

News from the regulatory environment



**Aymeric
Dumas-Eymard**
Hogan & Hartson
L.L.P.

Revised Code of Practice for installers of in-vehicle equipment

On 1 January 2006, the Federation of Communication Services (FCS) published a revised edition of the MPT1362 Code of Practice for installers of radio, mobile and other equipment on motor vehicles. The FCS is the trade association for businesses delivering communications services and products in the UK by radio, mobile and fixed telephony. It is the first time the Code is revised under its authority. The Code was previously under government control. It contains guidelines on safe installation, legal requirements, interference checks, customer communication and user training. While voluntary, the Code enjoys widespread recognition among the installers themselves as well as their suppliers, car manufacturers and user organizations. The Code is available to download at: <http://www.fcs.org.uk/documents/mpt1362.pdf>

Emissions standards

On 21 December 2005, the European Commission issued a proposal for a Regulation on emission limits for new passenger cars and light duty vehicles. As we reported in this column last year, the Commission had released a preliminary draft in July 2005. It then consulted interested parties and commissioned an impact assessment. Nonetheless, the main features of the proposed 'Euro 5' generation of emissions standards remain essentially unchanged from the July 2005 draft, including the following requirements:

- 80% reduction in particulate matter emissions from diesel cars;
- 20% reduction in NOx emissions

from diesel cars;

- 25% reduction in NOx and hydrocarbons emissions for gasoline cars;
- introduction of a particulate emission limit for lean burn direct injection gasoline cars;
- introduction of a particulate number standard;
- removal of the exemption enabling passenger vehicles weighing over 2.5 tons to be type approved using emission standards of light commercial vehicles;

Environmental protection groups view these goals as overly timid. By contrast car manufacturers believe the Commission has ignored their concerns, in particular that the emissions reductions will be excessively costly and that they will be given too little time to conform.

Access to vehicle repair information

The abovementioned draft Regulation unveiled on 21 December 2005 also includes proposed rules on access to information by independent dealers and repairers. The 2002 Motor Vehicle Block Exemption Regulation already contains provisions mandating that car manufacturers give independent operators access to technical information on their vehicles in a non-discriminatory, prompt and proportionate way. The draft Regulation builds on these requirements by making EU and national type approval conditional on the manufacturer providing proof that it is in fact giving independent operators access to technical information. The information must be accessible online and include service handbooks and technical manuals, component and diagnosis information, wiring diagrams, diagnostic trouble

codes, software calibration identification numbers.

Competition law: OFT pleased with TVR's prompt action on spares

TVR Engineering Ltd. has written to its authorized dealers asking them to resume the supply of spares to independent repairers. The move follows a complaint by the latter to the Office of Fair Trading (OFT) that the Blackpool firm and its approved distributors had ceased to fill their orders for engine and other parts. This practice is contrary to UK and EU competition law, in particular the EU's Motor Vehicle Block Exemption Regulation. The OFT has announced it will not take action against TVR or its authorized dealers because the offending behaviour was of limited duration and TVR acted quickly to bring it to an end. The OFT also noted that the impact on competition was limited by the small size of the market for the parts in question.

End-of-life vehicles

As of 1 January 2006, EU countries must ensure that 85% of the mass of vehicles manufactured before 1980 that are marked for disposal is recovered and 80%, recycled. This obligation stems from the European End-of-Life Vehicles (ELV) Directive. By January 2015, these percentages must have increased to 95% and 85% respectively. Nonetheless, until December 2008, Member States may continue to grant EC and national type-approval to a passenger car or light duty vehicle in spite of the fact that less than 95% of its mass is recoverable and less than 85% is recyclable. Until 2007, the last owner of a vehicle remains responsible for taking the vehicle to a facility authorized to treat ELV and covering the costs of this treatment. As of 2007, manufacturers will take over this responsibility.