Motor Insurance: civil liability, fourth directive (amend. direct. 73/239/EEC, 88/357/EEC, 92/49 /EEC)

1997/0264(COD) - 10/10/1997 - Legislative proposal

OBJECTIVE: in line with the resolution adopted by the European Parliament on 26 October 1995, the proposal for a directive seeks to improve the present remedies available to persons who are temporarily in a Member State other than their State of residence and suffer loss or injury in that Member State caused by a vehicle registered and insured in a Member State other than their State of residence. SUBSTANCE: in accordance with the approach outlined by Parliament, the Commission makes the following proposals: - to provide improved protection for victims of an accident occurring in a Member State other than that of residence against the insurer of the vehicle involved in the accident by establishing special rules supplementing the present system set up by the motor insurance directives; - to introduce throughout the European Union a direct right of action for that category of victims; - to secure the appointment by all insurance undertakings of a representative responsible for settling accident claims in each Member State of the European Union; - to establish information centres. The Commission also makes the following proposals: - to make information centres responsible for identifying the representative empowered to settle accident claims, the insurer providing cover and the vehicle involved in the accident; - to establish in the state of origin a body responsible for settling claims arising out of accidents suffered by such visitors if there is no claims representative or if the insurer proves dilatory to act as a compensating agency; - on effecting payment in the state of residence of the victim, the agency would acquire an automatic right of action against its counterpart in the State of the dilatory insurer, while the agency counterpart would be subrogated to the rights of the victim against the insurer; - to lay down expressly that if the vehicle responsible for the accident is not insured or the insurer cannot be identified, the guarantee funds must compensate the victim on the conditions laid down in the second 'motor vehicle' directive (84/5/EEC).