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Committee on the Internal Market and Consumer Protection

2012/0082(COD)

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*****I**

DRAFT REPORT

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
(COM(2012)0164 – C7-0092/2012 – 2012/0082(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Toine Manders

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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

(COM(2012)0164 – C7-0092/2012 – 2012/0082(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0164),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0092/2012),
 - having regard to the opinion of the European Economic and Social Committee of 12 July 2012¹,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Transport and Tourism (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 299, 4.10.2012, p. 89.

Amendment 1
Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles harmonises the form and content of the registration certificate in order to facilitate its comprehension and thus facilitate the free movement, on the roads in the territory of the other Member States, of vehicles registered in a Member State. Pursuant to that Directive, the registration certificate issued by a Member State should 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. Directive 1999/37/EC, however, does not contain any provisions determining the competent Member State for the registration and the applicable formalities and procedures. Consequently, in order to eliminate the barriers to the free movement of motor vehicles within the internal market, it is necessary to establish separate harmonised rules on determining the Member State in which motor vehicles must be registered and on simplified procedures for the re-registration of motor vehicles registered in another Member State.

Amendment

(3) Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles harmonises the form and content of the registration certificate in order to facilitate its comprehension and thus facilitate the free movement, on the roads in the territory of the other Member States, of vehicles registered in a Member State. Pursuant to that Directive, the registration certificate issued by a Member State should 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. Directive 1999/37/EC, however, does not contain any provisions determining the competent Member State for the registration and the applicable formalities and procedures. Consequently, in order to eliminate the barriers to the free movement of motor vehicles within the internal market, it is necessary to establish separate harmonised rules on determining the Member State in which motor vehicles must be registered and on *faster and* simplified procedures for the re-registration of motor vehicles registered in another Member State.

Or. en

Amendment 2
Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) This Regulation should contribute to strengthening the important principles and safeguards linked to road safety. As provided for in Union legislation, harmonised rules on roadworthiness testing of motor vehicles and their trailers are essential in order to reduce the administrative burden for citizens and business while ensuring the dynamic development of testing methods and test content. National roadworthiness tests should be mutually recognised by Member States. Mutual recognition of technical controls between Member States requires common definitions and comparable test standards which are respected by all Member States.

Or. en

Justification

In order for this regulation to work in practice, this amendment stresses the need of full implementation of applicable Union legislation and cooperation from Member States.

Amendment 3
Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) To make it easier for citizens or businesses, especially those acquiring a motor vehicle registered in another Member State, to recognise the registration certificate, its format should be aligned in all Member States in accordance with Council Directive 1999/37/EC.

Or. en

Amendment 4
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Since lack of insurance against civil liability constitutes a ground for refusal of registration under this Regulation, it is appropriate to ensure that insurance cover, including low insurance premiums, is available to citizens and businesses.

Or. en

Amendment 5
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) New technologies should contribute to further improvement of enforcement and the prevention of fraud in cross-border movement and re-registration of motor vehicles.

Or. en

Justification

New innovative technologies, such as smart cameras on roads and RFID tagging, are effective tools to combat fraud with number plates and vehicles.

Amendment 6
Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) In order to achieve the objective of exchange of information between Member States through interoperable means, the power to adopt acts in accordance with

(13) In order to achieve the objective of exchange of information between Member States through interoperable means, the power to adopt acts in accordance with

Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to Annexes I and II of this Regulation in the light of technical progress, in particular, in order to take into account relevant amendments to Directive 1999/37/EC or amendments to other Union acts directly relevant for the updating of Annexes I and II of this Regulation, in respect of the conditions which should be met by undertakings using professional vehicle registration certificates in order to satisfy the requirements of a good reputation and the requisite professional competence, *and* in respect of the duration of the validity of the professional vehicle registration certificates. It is of particular importance that the Commission carries out appropriate consultation during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to Annexes I and II of this Regulation in the light of technical progress, in particular, in order to take into account relevant amendments to Directive 1999/37/EC or amendments to other Union acts directly relevant for the updating of Annexes I and II of this Regulation, in respect of the conditions which should be met by undertakings using professional vehicle registration certificates in order to satisfy the requirements of a good reputation and the requisite professional competence, in respect of the duration of the validity of the professional vehicle registration certificates, *and in respect of the provision of radio-frequency identification (RFID) tags as a safeguard against fraudulent use of number plates*. It is of particular importance that the Commission carries out appropriate consultation during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. en

Amendment 7
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to lay down the common procedures and specifications for the software application that is necessary for the electronic exchange of vehicle

Amendment

(14) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to lay down the common procedures and specifications for the software application, *namely the European Vehicle and Driving Licence*

registration data, 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, and to establish the format and the model of the professional vehicle registration certificate. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers .

