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DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 1999/37/EC on the registration documents for vehicles
(COM(2012)0381 – C7-0187/2012 – 2012/0185(COD))

Committee on Transport and Tourism

Rapporteur: Vilja Savisaar-Toomast

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: [...].

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	12

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 1999/37/EC on the registration documents for vehicles (COM(2012)0381 – C7-0187/2012 – 2012/0185(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0381),
 - having regard to Article 294(2) and Article 91 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0187/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Dutch Senate and House of Representatives and by the Cyprus House of Representatives, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 12 December 2012 and after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report 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.

Amendment 1

Proposal for a directive

Article 1 – paragraph -1 a (new)

Directive 1999/37/EC

Recital 9

Text proposed by the Commission

Amendment

-1a. Recital 9 shall be replaced by the following:

"(9) Whereas, in order to facilitate those checks specifically intended to combat fraud and the illegal trade in stolen vehicles and to check validity of the roadworthiness certificate, it is appropriate to establish close cooperation between Member States, based on an effective exchange of information, by creating and connecting national electronic databases;"

Or. en

Justification

In order to create the possibility to check the validity of the roadworthiness certificate it is necessary to foster the use of electronic databases both in each Member State and in between Member States.

Amendment 2

Proposal for a directive

Article 1 – point 2 – point e

Directive 1999/37/EC

Article 2

Text proposed by the Commission

Amendment

(e) 'withdrawal of a registration': shall mean a limited period of time ***in which*** the vehicle is not authorised to be used in road traffic, ***not involving*** a new process of registration;

(e) 'withdrawal of a registration': shall mean ***an administrative act whereby, for*** a limited period of time, the vehicle is not authorised to be used in road traffic, ***following which – provided the reasons for withdrawal have ceased to apply – it may be used again without*** a new process of registration;

Or. en

Justification

Added parts for clarification in agreement with the Commission.

Amendment 3

Proposal for a directive

Article 1 – point 2 – point f

Directive 1999/37/EC

Article 2

Text proposed by the Commission

(f) "cancellation of a registration": shall mean a permanent cancellation of the authorisation for the vehicle to be used in road traffic, **involving** a new process of registration.

Amendment

(f) "cancellation of a registration": shall mean a permanent cancellation of the authorisation for the vehicle to be used in road traffic **by the competent authority or by the person named as its owner in the registration certificate, necessitating – if the vehicle is to be used again in road traffic** – a new process of registration.

Or. en

Justification

By adding the possibility for the owners to cancel the registration of a vehicle registered on her/his name, we create a possibility for the owners to exempt themselves from the liability of ownership in case of selling, for the period that elapses between the time of sale and the time when the new owner registers the vehicle on his/her name. Without this provision the owner finds himself in a difficult position to prove that he is not liable for damages that happened in the time-span described above.

Amendment 4

Proposal for a directive

Article 1 – point 4

Directive 1999/37/EC

Article 5

Text proposed by the Commission

4. The following **paragraph is** added to Article 5:

"3. In *case* that a Member State receives a

Amendment

5. The following **paragraphs are** added to Article 5:

"3. In *the event* that a Member State

notification that a vehicle has been re-registered in another Member State, it shall cancel the registration of *this* vehicle on its territory."

receives a notification that a vehicle has been re-registered in another Member State, it shall cancel the registration of *that* vehicle on its territory.

3a. In the event that a vehicle is re-registered in another Member State and the proof of the last roadworthiness test together with the date for the next roadworthiness test appear on the registration certificate, the Member State in which the vehicle is re-registered, when issuing the new registration certificate, shall recognise the validity of the roadworthiness certificate and, provided the certificate is valid in terms of the testing intervals applied in the Member State of re-registration, shall include a statement to that effect on the new registration certificate.

3b. In the event that the ownership of the vehicle changes and the proof of the last roadworthiness test together with the date for the next roadworthiness test appear on the registration certificate, the Member State concerned, when issuing the new registration certificate to the new owner, shall recognise the validity of the roadworthiness certificate and shall include a statement to that effect on the new registration certificate."

Or. en

Justification

In case of re-registering a vehicle in another Member State or changing the owner of the vehicle, the technical conditions of the vehicle do not change and so the validity of the roadworthiness certificate should be recognised and stated on the new registration certificate. However, as Member States can decide on more frequent testing intervals than foreseen in the proposal for a regulation on roadworthiness tests, mutual recognition of validity shall be subject to the fact that the frequency of testing is not less in the original Member State than in the re-registering Member State.

Amendment 5

Proposal for a directive

Article 1 – point 5

Directive 1999/37/EC

Article 7 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 6 shall be conferred for an indeterminate period of time from the date of entry into force of this **Regulation**.

Amendment

2. The **power to adopt delegated acts** referred to in Article 6 shall be conferred **on the Commission for a period of five years** from the date of entry into force of this **Directive**. **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. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

Or. en

Justification

In line with the Legal Service point of view, the period of delegated powers should be limited.

