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**NOTE**

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	COM(2018) 336 final
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2009/103/EC of the European Parliament and the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to ensure against such liability - Four-column table comparing the institutions' position

Delegations will please find in the annex to this document a four-column table that sets out the opening position of the three institutions in advance of the forthcoming trilogue negotiations on the proposal to amend the Motor Insurance Directive.

**Proposal for a**  
**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**amending Directive 2009/103/EC of the European Parliament and the Council of 16 September 2009 relating to insurance against civil liability**  
**in respect of the use of motor vehicles, and the enforcement of the obligation to ensure against such liability**  
**2018/0168(COD)**

**Document dated: 27 January 2020 - Version 1.1**  
**4-column table for first-reading trilogues**

Key	
GREEN	Identical text, the text can be deemed as provisionally agreed
YELLOW	The issue needs further discussion at technical level
RED	The issue needs further discussion in depth at trilogue meetings

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
1	Title	<p>Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>amending Directive 2009/103/EC of the European Parliament and the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to ensure against such liability (Text with EEA relevance)</p> <p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p>	<p>Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>amending Directive 2009/103/EC of the European Parliament and the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to ensure against such liability (Text with EEA relevance)</p> <p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p>	<p>Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>amending Directive 2009/103/EC of the European Parliament and the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to ensure against such liability (Text with EEA relevance)</p> <p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p>	
2	Cit. 1	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	
3	Cit. 2	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
4	Cit. 3	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
5	Cit. 4	<p>Having regard to the opinion of the European Economic and Social Committee *,</p> <p>* OJ C , , p. .</p>	<p>Having regard to the opinion of the European Economic and Social Committee *,</p> <p>* OJ C , , p. .</p>	<p>Having regard to the opinion of the European Economic and Social Committee *,</p> <p>* OJ C , , p. .</p>	

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6	Cit. 5	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
7		Whereas:	Whereas:	Whereas:	
8	Recital 1	(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.	(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 <b><i>can potentially be injured parties as a result of</i></b> 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 <b><i>a significant</i></b> impact on the free movement of persons, goods and vehicles, <b><i>and hence on the internal market and the Schengen area</i></b> . 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.	(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.	

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9	Recital 2	<p>(2) The Commission has carried out an evaluation of the functioning of <b>Directive 2009/103/EC of the European Parliament and of the Council</b> *, 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.</p> <p>* 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 262</p>	<p>(2) The Commission has carried out an evaluation of the functioning of Directive 2009/103/EC of the European Parliament and of the Council *, 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 <i>parties injured in</i> 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' <i>claims-history</i> statements by a new insurance undertaking. <i>In addition to these four areas, in order to better protect injured parties, new rules should be introduced on liability in case of an accident involving a trailer towed by a powered vehicle.</i></p> <p>* 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</p>	<p>(2) The Commission has carried out an evaluation of the functioning of Directive 2009/103/EC of the European Parliament and of the Council *, 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.</p> <p>* 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</p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
10	Recital 2a (new) - Council			<p><i>(2a) Since the entry into force of Directive 2009/103/EC, there has been an influx of many new types of motor-powered vehicles into the market. Some of them are powered by a purely electrical motor, some of them by an auxiliary equipment. Such vehicles should be taken into account in the definition of vehicle. The definition should be based on general characteristics of such a vehicle, in particular its maximum design speed and its net weight, and should provide for that only vehicles propelled exclusively by mechanical power are covered. The definition should not apply to any wheelchair intended for use by the physically handicapped. The definition should apply independently from the number of wheels of the vehicle.</i></p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
11	Recital 2b (new) - Council			<p><i>(2b) Light electric vehicles that do not meet the definition should be excluded from the scope of application of the Directive. However, nothing in Directive 2009/103/EC should hinder Member States from requiring motor third party liability insurance, according to conditions set by Member States, for any motor equipment used on land that does not fall within that Directive's definition of "vehicle" and for which that Directive does not require such insurance, or from determining that the victims of accidents caused by any other motor equipment have access to the compensation body as determined in Chapter IV. Member States may equally decide that, where their inhabitants are victims of an accident caused by such other motor equipment in another Member State where motor third party liability insurance is not required for that motor equipment, those inhabitants have access to the compensation body as determined in Chapter IV in the Member State where they are habitually residing. Compensation bodies of Member States have the possibility to enter into a mutual agreement about their ways of co-operating in this kind of situation.</i></p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
12	Recital 3	(3) Furthermore, in recent decisions of the European Court of Justice of the European Union, namely Vnuk *, Rodrigues de Andrade ** and Torreiro ***, the Court has clarified the meaning of the words 'use of a vehicle'. In particular, the European Court of Justice has clarified that motor vehicles are intended normally to serve as means of transport, irrespective of such vehicle's characteristics, and it has clarified that the use of such vehicles covers any use of a vehicle consistent with its normal function as a means of transport, irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion. In the interest of legal certainty, it is appropriate to reflect that case law in Directive 2009/103/EC by introducing a definition of 'use of a vehicle'.	(3) Furthermore, in recent decisions of the European Court of Justice of the European Union, namely Vnuk *, Rodrigues de Andrade ** and Torreiro ***, the Court has clarified the meaning of the words 'use of a vehicle'. In particular, the European Court of Justice has clarified that motor vehicles are intended normally to serve as means of transport, irrespective of such vehicle's characteristics, and it has clarified that the use of such vehicles covers any use of a vehicle consistent with its normal function as a means of transport, irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion. In the interest of legal certainty, it is appropriate to reflect that case law in Directive 2009/103/EC by introducing a definition of 'use of a vehicle'.	(3) [...] In recent decisions of the European Court of Justice of the European Union, namely Vnuk *, Rodrigues de Andrade ** and Torreiro ***, the Court has clarified the meaning of the words 'use of a vehicle'. In particular, the European Court of Justice has clarified that motor vehicles are intended normally to serve as means of transport, irrespective of such vehicle's characteristics, and it has clarified that the use of such vehicles covers any use of a vehicle consistent with its normal function as a means of transport, irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion. <b><i>Directive 2009/103/EC does not apply if, at the time of the accident, the normal function of such a vehicle is to use it for a purpose other than as a means of transport. This may be the case if the vehicle is not used in the sense of the first subparagraph of Article 3 of the Directive, as its normal function is to use it as, for instance, an industrial or agricultural power source.</i></b> In the interest of legal certainty, it	



