

EU ISSUES UPDATE

FEBRUARY 2018



OPPORTUNITIES FOR DIALOGUE

European Parliament Historic Vehicle Group meeting

On 28 February, the EPHVG meeting involved a lengthy dialogue with European Commission officials on the direction of EU policy on Urban Vehicle Access Regulations (UVAR) – which include Low Emission Zones. During the course of the meeting, the Commission explained that:

- The UVAR Study was published in September and that it included positive references to the treatment of historic vehicles in LEZs (see September 2017 EU issues update).
- There is concern that UVARs are being implemented across Europe with differing provisions (some are even different between cities within Member States). This is causing confusion for consumers and is potentially creating barriers to free movement.
- The Member States remain of the view that the subsidiarity principle applies to UVARs.
- The European Commission is accordingly coordinating and implementing initiatives designed to improve urban mobility and air quality whilst also meeting Treaty obligations.
- The Commission is working with industry, cities and interested parties on the Partnership on Urban Mobility to develop actions at the EU, national and local level including: developing guidelines on infrastructure for active mobility; promoting sustainable and active mobility behaviour; reducing diversity of UVARs; and exploring the deployment of new mobility services. A consultation has recently started on the action plan (see below).
- The Commission is working with the Member States' via their Expert Group on Urban Mobility and Transport to determine how national and EU policies on urban mobility and transport can be strengthened and coordinated.
- These actions are designed to facilitate dialogue to reduce the divergence of UVARs and identify means – specifically technological - to enhance the provision of information to road users about UVARs and their conditions. The Commission hopes the information may also be made available through, for example, mobile based navigational apps.
- The Commission does not currently plan to draft a Communication to offer its views on UVARs as it takes the view that the work of these Groups and the dissemination of the

information as a consequence of the work of these Groups is the most appropriate and timely way to build a common view across the Member States.

The meeting also noted that the European Commission has formally answered the question posed by Manolis Kefalogiannis MEP regarding the Greek Ministerial Decree which prevents the free use of historic vehicles and which potentially prevents the import of historic vehicles. The question asked whether the Decree is compatible with EC law. Commissioner Bulc has responded stating that the Commission was not aware of the development but continued: "There is no EU legislation regulating the use of historic vehicles. Consequently, Member States are free to regulate these matters within the limitations imposed by the EU Treaties. On the basis of the information provided, there is no evidence that the legislation adopted by the Greek government would have a disproportionate impact on the free movement of persons or goods, which would make it contrary to the relevant provisions of the Treaty."

Consultation on the Partnership on Urban Mobility

The proposed objectives and actions of the Action Plan most relevant to the interests of FIVA are included in the Plan to reduce the diversity of UVARs. They include:

- Ensuring an effective consultation with the public and other relevant stakeholders on planning and implementation of UVARs.
- Ensuring transparency of UVAR schemes locally and making available relevant centralised information to the public/travellers/commercial traffic.
- Ensuring public authorities make accurate real time traffic information available to users through effective implementation of EU specifications for Intelligent Transport Systems.
- Promoting the Study on UVARs (see September 2017 EU Issues update) to help cities implement UVAR schemes.
- Exploring whether EU-wide common technical standards may be found for implementing and charging for the schemes to remove the need for separate stickers, vignettes etc.
- Ensuring more effective enforcement with increased visibility for a pan-European service for collecting fines from UVARs and LEZs violation and analysing the possibility of a common interoperable standards by exploring common grounds with the legal framework for EU tolling system and the EU-wide database of vehicles (local/national/EU levels).
- Collecting evidence on existing schemes to assess their effectiveness and impact vis-a-vis their stated goals such as reducing congestion and air pollution.
- Addressing the fragmentation and patchwork of the schemes while respecting the subsidiarity principle by: Member States and cities to working together to look at commonalities, to facilitate LEZ data exchange and exchange of vehicle data on infringement.
- Revising the guidelines on Sustainable Urban Mobility Planning to better include UVARs so that they can be properly designed, placed and promoted.

- Issuing guidance at the EU level to explore possible commonalities of the schemes.

The consultation on all of the Action Plans can be accessed at:
<https://ec.europa.eu/futurium/en/urban-mobility/actions>.

INFORMATION

German court allows German cities to ban diesel cars

At the end of February, the German Federal Administrative Court ruled to allow cities/local authorities to enforce bans on the use of old diesel cars. The case centred on an appeal brought by the German states Baden-Württemberg and Rhine-Westphalia against bans imposed by local courts in Stuttgart and Dusseldorf intended to reduce nitrogen dioxide (NO₂) pollution on the grounds that such bans should be decided at the federal level. The case is the culmination of action by the environmental group Deutsche Umwelthilfe (DUH) against Stuttgart and Dusseldorf to force the cities to impose measures to reduce levels of NO₂ and fine particles emitted by older diesel engines. The ruling did call for any proposed diesel bans to be imposed gradually and allowed exemptions for some vehicles such as ambulances, rubbish collection lorries and police cars.

Madrid announces traffic ban to tackle air pollution

Madrid's city council has announced that it will ban all but electric and hybrid vehicles from entering the city's central area during the most severe incidences of air pollution. Additionally, during lower level alerts for NO₂, the authorities will ban access to all diesel vehicles registered before 2006 and all petrol vehicles registered prior to 2000. More generally, restrictions on vehicle traffic and parking during episodes of poor air quality will also be applied earlier and more frequently than under the existing regulations which were introduced in 2016.

The decision coincides with Spain receiving a final warning from the European Commission for repeated breaches of NO₂ limits in February. Spain was also one of the nine EU member states called to Brussels by Environment Commissioner Vella in February over their failure to improve air quality (see January EU issues update).

Rome plans to ban diesel car by 2024

The mayor of Rome has announced that the city plans to ban diesel cars from the centre by 2024. The action is being proposed because it is thought that current schemes to reduce air pollution are widely contravened and lightly enforced by traffic police: Rome currently bans older vehicles from the city on days when pollution reaches critical levels and it also has a scheme which allows only cars with number plates ending in either odd or even numbers to circulate on alternate days. Milan had already announced plans to make the city diesel-free by 2030.

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