



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 June 2013

10278/13

**Interinstitutional File:
2012/0185 (COD)**

**TRANS 291
CODEC 1275**

REPORT

From: General Secretariat

To: Council

No. prev.doc.: 10206/13 TRANS 279 CODEC 1252

No. Cion prop.: 12803/12 TRANS 250 CODEC 1960

Subject: *Preparation of the Council meeting (Transport, Telecommunication and Energy) on 10 June 2013*

Proposal for a Directive of the European Parliament and of the Council amending Council Directive 1999/37/EC on the registration documents for vehicles

- *General approach*

I. Introduction

The proposal for a Directive on the registration documents for vehicles amending Council Directive 1999/37/EC is part of the "roadworthiness package", together with the Regulation on periodic roadworthiness tests for motor vehicles and their trailers and the Regulation on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union. The "roadworthiness package" was submitted to the Council on 13 July 2012.

The objective of this proposal is to lay down updated harmonised rules on the registration documents of vehicles subject to roadworthiness tests and roadside inspections, with a view to enhancing road safety and environmental protection, as well as for ensuring fair competition in the transport sector. The proposal aims at contributing to reach the target of a reduction of road fatalities by half until 2020 as laid down in the Policy Orientations on Road Safety 2011-2020. It will also contribute to the reduction of administrative burdens regarding the procedure of withdrawal of registration for technically dangerous vehicles and ease the exchange of information between Member States with regard to vehicle related information kept in national registers.

II. Work within the Council

The Working Party on Land Transport (hereinafter referred to as the "Working Group") examined the impact assessment accompanying the roadworthiness package on 7 and 14 September 2012. The examination of the proposal on the registration documents started on 13 May 2013 and was concluded on 28 May 2013.

The recitals of this proposal were not yet examined by the Working Party. They will be examined at a later stage taking into account the result of the examination of the articles.

On 5 June 2013, the draft general approach was examined by Coreper. The Presidency took note of the delegations comments with a view to proposing a compromise text to the next meeting of the TTE Council. During this Coreper meeting, the outstanding issues were solved. The changes in the Annex to this report compared to the previous document (doc. 10206/13) examined at the last Coreper meeting are indicated in **bold** and ~~strikethrough~~ in the document.

OUTSTANDING ISSUES

UK has a parliamentary scrutiny reservation on the proposal, which however could be lifted before the Council meeting.

The Commission has also indicated it has a general reservation on the proposal, while waiting for the EP's vote at first reading, and on some specific issues of the Presidency compromise proposal, which also appear in the footnotes of the Annex.

III. Conclusion

The Council is invited to examine the text as set out in the Annex to this report with a view to adopting a general approach at its meeting on 10 June 2013.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Council Directive 1999/37/EC on the registration documents for vehicles**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

¹ OJ C, p.

² OJ C, p.

Whereas:

- (1) Roadworthiness testing is a part of a wider regime ensuring that vehicles are kept in a safe and environmentally acceptable condition during their use. This regime should cover periodic roadworthiness tests for all vehicles and roadside technical inspection for vehicles used for commercial road transport activities as well as provisions on a vehicle registration procedure to ensure that vehicles which constitute an immediate risk to road safety are not used on roads.
- (2) Registration of a vehicle provides for its use on public roads. Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles³ only applies to the granting of a registration for vehicles. Nevertheless, especially in cases where the use of the vehicle on public roads would create a risk, due to the technical situation of the vehicle, it should be possible to withdraw the registration for a certain period of time. To reduce the administrative burden resulting from a withdrawal of the registration, it should not be necessary to go through the process of registration when the withdrawal is lifted again.
- (3) The possibility of cancelling a registration of a vehicle in cases where inter alia a vehicle has been re-registered in another Member State or dismantled and scrapped should be introduced.
- (4) To reduce administrative burdens and ease the exchange of information between Member States, vehicle related information should be kept in national registers.

³ OJ L 138 of 1.6.1999, p.57.

- (5) In cases where dangerous deficiencies have been found during a roadworthiness test, the registration should be withdrawn by the competent authorities until the vehicle has passed a new roadworthiness test.
- (6) In order to supplement this Directive with further technical details, 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 with a view to update the annexes, taking into account the evolution of the EU type-approval legislation in relation to the content of certificates of conformity as well as technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (7) In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one of more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 1999/37/EC is amended as follows:

1. The first sentence of Article 1 is replaced by the following :

"This Directive shall apply to the vehicle registration documents issued by the Member States."

2. The following points are added to Article 2:

"(e) 'suspension': shall mean a limited period of time in which a vehicle is not authorised by a Member State to be used in road traffic;

(f) 'cancellation of a registration': shall mean the cancellation of a Member State's authorisation for a vehicle to be used in road traffic."⁴

3. The following paragraph is added to Article 3:

"4. Member States shall record electronically data on all vehicles registered on their territory. The data shall include:

- all elements in accordance with Annex I points II.5, II.6 (J) and II.6 (V.7) and (V.9), where this data is available;
- other data listed in Annex I or data from the certificate of conformity as provided for in Directive 2007/46, where possible;
- the outcome of mandatory roadworthiness tests in accordance with Directive XX/XX/XX [on periodic roadworthiness tests] and the period of validity of the roadworthiness certificate.

⁴ The following recital will be added: "*Even where a registration has been cancelled, a record of this registration may be retained*".

The processing of personal data in the context of this Directive shall be carried out in accordance with Directives 95/46/EC and 2002/58/EC.

Technical vehicle data shall be made available to the competent authorities or testing centres for the purpose of periodic roadworthiness testing. Member States may limit the use of data."

4. The following Article is inserted:

"Article 3a

1. Where the competent authority of a Member State receives a notification of a periodic roadworthiness test showing that the authorisation to use a particular vehicle in road traffic has been suspended in accordance with Article 9 of Directive XX/XX/XX [on periodic roadworthiness tests], the suspension shall be recorded electronically and an additional roadworthiness test shall be carried out.

The suspension shall be effective until the vehicle has passed a new roadworthiness test. On successful completion of the roadworthiness test, the competent authority shall without delay re-authorise the use of the vehicle in road traffic.

Member States or their competent authorities may adopt measures to facilitate retesting a vehicle that has had its authorisation for use on public roads suspended. This may include permission to travel on public roads between a place of repair and a test centre for the purpose of a roadworthiness test.

2. In case that a Member State competent authority receives a notification that a vehicle has been treated as an end-of-life vehicle in accordance with Directive 2000/53/EC⁵ the registration shall be cancelled permanently and this information shall be added to its electronic register."

⁵ OJ L 269 of 21.10.2000, p. 34.

5. ~~The following paragraph is added to Article 5:~~

3. ~~[deleted]~~

6. ~~Article 6 and 7 are replaced by the following:~~⁶

"Article 6

Delegated acts

[deleted]

Article 7

Exercise of delegation⁷

[deleted]"

Article 2

Transposition

1. Member States shall adopt and publish, by 36 months after the entry into force of this Directive at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall without delay communicate to the Commission the text of those provisions.

They shall apply those provisions 48 months after the entry into force of this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

⁶ Commission reservation on the deletion of delegated acts for updating the Annexes in light of technical progress.

⁷ Commission reservation on the deletion of Article 7.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President