

Europa-parlamentet

Køretøjssikkerhedspakken

Hermed anbefalingerne fra MhS og FIVA til Direktivet om Roadworthiness Testing.

Brevet er bevidst holdt på engelsk for at lette brugen overfor andre landes MEP'ere og indledes med en kort sammenfatning af sagsforløbet og de enkelte forslagsændringer.

Vi har dernæst meddelt vore bemærkninger til forslagene og identificeret de elementer vi umiddelbart finder uhensigtsmæssige.

Slutteligt er vi fremkommet med tre forslag graderet med det mest hensigtsmæssige som option 1. Det er små detaljer der skiller de enkelte forslag, men de udviser alligevel en graduering.

Vi håber at vore forslag svarer til forventningerne og ser frem til et frugtbart resultat. Såfremt det er ønsket vil vi gerne mødes, for at uddybe indholdet yderligere.

Vi kan i samme forbindelse meddele, at vi er blevet orienteret om at man arbejder på at revidere fortolkningen af toldkoderne, og at man i den forbindelse har søgt en definition på et historisk køretøj i arbejdsgruppen.

Vi har i den forbindelse henvist til det arbejde der pågår i forbindelse med Roadworthiness Direktivet og på det kraftigste anbefalet, at man gør brug af samme definition.

Roadworthiness Testing - March 2013

Comments on the proposal for a regulation of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (COM(2012)0380 – C7-0186/2012 – 2012/0184(COD))

On behalf of Motorhistorisk Samråd (MhS) - **MhS** is a member of the Fédération Internationale des Véhicules Anciens (FIVA) which was founded in 1966 as the international federation of historic vehicle clubs. **FIVA** has over 85 member organisations in more than 62 countries throughout the world, which represent more than 1.5 million historic vehicle enthusiasts.

Background recap

The Commission's proposal aims to exempt Historical Vehicles (HVs) from the new Regulation - this is welcome and directly technically needed in order to enable automated testing methods to be carried out. Furthermore testing methods and demands should not prevent historical vehicles from using the public roads in the future.

The proposal therefore has to define a Historic Vehicle – and it would be preferable to get a definition of a Historic Vehicle mirroring the FIVA definition into the EU Law. If not correctly defined there is a risk that the action will result in a definition which incorrectly excludes some HV by being too prescriptive – which would have long-term and broad negative consequences for FIVA, its members and all owners of historical vehicles, and thereby the general safekeeping of these vehicles as a important part of our cultural heritage.



Motorhistorisk Samråd har til formål at fremme bevarelsen og anvendelsen af motor-køretøjer af motorhistorisk interesse i Danmark.

Samrådet varetager de tilsluttede foreningers fælles interesser, dvs. overordnede og generelle opgaver overfor myndigheder, inden- og udenlandske organisationer, herunder medlemskabet af den internationale veteran-køretøjsorganisation: Fédération Internationale Des Vehicules Anciens (FIVA).

The provisions relevant to historic vehicles in the Commission's proposal are:

Recital 9:

Vehicles of historic interest are supposed to conserve heritage of the époque they have been built and considered to be hardly used on public roads, it should be left to Member States to extend the period of periodic roadworthiness testing for such vehicles...

Article 2.2:

This Regulation shall not apply to:
– vehicles of historic interest

Article 2.3:

Member States may introduce national requirements concerning roadworthiness tests for vehicles listed in paragraph 2 registered in their territory.

Article 3.7:

'vehicle of historic interest' means any vehicle which fulfils all the following conditions :

- It was manufactured at least 30 years ago,
- It is maintained by use of replacement parts which reproduce the historic components of the vehicle;
- It has not sustained any change in the technical characteristics of its main components such as engine, brakes, steering or suspension and
- It has not been changed in its appearance.

The Commission has proposed that the new Law be a Regulation – this means that this definition would be immediately applicable and enforceable as law in each Member State once adopted.

In December the European Council reached a General Agreement (informal decision) on the Commission's proposal which shows the Member States wants the following changes (marked in red):

Article 2.2

Member States **may** exempt the following vehicles registered in their territory from the 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 historic interest or competition vehicles**

Article 3.7:

vehicle of historic interest' means any vehicle which **has been declared as historical by a Member State or one of its appointed authorizing bodies and** fulfils all the following conditions :

- It was manufactured **or registered for the first time** at least 30 years ago,
- **Its type is no longer in production,**
- **It is in its original state and** has not sustained **substantial** changes in the technical characteristics of its main components such as engine, brakes, steering, suspension **or body.**

Importantly, the General Agreement also called for the text to be a Directive and not a Regulation. This means that this wording would have to be transposed into law by each Member State – hence it allows flexibility of wording for the eventual Member State legislation – and therefore also would allow existing regimes to be maintained.



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Reports drafted

The European Parliament is now preparing its Report on the Commission's proposal. German MEP Werner Kuhn has drafted his report for the transport Committee. In it he has proposed amending the Recital 9 to reflect FIVA's wishes – i.e. he has proposed to change it to read (changes in red):

Recital 9:

Vehicles of historic interest (deleted: are supposed to) conserve heritage of the époque in which they were built, are maintained in a historically correct condition and are rarely used as everyday vehicles. It should be left to Member States to extend the period of periodic roadworthiness testing for such vehicles or to otherwise regulate their roadworthiness testing regime.

