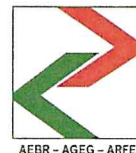


AEGR - AGEG - ARFE



Main Office	AGEG c/o EUREGIO	Enscheder Str. 362	48599 Gronau (Germany)
Project Office	AEGR c/o WeWork	Stresemannstraße 123	10963 Berlin (Germany)
AEGR Antenna in the EU	Office of Extremadura in Brussels	Av. De Cortenbergh 87-89	1000 Brussels (Belgium)
AEGR Info Centre in the Balkans	Institute for International and CBC	Terazije 14/14	11000 Belgrade (Serbia)
AEGR Info Centre in Ukraine	Univ. Simon Kuznets (KhNUE)	pr. Lenina, 9a	61001 Charkiw (Ukraine)



FINAL REPORT BY THE EXPERT

Advice case title: Cross-border acknowledgement of dealer plates

Full official name of the advised entity: EUREGIO

Name of the expert contracted for the advice case:

**RA in mr. Marlene Plaß
Ra mr. Anton Bouwmeister**

Date: 20 March 2023

Table of contents:

- I. Executive Summary
- II. Description of the obstacle with indication of the legal/administrative provisions causing the obstacle
- III. Description of possible solution(s)
- IV. A full list of all legal provisions relevant to the case with the correct citation both in original language and in English
- V. References and Appendix/Appendices if any

I. Executive summary

According to the EUREGIO there is a lack of cross-border recognition of dealer plates (also called professional number plates) at the German-Dutch border. Dealer plates are plates that can be assigned to car dealers, workshops or manufacturers. They are special licence plates that can be attached to different cars and motorbikes.

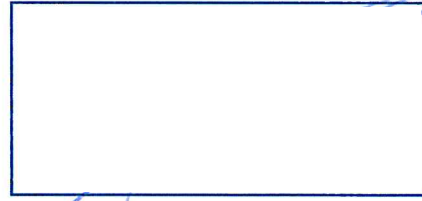
This lack of recognition of German dealer plates is experienced by Kreis (district) Borken in Germany, which is part of the EUREGIO border area. Kreis Borken is responsible for issuing the dealer plates, and experiences that despite their approval for citizens to use a (German) red dealer plate, two or three red dealer plates each month are confiscated by the police in the Netherlands, which subsequently sent them back to Kreis Borken. The problem of lack of recognition takes place in the Netherlands only. As a result, it costs German dealers time and money, as they are not allowed to continue driving in the Netherlands with a red dealer plate and need a trailer to get the vehicle back.

However, in 2009 the German Federal Ministry of Transport, Building and Urban Development (*Bundesministerium für Verkehr, Bau und Stadtentwicklung*) and the Dutch Ministry of Transport and Water Affairs (*Ministerie van Verkeer en Waterstaat*) entered into a bilateral agreement about the use of Dutch dealer plates on German territory and vice versa. Despite research, no Dutch regulation regarding that bilateral agreement can be found. Considering the problems German vehicles with a German dealer plate face in the Netherlands, it is reasonable to assume that the above stated agreement was never codified and published in the Netherlands.

Hence, the possible and most obvious solution to the problems presented, is to call on the Dutch Ministry of Transport and Water Affairs The Hague to codify, publish and fulfil the bilateral agreement. The department responsible is the Directorate-General Mobility and is currently headed by Director-General Kees van der Burg.¹



A.H.M. Bouwmeister



M.M. Plass

¹ <https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat/organisatie-ienv/organogram/directoraat-generaal-mobiliteit>.

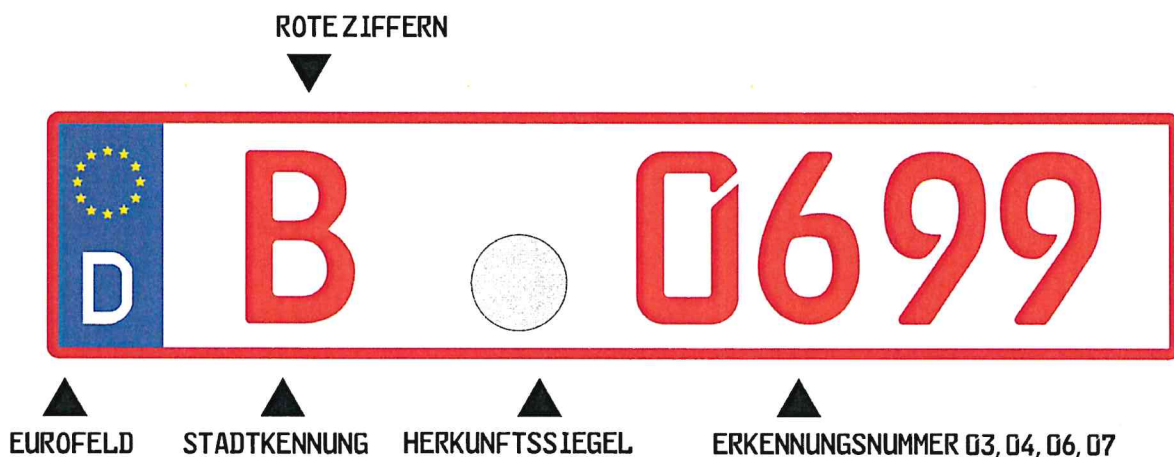
II. Description of the obstacle with indication of the legal/administrative provisions causing the obstacle

a) Description of the obstacle

According to the applicant there is a lack of cross-border recognition of dealer plates (also called professional number plates) at the German-Dutch border.

