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

2002/0124(COD) - 16/02/2005 - Commission opinion on Parliament's position at 2nd reading

On second reading Parliament adopted seven amendments to the Council's common position. They improve certain aspects of the text without affecting the substance and the principles of the Common Position and the Commission’s proposal. The Commission accepts all these seven amendments which concern:

- insurance cover for imported vehicles: some word changes are introduced: it replaces the word "introduced" by "made available";

- competent jurisdiction : the possibility for the victims to bring legal proceedings against the insurer in their Member State of residence is explicitly recognised. This possibility was not recognised by the Fourth Motor Insurance Directive 2000/26/EC;

- insurance cover for imported vehicles, in relation with Article 4a, paragraph 1 of Directive 90/232/EEC : some word changes are introduced : first, it replaces the word "imported" by "dispatched". Secondly, it replaces the words "the date when the vehicle has been delivered, made available or dispatched to the purchaser for a maximum period of thirty days" by "acceptance of delivery by the purchaser for a period of thirty days";

- competent jurisdiction : a new recital is introduced to explicitly recognise the possibility for the victims to bring legal proceedings against the insurer in their Member State of residence;

- minimum amounts of cover : two new sentences are introduced to emphasise the need to fully and fairly compensate the victims of motor accidents;

- minimum amounts of cover : the amendment aims to clarify that it is optional for the Member State to choose between EUR 1 000 000 per victim or EUR 5 000 000 per claim (whatever the number of victims) as a minimum insurance amount to cover personal injuries. The transitional period of five years for the implementation of the new minimum insurance amounts will not be compulsory but may be requested by the Member States. Such a period will start from the date of implementation. Some wording changes are introduced in the provision concerning the automatic periodical revision of the minimum amounts;

- availability of minimal data for settlement of claims : a new Article is introduced in the Fourth Motor Insurance Directive 2000/26/EC according to which Member States should take appropriate measures to facilitate the availability to the victims and other interested parties of the minimal data for the settlement of claims.