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

1997/0264(COD) - 31/03/1999 - Modified legislative proposal

The Commission's amended proposal takes account of the European Parliament's opinion to the extent that the measure or the text makes reference to the operation and shortcomings of the green card bureau system. Two new recitals point to the fact that although there is already a system for the settlement of claims, certain problems still need to be resolved. The Commission also accepted the Parliament's amendments in regard to : - the indication of the need to create a direct right of action which establishes a legal link between the injured party and the insurer; - a reference to the principle and the advantages of settling the claim via the claims representative; - the creation of claims representatives does not affect either the rules of applicable law or the matter of jurisdiction; - improvement in text to show more clearly that the complementary functions of the claims representative and the direct right of action; - improvement in the description of the powers of the claims representative; - the application of reinforced penalties in case the insurer does not provide a reasoned reply within a certain time limit. - the addition of a list of a wide range of important administrative penalties; - clarification regarding the justification for providing information regarding the person who is in possession of the vehicle; - in the event that the insurer cannot be identified, the text now states that the final responsibility lies with the guarantee funds; - reference to an agreement to be signed between the compensation bodies relating to the modalities of reimbursement; - the insurer should be responsible for the choice of his representative and consider whether he is suitable for the task or not; - clarification regarding the extent of representation powers of the claims representative before courts and national administrations; - reference included stating that Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data has to be respected.