



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a
COUNCIL DIRECTIVE
on registration documents for motor vehicles and their trailers

(presented by the Commission)

EXPLANATORY MEMORANDUM

A. Current situation

1. Registration documents for motor vehicles and their trailers are drawn up by the Member States and currently differ widely from one Member State to another. In particular those differences concern the number of documents issued, their presentation and their content.

At international level the only provisions relating to these documents were drawn up by the Vienna Convention on road traffic¹. The aim of that Convention is to "facilitate international road traffic and improve road safety via the adoption of uniform traffic rules". Article 35 provides for the minimum content of the registration certificate which the driver of a vehicle must bear in order to engage in international travel. Even though the registration certificates issued by the Member States contain most of the basic international-travel information required by that Convention, the provision set out in Amendment 1, which took effect on 3 September 1993, whereby that information is identified by means of an alphabetical code, is not implemented by a significant majority of the Member States. It must be noted in this connection that Austria, Belgium, Denmark, Finland, France, Germany, Greece, Luxembourg and Sweden are Contracting Parties of this Convention, whereas Italy, Portugal, Spain and the United Kingdom have signed but not ratified it, and the Community is not a signatory thereto.

Therefore, since (a) the 1968 Vienna Convention only provides for a minimum amount of information to be set out on the certificate and (b) the alphabetical codes provided for by the Convention itself are not used by all of the Member States, it is appropriate to provide for harmonized rules at Community level in

¹ Convention on road traffic, signed in Vienna on 8 November 1968, including amendments taking effect on 3 September 1993. United Nations Economic Commission for Europe.

respect of the information which the registration certificate is to contain. The provisions of that proposal will apply to the relations between those Member States who have signed the Convention. However, even if there are differences between the obligations deriving from the Convention and the obligations deriving from the proposal, it should be noted that the provisions of the Convention only provide for the minimum amount of information that is to be entered in that registration certificate. The Commission therefore feels that the provisions of the proposal constitute further, additional data to the minimum provided for by the Convention.

2. The first problem raised where registration documents are not harmonized is the difficulty in understanding those documents which emerges when a vehicle travels on the roads in a Member State other than that of its registration. Indeed, as a prerequisite for allowing a vehicle to travel on the roads on their territory, all of the Member States require the driver of a vehicle registered in another Member State to hold the corresponding registration certification. For the relevant authorities in the Member States the inspection of non-harmonized registration certificates that have been issued in various languages is currently very complex.

The second problem arising is that under road traffic conditions, it is not always possible to check that Directive 91/439/EEC on driving licences² has been implemented. In order to be able to check whether the holder of a driving licence that has been issued as required by that Directive is only driving the types of vehicles thereby permitted, the registration certificate must also contain other information such as engine capacity, power, power to weight ratio, number of seats, ... The various registration documents used in the Member States do not always contain that information.

The third problem raised arises from the fact that, in addition to their use on the roads, the registration documents are also used when a vehicle is registered in another Member State.

² OJ No L 237, 24.8.1991, p. 1.

The requirement that the information to be set out in the registration document should be harmonized thus enables (a) travel by road within the Community to be made easier and (b) the movement of vehicles to be made easier where a vehicle that had been previously registered in one Member State of the Community has to be registered in another Member State following a change in residence of the holder, or a transfer of the vehicle to a national of a Member State other than that of registration.

The existence of a harmonized document within the Community enables vehicle registration procedures to be made easier, especially since those procedures consist of checking the documents issued by the relevant authorities in a Community Member State in order to examine the characteristics of the vehicle.³

Where a vehicle is registered in another Member State, the fourth question raised concerns the difficulty in checking the rightful ownership of the vehicle. For this reason certain Member States issue separate registration documents for use on the roads or for registration purposes. When a vehicle is registered in another Member State the issue of several registration documents or a two-part registration certificate makes it easier to check rightful ownership, more particularly where the applicant is not the holder of the registration certificate. The issue of two registration documents of which one is exclusively reserved for all new registrations is the system used in Germany and the Netherlands, while Belgium is currently examining the option of issuing a registration certificate in two separate parts.

3. As far as the use of the registration certificate solely for non-foreign travel is concerned, certain Member States (Denmark, Sweden and the United Kingdom) do not require vehicle drivers to carry the corresponding registration certificate with them. In practical terms the relevant national authorities in those Member States use a system enabling them to have access, during roadside checks, to the

³ Interpretative Commission Communication No 96/C143/04 on the procedures for the approval and registration of vehicles having previously been registered in another Member State (OJ No C 143, 15.5.1996, p. 4).

national registration database which, *inter alia*, contains all of the information set out in the registration certificate. In this case the use of the registration certificate is restricted to driving on the roads of the other Member States, or to reregistering. Indeed, the Commission feels that in those Member States where there is provision for accessing the national registration database, this also enables the Directive 91/439/EEC checks to be carried out and that therefore these States may restrict themselves to issuing the registration certificate in the form of only one of the parts provided for by the Annex.

