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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Land Transport
N° prev. doc.:	ST 12452/2/25 REV 2 + ADD 1 + ADD 2
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Subject:	Proposal for a Directive of the European Parliament and of the Council on the registration documents for vehicles and vehicle registration data recorded in national vehicle registers and repealing Council Directive 1999/37/EC - Revised Presidency compromise - Comments from Finland

Delegations will find, attached, comments from **Finland** on the above-mentioned subject.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

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Written Comments on the 3rd compromise (12452/2/25 REV 2) of VRD from Finland

We thank the Presidency for providing the revised compromise text. Please find below our brief comments on it.

Article 2, Definitions

Comment: We were happy with the definition of a 'vehicle owner' in **Article 2(6).** The amended definition of a 'registered owner' was ok as well.

In Finland, the vehicle register maintains a record of the notified owner throughout the entire lifecycle of a vehicle, from initial registration as a new vehicle to its classification as an end-of-life vehicle (ELV). The registration system is declaratory in nature: ownership of a vehicle imposes a legal obligation to notify the authorities of both the owner and the holder, but the register itself does not constitute legal ownership. However, it does not determine ownership rights. Any disputes regarding ownership must be resolved through civil proceedings in competent courts. Due to the structure of the notification process, the register serves as evidence of ownership.

We share the Commission's reasoning regarding the ownership information. And we could support the mandatory ownership information as proposed by the Commission in the annexes as it would be logical with the ELV-regulation. We had understood that a legal owner was not meant in this provision, but a declared or notified owner of a vehicle would be sufficient for the proceedings of the coming ELV Regulation. We see owner data useful also for many other reasons other than the ELV-process as described in our previous written comments.

However, we see that the removal of the definition or the mandatory ownership information does not prevent Finland from having our current national processes.

Comment: Regarding the definition of de-registration **in Article 2(9),** we do not support a fixed timeframe in the definition at this point. It should be left to the Member State to decide the detailed rules of de-registration. We have made a written comment on this also and it seem that the text is evolving into the opposite direction as we have hoped.

The de-registration is linked with many national processes for example annual vehicle taxation and mandatory insurance in Finland. It is obvious that the impacts of a fixed timeframe would not be limited and there would be a need to assess the impact more thoroughly. There is no impact assessment currently, because a fixed timeframe has not been a part of any proposal from the Commission. Also, such timeframes would target all vehicle owners/holders regardless of the age, status or condition of the vehicle or the reason for the de-registration, and it might not be proportionate to set one timeframe for all de-registrations. We understand that the idea is to target mainly the ELVs and prevent vehicles to become so called lost vehicles. However, we have doubts if a fixed timeframe would be an effective measure to reduce the amount of lost vehicles. It could be, that a de-registered vehicle has been sold and it is the buyer, who has not fulfilled their obligations. Possible sanctions might then be targeted to a wrong person.

Consequently, we would not support that a proof that the vehicle exist should be given after the fixed time frame. This would not be implementable in a reasonable way.

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We could support a provision that the ownership / holdership of a vehicle shall be registered also during de-registration. However, we wonder if the definition should then be called 'de-commissioning' in English? This provision should not on in the definition but as an own Article or paragraph in a suitable Article.

Drafting suggestion Article 2(9):

(9) '~~temporary~~ de-registration' means a ~~limited~~ period of time ~~[two/five] years~~ in which a vehicle is not authorised by a Member State to be used in road traffic on the request of the holder of the registration certificate;

Article 3, General requirements for registration certificates

Comment: We had supported the amendment in article 3(6) regarding the II part of the registration certificate. We understand that the removal in aligned with the removal of obligatory owner information.

Article 5, Mobile registration certificates and Article 9(2), Mutual recognition and Article 15(1), Exchange of data

Comment:

We see that the mobile registration certificate should support the change of ownership process somehow. There should at least be a possibility to create such a process in the future nationally or bilaterally between member States.

We wonder if there should be a list of use cases for mobile registration certificates in **article 5?** Right now, there are two use cases in **Article 9(2):** The first is "the identification of the vehicle in international traffic" and the second is the "re-registration in another Member State".

We still do not fully understand, how cross-border re-registration would in practice benefit from the mobile registration certificate? Apparently, there is no separate II part in the mobile registration certificate. Also, vehicle data would be exchanged via Eucaris/Move-Hub in accordance with Article 15(1). What would be the need for a mobile registration certificate, if all data is exchanged online via Eucaris/Move-hub?

We understand that these questions could be answered in detail later when finalizing Annex III. We would like to suggest the following drafting in order to steer the content of Annex III in a useful and future proof way.

Drafting suggestion, Article 5 point 1:

…
1.Mobile registration certificates shall comply **at least** with the specifications in Annex III**. These specifications shall ensure that the mobile registration certificate may be used, at a minimum, for the following purposes:**

i) identification of the vehicle in international traffic;
ii) re-registration of the vehicle in another Member State;
iii) transfer of vehicle ownership, where applicable under the national law of a Member State

…