



**2018/0168(COD)**

26.11.2018

# **AMENDMENTS**

## **2 - 32**

**Draft opinion**

**Joëlle Bergeron**

(PE629.601v02-00)

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 2

Daniel Buda

### Proposal for a directive

#### Recital 1

*Text proposed by the Commission*

(1) Insurance against civil liability in respect of the use of motor vehicles (motor insurance) is of special importance for European citizens, whether they are policyholders or potential victims of an accident. It is also a major concern for insurance undertakings, as it constitutes an important segment of non-life insurance business in the Union. Motor insurance also has *an* impact on the free movement of persons, goods and vehicles. It should therefore be a key objective of the Union action in the field of financial services to reinforce and consolidate the internal market for motor insurance.

*Amendment*

(1) Insurance against civil liability in respect of the use of motor vehicles (motor insurance) is of special importance for European citizens, whether they are policyholders or potential victims of an accident. It is also a major concern for insurance undertakings, as it constitutes an important segment of non-life insurance business in the Union. Motor insurance also has *a significant* impact on the free movement of persons, goods and vehicles, *and hence on the internal market and the Schengen area*. It should therefore be a key objective of the Union action in the field of financial services to reinforce and consolidate the internal market for motor insurance.

Or. ro

## Amendment 3

Tiemo Wölken

### 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 Council<sup>15</sup>, 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

*Amendment*

(2) The Commission has carried out an evaluation of the functioning of Directive 2009/103/EC of the European Parliament and of the Council<sup>15</sup>, 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.

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. *A compulsory 'bonus-malus' system should also be introduced to be used in the calculation of insurance premiums based on claims history statements by insurance undertakings. Such a system would be an incentive for safe driving and thus make road traffic safer. It would also lead to fairer insurance premiums for consumers.*

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<sup>15</sup> 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).

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<sup>15</sup> 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. de

#### **Amendment 4** **Tiemo Wölken**

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

*Text proposed by the Commission*

*Amendment*

*(3a) According to the case law of the European Court of Justice, in principle all existing and new motor vehicles fall within the scope of Directive 2009/103/EC. However, particularly with new types of vehicle, such as electric bicycles, electric scooters and Segways, this does not seem to be absolutely*

*necessary.*

*They are much smaller and have a lower maximum speed, so their damage/injury potential is not so great. The undifferentiated application of compulsory insurance seems disproportionate, especially given the need to promote the development of new alternative modes of transport, which occupy less public road space and are more environmentally friendly. This Directive should therefore apply only to those vehicles which under EU law have to satisfy safety requirements as a condition for approval.*

*Of course, accidents may also occur when such vehicles are used, so that Member States should be free to adopt or maintain at national level rules which also provide for liability insurance for vehicles which are not subject to type approval.*

Or. de

**Amendment 5**  
**Daniel Buda**

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

*Text proposed by the Commission*

*Amendment*

*(3a) By pursuing the general objectives of ensuring a high level of protection for victims of road traffic accidents and of facilitating the free movement of persons and vehicles throughout the EU, this Directive will help improve confidence in the single market for motor insurance by increasing legal certainty over cross-border sales of motor insurance based on the freedom to provide services, while reducing the risks that may arise during the compensation to victims process.*

**Amendment 6**  
**Daniel Buda**

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

*Text proposed by the Commission*

*Amendment*

***(3b) This Directive strikes an appropriate balance between the public interest and the potential costs for public authorities, insurers and policy holders, with a view to ensuring that the measures proposed are cost-effective.***

**Amendment 7**  
**Daniel Buda**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

(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.

(4) Member States currently ***are refraining*** 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, ***such as number-plate recognition technology***, allow for ***the discrete checking of*** insurance of vehicles without stopping them and thus without interfering with the free movement of persons. It is therefore appropriate ***to*** 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  
*and if they guarantee the rights, freedoms  
and legitimate interests of the person  
concerned.*

Or. ro

**Amendment 8**  
**Kostas Chrysogonos, Jiří Maštálka**

**Proposal for a directive**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*(4a) Uninsured driving, circulating with a motor vehicle without a compulsory motor third party liability insurance, is an increasing problem within the EU. The cost for the EU has been estimated at € 870 million in claims in 2011 for the EU as a whole. It shall be stressed that uninsured driving negatively affects a wide range of stakeholders including victims of accidents, insurers, guarantee funds and motor insurance policyholders.*