Information System (EUCARIS), that is necessary for the electronic exchange of vehicle registration data, 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, and to establish the format and the model of the professional vehicle registration certificate. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

Or. en

Amendment 8
Proposal for a regulation
Article 2 – point 3

Text proposed by the Commission

(3) 'holder of the registration certificate' means **the** person in whose name a vehicle is registered in a Member State;

Amendment

(3) 'holder of the registration certificate' means **the natural or legal** person in whose name a vehicle is registered in a Member State, **or a natural or legal person who has contractually taken temporary keepership of the vehicle**;

Or. en

Justification

The holder of the registration certificate is the natural or legal person who has leased a vehicle, not an international company which solely provides for the lease. In this way, vehicles cannot be registered by an international company in a Member States while being used in another Member State to avoid taxation or other administrative costs. The addition of 'temporary keepership' identifies the leasing company which has legal title to the vehicle and thus is a rightful owner. It is essential that this field is added to items in Annex I.

Amendment 9
Proposal for a regulation
Article 2 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) 'registration certificate' means the document which certifies that the vehicle is registered in a Member State;

Or. en

Justification

Definition follows Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles.

Amendment 10
Proposal for a regulation
Article 2 – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) 'national contact point' means a body designated by each Member State, responsible for the official register of vehicles on its territory and exchange of information on vehicle registration.

Or. en

Justification

There can be either a single or numerous registration authorities in a Member State. To simplify the cross-border re-registration, the national contact point and its definition has been introduced. This point should serve as one contact point for the exchange of information on vehicle registration.

Amendment 11
Proposal for a regulation
Article 3 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) for a company or other body, corporate

(a) for a company or other body, corporate

or unincorporated, the Member State where the central administration is **located**;

or unincorporated, the Member State where the central administration is **registered**;

Or. en

Justification

'Registered' is an objective and verifiable criterion, clearer than using 'located' in this regulation.

Amendment 12

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) for a branch, agency or any other establishment of a company or other body, the Member State where the branch, agency or any other establishment is **located**;

(b) for a branch, agency or any other establishment of a company or other body, the Member State where the branch, agency or any other establishment is **registered**;

Or. en

Justification

'Registered' is an objective and verifiable criterion, clearer than using 'located' in this regulation.

Amendment 13

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties because of personal ties which show close links between that person and the place where he is living;

(i) the place where a person **is registered or has other proof of residence and** usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties because of personal ties which show close links between that person and the place where he is living;

Justification

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.

Amendment 14
Proposal for a regulation
Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The condition set out in *point* (ii) shall not apply where the person is living in a Member State in order to carry out a task of a definite duration. Attendance at a university or school shall not imply transfer of normal residence.

Amendment

The condition set out in (ii) shall not apply where the person is living in a Member State in order to carry out a task of a definite duration *of a maximum of 185 days*. Attendance at a university or school shall not imply transfer of normal residence.

Justification

The definite duration of the task should be clearly defined in this regulation.

Amendment 15
Proposal for a regulation
Article 4 – paragraph 4 – introductory part

Text proposed by the Commission

4. Vehicle registration authorities may only carry out *physical checks* of the vehicle registered in another Member State prior to its registration in any of the following cases:

Amendment

4. ***Vehicle registration authorities shall identify a vehicle before they register a vehicle from another Member State.*** Vehicle registration authorities may only carry out *technical inspections* of the vehicle registered in another Member State prior to its registration in any of the following cases:

Justification

When a Member State has doubts about registration or the status of the vehicle, identification of a vehicle by a Member State which receives a new registration request for a vehicle should always be possible. Member State should be allowed to carry out technical inspection to see in transparent manner on what grounds a vehicle has been approved in another Member State.

Amendment 16

Proposal for a regulation

Article 4 – paragraph 4 – point d

Text proposed by the Commission

(d) if *roadworthiness tests are required in case of any change of ownership* of the vehicle, *or for* seriously damaged *vehicles*.

Amendment

(d) if the vehicle *is* seriously damaged.

