

Insurance against civil liability in respect of the use of motor vehicles

2002/0124(COD) - 14/12/2004

The committee adopted the report by Manuel MEDINA ORTEGA (PES, ES) amending the Council's common position under the 2nd reading of the codecision procedure. MEPs reinstated, sometimes in modified form, a number of amendments adopted by Parliament at 1st reading which had not been taken up by Council:

- the definition of trailers and the introduction of special provisions applying to them;
- inclusion of the costs of pursuing claims in legal proceedings;
- the possibility of injured parties bringing legal proceedings against the civil liability insurance provider in the Member State in which they are domiciled;
- the obligation to make a "reasoned offer of compensation".

On the question of creating a central body for gathering information on accidents, the committee reintroduced Parliament's 1st reading proposal to create a new Article 6a for this purpose but modified the provisions with a view to creating a public internet site on which all traffic accident reports filed by police and emergency services would be deposited and subsequently made available to the public once they had been released to the judicial authorities.

On the thorny issue of minimum levels of insurance cover, the committee altered the wording of the first part of the paragraph relating to personal injury to make it clear that the proposed amount of cover per victim (EUR 1 million) should be seen as a minimum level, not as a ceiling. It left unchanged the second part of the paragraph, in which the Council had taken up Parliament's 1st reading amendment providing for a minimum figure of EUR 5 million per accident, irrespective of the number of victims. Moreover, rather than automatically establishing a five-year transition period, the committee said that Member States could, "if necessary", establish a transition period of "up to" five years. Member States who did so should inform the Commission and indicate how long this period would last.