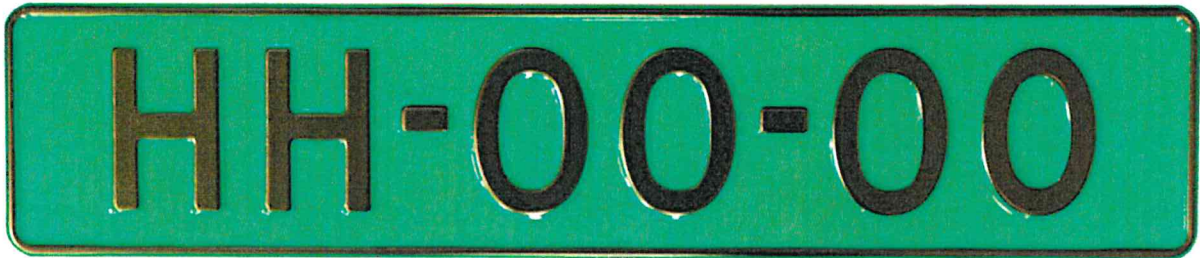
Dealer plates are plates that can be assigned to car dealers, workshops or manufacturers. They are special licence plates that can be attached to different cars and motorbikes. Dealer plates in Germany and the Netherlands differ mainly in colour from the plates of private cars.

A dealer plate in **Germany** is a white plate with red letters and a red edge. In Germany, a dealer licence plate is used by dealers for test drives, workshop runs and transfers of otherwise unregistered vehicles.



In the **Netherlands**, there are green dealer plates. These are number plates with black letters and numbers and a green background. With this plate, a motor vehicle from the company's stock or a motor vehicle that is being worked on may be driven on the road in the Netherlands. Only commercial vehicles may drive in Germany with a Dutch professional registration number (dealer plate). These company cars may only drive there in connection with bodywork, conversion or repair work related to this. Drivers must carry a written confirmation from the workshop showing this.²

² [https://www.rdw.nl/zakelijk/branches/bedrijven-met-rdw-erkenning/rdw-erkenning-aanvragen/handelaarskentekenregeling#:~:text=Met%20groene%20kentekenplaten%20\(handelaarskenteken\)%20mag,bijvoorbeeld%20een%20reparatie%20of%20poetsbeurt.](https://www.rdw.nl/zakelijk/branches/bedrijven-met-rdw-erkenning/rdw-erkenning-aanvragen/handelaarskentekenregeling#:~:text=Met%20groene%20kentekenplaten%20(handelaarskenteken)%20mag,bijvoorbeeld%20een%20reparatie%20of%20poetsbeurt.)



However, between Germany and the Netherlands, professional number plates are not mutually recognised. According to the "Verkehrsblatt" of 2009 and the decree of the German Ministry of Construction, Housing, Urban Development and Transport NRW (Ministerium für Bauen, Wohnen, Stadtentwicklung und Verkehr NRW) of 16.06.2014, there was an agreement between the German Federal Ministry of Transport and the Dutch Ministry of Transport on the use of Dutch dealer plates in Germany. The scope of the agreement however, had not been clearly clarified. As a result, German motor vehicle dealers who sell their vehicles in the Netherlands and use a German dealer plate for transport to the Netherlands are regularly stopped by the Dutch police and prevented from continuing their journey.

Institutional cooperation in this area is lacking, as it is the task of the car dealers, workshops or manufacturers themselves to inform themselves in the neighbouring country about whether they are allowed to use their own national dealer plate in the neighbouring country. The German local authorities, that are responsible for issuing the dealer plates, do not provide information about the use of the dealer plates outside of Germany. This is an additional obstacle for the users of the dealer plates in the border area, which is likely to be removed only through cooperation between the competent authorities that are responsible for this subject.

