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Committee on Transport and Tourism

2012/0082(COD)

18.12.2012

OPINION

of the Committee on Transport and Tourism

for the Committee on the Internal Market and Consumer Protection

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))

Rapporteur: Hubert Pirker

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SHORT JUSTIFICATION

1. Introduction

The proposal for a regulation concerns the simplification of the formalities and conditions for the registration of motor vehicles registered in another Member State. It is limited to re-registration modalities and shall not apply to initial vehicles registration procedures in a Member State nor to the registration of motor vehicles registered in a third country.

Within this precise scope, the Commission wishes to reduce and simplify the current registration formalities in order to attain the following main objectives:

- Ensure the free movement of motor vehicles within the European Union.
- Reduce administrative burdens for citizens, businesses and registration authorities, in line with the 2010 EU Citizenship Report "Dismantling the obstacles to EU citizens' rights" (COM(2010)0603 of 27.10.2010).
- Ensure road safety.
- Maintain the fight against abuse and theft of vehicle registration documents in line with Council Decision 2004/919/EC of 22 December 2004 on tackling vehicle crime with cross-border implications (OJ L389, 30.12.2004, p.28).

To this end the proposal will:

- Clarify in which Member State a motor vehicle transferred between Member States should be registered, through the concept of "normal residence" for which criteria are defined in the text.
- Establish a harmonised period of six months after which the holder of a registration certificate who has moved his normal residence to another Member State shall request re-registration.
- Organise the cooperation and exchange of data between the different registration authorities through electronic means.
- Organise recognition of documents and roadworthiness tests issued in another Member State.
- Define precisely in which cases registration authorities are entitled to refuse the registration of a motor vehicle registered in another Member State.

2. The "Transport" dimension of the proposal

Your Rapporteur welcomes the proposal of the Commission that aims reducing administrative burdens for citizens and businesses in a transport related matter. The Committee on Transport

and Tourism already expressed its opinion on the 20 main concerns of European citizens and business with the functioning of the Single Market (2012/2044(INI)) pointing out its position on the simplification of cross-border transferability of cars.

Hence the amendments of your Rapporteur aim at incorporating the Committee's opinion and focusing on simplification of procedure while ensuring the highest possible level of road safety, he therefore stresses the need of full implementation of the principles of EU law on the registration of cars in another Member State.

Your Rapporteur also acknowledged the "Road worthiness Package" proposed by the European Commission on 13 July 2012 and underlines the importance of a coherent approach with this proposal.

Your Rapporteur welcomes that data protection requirements have been appropriately considered in the proposal and that several specific data protection safeguards have been expressly included. With regard to the Opinion of the European Data Protection Supervisor of 9 July 2012 he suggests further specifications that basically aim to clarify the Commission's proposal.

AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The free movement of goods is a cornerstone of the European Union. Nevertheless EU citizens are faced with cumbersome formalities, related in particular to the re-registration of their vehicles in another Member State and the additional costs¹. The simplification of the cross-border transferability of cars implies a full implementation of the principles of EU law on the registration of cars in another Member State and requires high standards in security of harmonised registration certificates in order to minimise the risk or re-

registration of stolen vehicles with falsified registration certificates.

¹[http://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/sec/2011/1003/COM_SEC\(2011\)1003_EN.pdf](http://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/sec/2011/1003/COM_SEC(2011)1003_EN.pdf)

Justification

This amendment reflects the Opinion of the Committee on Transport and Tourism on the 20 main concerns of European citizens and business with the functioning of the Single Market (2012/2044(INI)) and stresses the need of full implementation of applicable EU legislation.

Amendment 2

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) The registration of motor vehicles registered in another Member State is hampered by burdensome registration formalities in the Member States, in particular by the obligation to submit these vehicles to complementary tests in order to assess their general condition prior to registration or in order to identify them. Therefore, it is necessary to reduce these formalities in order to ensure the free movement of motor vehicles and to reduce the administrative burden for citizens, businesses and registration authorities. Especially for citizens or businesses acquiring a motor vehicle registered in another Member State, it is appropriate to provide for a simplified registration procedure that includes the recognition of documents and roadworthiness tests issued in another Member State and that would organise the administrative cooperation between the competent authorities on the exchange of missing data.

