# Motor vehicles insurance

2018/0168(COD) - 13/02/2019 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 562 votes to 36, with 19 abstentions, amendments to 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.

The matter was referred back to the committee responsible for interinstitutional negotiations.

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 main amendments adopted in plenary concern the following issue:

***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.

***Coverage and checks***

Member States shall ensure that when a vehicle is required to hold insurance, the insurance is also valid and covers injured parties in the case of accidents occurring when the vehicle is in traffic and not being used in accordance with its primary function; and outside the use of the vehicle in traffic.

Member States may carry out checks provided that they are not discriminatory, necessary and achieve the end pursued, respect the rights, freedoms and legitimate interests of the person concerned.

When conducting a search in the form of an outgoing request, the national contact point of the Member State carrying out an insurance check shall use a full registration number. Those searches shall ensure the security and protection of data sent.

***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

***Price comparison tool***

Member states shall ensure that consumers have access free of charge to at least one independent comparison tool, which enables them to compare and evaluate general prices and tariffs between providers of the compulsory insurance, based on information provided by the consumers. The tool shall be operationally independent of service providers, clearly disclose the identity of its owners and operators and set out clear and objective criteria by which the comparison is based.

In addition, the injured party shall have the right to obtain a copy of the accident report drawn up by the competent authorities in good time.

***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.