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		<p>* Judgement of the Court of Justice of 4 December 2014, Vnuk, C-162/13, ECLI:EU:C:2014:2146</p> <p>** Judgement of the Court of Justice of 28 November 2017, Rodrigues de Andrade, C-514/16, ECLI:EU:C:2017:908.</p> <p>*** Judgement of the Court of Justice of 20 December 2017, Torreiro, C-334/16, ECLI:EU:C:2017:1007.</p>	<p>* Judgement of the Court of Justice of 4 December 2014, Vnuk, C-162/13, ECLI:EU:C:2014:2146</p> <p>** Judgement of the Court of Justice of 28 November 2017, Rodrigues de Andrade, C-514/16, ECLI:EU:C:2017:908.</p> <p>*** Judgement of the Court of Justice of 20 December 2017, Torreiro, C-334/16, ECLI:EU:C:2017:1007.</p>	<p>is appropriate to reflect that case law in Directive 2009/103/EC by introducing a definition of 'use of a vehicle'.</p> <p>* Judgement of the Court of Justice of 4 December 2014, Vnuk, C-162/13, ECLI:EU:C:2014:2146</p> <p>** Judgement of the Court of Justice of 28 November 2017, Rodrigues de Andrade, C-514/16, ECLI:EU:C:2017:908.</p> <p>*** Judgement of the Court of Justice of 20 December 2017, Torreiro, C-334/16, ECLI:EU:C:2017:1007.</p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
13	Recital 3a (new) - EP		<p><i>(3a) Some motor vehicles such as electric bicycles and segways are smaller and are therefore less likely to cause significant damage to persons or property than others. It would be disproportionate and not future proof to include them in the scope of Directive 2009/103/EC, as it would impose an obligation to have an expensive and excessive insurance cover for these vehicles. Such situation would also undermine the uptake of these vehicles and discourage innovation, although there is insufficient evidence that these vehicles could cause accidents resulting in injured parties at the same scale as other vehicles, such as cars or trucks. In line with the principles of subsidiarity and proportionality, requirements at Union level should cover those vehicles that have the potential to cause significant damage in a cross-border situation. It is therefore necessary to limit the scope of Directive 2009/103/EC to those vehicles for which the Union considers that there need to be safety and security requirements before those vehicles are placed on the market,</i></p> <p style="text-align: center;">9</p> <p><i>i.e. the vehicles subject to an EU type- approval.</i></p>		

