Single Market: simplifying the transfer of motor vehicles registered in another Member State

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The Committee on the Internal Market and Consumer Protection adopted a second report by Dita CHARANZOVÁ (ADLE, CZ) on the proposal for a regulation of the European Parliament and of the Council simplifying the transfer of motor vehicles registered in another Member State within the Single Market.

The committee recommended that the European Parliament's position adopted at first reading following the ordinary legislative procedure should amend the Commission's proposal as follows:

Scope: this Regulation shall apply to any two- or three-wheel vehicle or quadricycle intended to travel on public roads, as referred to in Regulation (EU) No 168/2013 of the European Parliament and of the Council. It shall apply **only to vehicles which have their latest registration in a Member State and which are transferred from one Member State to another**.

Member States reserve the right to: (i) **charge and levy** the applicable taxes with regard to vehicles to which this Regulation applies; (ii) take the necessary legal measures to prevent tax avoidance with respect to vehicles to which this Regulation applies.

Place of registration: a Member State may require the registration on its territory of a vehicle registered in another Member State if the vehicle holder has normal residence in the Member State and uses the vehicle essentially in the Member State of normal residence on a permanent basis, that is for **at least 185 days each calendar year.**

Registration procedure:

- Where the holder of the registration certificate issued in a Member State moves his normal residence to another Member State, he shall request registration of a vehicle within a period of **three months** following: for a natural person, the date on which he has established his normal residence in another Member State; for a natural person acting in the course of his business activity, the date on which he has established his business activity in another Member State; for a legal person, the date on which the legal person is established in another Member State. This period shall be **shortened to 30 days** where the Member State provides for the possibility to submit a **request for registration of a vehicle online**.

- In the event of a **change of owner** of a vehicle registered in a Member State and transfer of that vehicle to another Member State which is the place of normal residence of the new owner of the vehicle, the new owner shall request registration of the vehicle within **30 days following the transfer of the vehicle**.

- Roadworthiness certificates should be **mutually recognised** by Member States in accordance with Union legislation. Where a vehicle registered in one Member State is re-registered in another Member State, the relevant vehicle registration authority shall immediately **notify** this to the vehicle registration authority of the Member State where the vehicle was last registered. When a

Member State receives a notification on registration in another Member State, it shall without delay cancel or suspend the registration of the vehicle on its territory in accordance with national procedures for **cancellation and suspension**.

Refusal of registration:

- Vehicle registration authorities shall only refuse to register a vehicle registered in another Member State in one or more of the following cases: (i) where vehicle registration documents are lost or stolen, unless the natural or legal person seeking to register the vehicle can clearly demonstrate either ownership of the vehicle or that he is the holder of the registration certificate; (ii) where the holder of the registration certificate has no normal residence, in the Member State where he is seeking to register the vehicle; (iii) where the applicant for a registration is unable to provide proof of his identity.

- Vehicle registration authorities may refuse to register a vehicle registered in another Member State only in one or more of the following cases: (i) when the applicant is unable to provide proof of ownership of the vehicle or of being the legitimate vehicle holder; (ii) where applicable, if the relevant taxes were not paid; (iii) if the vehicle is **seriously damaged, stolen, destroyed or has been fraudulently acquired**; (iv) where the vehicle does not have **third party liability insurance** if such insurance is a precondition for the registration of the vehicle in accordance with the law of the Member State in which the vehicle is to be re-registered.

- Any decision taken by a vehicle registration authority refusing to register a vehicle registered in another Member State shall be **duly substantiated** and shall include information about the appeal procedure and time-limits. The person concerned may within a period of six weeks from receipt of the negative decision request that the competent authority review the decision. During the review period, the vehicle shall not be used on public roads in the Member State where the decision to refuse re-registration is under review.

Temporary registration:

- The temporary registration certificate shall be valid for a period of a **maximum of 30 days** but its validity shall in any event not be longer than the validity of the roadworthiness certificate. The cases in which the vehicle registration authorities may refuse to register a vehicle registered in another Member State have been specified.

- The request for a temporary registration certificate may be submitted to: (a) the vehicle registration authority of the Member State where the vehicle is acquired; or (b) the vehicle registration authority of the Member State of normal residence.

Exchange of information concerning the registration data:

- The vehicle registration authorities of each Member State shall **recognise the data stored** in the official vehicle registers of the other Member States.

- For the exchange of information on vehicle data Member States shall use a functionality of the European Car and Driving License Information System (**EUCARIS**) software application specially designed for the purposes of this Regulation.

- The Commission shall regularly evaluate the adequacy of the security measures relating to the **protection of the data** exchanged.

Professional registration:

- A vehicle registration authority may issue one or several professional vehicle registration certificates to manufacturers of vehicles, manufacturers of vehicle parts, automotive repair shops, dealers and undertakings conveying vehicles across borders, technical services and inspection authorities, provided that the entity being issued with the certificate is established on that authority's territory.

- Vehicles carrying a professional vehicle registration certificate may only be used for professional purposes by the employer and employees of the undertaking that has been issued with such a certificate. Professional vehicle registration certificates shall be mutually recognised by all Member States for journeys which are for the purpose of transferring, checking or testing vehicles.

National contact points: each Member State shall designate a National Contact Point which will be responsible for the exchange of information. The Commission shall publish a list of the National Contact Points on its website.

Moreover, the **public** should have easy access to:

- the information on the registration of vehicles procedure in the Member State, including relevant documents needed for re-registration, time-limits, expected waiting time for a decision and grounds for refusal;

- the information on physical checks;

- the rules governing the processing of data relating to the registration of vehicles.

Penalties: Member States shall provide for effective, proportionate and dissuasive penalties if the holder of the registration certificate fails to request re-registration of the vehicle within the deadlines. Those penalties may include **restrictions on the use of the vehicle** until re-registration.