Or. en

**Amendment 9**  
**Gilles Lebreton**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) Member States that opt to set up a system that processes personal data which may subsequently be shared with other Member States, such as data from number plate recognition technology, need to legislate to allow for the processing of

(5) Member States that opt to set up a system that processes personal data which may subsequently be shared with other Member States, such as data from number plate recognition technology, need to legislate to allow for the processing of

personal data for the purposes of combatting uninsured driving, whilst establishing suitable measures to safeguard the data subject's rights and freedoms and legitimate interests. The provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>19</sup> apply to the processing of personal data for the purpose of combatting uninsured driving. The Member States' legislation *should* in particular specify the precise purpose, refer to the relevant legal basis, comply with the relevant security requirements and respect the principles of necessity, proportionality, and purpose limitation, and should set a proportionate data retention period. In addition, the principles of personal data protection by design and data protection by default should be applied to all data processing systems developed and used within the framework of the Member States' legislation.

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<sup>19</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

personal data for the purposes of combatting uninsured driving, whilst establishing suitable measures to safeguard the data subject's rights and freedoms and legitimate interests. The provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>19</sup> apply to the processing of personal data for the purpose of combatting uninsured driving. The Member States' legislation *could* in particular specify the precise purpose, refer to the relevant legal basis, comply with the relevant security requirements and respect the principles of necessity, proportionality, and purpose limitation, and should set a proportionate data retention period. In addition, the principles of personal data protection by design and data protection by default should be applied to all data processing systems developed and used within the framework of the Member States' legislation.

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<sup>19</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

Or. fr

## **Amendment 10**

### **Daniel Buda**

#### **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

*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 or have taken legal action with the insurance undertaking concerned and that claim is still under consideration and that action is still pending.

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, ***without any delay***, 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.

Or. ro

## **Amendment 11**

### **Tiemo Wölken**

#### **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

###### *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 ***should use a compulsory 'bonus-malus' system*** 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.

insurance premiums. *Claims history statements* should *be taken into account*. *There should be no discrimination* 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.

Or. de

## **Amendment 12** **Gilles Lebreton**

### **Proposal for a directive** **Recital 10**

*Text proposed by the Commission*

***(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 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***

*Amendment*

*deleted*

*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. fr

**Amendment 13**  
**Tiemo Wölken**

**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 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

*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 ***In the context of the evaluation of the functioning of Directive 2009/103/EC, the Commission should also examine and assess whether, in the light of technological progress, including the increasing use of autonomous and semi-autonomous vehicles, it continues to serve its purpose of protecting the victims of road traffic accidents from the insolvency of insurers in accidents caused by vehicles.***

Or. de

**Amendment 14**  
**Daniel Buda**

**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 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

*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. ***At the same time, that monitoring should be future-proofed and seek to ensure that the objectives of the Directive are met as regards new technological developments in fields such as electric vehicles and autonomous and semi-autonomous vehicles.***

Or. ro

**Amendment 15**  
**Daniel Buda**

**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

*Amendment*

(12) Since the objectives of this Directive, in particular to ensure an equal minimum protection of victims of traffic accidents across the Union, to ensure the protection of victims in case of insolvency of insurance undertakings **and to ensure equal treatment in the authentication of claims history statements by insurers for**

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.

*potential policy holders traversing internal EU borders* 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 16**  
**Kosma Zlotowski**

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

*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 use of such vehicle, intended normally to serve as a means of transport, that is consistent with the normal function of that vehicle and of whether it is stationary or in motion.;

Or. en

**Amendment 17**  
**Tiemo Wölken**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1 a (new)**

***1a. In Article 2, a new paragraph is added:***

***‘This Directive shall only apply to motor vehicles covered by Regulation (EU) 2018/858\*, Regulation (EU) 167/2013\*\*or Regulation (EU) 168/2013\*\*\*.***

***Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, pp. 1-218).***

***\*\*Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (Text with EEA relevance) (OJ L 60, 2.3.2013, p. 1).***

***Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (Text with EEA relevance)(OJ L 60, 2.3.2013, p. 52).”***

Or. de

**Amendment 18**

**Daniel Buda**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2**

Directive 2009/103/EC

Article 4 – paragraph 1 – subparagraph 2

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

However, they may carry out such checks on insurance provided that those checks are non-discriminatory, necessary and proportionate to achieve the end pursued, ***guarantee the rights, freedoms and legitimate interests of the person concerned***, and

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

Or. ro

**Amendment 19**  
**Tiemo Wölken**

**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*

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

*Amendment*

(a) for personal injuries:  
EUR **10 000 000** per accident, irrespective of the number of victims, or  
EUR 1 220 000 per victim;

Or. de

**Amendment 20**  
**Kostas Chrysogonos, Jiří Maštálka**

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

*Text proposed by the Commission*

*Amendment*

***(aa) the insurance undertaking became insolvent***

Or. en

**Amendment 21**

**Kostas Chrysogonos, Jiří Maštálka**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4**

Directive 2009/103/EC

Article 10 – paragraph 1 a b (new)

*Text proposed by the Commission*

*Amendment*

***(ab) the insurance undertaking has insufficient financial resources to compensate victims of accidents involving autonomous vehicles circulating within the EU;***

Or. en

**Amendment 22**

**Kostas Chrysogonos, Jiří Maštálka**

**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*

*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 **three** months after the date on which the injured party presented his or her claim to that insurance undertaking.

(c) the insurance undertaking or its claims representative has not provided a reasoned reply to the points made in a claim for compensation within **6** months after the date on which the injured party presented his or her claim to that insurance undertaking.

Or. en

**Amendment 23**

**Kosma Zlotowski**

**Proposal for a directive**



**Article 1 – paragraph 1 – point 4**

Directive 2009/103/EC

Article 10

*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 *three* months after the date on which the injured party has presented his or her claim for compensation.

Or. en

**Amendment 24**

**Tiemo Wölken**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2009/103/EC

Article 16

*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 *and* 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.

Or. de

**Amendment 25**

**Tiemo Wölken**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2009/103/EC

Article 16

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that insurance undertakings and the bodies referred to in the second subparagraph incorporate a compulsory ‘bonus-malus’ system in their third-party liability motor vehicle insurance contracts, which calculates the amount of insurance premiums of each policyholder in accordance with the claims history statements.***

Or. de

**Amendment 26**  
**Kosma Złotowski**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point b**  
Directive 2009/103/EC  
Article 16

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. en

**Amendment 27**  
**Tiemo Wölken**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point b**  
Directive 2009/103/EC  
Article 16

*Text proposed by the Commission*

*Amendment*

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

Member States shall ensure that insurance undertakings publish their policies in respect of their use of claims history statements when calculating premiums, *in particular also in relation to the ‘bonus-malus’ system they use.*

Or. de

**Amendment 28**  
**Tiemo Wölken**

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

*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 of this Directive shall be carried out. *In particular, the expediency of this Directive with regard to technological developments relating to autonomous and semi-autonomous vehicles should be assessed, and it should be examined whether the regime of liability of this Directive takes into account the new technological conditions or whether a new strict liability offence should be introduced which is based solely on autonomous vehicles as a source of danger and at the same time involves no uncontrolled liability risks in order not to stand in the way of the use of new technologies.* 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, *attaching, where necessary, a legislative proposal.*

Or. de

*(Technical error: the directive in question is a proposal for a Directive 2018/0168 (COD) amending Directive 2009/103/EC.)*

*Justification*

*This addition is necessary in order to specify the scope of the assessment.*

**Amendment 29**

**Daniel Buda**

**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 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.

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

Or. ro

*Justification*

*The proposal sets a deadline of 5 years for the evaluation of the minimum amounts guaranteed by the Member States. We feel that in the interests of consistency, the evaluation of the Directive should also be conducted to the same 5-year deadline, especially given the pace of technical developments, which the Commission needs to take into account as part of its evaluation.*

**Amendment 30**

**Kostas Chrysogonos, Jiří Maštálka**

**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 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.

Or. en

**Amendment 31**  
**Kosma Zlotowski**

**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.

Or. en

**Amendment 32**  
**Kosma Zlotowski**

**Proposal for a directive**  
**Article 2 – paragraph 2**

*Text proposed by the Commission*

They shall apply those provisions from [PO: Please insert date *12* months after the date of entry into force ].

*Amendment*

They shall apply those provisions from [PO: Please insert date *24* months after the date of entry into force ].