Or. en

Amendment 17

Proposal for a regulation

Article 4 – paragraph 4 – point d a (new)

Text proposed by the Commission

(da) if the vehicle has no valid roadworthiness certificate.

Amendment

Or. en

Justification

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.

Amendment 18

Proposal for a regulation

Article 4 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

In order to be able to comply with point (c) of the first subparagraph, Member

Amendment

States shall ensure that detailed national procedures they use for national and individual approval of vehicles pursuant to Directive 2007/46/EC are published online.

Or. en

Amendment 19
Proposal for a regulation
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall mutually recognise roadworthiness tests from other Member States in accordance with Regulation 2013/xx/EU¹.

¹ Proposal for a Regulation of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (2012/0184(COD)).

Or. en

Amendment 20
Proposal for a regulation
Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. When a Member State receives a report on registration in another Member State, as provided for in paragraph 5, it shall without delay cancel the registration of the vehicle on its territory in accordance with Directive 2013/xx/EU¹.

¹ Proposal for a Directive of the European Parliament and of the Council amending

Council Directive 1999/37/EC on the registration documents for vehicles (2012/0185(COD)).

Or. en

Justification

The regulation should be clear that Member States need to 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.

Amendment 21
Proposal for a regulation
Article 4 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. By ...* , Member States shall introduce a paperless online registration of vehicles via a secure online database. The registration shall be made directly in the national database of the Member State where the vehicle is registered.

**** OJ: please insert the date: three years after the date of entry into force of this Regulation.***

Or. en

Justification

A secure database will make it possible, with the use of modern techniques, to register a vehicle without paper because all necessary documents and information could be traced in the interconnected databases (EUCARIS). A paperless registration will save time and costs for European citizens and will be safeguarded by electronic control mechanisms.

Amendment 22
Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Choice of vehicle number plate

- 1. Member States shall offer the choice of re-registration of a vehicle with a number plate either in national or Union colours.*
- 2. Where a number plate is offered in Union colours, it shall be composed of yellow codes against a blue background, in accordance with Council Regulation (EC) No 2411/98.*
- 3. The choice referred to in paragraph 1 shall be without prejudice to the right of Member States to determine their national code schemes.*

Or. en

Justification

For some industries as the rental and lease companies, it would be useful to have the possibility of using a common colour for their number plates for their vehicles. This would offer a possibility for companies to choose 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.

Amendment 23

Proposal for a regulation

Article 5 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

-1a. Vehicle registration authorities shall refuse to register a vehicle registered in another Member State:

(a) where the vehicle registration documents are absent, unless the natural or legal person seeking to register the vehicle can clearly demonstrate that he is the holder of the registration certificate;

(b) where the technical inspections, as referred to in Article 4(4), were not successfully passed;

(c) where the holder of the registration certificate is unable to provide proof of his

identity;

(d) where the holder of the registration certificate has no normal residence, as referred to in Article 3(2), in the Member State where he is seeking to register the vehicle.

Or. en

Justification

Some aspects are so important for a registration that it should be clear to citizens that a vehicle cannot be registered if vehicle registration documents are absent, when technical inspections were not passed, when holder of the vehicle cannot provide proof of his residence or when the holder of registration certificate does not have a registered establishment in the Member States where the vehicle is going to be registered.

Amendment 24

Proposal for a regulation

Article 5 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where applicable, if the relevant taxes were not paid;

Or. en

Amendment 25

Proposal for a regulation

Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) where the physical checks as referred to in Article 4(4) were not successfully passed; *deleted*

Or. en

Justification

Successfully completed technical inspection should be a mandatory precondition for a

registration, and is therefore included in paragraph -1a of this Article.

Amendment 26

Proposal for a regulation

Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) the vehicle is seriously damaged, stolen or destroyed;

(i) the vehicle is seriously damaged, stolen, destroyed or has been fraudulently obtained;

Or. en

Justification

'Fraudulently obtained' has been added to broaden the definition and to ensure that a vehicle that has been fraudulently obtained may be refused a re-registration.

Amendment 27

Proposal for a regulation

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

(ii) the vehicle registration documents are stolen unless the holder of the registration certificate can clearly demonstrate ownership of the vehicle;

deleted

Or. en

Justification

This case is included in paragraph -1a of this Article.

Amendment 28

Proposal for a regulation

Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

(iii) the date of the next mandatory

deleted

roadworthiness certificate has passed.

