



2018/0168(COD)

10.12.2018

AMENDMENTS 51 - 135

Draft report

Dita Charanzová

(PE629.546v01-00)

The proposal for a directive of the European Parliament and of the Council amending Directive 2009/103/EC of the European Parliament and the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to ensure against such liability

Proposal for a directive

(COM(2018)0336 – C8-0211/2018 – 2018/0168(COD))

Amendment 51
Maria Grapini

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The Commission has carried out an evaluation of the functioning of Directive 2009/103/EC of the European Parliament and of the Council¹⁵, including its efficiency effectiveness and coherence with other Union policies. The conclusion of the evaluation was that Directive 2009/103/EC functions well on the whole, and does not need amendment in most aspects. However, four areas were identified where targeted amendments would be appropriate: compensation of **victims of accidents** in cases of insolvency of an insurance undertaking, minimum obligatory amounts of insurance cover, insurance checks of vehicles by Member States, and the use of policyholders' claims history statements by a new insurance undertaking.

¹⁵ Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (OJ L 263, 7.10.2009, p. 11).

Amendment

(2) The Commission has carried out an evaluation of the functioning of Directive 2009/103/EC of the European Parliament and of the Council¹⁵, including its efficiency effectiveness and coherence with other Union policies. The conclusion of the evaluation was that Directive 2009/103/EC functions well on the whole, and does not need amendment in most aspects. However, four areas were identified where targeted amendments would be appropriate: compensation of **injured parties** in cases of insolvency of an insurance undertaking, minimum obligatory amounts of insurance cover, insurance checks of vehicles by Member States, and the use of policyholders' claims history statements by a new insurance undertaking.

¹⁵ Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (OJ L 263, 7.10.2009, p. 11).

Or. ro

Amendment 52
Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive
Recital 2 a (new)

(2a) It is furthermore necessary to introduce the obligation for insurance contracts to include a mandatory bonus-malus system, including discounts by way of a “no claims bonus”, in which premiums are influenced by the policyholders’ claims history statement. Such a system would incentivise safer driving behaviours, thus increasing road safety, and would offer better conditions to consumers.

Or. en

Amendment 53
Antonio López-Istúriz White

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Furthermore, in recent decisions of the European Court of Justice of the European Union, namely Vnuk¹⁶, Rodrigues de Andrade¹⁷ and Torreiro¹⁸, the Court has clarified the meaning of the words ‘use of a vehicle’. In particular, the European Court of Justice has clarified that motor vehicles are intended **normally** to serve as means of transport, irrespective of such vehicle's characteristics, and it has clarified that the use of such vehicles covers any use of a vehicle consistent with its normal function as a means of transport, irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion. In the interest of legal certainty, it is appropriate to reflect that case law in Directive 2009/103/EC by introducing a definition of ‘use of a vehicle’.

Amendment

(3) Furthermore, in recent decisions of the European Court of Justice of the European Union, namely Vnuk¹⁶, Rodrigues de Andrade¹⁷ and Torreiro¹⁸, the Court has clarified the meaning of the words ‘use of a vehicle’. In particular, the European Court of Justice has clarified that motor vehicles are intended **mainly** to serve as means of transport **at the time of the accident**, irrespective of such vehicle's characteristics, and it has clarified that the use of such vehicles covers any use of a vehicle consistent with its normal function as a means of transport, irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion. In the interest of legal certainty, it is appropriate to reflect that case law in Directive 2009/103/EC by introducing a definition of ‘use of a vehicle’.

¹⁶ Judgement of the Court of Justice of 4 December 2014, Vnuk, C-162/13, ECLI:EU:C:2014:2146

¹⁷ Judgement of the Court of Justice of 28 November 2017, Rodrigues de Andrade, C-514/16, ECLI:EU:C:2017:908.

¹⁸ Judgement of the Court of Justice of 20 December 2017, Torreiro, C-334/16, ECLI:EU:C:2017:1007.

¹⁶ Judgement of the Court of Justice of 4 December 2014, Vnuk, C-162/13, ECLI:EU:C:2014:2146

¹⁷ Judgement of the Court of Justice of 28 November 2017, Rodrigues de Andrade, C-514/16, ECLI:EU:C:2017:908.

¹⁸ Judgement of the Court of Justice of 20 December 2017, Torreiro, C-334/16, ECLI:EU:C:2017:1007.

Or. es

Justification

En el ámbito de aplicación de la Directiva debe delimitarse el concepto de circulación de un vehículo a aquellos supuestos en los que éste es utilizado en el tráfico, principalmente como medio de transporte en el momento del accidente (término utilizado por la jurisprudencia del TJUE citada en el Considerando). Por tanto, debería excluirse de este concepto la utilización del vehículo para cualquier otro tipo de actividad distinta a su uso en el tráfico. Esta precisión es importante tanto para el caso de vehículos mixtos que desarrollan actividades agrícolas o industriales (tractores, carretillas, etc.), como para el uso de vehículos en pruebas deportivas (ya sea compitiendo o participando en las mismas) y, por último, en el supuesto que el vehículo sea empleado para cometer un acto doloso.

Amendment 54 **Daniel Dalton**

Proposal for a directive **Recital 3 a (new)**

Text proposed by the Commission

Amendment

(3a) Any existing or new types of motor vehicles fall within the scope of Directive 2009/103/EC. However, some vehicles are less likely to cause significant damage to persons or property than others. It would be disproportionate to extend the scope of compulsory third party liability insurance to such vehicles. It is therefore necessary to limit the scope of Directive 2009/103/EC to those vehicles for which the Union considers that safety and security requirements are necessary before they are placed in the market, i.e.

vehicles that are subject to type-approval. In line with the principles of subsidiarity and proportionality, requirements at EU level should cover those vehicles that have the potential to cause significant damage and might be used in a cross-border situation. Nothing in this Directive prevents Member States from maintaining or introducing new provisions covering these vehicles. Member States should continue to be able to decide at national level the appropriate level of protection of road users who may be injured by vehicles other than those subject to type-approval.

Or. en

Amendment 55
Antonio López-Istúriz White

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Only vehicles for which prior administrative authorisation is required for their use on the roads and those which fall within the scope of application of type-approval regulations Regulation (EU) 2018/858, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 should remain within the scope of application of the Directive. Consequently, new alternative mobility vehicles such as electric bicycles and scooters or similar would be outside the scope of the Directive. This exclusion is founded on the principle of proportionality, as the risk posed by the use of these vehicles in traffic is lower than it is for other vehicles.

Or. es

Justification

With a view to improving legal certainty and harmonisation within individual Member States, it needs to be made clear which vehicle types fall within the scope of the Directive . Thus, only those vehicles that are subject to prior administrative authorisation before being driven and those subject to approval requirements should fall within the scope of the Directive.

Amendment 56

Lucy Anderson, Sergio Gaetano Cofferati

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) In view of a key focus of this Directive being for the benefit of parties injured in vehicle accidents, it should be further noted that a wide interpretation of scope is required. The mere existence of other forms of insurance for vehicles that are not necessarily used on public roads does not ensure any or a fair level of compensation for victims of accidents caused by such vehicles. In addition, ensuring a purposive approach to the scope of the Directive will assist in the continuing protection of citizens in the light of developments in vehicle technologies.

