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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Land Transport
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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 Hungary

Delegations will find attached comments from Hungary on the above-mentioned subject.

HUNGARIAN COMMENTS

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 (VRD)

Definition 9 ‘temporary de-registration’: we support setting the maximum period. Maximum should be 5 years. This period should not be shorter than 2 years. We support the SK position by this.

As regards the SK position concerning the End-of-Life Vehicle regulation¹ we would like to stress the importance of having vehicle registration related requirements set out in one legislation in order to avoid conflicting measures. We strongly believe that this legislation should be the VRD and not the ELV act.

Article 6 - Data recorded in vehicle registers

Paragraph 1 (a) In order to ensure that the vehicle registers of the Member States contain a uniform set of data required for international data exchanges, we find it essential to set out the *minimum set of data* of the Certificate of Conformity to be registered mandatorily, instead of the very vague *relevant data*.

As regards **paragraph 1 (b) it is of utmost importance** that the terminology used by the VRD and the PTI and RSI proposals is kept consistent. The VRD proposal sets out that *the result of mandatory periodic roadworthiness tests* [...] and the period of validity of the roadworthiness certificate, [...] shall be registered. We would like to point out that the current PTI Directive and the PTI proposal too are using the terminology *information included in the roadworthiness certificate* (see Article 1 (7) amending Article 8 (8) of Directive 2014/45/EU). The different terminologies used by the PTI and the VRD proposal make the impression as if the data to be transmitted to the vehicle register according to the PTI proposal and the data to be registered according to the VRD proposal are not the same.

We support the introduction of Paragraph 1 (g) (ii) however we would like to point out that in order to facilitate the legal status settlement of such vehicles **it is inevitable** that the Member State of origin de-registers the vehicle based on the notification sent by the Member State of re-registration. Currently the VRD proposal does not set out such requirement and even intends to loosen the two months’ time set out by Council Directive 1999/37/EC for the notification. Whether the de-registration is carried out by the Member State of origin today depends on the national legislation of the Member State concerned thus often creating unnecessary burdens and requesting former holders to submit additional documents and to pay fees in order to de-register the vehicle.

¹ **Definition 9 ‘temporary de-registration’:** we would like to **bring your attention to the ongoing trilogues on End-of-Life Vehicle regulation**. The European Parliament adopted amendment 240, which stipulates that temporary de-registration cannot be longer than 4 years and that the vehicle must still exist. We believe that this requirement should be in this directive and connected to the End-of-Life Vehicle regulation.

Article 10

We do not support loosening the current requirements. We insist that the physical registration certificate Part I and Part II if it was issued will be withdrawn during the re-registration procedure without any time limits. Omitting the withdrawal carries a high risk of fraud and increases the burden of the registration authorities if they want to compensate the risk by verifying the legal status of the vehicle. It would also slow down the re-registration procedures. We propose to keep the current cooperation based workflow, where if Part I and/or Part II if it was issued, is missing, the Member State of re-registration is obliged to verify the legal status of the vehicle but if the documents are submitted, the re-registration can be carried out.

We do support the extension of the current six months to five years to keep the withdrawn documents after the re-registration.

We do not agree with the wording used by paragraph 3 and 4 and would like to point out the inconsistency created with Article 6 (1) (g) (ii). Would like to point out that the main purpose of the notification is to inform the Member State of origin about the re-registration of the vehicle. The information about the withdrawal of the registration certificate(s) and the licence plates, which for many Member State is essential information, are important but only secondary information and follow from the fact that the vehicle has been re-registered. **We also do not support** loosening the current requirement from *two months* to *without undue delay* to send the notification. **We propose** to set out the obligation for the Member State of origin to settle the legal status of the vehicle in its register and if necessary to contact the Member State of re-registration for clarification. Similar to the third Driving licence directive, the burden of proof, burden of clarification should be on the authorities.

Article 15

We do not agree with the wording *where necessary* in paragraph 1 as it is too vague and loosens the current framework. **We propose** to set out a minimum list of cases where the clarification of the legal status of the vehicle before the re-registration is mandatory. Such as missing Part I and Part II if it was issued.

Article 16

We would like to raise doubts about the data to be communicated to COM. We would like to point out that data without being familiar with the vehicle registration scheme of the Member State concerned will be likely misleading. To give an example, a vehicle in Hungary might be suspended for several different reasons at the same time (e.g. non-payment of tax, non-payment of third-party liability insurance, not requesting the transfer of ownership in case of a sale etc.). Also, the same vehicle might be suspended on several occasions for the same reason or for different reasons. We propose the revision of Article 16 (1).

Annex I

We would like to ask the Commission for explanation concerning the information indicated by harmonised code (X). According to the amended proposal the information is mandatory for mobile registration certificates but only optional for physical documents. In the current Directive this information is only optional. Why is this information considered more important in the case of mobile registration certificate?

Annex II

Hungary does not issue Part II of the Registration Certificate for the moment, we have a national document that proves the ownership. Depending on the outcome of the discussions and the adopted legislation, we might consider to change to Part II from the national document.

Annex III

We are looking forward to the discussions and learning more details about the mobile registration certificate.