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14	Recital 3a (new) - Council			<i>(3a) As a matter of principle, a motor insurance should cover accidents in all areas of the Member States. Yet, in certain Member States there are provisions related to the vehicle used exclusively in specific areas with limited access. It should be possible for the Member States to make limited derogations from Article 3 in respect of restricted areas to which unauthorised persons should not enter, for instance location-specific areas and equipment at ports and airports. A Member State so derogating should take the appropriate measures to ensure that compensation is paid in respect of any loss or injury caused by such a vehicle.</i>	

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15	Recital 3b (new) - EP		<p><i>(3b) However, it is important to allow Member States to decide at national level the appropriate level of protection of parties potentially injured by vehicles other than those subject to EU type-approval. Therefore, it is important that Member States are allowed to maintain or introduce new mandatory provisions covering the protection of users of these other types of vehicles in order to protect potential injured parties from a traffic accident. Where a Member State choses to require such insurance coverage in the form of compulsory insurance, it should take into account the likelihood that a vehicle might be used in a cross-border situation and the need for protection of potential injured parties in another Member State.</i></p>		

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16	Recital 3b (new) - Council			<i>(3b) In certain Member States there are provisions regarding the use of the vehicle as a means of deliberately causing damage to people or property. Where applicable, in the most serious offences the Member States are allowed to continue their legal practices of not covering such damage from the compulsory motor insurance or reclaiming from the tortfeasor the amount of insurance compensation that is paid out to the injured party for such damage. In order not to reduce the protection granted by Directive 2009/103/EC, those Member States should be able to ensure that in such cases the injured parties are compensated for such damage in a manner that is as close as possible to that of Directive 2009/103/EC. Unless the Member State has provided for such an alternative compensation mechanism or guarantee, the damage should be covered in accordance with Directive 2009/103/EC.</i>	
17	Recital 3c (new) – EP and Council		<i>(3c) It is also appropriate to exclude from the scope of Directive 2009/103/EC vehicles intended exclusively for motorsports, as these vehicles</i>	<i>(3c) The Member States should have the right to not apply Directive 2009/103/EC to use of vehicles in certain motorsport activities, including races,</i>	

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			<p><i>are generally covered by other forms of liability insurance and not subject to compulsory motor insurance when they are solely used for a competition. Since the use of such vehicles is limited to a controlled track or space, the chance of an accident with unrelated vehicles or persons is also limited. However, it is important that Member States maintain or introduce new mandatory provisions to cover vehicles that participate in a motorsport event.</i></p>	<p><i>competitions, training, testing and demonstrations e.g. of speed, reliability or skills, allowed in accordance with the national law of the Member State. Such exempted activities should take place in a fenced, restricted and demarcated area, with the purpose of and in a manner that the ordinary traffic, the public or any party unrelated to the activity cannot actually or potentially share the route that is being driven. Such activities should usually entail those on designated motorsport tracks or routes and the areas of immediate vicinity, e.g. security areas, pit stop areas and garages, where the risk of an accident is highly elevated in comparison to normal roads and to which unauthorised persons should not enter. The exemption should only apply if the Member State ensures that the organiser of the activity or any other party has an alternative insurance or guarantee policy covering the damage to any third party including spectators and other bystanders, and that the organiser has taken such an optional alternative insurance</i></p>	

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				<i>or guarantee policy. In order not to reduce the protection granted by Directive 2009/103/EC, those Member States should ensure that in the motorsport activities the injured parties are compensated for such damage in a manner that is as close as possible to that of Directive 2009/103/EC. Unless the Member State has provided for such an exemption and the organisers or other parties have as a condition of this exemption taken an alternative insurance or guarantee policy, the damage should be covered, excluding the other participating drivers and their vehicles, in accordance with Directive 2009/103/EC.</i>	
18	Recital 3d (new) - EP		<i>(3d) 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.</i>		

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19	Recital 3d (new) - Council			<i>(3d) While being manufactured and transported, vehicles lack transport function and are not considered to be used in the sense of the first subparagraph of Article 3 of Directive 2009/103/EC. However, there should be a business liability insurance to cover the damage which those vehicles may cause, to the extent a Member State does not choose to apply the requirement to have motor third party liability insurance also in respect of such vehicles pursuant to Article 28, paragraph 1 of Directive 2009/103/EC.</i>	



