

EU LEGISLATION UPDATE

JANUARY 2016



Lead in vehicle batteries

The European commission is considering the unlimited time exemption provided by the End of Life Vehicle directive which currently allows the use of lead in vehicle batteries. It is doing so on the grounds that technological advances may soon allow batteries without lead. The Commission is also planning to review the time restricted exemptions for lead for other uses in vehicles and the exemptions for the use of aluminum with a lead content up to 0.4 % by weight and copper alloy containing up to 4 % lead by weight. In theory, any changes resulting from this discussion should not impact on historic vehicles because of the overall exemption provided by Recital 10 of the Directive which states 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.

FIVA will, however, maintain a watch on this policy debate.

Vehicle emission testing

In January, the European Commission proposed increased EU oversight of car emissions. The proposed changes would result in a 'type approval' system – with a network of national authorities to test emissions for compliance purposes which would be financially independent of the car industry. The proposals also include increased market surveillance to allow a system similar to the US system. The initiative was being considered before the VW emissions' scandal was announced, but the effect of the revelations highlighted the urgent need for change. The current structure of testing is governed by a Directive whereas the new proposed approach would see new rules imposed as a Regulation which would mean member states would have much less flexibility in how they implement them. Also, under the current system, there is no post-approval surveillance of cars on the road and so the Commission now also wants "regular" on-road testing of cars already on the market. To enforce the system, the Commission has proposed that it may grant itself the power to suspend failing type approval authorities or technical services, have the power to initiate recalls of non-compliant cars and have the power to fine companies up to a maximum of €30,000 per non-compliant vehicle.

London's air quality worsens

Testing has shown that the air quality in some parts of London breached the annual pollution limits just one week into 2016: monitoring sites in both central and suburban locations recording breaches of the hourly limits of 200 micrograms of NO₂ per cubic metre 19 times in the first few weeks of the year while the annual limit is 18 breaches in total. As previously

reported, the UK has been in breach of EU NO₂ pollution limits for five years and as a result, has been forced to publish an action plan to redress the matter which will lead to Low Emission Zones in Birmingham, Leeds, Liverpool, Cardiff and Edinburgh alongside an extended LEZ in London.

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The FIVA Legislation Commission members are: Tidde Bresters (Chairman), Claude Delagneau, Wolfgang Eckel, Peter Edqvist, Carla Fiocchi, Lars Genild, Adalberto Gueli, Peeter Henning, Johann König, Stanislav Minářík, Bob Owen, Christos Petridis and Andrew Turner of EPPA works with the Committee.