



# Access to Car History:

Improving consumer outcomes in the used car market

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Coimisiún um  
Iomaíocht agus  
Cosaint Tomhaltóirí

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# Glossary

Term	Definition
Write-off	<p>In Ireland a write-off is a car that has sustained damage in an accident and assessed by an insurer on foot of an insurance claim as being either an end-of-life write-off or an economic write-off.</p>
End-of-life write-off	<p>In Ireland, an end-of-life write-off is a car that has sustained damage in an incident and as set out in Part 2 of the Road Traffic Act 2016 commenced on 1 October 2024<sup>1</sup>, has been assessed by an insurer on foot of an insurance claim to be beyond repair and a danger to the public.</p> <p>These cars may be further defined by industry classification as category A or B write-offs. A category A write-off is suitable for scrapping only and has few or no economically viable parts. By contrast, a category B write-off can be used for spare parts.<sup>2</sup></p>
Economic write-off	<p>In Ireland, an economic write-off is a car that has sustained damage in an incident and been assessed by an insurer on foot of an insurance claim to be capable of repair, but the insurer has chosen not to repair for financial reasons. These cars can be used on the road provided that they are repaired to a good standard.</p> <p>In the absence of any legal definition, economic write-offs are assessed in line with insurance industry practice in Ireland, using a version of the UK Code of Practice for the Disposal of Motor Vehicle Salvage, which is now out of date in the UK.<sup>3</sup> This practice divides economic write-Offs into two categories, category C or D.</p> <p>A car will be considered a category C write-off where it is capable of repair but the repair costs including VAT exceed the pre-accident value of the car.</p> <p>A car will be considered a category D write-off where it is determined to be suitable for repair and the repair costs including VAT do not exceed the pre-accident value of the car.</p> <p>Since 2017 cars in the UK are categorised as S or N:</p> <p>Category S - Repairable vehicle which has sustained damage to any part of the structural frame or chassis and the insurer/self-insured owner has decided not to repair the vehicle.</p> <p>Category N - Repairable vehicle which has not sustained damage to any part of the structural frame or chassis and the insurer/self-insured owner has decided not to repair the vehicle. While the damage to the vehicle has been noted as non-structural, there may still be some safety critical items that require replacement e.g. steering and suspension parts.</p>

<sup>1</sup> S.I. No. 292/2024 - Road Traffic Act 2016 (Part 2) (Commencement) Order 2024 ([irishstatutebook.ie](http://irishstatutebook.ie))

<sup>2</sup> We understand from stakeholder engagement that the definitions of write-offs which are generally utilised in the Irish insurance industry are adopted from the UK Code of Practice for the Disposal of Motor Vehicle Salvage, March 2007. <https://irp-cdn.multiscreensite.com/28aadcc3/files/uploaded/Code-of-practice-for-disposal-of-motor-vehicle-salvage.pdf>

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Term	Definition
<b>End-of-life cars</b>	These cars are considered as waste and must be deposited at an authorised treatment facility for destruction in line with S.I. No. 281/2014 - European Union (End-of-Life Vehicles) Regulations 2014, as amended.
<b>Category U</b>	Cars that have sustained damage in an accident but for a range of reasons have not been the subject of an insurance claim. Category U cars are also referred to as 'unrecorded' or 'unrecorded insurance write-offs'.
<b>Consumer</b>	means an individual acting for purposes that are wholly or mainly outside that individual's trade, business, craft or profession.
<b>Trader</b>	means—  (a) a person who is acting for purposes related to the person's trade, business or profession, and  (b) a person acting on behalf of a person referred to in paragraph (a)
<b>Private seller</b>	A consumer that sells a car to another consumer.
<b>Car history provider</b>	A commercial entity operating from Ireland whose services include the provision, to the public, of online reports setting out information about the history of used cars.
<b>Odometer fraud</b>	Occurs when a car's odometer has been manipulated (fraud) to reduce or misrepresent the vehicle's distance record.
<b>NCT</b>	National Car Test
<b>National Vehicle and Driver File (NVDF)</b>	The National Vehicle and Driver File is a database containing details of all 2.9 million registered vehicles and their owners as well as the 3.3 million licensed drivers in the country.
<b>VIN</b>	This is the vehicle identification number of the vehicle, which is the fixed combination of characters assigned to the vehicle by a manufacturer or its authorised distributor for vehicle identification purposes which is marked on the chassis, frame or other similar structure of the vehicle.
<b>Insurance Link</b>	Database created by Insurance Ireland and the self-insured claims task force to assist users in matching insurance claims information.
<b>DVLA</b>	Driver and Vehicle Licensing Agency
<b>Uninsured drivers</b>	Drivers that do not avail of compulsory private motor insurance cover.
<b>RSA</b>	Road Safety Authority

# Executive Summary

## **The Competition and Consumer Protection Commission calls for the Minister for Transport to deliver better and easier access to information for buyers of used cars**

Consumers in Ireland rely on the honesty of sellers of used cars to tell them about the condition of that vehicle. This can expose consumers to misleading practices by unscrupulous traders as well as deceptive or ill-informed private sellers. Consumers aren't able to check if what they are being told by the seller is true due to a lack of access to verifiable information. Many consumers end up at a significant loss as a result.

Every year the CCPC is contacted by thousands of consumers who have a problem with a used car they have bought, including hundreds of consumers who believe that a used car they bought in good faith was previously crashed without that damage being brought to their attention. These cars may be unsafe to drive or require expensive repairs to make them safe.

The CCPC believes that consumers should be armed with the information they need when buying a used car to help them avoid being misled into making a purchase they would not otherwise have made.

The Minister for Transport should ensure the establishment of a one-stop shop portal for free access to vital information on the history of used cars to help consumers avoid being at a loss or at risk of buying a faulty or unsafe car that could pose a danger to them or to other road users.

### **Important information captured by the State should be provided to consumers**

The State collects important information about cars which should be made readily available online to consumers. However, the type of information that is collected by the State about cars is limited and should be improved.

### **Ireland compares poorly with other countries for disclosure of information on used cars**

Ireland compares poorly with countries such as Australia and the United Kingdom as well as many European countries in providing online access for consumers to information about the history and condition of used cars. Action is urgently required to enhance and extend the delivery of information on used cars by the State to help consumers to avoid being misled, by both traders and private sellers.

### **Why knowing a car's history is important**

Consumer protection law says sellers, including car dealers, must give consumers information about the condition of the used cars they sell. Car dealers must tell consumers important details they are aware of about a used car so the buyer can make an informed decision to purchase. This includes telling a buyer if the car has been in an accident and providing accurate mileage readings. When this doesn't happen, the consequences for the consumer can be costly. In 2023 the CCPC published research which showed that over a two-year period it cost €57m to resolve problems consumers encountered with both new and used cars.

## **Sellers who mislead consumers**

Every year, the CCPC gets thousands of complaints from people who feel misled by used car sellers. These consumers often believe they weren't told important details about the car's condition. The CCPC has a strong record of acting against traders who fail to share important information or who give false details about the car. We act when a trader's behaviour leads someone to buy a car they wouldn't have chosen if they had the right information. However, the CCPC believes that it is really important to arm the consumer with better information about used cars in advance of making a purchase decision so that fewer consumers are misled.

## **Problems consumers face when buying used cars**

In Ireland, consumers also buy cars from private sellers, but these sales are not covered by consumer protection rules. If someone is misled by a private seller about a used car's history, the CCPC cannot take action. Consumers can face serious problems after buying clocked cars or cars with hidden crash histories, which apart from causing financial burdens, can be unsafe to drive.

## **The need for better access to car history**

The Department of Transport and the Road Safety Authority have important information about a car's history in Ireland, but this information isn't directly shared with consumers. There are also gaps in the data the State collects. For example, while insurance companies report cars that are unsafe to drive to the State, they don't report cars that have been damaged but can be repaired and put back on the road. Mileage readings are recorded during NCT tests, but this information is not shared publicly. There is also no system to warn consumers that a used car has been recalled for safety issues.

## **Car history reports from private providers**

Several online services in Ireland offer car history check reports for sale, which can be useful to confirm if the information provided about the car is accurate. These car history providers get information from the Department of Transport to create their reports. However, many consumers don't know about these services. Even when consumers do buy these reports, the information may not always be reliable. This is because car history providers often have to get details on crash history and mileage from private sources, which might not always be accurate.

This means that many consumers might still depend on the seller for information.

## **How to improve access to car history**

Major improvements are needed in how the State collects and shares car information. In many other countries, State authorities give online access to used car history information through websites and apps. Although digital government services are growing, Ireland is one of the few European countries that does not yet offer online access to important car history information for its citizens.

The CCPC believes that before buying a used car, consumers should know:

- if the car has been in a crash
- the car's verified mileage
- if there has been a safety recall on the car
- if the car was imported into Ireland

To better protect consumers when buying a used car, and increase consumer trust in the used car market, the CCPC recommends:

- **Creating a one-stop shop online car history portal that consumers can access for free**

The Minister for Transport should ensure the creation of an online portal which should be a one-stop shop for accessing key car history information.

- **Sharing information on repairable crashed cars and vehicle recalls with consumers**

The details of cars that are crashed but repaired and put back on the road should be captured by the State and made available on the online portal. This information should be provided by insurers and shared with consumers. The online portal should inform consumers of outstanding recalls on used cars so that the consumer can check if the safety issue has been resolved for that car.

- **Consider reporting on crashed cars by automotive professionals such as dealerships and repairers**

The Department of Transport should consult on whether to require businesses such as dealerships and repairers to report information on repaired crashed cars to be made available through the one-stop shop.

- **Providing improved mileage readings through the one-stop shop online portal**

The one-stop shop should provide access to verified mileage readings taken at NCT. Mileage readings should be collected more often than they are today to ensure they stay as up to date as possible. This could be done by automotive professionals when they carry out works on a car. The Department of Transport should consult on whether to introduce such an obligation on automotive professionals.

- **Ensure access to information for car history providers for improved services to consumers**

The information accessible to consumers through the one-stop shop portal should also be available to online car history providers to permit them to provide consumers with improved services.

If these recommendations are put in place, consumers will be empowered to get important information on used cars easily, reliably, and for free. This will ensure that the market for used cars works better for consumers and society generally.

# 1. Introduction

## 1.1 Project objectives and scope

The Competition and Consumer Protection Commission (CCPC) strives to improve consumer welfare across the economy to make markets work better for consumers. The CCPC enforces consumer laws which are intended to protect consumers from being exploited or misled by the traders that sell them goods or services. The sale of used cars is an ongoing source of enforcement activity for the CCPC as we receive **thousands of contacts from consumers every year** in relation to problems they have encountered when purchasing a used car. The CCPC takes enforcement action against car traders where it believes evidence can prove that **consumers were misled** about the condition of a car by that trader. However, it is not always possible to prove that a trader misled a consumer about the history of a used car and in many instances a consumer may have to take, or threaten to take, legal action against the trader, including through the small claims court, to secure redress. Consumers that purchase a car from a private seller are at a further disadvantage as they **do not benefit from any consumer protections** under the law, as consumer-to-consumer sales are not covered under consumer law.

Informed principally by our enforcement activities and the many contacts we receive relating to the used car market, the CCPC considers that there can be significant difficulties can be faced by consumers when trying to make an informed decision about whether to buy a used car. While enforcement action plays a key role in protecting consumers, this only occurs after a problem has emerged, and it is clear to the CCPC that additional support for consumers of used cars is required. This report proposes recommendations to ensure consumer access to **reliable and comprehensive pre-sale information about the history of a used car**. Access to information is crucial to help consumers avoid purchasing a used car that might later cause them some form of detriment.

The CCPC undertook this project in order to identify proposals to improve consumer access to, and the reliability of, certain pieces of car history information which the CCPC identifies as being **important for consumers to know** before purchasing a used car, as set out in section 2.1. As private passenger vehicles,<sup>4</sup> referred to in this report as 'cars', are the vehicles most frequently used by consumers, the project focused on consumer access to information about cars.

## 1.2 An overview of the used car sector

### 1.2.1 Sales of used cars

Traditionally, the most popular way to buy a used car was from a trader in a physical location such as a forecourt. In recent years digital platforms have grown in popularity and websites such as DoneDeal.ie and Facebook Marketplace have become well-known options for consumers wishing to purchase a used car. The cars for sale on these platforms are listed by both traders and private sellers. Many traders who sell cars online and in-person are members of the Society of the Irish Motor Industry (SIMI) and must comply with a code of ethics when dealing with their customers. Consumers can also find a car to buy privately through local classifieds, or simply by word of mouth. Car auctions are another popular way of buying a car with auctions regularly taking place at physical locations, online, or both at the same time. Among the different types of auctions are 'salvage auctions'. In these auctions, cars that have been written off, or are otherwise damaged but not subject to an insurance claim, are sold to buyers intending to repair the car before using it on the road.

<sup>4</sup> Category M1 passenger vehicles, described by the RSA as 'vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat e.g. cars, people carriers' which are utilised for private, non-business purposes. See, Vehicle categories for tax and testing. (rsa.ie).



### 1.2.2 Imported used cars

Unlike in most European countries, in Ireland motorists drive on the left side of the road, with the steering wheel on the right side of the car.<sup>5</sup> This means that most used cars imported into Ireland come from the UK and Japan<sup>6</sup>. Due to factors such as Brexit, imports from the UK have declined in more recent years while the number of Japanese imports has increased. **Imported cars continue to feature significantly among used cars sold in Ireland** with an average of approximately 53,000 used cars being imported into Ireland annually over the last three years.<sup>7 8 9</sup> The Irish car fleet is also relatively young compared to most European countries. The current average age of an Irish car is 9.1 years compared to the EU average of 12.3 years.<sup>10</sup>

### 1.2.3 Financing the purchase of a used car

While buying a used car is usually cheaper than buying a new car, **the cost of buying a used car has increased significantly** since the Covid-19 pandemic.<sup>11</sup> A large proportion of consumers use their savings when purchasing a car, but if they are unable to pay for the car outright, they have a number of potential financing options available to them.<sup>12</sup> The most common are personal loans, Hire Purchase (HP) agreements, and Personal Contract Plans (PCP).<sup>13</sup> A relatively new way of financing a used car is through a leasing agreement, however this will not result in the consumer taking ownership of the car.<sup>14</sup>

## 1.3 Why access to car history information is in the public interest

Used cars are generally more affordable than new cars and so purchasing in the used car market may be the only option for many consumers. A disadvantage of buying a used car is the risk that the car may have a 'hidden history' which could cause the consumer significant detriment in the future. Rules such as those contained in the Consumer Protection Act 2007 regarding how traders should interact with consumers can assist consumers to avoid making a purchase they later come to regret. However, as we show in this section there are **shortcomings in the provision of information** to consumers by traders and private sellers with the result that **many consumers are being let down by sellers**.

<sup>5</sup> This is known as 'left hand drive'.

<sup>6</sup> Statistics on imported cars into Ireland are available from SIMI Motorstats website. Available at: [SIMI Motorstats - the complete online vehicle index for Ireland | Stats \(beepbeep.ie\)](#)

<sup>7</sup> It is acknowledged that the number of imported used cars are down significantly since 2019, with still fewer than half of the number of cars imported in 2023 as in 2019, see [DoneDeal Q4 2023 and 2024 Outlook Motor Report: Era of pandemic-induced inflation begins to subside | DoneDeal Blog](#)

<sup>8</sup> Figures sourced from SIMI Motorstats, [SIMI Motorstats - the complete online vehicle index for Ireland | Stats \(beepbeep.ie\)](#).

<sup>9</sup> The UK and Japan are the two largest single countries of export, with recent years seeing a significant decline in the number of UK imports and a marked increase in the number of Japanese imports. See, [SIMI Motorstats - the complete online vehicle index for Ireland | Stats \(beepbeep.ie\)](#)

<sup>10</sup> The European Automobile Manufacturers' Association (ACEA) (February 2024) 'Vehicles on European Roads 2023'. Available at: [ACEA-Report-Vehicles-on-European-roads-.pdf](#)

<sup>11</sup> According to analysis conducted by DoneDeal there has been a 4.8% inflation per quarter on average over the period 2020 – 2022. See: [DoneDeal Q4 2023 and 2024 Outlook Motor Report: Era of pandemic-induced inflation begins to subside | DoneDeal Blog](#)

<sup>12</sup> According to an annual survey conducted by Carzone, in 2023 43% of consumers used their savings to purchase their next car. See, 'Driving Change: Carzone's 2024 Motoring Report'. Available at: [Carzone\\_report\\_2024-1.pdf](#)

<sup>13</sup> The CCPC previously examined the market for PCPs and issued a report with recommendations to improve consumer protections in 2018. The report is available here: <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2018/03/Personal-Contract-Plans-the-Irish-Market.pdf>

<sup>14</sup> A HP and PCP agreement are similar in that a borrower makes regular repayments instalments and owns the car at the end. PCP instalments are usually lower than with a HP agreement, but the PCP agreement will require a larger payment at the end. A lease agreement does provide the option of owning the car at the end.

### 1.3.1 Information asymmetry

In many markets, information asymmetries, **where one party knows more about a product or service than another party**, can arise between consumers and traders. In the sale of used cars, the seller is likely to know much more about the condition of the car, any defects and its maintenance history, whereas defects can be missed by or hidden from a buyer, even after a visual inspection or a test drive.<sup>15</sup> The CCPC commissioned market research in 2020 (the 2020 Consumer Survey) to better understand the experience of consumers in purchasing used cars.<sup>16</sup> Respondents cited **mileage** as the single most important piece of information they would want to know if they were to buy a used car, with **crash/damage history** identified as the second most important piece of information. The survey results showed, however, that consumers often must **pro-actively seek out certain important information about a vehicle**, such as whether it was previously crashed or damaged, as that information is not being widely shared by sellers. As a result of this information asymmetry, a consumer may be unable to tell the difference between a high-quality and a low-quality used car.<sup>17</sup> If a consumer isn't made aware of an outstanding recall on a car they may remain unaware of mechanical faults affecting the vehicle, including faults affecting its safety. This in turn can negatively impact on the quality of used cars available for sale when such cars are put back on the market.<sup>18</sup>

### 1.3.2 Contacts to the CCPC

The CCPC receives around 40,000 contacts from consumers annually. A significant volume of contacts to our helpline each year are from consumers who did not receive relevant information on a used car before purchase, or who got inaccurate information about a used car from the seller (2,156 from 2021-2023). There were **259 contacts relating to potentially clocked cars**<sup>19</sup> while **520 consumers contacted the CCPC about cars that may have been previously crashed and/or written-off**.<sup>20</sup> A significant proportion of consumers in Ireland therefore encounter serious difficulties in accessing accurate information about the condition of used cars. We reproduced below quotes giving an insight into the real-world impact of unknowingly buying a car that had been previously crashed:

*Purchased a car from a private seller. Bought the car based on the info received from a car history provider. Paid €30 for the report and then bought the car. About a month ago I got a phone call from my insurance broker, and they said that the car had been written off and I would have to get a mechanic to sign off on it in order for it to be insured. Paid €200 for an engineer to look at it and he said that it was written off. The seller has been the only owner of the car. I am out of pocket for €2,500."*

<sup>15</sup> See, [Why Is It So Difficult To Buy a High-Quality Used Car?](https://www.stlouisfed.org/) (stlouisfed.org).