The problem of lack of recognition of red dealer plates in the Netherlands is experienced by Kreis (district) Borken in Germany, which is part of the EUREGIO border area. Kreis Borken is responsible for issuing the dealer plates, and experiences that despite their approval for citizens to use a red dealer plate, two or three red dealer plates each month are confiscated by the police in the Netherlands, which subsequently sent them back to Kreis Borken. As a result, it costs dealers time and money, as they are not allowed to continue driving in the Netherlands (with a red dealer plate) and need a trailer to get the vehicle back. Moreover, it takes 4 to 6 weeks for these citizens to get the number plate back, during which they cannot use the vehicle. Kreis Borken emphasises that the solution to the problem is the recognition of red dealer plates in the Netherlands.

b) Indication of the legal/administrative provisions causing the obstacle

International and European law

First of all there is the Vienna Convention on Road Traffic, which both Germany and The Netherlands have ratified.³ Article 35(1)(a) of the Vienna Convention on Road Traffic specifies that the Contracting Parties may not prohibit the movement of motor vehicles that are registered by another Contracting Party, provided the driver carries a registration certificate. The Contracting Parties must also recognise registration certificates issued by other Contracting Parties if they are in accordance with the Convention.

³ United Nations - Economic Commission for Europe - Convention on road traffic, 8 November 1968

Beyond that, since 2007 there is a Commission interpretative communication on procedures for the registration of motor vehicles originating in another Member State (2007/C 68/04) (**Appendix 1**). "This Communication aims at providing a comprehensive and up-to date overview on the principles of EC law that apply to the registration of motor vehicles in a Member State other than the State of purchase, and to the transfer of registration between Member States, in the light of recent developments in European legislation and in the case-law of the Court of Justice."⁴

This Communication is of particular interest to the authorities of Member States dealing with the approval and the registration of motor vehicles, and will help them to implement EC law correctly. The Commission will elaborate a guide for consumers, in which the transfer and registration of vehicles within the EU will be explained.

This Communication contains one chapter about registration plates in a cross-border context: "Transferring a motor vehicle to another member state".⁵

As a general rule, Member States indicate that a motor vehicle cannot be driven on public roads without displaying a registration number at a registration plate. The Communication states that there are two ways to drive a motor vehicle lawfully to the Member State of destination: either the motor vehicle carries a professional registration plate (dealer plate) or the motor vehicle carries a temporary registration plate.⁶

Also the Communication refers to article 35 of the Vienna Convention on Road Traffic. Moreover, it states that in the Convention, however, there is no provision which requires or permits the Contracting Parties to prohibit the free movement of vehicles not complying with the Convention.

But, as the European Court of Justice ruled, the movement of motor vehicles with a professional dealer plate issued in another Member State within the European internal market is et al. governed by the free movement of goods and thus article 26 (2) and articles 28-37 of the Treaty on the Functioning of the European Union (TFEU).⁷ Possible restrictions must be justified in accordance with article 36 TFEU or by one of the justified restrictions of the European Court of Justice.

German law

For the regulations and conditions of dealer plates in Germany, the paragraphs 16-19 of the Regulation on the admission of vehicles to road traffic (FZV)⁸ apply.

For the participation of foreign vehicles, like Dutch vehicles, in road traffic the paragraphs 20-22 FZV apply. Paragraph 20 states that vehicles registered in another Member State of the European Union may temporarily participate in domestic traffic if a valid registration certificate has been issued for them by a competent authority in the other Member State and no regular place of business is established in the country. Furthermore foreign vehicles may temporarily participate in domestic traffic only if they are operationally and roadworthy.

⁴ Communication 2007/C 68/04, p.1.

⁵ Idem, p. 8, par. 4.

⁶ Idem, p. 9.

⁷ Court of Justice of 2 October 2003, Criminal proceedings against Marco Grilli, Case C-12/02, ECR 2003, p. I-11585.

⁸ Verordnung über die Zulassung von Fahrzeugen zum Straßenverkehr (Fahrzeug-Zulassungsverordnung - FZV), 03.02.2011.

The registration certificate shall contain at least the information provided for in the vehicle registration booklet for vehicles with red number plates in accordance with Annex 9. Registration certificates pursuant to sentence 1 that meet the requirements of sentence 2 and are issued solely for the purpose of transferring a vehicle shall be published by the Federal Ministry of Transport and Digital Infrastructure in the Transport Gazette⁹.

If the registration certificate is not in German and does not comply with Directive 1999/37/EC or Article 35 of the Convention of 8 November 1968 on Road Traffic, it must be accompanied by a translation certified by a professional consular officer or honorary consul of the Federal Republic of Germany in the issuing State or by a translation by an internationally recognised automobile club of the issuing State or by a body designated by the Federal Ministry of Transport and Digital Infrastructure.

The driver of the motor vehicle shall carry the foreign registration certificate in accordance with paragraph 1 or 2 and the translation required in accordance with paragraph 4 or the international registration certificate in accordance with paragraph 2 and hand it over to competent persons for inspection on request.¹⁰

According to paragraph 22 FZV, the use of a foreign vehicle may be prohibited or restricted if it is found not to comply with the Regulation.

