Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles

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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[(1)],

Having regard to the opinion of the Economic and Social Committee[(2)],

Acting in accordance with the procedure laid down in Article 189c of the Treaty,[(3)],

(1) 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 capital is guaranteed in accordance with the provisions of the Treaty;

(2) Whereas all of the Member States require the driver of a vehicle registered in another Member State of hold the certificate of registration corresponding to that vehicle, in order for it to be permitted to use the roads on their territory;

(3) Whereas harmonisation 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 territory of the other Member States, of vehicles registered in a Member State;

(4) Whereas the content of the registration certificate must enable it to be checked that the holder of a driving licence issued pursuant to Council Directive 91/439/EEC of 29 July 1991 on driving licences[(4)] drives solely those categories of vehicles for which he is authorised; whereas such checking helps to improve road safety;

(5) Whereas, as a prerequisite for registering a vehicle that has previously been registered in another Member State, all of the Member States require a document certifying that registration and the technical characteristics of the vehicle;

(6) Whereas harmonisation of the registration certificate will facilitate the re-entry into service of vehicles that have previously been registered in another Member State, and will contribute to the proper functioning of the internal market;

(7) Whereas Member States use a registration certificate consisting either of one single part or two separate parts, and whereas it is currently appropriate to allow both systems to coexist;

(8) Whereas differences remain between the Member States concerning the interpretation of the particulars contained in the registration certificate; whereas, in the interests of

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the proper functioning of the internal market and of the free movement and checks that these involve, it is therefore appropriate to specify in which capacity the persons named in the certificate may use the vehicle for which it was issued;

(9) Whereas, in order to facilitate those checks specifically intended to combat fraud and the illegal trade in stolen vehicles, it is appropriate to establish close cooperation between Member States, based on an effective exchange of information;

(10) Whereas it is appropriate to provide for a simplified procedure for adjusting the technical aspects contained in Annexes I and II

HAS ADOPTED THIS DIRECTIVE:

Article 1

[[F1]This Directive shall apply to the vehicle registration documents issued by the Member States.**]**

It shall not prejudice the right of Member States to use, for the temporary registration of vehicles, documents which may not meet the requirements of this Directive in every respect.

Textual Amendments

F1 Substituted by Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles.

Article 2

For the purposes of this Directive:

(a) ‘vehicle’: shall mean any vehicle as defined in Article 2 of Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers[(5)] and in Article 1 of Council Directive 92/61/EEC of 30 June 1992 relating to the type-approval of two or three-wheel motor vehicles[(6)];

(b) ‘registration’: shall mean 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;

(c) ‘registration certificate’: shall mean the document which certifies that the vehicle is registered in a Member State;

(d) ‘holder of the registration certificate’: shall mean the person in whose name a vehicle is registered**[**[F1]**;]**

(e) **[**[F2]‘suspension’: means a limited period of time in which a vehicle is not authorised by a Member State to be used in road traffic following which – provided the reasons for suspension have ceased to apply – it may be authorised to be used again without involving a new process of registration;

(f) ‘cancellation of a registration’: means the cancellation of a Member State’s authorisation for a vehicle to be used in road traffic.**]**

Textual Amendments

F1 Substituted by Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles.

F2 Inserted by Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles.

Article 3

1 Member States shall issue a registration certificate for vehicles which are subject to registration under their national legislation. The certificate shall consist of either a single part in accordance with Annex I or two parts in accordance with Annexes I and II.

Member States may authorise the services they appoint to this end, in particular those of the manufacturers, to fill in the technical parts of the registration certificate.

2 Where a new registration certificate is issued for a vehicle registered prior to the implementation of this Directive, Member States shall use a certification model as defined in this Directive and may limit the particulars shown therein to those for which the required data are available.

3 The data given in the registration certificate, in accordance with Annexes I and II, shall be represented by the harmonised Community codes shown in those Annexes.