B. Aims of the proposal for a directive

The proposal for a directive harmonizes the documents issued by the Member States when motor vehicles and their trailers are registered. The aim of that harmonization is to:

- make it easier to use vehicles registered in one Member State on the roads of the other Member States by making it simpler for the relevant national authorities to check registration certificates;
- to enable the implementation of Directive 91/439/EEC on driving licences to be verified by means of roadside checks;
- to improve the functioning of the internal market by making it easier to understand the registration documents where a vehicle has been registered in another Member State;
- to improve the functioning of the internal market by making it easier to check the rightful ownership of a vehicle where this has been registered in another Member State.

C. Justification with regard to the principle of subsidiarity

- (a) *What are the aims of the action contemplated as compared with the Community's obligations?*

Harmonization of the registration documents for motor vehicles and their trailers is intended to make travel by road easier within the Community, to boost road safety and to improve the functioning of the internal market.

- (b) *Does the intended action fall exclusively within the powers of the Community or of powers shared with the Member States?*

Shared powers

Article 75(1) d).

- (C) *What is the Community extent of the problem (for example how many States are involved and what solution has been supplied so far)?*

All of the Member States are involved. The registration certificates currently issued by the Member States do not in all cases permit:

- easy roadside checking of their content in a Member State other than that of registration;
- roadside checking of compliance with Directive 91/439/EEC on driving licences;
- easy comprehension of their content where a vehicle is registered in another Member State;
- checking of the rightful ownership of a vehicle that has been registered in another Member State.

- (d) *What is the most effective option as compared with the Commission's resources and those of the Member States?*

Action at Community level is essential in order to guarantee that registration certificates are harmonized throughout the Member States, more particularly as regards the use of the alphabetic code to identify the basic information. It is also essential in order to guarantee that the registration certificates issued by the Member States contain the basic information that is essential for being able to conduct roadside checks on compliance with Directive 91/439/EEC on driving licences.

- (e) *What would be the practical contribution of the intended Community action and what would be the cost of inaction?*

For the Community this proposal would provide the registration documents with the further clarity needed during journeys in another Member State and which, in addition, would make it easier to register vehicles that had previously been registered in another Member State. That proposal would enable it to be guaranteed that registration documents contained the minimum of information that is essential in road traffic. If there were no action the existence of differing, inadequately harmonized registration documents could not enable it to be guaranteed that those documents contained all of the essential basic information and that this was provided with the minimum of clarity needed for their comprehension both in road traffic and in order to register a vehicle in another Member State.

- (f) *What forms of action are open to the Community (recommendation, financial support, regulation, mutual recognition, ...)?*

A directive is considered to be the best means of harmonizing the registration documents issued by Member States in order to restrict that harmonization to the basic essential information while enabling the Member States to add any other information that they consider necessary. A regulation would not allow that approach to be maintained. A recommendation would seem to be inadequate since it is not legally binding. In itself financial assistance would not enable the problems linked with the lack of document harmonization to be solved.

- (g) *Are uniform regulations necessary or is it sufficient for a directive to set general aims and transfer their implementation to the Member States?*

The Commission's aim is to harmonize registration certificates by providing the information needed for the roadside checking of compliance with Directive 91/439/EEC on driving licences while providing for the issue of a second part of the registration certificate that is needed in order to register a vehicle in another Member State.

D. Consistency with other Community policies or activities

Since the registration certificate and/or other documents issued when a vehicle is registered are required in order to be able to register a vehicle that has previously been registered in another Member State, harmonization of the registration documents would make it easier for the national administrations to register vehicles and thus the internal market for vehicles to function.

E. Content of the proposal

Article 1 determines the scope of this proposal.

Article 2 defines the following terms:

- motor vehicle
- trailer
- registration
- registration certificate.

The definitions of motor vehicle and trailer are in line with the definitions used in Community law on the approval of motor vehicles and their trailers i.e. Directive 70/156/EEC as amended by Directive 92/53/EEC, and Directive 92/61/EEC.

Article 3(1) provides for the issue of a two-part registration certificate.

Article 3(2) gives those Member States in which it is possible to access a national data base during roadside checks the option solely of issuing the registration document in Part I. Indeed, since this is a system which enables compliance to be ensured with Directive 91/439/EEC, the issue of just one part of the registration certificate is only justified for road journeys in other Member States.