Or. en

Justification

This amendment has to be seen in connection with the amendment to Article 4, meaning that it should be possible for the vehicle registration authority to carry out a technical inspection on a vehicle if the data of the mandatory roadworthiness certificate has passed.

Amendment 29
Proposal for a regulation
Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) where a vehicle is denied access to an environmental zone in a Member State or where a vehicle fails to comply with environmental standards as provided for in applicable Union and national law, unless the vehicle can be qualified as vehicle of historic interest as defined in Regulation 2013/xx/EU¹.

¹ *Proposal for a Regulation of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (2012/0184(COD)).*

Or. en

Justification

Member States should be allowed to refuse re-registration of vehicles that severely damage health and the environment.

Amendment 30
Proposal for a regulation
Article 5 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) where the vehicle does not have civil liability insurance, if such insurance is a precondition for registration of the vehicle.

Or. en

Justification

Motor vehicle civil liability insurance makes a major contribution towards providing protection for road casualties and therefore should be used as a precondition for registration.

Amendment 31
Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Any decision taken by a vehicle registration authority refusing to register a vehicle registered in another Member State shall be duly substantiated. The person concerned may within a period of ***one month*** from receipt of the negative decision request the competent ***vehicle registration*** authority ***to*** review the decision. That request shall include reasons for such review. Within ***one month*** from receipt of that request, the competent vehicle registration authority shall confirm or reverse its decision.

2. 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. That request shall include reasons for such review. Within ***six weeks*** from receipt of that request, the competent vehicle registration authority shall confirm or reverse its decision. ***Upon refusal of registration, the Member State that has refused the registration shall send information on refusal to the Member State where the vehicle was previously registered, in accordance with Article 7.***

Or. en

Justification

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

Amendment 32 **Proposal for a regulation** **Article 6 – paragraph 2**

Text proposed by the Commission

2. Upon receipt of the request for the temporary registration certificate referred to in paragraph 1, the vehicle registration authority shall immediately gather the information on the data items set out in Annex I directly from the vehicle registration authority of the Member State where the vehicle *is* registered, in accordance with Article 7, and transfer the data to its own register.

Amendment

2. Upon receipt of the request for the temporary registration certificate referred to in paragraph 1, the vehicle registration authority shall immediately gather the information on the data items set out in Annex I directly from the vehicle registration authority of the Member State where the vehicle *was last* registered, in accordance with Article 7, and transfer the data to its own register.

Or. en

Amendment 33 **Proposal for a regulation** **Article 6 – paragraph 3 – point b a (new)**

Text proposed by the Commission

Amendment

(ba) where the person seeking to register the vehicle cannot provide proof of his identity.

Or. en

Amendment 34 **Proposal for a regulation** **Article 6 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. When a vehicle is issued with a

temporary registration certificate, the Member State shall include the data on that vehicle in the official electronic register in accordance with Annex I to this Regulation and Annex I to Council Directive 1999/37/EC.

Or. en

Amendment 35
Proposal for a regulation
Article 6 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The temporary registration certificate issued by a 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.

Or. en

Amendment 36
Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 37
Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For the purpose of paragraph 1, 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.

Or. en

Justification

There can be multiple registration authorities in a Member State or one, but there should be one National Contact Point for dealing with cross-border registration. Moreover there should be one National Contact Point for the exchange of information of national and individual type approval issues. Otherwise it will become very complex in practice for other Member States to find the contact point quickly to ensure efficient exchange of information between Member States on cross-border issues.

Amendment 38

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

2. For the purposes of paragraph 1, vehicle registration authorities shall use the ***software application*** as set out in Annex II.

2. For the purposes of paragraph 1, vehicle registration authorities shall use ***the European Vehicle and Driving Licence Information System (EUCARIS)***, as set out in Annex II, ***which shall be updated to meet the requirements of this Regulation.***

Or. en

Justification

A fully operational software application - European vehicle and driving license information system (EUCARIS), already exists and is used and owned by the Member States. As demonstrated at the IMCO hearing on this file, EUCARIS is already used for re-registration. This approach is more effective and cost efficient than introducing new systems other than EUCARIS.

Amendment 39

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission

Only vehicle registration authorities *may* have direct access to the data stored and ready for retrieval under the software application. Vehicle registration authorities shall take the necessary measures to ensure the prevention of the following:

Amendment

Only vehicle registration authorities ***and enforcement authorities shall*** have direct access to the data stored and ready for retrieval under the software application. Vehicle registration authorities shall take the necessary measures to ensure the prevention of the following:

Or. en

Justification

Authorities such as police and customs (enforcement authorities) should also have access to the data stored and ready for retrieval under the software application regarding vehicle registration to effectively combat fraud with re-registration.

