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<Commission>{PETI}Committee on Petitions</Commission>

<Date>{13/03/2024}13.3.2024</Date>

<TitreType>NOTICE TO MEMBERS</TitreType>

Subject: <TITRE>Petition No 0467/2023 by Morten Broberg (Danish) on the allegedly wrong application by Denmark of rules regarding use of electrical vehicles that are registered in another Member State than Denmark</TITRE>

1. Summary of petition

The petitioner is complaining about the application of rules regarding the use of electrical vehicles that are registered in another Member State than Denmark. He explains that the high taxes on fossil-fuel cars applicable in Denmark has meant that the Danish tax authorities have introduced strict limitations on the use of non-Danish registered cars in Denmark by citizens with a registered address in Denmark. Since his wife is still having her registered address in Denmark, these rules apply to her. According to him, this limitation of his wife’s use of the car constitutes a real restriction and an obstacle for both of them to move to and from Denmark. Therefore, he considers it a restriction on the free movement of workers as defined in the case law of the European Court of Justice. Finally, he claims that the different treatment of cars registered in Denmark and cars registered in other Member States constitutes an indirect discrimination between car-dealers in Denmark and car-dealers in other Member States.

2. Admissibility

Declared admissible on 24 August 2023. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 13 March 2024

*The Commission’s observations*

Article 4 of Directive 1999/37/EC[[1]](#footnote-1) states that “*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*”. Therefore, the vehicle registered in Germany shall be recognised in Denmark for its circulation. This recognition is made only for the identification of the vehicle, or for the re-registration, not in the case of the vehicle remaining for an extended period in the other Member States.

Directive 1999/37/EC deals with vehicle registration documents. Since there are no common EU rules on vehicle registration, Member States enjoy the autonomy in setting their own rules.

Article 3 of Directive 1999/37 states that “Member States shall issue a registration certificate for vehicles which are subject to registration under their national legislation”. Therefore, if under a Member State’s legislation, the vehicle is subject to registration, the driver shall register it to be able to circulate in that Member State.

For more information about car registration in the EU, please consult: [Car registration in another EU country - Your Europe (europa.eu)](https://europa.eu/youreurope/citizens/vehicles/registration/registration-abroad/index_en.htm) and [Car registration documents and formalities in the EU - Your Europe (europa.eu)](https://europa.eu/youreurope/citizens/vehicles/registration/formalities/index_en.htm)

There is little harmonisation at EU level in the area of taxation of motor vehicles. Therefore, Member States may lay down national provisions in this area, provided that they comply with EU law. The collection of motor vehicles taxes falls within the competence of Member States.

The Commission regularly monitors the compliance by Member States with the general principles of the EU Treaties. In particular, national provisions should not give rise to border-crossing formalities in trade between Member States, and must respect the Treaty freedoms and the non-discrimination principle.

For more information about car taxation in the EU, please consult: <https://ec.europa.eu/taxation_customs/individuals/car-taxation/passenger-car-taxation_en>

The Commission wishes also to stress that the EU Pilot request was sent to Danish authorities demanding information inter alia on the strict limitations on the use of non-Danish registered cars in Denmark by citizens with a registered address in Denmark. The Danish reply of 26 October 2023 is currently being examined.

Regarding the right to free movement of workers as established in Article 45 TFEU and according to the available information to the Commission, the national legislation at issue does not appear to affect this right.

First, EU workers as well as Danish workers resident in Denmark using a car which is not registered in Denmark are subject to the same registration obligations. Second, the national legislation does not appear to affect more EU workers than Danish nationals when both categories of workers reside in Denmark. As a general rule, citizens are required to register their car in the country where they have their normal residence[[2]](#footnote-2). Thus, EU workers who wish to move to Denmark to reside and work there, will have to register their car in Denmark. They are therefore in the same situation as Danish nationals. On this basis, the national legislation concerned does not appear to hinder or render less attractive the exercise by EU nationals of the right to work freely in the EU.

*Conclusion*

In the light of the reply, the Commission will decide on the steps to take in the case.

1. **Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles** (OJ L 138, 01.06.1999, p. 57). [↑](#footnote-ref-1)
2. <https://europa.eu/youreurope/citizens/vehicles/registration/formalities/index_en.htm> [↑](#footnote-ref-2)