Article 3(3) is intended to guarantee that documents issued by one Member State are returned to that State if a vehicle is registered in another Member State.

Article 4 establishes the principle of mutual recognition of registration certificates.

Article 5(1) enables the Member States to require the first part of the registration certificate where a vehicle is used on the roads.

Article 5(2) guarantees that the second part of the registration certificate is needed where a vehicle is reregistered, provided that the preceding registration certificate is in two parts.

Article 6 and 7 provide that a Committee shall adapt the annexes to technical progress, i.e. the provisions concerning the registration certificate.

Articles 8, 9, 10, 11 and 12 contain provisions concerning the transposition of this Directive into the national laws.

Annex I contains the provisions concerning the content of the first part of the registration certificate:

1. maximum dimensions;
2. minimum anti-tampering protection;
3. the option of issuing documents with several pages;
4. the common form taken by the document in order to make it easier to identify this as a Part-I registration certificate, a form which also includes the document number in order likewise to facilitate the exchange of information between the Member States;
5. the minimum mandatory amount of information contained in Part I of the registration certificate, identified by a common code, and which contains the data required by the Vienna Convention (A-H), the date of registration (I), the type-approval number (M) and the information that is essential for roadside checks on the implementation of Directive 91/439/EEC on driving licences;
6. the optional information which nevertheless must be identified by a common code;
7. the optional information not identified by a common code.

Annex II contains provisions concerning the content of the second part of the registration certificate:

1. maximum dimensions;
2. minimum anti-tampering protection;
3. the option of issuing documents with several pages;
4. the common form taken by the document in order to make it easier to identify this as a Part-II registration certificate, a form which also includes the document number in order likewise to facilitate the exchange of information between the Member States;
5. the minimum mandatory amount of information contained in Part II of the registration certificate, identified by a common code, and identical to that in Part I of the registration certificate, and which includes the data that are intended to identify the vehicle, its type-approval and its registration;
6. the optional information which nevertheless must be identified by a common code.
7. the optional information not identified by a common code.

PROPOSAL

FOR A COUNCIL DIRECTIVE

on the registration documents for motor vehicles and their trailers

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Article 75.1(d) thereof,

Having regard to the proposal from the Commission;⁴

Acting in accordance with the procedure laid down in Article 189c of the Treaty, in cooperation with the European Parliament;⁵

Having regard to the opinion of the Economic and Social Committee;⁶

Whereas the Community has adopted a certain number of measures that are intended to create an internal market consisting of an area without frontiers within which the free movement of goods, persons, services and capitals is guaranteed in accordance with the provisions of the Treaty;

Whereas, as a necessary condition for permission to use the roads on their territory, all of the Member States shall require drivers of vehicles registered in another Member State to hold the corresponding certificate of registration;

Whereas harmonization of the form and content of the registration certificate will facilitate its comprehension and thus help towards the free movement, on the roads in the other Member States, of vehicles registered in a Member State;

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Whereas the content of the registration certificate must enable it to be checked that the holder of a driving licence issued in pursuance of Directive 91/439/EEC on driving licences,⁷ solely drives those categories of vehicles for which he is authorized, and thus helps to improve road safety;

Whereas, as a necessary prerequisite for registering a vehicle that has previously been registered in another Member State, all of the Member States require the documents certifying that registration and the technical conformity of the vehicle;

Whereas harmonization of the presentation of the contents of the registration certificate will facilitate the registration of vehicles that have previously been registered in another Member State, and will contribute to the proper functioning of the Internal Market;

Whereas issuing a registration certificate in two parts, of which the second is exclusively used in order to register a vehicle, will make it easier to check the rightful ownership of a vehicle, and will thus help to improve the functioning of the Internal Market;

Whereas certain Member States operate a system of roadside checks that are based on direct access to the national registration data base which does not make it essential, for the purposes of ensuring, *inter alia*, compliance with Directive 91/439/EEC on driving licences, that the driver of a vehicle registered in that Member State shall carry the registration certificate on board the vehicle; whereas therefore the issue of a registration certificate in those Member States may be restricted to just one of the two parts of which the certificate consists;

⁷ OJ L 237, 24.8.1991, p. 1.

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to the documents issued by the Member States at the time of registration of motor vehicles and their trailers, as defined in Article 2.

