

# Motor vehicles insurance

2018/0168(COD) - 28/01/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Dita CHARANZOVÁ (ALDE, CZ) on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/103/EC of the European Parliament and the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to ensure against such liability.

As a reminder, the aim of this Directive is to ensure an equal minimum protection of parties injured as a result of traffic accidents across the Union, to ensure their protection in case of insolvency of insurance undertakings and to ensure equal treatment in the authentication of claims-history statements by insurers for potential policy holders crossing internal Union borders.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

## *Definitions*

It is proposed that the word 'victim' is replaced by 'injured party' and 'victims' be replaced by 'injured parties', throughout the Directive.

Members also proposed to clarify the term 'use of a vehicle' which shall mean any use of a vehicle in traffic that is consistent with the vehicle's function as a means of transport at the time of the accident, irrespective of the vehicle's characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.

## *Scope*

The proposed Directive shall not cover eBikes, segways and electric scooters since they are smaller and are therefore less likely to cause significant damage to persons or property than others [such as cars or trucks] are, according to Members.

Vehicles intended exclusively for motorsports are also excluded, as they are generally covered by other forms of liability insurance and are not subject to compulsory motor insurance when they are solely used for a competition.

## *Amounts of cover*

In order to ensure the same minimum level of protection for victims, the proposal harmonises obligatory minimum amounts of cover across the EU, without prejudice to any higher guarantees which member states may prescribe:

- for personal injuries: EUR 6 070 000 per accident, irrespective of the number of victims, or EUR 1 220 000 per victim;

- for damages to property: EUR 1 220 000 per claim, irrespective of the number of victims.

## *Compensation bodies*

In order to simplify and make it as easy as possible for administrations, insurers and injured parties to seek claims redress, Members encouraged Member States to create a single body to cover all the functions of the different compensation bodies included in this Directive.

Where a Member State does not administer these bodies as a single administrative unit, it shall notify the Commission and the other Member States of this fact and the reasons for its decision.

### ***Limitation period***

Member States shall ensure that a limitation period of at least four years applies to actions that relate to compensation for personal injury and damage to property resulting from a cross-border road traffic accident. They shall ensure that where the national law applicable to the claim provides for a limitation period which is longer than four years, such longer limitation period shall apply.

### ***Evaluation and report***

No later than five years after the transposition date, the EU Commission must evaluate, amongst other issues, the application of these rules with regard to technological developments, the adequacy of its scope (possible extension to high speed lightweight vehicles, such as eBikes, segways or electric scooters), the encouragement of insurance undertakings to include a bonus-malus system in their insurance contracts, including discounts by way of a “no claims bonus”. That report shall be accompanied by the observations of the Commission and, where appropriate, by a legislative proposal.