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20	Recital 3e (new) - EP		<p><i>(3e) Use of a vehicle in traffic should include the use of a vehicle in circulation on public and private roadways. This could include all driveways, parking lots or any other equivalent areas on private terrain which are accessible by the general public. The use of a vehicle in a closed area, where no access is possible by the general public, should not be considered to be use of a vehicle in traffic. Nonetheless, when a vehicle is used in traffic at any point and is therefore subject to a compulsory insurance requirement, Member States should ensure that the vehicle is covered by an insurance policy that includes potential injured parties, during the period of the contract, regardless of whether the vehicle is used in traffic or not at the time of the accident, except where the vehicle is used in a motorsports event. Member States should be able to limit non-traffic related insurance cover where there is no reasonable expectation of cover, as is the case of a tractor involved in an accident of which the primary function, at that time, was not to serve as a means of transport, but to generate, as a machine for carrying out work, the motive power necessary to function</i></p>		

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21	Recital 3e (new) - Council			<i>(3e) Currently the national laws of many Member States link the insurance obligation to the use of a vehicle in the sense of the first subparagraph of Article 3 of the Directive 2009/103/EC, that is, in those Member States the use of a vehicle is only allowed when the vehicle is registered. The laws of those Member States stipulate that motor insurance cover has to exist during active registration of the vehicle and its use in the above mentioned sense. Those Member States need to take the appropriate measures to ensure that compensation in line with Directive 2009/103/EC is paid in respect of any loss or injury caused in its territory and in the territory of other Member States by vehicles as defined in point 1 of Article 1 which are used in the above- mentioned sense.</i>	

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22	Recital 3f (new) - EP		<i>(3f) Use of a vehicle exclusively in non-traffic situations should be excluded from the scope of Directive 2009/103/EC. Moreover, Member States should not require insurance cover for vehicles which are permanently or temporarily de- registered due to their inability to be used as a means of transport, because, for example, they are in a museum, they are undergoing restoration or they have not been used for an extended period of time for another reason, such as seasonal use.</i>		

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23	Recital 3f (new) - Council			<p><i>(3f) Currently some Member States, where the obligation to ensure against civil liability in respect of the use of a motor vehicle is not linked to registration of a vehicle, choose not to require compulsory motor vehicle insurance for vehicles that have been formally withdrawn from use in accordance with the national law of the Member State, e.g. via a notification to the competent authority or other designated parties performing the function of the competent authority or by taking other verifiable physical measures. Those Member States need to take the appropriate measures to ensure that compensation in line with Directive 2009/103/EC is paid in respect of any loss or injury caused in its territory and in the territory of other Member States by such vehicles.</i></p>	

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24	Recital 4	(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 <i>are</i> currently <b><i>refraining</i></b> 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, <b><i>such as the technology allowing automatic number-plate recognition</i></b> , allow for <b><i>the discrete</i></b> checking <b><i>of</i></b> insurance of vehicles without stopping them and thus without interfering with the free movement of persons. It is therefore appropriate <b><i>to</i></b> 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, <b><i>which are carried out also in respect of vehicles based in the territory of the Member State performing the checks</i></b> , do not require stopping of the vehicle <b><i>and if they are carried out in full respect of the rights, freedoms and legitimate interests of the person concerned</i></b> .	(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.	

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25	Recital 4a (new) - EP		<i>(4a) In order to enable such a system to function, there needs to be an exchange of information between Member States to allow motor insurance coverage checks even if a vehicle is registered in another Member State. This exchange of information, based on the existing EUCARIS system (the European Car and Driving License Information System), should be carried out in a non-discriminatory manner, as all vehicles should be subject to the same verification. The amendments introduced by this Directive will have a limited impact on public administrations since this exchange system already exists and is used to address traffic offences.</i>		

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26	Recital 4b (new) - EP		<i>(4b) Uninsured driving, i.e. use of a motor vehicle without a compulsory insurance cover against civil liability is an increasing problem within the Union. The cost resulting out of that uninsured driving has been estimated at € 870 million in claims in 2011 for the Union as a whole. It should be stressed that uninsured driving negatively affects a wide range of stakeholders including victims of accidents, insurers, guarantee funds and motor insurance policyholders.</i>		
27	Recital 5	(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*	(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*	(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*	

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		<p>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.</p> <p><b>* 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).</b></p>	<p>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.</p> <p><b>* 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).</b></p>	<p>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.</p> <p><b>* 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).</b></p>	