<sup>16</sup> <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2024/04/2024.04.18-CCPC-Vehicle-History-Research-Report.pdf>

<sup>17</sup> See, [Why Is It So Difficult To Buy a High-Quality Used Car?](https://www.stlouisfed.org/) (stlouisfed.org)

<sup>18</sup> Economist George Akerloff, in his seminal paper 'The Market for 'Lemons': Quality, Uncertainty and the Market Mechanism' posits the theory that information asymmetry results in lower quality used cars being made available on the market, because sellers will not be willing to sell higher-quality used cars at the lower prices that buyers, who, in the face of information asymmetry are unable to tell the difference between a good and poor quality used car, are willing to pay. Akerloff, George. 1970. "The Market for Lemons: Quality Uncertainty and The Market Mechanism." *The Quarterly Journal of Economics* 84:488-500

<sup>19</sup> A 'clocked car' is a car that has had its odometer tampered with resulting in a false odometer reading.

<sup>20</sup> For clarity, it has not been verified by the CCPC in all cases that the cars which are the subject of these contacts received by the CCPC helpline were in fact clocked, crashed or written-off. However, in many of the contacts received the contact advised that they had evidence that the car was clocked, crashed or written-off, typically sourced from a commercial car history report, an insurance provider or a mechanic following examination. The CCPC would verify that the car was clocked, crashed or written-off if the contact were made the subject of a CCPC investigation under the Consumer Protection Act 2007, as amended.

*Bought a previously imported car from another consumer in Ireland. After a warning light displayed on the dashboard, the car was brought to a mechanic to check it over. Turned out the car had been previously crashed. The airbags had been deployed but were then not replaced and therefore no longer worked. The car cost a significant sum of money to repair and was unknowingly bought in a dangerous condition. I didn't know I could pay for a car history check report.<sup>21</sup>*

*Bought a car from a dealer 12 months ago. I tried recently to trade it in to other dealers and they would not take it, saying it has an insurance alert on it. I checked with a car history provider, and they informed me the car was a Category D write-off. When I bought the car I was not informed of this. I have asked the dealer if I can trade it back with them, but they won't reply.*

The inability of consumers to identify whether a car has been clocked, crashed and/or written-off before purchase is particularly concerning given the detriment which a consumer can experience on buying such a car, including to their safety and that of other road users. We return to this issue further below.

### 1.3.3 Unfair Commercial Practices

The CCPC has a strong track record of taking enforcement action against traders in the used car market who commit offences under the Consumer Protection Act 2007 (the 2007 Act). The 2007 Act transposed Directive 2005/29/EC (the Unfair Commercial Practices Directive or UCPD)<sup>22</sup> and is the primary legislation governing commercial practices in business-to-consumer transactions in Ireland.

Sections 41 and 42 of the 2007 Act set out general prohibitions on unfair and misleading commercial practices respectively. Section 41 compels traders to carry out **appropriate professional diligence** on the history and usage of every car offered for sale, and section 42 holds them accountable for **misleading commercial practices** that could influence consumer decisions. Section 43 relates to “false, misleading, or deceptive information”. A trader’s commercial practice is deemed misleading if it includes false information, including information related to a car’s usage or history, leading consumers to make decisions they otherwise would not.<sup>23</sup> Section 46 further addresses misleading practices by prohibiting the **withholding, omitting, or concealing of material information** related to a car’s usage or history that is necessary for informed consumer decision making.

The Consumer Rights Act 2022 (the 2022 Act) enhanced the liability of traders by updating the rights of consumers and providing for increased penalties for traders who commit an offence under the 2022 Act.<sup>24</sup> The 2022 Act makes it an offence for traders to **fail to provide consumers with specific information** before a purchase, including information about the main characteristics of the goods for sale.<sup>25</sup> Consumers may also take private action for breaches of their rights against other consumers.

<sup>21</sup> This scenario was anecdotally communicated to a member of CCPC staff.

<sup>22</sup> Directive (EU) 2005/29 of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council’ (2005) *Official Journal of the European Union* L 149, pp 22-39.

<sup>23</sup> A trader engaging in such practices commits an offence under section 47 of the 2007 Act.

<sup>24</sup> Section 142 provides that on summary conviction a trader is liable to a class A fine or to imprisonment for a term not exceeding 12 months or to both, or on conviction on indictment to a fine not exceeding €60,000 or to imprisonment for a term not exceeding 18 months or to both.

<sup>25</sup> Consumer Rights Act 2022, ss 101, 103, 106, and Schedules 2 and 3.

### 1.3.4 Enforcement outcomes

Between 2018 and 2023, the CCPC secured **28 enforcement outcomes** including criminal convictions, undertakings given by used car traders, or compliance notices issued to used car traders for violations of the 2007 Act. These violations involved the provision of inaccurate information on, or failure to provide information on, the crash, write-off or mileage history of the car.<sup>26</sup> This underlines the CCPC's concerns that consumers are not always being provided with this information before purchase.

However, these actions by the CCPC only represent a small number of the cases that come to the attention of the CCPC and are capable of meeting the standard of proof required under the 2007 Act. Additionally, the statutory protections of the 2007 Act do not apply to cars bought from a private individual selling their own car and **the CCPC has no enforcement role in consumer-to-consumer** (or 'private-to-private') used car sales.

### 1.3.5 Consumer detriment

A recent report by the CCPC - *Understanding Consumer Detriment in Ireland*<sup>27</sup> - found that although a small proportion of survey respondents reported issues with vehicles, including used cars, when they did experience problems, a **high level of financial detriment was reported** compared to other sectors.<sup>28</sup> The report found that the highest level of detriment for consumers arose in regard to vehicles. Resolving problems with those vehicles incurred **€57m in costs**.<sup>29</sup> The type of detriment which a consumer could experience on purchasing a used car without being fully informed of its history varies from significant financial detriment<sup>30</sup> to the time cost in dealing with the issue, loss of use of the vehicle<sup>31</sup>, difficulty in getting insurance and, potentially, exposure to a dangerous car that could be a threat to the safety of the consumer and other road users.

### 1.3.6 Consumer access to information

To enable all consumers to make informed purchasing decisions, to redress the information asymmetry in the used car market, and to mitigate the risk of detriment, it is essential that a consumer has access to reliable and comprehensive information about a car's history when making a purchase. As many consumers will purchase a used car in their lifetime,<sup>32</sup> and as a car is one of the most significant purchases a consumer can make and this is particularly true in light of the rapid inflation in the price of used cars since the Covid-19 pandemic referred to above,<sup>33</sup> there is a clear **public interest objective in empowering consumers to access information** about the history of a used car to protect the buyer of the car and the public.

<sup>26</sup> Misrepresentations regarding crash or write-off history resulted in 6 convictions, 3 undertakings, and 7 compliance notices. Falsified mileage information led to 4 convictions, 2 undertakings, and 6 compliance notices. More detailed information is available at <https://www.ccpc.ie/business/enforcement/consumer-protection/consumer-protection-list/>.

<sup>27</sup> 4, 537 consumers were surveyed for the purpose of this report. See, [CCPC-Understanding-Consumer-Detriment-in-Ireland.pdf](#)

<sup>28</sup> The low incidence of reporting of detriment in the vehicles market may be explained by the fact that consumers don't buy vehicles as frequently as they buy goods or services in other markets.

<sup>29</sup> The report found that the sector gave rise to €250m in detriment between 2022 and 2023. The €57m in repair costs forms part of the overall figure of €250m. The report identified 'net monetised detriment' across 19 sectors of the economy. Net monetised detriment essentially captures all relevant costs associated with each instance of detriment and then offsets these costs against the degree of usability from the initial price paid for the good or service and any reimbursement received (e.g. compensation).

<sup>30</sup> More specifically, the types of financial detriment can include:

- Costs of repair of the car or replacement of the car;
- Costs of arranging alternative methods of transport where the car cannot be used;
- Overpayment of more than the car's true value, had accurate information been factored into the valuation;
- Cost of depreciation/loss in value of the car on discovery of accurate information (According to the RTE Prime Time interview of Shane Teskey of motorcheck.ie, the market value of a vehicle which has been written-off can be 20% less than the equivalent vehicle that has not been written-off. See, ['Tens of thousands' of UK write-offs on Irish roads \(rte.ie\)](#));
- Legal costs, for example small claims court fee or fees for legal advice;
- Additional insurance costs, for example, an insurer insisting that an engineer's report is submitted to them before they will insure a write-off. For example, 123 provide guidance to consumers here: [I want to insure a previously written off vehicle? | 123.ie](#)

<sup>31</sup> Consumers in Ireland also have a high dependency on cars by EU standards and it follows that where they are unable to use their car this may have negative impacts on their ability to go about their daily lives, including getting to work. See, [Irish have second-highest car dependency in the EU \(irishexaminer.com\)](#)

<sup>32</sup> Research commissioned by the CCPC in 2021 found that 44% of Irish consumers had bought a used car in the previous five years. See, [CCPC car history research report June 2021 - CCPC Business](#).

<sup>33</sup> Analysis conducted by donedeal.ie indicates that although inflation experienced in the used car market in Ireland is starting to subside, the price of used cars is still 85% higher now than they were at the start of 2020. [DoneDeal Q4 2023 and 2024 Outlook Motor Report: Era of pandemic-induced inflation begins to subside | DoneDeal Blog](#)

Unlike many other consumer goods, used cars have the potential to affect not just the purchasing consumer, but all road users. The provision of access to reliable and comprehensive information about a car's history is therefore not solely a consumer protection issue related to the safeguarding of buyers of used cars, but a broader issue of protecting the public.

## 1.4 Methodology

To inform the recommendations in this report, we conducted desk-based research, quantitative analysis and engagement with stakeholders.

- Desk-based research assessed a broad range of topics and sources relevant to consumer access to, and the reliability of, information on the history of used cars in Ireland, including current and future legislation, findings from relevant research and market studies, policy papers, international best practice and publicly available data on the used car market.
- Over 8,000 contacts received by the CCPC through its consumer helpline from 2021-2023 were analysed (CCPC Consumer Helpline Analysis). The analysis sought to identify contacts relating to a consumer not being given information, or not being given accurate information, about a used car they bought or intended to buy, in both business-to-consumer and consumer-to-consumer transactions.
- In 2020, the CCPC commissioned Ipsos MRBI to survey 2,000 adults aged 15+ on their behaviour, awareness, and attitudes towards purchasing used cars,<sup>34</sup> with a follow-up survey in 2021 involving 1,000 adults aged 18+<sup>35</sup> to gather additional insights into consumer experiences and behaviours when buying used vehicles.

In order to consider a broad range of insights and perspectives on consumer access to car history information, the CCPC engaged extensively with relevant stakeholders, including car history providers, relevant statutory bodies, the Department of Transport, Insurance Ireland,<sup>36</sup> industry representatives and international authorities, including the New Zealand Ministry of Business, Innovation and Employment, the Maltese Land Transport Directorate, and consumer protection agencies in Hungary, Poland, and Latvia.

### Chapter 1 Summary

- The CCPC has a strong track record of enforcement action against traders that mislead consumers about the condition of used cars.
- The CCPC has received thousands of contacts in relation to the sale of used cars in recent years and we cannot take action based on every complaint.
- Consumers can encounter significant levels of detriment following the purchase of a used car.
- The ability of consumers to assess the condition of a used car in advance of a purchase can be limited.
- Consumers that purchase a car from a private seller are not protected by consumer law and must rely on private contract law remedies (e.g. through the small claims court).
- The CCPC has undertaken this project to identify proposals to improve consumer access to, and the reliability of, certain pieces of car history information which the CCPC identifies as being important for consumers to know before purchasing a used car.

<sup>34</sup> Competition and Consumer Protection Commission (2020) CCPC Vehicle History Research.

Available at: <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2024/04/2024.04.18-CCPC-Vehicle-History-Research-Report.pdf>

<sup>35</sup> Competition and Consumer Protection Commission (2021) CCPC Car History Research.

Available at: <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2021/06/2021.06.09-CCPC-Car-History-Research-Report.pdf>

Insurance Ireland also provided data from 2019-2023 derived from the Insurance Link database.

# Consumers pay the price for cars' hidden histories



"Purchased a car from a private seller.

Bought the car based on the info received from a car history provider... My insurance broker said the car had been **written off** I am out of pocket for €2,500."



"Bought an imported car from another consumer.

Brought it to a mechanic to check it over. Turned out it had been previously **crashed.**"



"Bought a car from a dealer 12 months ago.

I tried recently to trade it in to other dealers and they would not take it, saying it has an **insurance alert** on it."

## ...and buyers face challenges accessing reliable car history



**Incomplete data**

**Car history reports vary in quality and lack official verification in relation to economic write-offs and mileage.**

! Inconsistent information can lead to missing critical details, posing safety risks.



**High costs**

**The cost of car history reports can add up if consumers compare multiple cars.**

! High costs may discourage consumer checks, increasing the risk of hidden issues.



**Mileage & recall issues**

**Official information on mileage and recalls not available for car history reports.**

! Missing or inaccurate data may misinform buyers and mask safety issues.



**Consumer effort & search costs**

**Obtaining key car history information can take significant time.**

! A lack of consistency in the information available to car history providers can mean that some consumers purchase multiple reports on the same car.

## 2. Overview of car history information

### 2.1 Key car history information

There is a range of information consumers may wish to consider before purchasing a used car, depending on their preferences and needs. In this chapter we focus on information the CCPC considers most important for a consumer to know before purchasing a used car. That information has been identified using the following criteria:

- the information relates to the prior usage/history of a used car
- the information is important for consumers to know in order to make an informed decision about whether to buy a car<sup>37</sup>
- consumers can experience significant detriment if they purchase a car without knowing and/or understanding that information

Table 1 below sets out the information the CCPC has identified as important for a consumer to know (collectively referred to as the key car history information) and why each piece of information is considered important.

**Table 1: Overview of key car history information**

Category of information	Why it is important
End-of-life car (Category A)	These cars are categorised as waste and should be destroyed by authorised treatment facilities. Such cars pose safety concerns and are not suitable for sale to a consumer.
End-of-life write-off (Category B)	These cars have been extensively damaged and determined not to be suitable for repair or use on public roads. They pose a high safety risk if bought by a consumer and will generally not be insurable.
Economic write-off (Category C or D)	A written-off vehicle that can be repaired and returned to the road. Category C refers to cars that are repairable; however, the repair costs exceed the pre-accident value of the vehicle. Category D refers to cars that are repairable; however, an insurer has chosen not to repair the vehicle for economic reasons. An economic write-off that has been repaired incorrectly is a defective vehicle and poses a risk to the consumer and other road users. It may have a lower resale value and attract higher insurance costs.
Mileage readings	The mileage reading of a car is one of the most important factors a consumer can use to assess a car's technical condition and expected repair and maintenance costs. Mileage readings are often displayed in advertisements for used cars. Mileage also has a significant impact on a car's market value. Where the mileage displayed on a car's odometer is less than a previous mileage reading this can be a sign of Odometer Fraud.

<sup>37</sup> As indicated by desk-based research, the 2020 Consumer Survey, the CCPC Consumer Helpline Analysis and the CCPC's enforcement activities.

Category of information	Why it is important
Outstanding vehicle recall	A vehicle recall occurs when a manufacturer identifies a fault relating to a particular component(s) that poses a serious risk to road safety, public health or the environment and recalls the vehicle for repair. A consumer may not be aware of an outstanding recall or whether it was addressed by the previous owner.
Import status	Where a car is known to be an import, this may prompt a consumer to seek the key car history information from the car's previous country of registration.
Number of previous owners	This can inform a consumer of the level of car usage. A high number of previous owners relative to the period of ownership may indicate that the car presented issues which prompted previous owners to sell it.
NCT test records	It is important to know, if the car has a valid NCT and when it will be due its next NCT, as this allows the consumer to understand how soon they may be expected to bear the financial burden and risk of putting the car through the NCT. Prior test records of the NCT may indicate previous mechanical issues with the car or a poor service record.

### 2.1.1 Categorisation of write-offs

Cars which have been damaged in a crash or other incident are commonly referred to as a 'write-off'. An insurance write-off is a car that has sustained damage in an accident and has been assessed by, or on behalf of, an insurer on foot of an insurance claim as being either an end-of-life write-off or an economic write-off. Cars that may have been damaged to the same or similar extent, but which are not subject to an insurance claim, are not assessed by or on behalf an insurer. Such cars are not repaired under an insurance policy and are not subject to categorisation as a write-off. In the UK these cars are referred to as Category U, 'unrecorded' or 'unrecorded insurance write-offs' if subsequently offered for sale at salvage auctions.<sup>38</sup>

Information on cars that are considered write-offs is based on a system of categorisation from A-D.<sup>39</sup> Information on end-of-life cars and end-of-life write-offs is typically reported as being **Category A or B**. These categories are derived from the practice in the UK. Economic write-offs are referred to in Ireland as categories **C or D**. This is also based on long standing practice in the UK.

In 2017, the UK categorisation changed from **C and D** to **S and N** (to indicate if the damage to a vehicle was structural or non-structural).

In the rest of this chapter, we will examine the principal sources of key car history information for consumers in Ireland.

<sup>38</sup> See here for further detail: <https://www.myvehicle.ie/car-news/write-off-categories-in-the-uk-explained>

<sup>39</sup> The RSA website sets out the following in relation to Categories A-D:

- Category write-off A - The vehicle is deemed not suitable to be repaired. Must be crushed without any parts being removed. The vehicle cannot go back on the road. (End-of-life vehicle)
- Category write-off B - The vehicle is deemed not suitable to be repaired. Usable parts can be recycled. The structural framework must be crushed. The vehicle cannot go back on the road. (End-of-life vehicle)
- Category write-off C - The vehicle is repairable; however, the repair costs exceed the pre-accident value of the vehicle. The vehicle can go back on the road if repaired.



## 2.2 Discovering information on used cars in Ireland

A consumer seeking to buy a used car can find information about that vehicle from several different sources, depending on the circumstances of the sale:

- information provided by online car history providers
- information contained in advertisements
- a private seller may provide them with information about the history of the car
- a trader should provide a consumer with accurate information about the condition of a car as they have a legal obligation not to mislead a consumer and to inform them of the characteristics of the car (e.g. if the car was previously crashed, if it has a mechanical fault, etc)

The consumer may gather information for themselves, by carrying out a visual inspection of the car or engaging a professional to examine the car. Some consumers may also be aware that they can utilise free sources of information online, such as the NCT website which allows anyone with the car registration number to check whether that car has a valid NCT.<sup>40</sup>

However, not all consumers will be able to rely on these sources of car history information. A seller may not themselves know sufficient information about a car's history or they may be unwilling to provide that information to a consumer. The CCPC's enforcement activities also demonstrate that **traders do not always comply with their legal obligations**. Although a consumer may inspect the car, they may not have the expertise that would be needed to evaluate the car's condition. Some indicators about a car's history, such as having been previously crashed, may not be evident from an inspection by either a professional or a non-professional in any case.