Amendment 40

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 5

Text proposed by the Commission

If it becomes evident that incorrect information or information that should not have been provided has been provided, the vehicle registration authority receiving the information shall be informed immediately. The vehicle registration ***authority receiving the information*** shall then delete or correct the information that has been received.

Amendment

If it becomes evident that incorrect information or information that should not have been provided has been provided, the vehicle registration authority receiving the information shall be informed immediately. The vehicle registration ***authorities of the Member State where the vehicle was last registered and of the Member State where the vehicle is registered*** shall then delete or correct the information that has been received.

Or. en

Amendment 41
Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. The Commission shall adopt implementing acts to lay down the common procedures and specifications for the software application referred to in paragraph 2, 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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

Amendment

4. The Commission shall adopt implementing acts to lay down the common procedures and specifications for the software application referred to in paragraph 2 ***to meet the requirements of this Regulation***, 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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

Or. en

Amendment 42
Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall regularly evaluate the adequacy of the security measures relating to the protection of the data exchanged, taking into account technological developments and the evolution of risks.

Or. en

Justification

Follows the opinion of the European Data Protection Supervisor of 9 July 2012.

Amendment 43
Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Member States shall inform the Commission of the names and contact details of the vehicle registration authorities which are responsible for managing the official registers of vehicles on their territory and for the application of this Regulation.

Amendment

1. Member States shall inform the Commission of the names and contact details of the ***national contact points and*** vehicle registration authorities which are responsible for managing the official registers of vehicles on their territory and for the application of this Regulation.

Or. en

Amendment 44
Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission shall publish a list of vehicle registration authorities and any updates to that list on its website.

Amendment

The Commission shall publish a list of vehicle registration authorities and ***national contact points and*** any updates to that list on its website.

Or. en

Amendment 45
Proposal for a regulation
Article 9 – paragraph 2 – point a

Text proposed by the Commission

(a) the information on the registration of vehicles in the Member State of the ***relevant*** authority;

Amendment

(a) the information on the registration ***procedures*** of vehicles ***including time limits, grounds for refusal, relevant documents needed for re-registration, and relevant rights of Union citizens to re-registration in the official language or languages of their Member State and in English, French or German,*** in the Member State of the ***vehicle registration***

authority;

Or. en

Justification

If a citizen or legal entity wants to appeal to re-register time limits, grounds of refusal, relevant documents needed for re-registration should be clear in advance.

Amendment 46
Proposal for a regulation
Article 9 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the rules governing the processing of data relating to the registration of vehicles, including information on time limits for retention as well as the necessary information listed in Articles 10 and 11 of Directive 95/46/EC.

Or. en

Justification

If a citizen or legal entity wants to appeal to re-register time limits, grounds of refusal, relevant documents needed for re-registration should be clear in advance.

Amendment 47
Proposal for a regulation
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Safeguards against fraudulent use of number plates

1. Upon the registration of a vehicle, that vehicle and its number plate shall be provided, by the vehicle registration authority, with a radio-frequency identification (RFID) tag.

2. The vehicle registration authority shall provide a new set of RFID tags in the event of loss of the original number plate or replacement of the vehicle by another vehicle.

Or. en

Justification

In order to tackle crime regarding cross border registration Member States should provide the re-registration with a tag (chip) with radio-frequency identifier. In this way, law enforcement authorities can always check if a number plate corresponds with the right vehicle.

Amendment 48
Proposal for a regulation
Article 10 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) the format of the data exchanged, the technical procedures, access procedures and security mechanisms, and the format and the model of RFID tags referred to in Article 9a.

Or. en

Amendment 49
Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. The delegation of power referred to in Article 10 shall be conferred on the Commission ***for an indeterminate*** period of ***time*** from the date of entry into force of this Regulation.

2. The delegation of power referred to in Article 10 shall be conferred on the Commission ***a*** period of ***five years*** from the date of entry into force of this Regulation. ***The Commission shall draw up a report in respect of the delegation of power not later than three months before the end of the five-year period. The delegation of power shall be tacitly***

extended for periods of an identical duration, unless the European Parliament or Council opposes such extension not later than six months before the end of each period.