Dutch law

The rules on Dutch license plates in the Netherlands can be found in the Dutch Road Traffic Act (*Wegenverkeerswet*) from article 38 onwards. In addition, the registration regulations exist (*Kentekenreglement*). Dealer plates are regulated in articles 3 and 41ff. But that regulation also only contains rules about national dealer plates.

No national legislation on the recognition of EU dealer plates can be found. Furthermore no restrictions appear to apply or appear to be intended on the free movement of goods in accordance with article 36 TFEU or by one of the justified restrictions of the European Court of Justice.

III. Description of possible solution(s)

Bilateral Agreement

In 2009 the German Federal Ministry of Transport, Building and Urban Development (*Bundesministerium für Verkehr, Bau und Stadtentwicklung*) and the Dutch Ministry of Transport and Water Affairs (*Ministerie van Verkeer en Waterstaat*) entered into a bilateral agreement about the use of Dutch dealer plates on German territory and vice versa (**Appendix 2**). It is published in the German Traffic Bulletin announcement and includes the following (**Appendix 3**).¹¹

⁹ Verkehrsblatt des Bundesministeriums für Verkehr und digitale Infrastruktur.

¹⁰ §§ 4, 5 FZV.

¹¹ Amtsblatt des Bundesministeriums für Verkehr, Bau und Stadtentwicklung der Bundesrepublik Deutschland (VkB1.) (*Transport Gazette of the Federal Ministry of Transport, Building and Urban Affairs*), 63. Jahrgang, Bonn 31. Juli 2009, Heft 14, Nr. 119, S. 409.

"The Traffic Bulletin announcement of 10.10.2007 (VkBl. 21, 640) is hereby re-published and, based on an agreement between the Dutch Ministry of Transport and the Federal Ministry of Transport, Building and Urban Affairs, amended as follows:

*The dealer plates are also used for journeys for the purpose of equipping vehicles. **The Netherlands permits the use of German dealer plates for the same purposes.** The use of Dutch dealer plates is permitted under the following conditions:*

- The dealer license plate may only be used by the owner registered in the registration document,*
- the dealer plates for motor vehicles may have the letter combination HA, FH and HF,*
- the dealer plates for trailers, trailers and caravans have the letter combination OA,*
- the dealer plates for mopeds have the letter combination HC,*
- the dealer plate is valid only for vehicles that have been brought to the dealer for repair or processing, and for vehicles that do not yet have a license plate,*
- the dealer plate is used for the transfer of vehicles of the company.*

If the dealer license plate is driven, it must always be possible to show the original documents. Copies are not accepted. In addition, the vehicle must be insured.

The use of the Dutch dealer license plate is also permitted for journeys of vehicles for the execution of conversions or superstructures from the Netherlands to Germany and after completion of the work back to the Netherlands, if the following conditions are fulfilled:

- The vehicles must be insured; the driver must carry the vehicle documents,*
- the vehicles or drivers must carry a certificate from the motor vehicle workshop in order to be able to prove at any time that the vehicle has been transferred to Germany for conversion or bodywork, including the corresponding repairs,*
- the vehicles are only moved in Germany for the corresponding dealer purposes, i.e. for journeys in connection with the conversion or bodywork or the repair.*

The traffic sheet announcement of 10.10.2007 (VkBl. 21, p. 640) is cancelled."

The agreement itself is confirmed in the preceding letters between the parties. The letter of the Dutch Ministry (11 February 2009) states the following: "I would appreciate it if we could formalize the agreements made, by means of an exchange of letters. The date of your (confirmation) letter would then be the date of receipt of the arrangement." The German Ministry confirms the aforementioned agreement in its letter of 2 April 2009 and wrote: "It is intended to publish the attached draft announcement concerning the use of Dutch dealer plates in Germany in the Transport Gazette of the Federal Ministry of Transport, Building and Urban Affairs. I assume that the same rules apply to the use of German dealer plates in the Netherlands."

By letter of 9 June 2009 the Dutch Ministry confirmed the following:

"I hereby acknowledge receipt of your letter dated 02.04.2009 regarding the recognition of Dutch dealer plates.

I welcome the fact that you are publishing our agreements on the use of the Dutch dealer plate by means of an announcement from the Federal Ministry of Transport, Building and Urban Affairs.

Of course, the same rules will apply to German dealer plates in the Netherlands."

However, despite research, no Dutch regulation regarding that bilateral agreement can be found. Considering the problems German vehicles with a German dealer plate face in the Netherlands, it is reasonable to assume that the above stated agreement was never codified and published in the Netherlands.

