



CONSULTATION RESPONSE

23 September 2010

Dear Sirs,

The Federation of British Historic Vehicle Clubs represents 500 subscriber organisations that between them have over quarter of a million enthusiasts for historic vehicles of all types. We ask you to bear in mind the large number of people we represent when considering this response. For the purposes of this consultation response we consider an historic vehicle to be one that is over 30 years old and our responses are confined to matters concerning vehicles of that age group.

The FBHVC's principal objective is to further the preservation and use of historic vehicles, which are owned by enthusiasts and preserved in historically correct condition. Historic vehicles are kept for their technical, cultural and historical contribution to our common heritage and those which are in road use are well maintained and not generally used as everyday transport. Within the EU the most commonly accepted age threshold for historic vehicles is 30 years.

The comments in this paper supplement FBHVC's online response to the Roadworthiness Testing Consultation. As noted in the comments made online, FBHVC is unable to provide responses to many of the questions in the online consultation because they are not applicable to historic vehicles - notably because the current Roadworthiness Testing Directive (2009/40/EC) makes special provision for historic vehicles in Recital 20, Article 4.2 and Article 4.3 and as a result, many member states impose separate testing conditions for historic vehicles.

The relevant provisions state:

Recital 20: Member States may, if appropriate, exclude from the scope of this Directive certain vehicles that are considered to be of historic interest. They may also establish their own testing standards for such vehicles. However, such a right must not lead to the application of stricter standards than those which the vehicles concerned were originally designed to meet.

Article 4.2: Member States may, after consulting the Commission, exclude from the scope of this Directive, or subject to special provisions, certain vehicles operated or used in exceptional conditions and vehicles which are never, or hardly ever, used on public highways, including vehicles of historic interest which were manufactured before 1 January 1960 or which are temporarily withdrawn from circulation.

Article 4.3: Member States may, after consulting the Commission, set their own testing standards for vehicles considered to be of historic interest.

The FBHVC welcomes the inclusion of the distinction for historic vehicles in the Directive and the recognition in Recital 20 that 'such a right must not lead to the application of stricter standards than those which the vehicles concerned were originally designed to meet'.

The FBHVC suggests that the description in Article 4.2 of a historic vehicle should be revised to reflect the passage of time since the adoption of the original Directive and the fact that historic vehicles are not static – i.e. a car which is new today may one day in the future be a historic vehicle. It is for this reason that our European colleagues in the Fédération Internationale des Véhicules Anciens define a historic vehicle as:

- a mechanically propelled road vehicle which is at least 30 years old;
- which is preserved and maintained in a historically correct condition;
- which is not used as a means of daily transport;
- and which is therefore a part of our technical and cultural heritage.

The current fixed date of 1960 was set many years ago when it then exempted vehicles over thirty years old at that time; this date is overdue for revision.

The FBHVC therefore suggest that the Directive be amended and that the historic vehicle provisions remain whilst the description of a historic vehicle should be amended to reflect the terms of the FIVA definition.



"... to uphold the freedom ..."

Moreover, there is an increased need for a distinct testing regime for historic vehicles and for the definition of historic vehicles in the Directive to mirror the FIVA definition notably because modern testing equipment is becoming increasingly sophisticated and therefore also increasingly sensitive. Moreover, the testing may also become increasingly automated. Modern testing equipment is also designed to work with modern vehicles and therefore anticipates modern standards of engineering. Because of all these facts, technological advancement in vehicle testing may well unfairly, and unnecessarily, have a negative impact on the historic vehicle movement. For example:

- The highly sensitive modern testing equipment may detect low-level vibrations which would be expected in a historic vehicle and which do not impact the safety of the vehicle but which might result in the vehicle failing the test.
- The human perspective in the testing process will be lost if automated testing machines are increasingly used. A machine can only determine whether a vehicle passes or fails whereas human intervention in the testing process allows broader factors to also be considered – for example the vehicle's overall dynamics, actual design and specific characteristics which might allow a vehicle to pass a test which would have been failed by an automated machine.

Additionally, given that historic vehicles are used rarely and that owners generally devote disproportionate time to care and maintenance, it follows that testing of historic vehicles could be less frequent than for other vehicles. However, FIVA accepts that this is a decision which may best be delegated down to the member states level.

Therefore, the technological advancement in vehicle testing and the clear difference between historic vehicles and other vehicles reinforce the need for the Directive to allow member states to set their own separate testing regimes for historic vehicles and for the Directive to give member states a clear steer as to the definition of a historic vehicle by amending the current definition so that it mirrors the FIVA definition.

Yours sincerely

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Secretary