



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 March 2014

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

**7398/1/14
REV 1**

**CODEC 684
TRANS 126
PE 144**

INFORMATION NOTE

from: General Secretariat of the Council
to: Permanent Representatives Committee/Council

Subject: Proposal for a Directive of the European Parliament and of the Council amending Council Directive 1999/37/EC on the registration documents for vehicles
– Outcome of the European Parliament's first reading
(Strasbourg, 10 to 13 March 2014)

I. INTRODUCTION

On 2 July 2013, the Parliament voted to adopt a number of amendments to the abovementioned proposal, but did not at that sitting adopt its legislative resolution, thereby not closing the first reading and leaving open the possibility of reaching an agreement in first reading¹. The matter was then referred back to the Committee pursuant to Rule 57(2) of the European Parliament's Rules of Procedure.

Subsequently, in accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure², a number of informal contacts took place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

¹ See doc. 11617/13.

² OJ C 145, 30.6.2007, p.5.

These informal contacts resulted in an agreement. In this context, the Rapporteur, Ms Vilja SAVISAAR-TOOMAST (ALDE, EE), presented one compromise amendment (amendment 13) on behalf of the Committee on Transport and Tourism. This amendment had been agreed during the informal contacts referred to above and was consequently intended to replace the amendments previously adopted by the plenary.

II. VOTE

When it voted on 11 March 2014, the plenary adopted the compromise amendment to the proposal for a Directive.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto¹.

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

¹ The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

Registration documents for vehicles ***I

European Parliament legislative resolution of 11 March 2014 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 Cypriot Parliament and by the Netherlands House of Representatives and the Netherlands Senate, 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 2012¹,
 - after consulting the Committee of the Regions,
 - having regard to the undertaking given by the Council representative by letter of 19 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0199/2013),
1. Adopts its position at first reading hereinafter set out²;
 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 44, 15.2.2013, p. 128.

² This position replaces the amendments adopted on 2 July 2013 (Texts adopted P7_TA(2013)0295).

P7_TC1-COD(2012)0185

Position of the European Parliament adopted at first reading on 11 March 2014 with a view to the adoption of Directive 2014/.../EU 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,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure²,

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. That regime should provide for periodic roadworthiness *testing of* vehicles and **■** technical *roadside inspection of* vehicles used for commercial road transport activities as well as a vehicle registration procedure *allowing for the suspension of a vehicle's authorisation to be used in road traffic where the vehicle constitutes* an immediate risk to road safety. **■**

¹ OJ C 44, 15.2.2013, p. 128.

² Position of the European Parliament of 11 March 2014.

- (2) *The registration of a vehicle provides **administrative authorisation for its entry into service in road traffic**. Council Directive 1999/37/EC¹ applies only to the granting of a registration for vehicles. Nevertheless, especially in cases where the use of a vehicle on public roads would create a risk on account of its technical condition, it should be possible to **suspend authorisation of the use of that vehicle** for a certain period of time. To reduce the administrative burden resulting from **suspension**, it should not be necessary to go through a new process of registration when the **suspension** is lifted.*
- (3) *An obligation to cancel permanently the registration of a vehicle **notified as having been treated as an end-of-life vehicle in accordance with Directive 2000/53/EC of the European Parliament and of the Council**² should be introduced. Member States have the possibility to specify in national law other reasons for cancelling a vehicle registration.*
- (4) *Even where a vehicle registration has been cancelled, it should be possible to retain a record of that registration.*

¹ Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).

² *Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).*

- (5) In order to reduce administrative burdens and to ease the exchange of information between Member States, information relating to vehicles should be *recorded electronically*.
- (6) *This Directive should not prevent a Member State from regarding the electronic dataset kept by its competent authorities as the main source of information about a vehicle registered in its territory. It should be possible for Member States to use an electronic network, comprising data from national electronic databases, in order to facilitate the exchange of information.*
- (7) In cases where dangerous deficiencies have been found during a roadworthiness test *and the authorisation of a vehicle for use on public roads has been suspended, that suspension* should be *recorded* until the vehicle has passed a new roadworthiness test.