Hence, the possible and most obvious solution to the problems presented, is to call on the Dutch Ministry of Transport and Water Affairs The Hague to codify, publish and fulfil the bilateral agreement. The department responsible is the Directorate-General Mobility and is currently headed by Director-General Kees van der Burg.¹²

IV. A full list of all legal provisions relevant to the case with the correct citation both in original language and in English

- Article 35(1)(a) of the Vienna Convention on Road Traffic

Chapter III - CONDITIONS FOR THE ADMISSION OF MOTOR VEHICLES AND TRAILERS TO INTERNATIONAL TRAFFIC

Article 35

Registration

1. (a) In order to be entitled to the benefits of this Convention, every motor vehicle in international traffic, and every trailer, other than a light trailer, coupled to a motor vehicle shall be registered by a Contracting Party or a sub-division thereof, and the driver of the motor vehicle shall carry a valid certificate of such registration issued either by a competent authority of such Contracting Party or sub-division thereof or on behalf and by authorization of such Contracting Party or sub-division thereof by an association duly empowered thereto by that Contracting Party or sub-division thereof. This certificate, to be known as the registration certificate, shall bear the following particulars at least:

- a serial number, to be known as the registration number, composed in the manner indicated in Annex 2 to this Convention;
- the date of first registration of the vehicle;
- the full name and home address of the holder of the certificate;
- the name or the trade mark of the maker of the vehicle;
- the serial number of the chassis (the maker's production or serial number);
- in the case of a vehicle intended for 'the carriage of goods, the permissible maximum weight;
- the period of validity, if not unlimited.

The particulars entered in the certificate shall either be in Latin characters or so-called English cursive script only, or be repeated in that form.

- Article 26 (2) and articles 28-37 of the Treaty on the Functioning of the European Union (TFEU)

TITLE I

THE INTERNAL MARKET

Article 26

[...]

2. The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties.

[...]

TITLE II

¹² <https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-waterstaat/organisatie-ienv/organogram/directoraat-generaal-mobiliteit>.

FREE MOVEMENT OF GOODS

Article 28

1. The Union shall comprise a customs union which shall cover all trade in goods and which shall involve the prohibition between Member States of customs duties on imports and exports and of all charges having equivalent effect, and the adoption of a common customs tariff in their relations with third countries.

2. The provisions of Article 30 and of Chapter 3 of this Title shall apply to products originating in Member States and to products coming from third countries which are in free circulation in Member States.

Article 29

Products coming from a third country shall be considered to be in free circulation in a Member State if the import formalities have been complied with and any customs duties or charges having equivalent effect which are payable have been levied in that Member State, and if they have not benefited from a total or partial drawback of such duties or charges.

CHAPTER 1 THE CUSTOMS UNION

Article 30

Customs duties on imports and exports and charges having equivalent effect shall be prohibited between Member States. This prohibition shall also apply to customs duties of a fiscal nature.

Article 31

Common Customs Tariff duties shall be fixed by the Council on a proposal from the Commission.

Article 32

In carrying out the tasks entrusted to it under this Chapter the Commission shall be guided by:

- (a) the need to promote trade between Member States and third countries;
- (b) developments in conditions of competition within the Union in so far as they lead to an improvement in the competitive capacity of undertakings;
- (c) the requirements of the Union as regards the supply of raw materials and semi-finished goods; in this connection the Commission shall take care to avoid distorting conditions of competition between Member States in respect of finished goods;
- (d) the need to avoid serious disturbances in the economies of Member States and to ensure rational development of production and an expansion of consumption within the Union.

CHAPTER 2 CUSTOMS COOPERATION

Article 33

Within the scope of application of the Treaties, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall take measures in order to strengthen customs cooperation between Member States and between the latter and the Commission.

CHAPTER 3 PROHIBITION OF QUANTITATIVE RESTRICTIONS BETWEEN MEMBER STATES

Article 34

Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States.

Article 35

Quantitative restrictions on exports, and all measures having equivalent effect, shall be prohibited between Member States.

Article 36

The provisions of Articles 34 and 35 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

Article 37

1. Member States shall adjust any State monopolies of a commercial character so as to ensure that no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of Member States.

The provisions of this Article shall apply to any body through which a Member State, in law or in fact, either directly or indirectly supervises, determines or appreciably influences imports or exports

between Member States. These provisions shall likewise apply to monopolies delegated by the State to others.

2. Member States shall refrain from introducing any new measure which is contrary to the principles laid down in paragraph 1 or which restricts the scope of the articles dealing with the prohibition of customs duties and quantitative restrictions between Member States.

3. If a State monopoly of a commercial character has rules which are designed to make it easier to dispose of agricultural products or obtain for them the best return, steps should be taken in applying the rules contained in this Article to ensure equivalent safeguards for the employment and standard of living of the producers concerned.