Or. en

Justification

It is necessary to have a wide interpretation of the scope of this Directive in order to safeguard the victims of accidents caused by motor vehicles in situations on both private and public land. It is not sufficient to exclude vehicles from the scope of this Directive and justify doing so by saying that one can rely on civil liability insurance to cover any incidents involving those vehicles. The focus here should be on the victims rather than the drivers and simply having a vehicle insured via home insurance or another form is not adequate as these are not specific to motor vehicles and often contain disproportionate exclusion clauses, such as stating that the provisions do not apply if the vehicle is used at night, which would prevent a victim of an accident involving those vehicles from being sufficiently compensated for harm. Futureproofing this Directive against rapid technological developments is also essential and justifies the purposive approach here.

Amendment 57

Jiří Pospíšil

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Member States should avoid a situation where insurance is required for vehicles which are registered but incapable of being moved because they are in a museum, because they are undergoing restoration or because they are not being used for a lengthy period of time for another reason and are immobilised by the disconnection of the battery or other essential component.

Or. en

Amendment 58

Daniel Dalton

Proposal for a directive

Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) It is further appropriate to exclude from the scope of Directive 2009/103/EC all vehicles intended exclusively for use in non-traffic situations. These vehicles are generally used in controlled environments and are subject to other forms of liability insurance, such as employers' or public liability insurance, which ensures that injured parties received adequate compensation. However, it should continue to be possible for individual Member States to decide whether compulsory motor insurance is the appropriate form of cover for these vehicles and under what conditions.

Amendment 59
Antonio López-Istúriz White

Proposal for a directive
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) To better protect potential victims, in cases falling outside the scope of the Directive, as stated above and in Article 1, the Member States may establish civil liability insurance commensurate with the risk posed.

Or. es

Justification

With a view to properly protecting victims in those cases excluded from the scope of the Directive, Member States' right to establish alternative civil liability insurance arrangements which are proportional to the risk posed in the above cases.

Amendment 60
Daniel Dalton

Proposal for a directive
Recital 3 c (new)

Text proposed by the Commission

Amendment

(3c) Use of vehicles in traffic includes the use of a vehicle on a road or other public place. Traffic implies a certain degree of volume and regularity. The isolated use of a vehicle for other purposes in areas without public access should not be seen as the use of a vehicle in traffic and should not lead to an obligation to hold compulsory insurance. Where a vehicle is used in non-traffic-related situations, Member States should be able to limit the scope of compulsory

insurance. This is particularly relevant in situations where the principal function of the vehicle, at the time of the accident, was related to secondary functions of that vehicle. Nothing in this Directive prevents Member States from maintaining or introducing new provisions that extend the scope of compulsory motor insurance to these situations.

Or. en

Amendment 61

Daniel Dalton

Proposal for a directive

Recital 3 d (new)

Text proposed by the Commission

Amendment

(3d) To avoid a situation where insurance is required for vehicles which are registered but incapable of being moved because they are in a museum, because they are undergoing restoration or because they are not being used for a lengthy period of time and are immobilised by the disconnection of the battery or other essential component, the scope of Directive 2009/103/EC should be explicitly limited to vehicles which are capable of use.

Or. en

Amendment 62

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Recital 4

Text proposed by the Commission

Amendment

(4) Member States currently should refrain from performing checks of

(4) Member States currently should refrain from performing checks of

insurance on vehicles normally based on the territory of another Member State and in respect of vehicles normally based in the territory of a third country entering their territory from the territory of another Member State. New technological developments allow for checking insurance of vehicles without stopping them and thus without interfering with the free movement of persons. It is therefore appropriate allow those checks of insurance on vehicles, only if they are non-discriminatory, necessary and proportionate, form part of a general system of checks on the national territory and do not require stopping of the vehicle.

insurance on vehicles normally based on the territory of another Member State and in respect of vehicles normally based in the territory of a third country entering their territory from the territory of another Member State. New technological developments allow for checking insurance of vehicles without stopping them and thus without interfering with the free movement of persons. It is therefore appropriate allow those checks of insurance on vehicles, only if they are non-discriminatory, necessary and proportionate, form part of a general system of checks on the national territory, ***which are carried out also in respect of vehicles based in the territory of the Member State***, and do not require stopping of the vehicle.

Or. en

Amendment 63

Lucy Anderson, Sergio Gaetano Cofferati

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Effective and efficient protection of victims of traffic accidents requires that those victims are always reimbursed for their personal injuries or for damage to their property, irrespective of whether the insurance undertaking of the party liable is solvent or not. Member States should therefore set up or appoint a body that provides initial compensation for injured parties habitually residing within their territory, and which has the right to reclaim that compensation from the body set up or appointed for the same purpose in the Member State of establishment of the insurance undertaking which issued the policy of the vehicle of the liable party. However, to avoid parallel claims being introduced, victims of traffic incidents

Amendment

(7) Effective and efficient protection of victims of traffic accidents requires that those victims are always reimbursed for their personal injuries or for damage to their property, irrespective of whether the insurance undertaking of the party liable is solvent or not. Member States should therefore set up or appoint a body that provides initial compensation, ***at least up to the limits of the insurance obligation referred to in Article 9(1) or the guarantee limits prescribed by the Member State if higher***, for injured parties habitually residing within their territory, and which has the right to reclaim that compensation from the body set up or appointed for the same purpose in the Member State of establishment of the insurance undertaking

should not be allowed to present a claim for compensation with that body if they have already presented their claim or have taken legal action with the insurance undertaking concerned and that claim is still under consideration and that action is still pending.

which issued the policy of the vehicle of the liable party. However, to avoid parallel claims being introduced, victims of traffic incidents should not be allowed to present a claim for compensation with that body if they have already presented their claim or have taken legal action with the insurance undertaking concerned and that claim is still under consideration and that action is still pending.

Or. en

Justification

In view of the fact that some Member States have provisions for compensation that are considerably higher, and in some cases uncapped, than the Commission proposal, it makes sense to stipulate that Member States should provide a compensation limit that goes beyond the provisions of the insurance obligation referred to in Article 9 (1).

Amendment 64 **Maria Grapini**

Proposal for a directive **Recital 7**

Text proposed by the Commission

(7) Effective and efficient protection of victims of traffic accidents requires that those victims are always reimbursed for their personal injuries or for damage to their property, irrespective of whether the insurance undertaking of the party liable is solvent or not. Member States should therefore set up or appoint a body that provides initial compensation for injured parties habitually residing within their territory, and which has the right to reclaim that compensation from the body set up or appointed for the same purpose in the Member State of establishment of the insurance undertaking which issued the policy of the vehicle of the liable party. However, to avoid parallel claims being introduced, victims of traffic incidents

Amendment

(7) Effective and efficient protection of victims of traffic accidents requires that those victims are always reimbursed ***the amounts due*** for their personal injuries or for damage to their property, irrespective of whether the insurance undertaking of the party liable is solvent or not. Member States should therefore set up or appoint a body that provides initial compensation for injured parties habitually residing within their territory, and which has the right to reclaim that compensation from the body set up or appointed for the same purpose in the Member State of establishment of the insurance undertaking which issued the policy of the vehicle of the liable party. However, to avoid parallel claims being introduced, victims of traffic incidents

should not be allowed to present a claim for compensation with that body if they have already presented their claim or have taken legal action with the insurance undertaking concerned and that claim is still under consideration and that action is still pending.

should not be allowed to present a claim for compensation with that body if they have already presented their claim or have taken legal action with the insurance undertaking concerned and that claim is still under consideration and that action is still pending.

Or. ro

Amendment 65

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Effective and efficient protection of victims of traffic accidents requires that those victims are always reimbursed for their personal injuries or for damage to their property, irrespective of whether the insurance undertaking of the party liable is solvent or not. Member States should therefore set up or appoint a body that provides initial compensation for injured parties habitually residing within their territory, and which has the right to reclaim that compensation from the body set up or appointed for the same purpose in the Member State of establishment of the insurance undertaking which issued the policy of the vehicle of the liable party. However, to avoid parallel claims being introduced, victims of traffic incidents should not be allowed to present a claim for compensation with that body if they have already presented their claim ***or have taken legal action with*** the insurance undertaking concerned and that claim is still under consideration and that action is still pending.

Amendment

(7) Effective and efficient protection of victims of traffic accidents requires that those victims are always reimbursed for their personal injuries or for damage to their property, irrespective of whether the insurance undertaking of the party liable is solvent or not. Member States should therefore set up or appoint a body that provides initial compensation for injured parties habitually residing within their territory, and which has the right to reclaim that compensation from the body set up or appointed for the same purpose in the Member State of establishment of the insurance undertaking which issued the policy of the vehicle of the liable party. However, to avoid parallel claims being introduced, victims of traffic incidents should not be allowed to present a claim for compensation with that body if they have already presented their claim ***against*** the insurance undertaking concerned and that claim is still under consideration and that action is still pending.

Or. en

Justification

While it is necessary to avoid parallel claims being introduced to insurance undertakings and to the body set up in Art.10a, we cannot exclude the possibility to take legal action, that could also be related to other legal aspects, against insurance undertakings.

Amendment 66

Antonio López-Istúriz White

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) Previous claims histories of policyholders who seek to conclude new insurance contracts with insurance undertakings should be easily authenticated in order to facilitate the recognition of such claims history when concluding a new insurance policy. In order to simplify the verification and authentication of claims history statements, it is important that the content and format of the statement of such claims histories are the same across all Member States. In addition, insurance undertakings that take into account claims history statements to determine motor insurance premiums should not discriminate on the basis of nationality or solely on the basis of the previous Member State of residence of the policyholder. To enable Member States to verify how insurance undertakings treat claims history statements, insurance undertakings should publish their policies in respect of their use of claims history when calculating premiums. *deleted*

Or. es

Justification

Claims histories should not be regulated under the Directive, given that the inclusion or exclusion of this variable in the calculation of premiums is part of the insurer's pricing policy

and there are many other factors which can be taken into account for that purpose. We should not interfere with the market freedom of competitors by imposing an obligation on them. What is more, it would be very difficult to use those records in a uniform manner, given the many idiosyncrasies in the Member States.

Amendment 67

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Previous claims histories of policyholders who seek to conclude new insurance contracts with insurance undertakings should be easily authenticated in order to facilitate the recognition of such claims history when concluding a new insurance policy. In order to simplify the verification and authentication of claims history statements, it is important that the content and format of the statement of such claims histories are the same across all Member States. In addition, ***insurance undertakings that take*** into account claims history statements to determine motor insurance premiums should not discriminate on the basis of nationality or solely on the basis of the previous Member State of residence of the policyholder. To enable Member States to verify how insurance undertakings treat claims history statements, insurance undertakings should publish their policies in respect of their use of claims history when calculating premiums.

Amendment

(8) Previous claims histories of policyholders who seek to conclude new insurance contracts with insurance undertakings should be easily authenticated in order to facilitate the recognition of such claims history when concluding a new insurance policy. In order to simplify the verification and authentication of claims history statements, it is important that the content and format of the statement of such claims histories are the same across all Member States. In addition, ***a mandatory bonus-malus system, incorporating discounts by way of a “no claims bonus”, should be introduced. When taking*** into account claims history statements to determine motor insurance premiums, ***insurance undertakings*** should not discriminate on the basis of nationality or solely on the basis of the previous Member State of residence of the policyholder. To enable Member States to verify how insurance undertakings ***apply their bonus-malus systems and*** treat claims history statements, insurance undertakings should publish their policies in respect of their use of claims history when calculating premiums.

Or. en

Amendment 68
Daniel Dalton

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Previous claims histories of policyholders who seek to conclude new insurance contracts with insurance undertakings should be easily authenticated in order to facilitate the recognition of such claims history when concluding a new insurance policy. In order to simplify the verification and authentication of claims history statements, it is important that the content and format of the statement of such claims histories are the same across all Member States. In addition, insurance undertakings that take into account claims history statements to determine motor insurance premiums should not discriminate on the basis of nationality or solely on the basis of the previous Member State of residence of the policyholder. ***To enable Member States to verify how insurance undertakings treat claims history statements, insurance undertakings should publish their policies in respect of their use of claims history when calculating premiums.***

Amendment

(8) Previous claims histories of policyholders who seek to conclude new insurance contracts with insurance undertakings should be easily authenticated in order to facilitate the recognition of such claims history when concluding a new insurance policy. In order to simplify the verification and authentication of claims history statements, it is important that the content and format of the statement of such claims histories are the same across all Member States. In addition, insurance undertakings that take into account claims history statements to determine motor insurance premiums should not discriminate on the basis of nationality or solely on the basis of the previous Member State of residence of the policyholder.

Or. en

Justification

Forcing insurers to publicise their underwriting methods risks undermining the competitiveness of the motor insurance market.

Amendment 69
Antonio López-Istúriz White

Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) *In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission regarding the content and the form of the claims history statement. Those implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁰.* **deleted**

²⁰ *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

Or. es

Justification

Claims histories should not be regulated under the Directive, given that the inclusion or exclusion of this variable in the calculation of premiums is part of the insurer's pricing policy and there are many other factors which can be taken into account for that purpose. We should not interfere with the market freedom of competitors by imposing an obligation on them. What is more, it would be very difficult to use those records in a uniform manner, given the many idiosyncrasies in the Member States.

Amendment 70

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Recital 9

Text proposed by the Commission

Amendment

(9) *In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission regarding* **deleted**

the content and the form of the claims history statement. Those implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁰.

Or. en

Amendment 71

Jiří Pospíšil

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) In a view to bring full effect to the use of claims history statements when calculating premiums, Member States should encourage the participation of insurance undertakings in transparent price comparison tools.

Or. en

Amendment 72

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Recital 10

Text proposed by the Commission

Amendment

(10) To ensure that the minimum amounts stay in line with the evolving economic reality (and are not eroded over time) the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adaptation of those minimum amounts of cover of motor third party liability insurance to reflect the evolving economic reality, as well as to define the

(10) In order to ensure uniform conditions for the implementation of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to establish the standardised presentation of the information published by insurance undertakings regarding their bonus-malus systems, including the no claims

procedural tasks and the procedural obligations of the bodies set up to provide compensation or entrusted the task of providing compensation pursuant to Article 10a with regard to the reimbursement. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

bonus, and the content and the form of the claims history statement. To ensure that the minimum amounts stay in line with the evolving economic reality (and are not eroded over time) the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adaptation of those minimum amounts of cover of motor third party liability insurance to reflect the evolving economic reality, as well as to define the procedural tasks and the procedural obligations of the bodies set up to provide compensation or entrusted the task of providing compensation pursuant to Article 10a with regard to the reimbursement. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 73

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) As part of the evaluation of the functioning of the Directive, the European Commission should monitor the

Amendment

(11) As part of the evaluation of the functioning of the Directive, the European Commission should monitor the

application of the Directive, taking into account the number of victims, the amount of outstanding claims due to delays in payments following cross-border insolvency cases, the level of minimum amounts of cover in Member States, the amount of claims due to uninsured driving relating to cross-border traffic and the number of complaints regarding claims history statements

application of the Directive, *especially in the field of autonomous and semi-autonomous vehicles, as well as the scope of the Directive in view of likely changes in the market*, taking into account the number of victims, the amount of outstanding claims due to delays in payments following cross-border insolvency cases, the level of minimum amounts of cover in Member States, the amount of claims due to uninsured driving relating to cross-border traffic and the number of complaints regarding claims history statements

Or. en

Amendment 74 **Maria Grapini**

Proposal for a directive **Recital 12**

Text proposed by the Commission

(12) Since the objectives of this Directive, in particular to ensure an equal minimum protection of **victims of** traffic accidents across the Union and to ensure **the protection of victims** in case of insolvency of insurance undertakings, cannot be sufficiently achieved by the Member States but can rather, by reason of their effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty of the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Amendment

(12) Since the objectives of this Directive, in particular to ensure an equal minimum protection of ***injured parties following*** traffic accidents across the Union and to ensure ***their*** protection in case of insolvency of insurance undertakings, cannot be sufficiently achieved by the Member States but can rather, by reason of their effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty of the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Or. ro

Amendment 75

Daniel Dalton

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) To promote a consistent approach for victims of incidents where a motor vehicle is used as a weapon to commit a violent crime or terrorist act, Member States should ensure their respective national motor guarantee body regulated by Article 10 of Directive 2009/103/EC handles any and all claims arising from such an act.

Or. en

Amendment 76

Pascal Durand

Proposal for a directive

Article 1 – paragraph 1 – point -1 (new)

Directive 2009/103/EC

Article 1 – point 1

Present text

Amendment

1. ‘vehicle’ means any motor vehicle intended for travel on land and propelled by mechanical power, but not running on rails, and any trailer, whether or not coupled;

-1 In Article 1, point 1 is amended as follows:

1. ‘vehicle’ means any motor vehicle intended for travel on land and propelled ***solely*** by mechanical power ***or where the mechanical power is designed to propel the motor vehicle to speeds in excess of 25 km/h,*** but not running on rails, and any trailer, whether or not coupled;

Or. en

Amendment 77

Lucy Anderson, Sergio Gaetano Cofferati

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2009/103/EC

Article 1 – point 1 a

Text proposed by the Commission

1a. ‘use of a vehicle’ means any use of such vehicle, intended normally to serve as a means of transport, that is consistent with **the** normal function of that vehicle, irrespective of the vehicle's characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.;

Amendment

1a. ‘use of a vehicle’ means any use of such vehicle, intended normally to serve as a means of transport **or for connected purposes**, that is consistent with **a** normal function of that vehicle, irrespective of the vehicle's characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.;

Or. en

Justification

This amendment is necessary in order to clarify that motor vehicles with a transport-connected function should be included within the scope of this Directive. It is not reasonable nor proportionate to allow vehicles to be out of the scope if they are not purely for transport, such as camper vans. If they have a function that is connected to transportation then they should be included in the scope.

Amendment 78

Antonio López-Istúriz White

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2009/103/EC

Article 1 – point 1 a

Text proposed by the Commission

(1a) ‘use of a vehicle’ means any use of **such** vehicle, intended **normally** to serve as a means of transport, that is consistent with the normal function of that vehicle, irrespective of the vehicle's characteristics and irrespective of the terrain on which the

Amendment

(1a) ‘use of a vehicle’ means any use of **a** vehicle **that requires administrative authorisation and is mainly** intended to serve as a means of transport **at the time of the accident**, that is consistent with the normal function of that vehicle,

motor vehicle is used and of whether it is stationary or in motion.";

irrespective of the vehicle's characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.";

(This amendment applies throughout the text; Adopting it will necessitate corresponding changes throughout.)

Or. es

Justification

To improve legal certainty and in line with recent CJEU case-law, this definition will make it possible to exclude certain vehicle uses outside the context of traffic and when the vehicles in question are not used as a means of transport. This is an important clarification in the case of mixed vehicles that carry out farming and industrial activities (tractors, wheelbarrows, etc.) and vehicles used in races (whether competing or participating in them) and, lastly, in cases where a vehicle has been used to commit a crime.

Amendment 79

Jiří Pospíšil

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2009/103/EC

Article 1 – point 1 a

Text proposed by the Commission

1a. 'use of a vehicle' means any use of such vehicle, ***intended normally to serve*** as a means of transport, ***that is consistent with the normal function of that vehicle, irrespective of the vehicle's characteristics*** and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.;

Amendment

1a. 'use of a vehicle' means any use of such vehicle ***in traffic that is, at the time of the accident, used*** as a means of transport, irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.;

Or. en

Amendment 80

Lara Comi

Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2009/103/EC
Article 1 – point 1 a

Text proposed by the Commission

1a. 'use of a vehicle' means any use of such vehicle, ***intended normally to serve as a*** means of transport, that is ***consistent with the normal function of that vehicle,*** irrespective of the vehicle's characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.;

Amendment

1a. 'use of a vehicle' means any use of such vehicle, ***in traffic, that is, at the time of the accident, consistent with the vehicle's function,*** as means of transport, that is irrespective of the vehicle's characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.;

Or. en

Amendment 81
Roberta Metsola

Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2009/103/EC
Article 1 – point 1 a

Text proposed by the Commission

1a. 'use of a vehicle' means any use of such vehicle, intended ***normally*** to serve as a means of transport, ***that is consistent with the normal function of that vehicle,*** irrespective of the vehicle's characteristics and irrespective ***of the terrain on which the motor vehicle is used and*** of whether it is stationary or in motion.

Amendment

1a. 'use of a vehicle' means any use of such vehicle ***in traffic, that is*** intended ***primarily*** to serve as a means of transport ***and that, at the time of the accident, was being used in line with its primary function on public roads*** and irrespective of whether it is stationary or in motion;

Or. en

Justification

A distinction has to be made between the primary use of a vehicle that can also be used as a means of transport and vehicles that are themselves primarily a means of transport of goods and passengers. In line with the Rapporteur's introduction of a non-traffic related insurance cover in the Recitals, it is important to distinguish between an accident occurring on a public

road and an accident occurring on private property or property with limited access to the public.

Amendment 82
Daniel Dalton

Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2009/103/EC
Article 1 – point 1 a

Text proposed by the Commission

1a. ‘use of a vehicle’ means any use of such vehicle, intended normally to *serve as a means of transport*, that is consistent with the normal function of *that* vehicle, irrespective of the vehicle's characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.;

Amendment

1a. ‘use of a vehicle’ means any use of such vehicle, intended normally to *be used in traffic*, that is consistent with the normal function of *the* vehicle, irrespective of the vehicle's characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.;

Or. en

Amendment 83
Lucy Anderson, Sergio Gaetano Cofferati

Proposal for a directive
Article 1 – paragraph 1 – point 1 a (new)
Directive 2009/103/EC
Article 2 – paragraphs 1 a and 1 b (new)

Text proposed by the Commission

Amendment

(1a) In Article 2, the following paragraphs are added:

The scope of this Directive shall include but not be limited to all vehicles covered by Regulation (EU) 2018/858, Regulation (EU) 2016/1628, Regulation (EU) No 168/2013, or Regulation (EU) No 167/2013.

This Directive shall apply notwithstanding that the use of a vehicle is partly or wholly

for recreational purposes, or in the context of sporting activities or entertainment.

Or. en

Justification

It is necessary to amend the scope of the existing Directive because it is inextricably linked to our amendments on the provisions of the Article 1, point 1A.

Amendment 84

Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 1 b (new)

Directive 2009/103/EC

Article 3 – paragraph 1

Present text

Each Member State shall, subject to Article 5, take all appropriate measures to ensure that civil liability in respect of *the use of* vehicles normally based in its territory *is* covered by insurance.

Amendment

(1b) In Article 3, the first paragraph is amended as follows:

Each Member State shall, subject to Article 5, take all appropriate measures to ensure that civil liability in respect of vehicles *which are capable of use* normally based in its territory *are* covered by insurance.

Or. en

Justification

Replace the 'use of vehicles' in this article with 'capable of use' to avoid a situation where insurance is required for vehicles which are registered but incapable of being moved because they are in a museum, and immobilised or undergoing restoration. See corresponding recital.

Amendment 85

Roberta Metsola

Proposal for a directive

Article 1 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1b) In Article 3, the following paragraph is added:

Member States shall ensure that when a vehicle is required to hold third party motor insurance pursuant to the first paragraph, the insurance is also valid and covers injured parties in the case of accidents occurring when that vehicle is in traffic on public roads and not being used in line with its primary function.

Or. en

Justification

Third party motor insurance policies should cover vehicles being used on public roads and accidents occurring in that context, such as in the case of a tractor being used to transport goods on a public road that collides accidentally with a private car.

Amendment 86
Maria Grapini

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2009/103/EC
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall refrain from making checks on insurance against civil liability in respect of vehicles normally based in the territory of another Member State and in respect of vehicles normally based in the territory of a third country entering their territory from the territory of another Member State.

Member States shall refrain from making checks on insurance against civil liability in respect of vehicles normally based in the territory of another Member State and in respect of vehicles normally based in the territory of a third country entering their territory from the territory of another Member State, ***so as to avoid obstructing the flow of traffic or inconveniencing travellers.***

Or. ro

Amendment 87

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2009/103/EC

Article 4 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

However, they may carry out such checks on insurance provided that those checks are non-discriminatory, necessary and proportionate *to achieve the end pursued*, and

Amendment

However, they may carry out such checks on insurance provided that those checks are non-discriminatory, necessary and proportionate, and

Or. en

Amendment 88

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2009/103/EC

Article 4 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) they form part of a general system of checks on the national territory and do not require the vehicle to stop.

Amendment

(b) they form part of a general system of checks on the national territory, *which are carried out also in respect of vehicles based in the territory of the respective Member State*, and do not require the vehicle to stop.

Or. en

Amendment 89

Jiří Pospíšil

Proposal for a directive

Article 1 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

1a. For the purposes of carrying out checks on insurance, as referred to in paragraph 1, a Member State shall grant other Member States access to the following national vehicle registration data, with the power to conduct automated searches thereon:

(a) data on whether a vehicle is covered by a compulsory insurance;

(b) data relating to owners or holders of the vehicle which is relevant to their insurance against civil liability subject to Article 3.

Access to those data shall be granted through the Member States' national contact points, as designated pursuant to Article 4(2) of Directive (EU) 2015/413*.

**** Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences (OJ L 68, 13.3.2015, p. 9)***

Or. en

Amendment 90
Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive
Article 1 – paragraph 1 – point 3
Directive 2009/103/EC
Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) for personal injuries: EUR **6 070 000** per accident, irrespective of the number of victims, or EUR **1 220 000** per

(a) for personal injuries: EUR **10 000 000** per accident, irrespective of the number of victims, or EUR **2 000 000** per

victim;

victim;

Or. en

Amendment 91

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2009/103/EC

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) for damages to property, EUR **1 220 000** per claim, irrespective of the number of victims.

Amendment

(b) for damages to property, EUR **2 000 000** per claim, irrespective of the number of victims.

Or. en

Amendments 92

Lucy Anderson, Sergio Gaetano Cofferati

Proposal for a directive

Article 1 – paragraph 1 – point 3 a (new)

Directive 2009/103/EC

Article 10 – paragraph 1 – subparagraph 1

Present text

1. Each Member State shall set up or authorise a body with the task of providing compensation, at least up to the limits of the insurance obligation for damage to property or personal injuries caused by an unidentified vehicle or a vehicle for which the insurance obligation provided for in Article 3 has not been satisfied.

Amendment

(3a) In Article 10, the first subparagraph of paragraph 1 is amended as follows:

1. Each Member State shall set up or authorise a body with the task of providing compensation **of** at least up to the limits of the insurance obligation **referred to in Article 9(1) or the guarantee limits prescribed by the Member State, if higher,** for damage to property or personal injuries caused by an unidentified vehicle or a vehicle for which the insurance obligation provided for in Article 3 has not been satisfied.

Justification

This amendment is necessary as it is inextricably linked to the provisions of our amendment in Article 10a on the protection of injured parties in case of insolvency of an insurance undertaking or lack of cooperation of an insurance undertaking.

Amendment 93
Daniel Dalton

Proposal for a directive
Article 1 – paragraph 1 – point 3 a (new)
 Directive 2009/103/EC
 Article 10 – paragraph 1 – subparagraph 1

Present text

1. Each Member State shall set up or authorise a body with the task of providing compensation, at least up to the limits of the insurance obligation for damage to property or personal injuries caused by an unidentified vehicle or a vehicle for which the insurance obligation provided for in Article 3 has not been satisfied.

Amendment

(3a) In Article 10, the first subparagraph of paragraph 1 is amended as follows:

1. Each Member State shall set up or authorise a body with the task of providing compensation, at least up to the limits of the insurance obligation for damage to property or personal injuries caused by an unidentified vehicle or a vehicle for which the insurance obligation provided for in Article 3 has not been satisfied, ***including with respect to incidents where a motor vehicle is used as a weapon to commit a violent crime or terrorist act.***

Or. en

Justification

Due to recent incidents of terrorist attacks in Europe in which a motor vehicle has been used as a weapon, Article 10 of the EU Motor Insurance Directive should be amended to establish an initiative that mutualises this risk at national level. This will also help minimise the fragmentation across Member States as concerns the method and levels of compensation in these cases.

Amendment 94
Lucy Anderson, Sergio Gaetano Cofferati

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2009/103/EC
Article 10 a – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall set up or authorise a body to compensate injured parties habitually residing within their territory, at least up to the limits of the insurance obligation referred to in Article 9(1) for personal injuries or material damage, caused by a vehicle insured by an insurance undertaking in any of the following situations:

Amendment

1. Member States shall set up or authorise a body to compensate injured parties habitually residing within their territory, at least up to the limits of the insurance obligation referred to in Article 9(1) ***or the guarantee limits prescribed by the Member State, if higher,*** for personal injuries or material damage, caused by a vehicle insured by an insurance undertaking in any of the following situations:

Or. en

Justification

In view of the fact that some Member States have provisions for compensation that are considerably higher, and in some cases uncapped, than the Commission proposal, it makes sense to stipulate that Member States provide a compensation limit that goes beyond the provisions of the insurance obligation referred to in Article 9 (1).

Amendment 95
Daniel Dalton

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2009/103/EC
Article 10 a – paragraph 1 – introductory part

Text proposed by the Commission

1. Member **States** shall set up or authorise a body to compensate injured parties habitually residing within their territory, at least up to the limits of the insurance obligation referred to in Article

Amendment

1. ***Each*** Member **State** shall set up or authorise a body to compensate injured parties habitually residing within their territory, at least up to the limits of the insurance obligation referred to in Article

9(1) for personal injuries or material damage, caused by a vehicle insured by an insurance undertaking in any of the following situations:

9(1) for personal injuries or material damage, caused by a vehicle insured by an insurance undertaking in any of the following situations:

Or. en

Amendment 96
Daniel Dalton

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2009/103/EC
Article 10 a – paragraph 1 – point c

Text proposed by the Commission

(c) the insurance undertaking or its claims representative has not provided a reasoned reply to the points made in a claim for compensation within **three months** after the date on which the injured party presented his or her claim to that insurance undertaking.

Amendment

(c) the insurance undertaking or its claims representative has not provided a reasoned reply to the points made in a claim for compensation within **a reasonable period of time** after the date on which the injured party presented his or her claim to that insurance undertaking.

Or. en

Amendment 97
Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2009/103/EC
Article 10 a – paragraph 2

Text proposed by the Commission

2. Injured parties may not present a claim to the body referred to in paragraph 1 if they have presented a claim directly **to or taken legal action directly** against the insurance undertaking and such claim **or legal action** is still pending.

Amendment

2. Injured parties may not present a claim to the body referred to in paragraph 1 if they have presented a claim directly against the insurance undertaking and such claim is still pending.

Or. en

Justification

While it is necessary to avoid parallel claims being introduced to insurance undertakings and to the body set up in Art.10a, we cannot exclude the possibility to take legal action, that could also be related to other aspects, against insurance undertakings.

Amendment 98

Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2009/103/EC

Article 10 a – paragraph 3

Text proposed by the Commission

3. The body referred to in paragraph 1 shall give a reply to the claim within ***two months*** after the date on which the injured party has presented his or her claim for compensation.

Amendment

3. The body referred to in paragraph 1 shall give a reply to the claim within ***thirty days*** after the date on which the injured party has presented his or her claim for compensation.

Or. ro

Amendment 99

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2009/103/EC

Article 10 a – paragraph 3

Text proposed by the Commission

3. The body referred to in paragraph 1 shall give a reply to the claim within ***two months*** after the date on which the injured party has presented his or her claim for compensation.

Amendment

3. The body referred to in paragraph 1 shall give a reply to the claim within ***one month*** after the date on which the injured party has presented his or her claim for compensation.

Or. en

Amendment 100
Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2009/103/EC
Article 10 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The body referred to in paragraph 1 shall provide the compensation within three months of communicating their reply, in accordance with paragraph 3, to the injured party.

Or. en

Amendment 101
Jiří Pospíšil, Roberta Metsola

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2009/103/EC
Article 10 a – paragraph 4

Text proposed by the Commission

Amendment

4. Where the injured party is resident in another Member State than the Member State in which the ***insurance undertaking referred to in paragraph 1 is established***, the body referred to in paragraph 1 and which has compensated that injured party in his or her Member State of residence, shall be entitled to claim reimbursement of the sum paid by way of compensation from the body referred to in paragraph 1 in the Member State ***in which the insurance undertaking which issued the policy of the liable party is established***.

4. Where the injured party is resident in another Member State than the Member State in which the ***vehicle causing the accident is insured***, the body referred to in paragraph 1 and which has compensated that injured party in his or her Member State of residence, shall be entitled to claim reimbursement of the sum paid by way of compensation from the body referred to in paragraph 1 in the Member State ***where the vehicle causing the accident is insured***.

Or. en

Amendment 102

Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2009/103/EC

Article 10 a – paragraph 6

Text proposed by the Commission

6. Member States shall not allow the body referred to in paragraph 1 to make the payment of compensation subject to any requirements other than those laid down in this Directive and in particular not the requirement that the injured party should establish that the party liable is unable or refuses to pay.

Amendment

6. Member States shall not allow the body referred to in paragraph 1 to make the payment of compensation subject to any ***reduction or*** requirements other than those laid down in this Directive and in particular not the requirement that the injured party should establish that the party liable ***or the insurance undertaking*** is unable or refuses to pay.

Or. en

Amendment 103

Lucy Anderson, Sergio Gaetano Cofferati

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2009/103/EC

Article 10 a – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Member States shall provide for penalties against insurance undertakings that have failed to comply with their obligations under this Article. Such penalties shall be proportionate, effective and dissuasive.

Or. en

Justification

In order to ensure that consumers are properly compensated within three months of their claim being submitted, it is necessary to provide a proportionate and dissuasive penalties regime to take action against rogue insurance companies who seek to avoid their duties.

Proper and responsible claims management is essential to ensuring the smooth functioning of any insurance regime. Therefore, Member States should be entitled to impose financial and any other penalties against insurance firms that fail to comply with the provisions of this Directive

Amendment 104

Roberta Metsola

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2009/103/EC

Article 10 a – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The latter body shall be subrogated to the injured party in his or her rights against the body referred to in paragraph 1 established in the Member State where the liable party is resident, in so far as the compensation body in the injured party's Member State of residence provided compensation for personal injuries or damage to property. Each Member State shall be obliged to acknowledge this subrogation as provided for by any other Member State.

Or. en

Justification

Justification: In cases where an insurance undertaking goes insolvent, it should be the Compensation Fund in the Member State where that insurance undertaking operated that reimburses the body of the Member State of injured party's residence that compensated the individual concerned. The insurance undertaking would have paid into the Fund of the host country not the home country while still in business.

Amendment 105

Jiří Pospíšil, Roberta Metsola

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2009/103/EC

Article 10 a – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. Injured parties referred to in Article 20(1) may, in the situations referred to in paragraph 1, apply for compensation from the compensation body referred to in Article 24 in their Member State of residence.

Or. en

Amendment 106

Jiří Pospíšil, Roberta Metsola

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2009/103/EC

Article 10 a – paragraph 7 c (new)

Text proposed by the Commission

Amendment

7c. The compensation body which has compensated the injured party in his or her Member State of residence shall be entitled to claim reimbursement of the sum paid by way of compensation from the compensation body in the Member State where the vehicle causing the accident is insured.

Or. en

Amendment 107

Antonio López-Istúriz White

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2009/103/EC

Article 16

Text proposed by the Commission

Amendment

(5) Article 16 is amended as follows: deleted

(a) the following sentence is added at the end of the second subparagraph:

“They shall do so using the form of the claims history statement”;

(b) the following subparagraphs are added:

“Member States shall ensure that insurance undertakings or the bodies as referred to in the second subparagraph, when taking account of claims history statements issued by other insurance undertakings or other bodies as referred to in the second subparagraph, do not treat policyholders in a discriminatory manner or surcharge their premiums because of their nationality or solely on the basis of their previous Member State of residence.

Member States shall ensure that insurance undertakings publish their policies in respect of their use of claims history statements when calculating premiums.

The Commission shall be empowered to adopt implementing acts in accordance with Article 28a(2) specifying the contents and form of the claims history statement referred to in the second subparagraph. That statement shall contain information about all of the following:

(a) the identity of the insurance undertaking issuing the claims history statement;

(b) the identity of the policyholder;

(c) the vehicle insured;

(d) the period of cover of the vehicle insured;

(e) the number and value of the declared third party liability claims during the period covered by the claims history statement."

Or. es

Amendment 108

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 3

Text proposed by the Commission

Member States shall ensure that insurance undertakings or the bodies as referred to in the second subparagraph, when taking account of claims history statements issued by other insurance undertakings or other bodies as referred to in the second subparagraph, do not treat policyholders in a discriminatory manner **or surcharge** their premiums because of their nationality or solely on the basis of their previous Member State of residence.

Amendment

Member States shall ensure that insurance undertakings or the bodies as referred to in the second subparagraph, when taking account of claims history statements issued by other insurance undertakings or other bodies as referred to in the second subparagraph, do not treat policyholders in a discriminatory manner ***either by withholding discounts commonly referred to as “no claims bonuses” or by applying surcharges to*** their premiums ***or any way whatsoever*** because of their nationality or solely on the basis of their previous Member State of residence.

Or. en

Amendment 109

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

Member States shall require insurance undertakings and the bodies referred to in the second subparagraph to integrate into motor vehicle insurance contracts a mandatory bonus-malus system, including a discount by way of a “no claims bonus”, in which premiums are influenced by policyholders’ claims history statement.

Amendment 110

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 4

Text proposed by the Commission

Member States shall ensure that insurance undertakings publish their policies ***in respect of their use of*** claims history statements when calculating premiums.

Amendment

Member States shall ensure that insurance undertakings ***and the bodies as referred to in the second subparagraph*** publish, ***in a standardised form***, their ***bonus-malus*** policies, ***including the way*** claims history statements ***are taken into account*** when calculating premiums.

Amendment 111

Jiří Pospíšil

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 4

Text proposed by the Commission

Member States shall ensure that insurance undertakings publish their policies in respect of their use of claims history statements when calculating premiums.

Amendment

Without prejudice to the pricing policies of insurance undertakings, Member States shall ensure that insurance undertakings publish their policies in respect of their use of claims history statements when calculating premiums.

Amendment 112

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 28a to establish a standardised presentation of the information published by insurance undertakings and the bodies as referred to in the second subparagraph regarding their bonus-malus systems. When exercising that power, the Commission shall ensure that the system guarantees a high degree of comparability and transparency.

Or. en

Amendment 113

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 5 – introductory part

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt **implementing** acts in accordance with Article 28a(2) **specifying** the contents and form of the claims history statement referred to in the second subparagraph. That statement shall contain information about all of the following:

The Commission shall be empowered to adopt **delegated** acts in accordance with Article 28a **in order to define** the contents and form of the claims history statement referred to in the second subparagraph. That statement shall contain information about all of the following:

Or. en

Amendment 114

Jiří Pospíšil

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 5 – point b

Text proposed by the Commission

(b) the identity of the policyholder;

Amendment

(b) the identity, ***the date of birth, and the number and date of issue of the driving licence*** of the policyholder;

Or. en

Amendment 115

Jiří Pospíšil

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 5 – point c

Text proposed by the Commission

(c) the vehicle insured;

Amendment

(c) the vehicle insured ***and its registration index number***;

Or. en

Amendment 116

Jiří Pospíšil

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 5 – point d

Text proposed by the Commission

(d) the ***period of cover*** of the vehicle ***insured***;

Amendment

(d) the ***date of inception and date of expiration of the insurance*** of the vehicle:

Or. en

Amendment 117

Jiří Pospíšil

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 5 – point e

Text proposed by the Commission

(e) the number and **value** of the declared third party liability claims during the period covered by the claims history statement.

Amendment

(e) the number and ***the nature, as regards damage to property and/or personal injury***, of the declared third party liability claims during the period covered by the claims history statement.

Or. en

Amendment 118

Jiří Pospíšil

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 5 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the number of years driven without accidents;

Or. en

Amendment 119

Jiří Pospíšil

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 5 – point e b (new)

Text proposed by the Commission

Amendment

(eb) the latest reference to any risk classification by the insurer;

Amendment 120

Jiří Pospíšil

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 5 – point e c (new)

Text proposed by the Commission

Amendment

*(ec) the contact address of the
policyholder;*

Or. en

Amendment 121

Jiří Pospíšil

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/103/EC

Article 16 – paragraph 5 – point e d (new)

Text proposed by the Commission

Amendment

*(ed) the date of issue of the insurance
undertakings' policy that is used in
respect of their use of claims history
statements when calculating premiums.*

Or. en

Amendment 122

Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2009/103/EC

Article 16 – paragraph 5 a (new)

The Commission shall consult with all relevant stakeholders before adopting those implementing acts and seek to reach a mutual agreement between stakeholders as to the content and the form of the claims history statement.

Or. en

Amendment 123
Andreas Schwab

Proposal for a directive
Article 1 – paragraph 1 – point 5 a (new)
Directive 2009/103/EC
Article 26 a (new)

5a. The following Article is inserted:
“Article 26a

Limitation period

1. Member States shall ensure that a limitation period of at least three years applies to actions under Articles 19 and 20(2) that relate to compensation for personal injury and damage to property resulting from a cross-border road traffic accident. The limitation period shall begin to run from the day on which the claimant became aware, or had reasonable grounds to become aware, of the extent of the injury, loss or damage, its cause and the identity of the person liable and the insurance undertaking covering this person against civil liability or the claim representative or compensation body responsible for providing compensation and against whom the claim is to be brought.

2. Member States shall ensure that where the proper law of the claim

provides for a limitation period which is longer than three years, such longer limitation period shall apply.

3. Member States shall ensure that they provide the Commission with up-to-date information on national rules of limitation for damages caused by traffic accidents. The Commission shall make publicly available and accessible, in all Union languages, that general information communicated by Member States.”

Or. de

Amendment 124
Andreas Schwab

Proposal for a directive
Article 1 – paragraph 1 – point 5 b (new)
Directive 2009/103/EC
Article 26 b (new)

Text proposed by the Commission

Amendment

5b. The following Article is inserted:
“Article 26b

Suspension of limits

1. Member States shall ensure that the limitation provided for in Article 26a is suspended during the period between submission by the claimant of his or her claim to:

(a) the insurance undertaking of the person who caused the accident or its claims representative referred to in Articles 21 and 22; or

(b) the compensation body referred to in Articles 24 and 25, and the defendant’s rejection of the claim.

2. Where the remaining part of the limitation period, once the period of suspension ends, is less than six months, Member States shall ensure that the

claimant is granted a minimum period of six additional months to initiate court proceedings.

3. Member States shall ensure that, if a period expires on a Saturday or a Sunday or on one of their official holidays, it shall be extended until the end of the first following working day.”

Or. de

Amendment 125

Andreas Schwab

Proposal for a directive

Article 1 – paragraph 1 – point 5 c (new)

Directive 2009/103/EC

Article 26 c (new)

Text proposed by the Commission

Amendment

5c. The following Article is inserted:

“Article 26c

Calculation of time limits

Member States shall ensure that any period of time laid down by this Directive is calculated as follows:

(a) calculation shall start on the day following the day on which the relevant event occurred;

(b) when a period is expressed as one year or a number of years, it shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred. If the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month;

(c) periods shall not be suspended during court recesses.”

Or. de

Amendment 126
Antonio López-Istúriz White

Proposal for a directive
Article 1 – paragraph 1 – point 6

Directive 2009/103/EC

Articles 28 a, 28 b and 28 c

Text proposed by the Commission

Amendment

[...]

deleted

Or. es

Justification

Claims histories should not be regulated under the Directive, given that the inclusion or exclusion of this variable in the calculation of premiums is part of the insurer's pricing policy and there are many other factors which can be taken into account for that purpose. We should not interfere with the market freedom of competitors by imposing an obligation on them. What is more, it would be very difficult to use those records in a uniform manner, given the many idiosyncrasies in the Member States.

Amendment 127
Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive
Article 1 – paragraph 1 – point 6 – introductory part

Text proposed by the Commission

Amendment

(6) the following Articles **28a**, 28b and 28c are inserted:

(6) the following Articles 28b and 28c are inserted:

Or. en

Amendment 128
Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive
Article 1 – paragraph 1 – point 6

Directive 2009/103/EC

Article 28 a

Text proposed by the Commission

Amendment

Article 28a

Committee procedure

1. *The Commission shall be assisted by the European Insurance and Occupational Pensions Committee established by Commission Decision 2004/9/EC ****. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*****.* *deleted*
2. *Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*

Or. en

Amendment 129

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2009/103/EC

Article 28 b – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in **Articles 9(2) and 10a(7)** shall be conferred on the Commission for an indeterminate period of time from the date referred to in Article 30.
2. The power to adopt delegated acts referred to in **Article 9(2)** shall be conferred on the Commission for an indeterminate period of time from the date referred to in Article 30. ***The power to adopt delegated acts referred to in Articles 10a(7) and 16 shall be conferred on the Commission for a period of five years from [the date of entry into force of this Directive].***

Or. en

Amendment 130
Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2009/103/EC
Article 28 b – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 9(2) and 10a(7) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to Articles 9(2) and 10a(7) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. en

Amendment 131
Jiří Pospíšil, Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2009/103/EC
Article 28 c

Text proposed by the Commission

No later than **seven** years after the date of transposition of this Directive, an evaluation of this Directive shall be carried out. The Commission shall communicate the conclusions of the evaluation accompanied by its observations to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

No later than **five** years after the date of transposition of this Directive, an evaluation **and full review** of this Directive shall be carried out. ***This evaluation shall, in particular, assess the suitability of this Directive in the light of technological developments related to autonomous, semi-autonomous and high speed small vehicles falling under categories of vehicles as referred to in Article 2,***

paragraph 2, point h), i), j), k) of Regulation (EU) No 168/2013, and whether the liability system it provides is likely to satisfy future needs. The Commission shall communicate the conclusions of the evaluation accompanied by its observations *and, where appropriate, by a legislative proposal* to the European Parliament, the Council and the European Economic and Social Committee.

Or. en

Amendment 132

Sergio Gaetano Cofferati, Lucy Anderson

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2009/103/EC

Article 28 c

Text proposed by the Commission

No later than ***seven*** years after the date of transposition of this Directive, ***an evaluation of this Directive shall be carried out.*** The Commission shall ***communicate the conclusions of the evaluation accompanied by its observations*** to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

No later than ***five*** years after the date of transposition of this Directive, the Commission shall ***submit a report*** to the European Parliament, ***to*** the Council and ***to*** the European Economic and Social Committee ***evaluating the implementation of this Directive, in particular in respect of:***

(a) the application of this Directive with regard to technological developments, in particular with regard to autonomous and semi-autonomous vehicles;

(b) an analysis of the adequacy of the scope of this Directive, considering the accidents risks posed by different motor vehicles, in view of likely changes in the market.

The report shall be accompanied by the observations of the Commission and, where appropriate, by a legislative

proposal.

Or. en

Amendment 133

Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2009/103/EC

Article 28 c

Text proposed by the Commission

No later than seven years after the date of transposition of this Directive, an evaluation of this Directive shall be carried out. The Commission shall communicate the conclusions of the evaluation accompanied by its observations to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

No later than seven years after the date of transposition of this Directive, an evaluation of this Directive shall be carried out. ***That evaluation shall, in particular, assess the suitability of this Directive in light of technological developments related to autonomous and semi-autonomous vehicles.*** The Commission shall communicate the conclusions of the evaluation accompanied by its observations to the European Parliament, the Council and the European Economic and Social Committee.

Or. en

Amendment 134

Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2009/103/EC

Article 28 c

Text proposed by the Commission

No later than ***seven*** years after the date of transposition of this Directive, an evaluation of this Directive shall be carried out. The Commission shall communicate the conclusions of the evaluation accompanied by its observations to the

Amendment

No later than ***five*** years after the date of transposition of this Directive, an evaluation of this Directive shall be carried out. The Commission shall communicate the conclusions of the evaluation accompanied by its observations to the

European Parliament, the Council and the European Economic and Social Committee.

European Parliament, the Council and the European Economic and Social Committee.

Or. ro

Amendment 135

Antonio López-Istúriz White

Proposal for a directive

Article 2 – paragraph 1

Text proposed by the Commission

Member States shall adopt and publish, by [PO: Please insert date **12** months after the date of entry into force] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall adopt and publish, by [PO: Please insert date **24** months after the date of entry into force] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions. ***However, the transposition and entry into force of Article 1(4) of this Directive with regard to the provisions of Article 10(a) shall take place before [PO: please insert the date – 12 months after entry into force].***

Or. es

Justification

The amendment extends the transposition and entry into force periods because the changes to be made are significant and require extensive adaptation work. It ensures that Member States have at least 24 months to introduce those changes in obligatory car insurance at national level in their compensation systems. However, regarding the provisions in the new Article 10(a) on the use of Guarantee Funds when insurers face insolvency, the 12-month time frame should remain so that victims receive proper protection as soon as possible.