For these reasons a consumer may wish to order a **car history check report** from an online car history provider. These reports are the most comprehensive source of information currently available to consumers regardless of the nature of the sale and are also utilised by some traders who may pass that information on to consumers.

## 2.3 Key sources of car history information

### 2.3.1 An overview of the National Vehicle and Driver File (NVDF)

The NVDF is a database containing details of all registered vehicles and their owners, as well as all licensed drivers, in Ireland.<sup>41</sup> It is maintained and supported by the Department of Transport. The NVDF supports a number of functions relating to both drivers and vehicles. It is central to the processing of motor tax and driving licence services in the State. It also processes vehicle ownership notifications and notifications relating to the issuing of certificates of destruction and end-of-life write-offs.<sup>42</sup>

- Category write-off D – The vehicle is repairable; however, the Insurer has chosen not to repair the vehicle for economic reasons. In most cases due to the high possibility of further damages coming to light if sent for repair. The vehicle can go back on the road if repaired.

The RSA website further notes that this content does not, and is not intended to, provide legal or technical advice or to represent a legal interpretation of the matters it addresses: <https://www.rsa.ie/road-safety/road-users/car-drivers/resources/written-off-vehicles>

<sup>40</sup> [Check NCT Validity \(ncts.ie\)](https://www.ncts.ie)

<sup>41</sup> [gov - Motor Tax and Vehicle Ownership \(NVDF\) \(www.gov.ie\)](https://www.gov.ie). The NVDF has its legal basis in section 60 of the Finance Act 1993, as amended.

<sup>42</sup> [gov.ie - Motor Tax and Vehicle Ownership \(NVDF\) \(www.gov.ie\)](https://www.gov.ie)

### 2.3.2 Key car history information on the NVDF

Much of the key car history Information captured on the NVDF is as set out in Table 2 below. However, information on economic write-offs and outstanding vehicle recalls are not captured on the NVDF. Limited information about an imported car's history and NCT records are stored on the NVDF.

Table 2: Key car history information contained on the NVDF

Category of information	Source of that information for NVDF
End-of-life cars	Authorised Treatment Facilities or the registered owner of the end-of-life vehicle, if the vehicle is deposited at an authorised treatment facility in another EU member state, in accordance with the requirements of the European Union (End-of-Life Vehicles) Regulations 2014, as amended.
End-of-life write-offs	Vehicle Insurers, on foot of the non-statutory procedure currently in place to notify write-offs to the Department of Transport <sup>43</sup> following commencement of Part 2 of the Road Traffic Act 2016 on 1 October 2024. <sup>44</sup> A 10-working day reporting obligation commenced on 1 October 2024.
Status of the car as an import, country of previous registration and information from registration document (e.g. make, model, etc)	The Revenue Commissioners
Number of previous owners	The Revenue Commissioners, or car owners/motor dealers on notification to the Department of Transport of a change of car ownership.
NCT test records	Applus+ Inspection Services Ireland Limited, acting on behalf of the RSA
Mileage readings	Applus+ Inspection Services Ireland Limited, acting on behalf of the RSA. Certain motor dealers.

### 2.3.3 Disclosure of information held on the NVDF

The key car history information held on the NVDF is not currently made directly accessible to consumers to search.<sup>45</sup> However, certain vehicle information on the NVDF is made available at a cost to car history providers. Car history providers in turn **make that information available to consumers**, generally for a fee.<sup>46</sup> Other commercial entities are also provided with access to certain vehicle information on the NVDF, such as the provider of the SIMI History Check Service and DoneDeal, which utilises information it receives from the NVDF to **verify information** supplied by the seller and appearing in advertisements on their website.<sup>47</sup>

<sup>43</sup> Road Traffic Bill 2016 [Seanad]: Second Stage – Dáil Éireann (32nd Dáil) – Tuesday, 27 Sep 2016 – Houses of the Oireachtas

<sup>44</sup> See S.I. No. 292/2024 - Road Traffic Act 2016 (Part 2) (Commencement) Order 2024 (irishstatutebook.ie)

<sup>45</sup> It should be noted that the NCT validity and due/expiry date can be searched for on the NCT website.

<sup>46</sup> For completeness, it is noted that access to NVDF data is also provided to a number of other relevant actors, for example An Garda Síochána, the CCPC for the purposes of investigating breaches of the 2007 Act, and licensing authorities, under a range of legislative bases.

<sup>47</sup> The relevant legal basis for these disclosures is S.I. No. 287/2015 - National Vehicle and Driver File (Access)(No. 2) Regulations 2015, as amended.

The CCPC understands that access to the NVDF for these entities is provided by the Department of Transport in the general public interest.<sup>48,49</sup> Further detail on the key car history information which car history providers and the provider of the SIMI History Check Service source from the NVDF is set out in sections 2.2.2.3 and 2.2.2.4 of this chapter.

### 2.3.4 NCT Test Records

The Road Safety Authority (RSA) has statutory responsibility for the conduct of the NCT in Ireland.<sup>50,51</sup> Cars are examined in accordance with the NCT Manual 2023 which includes requirements relating to the car's odometer.<sup>52</sup> The tester must record the odometer reading at the time of the test, if an odometer is fitted, and will verify the reading using an on-board diagnostics (OBD) scanner, which is plugged into the car's OBD computer port, where possible. Where the current odometer reading is lower than the previous recorded reading, or where the OBD mileage reading does not match the odometer reading, the car will be given an Advisory Pass.<sup>53</sup>

After completion of the test, the tester will point out the odometer reading taken to the presenter of the vehicle, who must confirm that the reading is correct or advise the tester if it is incorrect. Acknowledging that the OBD scanner is not an infallible method of mileage reading collection,<sup>54</sup> the CCPC considers the mileage readings taken at NCT to be reliably sourced, as they are taken by an automotive professional in the context of a statutorily mandated car inspection and verified by the presenter of the car and, in some cases the OBD scanner.

At present, there are several ways in which a prospective purchaser might **access the NCT records of a car to inform themselves prior to purchase**. Sellers can provide that information, including by showing a prospective purchaser the NCT certificate, test report<sup>55</sup> and disc. Buyers can view the NCT disc on physical inspection of the car, if displayed. Information on the NCT validity and due/expiry date are directly accessible to the public to search on the NCT website and the car history providers make limited information about the NCT records of a vehicle available to the public.

<sup>48</sup> Several of the Department of Transport's data protection notices refer to the provision of access to the NVDF to 'Other persons assisting with the provision of a commercial service which is considered in the general public interest' and it is understood that this wording is relevant to the provision of access to Car History Providers and the providers of the SIMI History Check Service. See, [33195e40-96a6-4eb1-ba21-a5294cf622fc.pdf \(www.gov.ie\)](#) and [02ffbfee-c720-477a-a6cb-fea29d5aeece3.pdf \(www.gov.ie\)](#).

<sup>49</sup> Section 6 of the Road Traffic Act 2016 includes specific provisions relating to publication of information as it relates to data held on the NVDF about End-of-Life Write-Offs. It permits the Minister for Transport to publish or share a part, or all, of such records for the purposes of increasing road safety. However, as section 4 of the Road Traffic Act 2016 had not been commenced at the time of writing, no regulations permitting the disclosure of such information had been made under section 6. See here: [Road Traffic Act 2016, Section 6 \(irishstatutebook.ie\)](#)

<sup>50</sup> The RSA have appointed the company Applus+ Inspection Services Ireland Limited to manage the operation of the testing, which includes management of NCT test records. See here: [The Road Safety Authority -RSA- of Ireland | Applus+](#)

<sup>51</sup> On passing the NCT, the presenter of the car is given an NCT certificate and disc. The presenter will also be provided with a test report which sets out the result of the test, whether the car passed or failed. The test certificate will include up to the last three odometer readings taken at NCT and the disc will state the latest odometer reading. The disc must be displayed in the window of the car. For more detail see [S.I. No. 415/2017 - Road Traffic \(National Car Test\) Regulations 2017 \(irishstatutebook.ie\)](#) and [S.I. No. 548/2009 - Road Traffic \(Display of Test Disc\) Regulations 2009 \(irishstatutebook.ie\)](#).

<sup>52</sup> [NCT Manual 2023.pdf \(ncts.ie\)](#)

<sup>53</sup> As defined in the NCT Manual 2023 an 'Advisory Pass' means, 'in relation to a vehicle, it is strongly recommended that the fault be repaired but a failed test will not result because of this fault alone'.

<sup>54</sup> One example of the OBD scanner returning an untrustworthy result given to the CCPC by the RSA in stakeholder engagement, would be where the hardware within the car that stores memory and is read by the OBD scanner, is altered.

<sup>55</sup> Some sellers may also be able to provide previous NCT Test reports to a consumer.

### 2.3.5 Gaps in the disclosure of NCT records

However, none of the sources of information explored above guarantee that consumers will have access to comprehensive NCT records for a used car. Issues arising include:

- A seller may not have retained the NCT test report or only have access to the reports that relate to their period of ownership, leaving the prospective purchaser **uninformed about the longer-term history** of the car.
- The information accessible through the NCT website and car history providers does not include confirmation of failure at NCT, leaving a prospective purchaser **unaware of whether defects were identified at NCT**.
- The NCT disc contains very **limited information**.

### 2.3.6 Future disclosure of NCT records

An amendment to the Road Traffic Act 1961<sup>56</sup> brought about by the Road Traffic and Roads Act 2023 enables the Minister for Transport to make regulations providing for the disclosure of NCT records 'to the owner of the vehicle, or to a person nominated by the owner'.<sup>57</sup> At the time of writing no such regulations have been made. However, the CCPC understands that such regulations are planned and that the RSA were considering launching an online platform which would enable a prospective purchaser to **access up to seven years of NCT test history**, including odometer readings taken at NCT. To access the platform (the NCT Platform), consumers will be required to provide user authentication.<sup>58</sup> The CCPC understands that this would be in delivery of an action under The Road Safety Strategy 2021-2030 for the provision of an online facility to check NCT or CVRT vehicle test history.<sup>59</sup>

The CCPC notes the proposed NCT Platform, which it understands will greatly improve consumer access to NCT records for used cars, including reliably sourced mileage readings. Consumer access to NCT records should be made available as part of a comprehensive approach to guaranteeing access to information online. We return to this point in Chapter 5. However, the CCPC understands that the RSA will be reformed into two separate organisations as a result of a government decision in November 2024.<sup>60</sup> At the time of publication, the CCPC understands that two organisations will be established, one which will focus on the delivery of services and operations and the other responsible for wider road safety initiatives including media campaigns, education and research. This decision was based on recommendations contained in a report from Indecon International Consultants and commissioned by the Department of Transport (the Indecon Review of the Road Safety Authority).<sup>61</sup> At the time of publication, it was not clear which functions the new organisation with an operational focus would be tasked with delivering.

<sup>56</sup> The relevant section is section 18(10)(m). See <https://www.irishstatutebook.ie/eli/1961/act/24/enacted/en/html?q=Road+Traffic+Act&years=1961>.

<sup>57</sup> [Road Traffic and Roads Act 2023 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2023/act/1/enacted/en/html)

<sup>58</sup> At the date of publication we understand that one piece of information will be sourced from the seller.

<sup>59</sup> [https://www.rsa.ie/docs/default-source/road-safety/action-plans/rsa\\_safety\\_strategy\\_action\\_plan\\_2021\\_2024\\_13th\\_jan2022\\_final\\_online.pdf?sfvrsn=67518e36\\_5](https://www.rsa.ie/docs/default-source/road-safety/action-plans/rsa_safety_strategy_action_plan_2021_2024_13th_jan2022_final_online.pdf?sfvrsn=67518e36_5)

<sup>60</sup> <https://www.gov.ie/en/press-release/6ae69-minister-ryan-and-minister-of-state-lawless-announce-reform-of-the-road-safety-authority/>

<sup>61</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/311296/af33917c-eb0b-4796-810d-fefdcd2b2260.pdf#page=null>

## 2.4 Car history providers

### 2.4.1 Car history checks

A consumer seeking information on the history of a used car can purchase a **car history check** from a range of online car history providers in Ireland, including cartell.ie, motorcheck.ie and myvehicle.ie. Full history reports on a used car can cost from approximately €15 to €49, depending on the nature of the information being sought by a consumer.<sup>62</sup> For example, reports containing information on the history of an imported car are more expensive than those relating to a car which has only ever been registered in Ireland.

### 2.4.2 Key car history Information available to consumers from history providers

We set out below the key car history information made available to consumers in car history checks and the source of that information in brackets:

- end-of-life cars (NVDF)
- end-of-life write-offs (NVDF)
- economic write-offs (some insurance companies, salvage platforms)
- import status (NVDF)
- number of previous owners (NVDF)
- NCT test records (NVDF)
- mileage records (car advertisements, private sources)

Appendix 2 sets out in more detail the nature of the key car history information made available to consumers by car history providers and the sources of that information.<sup>63</sup> As noted above, some information is sourced from the NVDF, however sourcing **information on economic write-offs and mileage readings is contingent on the commercial relationships of each provider.**

## 2.5 SIMI Car History Check

The member organisations of SIMI have access to a Car History Check service (the SIMI Car Check Service) which allows them to check the history of used cars.<sup>64</sup> We set out below the key car history information made available to members of SIMI and the source of that information in brackets:

- end-of-life cars (NVDF)
- end-of-life Write-offs (NVDF)
- economic write-offs (Third party provider)
- import status (NVDF)
- history of imported car in a third country (Third party provider)
- number of previous owners (NVDF)
- NCT test records (NVDF)
- mileage records (Irish mileage from SIMI members, UK mileage sourced commercially)

Car dealers who are members of SIMI can use the information on the Car History Check to comply with their obligations under the 2007 Act to provide accurate information to consumers. SIMI operate a used vehicle sales website, beepbeep.ie, and state that every used vehicle for sale on that website has already had a history check performed on it.<sup>65</sup>

<sup>62</sup> At the time of writing one Car History Provider made available a limited range of information to consumers for free.

<sup>63</sup> This is based on our desk research and stakeholder engagement. Car History Providers who we engaged with did not disclose all of their sources, citing reasons of commercial sensitivity. Additionally, product offerings differ amongst Car History Providers and as Table 2 has been compiled principally based on the CCPC's stakeholder engagement, supplemented by publicly available information, where accessible, it should not be taken to be representative of the product offerings of all Car History Providers.

<sup>64</sup> <https://www.beepbeep.ie/en>

<sup>65</sup> <https://www.beepbeep.ie/en>

## 2.6 Conclusion

Information on the history of used cars is available from a range of public and private sources. However, the availability of information to consumers is limited by whether they are aware of the services of car history providers, their willingness to pay for car history check reports, and the information available through the providers. Traders have access to information that they can pass on to consumers, but some of that information is sourced privately and is not verified by the State. The next chapter examines the implications of the current arrangements for capturing and sharing car history information.

### Chapter 2 Summary

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- There is a range of important information that consumers should have access to when assessing the condition of a used car.
- Much of that information is captured on State databases such as the NVDF and NCT records.
- There is no direct consumer access to most of the key car history information held by the State but some of that important information is shared with commercial entities who in turn make it available to consumers, usually for a fee.
- Important information such as whether a car is an economic write-off or whether a recall notification has been issued for the vehicle is not currently captured in State databases.

## 3. Key Issues

### 3.1 Introduction

In this chapter we outline our analysis on a range of issues arising from the current arrangements for the exchange of information on the history of used cars in Ireland. We set out those issues under the following headings below:

- prevalence of economic write-offs in Ireland
- shortcomings in the disclosure of car history information
- verification of economic write-off information
- write-off history of imported cars
- verifying mileage readings
- vehicle recall alerts
- consumers' search costs

We conclude the chapter by noting some public sector-led initiatives which have the potential to enable the sharing of some key car history information.

### 3.2 Prevalence of economic write-offs in Ireland

Data sourced from the Insurance Link database showed that there were **44,159 vehicles determined to be economic write-offs on foot of insurance claims** in Ireland between 2019-2023.<sup>66</sup> Although these figures are not specific to cars (and include a range of vehicles), they do indicate that there are a significant number of cars which were assessed in Ireland as being economic write-offs on Irish roads.<sup>67</sup> Some of these cars could be sold to consumers who do not have a comprehensive source of information they can rely on to identify the car as an economic write-off.

The scale of the issue facing consumers and justifying the cause for concern is further demonstrated by the substantial number of vehicles, **28,245, reported by Insurance Link members in that period as being Category C economic write-offs**, where the cost of repairs exceeds the pre-accident value of the vehicle.<sup>68</sup> Repair costs in these cases would typically be 130%-160% of the vehicle's value.<sup>69</sup> Applying this criterion to a car with a pre-accident value of €20,000, the assessment of the car as a category C economic write-off typically means that the cost of repairing that car is between €26,000 and €32,000. There are other factors which are relevant to an assessment of the cost of repairs in addition to the extent of the damage.<sup>70</sup> Even so, this example demonstrates the often very substantial damage which can be sustained by a car which has been assessed as a Category C economic write-off. It also highlights how imperative it is that consumers have access to comprehensive information about economic write-offs so that they are provided with an opportunity to not only ensure the car has been repaired to a high standard, but also to understand the financial consequences, such as higher insurance premiums, that may come with purchasing an economic write-off.

<sup>66</sup> This data was provided to the CCPC by Insurance Ireland and is reported as it was stated on Insurance Link on 13th May 2024.

<sup>67</sup> Some of these cars may have been imported category C or D or S or N cars which were subsequently assessed as a write-off in Ireland, but it is not possible to establish this from the data.

<sup>68</sup> This data is reported as it was stated on Insurance Link on 13th May 2024.

<sup>69</sup> Sourced from our engagement with Insurance Ireland.

<sup>70</sup> For example, the cost of shipping a part for an imported car.

### 3.3 Shortcomings in the disclosure of car history information

As noted in chapter 2, consumers are currently generally reliant on the services offered by online car history providers to access the key car history information relating to a car they are interested in buying, independent of receiving that from the seller. Market research conducted by the CCPC in 2021 indicated that many consumers do not use the services of online car history providers.<sup>71</sup> Only 24% of those surveyed who had bought a used vehicle in the past five years stated that they paid for an online car history check. The information held by those providers is **not comprehensive and can vary depending on how and from where the information is sourced**, most notably regarding economic write-off status and mileage readings. We examine these issues further below.

#### 3.3.1 Economic write-offs

As car history providers cannot source information on economic write-offs from the NVDF, they gather that data privately, including from insurers and auction platforms (including salvage platforms). However, these sources **do not hold comprehensive information about all economic write-offs written-off in the State**, particularly as some insurers in Ireland do not at present make information on economic write-offs available to third parties. As a result, car history providers **do not capture all economic write-offs in Ireland**. It is therefore possible, as one car history provider told the CCPC during stakeholder engagement, for a car to be flagged as an economic write-off on one car history provider's car history check but not on another. This means that a consumer's ability to source important information on the history of a used car can be dependent on which car history provider they use and the reliability of the information it has access to. Furthermore, this information is not easily accessed, and a consumer must decide and then pay to access it.

