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► **B** 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

(codified version)

(Text with EEA relevance)

(OJ L 263, 7.10.2009, p. 11)

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**▼B****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  
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against such liability****(codified version)****(Text with EEA relevance)**

## CHAPTER 1

## GENERAL PROVISIONS

*Article 1***Definitions**

For the purposes of this Directive:

**▼M1**

1. 'vehicle' means:

- (a) any motor vehicle propelled exclusively by mechanical power on land but not running on rails with:
  - (i) a maximum design speed of more than 25 km/h; or
  - (ii) a maximum net weight of more than 25 kg and a maximum design speed of more than 14 km/h;
- (b) any trailer to be used with a vehicle referred to in point (a), whether coupled or uncoupled.

Without prejudice to points (a) and (b), wheelchair vehicles exclusively intended for use by persons with physical disabilities are not considered to be vehicles referred to in this Directive;

- 1a. 'use of a vehicle' means any use of a vehicle that is consistent with the vehicle's function as a means of transport at the time of the accident, 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;
- 2. 'injured party' and 'party injured' means any person entitled to compensation in respect of any loss or injury caused by vehicles;

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- 3. 'national insurers' bureau' means a professional organisation which is constituted in accordance with Recommendation No 5 adopted on 25 January 1949 by the Road Transport Sub-committee of the Inland Transport Committee of the United Nations Economic Commission for Europe and which groups together insurance undertakings which, in a State, are authorised to conduct the business of motor vehicle insurance against civil liability;

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4. ‘territory in which the vehicle is normally based’ means:
- (a) the territory of the State of which the vehicle bears a registration plate, irrespective of whether the plate is permanent or temporary; or
  - (b) in cases where no registration is required for a type of vehicle but the vehicle bears an insurance plate, or a distinguishing sign analogous to the registration plate, the territory of the State in which the insurance plate or the sign is issued; or
  - (c) in cases where neither a registration plate nor an insurance plate nor a distinguishing sign is required for certain types of vehicle, the territory of the State in which the person who has custody of the vehicle is permanently resident; or
  - (d) in cases where the vehicle does not bear any registration plate or bears a registration plate which does not correspond or no longer corresponds to the vehicle and has been involved in an accident, the territory of the State in which the accident took place, for the purpose of settling the claim as provided for in the first indent of Article 2(a) or in Article 10;
5. ‘green card’ means an international certificate of insurance issued on behalf of a national bureau in accordance with Recommendation No 5 adopted on 25 January 1949 by the Road Transport Sub-committee of the Inland Transport Committee of the United Nations Economic Commission for Europe;
6. ‘insurance undertaking’ means an undertaking which has received its official authorisation in accordance with Article 6 or Article 23(2) of Directive 73/239/EEC;
7. ‘establishment’ means the head office, agency or branch of an insurance undertaking as defined in Article 2(c) of Second Council Directive 88/357/EEC of 22 June 1988 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and laying down provisions to facilitate the effective exercise of freedom to provide services <sup>(1)</sup>;

**▼M1**

8. ‘home Member State’ means ‘home Member State’ as defined in Article 13(8), point (a), of Directive 2009/138/EC of the European Parliament and of the Council <sup>(2)</sup>.

**▼B***Article 2***Scope**

The provisions of Articles 4, 6, 7 and 8 shall apply to vehicles normally based on the territory of one of the Member States:

<sup>(1)</sup> OJ L 172, 4.7.1988, p. 1.

<sup>(2)</sup> Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1).

**▼ B**

- (a) after an agreement has been concluded between the national insurers' bureaux under the terms of which each national bureau guarantees the settlement, in accordance with the provisions of national law on compulsory insurance, of claims in respect of accidents occurring in its territory, caused by vehicles normally based in the territory of another Member State, whether or not such vehicles are insured;
- (b) from the date fixed by the Commission, upon its having ascertained in close cooperation with the Member States that such an agreement has been concluded;
- (c) for the duration of that agreement.

*Article 3***Compulsory insurance of vehicles****▼ M1**

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

This Directive shall not apply to the use of a vehicle in motorsport events and activities, including races, competitions, training, testing and demonstrations in a restricted and demarcated area in a Member State, where the Member State ensures that the organiser of the activity or any other party has taken out an alternative insurance or guarantee policy covering the damage to any third party, including spectators and other bystanders but not necessarily covering the damage to the participating drivers and their vehicles.

**▼ B**

The extent of the liability covered and the terms and conditions of the cover shall be determined on the basis of the measures referred to in the first paragraph.

Each Member State shall take all appropriate measures to ensure that the contract of insurance also covers:

- (a) according to the law in force in other Member States, any loss or injury which is caused in the territory of those States;
- (b) any loss or injury suffered by nationals of Member States during a direct journey between two territories in which the Treaty is in force, if there is no national insurers' bureau responsible for the territory which is being crossed; in such a case, the loss or injury shall be covered in accordance with the national laws on compulsory insurance in force in the Member State in whose territory the vehicle is normally based.

The insurance referred to in the first paragraph shall cover compulsorily both damage to property and personal injuries.

**▼ M1***Article 4***Checks on insurance**

1. 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.

**▼ M1**

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:

- (a) are carried out as part of a control which is not aimed exclusively at insurance verification; or
- (b) form part of a general system of checks on the national territory which are carried out also in respect of vehicles normally based in the territory of the Member State carrying out the check, and do not require the vehicle to stop.

2. On the basis of the law of the Member State to which the controller is subject, personal data may be processed where necessary for the purpose of combatting the uninsured driving of vehicles in Member States other than the Member State of the territory in which they are normally based. That law shall be in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>(1)</sup> and shall also lay down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests.

Those Member State measures shall, in particular, specify the precise purpose for which the data is to be processed, refer to the relevant legal basis, comply with the relevant security requirements and respect the principles of necessity, proportionality, and purpose limitation, and shall set a proportionate data retention period. The personal data processed pursuant to this Article exclusively for the purpose of handling an insurance check shall only be retained for as long as they are necessary for that purpose, and as soon as this has been achieved, they shall be fully erased. Where an insurance check shows that a vehicle is covered by compulsory insurance under Article 3, the controller shall immediately erase those data. When a check is unable to determine if a vehicle is covered by compulsory insurance under Article 3, the data shall only be retained for a limited period, not exceeding the number of days necessary to determine whether the insurance coverage exists.

**▼ B***Article 5***Derogation from the obligation in respect of compulsory insurance of vehicles**

1. A Member State may derogate from Article 3 in respect of certain natural or legal persons, public or private; a list of such persons shall be drawn up by the State concerned and communicated to the other Member States and to the Commission.

A Member State so derogating shall take the appropriate measures to ensure that compensation is paid in respect of any loss or injury caused in its territory and in the territory of other Member States by vehicles belonging to such persons.

<sup>(1)</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 (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

**▼B**

It shall in particular designate an authority or body in the country where the loss or injury occurs responsible for compensating injured parties in accordance with the laws of that State in cases where Article 2(a) is not applicable.

It shall communicate to the Commission the list of persons exempt from compulsory insurance and the authorities or bodies responsible for compensation.

The Commission shall publish that list.

2. A Member State may derogate from Article 3 in respect of certain types of vehicle or certain vehicles having a special plate; the list of such types or of such vehicles shall be drawn up by the State concerned and communicated to the other Member States and to the Commission.

Any Member State so derogating shall ensure that vehicles referred to in the first subparagraph are treated in the same way as vehicles for which the insurance obligation provided for in Article 3 has not been satisfied.

The guarantee fund of the Member State in which the accident has taken place shall then have a claim against the guarantee fund in the Member State where the vehicle is normally based.

From 11 June 2010 Member States shall report to the Commission on the implementation and practical application of this paragraph.

The Commission, after examining those reports, shall, if appropriate, submit proposals for the replacement or repeal of this derogation.

**▼M1**

3. A Member State may derogate from Article 3 in respect of vehicles that are temporarily or permanently withdrawn and prohibited from use, provided that a formal administrative procedure or other verifiable measure in accordance with national law has been put in place.

