS AND TAXES
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1.1 VEHICLE REGISTRATION

Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (attached)

The Directive harmonises the form and content of vehicle registration certificates in order to facilitate comprehension, facilitate the free movement of vehicles registered in a Member State and therefore ensure that a registration certificate issued by a Member State should be recognised by the other Member States for the identification of the vehicle in international traffic or for its re-registration in another Member State.

European Commission proposal to change the registration regime: Commission proposal for a regulation simplifying the transfer of motor vehicles registered in another Member State COM/2012/0164 final (attached)

In April 2012 the European Commission proposed a new vehicle registration Regulation designed to reduce the administrative burden caused by the need to re-register a vehicle if it/or the owner moves to another member state. FIVA has proposed an amendment to facilitate the re-sale of vehicles which do not have registration papers. The proposal is stalled in the decision making process but already the European Parliament Internal market Committee has supported the initiative by proposing to add the following amendments:

New recital: (6b) Certain vehicles of historic interest do not have complete original documentation because the vehicles in question have been discarded and then restored, because they were manufactured before Member State registration systems were established or because they were originally racing or military vehicles. Therefore, it is appropriate to enable those vehicles to be transferred legitimately from one Member State to another and re-registered by referring only to available documented evidence concerning the date of manufacture or the first registration, where those vehicles are at least 30 years old.

New Article 2.4(a) 'vehicle of historic interest' means vehicle of historic interest as defined in Article 3(7) of Directive .../2014/EU of the European Parliament and of the Council

(Directive .../2014/EU of the European Parliament and of the Council of... on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L...) (2012/0184(COD))).

Amendment to article 4.2 (new words in bold italics): 2. The request to register a vehicle registered in another Member State shall be submitted to a vehicle registration authority and include the relevant parts of the registration certificate in accordance with Article 5(2) of Directive 1999/37/EC. ***For vehicles of historic interest, the request may include*** any other ***documented*** evidence ***concerning the date of manufacture or*** prior registration in another Member State.

1.2 TYPE APPROVAL

Commission Regulation No 183/2011 of 22 February 2011 amending Annexes IV and VI to Directive 2007/46/EC which established a framework for the approval of motor vehicles and their trailers and of systems, components and separate technical units intended for such vehicles (attached)

The Regulation updates the type approval Directive for Individual Vehicle Approval with an amendment to the Appendix titled : “Requirements for the approval pursuant to Article 24 of complete vehicles belonging to category M1 and N1, produced in large series in or for third countries” - allowing individual type approval of such vehicles. In the text, a definition of a new vehicle is provided as: Annex in Appendix 2 , Point 0: Objective states: “A vehicle is deemed to be new where: “(a) it has never been registered previously; or (b) it has been registered for less than 6 months at the time of the application for individual approval. A vehicle shall be considered registered where it has obtained a permanent, temporary or short-term administrative authorisation for entry into service in road traffic, involving its identification and the issuing of a registration number (1). The Footnote is detailed on page 30 (L 53/29 of 26.2.2011 - attached) and states: (1) In the absence of a registration document, the competent authority may refer to available documented evidence of date of manufacture or documented evidence of first purchase.”

1.3. CUSTOMS

Customs Code classification: amendment to the Explanatory Notes to the Combined Nomenclature for Customs Tariff Code 9705 (Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, palaeontological, ethnographic or numismatic interest) October 2013 (attached)

It provides a new definition: “Heading 9705 includes collectors' motor vehicles of historical or ethnographic interest which are:

(1) In their original state, without substantial changes to the chassis, body, steering, braking, transmission or suspension system and engine. Repairing and restoring is allowed, broken or worn out parts, accessories and units can be replaced provided that the vehicle is preserved and maintained in historically correct condition. Modernised or modified vehicles are excluded.

(2) At least 30 years old.

(3) Of a model or type which is no longer in production.

The requisite characteristics for inclusion in a collection: being relatively rare, not being normally used for their original purpose, being the subject of special transactions outside the normal trade in similar utility articles, and being of greater value, are presumed as fulfilled for vehicles that comply with the above three criteria.