If a car history provider has received privately sourced information to indicate if a car has been categorised as an economic write-off, a consumer who purchased a car history check will receive a report which will state that the car is a **C or D** or **S or N** (if imported from the UK). This information, if available, is crucially important to assist a consumer in deciding on whether to purchase a used car.

#### 3.3.2 Mileage readings

Car history providers hold data on mileage readings obtained from various sources across the automotive industry, including from consumers when they purchase a car history report,<sup>72</sup> other users of their websites when accessing their services, repairers, fuel companies and fleet companies. The car history providers we consulted for this report advised the CCPC that they carry out some checks of the mileage information they receive, although certain car history providers include broad disclaimers on their websites as to the accuracy and comprehensiveness of mileage readings obtained. This means that even where a consumer has paid these providers for a car history check, **they cannot fully rely on the accuracy of those mileage readings**.<sup>73</sup> While State oversight is provided in the capture of verifiable mileage readings at NCT, as set out above, those readings are not shared with the car history providers and therefore do not form part of their databases.

<sup>71</sup> [21-036234-CCPC Car History Research](#)

<sup>72</sup> Some Car History Providers require a consumer to input mileage data when generating a car history check report. These mileage readings are compared against existing readings. See here: <https://nmr.ie/mileage-discrepancy/>

<sup>73</sup> For example, Motorcheck.ie states "Whilst MotorCheck cannot guarantee that we have odometer readings for all vehicles in Ireland and the UK (nor do we guarantee to have a complete mileage history for all vehicles), we are without a doubt the leading authority on clocked cars in Ireland and have the largest amount of mileage history available to our customers". See, [Can you check if the mileage on a car has been clocked - Motorcheck.ie](#). Cartell.ie states 'all of the mileage information on the NMR is supplied by third parties in good faith and cannot be validated'. See, [NMR \(Mileage\) - Cartell Car Check](#). Myvehicle.ie provides "Under no circumstances does the Company warrant the accuracy of the information contained on its mileage database". See, [Terms&Conditions MyVehicle.ie](#)



### 3.4 Verifying economic write-off information

Since 1 October 2024, Part 2 of the Road Traffic Act 2016, as amended, (the RTA 2016) requires all insurers providing private motor insurance in Ireland to report end-of-life write-offs to the NVDF. That information will be made available from the NVDF to the car history providers and to the SIMI Car History Check on end-of-life write-offs. Commencement of Part 2 of the RTA 2016 is very welcome as it will ensure that all such cars are captured in the databases of car history providers and the existing **information gap**, whereby some insurers were not reporting Category A or B cars to the NVDF, will be closed. While Category B write-offs are removed from the road, their parts can be used in other vehicles, including in restoring cars that are sold on to consumers.

However, as set out above, there is **no equivalent legal obligation on insurers, or any other parties, to report economic write-offs to the State**, and the NVDF does not capture information about economic write-offs. As economic write-offs are much more likely to be repaired and returned to the road than an end-of-life write-off, there is a far greater chance that a consumer will purchase such a car than a repaired Category B car which should not be returned to the road.<sup>74</sup>

Consumers are reliant on the car history providers' websites for information about whether a used car is an economic write-off. These websites, as set out above, **do not hold comprehensive information about economic write-offs** and our engagement has indicated that the SIMI Car History Check is similarly limited in its sourcing of information on economic write-offs. The trader members of SIMI are not able to avail of comprehensive information to disclose to consumers. It follows that consumers do not have access to comprehensive records of cars that have been declared to be an economic write-off in Ireland. Consumers are therefore at risk of **unknowingly purchasing an economic write-off**, even where they have taken steps to inform themselves of that history, including by purchasing an online car history report or sourcing information from the trader.

#### 3.4.1 Unrecorded write-offs

There is also a gap in access to information about cars that suffer the same level of damage as an end-of-life write-off, or an economic write-off, in Ireland but are not categorised as such because an insurer is not involved in the damage assessment. An insurer may not be involved where the owner did not have insurance, did not have comprehensive insurance<sup>75</sup> or where the owner elects not to make an insurance claim, for example, to protect their no-claims bonus.

Auction platforms make available to consumers cars which have been categorised by the platform as Category U. Category U cars are also referred to as 'unrecorded' or 'unrecorded insurance write-offs'. Such cars have sustained damage in an accident but for a range of reasons have not been the subject of an insurance claim in Ireland and are **not recorded on private databases or on the NVDF**.<sup>76</sup> The use of the term Category U is also common in the UK. As no insurance claim is made following an accident such cars will not be recorded by an insurance company on the relevant register in the UK and as such no information is available to car history providers on the level of damage sustained by the car if it were to be imported into Ireland.<sup>77</sup> Category U cars may have been significantly

<sup>74</sup> While Category B write-offs are removed from the road, they can be purchased at auction by registered traders for their parts which can be used in other vehicles, including in restoring cars that are sold on to consumers. (See here: <https://www.copart.ie/Content/uk/en/Support/Services/Category-B-Vehicles>).

<sup>75</sup> As per the National Claims Information Database reported by the Central Bank of Ireland, comprehensive cover accounted for at least 80% of private motor insurance policies in each year since 2009 and 91% of policies in 2022. Therefore, it is acknowledged that self-insured private cars may not account for a significant number of cars damaged but not reported as write-offs. See, [https://www.centralbank.ie/docs/default-source/statistics/data-and-analysis/national-claims-information-database/private-motor-insurance-report-5.pdf?sfvrsn=1bb-9d1d\\_5](https://www.centralbank.ie/docs/default-source/statistics/data-and-analysis/national-claims-information-database/private-motor-insurance-report-5.pdf?sfvrsn=1bb-9d1d_5)

<sup>76</sup> <https://www.motorcheck.ie/faqs/car-check-write-off/>

<sup>77</sup> The Motor Insurance Anti-Fraud and Theft (MIAFTR) Register

damaged, but no specific information on the damage is made available to a consumer. These cars are in turn sold in Ireland by auction platforms; however, these companies do not guarantee any information in relation to the condition of the car for sale on their platform.<sup>78</sup> At the point of sale, it is made clear to the consumer that the car has an unverified damage history. However, at a future point such a car may be re-sold to another consumer. A car history check **will not return information to identify such a car as having previously been categorised as a Category U at a point of sale**. In addition, if a consumer is selling the car they are not obliged to share the information that the car was a Category U with the purchaser.<sup>79</sup>

Although we understand some car history providers obtain crash history information about self-insured cars, such as those leased by some fleet hire companies, this information is sourced on an ad hoc basis. Accordingly, there is **no comprehensive record maintained of these cars, some of which may be extensively damaged but can still be repaired**. We also received feedback from stakeholders that the significant number of uninsured vehicles on Irish roads are relevant in this regard, as these vehicles may not, in case of a crash incident, be assessed by an insurer.<sup>80</sup> In these cases, there might not be a recording of the damage to the car and a prospective purchaser has, absent disclosure by the seller or a mechanical check of the car, **limited means of identifying that the car was previously damaged**. In addition, cars imported from the UK may have been damaged but not subject to an insurance claim and as such are not categorised as S or N. All this means that there is an additional gap in information about these cars and a problem that goes beyond access issues as there may be no records to access.

### 3.5 Write-off history of imported cars

The Department of Transport does not receive notification of, or record, imported vehicles which have been written off abroad on the NVDF. In April 2022, research carried out by motorcheck.ie, as reported by RTÉ's Prime Time,<sup>81</sup> indicated that thousands of vehicles written off in the UK have been imported into and registered in Ireland.

Access to information on whether a car was imported and on the country of export is important. However, a consumer may still not have sufficient information to enable them to conduct checks of the history of the car in its country of origin. This is a concern as the 2020 Consumer Survey indicates that although consumers do generally find out if a vehicle was imported before purchase, many consumers **do not obtain information on the vehicle's history from the country of export**.<sup>82</sup> This exposes them to unknowingly purchasing a defective car which later causes them detriment.

#### 3.5.1 Pre-registration examination

Imported cars are subject to a pre-registration examination at NCT centres.<sup>83</sup> Such cars are checked to ensure that they can be mechanically propelled and are assigned a rating of 'good', 'fair' or 'poor' before being released to the registered keeper of the vehicle. Cars that cannot be mechanically propelled are impounded by Customs. These checks involve a physical examination of the car as well as a check of accompanying export documentation. This means that cars categorised as an economic write-off in the UK or other countries can be registered in Ireland and receive an Irish registration plate. However, this information

<sup>78</sup> <https://www.copart.ie/Content/UK/EN/Member-Terms-Conditions>

<sup>79</sup> Failure to disclose such information could, however, provide grounds for the buyer to take action against the seller for a breach of contract.

<sup>80</sup> As reported by MIBI, in 2022 there were almost 188,000 uninsured private vehicles on Irish roads, which translates to one in every 12 vehicles driving without insurance. See, [2023-03-08 opening-statement-david-fitzgerald-chief-executive-officer-motor-insurers-bureau-of-ireland-mibi-en.pdf](https://www.oireachtas.ie/en/publications-and-communications/2023-03-08-opening-statement-david-fitzgerald-chief-executive-officer-motor-insurers-bureau-of-ireland-mibi-en.pdf) (oireachtas.ie). Therefore, there is a significant cohort of vehicles on Irish roads which, if damaged to the same extent as would warrant their designation as a write-off, may not be recorded as such.

<sup>81</sup> See, 'Tens of thousands' of UK write-offs on Irish roads (rte.ie).

<sup>82</sup> Although 98% of those who purchased a used imported vehicle in the last year five years were aware that the vehicle was an import before they bought it, 39% did not receive information on the vehicle's history from the country it was imported from. See <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2024/04/2024.04.18-CCPC-Vehicle-History-Research-Report.pdf>

<sup>83</sup> <https://revenue.ie/en/vrt/vehicle-registration-tax/procedure-at-ncts-centre.aspx>

is not captured on the NVDF, **effectively masking their write-off history** for all consumers except those with the awareness and financial means to check the history of the car in the country of export. This exposes consumers to unknowingly purchasing an imported written-off car.

### 3.6 Verifying mileage readings

Although car history providers offer mileage checks, their databases of mileage readings are of uncertain reliability. Additionally, although odometer readings are taken by the State at NCT and made available to the vehicle owner, who can in turn choose to provide to a prospective purchaser,<sup>84</sup> this will, at best, result in a relatively small number of verified odometer readings being accessible to consumers. For cars less than four years old, no odometer readings will be accessible. If at a future point NCT history is made available to consumers, as outlined in the Road Safety Strategy, consumers may also face confusion in trying to **reconcile NCT mileage readings** with mileage discrepancy check services operated by the car history providers, as both sources are based on different sources of information.

In addition, as noted by the European Parliament in its 2018 Resolution on Odometer Fraud,<sup>85</sup> the obligation to record mileage readings during the periodic technical inspection could leave enough time for odometer fraud to take place before the first inspection as well as between inspections and might even result in an official recording of an incorrect mileage.<sup>86</sup> The resolution calls on the European Commission to provide a legal framework which 'would enable Member States to register mandatory odometer readings from each inspection, service, maintenance operation and repair carried out, and from other garage visits, starting with the vehicle's first registration'.<sup>87</sup>

Even if the greater mileage information is provided through provision of NCT information in future, there remain circumstances in which consumers may not have access to a sufficient number of reliably sourced mileage readings to enable them to suspect that a used car has been subject to odometer fraud.

### 3.7 Vehicle recall alerts

There is currently no reliable system of providing information on vehicle recalls to car history providers, with the result that a car history check may not highlight to a potential purchaser that a recall was issued in relation to a specific car. Even where a consumer is aware of such information, they **may not be able to confirm if the previous owner ensured the repair of the car or returned it to the manufacturer** as part of the recall campaign. The key information that a consumer requires is confirmation of whether the used car was returned to the manufacturer in compliance with the recall notification or otherwise repaired. If a car with a safety related recall is not returned to the manufacturer or otherwise repaired, then it may pose a danger to the driver and other road users.

### 3.8 Consumers' search costs

Consumers may wish to purchase a car history report, even where a trader or consumer seller has provided information to them about the history of the car. However, the cost

<sup>84</sup> Either through provision of the NCT certificate or, when launched, the Proposed RSA Platform.

<sup>85</sup> See, [European Parliament resolution of 31 May 2018 with recommendations to the Commission on odometer manipulation in motor vehicles: revision of the EU legal framework \(2017/2064\(INL\)\) \(europa.eu\)](#)

<sup>86</sup> See, [European Parliament resolution of 31 May 2018 with recommendations to the Commission on odometer manipulation in motor vehicles: revision of the EU legal framework \(2017/2064\(INL\)\) \(europa.eu\)](#)

<sup>87</sup> See, [European Parliament resolution of 31 May 2018 with recommendations to the Commission on odometer manipulation in motor vehicles: revision of the EU legal framework \(2017/2064\(INL\)\) \(europa.eu\)](#) in particular paragraph 12, on page 5. The European Parliament restated this call in its 2021 resolution on the implementation report on the road safety aspects of the Roadworthiness Package. In paragraph 15 it "Calls on the Commission to include in the next revision of the Package mandatory provisions enabling the Member States to register mandatory odometer readings from each inspection, service, maintenance operation and major repair carried out, starting with the vehicle's first registration". See, [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0122\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0122_EN.pdf)

of accessing car history reports may dissuade some consumers from obtaining such information. The cost may be particularly dissuasive when checking the history of several cars or the history of an import, as accessing information about multiple cars or a car's history in another country can be more costly. As much of the key car history information is provided by the NVDF, as set out in section 2.2.1.3, the effect is that consumers are being charged to access this State-held information.

### 3.9 Public sector initiatives

There are several planned initiatives being rolled out by the RSA and Department of Transport which have the potential to provide for greater disclosure of key car history information. We provide a brief overview of each below.

#### 3.9.1 Proposed NCT Platform

As noted above, the Road Safety Strategy proposes the development of a platform to disclose roadworthiness information, to include mileage readings. Although such a platform will, if launched, go some way towards providing consumers with an alternative source from which to obtain information independently of the seller, it will be limited to the disclosure of NCT records and mileage readings and so will not address issues of consumer access to the other key car history information.

In addition, the number of mileage readings accessible through such a platform will be limited by the age of the car and, if it is an import, when it was imported into Ireland, as these factors impact on the number of NCTs the car has undergone and in turn how many odometer readings have been collected at NCT. For cars that are less than four years old, no odometer readings would be accessible. Car history providers may remain the only avenue for consumers to obtain access to a sufficient number of odometer readings to allow them to check whether a car may have been subject to odometer fraud.

For these reasons the CCPC believes that, even if the NCT platform is launched, many consumers will continue to be primarily reliant on car history providers to access key information about a used car.

#### 3.9.2 Vehicle recalls

To deliver on an action item under the Road Safety Strategy 2030, the RSA has commissioned a feasibility study on the establishment of a dedicated portal for managing road safety critical vehicle recalls.<sup>88</sup> At the time of writing, the feasibility study was at an early stage, and it is therefore not possible to comment on its findings or recommendations. The CCPC notes that a portal or any other online service which could aid consumers in establishing if a car has been subject to a safety-related recall would be of significant value.

As noted above, the key information that a consumer requires is confirmation of whether the used car was returned to the manufacturer in compliance with the recall notification or not. If a car with a safety-related recall is not returned to the manufacturer or otherwise repaired, then it may pose a danger to the driver and other road users. If such a portal or online service could allow a consumer to **confirm that a recall is outstanding**, then they would be better placed to decide whether or not to purchase a car.

<sup>88</sup> [https://www.rsa.ie/docs/default-source/road-safety/action-plans/rsa\\_safety\\_strategy\\_action\\_plan\\_2021\\_2024\\_13th\\_jan2022\\_final\\_online.pdf?sfvrsn=67518e36\\_5](https://www.rsa.ie/docs/default-source/road-safety/action-plans/rsa_safety_strategy_action_plan_2021_2024_13th_jan2022_final_online.pdf?sfvrsn=67518e36_5). See Action 84.

### 3.9.3 Change of Vehicle Ownership online service

The CCPC notes that the Department of Transport has developed the 'Online Change of Vehicle Ownership' service which is intended to **facilitate consumer sellers of used cars to share information with buyers**.<sup>89</sup> The service is accessible on Gov.ie and Motortax.ie and requires the use of a buyer's MyGovID. This service has the potential to improve the exchange of some key information in the sale of used cars between consumers. The CCPC understands that the service will allow a buyer to access the following information with the consent of the private seller:

- name of the current owner
- vehicle registration number
- make, model, colour
- VIN number
- number of previous owners
- NCT expiry date
- tax expiry date
- date of registration in Ireland
- import status

Some of the information to be disclosed through use of the Online Change of Vehicle Ownership service is key car history information.<sup>90</sup> This is a very welcome development. However, the CCPC understands that the use of the service will be **optional, which may limit its use** in such consumer-to-consumer transactions. In addition, to establish the mileage records or write-off status of the car, if not provided voluntarily by the seller, a consumer will still have to avail of car history check reports. This will continue to carry the risk that the information provided in such reports is incomplete or unreliable. We return to this issue in the Recommendations chapter below.

### 3.9.4 Life Events portal

*Connecting Government 2030*, the Government digital and ICT strategy for public services, contains a commitment to develop a Life Events portal in which citizens can be linked to key Government services and supports when dealing with major events such as registering births, marriages or starting a business.<sup>91</sup> This is a welcome development and is aligned with the direction that many other governments are taking to provide more streamlined access to information for citizens online. At present there are no plans to make information on cars available through the Life Events portal. However, as noted in the next chapter, there are a number of EU member states as well as other jurisdictions in which the State takes a stronger role in the provision of car history to consumers.

## 3.10 Conclusion

There are several shortcomings in the provision of information to consumers by car history providers:

- There is a **lack of uniformity** in terms of the data available to inform car history check reports.
- It is **costly to access key car history information**, particularly if a consumer is shopping around
- There is no systematic notification of **outstanding recalls** to car history providers with the result that a car history check may not contain such information.

<sup>89</sup> Available at: <https://www.vehicleservices.gov.ie/cvo/>

<sup>90</sup> In addition, a car that has been written off as Category A or B or previously reported as stolen will not be transferrable in the service.

<sup>91</sup> *Connecting Government 2030: A Digital and ICT Strategy for Ireland's Public Service* (available here: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/220390/79ac70c6-f2d9-4b5e-8960-c833a0b40efb.pdf#page=null>). The strategy will "develop human-centred services by using digital to break through traditional organisational boundaries, potentially beyond public service organisations, and deliver better outcomes for individuals and businesses. The principle of once-only implies that Government will use digital technology to present and enable its services in a more theme-oriented proactive way".