- **Paragraphs 20-22 German Regulation on the admission of vehicles to road traffic**

Verordnung über die Zulassung von Fahrzeugen im Straßenverkehr (FZV)

§ 20 Vorübergehende Teilnahme am Straßenverkehr im Inland

(1) In einem anderen Mitgliedstaat der Europäischen Union oder einem anderen Vertragsstaat des Abkommens über den Europäischen Wirtschaftsraum zugelassene Fahrzeuge dürfen vorübergehend am Verkehr im Inland teilnehmen, wenn für sie von einer zuständigen Stelle des anderen Mitgliedstaates oder des anderen Vertragsstaates eine gültige Zulassungsbescheinigung ausgestellt und im Inland kein regelmäßiger Standort begründet ist. Die Zulassungsbescheinigung muss mindestens die Angaben enthalten, die im Fahrzeugschein für Fahrzeuge mit rotem Kennzeichen nach Anlage 9 vorgesehen sind. Zulassungsbescheinigungen nach Satz 1, die den Anforderungen des Satzes 2 genügen und ausschließlich zum Zwecke der Überführung eines Fahrzeugs ausgestellt werden, werden vom Bundesministerium für Verkehr und digitale Infrastruktur im Verkehrsblatt bekannt gemacht. Satz 1 gilt nicht für ein Fahrzeug, das sich zum Zeitpunkt der Zulassung durch den anderen Mitgliedstaat oder anderen Vertragsstaat im Inland befunden hat.

(1a) In einem anderen Mitgliedstaat der Europäischen Union oder einem anderen Vertragsstaat des Abkommens über den Europäischen Wirtschaftsraum zulassungsfreie Anhänger dürfen vorübergehend am Verkehr im Inland teilnehmen, wenn sie von einem Zugfahrzeug gezogen werden, das im selben Mitgliedstaat oder im selben Vertragsstaat zugelassen ist und im Inland kein regelmäßiger Standort begründet ist.

(2) In einem Drittstaat zugelassene Fahrzeuge dürfen vorübergehend am Verkehr im Inland teilnehmen, wenn für sie von einer zuständigen ausländischen Stelle eine gültige Zulassungsbescheinigung oder ein Internationaler Zulassungsschein nach Artikel 4 und Anlage B des Internationalen Abkommens vom 24. April 1926 über Kraftfahrzeugverkehr ausgestellt ist und im Inland kein regelmäßiger Standort begründet ist. Die Zulassungsbescheinigung muss mindestens die nach Artikel 35 des Übereinkommens vom 8. November 1968 über den Straßenverkehr erforderlichen Angaben enthalten. Satz 1 gilt nicht für ein Fahrzeug, das sich zum Zeitpunkt der Zulassung durch den Drittstaat im Inland befunden hat.

(3) Ausländische Fahrzeuge dürfen vorübergehend am Verkehr im Inland nur teilnehmen, wenn sie betriebs- und verkehrssicher sind.

(4) Ist die Zulassungsbescheinigung nicht in deutscher Sprache abgefasst und entspricht sie nicht der Richtlinie 1999/37/EG oder dem Artikel 35 des Übereinkommens vom 8. November 1968 über den Straßenverkehr, muss sie mit einer von einem Berufskonsularbeamten oder Honorarkonsul der Bundesrepublik Deutschland im Ausstellungsstaat bestätigten Übersetzung oder mit einer Übersetzung durch einen international anerkannten Automobilklub des Ausstellungsstaates oder durch eine vom Bundesministerium für Verkehr und digitale Infrastruktur bestimmte Stelle verbunden sein.

(5) Der Führer des Kraftfahrzeugs hat die ausländische Zulassungsbescheinigung nach Absatz 1 oder 2 sowie die nach Absatz 4 erforderliche Übersetzung oder den Internationalen Zulassungsschein nach Absatz 2 mitzuführen und zuständigen Personen auf Verlangen zur Prüfung auszuhändigen.

(6) Als vorübergehend im Sinne der Absätze 1 und 2 gilt ein Zeitraum bis zu einem Jahr. Die Frist beginnt

1.

bei Zulassungsbescheinigungen mit dem Tag des Grenzübertritts und

2.

bei internationalen Zulassungsscheinen nach dem Internationalen Abkommen vom 24. April 1926 über Kraftfahrzeugverkehr mit dem Ausstellungstag.

§ 20 Temporary participation in road traffic in Germany

(1) Vehicles registered in another Member State of the European Union or in another Contracting State to the Agreement on the European Economic Area may temporarily participate in road traffic in Germany if a valid registration certificate has been issued for them by a competent authority in the other Member State or in the other Contracting State and no regular place of business is established in Germany. The registration certificate must contain at least the information provided for in the vehicle registration book for vehicles with red number plates in accordance with Annex 9. Registration certificates pursuant to sentence 1 that meet the requirements of sentence 2 and are issued solely for the purpose of transferring a vehicle shall be published by the Federal Ministry of Transport and Digital Infrastructure in the Transport Gazette. Sentence 1 shall not apply to a vehicle

which was in Germany at the time of registration by the other Member State or other Contracting State.