This heading also includes as collectors' vehicles:

(a) motor vehicles, irrespective of their date of manufacture, which can be proved to have been used in the course of an historic event;

(b) motor racing vehicles, which can be proved to be designed, built and used solely for competition and which have achieved significant sporting success at prestigious national or international events.

Parts and accessories for vehicles are classified in this heading provided that they are original parts or accessories for collectors' vehicles, are at least 30 years old and no longer in production. Replicas and reproductions are excluded unless they fulfil the above three criteria."

2. ROAD SAFETY

2.1 ROAD SAFETY ACTION PROGRAMME

European Parliament resolution on the European Road Safety Action Programme– September 2005 (attached)

It includes the following: (The EP) "Is keen to preserve the cultural heritage represented by historic vehicles; therefore urges that planned legislation should take into consideration any unintentional but potentially negative effects on the use - and thus also the preservation - of historic vehicles;"

2.2 RETROFITTING OF BLIND-SPOT MIRRORS ON TRUCKS

Directive 2007/38/EC on the retrofitting of mirrors to heavy goods vehicles registered in the Community (attached)

The Directive requires the retrofitting of blind spot mirrors to heavy goods vehicles. Exemptions for historic vehicles are detailed in Recital 10 and Article 2 (a). "(10) Vehicles in categories N2 and N3 which were originally registered and/or type-approved and/or put into service before 1 January 2000 and which are operated mainly for their historical interest should not be affected by the rules and procedures laid down in this Directive". Article 2.2 "This Directive shall not apply to any of the following: (a) Vehicles of categories N2 and N3 registered before 1 January 2000"

2.3 ROAD WORTHINESS TESTING

Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (attached)

The Directive puts in place provisions for roadworthiness which member states need to implement into national law before 20 May 2018. The Directive includes a definition of a "vehicle of historic interest" and allows Member states to exempt them from the provisions of the Directive in Recital 13: "Vehicles of historical interest are supposed to conserve the heritage of the period during which they were constructed, and are considered to be hardly used on public roads. It should be left to Member States to determine the periodicity of roadworthiness testing for such vehicles. It should also be for Member States to regulate roadworthiness testing for other types of specialised vehicles." Article 2.2 (first indent): "Member States may exclude the following vehicles registered in their territory from the scope of application of this Directive: vehicles operated or used in exceptional conditions and vehicles which are never, or hardly ever, used on public roads, such as vehicles of historical interest or competition vehicles;" and Article 3.7: "'vehicle of historical interest' means any vehicle which is considered to be historical by the Member State of registration or one of its appointed authorising bodies and which fulfils all the following conditions:

- it was manufactured or registered for the first time at least 30 years ago;
- its specific type, as defined in the relevant Union or national law, is no longer in production;

- it is historically preserved and maintained in its original state and has not undergone substantial changes in the technical characteristics of its main components.”

A document designed to help ANFs to communicate with their national authorities about the implementation of the Directive is attached.

2.4 INTELLIGENT TRANSPORT SYSTEMS (ITS)

Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (attached)

The Directive puts in place the framework for the EU to regulate ITS for vehicles. It includes an exemption for historic vehicles which may be used is necessary in Recital 10: “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.”

3. ENVIRONMENTAL ISSUES

3.1 LOW EMISSION ZONES - LEZ'S

LEZs have been implemented in many regions, cities and towns across the EU in order to meet EU Air Quality Legislation requirements (Air quality legislation can be found at: <http://ec.europa.eu/environment/air/legis.htm>)

The European Commission is currently running a consultation for guidelines it plans to develop to help Member States and local authorities implement Low Emission Zones. FIVA will be participating in the consultation to stress that historic vehicles should be exempted from LEZs because bans on their use or punitive charging would be disproportionate to the intended effect given the very low use of historic vehicles, and because use is not usually during peak traffic hours. Such exemptions have already been implemented in a number of member states. FIVA has written a “LEZ Toolkit” (attached) to help ANFs manage their discussions with national authorities if/when LEZs are being proposed and/or implemented.

4. AVAILABILITY OF RESOURCES (PARTS AND MATERIALS FOR USE AND PRESERVATION)

4.1 END OF LIFE VEHICLES

Directive 2000/53/EC on End-of-Life Vehicles (attached)

The Directive puts in place a system for the collection, treatment and recovery of end-of-life vehicles. It provides an exemption for historic vehicles in Recital 10: “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”.