Any Member State so derogating shall ensure that vehicles referred to in the first subparagraph are treated in the same way as vehicles in respect of which the insurance obligation referred to in Article 3 has not been satisfied.

The guarantee fund of the Member State in which an accident has taken place shall then have a claim against the guarantee fund in the Member State where the vehicle is normally based.

4. A Member State may derogate from Article 3 in respect of vehicles used exclusively on areas with restricted access, in accordance with its national law.

Any Member State so derogating shall ensure that vehicles referred to in the first subparagraph are treated in the same way as vehicles in respect of which the insurance obligation referred to in Article 3 has not been satisfied.

The guarantee fund of the Member State in which an accident has taken place shall then have a claim against the guarantee fund in the Member State where the vehicle is normally based.

5. A Member State may derogate from Article 3 in respect of vehicles not admitted for use on public roads in accordance with its national law.

**▼ M1**

Any Member State derogating from Article 3 in respect of vehicles referred to in the first subparagraph shall ensure that those vehicles are treated in the same way as vehicles in respect of which the insurance obligation referred to in Article 3 has not been satisfied.

The guarantee fund of the Member State in which an accident has taken place shall then have a claim against the guarantee fund in the Member State where the vehicle is normally based.

6. Where a Member State derogates, under paragraph 5, from Article 3 in respect of vehicles not admitted for use on public roads, that Member State may also derogate from Article 10 in respect of compensation for damage caused by those vehicles in areas not accessible to the public due to a legal or physical restriction on access to such areas, as defined by its national laws.

7. In respect of paragraphs 3 to 6, Member States shall notify the Commission of the use of the derogation and the particular arrangements concerning its implementation. The Commission shall publish a list of those derogations.

**▼ B***Article 6***National insurers' bureaux**

Each Member State shall ensure that, where an accident is caused in its territory by a vehicle normally based in the territory of another Member State, the national insurers' bureau shall, without prejudice to the obligation referred to in Article 2(a), obtain information:

- (a) as to the territory in which the vehicle is normally based, and as to its registration mark, if any;
- (b) in so far as is possible, as to the details of the insurance of the vehicle, as they normally appear on the green card, which are in the possession of the person having custody of the vehicle, to the extent that those details are required by the Member State in whose territory the vehicle is normally based.

Each Member State shall also ensure that the bureau communicates the information referred to in points (a) and (b) to the national insurers' bureau of the State in whose territory the vehicle referred to in the first paragraph is normally based.

## CHAPTER 2

**PROVISIONS CONCERNING VEHICLES NORMALLY BASED IN THE TERRITORY OF THIRD COUNTRIES***Article 7***National measures concerning vehicles normally based on the territory of third countries**

Each Member State shall take all appropriate measures to ensure that vehicles normally based in the territory of a third country which enter the territory in which the Treaty is in force shall not be used in its territory unless any loss or injury caused by those vehicles is covered, in accordance with the requirements of the laws of the various Member States on compulsory insurance against civil liability in respect of the use of vehicles, throughout the territory in which the Treaty is in force.

**▼B***Article 8***Documentation concerning vehicles normally based in the territory of third countries**

1. Every vehicle normally based in the territory of a third country must, before entering the territory in which the Treaty is in force, be provided either with a valid green card or with a certificate of frontier insurance establishing that the vehicle is insured in accordance with Article 7.

However, vehicles normally based in a third country shall be treated as vehicles normally based in the Community if the national bureaux of all the Member States severally guarantee, each in accordance with the provisions of its own national law on compulsory insurance, settlement of claims in respect of accidents occurring in their territory caused by such vehicles.

2. Having ascertained, in close cooperation with the Member States, that the obligations referred to in the second subparagraph of paragraph 1 have been assumed, the Commission shall fix the date from which and the types of vehicles for which Member States shall no longer require production of the documents referred to in the first subparagraph of paragraph 1.

## CHAPTER 3

**MINIMUM AMOUNTS COVERED BY COMPULSORY INSURANCE****▼M1***Article 9***Minimum amounts**

1. Without prejudice to any higher guarantees which Member States may prescribe, each Member State shall require the insurance referred to in Article 3 to be compulsory in respect of the following minimum amounts:

- (a) for personal injuries: EUR 6 450 000 per accident, irrespective of the number of injured parties, or EUR 1 300 000 per injured party;
- (b) for damage to property, EUR 1 300 000 per accident, irrespective of the number of injured parties.

For Member States that have not adopted the euro, the minimum amounts shall be converted into their national currency by applying the exchange rate of 22 December 2021, published in the *Official Journal of the European Union*.

2. Every five years from 22 December 2021, the Commission shall review the amounts referred to in paragraph 1 in line with the harmonised index of consumer prices (HICP) established pursuant to Regulation (EU) 2016/792 of the European Parliament and of the Council <sup>(1)</sup>.

The Commission shall adopt delegated acts in accordance with Article 28b concerning the adaptation of those amounts to the HICP within six months after the end of each five year period.

<sup>(1)</sup> Regulation (EU) 2016/792 of the European Parliament and of the Council of 11 May 2016 on harmonised indices of consumer prices and the house price index, and repealing Council Regulation (EC) No 2494/95 (OJ L 135, 24.5.2016, p. 11).



**▼ M1**

For Member States that have not adopted the euro, the amounts shall be converted into their national currency by applying the exchange rate of the date of the calculation of the new minimum amounts published in the *Official Journal of the European Union*.

## CHAPTER 4

**COMPENSATION FOR DAMAGE CAUSED BY AN UNIDENTIFIED VEHICLE OR A VEHICLE IN RESPECT OF WHICH THE INSURANCE OBLIGATION PROVIDED FOR IN ARTICLE 3 HAS NOT BEEN SATISFIED AND COMPENSATION IN CASE OF INSOLVENCY****▼ B***Article 10***Body responsible for compensation**

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.

**▼ M1**

The first subparagraph shall be without prejudice to the right of the Member States to regard compensation by the body as subsidiary or non-subsidiary and the right to make provision for the settlement of claims between the body and the person or persons responsible for the accident and other insurers or social security bodies required to compensate the injured party in respect of the same accident. However, Member States may not allow the body to make the payment of compensation conditional on the injured party establishing, in any way, that the person liable is unable or refuses to pay.

2. The injured party may in any event apply directly to the body which, on the basis of information provided at its request by the injured party, shall be obliged to give him or her a reasoned reply regarding the payment of any compensation.

**▼ B**

Member States may, however, exclude the payment of compensation by that body in respect of persons who voluntarily entered the vehicle which caused the damage or injury when the body can prove that they knew it was uninsured.

3. Member States may limit or exclude the payment of compensation by the body in the event of damage to property by an unidentified vehicle.

**▼ M1**

However, where the body has paid compensation for significant personal injuries to any party injured as a result of the same accident in which damage to property was caused by an unidentified vehicle, Member States may not exclude the payment of compensation for damage to property on the basis that the vehicle is unidentified. Nevertheless, Member States may provide for an excess of not more than EUR 500 to be borne by the injured party who suffers such damage to property.

**▼B**

The conditions in which personal injuries are to be regarded as significant shall be determined in accordance with the legislation or administrative provisions of the Member State in which the accident takes place. In this regard, Member States may take into account, inter alia, whether the injury required hospital care.

**▼M1**

4. Each Member State shall apply its laws, regulations and administrative provisions to the payment of compensation by the body, without prejudice to any other practice which is more favourable to the injured party.

*Article 10a***Protection of injured parties in respect of damage resulting from accidents occurring in their Member State of residence in the case of the insolvency of an insurance undertaking**

1. Each Member State shall set up or authorise a body entrusted with the task of providing compensation to injured parties resident within its territory, at least up to the limits of the insurance obligation, for damage to property or personal injuries caused by a vehicle insured by an insurance undertaking, from the moment when:

- (a) the insurance undertaking is subject to bankruptcy proceedings; or
- (b) the insurance undertaking is subject to winding-up proceedings as defined in Article 268(1), point (d), of Directive 2009/138/EC.

