Basic information

2012/0082(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Single Market: simplifying the transfer of motor vehicles registered in another Member State **Subject** 2.10 Free movement of goods 2.20.01 Freedom of movement, right of residence, identity checks 2.80 Cooperation between administrations 3.20.05 Road transport: passengers and freight 3.20.06 Transport regulations, road safety, roadworthiness tests, driving licence	

Key players

Council of the European Union		
European Commission	**Commission DG**	**Commissioner**
	Internal Market, Industry, Entrepreneurship and SMEs	BIEŃKOWSKA Elżbieta
European Economic and Social Committee		

Key events

Date	Event	Reference	Summary
04/04/2012	Legislative proposal published	COM(2012)0164	Summary
18/04/2012	Committee referral announced in Parliament, 1st reading		
09/07/2013	Vote in committee, 1st reading		
22/07/2013	Committee report tabled for plenary, 1st reading	A7-0278/2013	Summary
15/04/2014	Debate in Parliament		
16/04/2014	Decision by Parliament		Summary
16/04/2014	Report referred back to committee		
20/10/2014	Resumption of business from the previous parliamentary term		
24/02/2015	Vote in committee, 1st reading		
27/02/2015	Committee report tabled for plenary, 1st reading	A8-0028/2015	Summary
03/07/2018	Proposal withdrawn by Commission		

Technical information

Procedure reference	2012/0082(COD)

Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 114-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	IMCO/8/00126

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE508.284	30/04/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0278/2013	22/07/2013	Summary
Committee report tabled for plenary, 1st reading/single reading		A8-0028/2015	27/02/2015	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0164	04/04/2012	Summary
Document attached to the procedure	SWD(2012)0081	04/04/2012	
Document attached to the procedure	SWD(2012)0082	04/04/2012	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	DE_BUNDESRAT	COM(2012)0164	20/06/2012	
Contribution	IT_SENATE	COM(2012)0164	28/06/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N7-0047/2013 OJ C 027 29.01.2013, p. 0002	09/07/2012	Summary
EESC	Economic and Social Committee: opinion, report	CES1574/2012	12/07/2012	

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

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

2012/0082(COD) - 04/04/2012 - Legislative proposal

PURPOSE: to improve the functioning of the single market through the simplification of the procedures for re-registration of motor vehicles registered in another Member State.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the obligation to register, in the receiving Member State, a motor vehicle registered in the Member State of origin has been a source of complaints and court cases for many years. As a result, **motor vehicle registration problems have negative impacts on the free movement of goods.**

When a motor vehicle is registered in one Member State and frequently used in another, **two main problems frequently occur:**

1) Citizens who move to another Member State, cross-border workers, car-rental companies and people leasing a motor vehicle in another Member State are often **obliged to register it on the territory where they live or where the vehicle is used**, although the motor vehicle is already registered in another Member State. However, this is a tedious problem for citizens that live part of the year in one Member State and the other part in another, as well as for cross-border commuters who use, in their own Member State, a motor vehicle registered by their employer in another Member State.

2) **The formalities of re-registration** for a motor vehicle being transferred from one Member State to another are often very burdensome and lengthy. Transferring a motor vehicle for a longer period to another Member State leads to new paperwork in the receiving Member State and, usually, also to additional paperwork to cease the registration of the vehicle in the Member State of origin.

In the 2010 EU Citizenship Report "Dismantling the obstacles to EU citizens rights", the Commission identified vehicle registration problems as **one of the main obstacles faced by citizens** when exercising their rights under EU law in their daily lives. Among the actions envisaged to remove such obstacles, the Commission announced the simplification of the formalities and conditions for the registration of vehicles registered in another Member State.

In its opinion of 11 March 2011, the High Level Group of Independent Stakeholders on **administrative burdens** supported a possible Commission initiative to simplify registration conditions and formalities.

IMPACT ASSESSMENT: according to the impact assessment undertaken by the Commission, the proposal would lead to a very substantial administrative simplification for businesses, citizens and registration authorities. The reduction of the administrative burden would **amount to savings of at least EUR 1,445 million per year.**

LEGAL BASIS: Article 114 of the Treaty on the Functioning of the European Union.

CONTENT: the proposal aims to improve the functioning of the single market through the elimination of administrative barriers related to the re-registration procedure of motor vehicles, which currently hinder the free movement of goods.

The operational objectives to be accomplished by this initiative are the following:

- to determine in which Member State a motor vehicle transferred between Member States should be registered;
- to reduce the time of re-registration procedures;
- to reduce the administrative burden on citizens and undertakings by limiting the number of documents necessary to carry out the re-registration procedure and by facilitating data exchange between national registration authorities.

