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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 Austria

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

Amendment 1

Article 2 (2) should read:

> "(2) 'registration' means the administrative authorisation for the entry into service in road traffic of a vehicle~~**, involving the identification of the latter**~~ and the issuing to it of a serial number, to be known as the registration number**; even if the procedure does not involve the identification of the vehicle, it shall be considered a registration, regardless of the national classification."**

Rationale:
The proposal still does not address problems with different kinds of registration number plates (such as dealer, export or test plates).
Currently the definitions relates too strong to the vehicle, but some registrations are not related to a specific vehicle (such as test or probe plates).
Those registration number plates can usually be put on any vehicle by the holder (most of the time car manufacturers, dealers, garages, etc).
Even if not always legally allowed, those registration number plates still drive around the Union.
However based on

a. different legal interpretations of the MS ("this is not a registration, but only a permit") or
b. based on technical architecture ("it is not in the central VRD register", "it is not a register, but a database") of the VRD register(s)

data on such registration number plates is not always provided to other MS.
For one of the tasks of the revised Directive 1999/37 the re-registration, it has to be ensured that the data is available to check the legal status of a registration plate number or the legal status of a vehicle in the previous MS of registration.
But also for the purposes of road-safety (CBE Directive) and for other purposes (such as criminal investigations based on Prüm) it would be relevant to have the VRD data available.

Amendment 2

Article 1 (1) should read:

> "1. This Directive lays down common rules on the following:
>
> (a) the vehicle registration documents issued by the Member States;
>
> (b) certain data to be recorded in national vehicle registers;
>
> (c) the exchange of such data between Member States~~.~~**;**
>
> **(d) the vehicle registration number plates issued by the Member States."**

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A new Article 5a should be added:

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"**Article 5a**

General requirements for registration number plates

1. Member States must have information on the person responsible for any issued registration number plate at any time.

2. This person responsible shall cover all general legal obligations related to a registration (number plate), especially disclose the liable person for a specific situation to the competent authorities.

3. The person responsible can be either
   (a) the holder of a vehicle registration certificate (C.1);
   (b) the owner of a vehicle registration certificate (C.2);
   (c) a natural or legal person who may use the vehicle by virtue of a legal right other than that of ownership (C.3) or
   (d) a different person responsible for the task set out in paragraph 2.

4. During re-registration that the registration number plate of the previous (Member) State of registration is
   (a) returned to the registration authority in the previous (Member) State of registration or
   (b) securely destroyed by the registration authority in the (new) Member State of registration.
   The registration authority shall notify the previous (Member) State of registration of the action taken and when the action took place.

5. Member States may agree on a bilateral level to always apply 4(a) or 4(b)."

A new letter (h) should be added to Article 6 (1):

"(h) data on the person responsible."

Rationale:

In some Member States of registration certain legal gaps exist, where the registration authority does not have any information on the holder although the registration number plate is still circulating throughout Poland or the rest of the Union. Therefore, also no data on the holder can be accessed by other Member States. Especially during the re-registration in accordance with Article 15 it would be relevant to have access to the data on the previous holder in the previous Member State of registration. Therefore, it would be necessary to regulate what should happen with the registration number plates of the previous Member State of registration during re-registration.

Only in Austria this leads to more than 10.000 CBE offences annually, where the holder cannot be established. This is not only a problem for CBE, but also for Prüm, TOLL and VAT, where also no data on the holder can be retrieved. It is therefore necessary to have information on the holder at any time, when a registration number plate is still circulating.

Remark on Article 15

For effective enforcement, it is essential that during roadside checks the vehicle registration data can be verified in real time by enforcement authorities. This requires immediate access to registration data and also to the most recent roadworthiness information. Without such access, enforcement authorities cannot effectively detect falsified or invalid documents, prevent the circulation of unsafe vehicles, or combat cross-border registration abuses.

To avoid uncertainties similar to those experienced with the 3rd Driving License Directive, it should be made explicit that vehicle registration data must be accessible for law enforcement and control purposes. Consideration should therefore be given to adding a dedicated paragraph in Article 15 to ensure this obligation is clearly set out.

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