- Some information is **not validated** such as repairs carried out on uninsured vehicles, including imported Category U cars,<sup>92</sup> as well as compliance with recall notifications.
- Information on **economic write-offs** is not validated through a reporting mechanism to the State.
- Economic write-off information is **not made available to car history providers by all insurers** that write private motor insurance in Ireland.
- Mileage readings are not sourced from NCT records and are often drawn from a range of **unvalidated sources**.

Some car history providers include comprehensive disclaimers as to the accuracy of some of the information they hold.<sup>93</sup> There is accordingly potential for consumers to receive inaccurate information, without a remedy for any damage they suffer, even when they have paid for a car history report through one of these websites. These factors combine to suggest that car history providers cannot at present be considered a comprehensive source of car history key information for consumers.

### Chapter 3 Summary

- Consumers are generally reliant on car history providers to independently access key information about a used car they are interested in buying. The databases of these providers lack reliability in certain aspects and add extra search costs to the process of purchasing a car and many consumers do not use their services.
- There is no legal obligation to report economic write-offs in Ireland and, as a result, consumers do not have access to comprehensive information about previously damaged cars. This could lead to significant detriment to consumers, including higher insurance costs, repair costs, or even safety issues with the car.
- Information that consumers receive from car history providers is not comprehensive and may lack accuracy.
- There are reports of written-off vehicles being imported into Ireland from the UK, potentially masking their write-off history from Irish consumers and posing road safety concerns.
- Damaged cars which are not assessed on behalf of an insurer may not be captured in any databases. As a result, consumers are at risk of purchasing cars which are damaged to the same extent as a write-off with limited or no means of identifying that the car was previously damaged.
- Provision of false information about a car's mileage remains a key source of enforcement activity for the CCPC and there remain circumstances in which consumers may not have access to regular and reliably sourced mileage readings to enable them to suspect that a used car has been subject to odometer fraud.
- There are State-led developments which will improve access to information, but they may not provide a comprehensive source of information on the history of a used car.

<sup>92</sup> <https://www.myvehicle.ie/car-news/write-off-categories-in-the-uk-explained>

<sup>93</sup> For example, cartell.ie state that 'When a write-off record is made available to Cartell it automatically gets uploaded to the Cartell database. As this information is supplied by third parties, inaccuracies can occur when the information is made available to Cartell. Cartell cannot be held responsible for the accuracy of the information supplied' and further 'All of the mileage information on the NMR is supplied by third parties in good faith and cannot be validated. If you have any queries regarding the mileage we have provided, we suggest you speak to the Vendor of the vehicle to provide evidence to back up the vehicles mileage'. Myvehicle.ie states 'While the Company attempts to ensure that the information on the Site and contained in any report is accurate, the Company makes no representations or warranties as to the accuracy or reliability of any information provided on the Site or in any report and shall not be responsible for any error or omission in the information supplied to you'. Desk research identified one Car History Provider offering a guarantee against financial loss incurred up to a limit of €30,000 as a result of errors in three types of data it makes available, subject to terms and conditions. <https://www.motorcheck.ie/data-guarantee-terms/>

## 4. International Comparisons

The CCPC has examined the provision of car history information across all EU member states and identified that 20 of those countries operate public services which offer consumers online access to some degree of car history information. Several EU countries have made significant strides in offering comprehensive online databases that allow consumers to verify car history information. In addition, there are noteworthy international examples provided in Australia, New Zealand and the United Kingdom (UK).

### 4.1 Information disclosure in the EU

Some EU countries provide disclosure of key car history information, including:

- previous ownership
- accident history
- mileage

We note some of the most comprehensive approaches below.

#### 4.1.1 Belgium

In Belgium, the Car Pass system provides for comprehensive information disclosure at the point of sale of a used car through the exchange of the Car Pass document.<sup>94</sup> Car Pass ensures that the purchaser is provided with information on:

- notification of an inspection after an accident
- mileage readings
- outstanding recalls
- date of first registration in Belgium

#### 4.1.2 Estonia

In Estonia, a Vehicle History Check is provided by the Transport Administration via an online platform.<sup>95</sup> The platform provides disclosure of:

- date of initial registration
- mileage readings
- roadworthiness test records
- dates of changes of ownership

In addition, a platform provided by the insurance industry in Estonia permits a consumer to check if a car was involved in a crash and if an insurer considered the car to be suitable for destruction.

#### 4.1.3 Hungary

In Hungary, consumers can check vehicle information through the OkmányApp.<sup>96</sup> The data provision is based on the data contained in the Vehicle Register of the Public Road Traffic Register managed by the Ministry of Interior. In addition, the Vehicle Service Platform enables the customer to access the essential data of the vehicle's life cycle from various Hungarian registers free of charge on an interoperable online interface.<sup>97</sup> The following information is disclosed:

- mileage readings
- number of owners
- country of origin
- status of vehicle (i.e. whether it was withdrawn from traffic alongside the reason for withdrawal)

<sup>94</sup> <https://www.car-pass.be/en/about-car-pass>

<sup>95</sup> <https://www.transpordiamet.ee/en>

<sup>96</sup> <https://nyilvantarto.hu/okmanyapp/gepjarmu-ugyintezes>

<sup>97</sup> <https://magyarorszag.hu/#ugyleiras.28c28a1a-7296-4629-8f36-7f3fbe6596c6>

#### 4.1.4 Latvia

In Latvia, insurance and accident history can be accessed through the Motor Insurers' Bureau of Latvia website.<sup>98</sup> Information on the mileage history of all vehicles recorded in all roadworthiness tests performed in Latvia, and data from the last roadworthiness test, is provided by the Road Traffic Safety Directorate.<sup>99</sup>

#### 4.1.5 Poland

In Poland, a dedicated vehicle history website provides a free service that allows to check selected data related to the history of any second-hand vehicles registered in Poland, including those imported from selected EU countries, the US and Canada.<sup>100</sup> Information disclosed on the website includes:

- roadworthiness test records and validity of current test
- mileage readings
- material damage
- number of owners
- temporary withdrawal from traffic and re-admission to traffic after withdrawal

The CCPC has found that thirteen member states provide for disclosure of mileage readings by state bodies or on behalf of the state.<sup>101</sup> In turn, six member states ensure that information on the crash history of a car is made available.<sup>102</sup> There are a small number of member states that do not permit access to car history information for purchasers with the access being limited to the registered owner of the vehicle.<sup>103</sup>

## 4.2 Information disclosure in Australia, New Zealand and the UK

### 4.2.1 Australia

The National Exchange of Vehicle and Driver Information Systems (NEVDIS) is a national database of all vehicles registered in Australia owned by Austroads on behalf of the eight states and territory jurisdictions who contribute information. Information contained in the database is updated by either the relevant State or Territory Road Transport Authorities or the Police. The Personal Property Securities Register (PPSR) acts as a portal to the NEVDIS to provide additional information on motor vehicles.

Prior to the purchase of a used car, consumers can check the PPSR to conduct a check against the vehicle information held in the NEVDIS.<sup>104</sup> This allows the consumer to check the following details about the car:

- make and model
- write off status (including whether it has been reported as a statutory write-off or repairable write-off and it may also include a code which can be used to understand the type of damage to the car)<sup>105</sup>
- stolen status
- vehicle registration number and expiry

<sup>98</sup> <https://services.ltab.lv/en/CheckOcta>

<sup>99</sup> <https://e.csdd.lv/>

<sup>100</sup> <https://historiapojazdu.gov.pl/>

<sup>101</sup> Belgium, Czechia, Denmark, Estonia, Finland, Hungary, Latvia, the Netherlands, Poland, Portugal, Romania, Spain and Sweden.

<sup>102</sup> Belgium, Denmark, Hungary, the Netherlands, Poland, and Spain.

<sup>103</sup> France, Germany and Slovakia.

<sup>104</sup> [Understand your car search result | Personal Property Securities Register \(ppsr.gov.au\)](https://www.ppsr.gov.au/understand-your-car-search-result)

<sup>105</sup> [Understand your car search result | Personal Property Securities Register \(ppsr.gov.au\)](https://www.ppsr.gov.au/understand-your-car-search-result)



### 4.2.2 New Zealand

The New Zealand Transport Agency operates a vehicle check website which can check a car against a list of vehicles that have come to the attention of the Agency due to having water damage or fire damage or having been written-off in the country of previous registration. Odometer readings are recorded on the Motor Vehicle Register,<sup>106</sup> which records information on the driver and vehicles on New Zealand roads. Odometer readings are recorded on the date of the warrant of fitness inspection of the vehicle<sup>107</sup> and at the pre-registration check and border check.<sup>108</sup> All vehicle information on the Motor Vehicles Register is accessible to anyone through the online Motochek service, information on the registered owner is restricted to corporate bodies.<sup>110</sup>

### 4.2.3 UK

The websites of the Driver and Vehicle Licensing Agency (DVLA) and the MOT in the UK are examples of public authorities making certain car history information publicly accessible online for free. The MOT is a periodic test conducted on vehicles in the UK to check that the vehicle meets road safety and environmental standards.<sup>111</sup>

The MOT website<sup>112</sup> allows a prospective purchaser to:

- check the past results of a vehicle's MOT test, including if it passed or failed
- find out the mileage recorded when it was tested
- check when the next MOT is due
- download a copy of the current and previous MOT certs

If the car was tested in England, Scotland or Wales, a prospective purchaser can also see:

- where each test was done, provided they have the 11-digit number from the vehicle's logbook
- what parts failed at each test and if any parts had minor problems

This service offered by the MOT could assist consumers in identifying safety and maintenance issues with a car and in identifying a clocked vehicle.

On the DLVA website, a prospective purchaser can check the records held about a vehicle, including:

- vehicle tax - the current rate and when it expires
- if the vehicle has been declared as being off the road
- MOT expiry date
- date of first registration
- last logbook (V5C) issue date
- year of manufacture
- type approval category
- weight
- engine size
- fuel type
- emissions
- export status
- outstanding recalls

To access information about the current or previous registered keeper of a vehicle,<sup>113</sup> an application must be made in writing to the DVLA.

<sup>106</sup> [The Motor Vehicle Register | Waka Kotahi NZ Transport Agency \(nzta.govt.nz\)](https://www.nzta.govt.nz/vehicles/how-the-motor-vehicle-register-affects-you/requesting-register-information/motochek/glossary/)

<sup>107</sup> <https://www.nzta.govt.nz/vehicles/how-the-motor-vehicle-register-affects-you/requesting-register-information/motochek/glossary/>

<sup>108</sup> As evidenced by the sample, [Motochek-query-result-examples.pdf \(nzta.govt.nz\)](#)

<sup>109</sup> [Motochek sample | NZ Transport Agency Waka Kotahi \(nzta.govt.nz\)](#)

<sup>110</sup> [What is Motochek | NZ Transport Agency Waka Kotahi \(nzta.govt.nz\)](#)

<sup>111</sup> [Getting an MOT: When to get an MOT - GOV.UK \(www.gov.uk\)](#)

<sup>112</sup> [Check the MOT history of a vehicle - GOV.UK \(www.gov.uk\)](#)

<sup>113</sup> The registered keeper is the person that regularly uses a vehicle regardless of whether they own it.

### 4.3 How information is disclosed

In most countries surveyed by the CCPC, information is made available online.<sup>114</sup> In some countries this is provided on a State owned and operated website, while in others third parties have been designated to manage the process of information disclosure on behalf of the State.

### 4.4 How consumers verify access to public information

Where consumers are entitled to check information on a used car this is authenticated through the use of information such as the Vehicle Information Number (VIN) or chassis number, the vehicle registration number or the vehicle certification number.<sup>115</sup>

Acknowledging that there are some online public services in Ireland which provide consumers with access to some information on the history of a used car,<sup>116</sup> the information available is minimal and falls far short of what is necessary to adequately inform a consumer's purchasing decision. Ireland's current services still fall short of the more advanced platforms available elsewhere, highlighting a need for improvement to match the best practices observed internationally.

### 4.5 Conclusion

Consumers in many of the countries surveyed in this report can access a wide range of information on the history of used cars for free. Often this information is provided through publicly accessible websites and will alert a consumer to a range of information including crash history, mileage readings, the results of roadworthiness inspections and outstanding recalls. Consumers must demonstrate a legitimate basis for their search and are generally required to provide information such as the VIN to get access.

#### Chapter 4 Summary

- Consumers in many countries are provided with access to information on the history of used cars by State authorities.
- Most information disclosure is made online through websites and/or apps.
- Specific information on mileage and the crash history of used cars is provided in a large number of jurisdictions.
- Consumer access to information is subject to verification.

<sup>114</sup> As noted above, the Car Pass system employs the exchange of a physical document during the sales process.

<sup>115</sup> In some member states access to the information is only provided to the registered owner of the car.

<sup>116</sup> On [motortax.ie](http://motortax.ie) anyone with the car registration number can check and see if a car has changed hands within the last three months, see [Motor Tax Online](http://Motor Tax Online). On [ncts.ie](http://ncts.ie) anyone with the car registration number can check the NCT validity of a car, [Check NCT Validity \(ncts.ie\)](http://Check NCT Validity (ncts.ie)).

## 5. Recommendations

This report has shown that there are numerous gaps in the information provided to consumers about used cars either because it is not collected, or it is not directly accessible by consumers. Our enforcement experience in this area and the volume of contacts we receive every year show that this is negatively impacting consumers. Consumers urgently need **better access to comprehensive and reliable information** and there is significant potential for this information to be made available. The recommendations in this chapter seek to address this potential for improvement, with the intention that the significant number of consumers who purchase used cars are empowered to make better informed decisions when doing so.

The CCPC has also developed the following recommendations with the intention of complementing existing initiatives and strategies across Government in recent years. Most notable amongst these are the Department of Transport's *Data Strategy 2024-2030*, which establishes the goal of making data accessible in an appropriate form to consumers and of encouraging data sharing,<sup>117</sup> *the Harnessing Digital – the Digital Ireland Framework*,<sup>118</sup> which promotes user-driven and efficient digital government services and the maximisation of re-use of data, and the online disclosure of NCT records as proposed in the *Road Safety Strategy*.

The core recommendation of this paper is for the key car history information currently held on the NVDF to be made directly accessible to consumers for free through a one-stop-shop online portal. Interoperability, meaning the sharing of knowledge and information between organisations, including through the business processes they support and by means of the exchange of data between their ICT systems, should be ensured across all other online tools and platforms.<sup>119</sup> The other recommendations build on the core recommendation, by suggesting ways in which the existing collection and disclosure of car history information by the State could be enhanced in the public interest.

### 5.1 Recommendation 1: The Minister for Transport should ensure the creation of a one-stop-shop free online portal for accessing key car history information.

The Department of Transport should make existing information held on the NVDF directly accessible to consumers to search, for free, through an online service. This would involve the following information currently held on the NVDF being made directly accessible to consumers online (the key car history information currently held on the NVDF):

- make and model<sup>120</sup>
- end-of-life write-offs
- mileage readings
- number of previous owners
- whether the car was imported and the country of previous registration

A system of direct access to the NVDF should be:

- interoperable with existing and forthcoming databases and registries containing car history information
- designed to ensure compliance with data protection law

<sup>117</sup> <https://www.gov.ie/en/publication/215d9-data-strategy-2024/>

<sup>118</sup> [gov - Harnessing Digital - The Digital Ireland Framework \(www.gov.ie\)](https://www.gov.ie/en/publication/215d9-data-strategy-2024/)

<sup>119</sup> As is noted in Connecting Government 2030: A Digital and ICT Strategy for Public Services, the delivery of digital public services means that "data and services must interoperate within and across public service organisations and potentially with appropriate third parties".

<sup>120</sup> It is suggested that information on the make and model of the car be disclosed on the online service, for the purposes of allowing the user to verify that the information returned relates to the correct car.

This recommendation would enable consumers to access important information already collected and stored by the State, without reliance on the car history providers who generally charge for access and allow consumers to verify the information given to them by traders and private sellers in a reliable way. As a result, consumers would be more informed about the history of a car before purchase and at a **reduced risk of being misled** as to the car's history by the seller. It would also introduce a public service in Ireland that would be similar to that offered in many **other EU member states**, including Hungary, Latvia and Poland, as well as in the UK, giving Irish consumers the benefits of access to information that many of their European counterparts have. Additionally, it would disincentivise unscrupulous traders from engaging in misleading commercial practices as consumers and traders would have **easy and free access** to certain key car history information.

The CCPC notes that the Indecon Review of the RSA recommended that the NVDF be transferred from the Department of Transport and into the new agency with an operational focus. Irrespective of whether the NVDF is transferred to a new agency or remains with the Department of Transport, the CCPC recommends that a **one-stop shop service** should be established which will allow consumers to access the key car history information necessary when buying a used car.

### 5.1.1 Interoperability

Access to the NVDF for consumers will allow for the re-use of public data as provided for in Directive (EU) 2019/1024 (the Open Data Directive). The re-use of the NVDF data would be a driver of interoperability between public services in Ireland as promoted in the European Interoperability Framework.<sup>121</sup> This recommendation has been developed considering the roll out of the Online Change of Vehicle Ownership service and on the understanding that the proposed NCT Platform will be developed and launched. Both online solutions will provide for consumers to access important information about a used car that they are considering purchasing. However, neither online solution is at present designed to provide access to all that information in one location. A one-stop-shop service should be **interoperable with such online services** to ensure that consumers can **access key car history information from the NVDF when using those services** (e.g. the Online Change of Vehicle Ownership service).

### 5.1.2 Data protection

It is acknowledged that there are technical and legal considerations for the Department in executing this proposal and that all data sharing must be done safely, in line with the Department of Transport's *Data Strategy*.<sup>122</sup> One of these legal considerations is compliance with data protection law. The CCPC is of the view that much of the information it proposes to be made directly accessible to consumers in this report is not personal data. Even where some of the information is personal data, there is a **clear public interest objective** in providing consumers with details about used cars to inform their decision making and help them avoid purchasing unsafe cars. This would provide a strong basis for processing of personal data under the Data Protection Act 2018, as amended.<sup>123</sup> At the time of writing the legislative basis for the NVDF is the Finance Act 1993, as amended. The Department of Transport may consider that amendment of the Finance Act 1993, as amended, would best ensure that the disclosure of information from the NVDF to the public is enabled with the appropriate legal authority. In this regard the CCPC notes that the General Scheme of a National Vehicle and Driver File Bill has been drafted by the Department of Transport. The CCPC further understands that the Bill will include measures on strengthening 'of General Data Protection Regulations (GDPR) for access to vehicle and driver data.'<sup>124</sup> The CCPC notes that it may be appropriate for users accessing the NVDF

<sup>121</sup> [https://ec.europa.eu/isa2/sites/default/files/eif\\_brochure\\_final.pdf](https://ec.europa.eu/isa2/sites/default/files/eif_brochure_final.pdf)

<sup>122</sup> See, <https://www.gov.ie/en/publication/215d9-data-strategy-2024/>

<sup>123</sup> [Data Protection Act 2018 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2018/act/17/enacted/en/html)

<sup>124</sup> See Ministerial Brief prepared by the Department of Transport: <https://www.gov.ie/en/publication/128fe-ministerial-brief-july-2024/>

online to be required to input information which is generally required to be sourced from the seller, such as the VIN.<sup>125</sup> To obtain that information, the consumer would have to engage with the seller, thereby demonstrating a legitimate interest in purchasing the vehicle.<sup>126</sup>

The benefits to consumers of access to the NVDF should be further **enhanced through the collection of additional information on economic write-offs** as set out in Recommendation 2.