Justification:

Member States should get more discretion in defining vehicle of historic interest.

Kuhn has kept the exemption and proposed to amend the definition to read:

Article 3.7:

'vehicle of historic interest' means any vehicle which is considered as historical by the Member State of registration or its appointed authorising bodies and fulfils all of the following conditions:

- It was manufactured at least 30 years ago,
- It has not sustained any substantial change in the technical characteristics of its main components such as engine, brakes, steering or suspension and bodywork

Justification:

Many historic vehicles have been changed during their existence. Therefore, only substantial changes should disqualify the vehicle from being considered as historic.

He has proposed deleting the condition "It has not been changed in its appearance" with the Justification that: "The proposed condition would be too restrictive as a change in the appearance is quite common in the life cycle of historic vehicles, particularly for the older ones."

Also he has not proposed to change the Regulation to a Directive.

Our comments on Mr Kuhn's proposed amendments

Mr Kuhn has clearly accepted the arguments we presented – shown by the amendments and the justification he has given for each. He has amended the recital as we proposed and he has recognized our concerns about parts of the Council General Agreement - i.e. he has not included the reference to "types no longer in production" and he has not included the reference to a vehicle having to be "in its original state". This is all very welcome.

However, his definition is still prescriptive (as is required by a regulation) and as noted in our discussion at the weekend, would exclude some historic vehicles which have had changes – in particular – new engines, new brake systems and bodywork.

We would therefore recommend the MEPs on the Transport Committee to propose more amendments to improve upon these detailed above, tabled by Mr Kuhn. This should also include proposing a change from a Regulation to a Directive.



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Further Development

On behalf of the “Market and Consumer Protection Commission” MEP Malcolm Harbour came with his recommendations mainly focussed on trade:
He saw equally the proposed definition as being too prescriptive and recommended aiming toward a solely age related definition.

‘vehicle of historic interest’ means any vehicle which was manufactured or registered for the first time at least 30 years ago, and is considered to be historical by competent Member State vehicle registration authorities.

Justification:

The Commission's definition of vehicle of historic interest is unnecessarily detailed and would lead to many vehicles unduly falling within the scope of the Regulation. A simple age requirement with further specification left to Member State authorities provides sufficient flexibility and is in line with current practice.

Our comments on Mr Harbour’s proposed revisions

In general nothing would be unintentionally restrictive in this definition or prevent the use of Historic Vehicles
This proposal could seem too open though, and thereby encourage the Member States to introduce local rules that might directly work against the intention of the exemption.

Possible further amendments and our recommendations

It is reasonably likely that the institutions will eventually agree that the Law should be a Directive and not a Regulation – in this case it would be appropriate to propose that the FIVA definition be used in the text as the Member States would then have to implement the definition into national law.

Below are proposals as to how to achieve this – these are proposals based on the amendments tabled by Mr. Kuhn and graduated as Option 1 being most preferable.

Option 1

Recital 9:

Vehicles of historic interest conserve heritage of the époque in which they were built, are preserved and maintained in a historically correct condition and are rarely used as everyday vehicles. It should be left to Member States to extend the period of periodic roadworthiness testing for such vehicles or to otherwise regulate their roadworthiness testing regime.

Article 1:

This Directive establishes a regime of periodic roadworthiness tests of vehicles

Article 3.7:

‘vehicle of historic interest’ means any vehicle which was manufactured at least 30 years ago and is preserved and maintained in a historically correct condition.



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Option 2 (less ideal)

Recital 9:

Vehicles of historic interest conserve heritage of the époque in which they were built, are preserved and maintained in a historically correct condition and are rarely used as everyday vehicles. It should be left to Member States to extend the period of periodic roadworthiness testing for such vehicles or to otherwise regulate their roadworthiness testing regime.

Article 1:

This Directive establishes for a regime of periodic roadworthiness tests of vehicles

Article 3.7:

‘vehicle of historic interest’ means any vehicle which is considered as historical by a Member State or its appointed authorizing bodies **or** fulfills all the following conditions:

- It was manufactured at least 30 years ago
- It is preserved and maintained in a historically correct condition.

Option 3 (more unintentionally prescriptive)

Recital 9:

Vehicles of historic interest conserve heritage of the époque in which they were built, are preserved and maintained in a historically correct condition and are rarely used as everyday vehicles. It should be left to Member States to extend the period of periodic roadworthiness testing for such vehicles or to otherwise regulate their roadworthiness testing regime.

Article 1:

This Directive establishes for a regime of periodic roadworthiness tests of vehicles

Article 3.7:

‘vehicle of historic interest’ means any vehicle which is considered as historical by a Member State or its appointed authorizing bodies **and** fulfills all the following conditions:

- It was manufactured at least 30 years ago
- It is preserved and maintained in a historically correct condition.

In all three options there is still one term that could open up for discussions and deviations: “Historical Correct Condition” where this is meaning “Honest to the period the vehicle represents” and not “Correct as original” but practically the wording “Historical correct condition” seems to be most informative.

Med venlig hilsen

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