2. Each Member State shall take appropriate measures to ensure that the body referred to in paragraph 1 has sufficient funds available to compensate injured parties in accordance with the rules set out in paragraph 10 when compensation payments are due in situations provided for in paragraph 1, points (a) and (b). Those measures may include requirements to make financial contributions, provided that they are only imposed on insurance undertakings that have been authorised by the Member State imposing them.

3. Without prejudice to any obligation under Article 280 of Directive 2009/138/EC, each Member State shall ensure that, whenever an order is made or a decision is taken by a competent court or any other competent authority to commence the proceedings referred to in paragraph 1, point (a) or (b), in respect of an insurance undertaking of which that Member State is the home Member State, that order or decision is made public. The body referred to in paragraph 1 established in the home Member State of the insurance undertaking shall ensure that all the bodies referred to in paragraph 1 in all Member States are promptly informed about that order or decision.

4. The injured party may present a claim directly to the body referred to in paragraph 1.

5. Upon receipt of the claim, the body referred to in paragraph 1 shall inform the equivalent body in the home Member State of the insurance undertaking and the insurance undertaking subject to bankruptcy or winding-up proceedings, or its administrator or liquidator, as defined in Article 268(1), points (e) and (f), of Directive 2009/138/EC, respectively, that it has received a claim from the injured party.

**▼ M1**

6. The insurance undertaking subject to bankruptcy or winding-up proceedings, or its administrator or liquidator, shall inform the body referred to in paragraph 1 when it compensates or denies liability with regard to a claim that has also been received by the body referred to in paragraph 1.

7. Member States shall ensure that the body referred to in paragraph 1, on the basis, *inter alia*, of information provided at its request by the injured party, provides the injured party with a reasoned offer of compensation or a reasoned reply as provided for in the second subparagraph of this paragraph, in accordance with the applicable national law, within three months from the date when the injured party presented his or her claim for compensation to the body.

For the purposes of the first subparagraph, the body shall:

- (a) make a reasoned offer of compensation, where it has established that it is liable to provide compensation pursuant to paragraph 1, point (a) or (b), the claim is not contested and the damages have been partially or fully quantified;
- (b) provide a reasoned reply to the points made in the claim, where it has established that it is not liable to provide compensation pursuant to paragraph 1, point (a) or (b), or where liability is denied or has not been clearly determined or the damages have not been fully quantified.

8. Where compensation is due in accordance with the second subparagraph, point (a), of paragraph 7, the body referred to in paragraph 1 shall pay the compensation to the injured party without undue delay and in any event within three months of the acceptance by the injured party of the reasoned offer of compensation referred to in the second subparagraph, point (a), of paragraph 7.

Where the damage has been only partially quantified, the requirements concerning the payment of the compensation set out in the first subparagraph shall apply in respect of that partially quantified damage, and from the moment of acceptance of the corresponding reasoned offer of compensation.

9. Member States shall ensure that the body referred to in paragraph 1 has all the necessary powers and competences to be able to cooperate in due time with other such bodies in other Member States, with bodies set up or authorised under Article 25a in all Member States and with other interested parties, including an insurance undertaking subject to bankruptcy or winding-up proceedings, its administrator or liquidator, and the national competent authorities of the Member States, at all stages during the proceedings referred to in this Article. Such cooperation shall include requesting, receiving and providing information, including on the details of specific claims, where relevant.

10. Where the home Member State of the insurance undertaking referred to in paragraph 1 is different from the Member State in which the injured party is resident, the body referred to in paragraph 1 in the Member State in which the injured party is resident which has compensated the injured party in accordance with paragraph 8 shall be entitled to claim full reimbursement of the sum paid by way of compensation from the body referred to in paragraph 1 in the home Member State of the insurance undertaking.

**▼ M1**

The body referred to in paragraph 1 in the home Member State of the insurance undertaking shall make the payment to the body referred to in paragraph 1 in the Member State in which the injured party is resident which has compensated the injured party in accordance with paragraph 8 in a reasonable time not exceeding six months, unless otherwise agreed in writing by those bodies, after it has received a claim for such reimbursement.

The body that has provided compensation pursuant to the first subparagraph shall be subrogated to the injured party in his or her rights against the person who caused the accident or his or her insurance undertaking, except against the policyholder or other insured person who caused the accident in so far as the liability of the policyholder or of the insured person would be covered by the insolvent insurance undertaking in accordance with the applicable national law. Each Member State shall be obliged to acknowledge this subrogation as provided for by any other Member State.

11. Paragraphs 1 to 10 shall be without prejudice to the right of Member States to:

- (a) regard compensation paid by the body referred to in paragraph 1 as subsidiary or non-subsidiary;
- (b) make provision for the settlement of claims in respect of the same accident between:
  - (i) the body referred to in paragraph 1;
  - (ii) the person or persons responsible for the accident;
  - (iii) other insurance undertakings or social security bodies required to compensate the injured party.

12. 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. In particular, Member States shall not allow the body referred to in paragraph 1 to make the payment of compensation subject to the requirement that the injured party establishes that the legal or natural person liable is unable, or refuses, to pay.

13. The bodies referred to in paragraph 1 or the entities referred to in the second subparagraph of this paragraph shall strive to conclude an agreement by 23 December 2023 to implement this Article, concerning their functions and obligations and the procedures for reimbursement pursuant to this Article.

For that purpose, by 23 June 2023 each Member State shall:

- (a) set up or authorise the body referred to in paragraph 1 and empower it to negotiate and conclude such an agreement; or
- (b) designate an entity and empower it to negotiate and conclude such an agreement, to which the body referred to in paragraph 1 will become a party when it is set up or authorised.

The agreement referred to in the first subparagraph shall be immediately notified to the Commission.

**▼ M1**

Where the agreement referred to in the first subparagraph is not concluded by 23 December 2023, the Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 28b in order to specify the procedural tasks and the procedural obligations of the bodies referred to in paragraph 1 with regard to reimbursement.

**▼ B***Article 11***Disputes****▼ M1**

In the event of a dispute between the body referred to in Article 10(1) and the civil liability insurer as to which must compensate the injured party, the Member States shall take the appropriate measures so that one of those parties is designated to be responsible in the first instance for paying compensation to the injured party without delay.

**▼ B**

If it is ultimately decided that the other party should have paid all or part of the compensation, that other party shall reimburse accordingly the party which has paid.

**▼ M1**

## CHAPTER 5

**SPECIAL CATEGORIES OF INJURED PARTY, EXCLUSION CLAUSES, SINGLE PREMIUM, VEHICLES DISPATCHED FROM ONE MEMBER STATE TO ANOTHER****▼ B***Article 12***▼ M1****Special categories of injured party****▼ B**

1. Without prejudice to the second subparagraph of Article 13(1), the insurance referred to in Article 3 shall cover liability for personal injuries to all passengers, other than the driver, arising out of the use of a vehicle.

2. The members of the family of the policyholder, driver or any other person who is liable under civil law in the event of an accident, and whose liability is covered by the insurance referred to in Article 3, shall not be excluded from insurance in respect of their personal injuries by virtue of that relationship.

3. The insurance referred to in Article 3 shall cover personal injuries and damage to property suffered by pedestrians, cyclists and other non-motorised users of the roads who, as a consequence of an accident in which a motor vehicle is involved, are entitled to compensation in accordance with national civil law.

This Article shall be without prejudice either to civil liability or to the quantum of damages.

**▼B***Article 13***Exclusion clauses****▼M1**

1. Each Member State shall take all appropriate measures to ensure that any statutory provision or any contractual clause contained in an insurance policy issued in accordance with Article 3 shall be deemed to be void in respect of claims by third parties injured as a result of an accident where that statutory provision or contractual clause excludes from insurance the use or driving of vehicles by:

**▼B**

- (a) persons who do not have express or implied authorisation to do so;
- (b) persons who do not hold a licence permitting them to drive the vehicle concerned;
- (c) persons who are in breach of the statutory technical requirements concerning the condition and safety of the vehicle concerned.

However, the provision or clause referred to in point (a) of the first subparagraph may be invoked against persons who voluntarily entered the vehicle which caused the damage or injury, when the insurer can prove that they knew the vehicle was stolen.

**▼M1**

Member States shall have the option – in the case of accidents occurring on their territory – of not applying the provision in the first subparagraph if and in so far as the injured party may obtain compensation for the damage suffered from a social security body.

**▼B**

2. In the case of vehicles stolen or obtained by violence, Member States may provide that the body specified in Article 10(1) is to pay compensation instead of the insurer under the conditions set out in paragraph 1 of this Article. Where the vehicle is normally based in another Member State, that body can make no claim against any body in that Member State.

**▼M1**

Member States which, in the case of vehicles stolen or obtained by violence, provide that the body referred to in Article 10(1) is to pay compensation may fix in respect of damage to property an excess of not more than EUR 250 to be borne by the injured party.

**▼B**

3. Member States shall take the necessary measures to ensure that any statutory provision or any contractual clause contained in an insurance policy which excludes a passenger from such cover on the basis that he knew or should have known that the driver of the vehicle was under the influence of alcohol or of any other intoxicating agent at the time of an accident, shall be deemed to be void in respect of the claims of such passenger.

*Article 14***Single premium**

Member States shall take the necessary steps to ensure that all compulsory policies of insurance against civil liability arising out of the use of vehicles:

**▼B**

- (a) cover, on the basis of a single premium and during the whole term of the contract, the entire territory of the Community, including for any period in which the vehicle remains in other Member States during the term of the contract; and
- (b) guarantee, on the basis of that single premium, in each Member State, the cover required by its law or the cover required by the law of the Member State where the vehicle is normally based when that cover is higher.

*Article 15***Vehicles dispatched from one Member State to another****▼M1**

1. By way of derogation from Article 13, point (13)(b), of Directive 2009/138/EC, where a vehicle is dispatched from one Member State to another, the Member State in which the risk is situated shall be considered, depending on the choice of the person responsible for third party liability cover, to be either the Member State of registration or, immediately upon acceptance of delivery by the purchaser, the Member State of destination, for a period of 30 days, even if the vehicle has not formally been registered in the Member State of destination.

Member States shall ensure that the information centre referred to in Article 23 of the Member State where the vehicle is registered, of the Member State of destination, where different, and of any other relevant Member State, such as the Member State where an accident occurred, or where an injured party is resident, cooperate with each other to ensure that the necessary information on the dispatched vehicle that they have in accordance with Article 23 is available.

**▼B**

2. In the event that the vehicle is involved in an accident during the period mentioned in paragraph 1 of this Article while being uninsured, the body referred to in Article 10(1) in the Member State of destination shall be liable for the compensation provided for in Article 9.

**▼M1***Article 15a***Protection of injured parties in accidents involving a trailer towed by a vehicle**

1. In the case of an accident caused by a set of vehicles consisting of a vehicle towing a trailer, where the trailer has a separate third party liability insurance, the injured party may bring his or her claim directly against the insurance undertaking that insured the trailer, where:

- (a) the trailer can be identified, but the vehicle that towed it cannot be identified; and
- (b) the applicable national law provides for the insurer of the trailer to provide compensation.

An insurance undertaking that has compensated the injured party shall have recourse to the undertaking that insured the towing vehicle, or to the body referred to in Article 10(1), if and to the extent that this is provided for under the applicable national law.

**▼ M1**

This paragraph shall be without prejudice to applicable national law providing for rules more favourable to the injured party.

2. In the case of an accident caused by a set of vehicles consisting of a vehicle towing a trailer, the insurer of the trailer, unless the applicable national law requires it to provide full compensation, shall, at the request of the injured party, inform him or her without undue delay of:

- (a) the identity of the insurer of the towing vehicle; or
- (b) where the insurer of the trailer cannot identify the insurer of the towing vehicle, the compensation mechanism provided for in Article 10.

**▼ B**

## CHAPTER 6

## STATEMENT, EXCESS, DIRECT ACTION

**▼ M1***Article 16***Statement relating to the third party liability claims**

Member States shall ensure that the policyholder has the right to request at any time a statement relating to the third party liability claims involving the vehicle or vehicles covered by the insurance contract at least during the preceding five years of the contractual relationship, or to the absence of such claims ('claims-history statement').

The insurance undertaking, or a body which may have been appointed by a Member State to provide compulsory insurance or to supply such statements, shall provide that claims-history statement to the policyholder within 15 days of the request. They shall do so using the form of the claims-history statement.

Member States shall ensure that, when taking account of claims-history statements issued by other insurance undertakings or other bodies as referred to in the second paragraph, insurance undertakings 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, where an insurance undertaking takes into account claims-history statements when determining premiums, it shall treat those issued in other Member States as equal to those issued by an insurance undertaking or bodies as referred to in the second paragraph within the same Member State, including when applying any discounts.

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

The Commission shall adopt by 23 July 2023 implementing acts specifying by means of a template, the form and content of the claims-history statement referred to in the second paragraph. That template shall contain information on the following:



**▼ M1**

- (a) the identity of the insurance undertaking or the body issuing the claims-history statement;
- (b) the identity of the policyholder, including his or her contact information;
- (c) the vehicle insured and its vehicle identification number;
- (d) the start date and end date of the insurance cover of the vehicle;
- (e) the number of third party liability claims settled under the insurance contract of the policyholder during the period covered by the claims-history statement, including the date of each claim;
- (f) additional information relevant under the rules or practices applicable in the Member States.

The Commission shall consult all interested parties and work closely with the Member States before adopting those implementing acts.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 28a(2).

*Article 16a***Motor insurance price comparison tools**

1. Member States may choose to certify tools which enable consumers free of charge to compare prices, tariffs and coverage between providers of the compulsory insurance referred to in Article 3 as ‘motor insurance independent price comparison tools’ if the conditions of paragraph 2 are met.
2. A comparison tool within the meaning of paragraph 1 shall:
  - (a) be operationally independent from the providers of the compulsory insurance referred to in Article 3 and ensure that service providers are given equal treatment in search results;
  - (b) clearly disclose the identity of the owners and operators of the comparison tool;
  - (c) set out the clear, objective criteria on which the comparison is based;
  - (d) use plain and unambiguous language;
  - (e) provide accurate and up-to-date information and state the time of the last update;
  - (f) be open to any provider of the compulsory insurance referred to in Article 3, make available the relevant information, include a broad range of offers covering a significant part of the motor insurance market and, where the information presented is not a complete overview of that market, provide the user with a clear statement to that effect, before displaying results;

**▼ M1**

- (g) provide an effective procedure to report incorrect information;
- (h) include a statement that prices are based on the information provided and are not binding on insurance providers.

**▼ B***Article 17***Excess**

Insurance undertakings shall not require any party injured as a result of an accident to bear any excess as far as the insurance referred to in Article 3 is concerned.

*Article 18***Direct right of action**

Member States shall ensure that any party injured as a result of an accident caused by a vehicle covered by insurance as referred to in Article 3 enjoys a direct right of action against the insurance undertaking covering the person responsible against civil liability.

## CHAPTER 7

**SETTLEMENT OF CLAIMS ARISING FROM ANY ACCIDENT CAUSED BY A VEHICLE COVERED BY INSURANCE AS REFERRED TO IN ARTICLE 3**

*Article 19***Procedure for the settlement of claims**

Member States shall establish the procedure referred to in Article 22 for the settlement of claims arising from any accident caused by a vehicle covered by insurance as referred to in Article 3.

In the case of claims which may be settled by the system of national insurers' bureaux provided for in Article 2 Member States shall establish the same procedure as in Article 22.

For the purpose of applying this procedure, any reference to an insurance undertaking shall be understood as a reference to national insurers' bureaux.

*Article 20*

**Special provisions concerning compensation for injured parties following an accident in a Member State other than that of their residence**

1. The object of Articles 20 to 26 is to lay down special provisions applicable to injured parties entitled to compensation in respect of any loss or injury resulting from accidents occurring in a Member State other than the Member State of residence of the injured party which are caused by the use of vehicles insured and normally based in a Member State.

**▼B**

Without prejudice to the legislation of third countries on civil liability and private international law, these provisions shall also apply to injured parties resident in a Member State and entitled to compensation in respect of any loss or injury resulting from accidents occurring in third countries whose national insurer's bureaux have joined the green card system whenever such accidents are caused by the use of vehicles insured and normally based in a Member State.

2. Articles 21 and 24 shall apply only in the case of accidents caused by the use of a vehicle:

- (a) insured through an establishment in a Member State other than the State of residence of the injured party; and
- (b) normally based in a Member State other than the State of residence of the injured party.

*Article 21***Claims representatives**

1. Each Member State shall take all measures necessary to ensure that all insurance undertakings covering the risks classified in class 10 of point A of the Annex to Directive 73/239/EEC, other than carrier's liability, appoint a claims representative in each Member State other than that in which they have received their official authorisation.

The claims representative shall be responsible for handling and settling claims arising from an accident in the cases referred to in Article 20(1).

The claims representative shall be resident or established in the Member State where he is appointed.

2. The choice of its claims representative shall be at the discretion of the insurance undertaking.

The Member States may not restrict this freedom of choice.

3. The claims representative may act for one or more insurance undertakings.

4. The claims representative shall, in relation to such claims, collect all information necessary in connection with the settlement of the claims and shall take the measures necessary to negotiate a settlement of claims.

The requirement of appointing a claims representative shall not preclude the right of the injured party or his insurance undertaking to institute proceedings directly against the person who caused the accident or his insurance undertaking.

5. Claims representatives shall possess sufficient powers to represent the insurance undertaking in relation to injured parties in the cases referred to in Article 20(1) and to meet their claims in full.

They must be capable of examining cases in the official language(s) of the Member State of residence of the injured party.

**▼B**

6. The appointment of a claims representative shall not in itself constitute the opening of a branch within the meaning of Article 1(b) of Directive 92/49/EEC and the claims representative shall not be regarded as an establishment within the meaning of Article 2(c) of Directive 88/357/EEC or an establishment within the meaning of Regulation (EC) No 44/2001.

*Article 22***Compensation procedure**

The Member States shall create a duty, backed by appropriate, effective and systematic financial or equivalent administrative penalties, whereby, within three months of the date when the injured party presented his claim for compensation either directly to the insurance undertaking of the person who caused the accident or to its claims representative,

- (a) the insurance undertaking of the person who caused the accident or its claims representative is required to make a reasoned offer of compensation in cases where liability is not contested and the damages have been quantified; or
- (b) the insurance undertaking to whom the claim for compensation has been addressed or its claims representative is required to provide a reasoned reply to the points made in the claim in cases where liability is denied or has not been clearly determined or the damages have not been fully quantified.

Member States shall adopt provisions to ensure that, where the offer is not made within the three-month time limit, interest shall be payable on the amount of compensation offered by the insurance undertaking or awarded by the court to the injured party.

*Article 23***Information centres**

1. In order to enable the injured party to seek compensation, each Member State shall establish or approve an information centre responsible:

- (a) for keeping a register containing the following information:
  - (i) the registration numbers of motor vehicles normally based in the territory of the State in question;
  - (ii) the numbers of the insurance policies covering the use of those vehicles for the risks classified in class 10 of point A of the Annex to Directive 73/239/EEC, other than carrier's liability and, where the period of validity of the policy has expired, the date of termination of the insurance cover;
  - (iii) insurance undertakings covering the use of vehicles for the risks classified in class 10 of point A of the Annex to Directive 73/239/EEC, other than carrier's liability, and claims representatives appointed by such insurance undertakings in accordance with Article 21 of this Directive whose names are to be notified to the information centre in accordance with paragraph 2 of this Article;

**▼B**

- (iv) the list of vehicles which, in each Member State, benefit from the derogation from the requirement for civil liability insurance cover in accordance with Article 5(1) and (2);
- (v) as regards the vehicles provided for in point (iv):
  - the name of the authority or body designated in accordance with the third subparagraph of Article 5(1) as responsible for compensating injured parties in the cases where the procedure provided for in Article 2(2)(a) is not applicable, if the vehicle benefits from the derogation provided for in the first subparagraph of Article 5(1),
  - the name of the body covering the vehicle in the Member State where it is normally based if the vehicle benefits from the derogation provided for in Article 5(2);
- (b) or for coordinating the compilation and dissemination of that information; and
- (c) for assisting entitled persons to be apprised of the information mentioned in points (a)(i) to (v).

The information under points (a)(i), (ii) and (iii) must be preserved for a period of seven years after the termination of the registration of the vehicle or the termination of the insurance contract.

**▼MI**

1a. Member States shall ensure that insurance undertakings or other entities are required to provide the information referred to in paragraph 1, point (a)(i), (ii) and (iii), to the information centres and to inform them whenever an insurance policy becomes invalid or otherwise no longer covers a vehicle with a registration number.

**▼B**

2. Insurance undertakings referred to in point (a)(iii) of paragraph 1 shall notify to the information centres of all Member States the name and address of the claims representative appointed by them in accordance with Article 21 in each of the Member States.

3. Member States shall ensure that the injured party is entitled for a period of seven years after the accident to obtain without delay from the information centre of the Member State where he resides, the Member State where the vehicle is normally based or the Member State where the accident occurred the following information:

- (a) the name and address of the insurance undertaking;
- (b) the number of the insurance policy; and
- (c) the name and address of the insurance undertaking's claims representative in the State of residence of the injured party.

Information centres shall cooperate with each other.

4. The information centre shall provide the injured party with the name and address of the owner or usual driver or registered keeper of the vehicle if the injured party has a legitimate interest in obtaining this information. For the purposes of this provision, the information centre shall address itself in particular:

- (a) to the insurance undertaking; or

**▼B**

(b) to the vehicle registration agency.

If the vehicle benefits from the derogation provided for in the first subparagraph of Article 5(1) the information centre shall inform the injured party of the name of the authority or body designated in accordance with the third subparagraph of Article 5(1) as responsible for compensating injured parties in cases where the procedure provided for in Article 2(a) is not applicable.

If the vehicle benefits from the derogation provided for in Article 5(2) the information centre shall inform the injured party of the name of the body covering the vehicle in the country where it is normally based.

5. Member States shall ensure that, without prejudice to their obligations under paragraphs 1 and 4, the information centres provide the information specified in these paragraphs to any party involved in any traffic accident caused by a vehicle covered by insurance as referred to in Article 3.

**▼M1**

6. The processing of personal data resulting from paragraphs 1 to 5 shall be carried out in accordance with Regulation (EU) 2016/679.

**▼B***Article 24***Compensation bodies**

1. Each Member State shall establish or approve a compensation body responsible for providing compensation to injured parties in the cases referred to in Article 20(1).

Such injured parties may present a claim to the compensation body in their Member State of residence:

- (a) if, within three months of the date when the injured party presented his claim for compensation to the insurance undertaking of the vehicle the use of which caused the accident or to its claims representative, the insurance undertaking or its claims representative has not provided a reasoned reply to the points made in the claim; or
- (b) if the insurance undertaking has failed to appoint a claims representative in the Member State of residence of the injured party in accordance with Article 20(1); in such a case, injured parties may not present a claim to the compensation body if they have presented a claim for compensation directly to the insurance undertaking of the vehicle the use of which caused the accident and if they have received a reasoned reply within three months of presenting the claim.

Injured parties may not however present a claim to the compensation body if they have taken legal action directly against the insurance undertaking.

The compensation body shall take action within two months of the date when the injured party presents a claim for compensation to it but shall terminate its action if the insurance undertaking, or its claims representative, subsequently makes a reasoned reply to the claim.

**▼B**

The compensation body shall immediately inform:

- (a) the insurance undertaking of the vehicle the use of which caused the accident or the claims representative;
- (b) the compensation body in the Member State in which the insurance undertaking which issued the policy is established;
- (c) if known, the person who caused the accident;

that it has received a claim from the injured party and that it will respond to that claim within two months of the presentation of that claim.