Amendment 6

Proposal for a directive

Article 1 – point 6 a (new)

Directive 1999/37/EC

Article 9

Text proposed by the Commission

Amendment

6a. Article 9 shall be replaced by the following:

"Member States shall assist one another in the implementation of this Directive. They may exchange information at bilateral or multilateral level in particular so as to check, before any

registration of a vehicle, the latter's legal status, where necessary in the Member State in which it was previously registered. Such checking may in particular involve the use of an electronic network, *with national electronic databases being made available to other Member States.*"

Or. en

Justification

In order to create the possibility to check the validity of the roadworthiness certificate it is necessary to foster the use of electronic databases both in each Member State and in between Member States.

Amendment 7

Proposal for a directive
Article 1 – point 6 b (new)
Directive 1999/37/EC
Annex I – point II.1

Text proposed by the Commission

Amendment

6b. Point II.1 of Annex I shall be replaced by the following:

"II.1. The overall dimensions of the Registration Certificate shall not be greater than an A7 format (74 x 105 mm) or a folder of A7 format."

Or. en

Justification

In order to make the paper version of the registration certificate more consumer-friendly and more convenient to use, the maximum size should be reduced significantly.

Amendment 8

Proposal for a directive
Article 1 – point 6 c (new)
Directive 1999/37/EC
Annex I – point II.5

Text proposed by the Commission

Amendment

6c. The following point shall be added to point II.5 of Annex I:

“(Y) proof of last roadworthiness test and date for next roadworthiness test (to be repeated as often as necessary).”

Or. en

Justification

In order to reduce the bureaucracy and to ease the everyday life of the vehicle users it is necessary to introduce the proof of the last roadworthiness test and the date for the next roadworthiness test (showing the validity of the roadworthiness test) on the registration certificate. This gives a possibility to authorities not to issue an extra document that states that the roadworthiness certificate is valid, and which the vehicle users should carry with them all the time.

EXPLANATORY STATEMENT

Objectives of the Proposal

This proposal as a part of the 'Roadworthiness Package' aims at supporting and enforcing roadworthiness testing of motor vehicles with a view to enhance road safety and environmental protection. It improves the enforcement of the roadworthiness testing and roadside inspection regime, notably in the case where the technical condition of a vehicle creates an imminent risk to road safety, through measures such as temporary withdrawal or permanent cancellation of the vehicle's registration.

Before a vehicle is allowed to be put on the market, it has to fulfil all the relevant type or individual approval requirements guaranteeing an optimal level of safety and environmental standards. Every Member State has the obligation to register for the first time any vehicle that received the European type-approval on the basis of the "Certificate of Conformity" issued by the vehicle manufacturer. This registration is the official authorisation for the use on public roads and enforces the different introduction dates of different vehicles' requirements.

During a vehicle's lifetime it may be subject to re-registration, due to a change of ownership, or a transfer to another Member State for permanent use. Provisions on a vehicle registration procedure should be similarly introduced to ensure that vehicles which constitute an immediate risk to road safety are not used on roads.

The goal of vehicle registration is to authorise the use of a vehicle in road traffic. This authorisation is rendered visible by the attachment of the registration number plate to the vehicle and the issuing of a registration certificate.

Novelties of the proposal

Compared to the existing act¹, the proposal provides for more precise definitions on the place of registration of vehicles, and introduces the withdrawal and the cancellation of registration certificates.

The withdrawal ensures that vehicles which constitute an immediate risk to road safety are not allowed on the road by withdrawing their registration until another roadworthiness test has been passed successfully. To reduce administrative burden, it should not be necessary to go through the process of registration when the withdrawal is lifted again.

Furthermore, the original registration of vehicles which have been re-registered in another Member State are automatically cancelled. This avoids the parallel registrations in different Member States. Registrations of vehicles that following a periodic roadworthiness test would need to be scrapped and those notified as 'end of life vehicle' shall be cancelled following its notification.

¹ Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles, as amended.

The proposal also lays down new requirements on electronic registration databases and the follow up of roadworthiness test results, re-registration and destruction of vehicles.

The Commission shall be empowered to update the annexes taking into account the evolution of the EU type-approval legislation in relation with the content of certificates of conformity as well as technical progress via delegated acts.

Rapporteur's assessment and recommendations

Your Rapporteur supports the Commission Proposal and proposes some amendments to be more coherent with existing legislation and to reduce administrative burden.

Your Rapporteur suggests the reduction in size of the registration certificate and the marking of a link to the tests of the roadworthiness test so as to reduce the papers drivers have to carry with them all the time. She agrees with the establishment with the electronic databases, however, would like that all these national databases be connected to other Member States so as to make identification of the vehicle easier.

As far as the cancellation of a registration is concerned your Rapporteur wishes to draw your attention to the fact that the legal status and the liability for damages after the vehicle is sold, but before the time of registration is not sufficiently regulated in each Member State. Therefore it should be possible for the vehicle owner to cancel the registration of a vehicle himself so as to be exempted from further liability.

Along the lines of the judgment of the European Court of Justice in *Commission v. The Netherlands* (C-297/05), your Rapporteur believes that the validity of roadworthiness tests should be mutually recognised by all Member States.

Last but not least, your Rapporteur suggests reducing the delegation of powers to a renewable 5 year period instead of the indeterminate period.