Or. en

Justification

Reflects Parliament's position that delegation should not be for an indefinite period and that the Commission should report on how it has used its powers before an extension is considered.

Amendment 50

**Proposal for a regulation
Annex I**

Text proposed by the Commission

Item	Harmonised Codes Directive 1999/37/E C
1. Country of registration	--
2. Registration number	(A)
3. Date of first registration of the vehicle	(B)
4. Registration certificate identification number(s)	--
5. Name of issuing authority of the registration certificate	--
6. Vehicle: make	(D.1)
7. Vehicle: type - Variant (if available); - Version (if available)	(D.2)
8. Vehicle: commercial description (s)	(D.3)
9. Vehicle Identification Number (VIN)	(E)
10. Mass: maximum technically permissible laden mass, except for motorcycles	(F.1)
11. Mass: maximum permissible laden mass of the vehicle in service in the Member State of registration	(F.2)
12. Mass of the vehicle in service with bodywork, and with coupling device in the case of a towing vehicle in service from any category other than M1	(G)
13. Period of validity, if not unlimited	(H)
14. Date of the registration to which this certificate refers	(I)
15. Type-approval number (if available)	(K)
16. Number of axles	(L)

17. Wheelbase (in mm)	(M)
18. For vehicles with a total permissible mass exceeding 3500 kg, distribution of the technically permissible maximum laden mass among the axles: axle 1 (in kg)	(N.1)
19. For vehicles with a total permissible mass exceeding 3500 kg, distribution of the technically permissible maximum laden mass among the axles: axle 2 (in kg), where appropriate	(N.2)
20. For vehicles with a total permissible mass exceeding 3500 kg, distribution of the technically permissible maximum laden mass among the axles: axle 3 (in kg), where appropriate	(N.3)
21. For vehicles with a total permissible mass exceeding 3500 kg, distribution of the technically permissible maximum laden mass among the axles: axle 4 (in kg), where appropriate	(N.4)
22. For vehicles with a total permissible mass exceeding 3500 kg, distribution of the technically permissible maximum laden mass among the axles: axle 5 (in kg), where appropriate	(N.5)
23. Technically permissible maximum towable mass of the trailer: braked (in kg)	(O.1)
24. Technically permissible maximum towable mass of the trailer: unbraked (in kg)	(O.2)
25. Engine: capacity (in cm ³)	(P.1)
26. Engine: maximum net power (in kW) (if available)	(P.2)
27. Engine: type of fuel or power source	(P.3)
28. Engine: rated speed (in min ⁻¹)	(P.4)
29. Engine identification number	(P.5)
30. Power/weight ratio (in kW/kg) (only for motorcycles)	(Q)
31. Colour of the vehicle	(R)
32. Seating capacity: number of seats, including the driver's seat	(S.1)
33. Seating capacity: number of standing places (where appropriate)	(S.2)
34. Maximum speed (in km/h)	(T)
35. Sound level: stationary (in dB(A))	(U.1)
36. Sound level: engine speed (in min ⁻¹)	(U.2)
37. Sound level: drive-by (in dB(A))	(U.3)
38. Exhaust emissions: CO (in g/km or g/kWh)	(V.1)
39. Exhaust emissions: HC (in g/km or g/kWh)	(V.2)
40. Exhaust emissions: NO _x (in g/km or g/kWh)	(V.3)
41. Exhaust emissions: HC + NO _x (in g/km)	(V.4)
42. Exhaust emissions: particulates for diesel (in g/km or g/kWh)	(V.5)
43. Exhaust emissions: corrected absorption coefficient for diesel (in min ⁻¹)	(V.6)
44. Exhaust emissions: CO ₂ (in g/km)	(V.7)
45. Exhaust emissions: combined fuel consumption (in l/100 km)	(V.8)
46. Exhaust emissions: indication of the environmental category of EC type-approval; reference to the version applicable pursuant to Directive 70/220/EEC or Directive 88/77/EEC	(V.9)
47. Fuel tank(s) capacity (in litres)	(W)
48. Date of last roadworthiness test	--
49. Date for next roadworthiness test	--
50. Mileage (<i>if available</i>)	--
51. Vehicle destructed (Yes/No)	--

