



Reports of Cases

Order of the Court (Sixth Chamber) of 10 September 2020 – Wallonische Region (Registration of a loaned vehicle)

(Joined Cases C-41/20 to C-43/20)

(Reference for a preliminary ruling – Article 99 of the Rules of Procedure of the Court of Justice – Article 63 TFEU – Free movement of capital – Road traffic – Registration and taxation of motor vehicles – Driver resident in one Member State – Vehicle registered in another Member State – Vehicle provided free of charge for a short period of time – Requirement to carry in the vehicle at all times evidence of the lawful use of that vehicle – Proportionality)

1. *Free movement of capital and liberalisation of payments – Provisions of the Treaty – Scope – Cross-border lending of a motor vehicle free of charge – Included*

(Art. 63 TFEU)

(see para. 34)

2. *Questions referred for a preliminary ruling – Jurisdiction of the Court – Identification of the relevant aspects of EU law – Reformulation of the questions – Providing the national court with full guidance on the interpretation of EU law*

(Art. 267 TFEU)

(see paras 39, 40)

3. *Free movement of capital and liberalisation of payments – Restrictions – Road traffic – Use of a vehicle with foreign registration plates – Vehicle provided free of charge for a short period of time by its owner – National legislation laying down a requirement to provide on the spot evidence of lawful use, failing which a fine will be imposed – No possibility of providing documents subsequently – Not permissible – No justification*

(Art. 63 TFEU)

(see paras 44-50, 52-57, operative part)

Operative part

Article 63(1) TFEU must be interpreted as precluding legislation of a Member State under which a person residing in that Member State may rely on a derogation from the requirement to register vehicles laid down in that Member State, as regards a vehicle that is registered in another Member State and provided to him or her free of charge for a short period of time by the owner of that vehicle residing in that other Member State, only if the documents proving that that person fulfils the conditions for that derogation are carried in that vehicle at all times, with no possibility of providing such documents subsequently.