- (8) In order to *update point II.4, second indent and point III.1.A (b) of both Annex I and Annex II to Directive 1999/37/EC in the event of enlargement of the Union, as well as to update point II.6 of Annex I related to non mandatory elements in the event of changes of definitions or the content of certificates of conformity in the relevant Union type-approval legislation*, 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. ■ 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 a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (9) *Directive 1999/37/EC should therefore be amended accordingly,*

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 1999/37/EC

Directive 1999/37/EC is amended as follows:

- (1) in Article 1, the ***first sentence is*** replaced by the following:

'This Directive shall apply to the ***vehicle*** registration documents ***issued*** by the Member States.';

- (2) in Article 2, the following points are added:

(e) "***suspension***": means a limited period of time in which ***a*** vehicle is not authorised ***by a Member State*** to be used in road traffic ***following which – provided the reasons for suspension have ceased to apply – it may be authorised to be used again without*** involving a new process of registration;

(f) "cancellation of a registration": means ***the*** cancellation of ***a Member State's*** authorisation for ***a*** vehicle to be used in road traffic ■ .';

(3) in Article 3, the following paragraphs are added:

4. Member States shall **record electronically** data on all vehicles registered on their territory **■**. Those data **■** shall **include**:
- (a) all **mandatory** elements in accordance with **point II.5 of Annex I as well as the elements of points II.6(J) and II.6(V.7) and (V.9) of that Annex, where the data are available**;
 - (b) **other non-mandatory data listed in Annex I or data from the certificate of conformity as provided for in Directive 2007/46/EC of the European Parliament and of the Council***, where possible;
 - (c) **■ the outcome** of mandatory **periodic** roadworthiness tests in accordance with **Directive 2014/.../EU of the European Parliament and of the Council**⁺ and the period of validity of the roadworthiness certificate**.

*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 of the European Parliament and of the Council****:*

5. **■ 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 and the dissemination of such data by testing centres in order to avoid their misuse.**

* **Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p. 1).**

⁺ **OJ: Please insert the number, the date and the OJ references of Directive in document 2012/0184(COD).**

- **** *Directive 2014/.../EU of the European Parliament and of the Council of ...
[on periodic roadworthiness tests for motor vehicles and their trailers and
repealing Directive 2009/40/EC (OJ L ...).*
- ***** *Directive 95/46/EC of the European Parliament and of the Council of 24
October 1995 on the protection of individuals with regard to the processing
of personal data and on the free movement of such data (OJ L 281,
23.11.1995, p. 31).*
- ****** *Directive 2002/58/EC of the European Parliament and of the Council of 12
July 2002 concerning the processing of personal data and the protection of
privacy in the electronic communications sector (OJ L 201, 31.7.2002, p. 37).*
';

(4) the following Article is inserted:

'Article 3a

1. ***Where the competent authority of a Member State*** █ receives 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 2014/.../EU⁺***, ***the suspension shall be recorded electronically*** and an additional roadworthiness test shall be carried out.

⁺ ***OJ: Please insert the number of Directive in document 2012/0184(COD).***

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. *No new process of registration shall be necessary.*

Member States or their competent authorities may adopt measures to facilitate the retesting of a vehicle the authorisation of which for use in road traffic has been suspended. Those measures may include the grant of permission to travel on public roads between a place of repair and a test centre for the purpose of a roadworthiness test.

2. *Member States may allow the holder of the registration certificate to submit a request to the competent authority for transfer of the registration to the new owner of the vehicle.*

3. In the event that the *competent* authority of a Member State receives notification that a vehicle has been treated as an end-of-life vehicle in accordance with Directive 2000/53/EC of the European Parliament and of the Council*, the registration of that vehicle shall be cancelled *permanently* and information to that effect shall be added to the electronic register.

* Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).';

(5) in Article 5, the following paragraph is added:

- '3. *Without prejudice to Articles 5(4) and 8(3) of Directive 2014/.../EU⁺, Member States shall, as a matter of principle, recognise the validity of the roadworthiness certificate in the event that the ownership of a vehicle – which has a valid proof of periodic roadworthiness test – changes. '*

⁺ *OJ: Please insert the number of Directive in document 2012/0184(COD).*

(6) Articles 6 and 7 are replaced by the following:

'Article 6

The Commission shall be empowered to adopt delegated acts in accordance with Article 7 in order to *amend*:

- *point II.4, second indent and point III.1.A(b) of both Annex I and Annex II, in the event of enlargement of the Union,*
- *point II.6 of Annex I in relation to non mandatory elements in the event of changes of definitions or of the content of certificates of conformity in the relevant Union type-approval legislation.*

Article 7

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
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 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.*

⁺ ***OJ: Please insert the date of entry into force of this Directive.***

3. The delegation of powers referred to in Article 6 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 6 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.';

(7) *Article 9 is replaced by the following:*

'Article 9

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, comprising data from national electronic databases to facilitate the exchange of information.';

(8) *in point II.6 of Annex I, the following point is added:*

'(X) proof of having passed the roadworthiness test, date of next roadworthiness test or expiry of current certificate'.

Article 2
Transposition

1. Member States shall adopt and publish, by ... ⁺, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof.

They shall apply those measures from ... ⁺⁺.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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

⁺ ***OJ: Please insert the date: 36 months after the entry into force of this Directive.***

⁺⁺ ***OJ: Please insert the date: 48 months after the entry into force of 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 ...

For the European Parliament
The President

For the Council
The President