Amendment

(5) The registration of motor vehicles registered in another Member State is hampered by burdensome registration formalities in the Member States, in particular by the obligation to submit these vehicles to complementary tests in order to assess their general condition prior to registration or in order to identify them. Therefore, it is necessary to reduce these formalities in order to ensure the free movement of motor vehicles and to reduce the administrative burden for citizens, businesses and registration authorities. Especially for citizens or businesses acquiring a motor vehicle registered in another Member State, it is appropriate to provide for a simplified registration procedure that includes the recognition of documents and roadworthiness tests *(as provided for in the Regulation on periodic roadworthiness tests for motor vehicles and their trailers 2013/...xx as well as the Regulation on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union 2013/...xx and the Directive*

2013/...xx on the registration documents for vehicles) issued in another Member State and that would organise the administrative cooperation between the competent authorities on the exchange of missing data.

Justification

Link to the roadworthiness package that the European Parliament is currently discussing.

Amendment 3

**Proposal for a regulation
Recital 5**

Text proposed by the Commission

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Amendment

(5) The registration of motor vehicles registered in another Member State is hampered by burdensome registration formalities in the Member States, in particular by the obligation to submit these vehicles to complementary tests in order to assess their general condition prior to registration or in order to identify them. Therefore, it is necessary to reduce these formalities in order to ensure the free movement of motor vehicles and to reduce the administrative burden for citizens, businesses and registration authorities. Especially for citizens or businesses acquiring a motor vehicle registered in another Member State, it is appropriate to provide for a simplified registration procedure that includes the recognition of documents and roadworthiness tests issued in another Member State and that would organise the administrative cooperation between the competent authorities on the exchange of missing data. ***Particular emphasis needs to be placed on tackling the problem of tampering with odometers, and the impact this is having on consumer confidence in cross-border trade, as well***

as the impact "clocking" is having on road safety.

Amendment 4

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) This Regulation shall not weaken important principles and safeguards linked to road safety. Harmonised rules on the roadworthiness testing of motor vehicles and their trailers are an essential element to reduce the administrative burden for citizens and industry while guaranteeing the dynamic development of testing methods and test content. Mutual recognition of technical controls between Member States requires common definitions and comparable test standards which are respected by all Member States.

Justification

Simplified registration procedure for vehicles registered in another Member State should not require an extra roadworthiness test, except in limited and well motivated cases. It is therefore of utmost importance that European standards are respected and implemented by all Member States. See also: Opinion of the Committee on the 20 main concerns of European citizens and business with the functioning of the Single Market (2012/2044(INI)).

Amendment 5

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) This Regulation should take account of the provisions of Directive 2011/82/EU of the European Parliament and of the Council of 25 October 2011 facilitating the cross-border exchange of information on road safety related traffic offences in order to enable the authorities of a

Member State to which an application to register a vehicle registered in another Member State has been submitted to check whether that vehicle is linked to any unresolved proceedings relating to traffic offences.

Justification

The proposal should include provisions to improve road safety and to tackle impunity for traffic offences. Authorities should therefore have the possibility to check whether the vehicle in question is linked to any proceedings relating to traffic offences before registering that vehicle.

Amendment 6

**Proposal for a regulation
Recital 14 a (new)**

Text proposed by the Commission

Amendment

(14a) Member States must ensure that vehicle registration authorities act in accordance with what is set out in this Regulation. Consequently, mutual recognition and electronic exchange of data are essential.

Amendment 7

**Proposal for a regulation
Article 1 – paragraph 1**

Text proposed by the Commission

Amendment

1. This Regulation shall apply to the following vehicles:

1. This Regulation shall apply to ***registration of*** the following ***motor*** vehicles:

Justification

Clarification of the purpose of the Regulation.

Amendment 8

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

After the six-month period, the owner of a vehicle registered and located in another Member State may still request registration of his vehicle in the Member State of residence .

Justification

The amendment clarifies the registration rules applicable where a citizen has the use of a vehicle in his Member State of residence and has another vehicle in another Member State.

