

Press and Information Division

PRESS RELEASE No 83/03

2 October 2003

Judgment of the Court of Justice in Case-C-232/01

Criminal proceedings against Hans Van Lent

**BELGIAN RULES THAT REQUIRE RESIDENTS' MOTOR VEHICLES TO BE
REGISTERED IN BELGIUM ARE CONTRARY TO THE PRINCIPLE OF
FREEDOM OF MOVEMENT FOR WORKERS**

*The Court holds that such a measure cannot be justified on grounds of road safety or of
combating erosion of the tax base*

Mr Van Lent, who is a Belgian national residing in Belgium, usually drives a motor vehicle with a Luxembourg registration plate.

He works in Luxembourg during the week and his employer has provided him with a vehicle leased from a company established in Luxembourg. Mr Van Lent also used the vehicle for private purposes to go home and at the weekend.

Belgian rules require residents' vehicles to be registered in Belgium in the name of their owner.

Following a traffic check in Belgium in 1999, the Belgian authorities commenced criminal proceedings against Mr Van Lent for infringing the Belgian rules. However, Mr Van Lent could not register the vehicle in Belgium because the owner was the leasing company. The Belgian court referred a question to the Court of Justice of the European Communities on the compatibility of the Belgian rules with the principle of freedom of movement for workers under the EC Treaty.

The Court states that, in the absence of harmonisation in the field, Member States may prescribe the conditions for registration of vehicles in their territory. They must, however, comply with the provisions of the EC Treaty on freedom of movement for workers. Those provisions are intended to facilitate the pursuit by Community nationals of occupational

activities in the territory of the Community and preclude measures which might undermine that objective.

The difficulties created by the Belgian rules may discourage an employer in another Member State from engaging a Belgian worker. They may also deter Belgian workers from exercising their right to freedom of movement.

Ensuring road safety and combating erosion of the tax base, the objectives underlying the obligation to register vehicles, cannot be achieved by the Belgian legislation since the vehicle cannot be registered in that country. The Court therefore believes that the Belgian rules are not justified.

Since August 2001, the new Belgian rules authorise the user of a vehicle resident in Belgium, to register it there when the owner is unable to do so because he is established outside Belgian territory. The Court states, however, that even that possibility of registering the vehicle introduced by the new Belgian rules cannot justify the obstacles which remain in respect of freedom of movement for workers.

Unofficial document, for media use only, which does not bind the Court of Justice.

Available languages: DA, DE, EN, FR, NL.

*The full text of the judgment can be found on the internet (www.curia.eu.int).
In principle it will be available from midday CET on the day of delivery.*

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