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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Land Transport
N° prev. doc.:	ST 12452/3/25 REV 3 + ADD 1 + ADD 2
N° Cion doc.:	ST 8259/25 + ADD 1 - 4
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 Spain

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

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SPAIN COMMENTS ON REGISTRATION DOCUMENTS DIRECTIVE

Spain welcomes the compromise proposal submitted by the Presidency and thanks the efforts towards finding sound texts, doc# 12452/3/25 REV 3.
Suggested changes to improve the texts are **bold-underlined** or ~~strike-through~~ (**additions**-~~deletions~~ in blue)

I REGISTRATION-DOCUMENTS DIRECTIVE

I.1 ARTICLE 2

(1) Definition (3): the following addition to definition (3) is added so as to ensure grammar consistency.

> (3) 'registration certificate' means the document, issued **by the competent authority** **of a Member State in** a physical format, a digital format, or both, which certifies that the vehicle is registered in ~~a~~ **that** Member State.

I.2 ARTICLE 5

(2) Spain supports the amendment proposed to article 5.

I.3 ARTICLE 6 (1)

(3) **Sub-subparagraph (a)**: Spain considers essential to keep the text. Besides, as electronic Certificates of Conformity (e-CoC) will have a long list of data in their digital format (xml archive) it would be easier to store and include in national vehicle register the complete e-CoC rather than determining the so-called "relevant data" as suggested in the text. Proceeding to define the relevant data via an implementing act will enormously and meaningless increase the work and administrative burdens for national registration authorities.

Additionally, new proposed text to recital (23) of directives 2014/45/EU and 2014/45/EU provides for that the exchange of data in vehicle registers and roadworthiness databases should cover as well the certificate of conformity issued under Regulation (EU) 2018/858. This might imply that the (e)-CoC should be store in full in vehicle register, thus leading to a contradiction between texts.

Therefore, Spain proposes the following text:

> "(a) ~~relevant~~ data from the certificate of conformity in electronic format as provided for in Article 37 of Regulation (EU) 2018/858;"

Accordingly, paragraph (2) of this article will not be needed:

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"~~2. The Commission may adopt implementing acts specifying the relevant data referred to in paragraph 1, second subparagraph, point (a). Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 14(2).~~"

(4) **Sub-subparagraph (c)**: the current proposed text is in line with Regulation (EU) 2019/2144 including "safety systems". Vehicles are becoming more complex systems that heavily rely on software and digital technologies which allow them to perform more driving tasks and to remotely update or modify some of their features or functionalities. This particularly refers to Automated Driving Systems (ADS) covered by Implementing Regulation (EU) 2022/1426.

To be more precise and aligned with the wording in both regulations, critical changes to driving systems should also be addressed in the text. Spain proposes the following text:

"(c) information on any significant modification of the safety**, driving** or environmental systems and components of the vehicle;"

I.4 ARTICLE 8A

(5) Spain agrees with the proposed text of this new article.

I.5 ARTICLES 12 AND 13

(6) Spain is of the opinion that empowerments to the Commission should only be granted **via implementing acts**. Therefore, **these two articles and related recitals should be accordingly rephrased**.

II HORIZONTAL COMMENT FOR THE RWP: MOVE-HUB & EUCARIS (OR OTHER 3RD PARTY APPLICATIONS)

(7) Regarding the obligation of using the **MOVE-HUB platform** for exchanging on vehicles registered in the Union, Spain apart from having doubts on duplicating existing platforms, would have needed more detailed information and costs in the Impact Assessment, and more importantly the reason why no other option is considered and assessed.

(8) **Spain is of the opinion that EUCARIS should continue to be the platform for exchanging information** since: (i) it is currently used for similar purposes by MS; (ii) MS have in place systems and platforms for connecting via EUCARIS and accordingly, investments are made; and (iii) it will be used for exchanging eCoC (electronic Certificate of Conformity).

(9) On this point, everything turns around a political decision that should remain under the power of the legislator, as implementing actions that should be under the MS remit. Setting out such an obligation, which actually disregards other existing and running solutions currently used by MS should carefully have been assessed by the EC on one side (which is not the case) and on the other, obviously, is an

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essential political choice that once again should remain with the legislator.

(10) Therefore**, Spain has a scrutiny reservation on article 16 of the registration directive, as well as on articles 16 in directive 2014/45/EU and article 18a in directive 2014/47/EU**. Spain recognizes the need to ensure legal consistency within the EU legal framework however, there needs to be a **clear mention to EUCARIS in the articles, not being enough to have a general clause in the recitals from a legal certainty point of view** (see previous Spanish proposals on this point).

Accordingly, at this moment, Spain cannot support the whole compromise text of the directive if this essential element is not properly addressed in the text of the articles.