52. Date of issue of certificate of destruction ¹	--
53. Establishment or undertaking issuing the certificate of destruction	--
54. Reason for destruction	--
55. Vehicle stolen (Yes/No)	--
56. Stolen registration certificate and/or plates (Yes/No)	--
57. Inactive registration	--
58. Suspended registration	--
59. Change of registration number	--
60. Roadworthiness test required after accident with serious damage	--
61. Additional testing required after altering or modification of any of the items 9 to 47	

Amendment

Item	Harmonised Codes Directive 1999/37/EC
1. Country of registration	--
2. Registration number	(A)
3. Date of first registration of the vehicle	(B)
4. Registration certificate identification number(s)	--
4a. Registered keeper	(B)
4b. Recorded financial interest (if applicable)	--
5. Name of issuing authority of the registration certificate	--
6. Vehicle: make	(D.1)
7. Vehicle: type - Variant (if available); - Version (if available)	(D.2)
8. Vehicle: commercial description (s)	(D.3)
9. Vehicle Identification Number (VIN)	(E)
10. Mass: maximum technically permissible laden mass, except for motorcycles	(F.1)
11. Mass: maximum permissible laden mass of the vehicle in service in the Member State of registration	(F.2)
12. Mass of the vehicle in service with bodywork, and with coupling device in the case of a towing vehicle in service from any category other than M1	(G)
13. Period of validity, if not unlimited	(H)
13a. Certificate of Conformity (CoC)	(H)
14. Date of the registration to which this certificate refers	(I)
15. Type-approval number (if available)	(K)
16. Number of axles	(L)
17. Wheelbase (in mm)	(M)

¹ As referred to in Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles (OJ L269, 21.10.2000, p.34) as amended.

18. For vehicles with a total permissible mass exceeding 3500 kg, distribution of the technically permissible maximum laden mass among the axles: axle 1 (in kg)	(N.1)
19. For vehicles with a total permissible mass exceeding 3500 kg, distribution of the technically permissible maximum laden mass among the axles: axle 2 (in kg), where appropriate	(N.2)
20. For vehicles with a total permissible mass exceeding 3500 kg, distribution of the technically permissible maximum laden mass among the axles: axle 3 (in kg), where appropriate	(N.3)
21. For vehicles with a total permissible mass exceeding 3500 kg, distribution of the technically permissible maximum laden mass among the axles: axle 4 (in kg), where appropriate	(N.4)
22. For vehicles with a total permissible mass exceeding 3500 kg, distribution of the technically permissible maximum laden mass among the axles: axle 5 (in kg), where appropriate	(N.5)
23. Technically permissible maximum towable mass of the trailer: braked (in kg)	(O.1)
24. Technically permissible maximum towable mass of the trailer: unbraked (in kg)	(O.2)
25. Engine: capacity (in cm ³)	(P.1)
26. Engine: maximum net power (in kW) (if available)	(P.2)
27. Engine: type of fuel or power source	(P.3)
28. Engine: rated speed (in min ⁻¹)	(P.4)
29. Engine identification number	(P.5)
30. Power/weight ratio (in kW/kg) (only for motorcycles)	(Q)
31. Colour of the vehicle	(R)
32. Seating capacity: number of seats, including the driver's seat	(S.1)
33. Seating capacity: number of standing places (where appropriate)	(S.2)
34. Maximum speed (in km/h)	(T)
35. Sound level: stationary (in dB(A))	(U.1)
36. Sound level: engine speed (in min ⁻¹)	(U.2)
37. Sound level: drive-by (in dB(A))	(U.3)
38. Exhaust emissions: CO (in g/km or g/kWh)	(V.1)
39. Exhaust emissions: HC (in g/km or g/kWh)	(V.2)
40. Exhaust emissions: NO _x (in g/km or g/kWh)	(V.3)
41. Exhaust emissions: HC + NO _x (in g/km)	(V.4)
42. Exhaust emissions: particulates for diesel (in g/km or g/kWh)	(V.5)
43. Exhaust emissions: corrected absorption coefficient for diesel (in min ⁻¹)	(V.6)
44. Exhaust emissions: CO ₂ (in g/km)	(V.7)
45. Exhaust emissions: combined fuel consumption (in l/100 km)	(V.8)
46. Exhaust emissions: indication of the environmental category of EC type-approval; reference to the version applicable pursuant to Directive 70/220/EEC or Directive 88/77/EEC	(V.9)
47. Fuel tank(s) capacity (in litres)	(W)
48. Date of last roadworthiness test	--
49. Date for next roadworthiness test	--
50. Mileage	--
51. Vehicle destructed (Yes/No)	--