[F2 4 Member States shall record electronically data on all vehicles registered on their territory. Those data shall include:

a all mandatory elements in accordance with point II.5 of Annex I as well as the elements of points II.6(J) and II.6(V.7) and (V.9) of that Annex, where the data are available;

b other non-mandatory data listed in Annex I or data from the certificate of conformity as provided for in Directive 2007/46/EC of the European Parliament and of the Council(7), where possible;

c the outcome of mandatory periodic roadworthiness tests in accordance with Directive 2014/45/EU of the European Parliament and of the Council(8) and the period of validity of the roadworthiness certificate.

The processing of personal data in the context of this Directive shall be carried out in accordance with Directives 95/46/EC(9) and 2002/58/EC(10) of the European Parliament and of the Council.

5 Technical vehicle data shall be made available to the competent authorities or testing centres for the purpose of periodic roadworthiness testing. Member States may limit the use and the dissemination of such data by testing centres in order to avoid their misuse.**]**

Textual Amendments

F2 Inserted by Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles.

[**F2 Article 3a

1 Where the competent authority of a Member State receives notification of a periodic roadworthiness test showing that the authorisation to use a particular vehicle in road traffic has been suspended in accordance with Article 9 of Directive 2014/45/EU, the suspension shall be recorded electronically and an additional roadworthiness test shall be carried out.

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The suspension shall be effective until the vehicle has passed a new roadworthiness test. On successful completion of the roadworthiness test, the competent authority shall without delay re-authorise the use of the vehicle in road traffic. No new process of registration shall be necessary.

Member States or their competent authorities may adopt measures to facilitate the retesting of a vehicle the authorisation of which for use in road traffic has been suspended. Those measures may include the grant of permission to travel on public roads between a place of repair and a test centre for the purpose of a roadworthiness test.

2 Member States may allow the holder of the registration certificate to submit a request to the competent authority for transfer of the registration to the new owner of the vehicle.

3 In the event that the competent authority of a Member State receives notification that a vehicle has been treated as an end-of-life vehicle in accordance with Directive 2000/53/EC of the European Parliament and of the Council[11], the registration of that vehicle shall be cancelled permanently and information to that effect shall be added to the electronic register.**]**

Textual Amendments

F2 Inserted by Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles.

Article 4

For the purposes of this Directive, the registration certificate issued by a Member State shall be recognised by the other Member States for the identification of the vehicle in international traffic or for its re-registration in another Member State.

Article 5

1 For the purposes of identifying a vehicle in road traffic, Member States may require that the driver carry Part I of the registration certificate.

2 With a view to re-registering a vehicle previously registered in another Member State, the competent authorities shall require the submission of Part I of the previous registration certificate in every case and the submission of Part II if it was issued. These authorities shall withdraw the part(s) of the previous registration certificate submitted and shall keep the latter for a minimum of six months. They shall, within two months, inform the authorities of the Member State which delivered the certificate of its withdrawal. They shall return the certificate which they have withdrawn to those authorities if they so request within six months of its withdrawal.

Where the registration certificate consists of Parts I and II, and Part II is missing, the competent authorities in the Member State where the new registration has been requested may decide, in exceptional cases, to re-register the vehicle, but only after having obtained confirmation, in writing or by electronic means, from the competent authorities in the Member State where the vehicle was previously registered, that the applicant is entitled to re-register the vehicle in another Member State.

[[F2]3 Without prejudice to Articles 5(4) and 8(3) of Directive 2014/45/EU, Member States shall, as a matter of principle, recognise the validity of the roadworthiness certificate in the event that the ownership of a vehicle – which has a valid proof of periodic roadworthiness test – changes.**]**

Textual Amendments

F2 Inserted by Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles.

[F1 Article 6

The Commission shall be empowered to adopt delegated acts in accordance with Article 7 in order to amend:

— point II.4, second indent and point III.1.A(b) of both Annex I and Annex II, in the event of enlargement of the Union,

— point II.6 of Annex I in relation to non mandatory elements in the event of changes of definitions or of the content of certificates of conformity in the relevant Union type-approval legislation.

Textual Amendments

F1 Substituted by Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles.

Article 7

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for a period of five years from 19 May 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of powers referred to in Article 6 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Article 6 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.**]**

Textual Amendments

F1 Substituted by Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles.