

The limitation periods in cross-border disputes involving injuries and fatal accidents

2006/2014(INL) - 21/11/2006

The committee adopted the own-initiative report by Diana WALLIS (ALDE, UK) containing recommendations to the Commission on limitation periods in cross-border disputes involving injuries and fatal accidents. The committee wanted the Commission to carry out a study into the effects of the existence of differing limitation periods on the internal market, and particularly on citizens exercising their freedoms under the Treaty. In the light of this study, the Commission should then draft legislation harmonising national rules in this area. MEPs pointed out that the current differences in national laws regarding limitation periods, and particularly the starting date, the possibility of interrupting or stopping the running of time for limitation purposes and the date of expiry, may have undesirable consequences for accident victims in cross-border litigation. The report was adopted under a special procedure provided for in Article 192 of the EC Treaty allowing Parliament to make a formal request to the Commission to come forward with a legislative proposal.

The report set out a number of detailed recommendations:

- the proposed legislation should lay down the principles governing limitation periods for cross-border damages claims: arising from or resulting from personal injury; brought by the victim's heirs; brought by another person where the victim suffered personal injuries or had a fatal accident;
- there should be a general limitation period of four years, except where the proper law of the claim provides for a longer period. The committee also proposed a limitation period of ten years for enforcing a damages claim established by a final judgment or arbitral award;
- no limitation should apply to damages arising out of terrorist acts, torture or slavery.

The recommendations also dealt with the computation, starting date, suspension and interruption of the limitation period. Lastly, MEPs said that Member States should be required to set up national information centres for keeping a register of all criminal investigations or pending proceedings involving foreign victims and for providing written answers to requests made by or on behalf of victims.