## 5.2 Recommendation 2: Share information on repairable crashed cars and vehicle recalls with consumers

The CCPC has a serious concern that consumers' lack of access to comprehensive records on cars assessed on behalf of an insurer in Ireland to be an economic write-off exposes them to significant risk of detriment, including the risk of unwittingly purchasing a defective car that poses road safety concerns.<sup>127</sup> The CCPC therefore recommends **that information on economic write-offs is collected for inclusion in the NVDF** and that information is made **directly accessible to consumers to search for free**, extending the scope of the information disclosed under Recommendation 1. Implementation of this recommendation would enable consumers to access reliable information on economic write-offs prior to purchase, not only empowering them to make more informed purchasing decisions, potentially **avoiding the significant detriment** that can come with the purchase but also **mitigating the safety risk** that cars which have been written off and subsequently not repaired correctly, may pose to all road users.

This measure would require **policy and legislative developments** to provide for both the definition of economic write-offs and to mandate that the NVDF is notified of economic write-offs.

### 5.2.1 Defining economic write offs

As is noted above, current industry practice is to refer to economic write-offs as either Category C and D or Category S and N cars. The distinction will depend on whether a used car has been imported from the UK or not. Cars imported from the UK may, depending on the age of the car, be categorised as C or D or S or N.<sup>128</sup>

These **categories do not have any statutory basis in Ireland** and as such are solely based on common usage among insurance companies and the assessors that make the assessment of a car's condition. Categories C and D primarily focus on the economic implications of the state of a car for the insurance company, rather than focusing on the physical condition of the vehicle. Categories S and N are defined in the and better reflect the extent of damage sustained to the vehicle.<sup>129</sup> This is positive from the perspective of

<sup>125</sup> The CCPC notes that the Change of Vehicle Ownership service will require verification steps including a unique access code and the use of a MyGovID.

<sup>126</sup> This requirement would ensure that the online service could only be used for informing the purchase of a used car.

<sup>127</sup> Our concerns are confirmed by stakeholder engagement, where the need for collection of information by the State on economic write-offs in Ireland and the disclosure of that information to consumers emerged as a pivotal issue, including for the car history providers we engaged with. The fact that, by contrast with the position in Ireland, the Driver and Vehicle Licensing Agency (DVLA) collect information on such repairable write-offs in the UK, was also noted in stakeholder engagement. The obligation to report written-off vehicles in the UK is set out in the Road Vehicles (Registration and Licensing) Regulations 2002 (S.I. 2002/2742), as amended. Available at <https://www.legislation.gov.uk/uksi/2002/2742/introduction>.

<sup>128</sup> Since 2017 cars that would previously have been categorised as C or D are now categorised as S or N in the UK.

<sup>129</sup> Category S – Repairable vehicle which has sustained damage to any part of the structural frame or chassis and the insurer/self-insured owner has decided not to repair the vehicle. Category N – Repairable vehicle which has not sustained damage to any part of the structural frame or chassis and the insurer/self-insured owner has decided not to repair the vehicle. While the damage to the vehicle has been noted as non-structural, there may still be some safety critical items that require replacement e.g. steering and suspension parts. See: <https://www.abi.org.uk/globalassets/files/publications/public/motor/2019/code-of-practice-for-the-disposal-of-motor-vehicle-salvagenov2019.pdf>

a consumer considering buying a used car, as the S and N categorisation provides more useful information for the consumer about the condition of the car than the C and D categorisations.<sup>130 131</sup>

Considering the technical nature of the assessment of written-off vehicles and the varied responses we received on this topic as part of stakeholder engagement, the CCPC suggests that the Department of Transport carry out **further consultation with stakeholders to identify workable definition(s) for economic write-offs**. The CCPC recommends that any such definitions be developed based on several principles. The definition(s) should be:

- transparent
- easily understood by consumers
- consistent

### 5.2.2 Legislating for definitions of economic write-offs

Defining and mandating notification to the State of economic write-offs was contemplated by the Consultation Paper 'Regulating Written-off Vehicles', issued by the Department of Transport and the RSA in 2010 (the 2010 Consultation Paper).<sup>132</sup> That paper also noted that 'Key to an effective system of regulating written-off vehicles is accessibility to accurate write-off vehicle histories for prospective owners'.

In terms of how such categorisation could be achieved, the proposal in the 2010 Consultation Paper and certain international comparators, may be instructive.<sup>133</sup> The 2010 Consultation Paper proposed that the primary objective of any assessment carried out on a written-off vehicle must be to investigate whether the **structural integrity of the vehicle has been compromised** and assess the level of damage to safety or environmentally critical components. A secondary concern would be the assessment of the **financial implications** of any damage.<sup>134</sup> Under the proposed classification, 'financial write-offs' could be returned to the road, subject to the vehicle meeting the minimum standard for use on a public road. As evidenced in the definitions of financial write-offs proposed in the 2010 Consultation Paper, the primary factor of these definitions is the **extent of damage suffered by the vehicle**. This represents a shift in focus from the existing categories of economic write-offs, which principally focus the assessment on the financial implications of the damage.

<sup>130</sup> Several stakeholders we spoke to about this topic expressed support for moving away from the existing definitions of category C and D Economic Write-Offs and for focussing any definitions on the structural integrity of the car and level of damage to safety or environmentally critical components. We received a range of opinions on what definitions should replace C and D.

<sup>131</sup> While a number of stakeholders noted the benefits of the S and N categories used in the UK, including the information on the extent of damage sustained and the clarity those definitions provided over categories C and D, others were of the opinion that the S and N categories could be improved upon. One stakeholder suggested the introduction of additional categories including for stolen vehicles, vehicles involved in crime and to distinguish between major and minor structural damage sustained. Another stakeholder suggested that clarity would be best provided by grouping all Economic Write-Offs together in one 'roadworthy' category.

<sup>132</sup> See, [Microsoft Word - Written\\_off\\_Vehicle\\_Consultation Final draft 21 Dec.doc \(motorcheck.ie\)](#)

<sup>133</sup> We provide a more detailed overview of the issues relating to defining economic write-offs in Appendix 5.

<sup>134</sup> The 2010 Consultation Paper proposed that vehicles that have been written-off but are capable of repair, which it termed 'financial write-offs', and we can consider broadly equivalent to economic write-offs for the purpose of this analysis, would be defined by two categories: Category C: a financial written-off vehicle (not being a statutory written-off vehicle) that has been extensively damaged but can be repaired; Category D: a financial written-off vehicle (not being a statutory written-off vehicle) that has been lightly damaged but can be repaired. A statutory written-off vehicle as described in the 2010 Consultation Paper aligns with End-of-Life Vehicles and as described in that paper fall into two categories:

- Category A: a statutory written-off vehicle that must be destroyed (in line with End of Life Vehicle or Scrapped/Destroyed requirements)
- Category B: a statutory written-off vehicle that must be destroyed but specified components, technical units, or systems may be used for supplying some replacement parts (in line with End of Life Vehicle requirements)

See, [Microsoft Word - Written\\_off\\_Vehicle\\_Consultation Final draft 21 Dec.doc \(motorcheck.ie\)](#)

### 5.2.3 Legislative code of practice

Definitions of economic write-offs can be contained in legislation or in an industry code of practice. By setting out the definitions of written-off vehicles in legislation, the CCPC is of the view that the approach proposed in the 2010 Consultation Paper would offer additional legal certainty, clarity for consumers and the potential for greater consistency in the assessment of written-off vehicles than the approach in the UK in which categories of written-off vehicles are set out in a voluntary, non-statutory code.<sup>135 136</sup>

However, another option that the CCPC considers would offer the same level of clarity, certainty and consistency as setting out the definitions in primary or secondary legislation is for legislation to be introduced to allow the Minister for Transport to **develop and amend a code of practice** setting out definitions of economic write-offs and criteria for reporting of economic write-offs. This approach would bring consistency and more legal certainty to the definition of economic write-offs, thereby ensuring consistency in application, and would allow for **greater flexibility in amending the definitions within the code in the future**, as changes could be made by the Minister without the need for legislative amendments. This flexibility could better ensure that the definitions of economic write-offs are kept up to date with developments in vehicle materials and technology and changes in the automotive industry.<sup>137</sup>

Defining economic write-offs, with accompanying obligations on reporting, in a legally binding code of practice is therefore preferred over an industry voluntary code or including definitions in primary or secondary legislation.

### 5.2.4 The obligation to report economic write-offs

The CCPC is of the view that the obligation to report economic write-offs to the NVDF should be **set out in legislation**. As vehicle insurers are an essential source of information on economic write-offs, the obligation should be placed on them to notify the Department of Transport of the assessment of a car as an economic write-off.<sup>138</sup> In the case of economic write-offs, as those cars are more likely than end-of-life write-offs to return to the road, the CCPC suggests that an adjusted approach is needed to ensure that the information is captured and available to consumers before the car is made available for sale. The CCPC recommends that:

- It would be appropriate to set out a fixed time period for reporting economic write-offs
- It should also be specified that if the car or any part of the car that has a chassis or VIN number is disposed of by the insurer before that fixed time period expires, the Department of Transport should be notified on that earlier date, the date of disposal<sup>139</sup>

<sup>135</sup> However, there is also a legislative reporting obligation in the UK which indirectly defines repairable write-offs without reference to the definitions used in the code.

<sup>136</sup> Members of Insurance Ireland with whom we discussed this issue did not express a preference for the adoption of either legislation or a voluntary code. They did note that an industry voluntary code could be quicker and easier to implement, if there is alignment between industry stakeholders, but that its voluntary nature could lead to varying approaches being taken and that legislation would create a standard position including for vehicles being assessed outside of the insurance sector. This latter point is directly related to recommendation 3 as, if a broader range of parties are required to notify economic write-offs to the Department of Transport, an industry code would likely be unworkable in practice, requiring the input and agreement of a number of industries.

<sup>137</sup> The code must also contain uniform criteria for assessing and reporting economic write-offs. The approach taken should ensure that the terminology used to report economic write-offs to the NVDF is the same as that used in the industry. This avoids having multiple frameworks for written-off vehicles which could cause consumer confusion

<sup>138</sup> In effect bringing about an extension of the obligation which is placed on them pursuant to Part 2 of RTA 2016 to report end-of-life write-offs.

<sup>139</sup> This could be framed within the legislation as an obligation to notify the Department of Transport before the earlier of a specified period of time starting when the car was inspected or the date the insurer disposes of the car or any part of the car that has a chassis or VIN number. This is similar to the approach taken in legislation in Queensland, Australia when mandating the notification of written-off vehicles by certain parties. See section 146 of the Transport Operations (Road Use Management–Vehicle Registration) Regulation 2021 [Transport Operations \(Road Use Management–Vehicle Registration\) Regulation 2021 - Queensland Legislation - Queensland Government](#), accessed 20 June 2024.

The infrastructure which is already in place to enable reporting of end-of-life write-offs by insurers to the NVDF could be utilised to incorporate economic write-offs. Insurance companies that are members of Insurance Link already report economic write-offs for inclusion in that database, presenting an opportunity for the State to benefit from an already well-established reporting practice in the insurance industry.<sup>140</sup>

While insurers must be considered a pivotal source of information on economic write-offs, there would also be benefits to extending the obligation to other parties to report all write-offs, including economic write-offs as further discussed in Recommendation 3.

### 5.2.5 Vehicle recalls

As noted above, a consumer may purchase a used car which has previously been subject to a safety related recall by its manufacturer. An outstanding vehicle recall could indicate an unresolved safety issue with the car. At present that information is not captured on the NVDF and is not disclosed to car history providers. While noting that at the time of publication the RSA project on vehicle recalls was in development, the CCPC recommends that if a one-stop shop is established that it also discloses vehicle recall notifications to consumers.

## 5.3 Recommendation 3: Consider placing obligations to report crashed cars on automotive professionals such as dealerships and repairers

Damaged cars which are not assessed on behalf of an insurer are not captured by the NVDF and may not be captured in any private database. This results in consumers being at risk of purchasing a car which was damaged to the same extent as a written-off car but with limited or no means of identifying that it was previously damaged if this is not disclosed by the seller.<sup>141</sup> The CCPC is of the view that this risk can be mitigated by placing **obligations on a broader range of parties** to notify the Department of Transport of a written-off vehicle. This broader approach was considered in the 2010 Consultation Paper, which proposed that whoever determines a car to be a write-off (insurance company, salvage company, vehicle distributor, dealership, garage) would be legally required to notify the classification of a car as a write-off. However, the reporting obligation in respect of written-off vehicles under Part 2 of the RTA 2016, when commenced, will only be on a vehicle insurer.<sup>142</sup>

### 5.3.1 Removing dangerous cars from circulation

Introducing a reporting obligation on a broad range of actors could better ensure that cars that are **not the subject of an insurance claim but are damaged to the same extent as a category of write-off**, are notified to the NVDF. A broader reporting obligation could also ensure that all cars that are damaged to the extent that they are a danger to the public

<sup>140</sup> In stakeholder engagement, Insurance Ireland members indicated their willingness to report Economic Write-Offs to the NVDF, pointing out that this obligation would provide a more complete and accurate picture of the status and history of written-off vehicles in Ireland.

<sup>141</sup> For example, if a consumer is sold a car that had been previously categorised as Category U when the seller purchased it, they may not be made aware of that information by the seller and no official record of its crash history will exist with the result that its crash history is unlikely to be found in a Car History Check report.

<sup>142</sup> We note that regulation 12 of the Road Vehicles (Registration and Licensing) (Amendment) Regulations 1992, as amended, requires the owner of a vehicle first licenced in the State on or after 1 January 1993, that is to be scrapped or destroyed, to deliver the licencing certificate to the Minister for Transport, who shall note that the vehicle was scrapped or destroyed and notify the appropriate licensing authority. See, [S.I. No. 385/1992 - Road Vehicles \(Registration and Licensing\) \(Amendment\) Regulations, 1992. \(irishstatutebook.ie\)](#). Although not revoked, it is unclear if this provision is still current practice for passenger cars in light of the introduction of S.I. No. 281/2014 - European Union (End-of-life Vehicles) Regulations 2014, as amended and Motor Tax Office guidance that indicates that notification from a vehicle owner of destruction is not required in case of passenger cars. See, [Motor Tax Online](#) and [S.I. No. 281/2014 - European Union \(End-of-Life Vehicles\) Regulations 2014. \(irishstatutebook.ie\)](#). This regulation 12 could be interpreted as an obligation on a vehicle owner to notify the State of a written-off vehicle. However, we understand from engagement with the Department that notifications are very infrequently received from vehicle owners where the vehicle has been written-off by an insurer within the scope of Part 2 of the Road Traffic Act 2016, and any notifications received are not recorded on the NVDF.



when in motion, and not just those assessed by insurers and/or treated by an authorised treatment facility,<sup>143</sup> are removed from circulation, as those cars could be ‘locked down’ on the NVDF.<sup>144</sup>

### 5.3.2 More comprehensive information

If Recommendation 2 is adopted, the NDVF will contain information on economic write-offs and be made accessible to consumers. We also recommend this broader reporting obligation, so that information on economic write-offs on the NVDF is more comprehensive than it would be if the obligation to report was solely on the vehicle insurer. This may be a particularly important issue for economic write-offs, as it may be more financially viable for a seller to either arrange for repair work to be done independently of an insurer and sell the car than lose their no-claims bonus under their insurance policy, resulting in potentially unsafe cars being sold to unwitting consumers.

### 5.3.3 Broadening the scope of reporting obligations

The CCPC recommends that the Department of Transport **consult with relevant stakeholders** on the identification of appropriate reporting parties.<sup>145</sup> The CCPC suggests that the following factors should inform the Department’s considerations:

- The primary objective in identifying reporting parties should be to eliminate any gaps in the collection of information to ensure that all write-offs are captured.
- Entities that manage large fleets of cars and make or allow those cars to be made available for sale to consumers should be subject to a reporting obligation. Several stakeholders commented that the practice of some of these entities in self-insuring all or part of the loss or damage arising following an incident, is leading to **problematic gaps** in the information available to consumers about damaged cars.<sup>146</sup> The CCPC notes the obligations referenced above in both the UK and Queensland, Australia on self-insured entities who own a minimum number of vehicles, to report write-offs, which should be instructive.<sup>147</sup>
- Whether a reporting obligation should be placed on automotive professionals, including vehicle dealers, auction websites, repairers and garages to report end-of-life write-offs and economic write-offs to the NVDF. Such a reporting obligation would ensure that **greater transparency** is brought to damaged cars meeting the definitions of end-of-life or economic write-offs that are owned by consumers and are not covered by an insurance policy<sup>148</sup> or by comprehensive cover under their insurance policy or where the owner elects not to make an insurance claim. That information is largely inaccessible to consumers at present, as it is collected, at best, on an ad hoc basis by car history providers. On this basis, and as these entities profit from the repair and/or sale of damaged vehicles,

<sup>143</sup> Under S.I. No. 281/2014 - European Union (End-of-life Vehicles) Regulations 2014, as amended

<sup>144</sup> Where a vehicle is ‘locked down’ on the NVDF no further activity such as changes of vehicle ownership or renewal of motor tax can be recorded, see <https://www.gov.ie/en/policy-information/1ba443-motor-tax-vehicle-registration/>

<sup>145</sup> In terms of identifying parties who should be subject to reporting obligations, we received several suggestions from the stakeholders who were in support of broadening the scope of parties with reporting obligations, including vehicle owners, public bodies with fleets, car hire companies, leasing firms, self-insured bodies, motor dealerships, motor repairers and fleet management companies.

<sup>146</sup> Car hire companies and public bodies with fleets of cars were particularly mentioned in stakeholder engagement.

<sup>147</sup> In Queensland, Australia, a self-insurer with a reporting obligation is an entity that owns 5 or more notifiable vehicles for which there is no insurance policy with an insurer covering loss or damage, see [The Road Vehicles \(Registration and Licensing\) Regulations 2002 \(legislation.gov.au\)](https://www.legislation.gov.au/ulinks/DetailsPage?li=1&li=1&li=1), accessed 24 June 2024. In the UK, the reporting obligation is on a keeper of a fleet (being a person who is the registered keeper of 50 or more vehicles) that is the keeper of a relevant vehicle that is not insured with an insurer, see [The Road Vehicles \(Registration and Licensing\) Regulations 2002 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2002/01/01/ukdsi20020101_1_1.pdf), accessed 24 June 2024.

