



EUROPEAN COMMISSION

Brussels,
C(2012) 7500 final

Herrn Horst SEEHOFER
Präsident des Bundesrates
Leipziger Straße 3 - 4
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Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the Commission proposal for a Regulation of the European Parliament and of the Council on simplifying the transfer of motor vehicles registered in another Member State within the Single Market {COM(2012) 164 final} and to reply to the main concerns raised therein.

As regards the legislative instrument chosen for achieving harmonisation of rules for registration of vehicles in cross border cases, considering that the instrument would only apply to cross-border situations within the EU, the Commission is of the opinion that a regulation would best ensure legal certainty and simplification within the internal market. Furthermore, a regulation is a more effective instrument for organising the electronic exchange of information among national registration authorities, a key provision of the proposal.

As regards prosecution of traffic offences, the Commission would like to draw attention to the Directive facilitating the cross border exchange of information on road safety related traffic offences¹, aiming at consistent enforcement of sanctions for traffic offences, in particular through cross border exchange of information.

The Commission would like to recall that the general objective of the proposal is to improve the functioning of the single market through the elimination of administrative barriers related to the re-registration of vehicles, currently hindering the free movement of goods, services, and persons. The proposal aims, therefore, at harmonising and simplifying the procedures for re-registration of vehicles previously registered in another Member State. Moreover, it aims at reducing the administrative burdens of all actors involved, without hindering road safety or the prevention of crimes and fraud.

Article 3 limits the choice as to registration of vehicles to the place of "normal residence" of the holder of the registration certificate, referred to in previous EU legislation², against the background of a set of criteria already accepted in this legislation.

¹ Directive 2011/82/EU of the European Parliament and the Council, OJ L 288, 5.11.2011, p. 1-15

² Council Directive 83/182/EEC on tax exemptions within the Community for certain means of transport temporarily imported into one Member State from another OJ L 105, 23.4.1983, p. 59-63; Directive 2006/126/EC of the European Parliament and of the Council on driving licences, OJ L 403, 30.12.2006, p. 18-60; Regulation (EC) No 864/2007 of the European Parliament and of the Council on the law applicable to non-

The six month period for re-registration provided for under Article 4(1) stems directly from the requirement of registering in the place of normal residence, usually defined over a minimum of a six-month period of time. The simplification of the registration procedure provided under Article 4 follows directly from the settled case law of the Court of Justice on the free movement of goods requesting a facilitation of intra-EU trade by mutual recognition of the proofs issued in other Member States. Article 4 introduces administrative cooperation through electronic means that do not exclude additional controls in specific cases, including vehicle identity, incorrect information provided by the applicant and/or roadworthiness tests. Moreover, the proposal defines in Article 5 the specific cases of refusal to register a vehicle, covering inter alia stolen vehicles. As such, the exchange of information provided under Article 7 does not exclude the refusal to register following suspicion of crimes related to the vehicles. In addition, the proposal does not hamper the organisation of information within a Member State. Thus, a valid search notice in the SIS followed by an appropriate mention in the data stored by the registration authorities in that Member State would trigger a valid reason for refusal of registration of the vehicle in other Member States.

The Commission takes note of the Bundesrat's suggestion on both temporary and professional registrations and, at this point, would like to mention that both Articles 6 on temporary registration and Article 8 on professional registrations respond to the explicit request of registration authorities to regulate this at European level. We would like to draw attention to the fact that for legal consistency, the 30-day validity for temporary registration foreseen by Article 6 follows the period previously established under Article 15 of the Directive on insurance in respect of the use of motor vehicles³. As regards professional registration, we would like to point out that mutual recognition of national plates could be hampered by the existing divergence of national criteria.

As regards the specific software to be used for the exchange of information foreseen under Article 7, the Commission would like to reassure the Bundesrat that it will support a solution that would not add unnecessary administrative and economic burden on the Member States.

I hope that these clarifications address the observations made by the Bundesrat and I look forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

contractual obligations (Rome II), OJ L 199, 31/07/2007 p. 40 – 49. Regulation (EC) No 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I), OJ L 177, 04/07/2008 p. 6 - 16

³ *Directive 2009/103/EC of the European Parliament and of the Council relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability, OJ L 263, 17.11.2009*