Article 2

For the purposes of this Directive:

- “motor vehicle”: means any power-driven vehicle as defined in Article 1 and in Annex II A to Directive 70/156/EEC, as amended,⁸ and in Article 1 of Directive 92/61/EEC.
- “trailer”: means a non-self-propelled vehicle which is designed and constructed to be towed by a motor vehicle
- “registration”: means the issuing to a vehicle by the competent authorities of a Member State of a serial number, to be known as the registration number, that is intended to identify a vehicle and its holder in road traffic.
- “registration certificate”: means the document which certifies that the vehicle is registered in a Member State.

⁸ Directive 92/53/EEC of 18.6.1992, OJ No L 225, 10.8.1992, p. 1

Article 3

- (1) At the time of registration of a motor vehicle or a trailer Member States shall issue a registration certificate consisting of two parts in accordance with the models set out in Annexes I and II.
- (2) Member States may issue a registration certificate consisting solely of part I of the model set out in Annex I where vehicles are used on their national territory, if, in the event of a roadside check, they have in their possession a system of access to the registry of vehicles.
- (3) Where a motor vehicle or a trailer previously registered in one Member State is reregistered in another Member State, the competent authorities in that Member State shall return the registration certificate to the authorities in the Member State in which it was issued.

Article 4

For the purposes of this Directive, the registration certificate issued by a Member State shall be recognised by the other Member States.

Article 5

- (1) For the purposes of identifying a vehicle and its holder in road traffic, Member States may require that the driver of a vehicle carries part I of the corresponding registration certificate.
- (2) At the time of registration of a vehicle previously registered in another Member State, Member States shall require that the holder of a registration certificate submits both part I and part II of the registration certificate, if both parts were issued in the Member State of registration.

Article 6

Any amendments necessary in order to adapt the annexes to technical progress shall be adopted in accordance with the procedure laid down in Article 7.

Article 7

- (1) The Commission shall be assisted by the Committee provided for in Council Directive 96/.../EC for the purpose of amending Directive 91/439/EEC on driving licences, hereinafter referred to as "the Committee", which shall consist of representatives of the Member States with a representative of the Commission as Chairman.
- (2) The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148, paragraph 2, of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.
- (3) The Commission shall adopt measures which apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith.
- (4) In that event, the Commission shall defer application of the measures which it has decided to adopt for a period to be laid down in each instrument adopted by the Council, but which may in no case exceed three months from the date of communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

Article 8

- (1) After consulting the Commission, Member States shall, before [1 July 1998], adopt the laws, regulations or administration provisions necessary to comply with this Directive as from [1 July 1999].
- (2) When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.
- (3) The Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive, and the models for registration certificates adopted in conformity with the provisions of Annexes I and II.

Article 9

Member States shall lay down the system of penalties for breaching the national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that those penalties are applied. The penalties thus provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of the relevant provisions not later than [1 July 1998] and shall notify any subsequent changes as soon as possible.

Article 10

The Member States shall assist one another in the implementation of this Directive and shall, if need be, exchange information on the registration certificates that they have issued.

Article 11

This Directive shall enter into force on the day following its publication.

Article 12

This Directive is addressed to the Member States.

Done at Brussels,

ANNEX I

PROVISIONS CONCERNING THE REGISTRATION CERTIFICATE

PART I

- (1) The overall dimensions of part I of the registration certificate shall not be greater than an A4 format (210 x 297 mm).
- (2) The paper used for part I of the registration certificate shall be made secure by using at least two of the following techniques:
 - graphics;
 - watermark;
 - fluorescent fibres; or
 - fluorescent imprints.
- (3) Part I of the registration certificate may consist of several pages. Member States shall determine the number of pages in accordance with the information contained in the document and its layout.
- (4) The first page of part I of the registration certificate shall contain:
 - the name of the Member State issuing part I of the registration certificate;
 - the distinguishing mark of the Member State issuing part I of the registration certificate, those marks shall be as follows:

B	Belgium	I	Italy
DK	Denmark	L	Luxembourg
D	Germany	NL	Netherlands
GR	Greece	P	Portugal
E	Spain	A	Austria

F	France	FIN	Finland
IRL	Ireland	S	Sweden
UK	United Kingdom		

- the name of the competent authority;
- the words “Part I of the Registration Certificate”, printed in large type in the language or languages of the Member States issuing the registration certificate; they shall also appear, after a suitable space, in small type, in the other languages of the European Community;
- the words “European Community”, printed in the language or languages of the Member State issuing part I of the registration certificate;
- the number of the document.