<sup>148</sup> As per the National Claims Information Database reported by the Central Bank of Ireland, comprehensive cover accounted for at least 80% of private motor insurance policies in each year since 2009 and 91% of policies in 2022. Therefore, it is acknowledged that self-insured private cars may not account for a significant number of cars damaged but not reported as write-offs. See, [https://www.centralbank.ie/docs/default-source/statistics/data-and-analysis/national-claims-information-database/private-motor-insurance-report-5.pdf?sfvrsn=1bb-9d1d\\_5](https://www.centralbank.ie/docs/default-source/statistics/data-and-analysis/national-claims-information-database/private-motor-insurance-report-5.pdf?sfvrsn=1bb-9d1d_5).

the CCPC is of the view that it is appropriate to **consider placing a reporting obligation** on them and notes that many of these entities would already have data management systems in place, to manage, for example, service records for cars. However, it will be important to assess the potential impact on such businesses from the imposition of a reporting obligation in line with the SME Test.<sup>149</sup>

- As noted above in recommendation 2, the obligation to report a write-off is directly related to the issue of defining economic write-offs, as it follows that it must be within the **competence of the reporting party to make an assessment** as to whether the car is an economic write-off.

### 5.3.4 Minimum qualification requirements

Introducing minimum qualification requirements could be a necessary complementary measure to broadening the scope of persons who must notify the State, to ensure that automotive professionals who assess write-offs have the necessary qualifications to do so and cars are reliably and accurately assessed. Several stakeholders were in favour of such a proposal on the grounds that it would help to maintain consistency of approach to assessment of write-offs.

The CCPC is of the view that the qualification requirements should not only set an appropriately high bar for the assessment of write-offs, to ensure the quality of assessment, but that mechanisms should be put in place to ensure that any entity claiming to meet those standards is required to submit **proof of those qualifications**, in advance of being permitted to assess write-offs and at regular intervals on request, to the Department of Transport.<sup>150</sup>

## 5.4 Recommendation 4: Providing improved mileage readings through the one-stop-shop online portal

The CCPC is of the view that the collection of periodic mileage readings by the NVDF should be more frequent than is dictated by the frequency of NCT testing, as suggested by the European Parliament in its resolution on odometer fraud in 2018,<sup>151</sup> and in its resolution on road safety aspects of the roadworthiness package in 2021.<sup>152</sup> Those additional readings could be sourced by the **introduction of a legal requirement for odometer readings to be notified by automotive professionals to the NVDF** each time specified service, maintenance and repair works are carried out, starting from the car's first registration. The CCPC considers that the Department of Transport should consult with relevant stakeholders on the identification of options to improve the collection of mileage readings.

A report of the Association of European Vehicle and Driver Registration Authorities<sup>153</sup> makes several points in respect of the administrative burden which would be placed on automotive professionals if they were required to record the mileage of each car that they work on and enter this into a central registration system:

<sup>149</sup> <https://enterprise.gov.ie/en/publications/publication-files/guidelines-and-template-for-application-of-the-sme-test.pdf>

<sup>150</sup> The CCPC notes that the 2019 UK Salvage Code requires that an 'appropriately qualified person' determine and be responsible for the salvage categorisation of a vehicle and sets out the requirements for an individual to be considered appropriately qualified. These requirements could operate as a useful starting point for the identification of requirements in Ireland, adapting, as needed, to the Irish context. The CCPC is also aware that certain public sector entities, such as Revenue and the RSA set out competency requirements for automotive professionals carrying out specific technical tasks within the competence of those entities. Acknowledging that these requirements are not specific to the assessment of Write-Offs or damaged vehicles, they could also be utilised as a starting point. As per the 2019 UK Salvage Code, an appropriately qualified person is someone who has a comprehensive technical education and training record, relevant to motor vehicle repair. They will have passed and hold a current competency-based assessment, on salvage categorisation, provided by the Institute of Automotive Engineer Assessors (IAEA) or an equivalent industry recognised body. [code-of-practice-for-the-disposal-of-motor-vehicle-salvagenov2019.pdf \(abi.org.uk\)](#)

<sup>151</sup> See, [European Parliament resolution of 31 May 2018 with recommendations to the Commission on odometer manipulation in motor vehicles: revision of the EU legal framework \(2017/2064\(INL\)\) \(europa.eu\)](#)

<sup>152</sup> See, [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0122\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0122_EN.pdf)

<sup>153</sup> See page 13 of [final-report-ereg-topic-group-xiii-vehicle-mileage-registration.pdf \(ereg-association.eu\)](#)

- Recording mileages is already **common practice** in the automotive industry, for example maintenance and warranty schemes depend on a car's mileage. Accordingly, the only additional requirement would be to input the information into a database.
- Automotive businesses already **depend on IT systems** to carry out everyday tasks such as accessing the technical manuals of manufacturers, getting approval for repairs from insurance and leasing companies, applying for manufacturers' warranties, etc.
- Once a **common standard** is agreed upon, a single and limited modification to the IT system of the dealer and garages would need to be put in place to facilitate data exchange.

The CCPC notes that members of SIMI currently input mileage readings into the SIMI Car Check Service and so the process would already be familiar to a cohort of automotive professionals.

These additional mileage readings should be combined with those taken at NCT and the **combined mileage information** should then be made directly accessible to consumers to search for free, in effect extending the scope of the information disclosed under Recommendation 1. As the proposed NCT Platform appears to be intended to disclose odometer readings taken at NCT, it would make sense for the additional odometer readings to also be disclosed through the proposed NCT Platform, in line with the proposal in Recommendation 1 for all key car history information held by the State to be disclosed through one comprehensive source and to be interoperable with other data sources.

Increasing the frequency of reliably collected mileage readings and disclosing those readings to consumers would provide consumers with a greater number of reliably collected odometer readings to check when assessing whether a car has been subject to odometer fraud. It could also mean that the odometer readings collected by the State, and which are accessible to consumers are taken at shorter intervals, could help **reduce the levels of odometer fraud**.<sup>154</sup> This in turn could have positive impacts on road safety by alerting prospective purchasers to mechanical issues with the car and/or to the fact that a car may need a service or repair sooner than would be suggested by the car's odometer.<sup>155</sup>

## 5.5 Recommendation 5: Ensure access to information for car history providers for improved services to consumers

The CCPC is very strongly in favour of consumers having direct access to key car history information. However, it is recognised that even where they do have access, car history providers and other third parties who provide information on used cars offer consumers additional value in the services which they provide. We therefore recommend that both mileage readings and information on economic write-offs in the NVDF, if Recommendation 2 is adopted, are **disclosed on a commercial basis to these parties for the benefit of consumers**.

<sup>154</sup> These proposals are, in effect, suggesting the introduction into Ireland of a singular, albeit crucial part of the Car-Pass programme in Belgium, which has been credited by the European Parliament as having 'almost eradicated odometer fraud' in Belgium (see: [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0122\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0122_EN.pdf)). This is borne out by statistics showing that since the system was introduced the number of new cases of tampered odometers in Belgium has decreased from over 60,000 per year to 1,640 in 2023. See [8604\\_CAP\\_Jaarverslag2023\\_ENG\\_v4-Interactief.pdf \(car-pass.be\)](https://www.car-pass.be/en/faq)). In Belgium, each time car professionals (garages, body shops, fitters, tyre companies etc.) take a car in for works relating to maintenance, inspection, repair, replacement or assembly of parts components or accessories they are required by law to forward the current odometer reading, the date and VIN to Car Pass. The work must exceed the value of €125 in the case of a private driver. Mileage readings are also provided by the technical inspection centres (equivalent to the NCT) and since 1 January 2020 manufacturers of connected vehicles are also required to report mileage data to Car-Pass four times a year. These mileage readings are included on the 'Car Pass' document, which must, by law be exchanged between the seller and a consumer purchaser of a used car. See here for further detail: <https://www.car-pass.be/en/faq>.

<sup>155</sup> Increasing the volume and frequency of odometer readings collected by the State can also deter the practice of Odometer Fraud, as it increases the risk of Odometer Fraud being detected and a person who interferes with a car's odometer being caught and charged with an associated offence.

The incorporation of these mileage readings into the existing databases of car history providers would **improve the reliability** of those databases, by providing them with additional, transparently sourced mileage readings to assess against the mileage readings they source privately.<sup>156</sup> It would also mitigate the risk of a consumer obtaining different results from accessing mileage readings on the proposed NCT Platform and from ordering a mileage discrepancy check from the car history providers, as both checks would reference at least some of the same mileage readings. Should additional mileage readings be collected by the State in line with Recommendation 4, those mileage readings could also be disclosed to car history providers to allow them to combine access to those mileage readings with the other services which provide outside the scope of this report. However, it is acknowledged that consumers will already have direct access to those readings in line with Recommendation 4 and, for clarity, this is the strong preference of the CCPC.

Similarly, information on economic write-offs, should it be collected and stored on the NVDF in line with Recommendation 2, could be flagged on online advertisements by platforms offering cars for sale. This would provide access to that information to consumers who may not have the awareness to carry out a search of the online service the CCPC proposes is established for disclosure of that information.

## Recommendations

**Recommendation 1: The Minister for Transport should ensure the creation of a one-stop shop online portal for accessing key car history information**

**Recommendation 2: Share information on repairable crashed cars and vehicle recalls with consumers**

**Recommendation 3: Consider reporting on crashed cars by automotive professionals such as dealerships and repairers**

**Recommendation 4: Provide improved mileage readings through the one-stop shop online portal**

**Recommendation 5: Ensure access to information for car history providers for improved services to consumers**

<sup>156</sup> The Car History Providers who we engaged with on this project were strongly in favour of gaining access to the mileage readings taken at NCT and stored on the NVDF.

The CCPC believes that consumers should be armed with the information they need when buying a used car to help them avoid being misled into making a purchase they would not otherwise have made.



# Appendices

## Appendix 1: Key Car History Information

Key Car History Information	Why is it important?
End-of-life cars	<p>These cars are considered waste and should be destroyed by authorised treatment facilities in line with S.I. No. 281/2014 - European Union (End-of-Life Vehicles) Regulations 2014, as amended. Accordingly, it is likely that these cars pose safety concerns and are not suitable for sale to a consumer.</p>
End-of-life write-offs	<p>These cars have been extensively damaged and determined not to be suitable for repair or use on public roads. Therefore, they pose a high safety risk if bought by a consumer. Insurers generally will not insure end-of-life write-offs, with the result that a buyer will not be able to drive the car legally on public roads.</p>
Economic write-offs	<p>A car which is deemed an economic write-off can go back on the road if repaired. A consumer should have a heightened awareness of the need to ensure that the car has been repaired to a high standard but may not have this information. If a written-off vehicle that can be repaired is repaired incorrectly it may present an increased risk to the safety of all road users.</p> <p>The value of an economic write-off may be reduced, even once repaired.<sup>157</sup> Consumers should ensure that the purchase price reflects the reduced value and the potential reduced re-sale value of the car.</p> <p>Obtaining car insurance may be more difficult and carry extra expense. The insurers we engaged with indicated that while they would consider insuring economic write-offs, they would require the car to have undergone NCT and/or the consumer to arrange for an independent engineer's report, at the consumer's expense.</p> <p>Crash/damage history was identified in the 2020 Consumer Survey as the second most important piece of information respondents would want to know if they were to buy a second-hand vehicle.<sup>158</sup></p>

<sup>157</sup> According to the RTÉ Prime Time interview of Shane Teskey of motorcheck.ie, the market value of a vehicle which has been written-off can be 20% less than the equivalent vehicle that has not been written-off. See, ['Tens of thousands' of UK write-offs on Irish roads \(rte.ie\)](https://www.rte.ie/news/2020/04/2020.04.18-CCPC-Vehicle-History-Research-Report.pdf)

<sup>158</sup> <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2024/04/2024.04.18-CCPC-Vehicle-History-Research-Report.pdf>

Key Car History Information	Why is it important?
<p>Status of the car as an import, country of previous registration and key car history information from the car's previous country of registration</p>	<p>Where a car is known to be an import, this may prompt a consumer to seek the key car history information from the car's previous country of registration, which would be important for the consumer to know.</p> <p>The 2020 Consumer Survey indicates that although consumers do generally find out if a vehicle was imported before purchase, many consumers do not obtain information on the vehicle's history from the country it was imported from,<sup>159</sup> exposing them to the risk of purchasing a defective or unsafe car or otherwise experiencing detriment after purchase.</p>
<p>Number of previous owners</p>	<p>Number of previous owners can give a picture of car usage. A high number of previous owners relative to the period of ownership may indicate that the car presented issues which prompted previous owners to sell it.</p> <p>Number of previous owners was identified in the 2020 Consumer Survey as the third most important piece of information respondents would want to know if they were to buy a second-hand vehicle.<sup>160</sup></p>
<p>NCT test records</p>	<p>It is also important to know, if the car has a valid NCT, when it will be due its next NCT, as this allows the consumer to understand how soon they may be expected to bear the financial burden and risk of putting the car through the NCT. Prior test records of the NCT (not just the NCT disc) may indicate previous mechanical issues with the car or a poor service record.</p>
<p>Mileage readings</p>	<p>The current mileage reading of a car is one of the most important factors a prospective purchaser can use to assess a car's technical condition and expected repair and maintenance costs.<sup>161</sup> Mileage also has a significant impact on a car's market value.<sup>162</sup> Where the current mileage of a car is less than a previous mileage reading this can be a sign of Odometer Fraud. The increased wear and tear on cars with odometers that have been tampered with can negatively impact road safety<sup>163</sup> because manipulation of an odometer may lead to an incorrect evaluation of the roadworthiness of a vehicle.<sup>164</sup></p>

<sup>159</sup> Although 98% of those who purchased a used imported vehicle in the last year five years were aware that the vehicle was an import before they bought it, 39% did not receive information on the vehicle's history from the country it was imported from. See <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2024/04/2024.04.18-CCPC-Vehicle-History-Research-Report.pdf>

<sup>160</sup> <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2024/04/2024.04.18-CCPC-Vehicle-History-Research-Report.pdf>

<sup>161</sup> As noted in the European Parliament's resolution on odometer fraud. See, [European Parliament resolution of 31 May 2018 with recommendations to the Commission on odometer manipulation in motor vehicles: revision of the EU legal framework \(2017/2064\(INL\)\) \(europa.eu\)](#)

<sup>162</sup> As noted in the European Parliament's resolution on odometer fraud. See, [European Parliament resolution of 31 May 2018 with recommendations to the Commission on odometer manipulation in motor vehicles: revision of the EU legal framework \(2017/2064\(INL\)\) \(europa.eu\)](#)

<sup>163</sup> As noted in the European Parliament's resolution on odometer fraud. See, [European Parliament resolution of 31 May 2018 with recommendations to the Commission on odometer manipulation in motor vehicles: revision of the EU legal framework \(2017/2064\(INL\)\) \(europa.eu\)](#)

<sup>164</sup> As noted in the recitals to Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC. See, [Directive - 2014/45 - EN - EUR-Lex \(europa.eu\)](#)

Key Car History Information	Why is it important?
	<p>A study carried out for the European Parliament TRAN Committee in 2017 found that Odometer Fraud is considered to affect between 5-12% of used car sales at national level, causing economic damage across the EU of between €5.6 and €9.6 billion.<sup>165</sup> This aligns with research carried out by the commercial car history provider Cartell in 2017, which estimated that 11% of second-hand cars for sale in Ireland display a false mileage.<sup>166</sup> Data from our helpline also indicates that clocked used cars remain an issue for consumers.<sup>167</sup></p> <p>Mileage information was identified in the 2020 Consumer Survey as the most important piece of information respondents would want to know if they were to buy a second-hand vehicle.<sup>168</sup></p>
<p><b>Outstanding vehicle recalls</b></p>	<p>The RSA advises that “a vehicle recall occurs when a manufacturer identifies a fault relating to a particular component(s) that poses a serious risk to road safety, public health or the environment and recalls the vehicle to repair the issue”.<sup>169</sup> On foot of issuing a vehicle recall, a vehicle manufacturer contacts the vehicle owner to notify them of the vehicle recall and advise them of the next steps to repair the issue. The vehicle owner may or may not arrange for the repair of the issue and it is therefore important for a prospective purchaser to know whether a car they are purchasing has been recalled and if so, whether the issue which prompted the recall has been repaired. An outstanding vehicle recall could indicate an unresolved safety issue with the car.</p>

<sup>165</sup> See, [Research for TRAN Committee - Odometer tampering: measures to prevent it \(europa.eu\)](#)

<sup>166</sup> See, [Advertiser.ie - Study finds surge in car clocking in Ireland](#)

<sup>167</sup> We received 259 contacts to the CCPC helpline from 2021-2023 which relate to consumers unknowingly purchasing a clocked used car. For clarity, as noted above, it has not been verified by the CCPC in all cases that the cars which are the subject of these contacts received by the CCPC helpline were in fact clocked.

<sup>168</sup> <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2024/04/2024.04.18-CCPC-Vehicle-History-Research-Report.pdf>

<sup>169</sup> [Automotive Market Surveillance Authority \(AMSA\) \(rsa.ie\)](#)



## Appendix 2: Key Car History Information available from Car History Providers

Key Car History Information	Is this information made available to consumers by Car History Providers?	Source of that information
Outstanding vehicle recalls	Yes	NVDF
End-of-life write-offs	Yes, where reported by insurers to the NVDF	NVDF
Economic write-offs	Only where made available directly to the car history providers.	Some insurers; salvage platforms. <sup>170</sup>
Status of the car as an import, country of previous registration and key car history information from the car's previous country of registration	Status of the car as an import and country of previous registration is made available. <sup>171</sup>	NVDF (Status of the car as an import and country of previous registration)  The source of key car history information from the country of previous registration depends on the car history provider and the country of previous registration. <sup>172</sup>
Number of previous owners	Yes	NVDF
NCT Test Records	NCT certificate number, NCT expiry date and NCT pass date only.	NVDF
Mileage readings	Yes, although mileage readings taken at NCT are not made available to consumers by car history providers	Sources depend on the car history provider and include used car advertisements, repairers, fuel and fleet companies.

<sup>170</sup> Some insurers make their records on Economic Write-Offs available to Car History Providers. Other insurers do not make those records available. This information may also be sourced independently of insurers, including from salvage platforms.

<sup>171</sup> Key Car History Information from the car's previous country of registration may be made available depending on the previous country of registration. For example, information from the UK is generally available; information from Japan is less widely available.

<sup>172</sup> Sources include affiliated companies, private third parties, claims and salvage management platforms, an insurance database and public bodies in the UK.

## Appendix 3: Key Car History Information available to SIMI Members

Table 4 sets out the Key Car History Information contained on the SIMI Car Check Service:

Category of information	Is this information available to SIMI members through the SIMI Car History Check?	If yes, what is the source of that information
End-of-life cars	Yes	NVDF
End-of-life write-offs	Yes	NVDF
Economic write-offs	Only where made available to the third-party provider of the SIMI Car History Check.	Information is sourced from a third-party provider who in turn sources the information from insurers. Some insurers make their records on economic write-offs available to third parties. Other insurers do not make those records available.
Status of the car as an import, country of previous registration and key car history information from the car's previous country of registration	Status of the car as an import is made available.  Certain information on a vehicle's history in the UK only, including mileage and write-off information, is made available.	Status of the car as an import is sourced from the NVDF.  Information on a vehicle's history in the UK is sourced from a third-party database.
Number of previous owners	Yes	NVDF
NCT test records	NCT certificate number, NCT expiry date and NCT pass date are made available. <sup>173</sup>	NCT certificate number, NCT expiry date and NCT pass date is sourced from the NVDF.
NCT test records	Yes, although mileage readings taken at NCT are not made available.	Mileage readings are sourced from vehicle dealers that are members of SIMI; UK mileage is sourced commercially.
Outstanding vehicle recalls	No	N/A

<sup>173</sup> The SIMI Car History Check does not have access to detailed NCT test results for a vehicle or information related to a vehicle's failure of the NCT.