52. Date of issue of certificate of destruction ¹	--
53. Establishment or undertaking issuing the certificate of destruction	--
54. Reason for destruction	--
55. Vehicle stolen (Yes/No)	--
56. Stolen registration certificate and/or plates (Yes/No)	--
57. Inactive registration	--
58. Suspended registration	--
59. Change of registration number	--
59a. Vehicle converted (Yes/No)	--
60. Roadworthiness test required after accident with serious damage	--
61. Additional testing required after altering or modification of any of the items 9 to 47	
61a. Vehicle exported (Yes/No)	
61b. Date of issue of temporary registration certificate	
61c. Mileage at time of issue of temporary registration certificate	

Or. en

Justification

On 4b: In case of some types of leases, legal title is transferred to the lessee. However, for the duration of the lease, the driver is not free to re-register the vehicle. Member States where these products are offered tend to register the party which has a 'financial interest'. On 13a: Import/export of vehicles will not be possible without CoC. On 50: Member States should share information on mileage of a vehicle when re-registering to combat fraud. On 59a: Leased or rented vehicles are generally not classified as 'stolen'. Most police services use a classification 'converted'.

Amendment 51
Proposal for a regulation
Annex 2 – point 1

Text proposed by the Commission

1. The exchange of information shall be carried out by interoperable electronic means without exchange of data involving other databases. This exchange of information shall be conducted in a cost efficient and secure manner and ensure the security and protection of the data transmitted, *as far as possible* using

Amendment

1. The exchange of information shall be carried out by interoperable electronic means without exchange of data involving other databases. This exchange of information shall be conducted in a cost efficient and secure manner and ensure the security and protection of the data

¹ As referred to in Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles (OJ L269, 21.10.2000, p.34) as amended.

existing software applications.

transmitted, using *EUCARIS*.

Or. en

Justification

There is already existing, fully operational information, used and owned by the Member States. EUCARIS that is already used for re-registration as demonstrated at the IMCO hearing on this file. This approach is more effective and cost efficient than introducing new systems other than EUCARIS.

EXPLANATORY STATEMENT

Your Rapporteur welcomes the proposal for a regulation of the European Parliament and of the Council simplifying the transfer of motor vehicles registered in another Member State as a good starting point and supports the efforts to establish a legal framework at the EU level for re-registration of vehicles. Your Rapporteur however considers that both the objectives and the content of the proposed Regulation could be further clarified and that it is important that the legislators consider the full extent of the proposal carefully. Only then can re-registration of vehicles in the European Union become fully operational.

In 2011, taking a car to another country was identified as one of the 20 main citizens' concerns related to the obstacles in the Single Market. Hence, your Rapporteur aims to reduce to minimum the formalities for re-registering a car in another EU country while ensuring closer cooperation among vehicle registration authorities. The main aim of the proposal is to make certain that a vehicle is registered where it is normally used. To prevent fraud and tax avoidance, your Rapporteur wants to guarantee that international companies will not register their vehicles in one Member State while using vehicles in other Member State.

The proposal will benefit people who buy or sell second-hand car in another country as they will no longer be under the obligation to present a new roadworthiness test they will be mutually recognised among Member States. To enhance safety on the roads, your Rapporteur differentiates between mandatory and optional grounds for refusal of re-registration. And if a vehicle is not insured, the holder of registration certificate might be refused to re-register a vehicle.

Citizens often have major difficulties when using a temporary registration certificate to transfer a vehicle from one Member State to another. Those difficulties have to be addressed. In addition, your Rapporteur believes that citizens and the businesses should be offered a choice between a national and Union colour of a number plate so the plates could take uniform appearance while the registration would remain national.

For your Rapporteur, technological progress and cost efficiency are of utmost importance. Hence, the exchange of information on vehicle registration data has to be conducted in electronic manner via already existent system EUCARIS – the European CAR and driving license information system, which is used by majority of the Member States. Use of EUCARIS not only streamlines the process of registration but helps to fight car theft and registration fraud. When suggesting electronic means for re-registration of vehicles, your Rapporteur pays utmost attention to data protection issues. For this reason, security measures related to the protection of data exchanged will need to be regularly assessed and updated.

Last but not least, to limit fraudulent use of number plates, your Rapporteur proposes that the number plate and a vehicle shall be equipped with a tag (chip) with radio frequency identifier.