(1a) Trailers not registered in another Member State of the European Union or in another Contracting State to the Agreement on the European Economic Area may temporarily participate in domestic traffic if they are towed by a towing vehicle registered in the same Member State or in the same Contracting State and no regular place of business is established in Germany.

(2) Vehicles registered in a third country may temporarily circulate within the country if a valid registration certificate or an international registration certificate in accordance with Article 4 and Annex B of the International Convention on Motor Traffic of 24 April 1926 has been issued for them by a competent foreign authority and no regular place of business is established within the country. The registration certificate must contain at least the information required under Article 35 of the Convention of 8 November 1968 on Road Traffic. Sentence 1 shall not apply to a vehicle which was located in Germany at the time of registration by the third country.

(3) Foreign vehicles may temporarily participate in domestic traffic only if they are operationally and roadworthy.

(4) If the registration certificate is not in German and does not comply with Directive 1999/37/EC or Article 35 of the Convention of 8 November 1968 on Road Traffic, it must be accompanied by a translation certified by a professional consular officer or honorary consul of the Federal Republic of Germany in the issuing State or by a translation by an internationally recognised automobile club in the issuing State or by a body designated by the Federal Ministry of Transport and Digital Infrastructure.

(5) The driver of the motor vehicle shall carry the foreign registration certificate in accordance with paragraph 1 or 2 and the translation required in accordance with paragraph 4 or the international registration certificate in accordance with paragraph 2 and hand it over to competent persons for inspection on request.

(6) A period of up to one year shall be deemed to be temporary within the meaning of paragraphs 1 and 2. The period shall begin

1.

in the case of registration certificates, from the date of crossing the border, and

2.

in the case of international registration certificates in accordance with the International Convention on Motor Vehicle Traffic of 24 April 1926, on the date of issue.

§ 21 Kennzeichen und Unterscheidungszeichen

(1) In einem anderen Staat zugelassene Kraftfahrzeuge müssen an der Vorder- und Rückseite ihre heimischen Kennzeichen führen, die Artikel 36 und Anhang 2 des Übereinkommens vom 8. November 1968 über den Straßenverkehr, soweit dieses Abkommen anwendbar ist, sonst Artikel 3 Abschnitt II Nummer 1 des Internationalen Abkommens vom 24. April 1926 über Kraftfahrzeugverkehr entsprechen müssen. Krafträder benötigen nur ein Kennzeichen an der Rückseite. In einem anderen Staat zugelassene Anhänger oder Anhänger im Sinne des § 20 Absatz 1a müssen an der Rückseite ihr heimisches Kennzeichen nach Satz 1 oder, wenn ein solches nicht zugeteilt oder ausgegeben ist, das Kennzeichen des ziehenden Kraftfahrzeugs führen.

(2) In einem anderen Staat zugelassene Fahrzeuge müssen außerdem das Unterscheidungszeichen des Zulassungsstaates führen, das Artikel 5 und Anlage C des Internationalen Abkommens vom 24. April 1926 über Kraftfahrzeugverkehr oder Artikel 37 in Verbindung mit Anhang 3 des Übereinkommens vom 8. November 1968 über den Straßenverkehr entsprechen muss. Bei Fahrzeugen, die in einem anderen Mitgliedstaat der Europäischen Union oder einem anderen Vertragsstaat des Abkommens über den Europäischen Wirtschaftsraum zugelassen sind und entsprechend Artikel 3 in Verbindung mit dem Anhang der Verordnung (EG) Nr. 2411/1998 des Rates vom 3. November 1998 über die Anerkennung des Unterscheidungszeichens des Zulassungsmitgliedstaats von Kraftfahrzeugen und Kraftfahrzeuganhängern im innergemeinschaftlichen Verkehr (ABl. L 299 vom 10.11.1998, S. 1) am linken Rand des Kennzeichens das Unterscheidungszeichen des Zulassungsstaates führen, ist die Anbringung eines Unterscheidungszeichens nach Satz 1 nicht erforderlich.

§ 21 Number plates and distinguishing signs

(1) Motor vehicles registered in another State must bear on the front and rear their national registration plates, which must comply with Article 36 and Appendix 2 of the Convention of 8 November 1968 on Road Traffic, in so far as that Convention is applicable, or with Article 3, Section II, point 1 of the International Convention of 24 April 1926 relating to the Traffic of Motor Vehicles. Motorbikes require only one registration plate on the rear. Trailers registered in another State or trailers within the meaning of § 20(1a) must bear on the rear their home registration plate in accordance with sentence 1 or, if one has not been allocated or issued, the registration plate of the towing motor vehicle.