## Appendix 4: International Comparators

Country	Link	Key information disclosed	Information required for access
Australia	<a href="#">Online Platform</a>	Make, model, write-off status	VIN/Chassis number
Austria	<a href="#">Online Platform</a>	Yes	NVDF
Belgium	N/a – Car-Pass database is not accessible online	Technical details, Notification of an inspection after an accident, Mileage Readings, Outstanding recalls, Date of first registration in Belgium	The seller is legally required to provide the buyer with a Car-Pass document and display the information from the Car-Pass in the advertisement and the showroom
Bulgaria	<a href="#">Online Platform</a>	None of the Key Information is disclosed (Motor third party liability insurance only)	Registration number, VIN or sticker number
Croatia	<a href="#">Online Platform</a>	Technical Inspection Test Records	Chassis number and the month of technical inspection for the Vehicle Centre of Croatia
Republic of Cyprus	<a href="#">Online Platform</a> – under construction	n/a	n/a
Czech Republic	<a href="#">Online Platform</a>	Mileage readings	VIN
Denmark	<a href="#">Online Platform</a> <sup>1</sup>	Technical condition of the vehicle, Last fixed mileage reading	Vehicle registration number, VIN, or vehicle ID
	<a href="#">Online Platform</a> <sup>2</sup>	Inspection reports	Registration number or chassis number
Estonia	<a href="#">Online Platform</a> <sup>1</sup>	Date of initial registration, Technical details, Mileage readings, Roadworthiness Tests Records, Dates of changes of ownership	Registration plate and/or VIN
	<a href="#">Online Platform</a> <sup>2</sup>	Times, dates, scope of liability and level of compensation paid in relation to traffic damage events (involving an insurance claim)	Registration plate and/or VIN

<sup>174</sup> Some of the platforms provide additional information. The information included in the table is limited to the Key Car History Information as identified in Section 2.1, including End-of-life Cars; End-of-Life Write-Offs; Economic Write-Offs; Import Status, Country of Previous Registration and Key Car History Information from the Previous Country of Registration; Number of Previous Owners; Roadworthiness Test Records; Mileage Readings; Outstanding Vehicle Recalls, or similar/related information.

Country	Link	Key information disclosed	Information required for access
Finland	<a href="#">Online Platform</a>	Free: Technical data, Record of land inspection, Date of first registration in Finland, Last mileage reading	Identity verification, registration number or VIN
		Subject to a fee: Dates and types of ownership, Mileage Readings history, Inspection records history	Identity verification, registration number or VIN, applicable fee
		Technical details, Notification of an inspection after an accident, Mileage Readings, Outstanding recalls, Date of first registration in Belgium	The seller is legally required to provide the buyer with a Car-Pass document and display the information from the Car-Pass in the advertisement and the showroom
France	<a href="#">Online Platform</a>	Technical details, First registration in France, First registration abroad, Changes of ownership, Roadworthiness Test Records, Mileage Readings, Administrative status of the vehicle (pledge, opposition, theft), Major claims repaired under the supervision of an expert	Registration plate number, name and surname of owner and information appearing on the registration document (the "numéro de formule" or the date of the registration certificate for older cars)
Germany	<a href="#">Online Platform</a>	Unclear	Identity verification – Owner only
Greece	<a href="#">Online Platform</a>	Status (in circulation, immobilisation or stolen), insurance status, type of vehicle	Registration/ plate number
Hungary	<a href="#">Online Platform</a>	Technical details, Mileage Readings, Number of owners, Country of origin, Status of vehicle (i.e. whether it was withdrawn from traffic with reason for withdrawal), Details of the claim obtained from the claims register and the date of the claim	Identity verification and registration plate number
Italy	<a href="#">Online Platform</a>	Current legal status of vehicle (current owner/ restrictions/ encumbrances)	Identity verification, license plate number, applicable fee
Latvia	<a href="#">Online Platform</a>	Mileage Readings	Identity verification and registration plate number
Lithuania	<a href="#">Online Platform</a>	Roadworthiness Test Records, Legal status of vehicle (registered or not registered), Number of owners, Restrictions on vehicle (due to seizure, pledge, theft or other limitations), Technical details	VIN, registration document number, or registration number of the vehicle (at least 2 pieces of information must be provided)

Country	Link	Key information disclosed	Information required for access
Luxembourg	None found	n/a	n/a
Malta	None found	n/a	n/a
Netherlands	<a href="#">Online Platform</a>	Technical details, Number of owners, Expiration date of last technical inspection, Date of first registration in the Netherlands and/or abroad, Status of vehicle (e.g. exported, banned from driving including due to damage), Outstanding recalls, Evidence of odometer tampering	Registration/ plate number
New Zealand	<a href="#">Online Platform</a>	Odometer reading, country of origin, whether imported second hand or new, vehicle inspection history, write-off status	Registration number, make, model (VIN for write-off status)
Poland	<a href="#">Online Platform</a>	Technical details, Roadworthiness test records and validity of current test, Mileage readings, Material damage, Number of owners, Temporary withdrawal from traffic and re-admission to traffic after withdrawal	Registration number, VIN and date of first registration
Portugal	<a href="#">Online Platform</a>	Roadworthiness test records, Mileage readings	Identity verification and plate number, applicable fee
Romania	<a href="#">Online Platform</a>	Technical details, Validity of the technical inspection, Mileage Readings	E-mail address and the vehicle identification figures (body/chassis series)
Slovakia	<a href="#">Online Platform</a>	Not clear	Identity verification, owner only
Slovenia	None found	n/a	n/a
Spain	<a href="#">Online Platform</a>	Reduced report: Date of first registration in Spain, Any incidents that prevent the transfer of the vehicle or its circulation, Any warning of any circumstance of the vehicle that it is advisable to review	Identity verification, license plate number
		Complete report: Technical details, Mileage readings, Number of owners, Outstanding recalls, Technical inspection records, Registration status and reasons for periods of deregistration, Charges or encumbrances including outstanding finance	Identity verification, proof of payment of the applicable fee, the reason for the application for a report and the license plate number, chassis number or VIN

Country	Link	Key information disclosed	Information required for access
Sweden	<a href="#">Online Platform</a>	Technical details, Number of owners, Date of first registration in Sweden, Import status, Last fixed mileage reading, Date of last approved inspection, Driving ban e.g. due to failure to carry out inspection	Registration/ licence plate number
United Kingdom	<a href="#">Online Platform (MOT)</a> <a href="#">Online Platform (DVLA)</a>	MOT records; if the vehicle has been declared as being off the road, export status, outstanding recalls.	Registration/ plate number

## Appendix 5: Defining economic write-offs

Defining and mandating notification to the State of economic write-offs was contemplated by the Consultation Paper 'Regulating Written-off Vehicles', issued by the Department of Transport and the RSA in 2010 (the 2010 Consultation Paper).<sup>175</sup> That paper noted that 'Key to an effective system of regulating written-off vehicles is accessibility to accurate write-off vehicle histories for prospective owners'.

In terms of how such categorisation could be achieved, the proposal in the 2010 Consultation Paper and certain international comparators, may be instructive. The 2010 Consultation Paper proposed that the primary objective of any assessment carried out on a written-off vehicle must be to investigate whether the structural integrity of the vehicle has been compromised and assess the level of damage to safety or environmentally critical components. A secondary concern would be the assessment of the financial implications of any damage. The 2010 Consultation Paper proposed that vehicles that have been written-off but are capable of repair, which it termed 'financial write-offs', and we can consider broadly equivalent to economic write-offs for the purpose of this analysis, would be defined by two categories:

- Category C: a financial written-off vehicle (not being a statutory written-off vehicle)<sup>176</sup> that has been extensively damaged but can be repaired
- Category D: a financial written-off vehicle (not being a statutory written-off vehicle) that has been lightly damaged but can be repaired

Under the proposed classification, 'financial write-offs' could be returned to the road, subject to the vehicle meeting the minimum standard for use on a public road. As evidenced in the definitions of financial write-offs proposed in the 2010 Consultation Paper, the primary factor of these definitions is the extent of damage suffered by the vehicle. This represents a shift in focus from the existing categories of economic write-offs, which, as set out in the glossary, principally focus the assessment on the financial implications of the damage.

<sup>175</sup> See, [Microsoft Word - Written\\_off\\_Vehicle\\_Consultation\\_Final\\_draft\\_21\\_Dec.doc \(motorcheck.ie\)](#)

<sup>176</sup> A statutory written-off vehicle as described in the 2010 Consultation Paper aligns with End-of-Life Vehicles and as described in that paper fall into two categories:

- Category A: a statutory written-off vehicle that must be destroyed (in line with End of Life Vehicle or Scrapped/Destroyed requirements)
- Category B: a statutory written-off vehicle body that must be destroyed but specified components, technical units, or systems may be used for supplying some replacement parts (in line with End of Life Vehicle requirements)

See, [Microsoft Word - Written\\_off\\_Vehicle\\_Consultation\\_Final\\_draft\\_21\\_Dec.doc \(motorcheck.ie\)](#)

This approach was also taken in recent years in the UK, where the categories in the voluntary code of practice which operates for the categorisation of motor vehicle salvage<sup>177</sup> endorsed by the DVLA and the Department of Transport in the UK<sup>178</sup> (the 2019 UK Salvage Code) were recently revised and accordingly the categorisation used by industry in the UK no longer aligns with the categorisation that is used in Ireland and based on an earlier version of the 2019 UK Salvage Code.<sup>179</sup> Category C and D are replaced with categories S and N.<sup>180</sup> A category S write-off is defined as a 'Repairable vehicle which has sustained damage to any part of the structural frame or chassis and the insurer/self-insured owner has decided not to repair the vehicle.' A category N write-off is defined as a 'Repairable vehicle which has not sustained damage to the structural frame or chassis and the insurer/self-insured owner has decided not to repair the vehicle.' In the case of a category N write-off, it is stated that while the damage to the vehicle is non-structural, there may still be some safety critical items that require replacement, for example steering and suspension parts. These new S and N categories better reflect the extent of damage sustained to the vehicle, compared to the previous category C and D categorisations which were governed by the estimated cost of repairs. This is positive from the perspective of a consumer looking to buy a used car, as the S and N categorisation provides more useful information for the consumer about the condition of the car than the C and D categorisation used in Ireland.

While the 2019 UK Salvage Code sets out numerical categories of written-off vehicles, written-off vehicles which are capable of repair are also indirectly defined by the legislative obligation noted above in the UK on insurers and certain keepers of self-insured fleets to report written-off vehicles to the DVLA under the Road Vehicles (Registration and Licensing) Regulations 2002 (S.I. 2002/2742), as amended.<sup>181</sup> These regulations do not refer directly to the categorisation set out in the 2019 UK Salvage Code, although they were updated in 2018 to accommodate the revised Code.<sup>182</sup> Instead the obligation on insurers to report written-off vehicles in the UK is triggered where the repair costs, or the total cost of repair and associated ancillary costs, exceed the pre-accident value of that vehicle or the insurer is required to replace the damaged vehicle with another vehicle under a policy of insurance. The insurer must also notify the DVLA if the vehicle is suitable for repair or not and, if it is suitable for repair, whether the vehicle sustained structural damage or not.<sup>183</sup>

Queensland, Australia also has a national framework for the management of certain written-off vehicles, which involves statutory definitions of two broad categories of written-off vehicles, 'statutory write-offs',<sup>184</sup> which have sustained damage too severe to return to the road, and 'repairable write-offs',<sup>185</sup> which can be repaired and returned to the road, subject to criteria. Legislation incorporates a national guide developed by an initiative of all Australian governments and the insurance industry, which sets out assessment criteria

<sup>177</sup> See, [code-of-practice-for-the-disposal-of-motor-vehicle-salvagenov2019.pdf \(abi.org.uk\)](#)

<sup>178</sup> See, [https://www.legislation.gov.uk/uksi/2018/52/pdfs/ukxiem\\_20180052\\_en.pdf](https://www.legislation.gov.uk/uksi/2018/52/pdfs/ukxiem_20180052_en.pdf)

<sup>179</sup> Our understanding of the categorisation of Economic Write-Offs currently used in Ireland is based on stakeholder engagement.

<sup>180</sup> A category N write-off is defined as a 'Repairable vehicle which has not sustained damage to the structural frame or chassis and the insurer/self-insured owner has decided not to repair the vehicle'. See, [code-of-practice-for-the-disposal-of-motor-vehicle-salvagenov2019.pdf \(abi.org.uk\)](#)

<sup>181</sup> Road Vehicles (Registration and Licensing) Regulations 2002, as amended (S.I. 2002/2742), available at <https://www.legislation.gov.uk/uksi/2002/2742/introduction>

<sup>182</sup> [https://www.legislation.gov.uk/uksi/2018/52/pdfs/ukxiem\\_20180052\\_en.pdf](https://www.legislation.gov.uk/uksi/2018/52/pdfs/ukxiem_20180052_en.pdf)

<sup>183</sup> <https://www.legislation.gov.uk/uksi/2002/2742/schedule/3A>

<sup>184</sup> A statutory write-off is defined as a notifiable vehicle that is a total loss because of (a) damage by corrosion; or (b) damage that satisfies the criteria set out in the national guide. See Schedule 8 of Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021. See, [Transport Operations \(Road Use Management–Vehicle Registration\) Regulation 2021 – Queensland Legislation – Queensland Government](#)

<sup>185</sup> A repairable write-off is a vehicle that is a total loss but is not a statutory write-off.

A 'total loss' is defined in legislation as 'a notifiable vehicle:

- (a) damaged by corrosion to the extent that the vehicle's fair salvage value, when added to the cost of repairing the vehicle for use on a road or road-related area, would be more than the fair market value for a vehicle of equivalent make, model and year of manufacture that is not damaged by corrosion; or
- (b) damaged by accident, collision, demolition, dismantling, fire, flood, trespass or other event to the extent that the vehicle's fair salvage value, when added to the cost of repairing the vehicle for use on a road or road-related area, would be more than the vehicle's fair market value immediately before the event that caused the damage'. See Schedule 8 of Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021. [Transport Operations \(Road Use Management–Vehicle Registration\) Regulation 2021 – Queensland Legislation – Queensland Government](#)

for determining whether a vehicle is a statutory write-off, or, by implication where it is not a statutory write-off, a repairable write-off.<sup>186</sup> However, it is noted that the definition of 'repairable write-offs' retains a primary focus on the financial implications of the damage sustained to the vehicle, which, as explained above, does not offer consumers insight into the extent of damage the vehicle has undergone. Introducing technical criteria for assessment could bring additional legal certainty.

Although many stakeholders we spoke to about this topic expressed support for moving away from the existing definitions of category C and D economic write-offs and for focussing any definitions on the structural integrity of the car and level of damage to safety or environmentally critical components, we received mixed opinions on what definitions should replace these. While a number noted the benefits of the S and N categories used in the UK, including the inclusion within the definitions of information on the extent of damage sustained and the clarity those definitions provided over categories C and D, others were of the opinion that the S and N categories could be improved upon. One stakeholder suggested the introduction of categories additional to those aligning with S and N used in the UK, including for stolen vehicles, vehicles involved in crime and to distinguish between major and minor structural damage sustained. Another stakeholder suggested that clarity would be best provided by grouping all economic write-offs together in one 'roadworthy' category.

Considering the technical nature of the assessment of written-off vehicles and the varied responses we received on this topic as part of stakeholder engagement, the CCPC suggests that the following should be taken into consideration in any consultation on defining economic write-offs:

- The definition(s) of economic write-offs should provide prospective purchasers of that car with transparency about the damage history of a car and aid them in making an assessment about the likely condition and safety of the car. Reflecting the extent of damage sustained to the car in the definition(s)/categories better fulfils that objective than focussing solely on the financial implications of the damage.
- The definition(s) should use terms that can be understood by consumers, underpinned, if necessary, by more detailed technical considerations.
- Having multiple categories of economic write-offs which distinguish between cars based on the extent of damage and, it follows, the level of risk posed to consumers and road users would better ensure that the most dangerous economic write-offs are easily identifiable to consumers and traders.
- Where there continue to be multiple categories of economic write-offs, the reliability of information on economic write-offs depends on cars being consistently, objectively and accurately assessed as falling within one or other category. The definition(s) should therefore ensure a sufficient level of clarity for those carrying out assessments.
- The nature of the definition(s) will be heavily influenced by the entities who have a legal obligation to report, as a reporting party must reasonably be able to determine whether the damage sustained to the car meets the definition(s) and triggers their reporting obligation. As such, consideration should be given to Recommendation 3 and the proposal for a reporting obligation to be placed on a broader range of parties when considering the definition(s) of economic write-offs.
- The definition(s) should, to the extent possible, factor in technological advancements in the design and manufacture of cars, including electric cars. By way of example of the necessity to consider safety considerations relevant to electric cars within the definition(s), one stakeholder we engaged with noted that where electric vehicles with lithium-ion batteries are concerned, carcinogenic risks may arise if these batteries are compromised in an incident.

<sup>186</sup> See, [http://carsafe.com.au/assets/AR\\_NMV\\_LV\\_Tech\\_Guide\\_Dec\\_2019.pdf](http://carsafe.com.au/assets/AR_NMV_LV_Tech_Guide_Dec_2019.pdf)



It is acknowledged that the European Commission have published a proposal for a regulation which seeks to revise the rules relating to the treatment of end-of-life vehicles, including introducing a revision of the definition of an 'end-of-life vehicle' and which may be relevant to a consideration of the categorisation of write-offs, including economic write-offs, in the future.<sup>187</sup>

The instrument chosen to define economic write-offs must also contain uniform criteria for assessing and reporting economic write-offs. The approach taken should ensure that the terminology used to report economic write-offs to the NVDF is the same as that used in the industry. This avoids having multiple frameworks for written-off vehicles which could cause consumer confusion. The approach of defining economic write-offs, with accompanying obligations on reporting, in a legally binding code of practice is therefore preferred over an industry voluntary code or including definitions in primary or secondary legislation.

The European Commission have published a proposal for a regulation which seeks to revise the rules relating to the treatment of end-of-life vehicles, including introducing a revision of the definition of an 'end-of-life vehicle' and which may be relevant to a consideration of the categorisation of write-offs, including economic write-offs, in the future.<sup>188</sup>

<sup>187</sup> [End-of-life vehicles – revision of EU rules \(europa.eu\)](#)

<sup>188</sup> [End-of-life vehicles – revision of EU rules \(europa.eu\)](#)

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