Amendment 9

Proposal for a regulation

Article 4 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The process of gathering and processing the data items mentioned in the first paragraph shall respect European and national laws related to the protection of individuals with regard to the processing of personal data.

Justification

This amendment aims at reflecting the opinion of the European Data Protection Supervisor of 9 July 2012.

Amendment 10

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(da) if the date of the next mandatory roadworthiness certificate has passed.

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 11

Proposal for a regulation Article 4 – paragraph 5

Text proposed by the Commission

5. Where a vehicle registered in ***another*** Member State is ***registered***, the relevant vehicle registration authority shall immediately report this to the vehicle registration authority of the Member State where the vehicle was last registered, in accordance with Article 7.

Amendment

5. Where a vehicle registered in ***one*** Member State is ***re-registered in a different Member State***, the relevant vehicle registration authority shall immediately report this to the vehicle registration authority of the Member State where the vehicle was last registered, in accordance with Article 7.

Amendment 12

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

Text proposed by the Commission

Amendment

(da) where no motor vehicle civil liability insurance exists, but is a precondition for registration of the vehicle.

Justification

Motor vehicle civil liability insurance makes a major contribution towards providing protection for road casualties and, in countries which have enshrined the principle in their national legislation, should continue to be a precondition for registration.

Amendment 13

Proposal for a regulation

Article 5 – paragraph 1 – point d – subpoint ii

Text proposed by the Commission

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

Amendment

(ii) the vehicle registration documents are **lost or** stolen unless the holder of the registration certificate can clearly demonstrate **either the** ownership of the vehicle **or that he is the legitimate holder of the registration documents**;

Justification

This amendment aims at clarifying that the legitimate holder of the registration documents can be legally different from the owner of the vehicle and, consequently, on the basis of a clear demonstration of his situation, can avoid a decision of refusal from the authorities.

Amendment 14

Proposal for a regulation

Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

(iii) the date of the next mandatory roadworthiness certificate has passed.

Amendment

deleted

Justification

This amendment has to be seen in connection with the amendment to Article 4, i.e. it should be possible for the registration authority to carry out a check on a vehicle if the date of the mandatory roadworthiness certificate has passed.

Amendment 15

Proposal for a regulation

Article 6 – paragraph 3 – point b – point ii

Text proposed by the Commission

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

Amendment

(ii) the vehicle registration documents **have been lost or** stolen unless the holder of the registration certificate can clearly demonstrate ownership of the vehicle **or**

ownership of the vehicle;

that he is the legitimate holder of the registration documents;

Justification

This amendment seeks to make it clear that the legitimate holder of the registration documents may be legally different from the owner of the vehicle and consequently, by clearly demonstrating his situation, can ensure that the authorities do not refuse registration.

Amendment 16

**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, 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 Commission shall also evaluate regularly the adequacy of the security measures related to the protection of the data exchanged, taking into account technological developments and the evolution of risks. The Commission shall adopt implementing acts to update the security measures where necessary.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

Justification

This amendment aims at reflecting the opinion of the European Data Protection Supervisor of 9 July 2012.

Amendment 17

Proposal for a regulation
Article 8 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) it distributes vehicles or provides repair, maintenance or testing services for vehicles;

(b) it ***builds or*** distributes vehicles or provides repair, maintenance or testing services for vehicles;

Justification

It is important that the activities of vehicle makers be incorporated into this paragraph, since they also require professional registration on the same footing as the other activities referred to.

Amendment 18

Proposal for a regulation
Article 8 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) it ***has a good reputation and*** has the requisite professional competence.

(c) it has the requisite professional competence.

Justification

Reputation is a subjective assessment criterion and does not belong in a regulation.

Amendment 19

Proposal for a regulation
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) The duration of the validity of the professional vehicle registration certificates shall not exceed 3 months. The validity of the certificates shall expire as soon as one of the criteria listed under paragraph 1 of this Article is no longer fulfilled.

Justification

The duration of the validity of the professional vehicle should be considered as being too substantial to be determined by delegated acts.