4.2 TYRES

Restriction on the use of PAH in tyres: Directive - 2005/69/EC (attached)

The Directive aims to limit the amount of polycyclic aromatic hydrocarbons (PAHs) in tyres as they have been found to be carcinogenic. The Directive contains a provision which allows stocks of old tyres containing PH to be sold in Recital 10: "It is not the purpose of this Directive to restrict the placing on the market, as defined in Article 2(1)(e) of Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances, of tyres produced before 1 January 2010 and which can thus be sold off from stocks subsequent to this date. The date of production of tyres can be easily recognised by the existing mandatory marking of the "date of manufacture" on the tyre as stipulated in Directive 92/23/EEC. All tyres retreaded after 1 January 2010 should be retreaded with new tread containing new PAH-low extender oils".

Regulation 661/2009/EC concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (attached)

The Regulation is designed to reduce the environmental impact of tyres. It includes an exemption for tyres for older vehicles in Recital 20 and Article 9.6 (d): "Some categories of tyres, including professional off-road tyres which are subject to a speed restriction and tyres intended only for vehicles registered before 1990, are likely to be produced in very small quantities. Therefore, it is appropriate to exempt such categories of tyres from certain requirements set out in this Regulation and its implementing measures, where such requirements are incompatible with the use of the tyres, or where the additional burden imposed by them is disproportionate". Article 9.6 (d): "Paragraphs 3, 4 and 5 shall not apply to: ...(d) tyres designed only to be fitted to vehicles registered for the first time before 1 October 1990".

4.3 REACH

Regulation 1907/2006/EC of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

The REACH Regulation aims to ensure a high level of protection of human health and the environment from the risks that can be posed by chemicals, the promotion of alternative test methods, the free circulation of substances on the internal market and enhancing competitiveness and innovation.

Possible changes to the REACH Directive

The European Commission is consulting on the REACH process for the authorisation for use of substances in low volumes and for substances used in legacy spare parts. FIVA has promoted a change to the system to resolve the concern that REACH may prevent the continued use of substances and parts which are necessary for the replacement or repair of parts for historic vehicles or which are used in the renovation process. FIVA suggested that the Regulation be amended with the inclusion of an exemption for historic vehicles to read: "in respect of vehicles put on the market before the sunset date, processes, materials for processes and spare parts put on the market and used after the sunset date for the purposes of repair, renovation and restoration of these vehicles shall be exempted from the provisions of Article 56, REACH." FIVA argued that this approach would be consistent with the End-of life Vehicle Directive. FIVA position paper is **attached**.

4.4 VOLATILE ORGANIC COMPOUNDS

Directive 2004/42/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (attached)

The Directive aims to limit emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing in order to prevent the negative health and environmental effects of emissions of VOCs. It provides an exemption for the use of paints for historic vehicles in Article 3.3: "For the purposes of restoration and maintenance of buildings and vintage vehicles designated by competent authorities as being of particular historical and cultural value, Member States may grant individual licences for the sale and purchase in strictly limited quantities of products which do not meet the VOC limit values laid down in Annex II."

4.5 USE OF PERFLUOROCTANE SULFONATES FOR CHROME PLATING

Directive 2006/122/EC (attached)

The Directive aims to prevent the use of PFOS as it presents health and environmental threats. It includes an exemption for the use for chrome plating for historic vehicles in Annex (3): "By way of derogation, paragraphs 1 and 2 shall not apply to the following items, nor to substances and preparations needed to produce them...(c) mist suppressants for non-decorative hard chromium." The European Commission has said this applies to chrome plating for HVs.

5. DRIVING LICENSES AND OTHER ADMINISTRATIVE REGULATIONS

5.1 DRIVING LICENSES

Directive 2006/126/EC on driving licences (attached)

The Directive puts in place measures for drivers' licences. It includes an article which may be used by Member States to ask the European Commission to allow B (car) equivalence for C/D licences (busses and trucks) for historic vehicles in Article 4.5: "With the agreement of the Commission, Member States may exclude from the application of this Article certain specific types of power-driven vehicle such as special vehicles for disabled persons".