

EUROPEAN PARLIAMENT

2004



2009

Committee on Petitions

20.03.2009

NOTICE TO MEMBERS

Subject: Petition 0563/08 by Andrew Grossman (Swiss), on an impediment to the free exercise of his Treaty rights to travel for commercial and other purposes within the EU and Switzerland

1. Summary of petition

The petitioner is a citizen of Switzerland and a long-term resident of the United Kingdom and lodges this petition together with his daughter and wife who are British citizens. They left their car in Switzerland and now they want to get it back to England. The car Tax disc has expired. It cannot be renewed without proof of insurance and without proof of MoT inspection which they cannot get without returning the car to Britain. But they cannot return the car to England, except as freight, since it is not taxed, according to the UK motor vehicle authorities.

2. Admissibility

Declared admissible on 2 October 2008. Information requested from Commission under Rule 192(4).

3. Commission reply, received on 20 March 2009.

The petitioner owns a passenger car, registered in the United Kingdom where she lives. In the autumn of 2007, she left her car in Switzerland in her father's custody due to an unexpected urgent business trip to the United States until mid-April 2008. In the meantime the roadworthiness inspection certificate ("MoT") as well as the Car Tax disc expired.

In accordance with UK law, the car tax is linked to an existing insurance, which is the case here, and a valid roadworthiness inspection. If the car does not have a roadworthiness

certificate and is not on UK soil, once it is on UK soil - it may still be driven legally from the port to the next inspection station.

The use of a private motor vehicle on roads in international traffic is regulated by the UN-ECE 1968 Vienna Convention on Road Traffic and requires a registration of the vehicle, a distinguishing sign of the country of registration and a valid roadworthiness certificate as well as an insurance.

According to the treaty between Switzerland and the European Community, Council Directive 96/96 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles (OJ L 46, 17. 2. 1997, p.1) is only applicable to vehicles used for transport of goods and passengers.

As Switzerland is not a member of the European Union, bilateral agreements in this field apply. Therefore, the petitioner should get in contact with the competent organisation in the UK, VOSA (Vehicle and Operator Service Agency), to obtain information about inspection organisations in Switzerland (e.g. Association des Services des Automobiles - Lausanne) which are issuing certificates that are recognized by UK, get the car tested and follow the necessary administrative requirements set up by UK.