

Limitation periods for traffic accidents

The Committee on Legal Affairs wants Parliament to call on the Commission to put forward a proposal for a directive to lay down common rules on limitation periods for civil claims arising from cross-border traffic accidents. Its report stresses the differences between Member States' rules, and the legal difficulties faced by victims of cross-border accidents.

Background

If people driving across the EU are involved in a road accident in another EU country they may need to claim compensation for damages from a defendant in a different Member State. However, every EU country has different rules for claiming compensation, not only as regards the concepts of liability for damages and corporeal injuries arising from accidents, but also as regards the limitation periods within which claims must be brought. The existing differences with respect to limitation periods can give rise to undesirable consequences for accident victims from other EU countries who might not know how long they have to bring a claim, or what to do in order to prolong or suspend the period of limitation. The Commission launched a public [consultation](#) on the issue back in 2012. While respondents generally agreed that more information should be available on limitation periods, they differed on whether it was necessary to harmonise them.

Parliamentary research

The JURI Committee asked EPRS to prepare a [European added value assessment](#), which was published in July 2016. It found that the Member States' limitation periods for claims arising from cross-border road traffic accidents range from 3 to 30 years. Limitation periods differ not only in terms of duration but also with regard to the beginning of the limitation period, the procedural requirements for stopping the running of a limitation period, and application to minors and disabled people. The study outlined possible legislative action that could be taken at EU level in order to remove the legal uncertainties relating to limitation periods in cases of cross-border road traffic accidents.

Legal Affairs Committee report

On 1 June 2017, the Committee on Legal Affairs (JURI) adopted a [report](#) with recommendations to the Commission on limitation periods for traffic accidents. It stresses the diverse approaches to limitation periods taken in the EU, noting that 'no two Member States operate exactly the same basic rules'. Furthermore, the law on limitation is very complex and challenging to understand. As a result, victims of cross-border road accidents might lose their right to an otherwise valid claim. The report considers that the limitation rules for claims based on cross-border traffic accidents fall within the scope of [judicial cooperation in civil matters](#) (Articles 67 and 81 of the [Treaty on the Functioning of the EU](#)), and are therefore covered by EU [competence](#). Furthermore, the very short limitation periods in some Member States could be deemed to represent an obstacle to accessing justice (Article 47 of the [Charter of Fundamental Rights of the EU](#), Article 6 [European Convention on Human Rights](#)). The report calls on the Commission to ensure that information on Member States' limitation rules is available on the [e-Justice Portal](#) and to carry out a study on the protection afforded in the Member States to minors and people with a disability when it comes to the calculation of limitation periods. Furthermore, the report calls on the Commission to submit a legislative proposal for a directive harmonising the rules on limitation periods. An [annex](#) to the report contains a fully fledged draft proposal that sets the minimum limitation period at four years from the moment at which the claimant became aware, or should have become aware, of the extent of the injury, loss or damage and of the identity of the party liable.

Legislative-initiative report: [2015/2087\(INL\)](#); Committee responsible: JURI; Rapporteur: Pavel Svoboda (EPP, Czech Republic).

