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**Commission d'experts techniques
Fachausschuss für technische Fragen
Committee of Technical Experts**

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TRANSFERRING VEHICLE REGISTRATIONS BETWEEN NVR

Discussion paper prepared by the Secretariat based on a suggestion from Serbia

1. INTRODUCTION

COTIF NVR 2015 provides specifications and procedural rules according to which vehicles admitted to circulation in international traffic must be registered in national vehicle registers. This specification has an equivalent in EU provisions, i.e. Commission Decision 2007/756/EC of 9 November 2007, as amended by Commission Decision 2011/107/EU of 10 February 2011 and Commission Decision 2012/757/EU of 14 November 2012.

The Directorate for Railways of Serbia has suggested deleting point 3.2.3a of OTIF's NVR 2015 and the third indent of "Registration issues" in Appendix 3 (Withdrawal coding), as the equivalent EU provisions no longer exist.

The aim of this document is to explain this issue and provide a basis for discussion.

2. SCOPE OF THE ISSUE

The issue concerns point 3.2.3a of the COTIF NVR 2015 specifications and the third indent of 'Registration issues' of Appendix 3 to the same specification.

Point 3.2.3a of COTIF NVR 2015 sets out the possibility of and conditions for re-registering a vehicle, with the possible transfer of the registration of vehicles between the registering entities of different States. It reads as follows:

"3.2.3a Transfer of registration

Until 31 December 2013, if a vehicle is sold or rented for a continuous period exceeding 6 months and if all technical characteristics under which the vehicle has been admitted to operation (authorised to be placed in service) remain unchanged, its unique vehicle number may be changed by re-registering the vehicle and withdrawing the first registration.

If this new registration concerns a Contracting State which is different from that of the first registration, the RE competent for the new registration may request a copy of the documentation related to the former registration.

A unique vehicle number may be changed without prejudice to the application of ATMF Article 6 (and Articles 21 to 26 of Directive 2008/57/EC) as far as the admission/authorisation procedures are concerned.

The administrative costs incurred by the change shall be covered by the applicant requesting the change."

The third indent of "Registration issues", Appendix 3 - Withdrawal coding, refers to point 3.2.3a and reads as follows:

"Registration issues

– ...

– *A transfer of registration under the conditions set out in 3.2.3a consists of new registration of the vehicle and subsequent withdrawal of the old registration."*

The provisions of point 3.2.3a are time-limited until 31 December 2013 and as such, are understood no longer to be applicable.

3. ANALYSIS OF EU PROVISIONS

The equivalent provision to point 3.2.3a above no longer exists in EU law, as it has been repealed. This provision previously existed in the first conventional rail OPE TSI¹ and the high speed OPE TSI². These provisions read as follows:

“Article 1b

Until 31 December 2013, if a vehicle is sold or rented for a continuous period exceeding 6 months and if all technical characteristics under which the vehicle has been authorised to be placed in service remain unchanged, its European Vehicle Number (EVN) may be changed through a new registration of the vehicle and withdrawal of the first registration.

If this new registration concerns a Member State which is different from that of the first registration, the registering entity competent for the new registration may require a copy of the documentation related to the former registration.

Such change of EVN is without prejudice to the application of Articles 21 to 26 of Directive 2008/57/EC as far as the authorisation procedures are concerned.

The administrative costs incurred to change the EVN shall be covered by the applicant requesting the change of EVN.”

The first conventional rail OPE TSI was repealed by the revised conventional rail OPE TSI³ with effect from 1 January 2012, which was subsequently repealed by the first OPE TSI covering both conventional and high speed rail⁴. The latter was last amended by Commission Regulation (EU) 2015/995 of 8 June 2015, which is the currently applicable version of the OPE TSI.

As a result of the above, Article 1b quoted above, or similar provisions, have not been applicable in the EU since 1 January 2014.

Nevertheless, in the EU NVR specification⁵, Appendix 3, indent 3 of the “Registration issues” still reads:

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- ¹ COMMISSION DECISION 2006/920/EC of 11 August 2006 concerning the technical specification of interoperability relating to the subsystem ‘Traffic Operation and Management’ of the trans-European conventional rail system (last amended by 2010/640/EU)
 - ² COMMISSION DECISION 2008/231/EC of 1 February 2008 concerning the technical specification of interoperability relating to the operation subsystem of the trans-European high-speed rail system (last amended by 2012/464/EU)
 - ³ COMMISSION DECISION 2011/314/EU of 12 May 2011 concerning the technical specification for interoperability relating to the ‘operation and traffic management’ subsystem of the trans-European conventional rail system
 - ⁴ COMMISSION DECISION 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to the ‘operation and traffic management’ subsystem of the rail system in the European Union and amending Decision 2007/756/EC
 - ⁵ COMMISSION DECISION 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register as last amended by Commission Regulation (EU) No 519/2013 of 21 February 2013

“- A transfer of registration under the conditions set out in Article 1b of Commission Decision 2006/920/EC (1) and Article 1b of Commission Decision 2008/231/EC (2), as amended by Decision 2010/640/EU (3), consists of a new registration of the vehicle and subsequent withdrawal of the old registration.”

This could be explained by the fact that the NVR specifications do not exclude the possibility of re-registering a vehicle in the NVR of another State. In such a case, it would be important to withdraw the previous registration. In addition, the new registering entity might require a copy of the documentation related to the former registration. However, it should be noted that all the Decisions referred to above have been repealed as of 1 January 2014.

4. PROPOSED WAY FORWARD

From all of the above, the Secretariat understands that in the EU, it is still possible to transfer a registration. Transferral consists of two steps: firstly, the new registration and subsequently, withdrawal of the old registration. However, it should be noted that the conditions for such transferrals refer to provisions that have been repealed, and no equivalent provisions are now in force.

In line with the EU provisions, point 3.2.3a of the COTIF NVR 2015 should be deleted. Nevertheless, the Secretariat is of the opinion that the registering entity competent for the new registration should continue to be able to require a copy of the documentation related to the former registration. This may facilitate the verification of data and help to avoid errors in the registration.

The Secretariat therefore suggests retaining this principle in Appendix 3, indent 3 of the “Registration issues”, by adding a sentence.

5. AMENDMENT PROPOSAL

Based on the above, the Secretariat suggests:

1. Deleting point 3.2.3a of the COTIF NVR 2015
2. Amending Appendix 3, indent 3 of the “Registration issues”, to read as follows:

“Registration issues

– ...

- ~~A transfer~~ **The transferral** of registration ~~under the conditions set out in 3.2.3a~~ consists of new registration of the vehicle and subsequent withdrawal of the old registration. **The registering entity competent for the new registration may require a copy of the documentation relating to the former registration.**”

If WG TECH is in favour of these suggestions, a corresponding proposal should be drafted for the 10th session of the Committee of Technical Experts.