This provision shall be without prejudice to the right of the Member States to regard compensation by that body as subsidiary or non-subsidiary and the right to make provision for the settlement of claims between that body and the person or persons who caused the accident and other insurance undertakings or social security bodies required to compensate the injured party in respect of the same accident. However, Member States may not allow the body to make the payment of compensation subject to any conditions other than those laid down in this Directive, in particular the injured party's establishing in any way that the person liable is unable or refuses to pay.

2. The compensation body which has compensated the injured party in his 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 in which the insurance undertaking which issued the policy is established.

The latter body shall be subrogated to the injured party in his rights against the person who caused the accident or his insurance undertaking in so far as the compensation body in the Member State of residence of the injured party has provided compensation for the loss or injury suffered.

Each Member State shall be obliged to acknowledge this subrogation as provided for by any other Member State.

3. This Article shall take effect:

- (a) after an agreement has been concluded between the compensation bodies established or approved by the Member States relating to their functions and obligations and the procedures for reimbursement;
- (b) from the date fixed by the Commission upon its having ascertained in close cooperation with the Member States that such an agreement has been concluded.

#### *Article 25*

#### **Compensation**

1. If it is impossible to identify the vehicle or if, within two months of the date of the accident, it is impossible to identify the insurance undertaking, the injured party may apply for compensation from the compensation body in the Member State where he resides. The compensation shall be provided in accordance with the provisions of Articles 9 and 10. The compensation body shall then have a claim, on the conditions laid down in Article 24(2):

**▼ B**

- (a) where the insurance undertaking cannot be identified: against the guarantee fund in the Member State where the vehicle is normally based;
- (b) in the case of an unidentified vehicle: against the guarantee fund in the Member State in which the accident took place;
- (c) in the case of a third-country vehicle: against the guarantee fund in the Member State in which the accident took place.

2. This Article shall apply to accidents caused by third-country vehicles covered by Articles 7 and 8.

**▼ M1***Article 25a***Protection of injured parties in respect of damage resulting from accidents occurring in a Member State other than their Member State of residence in the case of the insolvency of an insurance undertaking**

1. Each Member State shall set up or authorise a body entrusted with the task of providing compensation to injured parties resident within its territory, in the cases referred to in Article 20(1), at least up to the limits of the insurance obligation, for damage to property or personal injuries caused by a vehicle insured by an insurance undertaking, from the moment when:

- (a) the insurance undertaking is subject to bankruptcy proceedings; or
- (b) the insurance undertaking is subject to winding-up proceedings as defined in Article 268(1), point (d), of Directive 2009/138/EC.

2. Each Member State shall take appropriate measures to ensure that the body referred to in paragraph 1 has sufficient funds available to compensate injured parties in accordance with the rules set out in paragraph 10 when compensation payments are due in situations provided for in paragraph 1, points (a) and (b). Those measures may include requirements to make financial contributions, provided that they are only imposed on insurance undertakings that have been authorised by the Member State imposing them.

3. Without prejudice to any obligation under Article 280 of Directive 2009/138/EC, each Member State shall ensure that, whenever an order is made or a decision is taken by a competent court or any other competent authority to commence the proceedings referred to in paragraph 1, point (a) or (b), in respect of an insurance undertaking of which that Member State is the home Member State, that order or decision is made public. The body referred to in paragraph 1 established in the home Member State of the insurance undertaking shall ensure that all the bodies referred to in paragraph 1 and all the compensation bodies referred to in Article 24 in all Member States are promptly informed about that order or decision.

4. The injured party may present a claim directly to the body referred to in paragraph 1.



**▼ M1**

5. Upon receipt of the claim, the body referred to in paragraph 1 shall inform the equivalent body in the home Member State of the insurance undertaking, the compensation body under Article 24 in the Member State of residence of the injured party and the insurance undertaking subject to bankruptcy or winding-up proceedings, or its administrator or liquidator, as defined in Article 268(1), points (e) and (f), of Directive 2009/138/EC, respectively, that it has received a claim from the injured party.

6. The insurance undertaking subject to bankruptcy or winding-up proceedings, or its administrator or liquidator, shall inform the body referred to in paragraph 1 when it compensates or denies liability with regard to a claim that has also been received by the body referred to in paragraph 1.

7. Member States shall ensure that the body referred to in paragraph 1, on the basis, inter alia, of information provided at its request by the injured party, provides the injured party with a reasoned offer of compensation or a reasoned reply as provided for in the second subparagraph of this paragraph, in accordance with the applicable national law, within three months from the date when the injured party presented his or her claim for compensation to the body.

For the purposes of the first subparagraph, the body shall:

- (a) make a reasoned offer of compensation, where it has established that it is liable to provide compensation pursuant to paragraph 1, point (a) or (b), the claim is not contested and the damages have been partially or fully quantified;
- (b) provide a reasoned reply to the points made in the claim, where it has established that it is not liable to provide compensation pursuant to paragraph 1, point (a) or (b), or where liability is denied or has not been clearly determined or the damages have not been fully quantified.

8. Where compensation is due in accordance with the second subparagraph, point (a), of paragraph 7, the body referred to in paragraph 1 shall pay the compensation to the injured party without undue delay and in any event within three months of the acceptance by the injured party of the reasoned offer of compensation referred to in the second subparagraph, point (a), of paragraph 7.

Where the damage has been only partially quantified, the requirements concerning the payment of the compensation set out in the first subparagraph shall apply in respect of that partially quantified damage, and from the moment of acceptance of the corresponding reasoned offer of compensation.

9. Member States shall ensure that the body referred to in paragraph 1 has all the necessary powers and competences to be able to cooperate in due time with other such bodies in other Member States, with bodies set up or authorised under Articles 10a and 24 in all Member States and with other interested parties, including an insurance undertaking subject to bankruptcy or winding-up proceedings, its claims representative or administrator or liquidator, and the national competent authorities of the Member States, at all stages during the proceedings referred to in this Article. Such cooperation shall include requesting, receiving and providing information, including on the details of specific claims, where relevant.

**▼ M1**

10. Where the home Member State of the insurance undertaking referred to in paragraph 1 is different from the Member State in which the injured party is resident, the body referred to in paragraph 1 in the Member State in which the injured party is resident which has compensated the injured party in accordance with paragraph 8 shall be entitled to claim full reimbursement of the sum paid by way of compensation from the body referred to in paragraph 1 in the home Member State of the insurance undertaking.

The body referred to in paragraph 1 in the home Member State of the insurance undertaking shall make the payment to the body referred to in paragraph 1 in the Member State in which the injured party is resident which has compensated the injured party in accordance with paragraph 8 in a reasonable time not exceeding six months, unless otherwise agreed in writing by those bodies, after it has received a claim for such reimbursement.

The body that has provided compensation pursuant to the first subparagraph shall be subrogated to the injured party in his or her rights against the person who caused the accident or his or her insurance undertaking, except against the policyholder or other insured person who caused the accident in so far as the liability of the policyholder or of the insured person would be covered by the insolvent insurance undertaking in accordance with the applicable national law. Each Member State shall be obliged to acknowledge this subrogation as provided for by any other Member State.

11. Paragraphs 1 to 10 shall be without prejudice to the right of Member States to:

- (a) regard compensation paid by the body referred to in paragraph 1 as subsidiary or non-subsidiary;
- (b) make provision for the settlement of claims in respect of the same accident between:
  - (i) the body referred to in paragraph 1;
  - (ii) the person or persons responsible for the accident;
  - (iii) other insurance undertakings or social security bodies required to compensate the injured party.

12. 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. In particular, Member States shall not allow the body referred to in paragraph 1 to make the payment of compensation subject to the requirement that the injured party establishes that the legal or natural person liable is unable, or refuses, to pay.

13. The bodies referred to in paragraph 1 or the entities referred to in the second subparagraph of this paragraph shall strive to conclude an agreement by 23 December 2023 to implement this Article, concerning their functions and obligations and the procedures for reimbursement pursuant to this Article.

