Limitation periods for traffic accidents

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The Committee on Legal Affairs adopted the report by Pavel SVOBODA (EPP, CZ) with recommendations to the Commission on limitation periods for traffic accidents (Initiative – Rule 46 of the Rules of Procedure).

Limitation periods constitute an important and integral part of Member States' civil liability regimes which operate in traffic accident cases in that a short limitation period may balance a strict liability rule or generous damages awards.

Divergent rules: given the current divergences in relation to limitation rules and the types of problems that are directly related to the disparate national provisions governing transnational personal injury and damage to property cases, Members called for a **certain level of harmonisation** is the only way to ensure an adequate degree of certainty, predictability and simplicity in the application of Member States' rules of limitation in cases of cross-border traffic accidents.

Legislative proposal requested: Members called on the Commission to submit on the basis of Article 81 (2) TFEU, a proposal for an act on limitation periods in respect of personal injury and damage to property in cross-border road traffic accidents.

The proposed Directive shall establish a special limitation regime for cross-border cases that would safeguard effective access to justice and facilitate the proper functioning of the internal market, eliminating obstacles to the free movement of citizens throughout the territory of the Member States.

Period of limitation: under the proposal, Member States shall ensure that a **limitation period of at least four years** shall apply to actions relating to compensation for personal injury and damage to property resulting from a cross-border road traffic accident, falling within the Directive.

The proposal provides that the running of the general time limit established in the Directive should be suspended as soon as a claim is made to the insurer or the compensation body, to allow the claimant an opportunity to negotiate the settlement of the claim.

It also contains provisions on the **calculation of periods of time**.

General information on rules of limitation: Member States shall provide the Commission with up-to-date information on national rules of limitation for compensation claims on damages caused by road accidents. The Commission shall make publicly available this information and in all Union languages.