(2) Vehicles registered in another state must also bear the distinguishing sign of the state of registration, which must comply with Article 5 and Annex C of the International Convention on Motor Traffic of 24 April 1926 or Article 37 in conjunction with Appendix 3 of the Convention on Road Traffic of 8 November 1968. In the case of vehicles registered in another Member State of the European Union or in another Contracting State to the Agreement on the European Economic Area and registered in accordance with Article 3 in conjunction with the Annex to Council Regulation (EC) No 2411/1998 of 3. November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State of registration of motor vehicles and their trailers (OJ L 299, 10.11.1998, p. 1), it is not necessary to affix a distinguishing sign in accordance with the first sentence.

§ 22 Beschränkung und Untersagung des Betriebs ausländischer Fahrzeuge

Erweist sich ein ausländisches Fahrzeug als nicht vorschriftsmäßig, ist § 5 anzuwenden; muss der Betrieb des Fahrzeugs untersagt werden, wird die im Ausland ausgestellte Zulassungsbescheinigung oder der Internationale Zulassungsschein an die ausstellende Stelle zurückgesandt. Hat der Eigentümer oder Halter des Fahrzeugs keinen Wohn- oder Aufenthaltsort im Inland, ist für Maßnahmen nach Satz 1 jede Verwaltungsbehörde nach § 46 Absatz 1 zuständig.

§ 22 Restriction and prohibition of the operation of foreign vehicles

If a foreign vehicle is found not to comply with the regulations, § 5 shall apply; if the operation of the vehicle must be prohibited, the registration certificate or international registration certificate issued abroad shall be returned to the issuing authority. If the owner or keeper of the vehicle does not have a place of residence or domicile in Germany, any administrative authority pursuant to § 46(1) shall be responsible for measures pursuant to sentence 1.

Legal references

- Vienna Convention on Road Traffic, *Economic Commission For Europe, United Nations*, Vienna: 8 November 1968, Chapter III, art. 35, retrieved: https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XI-B-19&chapter=11.
- Consolidated version of the Treaty on the Functioning of the European Union 2012/C 326/01, *Official Journal of the European Union C 326*, 26/10/2012 P. 0001 – 0390, art. 26, 28-37.
- Commission interpretative communication on procedures for the registration of motor vehicles originating in another Member State, 2007/C 68/04, *Official Journal of the European Union C 68/15*, 24 March 2007.
- "Fahrzeug-Zulassungsverordnung vom 3. Februar 2011 (BGBl. I S. 139), die zuletzt durch Artikel 21 des Gesetzes vom 2. März 2023 (BGBl. 2023 I Nr. 56) geändert worden ist", *Deutsches Bundesministerium für Justiz*, Berlin: 03.02.2011, §§ 20-22; German Regulation on the admission of vehicles to road traffic of 3 February 2011 (Federal Law Gazette I p. 139), as last amended by Article 21 of the Act of 2 March 2023 (Federal Law Gazette 2023 I No. 56)", *German Federal Ministry of Justice*, Berlin: 3 February 2011, §§ 20-22, retrieved: [https://www.gesetze-im-internet.de/fzv_2011/BJNR013900011.html#:~:text=\(1a\)%20Die%20Zulassung%20von%20Fahrzeugen,in%20der%20jeweils%20geltenden%20Fassung](https://www.gesetze-im-internet.de/fzv_2011/BJNR013900011.html#:~:text=(1a)%20Die%20Zulassung%20von%20Fahrzeugen,in%20der%20jeweils%20geltenden%20Fassung).
- Wet van 21 april 1994, houdende vervanging van de Wegenverkeerswet (Wegenverkeerswet 1994), BWBR0006622, Nederland; Act of 21 April 1994, replacing the Road Traffic Act 1994 (Road Traffic Act 1994), BWBR0006622, The Netherlands, retrieved: <https://wetten.overheid.nl/BWBR0006622/2023-01-01>.
- Besluit van 6 oktober 1994, houdende uitvoering van de Wegenverkeerswet 1994, Kentekenreglement, BWBR0006951, Nederland; Decree of 6 October 1994, implementing the Road Traffic Act 1994, Registration Regulations, BWBR0006951, The Netherlands, retrieved: <https://wetten.overheid.nl/BWBR0006951/2022-01-01>.

V. References and Appendix/Appendices if any

- **Appendix 1:** Commission interpretative communication on procedures for the registration of motor vehicles originating in another Member State (2007/C 68/04);
- **Appendix 2:** Agreement between the German Federal Ministry of Transport, Building and Urban Development (*Bundesministerium für Verkehr, Bau und Stadtentwicklung*) and the Dutch Ministry of Transport and Water Affairs (*Ministerie van Verkeer en Waterstaat*), 2009
- **Appendix 3:** German Traffic Bulletin announcement 31 July 2009 (*Amtsblatt des Bundesministeriums für Verkehr, Bau und Stadtentwicklung der Bundesrepublik Deutschland (VkBf.)*) (Transport Gazette of the Federal Ministry of Transport, Building and Urban Affairs), 63. Jahrgang, Bonn 31. Juli 2009, Heft 14, Nr. 119, S. 409., table of contents.)