**▼ M1**

For that purpose, by 23 June 2023 each Member State shall:

- (a) set up or authorise the body referred to in paragraph 1 and empower it to negotiate and conclude such an agreement; or
- (b) designate an entity and empower it to negotiate and conclude such an agreement, to which the body referred to in paragraph 1 will become a party when it is set up or authorised.

The agreement referred to in the first subparagraph shall be immediately notified to the Commission.

Where the agreement referred to in the first subparagraph is not concluded by 23 December 2023, the Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 28b in order to specify the procedural tasks and the procedural obligations of the bodies referred to in paragraph 1 with regard to reimbursement.

**▼ B***Article 26***Central body****▼ M1**

Member States shall take all appropriate measures to facilitate the timely provision to the injured parties, their insurers or their legal representatives of the basic data necessary for the settlement of claims.

**▼ B**

Those basic data shall, where appropriate, be made available in electronic form in a central repository in each Member State, and be accessible by parties involved in the case at their express request.

**▼ M1***Article 26a***Information to injured parties**

Member States which set up or authorise different compensation bodies under Article 10(1), Article 10a(1), Article 24(1) and Article 25a(1) shall ensure that injured parties have access to essential information on possible ways to apply for compensation.

**▼ B***Article 27***Penalties**

Member States shall fix penalties for breaches of the national provisions which they adopt in implementation of this Directive and shall take the steps necessary to secure the application thereof. The penalties shall be effective, proportional and dissuasive. The Member States shall notify to the Commission as soon as possible any amendments concerning provisions adopted pursuant to this Article.

**▼B**

CHAPTER 8  
FINAL PROVISIONS

*Article 28*

**National provisions**

1. Member States may, in accordance with the Treaty, maintain or bring into force provisions which are more favourable to injured parties than the provisions needed to comply with this Directive.

**▼M1**

The Member States may require motor insurance that meets the requirements of this Directive for any motor equipment used on land that is not covered by the definition of ‘vehicle’ in Article 1, point 1, and to which Article 3 does not apply.

**▼B**

2. Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

**▼M1**

*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 <sup>(1)</sup>. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(2)</sup>.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

*Article 28b*

**Exercise of delegated powers**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

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 22 December 2021.

The power to adopt delegated acts referred to in Article 10a(13), fourth subparagraph, and Article 25a(13), fourth subparagraph, shall be conferred on the Commission for a period of seven years from 22 December 2021. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.

<sup>(1)</sup> Commission Decision 2004/9/EC of 5 November 2003 establishing the European Insurance and Occupational Pensions Committee (OJ L 3, 7.1.2004, p. 34).

<sup>(2)</sup> 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).

▼ **M1**

3. The delegation of power referred to in Article 9(2), Article 10a(13), fourth subparagraph, and Article 25a(13), fourth subparagraph, may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of that decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <sup>(1)</sup>.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 9(2), Article 10a(13), fourth subparagraph, and Article 25a(13), fourth subparagraph, shall enter into force only if no objection has been expressed either by the European Parliament or by 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 three months at the initiative of the European Parliament or the Council.

*Article 28c***Evaluation and review**

1. No later than five years after the respective dates of application of Articles 10a and 25a as referred to in Article 30, second, third and fourth paragraph, the Commission shall submit a report to the European Parliament and to the Council on the functioning of, the cooperation between and the funding of the bodies referred to in Articles 10a and 25a. Where appropriate, the report shall be accompanied by a legislative proposal. With regard to the funding of those bodies, that report shall include at least:

- (a) an assessment of the financing capacities and financing needs of the compensation bodies in relation to their potential liabilities, taking into account the risk of insolvency of motor insurers in the Member States' markets;
- (b) an assessment of the harmonisation of the funding approach of the compensation bodies;
- (c) if the report is accompanied by a legislative proposal, an assessment of the impact of contributions upon motor insurance contract premiums.

2. No later than 24 December 2030, 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, with the exception of the elements that are concerned by the evaluation referred to in paragraph 1, including in respect of:

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

<sup>(1)</sup> OJ L 123, 12.5.2016, p. 1.

**▼ M1**

- (b) the adequacy of the scope of this Directive, considering the accident risks posed by different motor vehicles;
- (c) in the form of a review, the effectiveness of information exchange systems for the purposes of checks on insurance in cross-border situations, including, if needed, an assessment, for such cases, of the feasibility of using existing information exchange systems, and in any event, an analysis of the objectives of the information exchange systems and an assessment of their costs; and
- (d) the use by insurance undertakings of systems in which premiums are influenced by the policyholders' claims-history statements, inter alia, bonus-malus systems or 'no claims bonus'.

That report shall be accompanied, where appropriate, by a legislative proposal.

**▼ B***Article 29***Repeal**

Directives 72/166/EEC, 84/5/EEC, 90/232/EEC, 2000/26/EC and 2005/14/EC, as amended by the Directives listed in Annex I, Part A, are hereby repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex I, Part B.

References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.

*Article 30***Entry into force**

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

**▼ M1**

Article 10a(1) to (12) shall apply from the date of the agreement referred to in Article 10a(13), first subparagraph, or from the date of application of the Commission delegated act referred to in Article 10a(13), fourth subparagraph.

Article 25a(1) to (12) shall apply from the date of the agreement referred to in Article 25a(13), first subparagraph, or from the date of application of the Commission delegated act referred to in Article 25a(13), fourth subparagraph.

However, Articles 10a(1) to (12) and Article 25a(1) to (12) shall not apply before 23 December 2023.

Article 16, second paragraph, second sentence, and third, fourth and fifth paragraphs shall apply from 23 April 2024 or from the date of application of the Commission implementing act referred to in Article 16, sixth paragraph, whichever is the later.

**▼ B***Article 31***Addressees**

This Directive is addressed to the Member States.



*ANNEX I*

PART A

**Repealed Directive with list of its successive amendments**

(referred to in Article 29)

Council Directive 72/166/EEC  
(OJ L 103, 2.5.1972, p. 1)

Council Directive 72/430/EEC  
(OJ L 291, 28.12.1972, p. 162)

Council Directive 84/5/EEC Only Article 4  
(OJ L 8, 11.1.1984, p. 17)

Directive 2005/14/EC of the European Parliament and Council Only Article 1  
(OJ L 149, 11.6.2005, p. 14)

Council Directive 84/5/EEC  
(OJ L 8, 11.1.1984, p. 17)

Annex I, point IX.F of the 1985 Act of Accession  
(OJ L 302, 15.11.1985, p. 218)

Council Directive 90/232/EEC Only Article 4  
(OJ L 129, 19.5.1990, p. 33)

Directive 2005/14/EC of the European Parliament and Council Only Article 2  
(OJ L 149, 11.6.2005, p. 14)

Council Directive 90/232/EEC  
(OJ L 129, 19.5.1990, p. 33)

Directive 2005/14/EC of the European Parliament and Council Only Article 4  
(OJ L 149, 11.6.2005, p. 14)

Directive 2000/26/EC of the European Parliament and Council  
(OJ L 181, 20.7.2000, p. 65)

Directive 2005/14/EC of the European Parliament and Council Only Article 5  
(OJ L 149, 11.6.2005, p. 14)

Directive 2005/14/EC of the European Parliament and Council  
(OJ L 149, 11.6.2005, p. 14)

PART B

**List of time limits for transposition into national law and application**

(referred to in Article 29)

Directive	Time limit for transposition	Date of application
72/166/EEC	31 December 1973	—
72/430/EEC	—	1 January 1973
84/5/EEC	31 December 1987	31 December 1988
90/232/EEC	31 December 1992	—
2000/26/EC	19 July 2002	19 January 2003
2005/14/EC	11 June 2007	—