The main points of the proposal are as follows:

Place of registration of a vehicle registered in another Member State: the proposal states that a Member State may only require the registration on its territory of a vehicle registered in another Member State **if the holder of the registration certificate has his normal residence on its territory.** Several criteria for determining the normal residence for both natural persons and companies.

Registration procedure: where the holder of the registration certificate moves his normal residence to another Member State, he should request the registration of his vehicle within a period of **six months following his arrival**. During that period, the use of the vehicle may not be restricted by the Member State of arrival.

The proposal also contains a drastic **simplification** of the registration procedures for motor vehicles that were registered in another Member State. It applies the settled case-law of the Court of Justice on the free movement of goods, according to which Member States should facilitate intra-EU trade by recognising the proof issued in another Member State showing, for example, that a vehicle registered in the territory of that State has passed a roadworthiness test.

Refusal to register: the proposal sets out the cases where registration authorities are entitled to refuse the registration of a motor vehicle that was registered in another Member State. The main objective is to **prevent fraud and to ensure road safety** since the re-registration of a motor vehicle registered in another Member State is sometimes used for legalising stolen vehicles or vehicle documents. Vehicle registration authorities may refuse to register if the vehicle is seriously damaged, stolen or destroyed, or if the vehicle registration documents are stolen or if the date of the next mandatory roadworthiness certificate has passed.

Temporary registration: the proposal ensures that the **intra-EU trade of second-hand vehicles is made easier,** by harmonised rules on the temporary registration of motor vehicles. A temporary registration system is indispensable to improve the functioning of the market of second-hand motor vehicles and to ensure that the gap between the registration in the first Member State and the new registration in the second is temporarily bridged.

It is proposed to limit the validity of the temporary registration to 30 days so that it is compatible with Directive 2009/103/EC relating to insurance against civil liability in respect of the use of motor vehicles.

Exchange of information: the proposal authorises the Commission to adopt implementing acts for the common procedures and specifications for the software application, including the format for the data exchanged, the technical procedures for electronic consultation of, and access to the national electronic registers, access procedures and security mechanisms. The electronic exchange of vehicle registration data between Member States should take place in accordance with the European Interoperability Framework (EIF).

Professional registration: the objective is to bring an end to the obstacles to the intra-EU trade of second-hand motor vehicles, through a common system whereby ‘professional registrations’ granted to manufacturers, assemblers, distributors and dealers established in one Member State would be recognised in the other Member States. The proposal authorises the Commission to adopt implementing acts for laying down the format and the model of the professional vehicle registration certificate.

Vehicle registration authorities: the proposal requires Member States to **inform the Commission of the names and contact details of the vehicle registration authorities** that are responsible for managing the official registers of vehicles on their territory and for the application of the Regulation. The Commission will then publish a list of vehicle registration authorities and any updates to that list on its website. In addition, vehicle registration authorities must ensure that the information on the registration of vehicles in the Member State of the relevant authority and the name and contact details of the authority are easily accessible to the public.

BUDGETARY IMPLICATIONS: **EUR 1.5 millions over the period 2014-2018**. The proposal only requires administrative appropriations. It does not require the use of operational appropriations.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

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

2012/0082(COD) - 09/07/2012 - Document attached to the procedure

OPINION OF THE EUROPEAN DATA PROTECTION SUPERVISOR

on the Commission proposal for a Regulation of the European Parliament and of the Council

on simplifying the transfer of motor vehicles registered in another Member State within the single market.

This Opinion describes the relevance of data protection in the context of vehicle **re-registration**, as well as a few further recommendations on specific data protection aspects that govern the **exchanges of data** amongst national motor vehicle registers.

Before the adoption of the Proposal, the EDPS was given the opportunity to provide informal comments. He welcomes (i) the fact that most of these comments have been taken into account in the Proposal and (ii) the fact that the specific list of data that may be exchanged amongst vehicle registration authorities has been clearly defined in Annex I of the Proposal.

The EDPS further recommends to:

- specify in Annex I the '**reasons for the destruction**' in predefined fields to choose from,
- make clear that the **obligation for a motor vehicle registration authority to gather the information** in Annex I from another competent authority and to transfer the data to its own register can only apply to data that the recipient competent authority would be authorised to process pursuant to EU law and/or its national law,
- add that vehicle registration authorities **should make easily accessible to the public the rules governing the processing of data** in the context of the re-registration of vehicles, which should include information on time limits for retention as well as the necessary information foreseen in Articles 10 and 11 of Directive 95/46/EC,
- clarify in the Proposal what is **the software** application mentioned in Annex II which will be used for the electronic exchanges of data, and what would be the role of the Commission, if any, in facilitating the interoperability between national registers,
- ensure that, if data are exchanged amongst national vehicle registration authorities **through an existing pan-European infrastructure**, they are appropriately segregated from other data that may be exchanged therein,
- add that the Commission should **evaluate regularly the adequacy of the security measures**, taking into account technological developments and the evolution of risks and that it should update the security measures where necessary.