Amendment 20

Proposal for a regulation

Article 8 – paragraph 5

Text proposed by the Commission

Amendment

**5. The Commission shall adopt *deleted*
implementing acts to establish the format
and the model of the professional vehicle
registration certificate.**

***Those implementing acts shall be adopted
in accordance with the examination
procedure referred to in Article 12(2).***

Justification

The format of, and model for, the professional vehicle registration certificate come under Directive 1999/37/EC. This aspect should therefore be addressed in connection with revision of that directive, currently under consideration in Parliament and the Council, rather than in this regulation.

Amendment 21

Proposal for a regulation

Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

***(5a) The provisions of this Article shall
have no effect on existing national rules
related to temporary and professional
registrations.***

Justification

The scope of this Regulation is defined by re-registrations of motor vehicles in another Member State. This is to clarify that national provisions related to temporary and professional registrations are not affected.

Amendment 22

Proposal for a regulation

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) The vehicles registration authorities shall make easily accessible to the public the rules governing the processing of data related to the registration of vehicles, including information on time limits for retention as well as the necessary information foreseen in Articles 10 and 11 of Directive 95/46/EC.

Justification

This amendment aims at reflecting the opinion of the European Data Protection Supervisor of 9 July 2012.

Amendment 23

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 for ***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 nine months before the end of the five-year period. Provided this report has been drawn up, the delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such an extension not later than three months before the end of each period.***

Justification

Reflecting Parliament's usual position that delegation should not be for an indefinite period

and that the Commission should report on how it has used its powers before and extension is considered.

Amendment 24

Proposal for a regulation Article 13

Text proposed by the Commission

The Commission shall submit a report on the evaluation of this Regulation to the European Parliament and the Council by [**four** years after the entry into force of this Regulation]. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, and aligning other Union acts, in particular taking account of the possibilities of further administrative simplification for citizens and businesses.

Amendment

The Commission shall submit a report on the evaluation of this Regulation to the European Parliament and the Council by [**two** years after the entry into force of this Regulation]. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, and aligning other Union acts, in particular taking account of the possibilities of further administrative simplification for citizens and businesses.

Justification

Reducing the delay after which a report shall be submitted to the Parliament and the Council by the Commission will improve the legislative control.

Amendment 25

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

The Commission shall submit a report on the evaluation of this Regulation to the European Parliament and the Council by [four years after the entry into force of this Regulation]. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, and aligning other Union acts, in particular taking account of the possibilities of further administrative simplification for citizens and businesses.

Amendment

The Commission shall submit a report on the evaluation of this Regulation to the European Parliament and the Council by [four years after the entry into force of this Regulation]. The **report shall also contain information on national implementation in the various member states**. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, and aligning other Union acts, in particular taking account of the possibilities of further administrative simplification for citizens

and businesses.

PROCEDURE

Title	Simplification of the transfer of motor vehicles registered in another Member State within the Single Market	
References	COM(2012)0164 – C7-0092/2012 – 2012/0082(COD)	
Committee responsible Date announced in plenary	IMCO 18.4.2012	
Opinion by Date announced in plenary	TRAN 18.4.2012	
Rapporteur Date appointed	Hubert Pirker 29.5.2012	
Discussed in committee	8.10.2012	17.12.2012
Date adopted	18.12.2012	
Result of final vote	+: 37 -: 1 0: 0	
Members present for the final vote	Inés Ayala Sender, Georges Bach, Erik Bánki, Izaskun Bilbao Barandica, Philip Bradbourn, Antonio Cancian, Michael Cramer, Philippe De Backer, Luis de Grandes Pascual, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Bogusław Liberadzki, Eva Lichtenberger, Marian-Jean Marinescu, Gesine Meissner, Hubert Pirker, Petri Sarvamaa, David-Maria Sassoli, Vilja Savisaar-Toomast, Olga Sehnalová, Brian Simpson, Silvia-Adriana Țicău, Giommara Uggias, Patricia van der Kammen, Artur Zasada, Roberts Zīle	
Substitute(s) present for the final vote	Spyros Danellis, Markus Ferber, Eider Gardiazábal Rubial, Dominique Riquet, Sabine Wils	
Substitute(s) under Rule 187(2) present for the final vote	Amelia Andersdotter	