## ANNEX II

## CORRELATION TABLE

Directive 72/166/EEC	Directive 84/5/EEC	Directive 90/232/EEC	Directive 2000/26/EC	This Directive
Article 1, points (1) to (3)				Article 1, points (1) to (3)
Article 1, point (4), first indent				Article 1, point (4)(a)
Article 1, point (4), second indent				Article 1, point (4)(b)
Article 1, point (4), third indent				Article 1, point (4)(c)
Article 1, point (4), fourth indent				Article 1, point (4)(d)
Article 1, point (5)				Article 1, point (5)
Article 2(1)				Article 4
Article 2(2), introductory wording				Article 2, introductory wording
Article 2(2), first indent				Article 2, point (a)
Article 2(2), second indent				Article 2, point (b)
Article 2(2), third indent				Article 2, point (c)
Article 3(1), first sentence				Article 3, first paragraph
Article 3(1), second sentence				Article 3, second paragraph
Article 3(2), introductory wording				Article 3, third paragraph, introductory wording
Article 3(2), first indent				Article 3, third paragraph, point (a)
Article 3(2), second indent				Article 3, third paragraph, point (b)
Article 4, introductory wording				Article 5(1), first subparagraph
Article 4, point (a), first subparagraph				Article 5(1), first subparagraph
Article 4, point (a), second subparagraph, first sentence				Article 5(1), second subparagraph
Article 4, point (a), second subparagraph, second sentence				Article 5(1), third subparagraph



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Directive 72/166/EEC	Directive 84/5/EEC	Directive 90/232/EEC	Directive 2000/26/EC	This Directive
Article 4, point (a), second subparagraph, third sentence				Article 5(1), fourth subparagraph
Article 4, point (a), second subparagraph, fourth sentence				Article 5(1), fifth subparagraph
Article 4, point (b), first subparagraph				Article 5(2), first subparagraph
Article 4, point (b), second subparagraph, first sentence				Article 5(2), second subparagraph
Article 4, point (b), second subparagraph, second sentence				Article 5(2), third subparagraph
Article 4, point (b), third subparagraph, first sentence				Article 5(2), fourth subparagraph
Article 4, point (b), third subparagraph, second sentence				Article 5(2), fifth subparagraph
Article 5, introductory wording				Article 6, first subparagraph, introductory wording
Article 5, first indent				Article 6, first paragraph, point (a)
Article 5, second indent				Article 6, first paragraph, point (b)
Article 5, final wording				Article 6, second paragraph
Article 6				Article 7
Article 7(1)				Article 8(1), first subparagraph
Article 7(2)				Article 8(1), second subparagraph
Article 7(3)				Article 8(2)
Article 8				—
	Article 1(1)			Article 3, fourth paragraph
	Article 1(2)			Article 9(1)
	Article 1(3)			Article 9(2)
	Article 1(4)			Article 10(1)
	Article 1(5)			Article 10(2)



Directive 72/166/EEC	Directive 84/5/EEC	Directive 90/232/EEC	Directive 2000/26/EC	This Directive
	Article 1(6)			Article 10(3)
	Article 1(7)			Article 10(4)
	Article 2(1), first subparagraph, introductory wording			Article 13(1), first subparagraph, introductory wording
	Article 2(1), first indent			Article 13(1), first subparagraph, point (a)
	Article 2(1), second indent			Article 13(1), first subparagraph, point (b)
	Article 2(1), third indent			Article 13(1), first subparagraph, point (c)
	Article 2(1), first subparagraph, final wording			Article 13(1), first subparagraph, introductory wording
	Article 2(1), second and third subparagraphs			Article 13(1), second and third subparagraphs
	Article 2(2)			Article 13(2)
	Article 3			Article 12(2)
	Article 4			—
	Article 5			—
	Article 6			—
		Article 1, first paragraph		Article 12(1)
		Article 1, second paragraph		Article 13(3)
		Article 1, third paragraph		—
		Article 1a, first sentence		Article 12(3), first subparagraph
		Article 1a, second sentence		Article 12(3), second subparagraph
		Article 2, introductory wording		Article 14, introductory wording
		Article 2, first indent		Article 14, point (a)
		Article 2, second indent		Article 14, point (b)

▼ B

Directive 72/166/EEC	Directive 84/5/EEC	Directive 90/232/EEC	Directive 2000/26/EC	This Directive
		Article 3		—
		Article 4		Article 11
		Article 4a		Article 15
		Article 4b, first sentence		Article 16, first paragraph
		Article 4b, second sentence		Article 16, second paragraph
		Article 4c		Article 17
		Article 4d	Article 3	Article 18
		Article 4e, first paragraph		Article 19, first paragraph
		Article 4e, second paragraph, first sentence		Article 19, second paragraph
		Article 4e, second paragraph, second sentence		Article 19, third paragraph
		Article 5(1)		Article 23(5)
		Article 5(2)		—
		Article 6		—
			Article 1(1)	Article 20(1)
			Article 1(2)	Article 20(2)
			Article 1(3)	Article 25(2)
			Article 2, introductory wording	—
			Article 2, point (a)	Article 1, point (6)
			Article 2, point (b)	Article 1, point (7)
			Article 2, points (c), (d) and (e)	—
			Article 4(1), first sentence	Article 21(1), first subparagraph
			Article 4(1), second sentence	Article 21(1), second subparagraph

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Directive 72/166/EEC	Directive 84/5/EEC	Directive 90/232/EEC	Directive 2000/26/EC	This Directive
			Article 4(1), third sentence	Article 21(1), third subparagraph
			Article 4(2), first sentence	Article 21(2), first subparagraph
			Article 4(2), second sentence	Article 21(2), second subparagraph
			Article 4(3)	Article 21(3)
			Article 4(4), first sentence	Article 21(4), first subparagraph
			Article 4(4), second sentence	Article 21(4), second subparagraph
			Article 4(5), first sentence	Article 21(5), first subparagraph
			Article 4(5), second sentence	Article 21(5), second subparagraph
			Article 4(6)	Article 22
			Article 4(7)	—
			Article 4(8)	Article 21(6)
			Article 5(1), first subparagraph, introductory wording	Article 23(1), first subparagraph, introductory wording
			Article 5(1), first subparagraph, point (a), introductory wording	Article 23(1), first subparagraph, point (a), introductory wording
			Article 5(1), first subparagraph, point (a)(1)	Article 23(1), first subparagraph, point (a)(i)
			Article 5(1), first subparagraph, point (a)(2)	Article 23(1), first subparagraph, point (a)(ii)
			Article 5(1), first subparagraph, point (a)(3)	Article 23(1), first subparagraph, point (a)(iii)

▼ B

Directive 72/166/EEC	Directive 84/5/EEC	Directive 90/232/EEC	Directive 2000/26/EC	This Directive
			Article 5(1), first subparagraph, point (a)(4)	Article 23(1), first subparagraph, point (a)(iv)
			Article 5(1), first subparagraph, point (a)(5), introductory wording	Article 23(1), first subparagraph, point (a)(v), introductory wording
			Article 5(1), first subparagraph, point (a)(5)(i)	Article 23(1), first subparagraph, point (a)(v), first indent
			Article 5(1), first subparagraph, point (a)(5)(ii)	Article 23(1), first subparagraph, point (a)(v), second indent
			Article 5(1), second subparagraph	Article 23(1), second subparagraph
			Article 5(2), (3) and (4)	Article 23(2), (3) and (4)
			Article 5(5)	Article 23(6)
			Article 6(1)	Article 24(1)
			Article 6(2), first subparagraph	Article 24(2), first subparagraph
			Article 6(2), second subparagraph, first sentence	Article 24(2), second subparagraph
			Article 6(2), second subparagraph, second sentence	Article 24(2), third subparagraph
			Article 6(3), first subparagraph	Article 24(3)
			Article 6(3), second subparagraph	—
			Article 6a	Article 26
			Article 7, introductory wording	Article 25(1), introductory wording
			Article 7, point (a)	Article 25(1), point (a)

▼B

Directive 72/166/EEC	Directive 84/5/EEC	Directive 90/232/EEC	Directive 2000/26/EC	This Directive
			Article 7, point (b)	Article 25(1), point (b)
			Article 7, point (c)	Article 25(1), point (c)
			Article 8	—
			Article 9	—
			Article 10(1) to (3)	—
			Article 10(4)	Article 28(1)
			Article 10(5)	Article 28(2)
				Article 29
			Article 11	Article 30
			Article 12	Article 27
Article 9	Article 7	Article 7	Article 13	Article 31
				Annex I
				Annex II