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

2012/0082(COD) - 22/07/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Toine MANDERS (ADLE, NL) on the proposal for a regulation of the European Parliament and of the Council on simplifying the transfer of motor vehicles registered in another Member State within the Single Market. The committee recommends that Parliament adopt its position in first reading following the ordinary legislative procedure, and amend the Commission proposal as follows:

Scope: Members seek to ensure that **fiscal rights** will not be affected by the introduction of the Regulation. The latter should therefore in no way impinge on the right to levy taxation on vehicles entering a particular Member State. Another amendment aims to counter circumstances where the proposed Regulation may unintentionally **lead to practices that result in tax avoidance.**

National contact point: in order to simplify the cross-border re-registration, the national contact point and a definition regarding the same has been introduced. Members state that this point should **serve as one contact point** for the exchange of information on vehicle registration.

Furthermore, Member States shall designate one national contact point responsible for the exchange of vehicle information and information about national and individual type approval issues relating to re-registration.

Place of registration for vehicles registered in another Member State: the amendments stated that companies, citizens and other legal entities should only be allowed to transfer a vehicle to other Member State **if they are registered** or have other proof of residence in that new Member State.

Registration procedure: where the holder of the registration certificate moves his normal residence to another Member State, he must request registration of a vehicle registered in another Member State **within a period of three months** (rather than six months) following the date on which he has moved his normal residence

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 that 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.**

Member States must provide for **penalties** if the holder of the registration certificate fails to request re-registration of the vehicle within the deadlines referred to.

Those penalties may include restrictions on the use of the vehicle until a successful re-registration.

In order to ensure road safety, the vehicle registration authority must be able to carry out a **check on a vehicle** if the roadworthiness certificate date has passed.

Member States shall **mutually recognise** roadworthiness certificates issued by other Member States, once their validity has been recognised at the time of re-registration. They shall also inform other Member States when a vehicle is re-registered in order to make sure that a vehicle is never registered twice in different Member States.

Secure database: three years after the date of entry into force of this Regulation. Member States shall provide for the possibility of **paperless online re-registration** of vehicles via a secure online database.

Refusal of registration: Members stipulated that vehicle registration authorities must refuse to register a vehicle registered in another Member State where: (i) vehicle registration documents are **lost or stolen**, unless the person seeking to register the vehicle can clearly demonstrate ownership of the vehicle; (ii) the **technical inspections were not successfully passed**; (iii) the holder of the registration certificate is unable to provide **proof of his identity** or has no **normal residence** in the Member State where he is seeking to register the vehicle.

Member States may also refuse registration where the vehicle has been fraudulently acquired, where the vehicle severely damages health and the environment and where **civil liability** in respect of the use of the vehicle is not covered by insurance.

In order to strengthen cooperation among Member States, Member States should notify each other when a re-registration has been refused.

Temporary registration: 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.

Within the period of validity of the temporary registration certificate, the person that has acquired the vehicle shall register the vehicle in his Member State of normal residence.

The temporary registration certificate issued by a vehicle registration authority of one Member State shall be recognised by the other Member States for the identification of the vehicle in international traffic or for its re-registration in another Member State.

Exchange of information: vehicle registration authorities shall use the most up-to-date version of the **European Vehicle and Driving Licence Information System (Eucaris)** software application. The Commission must make sure that the EUCARIS system works in the whole European Union. It will regularly evaluate the adequacy of the security measures relating to the **protection of the data** exchanged.

Professional registration: professional vehicle registration certificates must be issued to manufacturers of vehicles, manufacturers of vehicle parts, automotive repair shops, dealers and undertakings conveying vehicles across borders, technical services and inspection authorities.

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.

Choice of vehicle number plate: Members proposed offering the choice to citizens and to business a number plate either in colours determined by national law or Union colours, so that number plates might have a uniform appearance for their fleet of vehicles. The registration of the vehicle remains under the competence of the Member State where the vehicle is registered.

Fraudulent use of number plates: the report proposed to ensure safeguards against fraudulent use of number plates through equipping the vehicle and its number plate with a radio-frequency identification (RFID) tag.

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

2012/0082(COD) - 27/02/2015 - Committee report tabled for plenary, 1st reading/single reading

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.