Limitation periods for traffic accidents

2015/2087(INL) - 04/07/2017 - Text adopted by Parliament, single reading

The European Parliament adopted by 558 votes to 69, with 73 abstentions, a resolution with recommendations to the Commission on limitation periods for traffic accidents.

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.

Currently, **two parallel regimes** govern the law applicable in traffic accident cases depending on the country where the claim is brought, namely either the **1971 Hague Traffic Accident Convention** or the Rome II Regulation, which combined with the choice of forum possibilities under Regulation (EU) No 1215/2012 of the European Parliament and of the Council, creates legal uncertainty and complexity as well as potential opportunities for forum shopping

Divergences of rules: the significant difference between Member States' rules in respect of limitation periods for cross-border road traffic accidents creates **further obstacles for victims** when filing claims for compensation for personal injury and damage to property suffered in Member States other than their own.

Given the current situation, Members called for a **level of harmonisation** 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: Parliament 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, without substituting national civil liability regimes in their entirety, 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.

Member States shall ensure that where the proper law of the claim provides for a limitation period which is longer than four years, such longer limitation period shall apply.

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.