V. Part I of the registration certificate shall also contain the following data, identified by the corresponding code:

A - registration number

B - date of first registration

C - holder of the registration certificate:

C1 - surname

C2 - other names

C3 - address in the Member State of registration on the date of issue of the document

D - vehicle:

D1 - manufacturer/trade name

D2 - commercial name

E - vehicle identification number

F - maximum laden mass:

F1 - technically permissible mass (in kg) except for motorcycles

G - mass of the vehicle with bodywork, and with coupling device in the case of a towing vehicle, in running order (in kg)

H - validity of the registration, if not unlimited

I - date of registration

M - type-approval number

R - engine

R1 - capacity (in cm³) for motorcycles

R2 - maximum net power (in kW) for motorcycles

S - power/weight ratio (in kW/kg): R2/G for motorcycles

U - number of seats, including the driver

VI. Part I of the registration certificate may, moreover, contain the following data, identified by the corresponding code:

F - maximum laden mass:

F2 - of the vehicle in service in the Member State of registration (in kg)

F3 - of the combination in service in the Member State of registration (in kg)

- J - owner or keeper of the vehicle:
- J1 - surname
- J2 - other names
- J3 - address in the Member State of registration, on the date of issue of the document
- L - vehicle category
- M - type-approval number
- N - number of axles
- O - wheelbase (in mm)
- P - distribution of technically-permissible maximum laden mass among the axles:
- P1 - axle 1 (in kg)
- P2 - axle 2 (in kg)
- P3 - axle 3 (in kg)
- Q - technically permissible maximum towable mass of the trailer:
- Q1 - braked (in kg)
- Q2 - unbraked (in kg)
- R - engine:
- R1 - maximum capacity (in cm³)
- R2 - maximum net power (in kW)
- R3 - rated speed (in min⁻¹)
- R4 - fuel
- T - colour of the vehicle

V - maximum speed (in km/h)

W - sound level:

W1 - stationary (in dB(A))

W2 - engine speed (in min⁻¹)

W3 - drive-by (in dB(A))

X - exhaust emissions:

X1 - CO (in g/km or g/kWh)

X2 - HC (in g/km or g/kWh)

X3 - NOx (in g/km or g/kWh)

X4 - HC + NOx (in g/km)

X5 - particulates for diesel (in g/km or g/kWh)

X6 - corrected absorption coefficient for diesel (in m⁻¹)

X7 - CO₂ (in g/km)

X8 - combined fuel consumption (in l/100 km)

Y - fuel tank(s) capacity (in l).

VII. Member States may include additional information on the registration certificate part I, only if this information is either stated on the type-approval documentation in accordance with Directive 70/156/EEC or can be derived from it by simple calculation.

ANNEX II

PROVISIONS CONCERNING THE REGISTRATION CERTIFICATE

PART II

- (1) The overall dimensions of part II of the registration certificate shall not be greater than an A4 format (210 x 297 mm).
 - (2) The paper used for part II of the registration certificate shall be made secure by using at least two of the following techniques:
 - graphics;
 - watermark;
 - fluorescent fibres; or
 - fluorescent imprints.
 - (3) Part II of the registration certificate may consist of several pages. Member States shall determine the number of pages in accordance with the information contained in the document and its layout.
 - (4) The first page of part II of the registration certificate shall contain:
 - the name of the Member State issuing part II of the registration certificate;
 - the distinguishing mark of the Member State issuing part II of the registration certificate, those marks shall be as follows:

B Belgium

I Italy

DK Denmark

L Luxembourg

D Germany

NL Netherlands

GR Greece

P Portugal

E	Spain	A	Austria
F	France	FIN	Finland
IRL	Ireland	S	Sweden
UK United Kingdom			

- the name of the competent authority;
- the words “Part II of the Registration Certificate”, printed in large type in the language or languages of the Member States issuing the registration certificate; they shall also appear, after a suitable space, in small type, in the other languages of the European Community;
- the words “European Community”, printed in the language or languages of the Member State issuing part II of the registration certificate;
- the number of the document.

V. Part II of the registration certificate shall also contain the following data, identified by the corresponding code:

A - registration number

B - date of first registration

D - vehicle:

D1 - manufacturer/trade name

D2 - commercial name

E - vehicle identification number

M - type-approval number

VI. Part II of the registration certificate may, moreover, contain the following data, identified by the corresponding code:

J - owner or keeper of the vehicle:

J1 - surname

J2 - other names

J3 - address in the Member State of registration, on the date of issue of the document

K - new owner or keeper of the vehicle

K1 - surname

K2 - other names

K3 - address

K4 - date and signature of the former owner or keeper

L - vehicle category

VII. Member States may include additional information on the registration certificate part II, only if this information is either stated on the type-approval documentation in accordance with Directive 70/156/EEC or can be derived from it by simple calculation.

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