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28	Recital 5a (new) - EP		<p><i>(5a) In line with those principles, Member States should not retain data longer than the period needed to verify whether a vehicle holds valid insurance coverage. When a vehicle is found to be covered, all data related to this verification should be erased. When a verification system is unable to determine if a vehicle is insured, that data should only be held for a maximum period of 30 days or until the valid insurance coverage of the vehicle has been demonstrated, whichever is shorter. For those vehicles which have been found not to be covered by a valid insurance coverage, it is reasonable to require that this data are retained until any administrative or judicial processes are completed and the vehicle is covered by a valid insurance policy.</i></p>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
29	Recital 6	(6) Directive 2009/103/EC currently lays down different reference dates for the periodic recalculation of the minimum amounts of cover in different Member States, which leads to diverging minimum amounts of cover depending on the Member State. To ensure equal minimum protection of injured parties across the Union, those minimum amounts should be harmonised and a uniform review clause should be introduced, using as a benchmark the harmonised index of consumer prices as published by Eurostat, as well as procedural rules governing such a review and setting out a uniform timeframe.	(6) Directive 2009/103/EC currently lays down different reference dates for the periodic recalculation of the minimum amounts of cover in different Member States, which leads to diverging minimum amounts of cover depending on the Member State. To ensure equal minimum protection of injured parties across the Union, those minimum amounts should be harmonised and a uniform review clause should be introduced, using as a benchmark the harmonised index of consumer prices as published by Eurostat, as well as procedural rules governing such a review and setting out a uniform timeframe.	(6) Directive 2009/103/EC currently lays down different reference dates for the periodic recalculation of the minimum amounts of cover in different Member States, which leads to diverging minimum amounts of cover depending on the Member State. To ensure equal minimum protection of injured parties across the Union, those minimum amounts should be harmonised and a uniform review clause should be introduced, using as a benchmark the harmonised index of consumer prices as published by Eurostat, as well as procedural rules governing such a review and setting out a uniform timeframe.	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
30	Recital 7	<p>(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.</p>	<p>(7) Effective and efficient protection of <i>parties injured as a result</i> of traffic accidents requires that those <i>injured parties</i> are always reimbursed <i>the amounts due</i> 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, <i>without any delay</i>, initial compensation, <i>at least up to the limits of the insurance obligation referred to in Article 9(1) of Directive 2009/103/EC or the guarantee limits prescribed by the Member State, if higher</i>, 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 [...] and that claim is still under consideration [...].</p>	<p>(7) Effective and efficient protection of victims of traffic accidents requires that those victims <i>are entitled to claim compensation from the compensation body of their habitual residence and to receive a response within a reasonable time and, where their claims are justified</i>, 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, <i>allowing for an existing compensation arrangement of a Member State to continue its operations</i>, 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 <i>head office</i> of the <i>insolvent</i> insurance undertaking which issued the policy of the vehicle of the liable party. [...]</p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
31	Recital 7a (new) - Council			<p><i>(7a) The insurance undertaking may have become insolvent in various ways, e.g. as a result of being declared bankrupt or being in default of performing its obligations once it has renounced its authorisation in its home country or having been the subject of a revocation measure or a decision prohibiting its activity. The compensation body of the Member State in which the insurance undertaking which issued the policy of the liable party has its head office should publish an announcement when it begins its operation with claims of a particular insurance undertaking, when an order or a decision on the bankruptcy or winding-up proceedings has been made public by a competent court, national competent authority or any other competent authority. That compensation body should inform all the other compensation bodies about commencing its operation.</i></p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
32	Recital 7b (new) - Council			<p><i>(7b) The Member States should ensure that the compensation body of the Member State in whose territory the injured party habitually resides should be competent to inform and be informed by the other relevant authorities and stakeholders in the EU on the stages of proceedings and procedures. Such information should at least provide a general level of understanding of the situation to and from other relevant authorities and stakeholders. Such information is important to ensure that the compensation body of an injured party is able to, before the payment of compensation is made, ascertain by itself or together with all the relevant parties pursuant to the national legislation, whether the insurance undertaking has already compensated the claimant in respect of his or her claim. The claim presented to the compensation body may even be transferred to the insurance undertaking for further scrutiny or for a decision, where the national provisions of procedure so require. The Member States should ensure that the compensation body requests and receives more detailed information about specific claims.</i></p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
33	Recital 7c (new) - Council			<i>(7c) The system of reimbursement has no effect on the applicable law regarding coverage levels of injured parties. The same principles are applicable with regard to claims in the cases of solvent and insolvent insurance undertakings. The compensation body of the Member State, in which the insurance undertaking which issued the policy of the liable party has its head office, should make the payment to the compensation body of the Member State in whose territory the injured party habitually resides within a reasonable time after the former compensation body received a claim for recompensation regarding a payment that the latter compensation body has made to the injured party.</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
34	Recital 7d (new) – Council			<i>(7d) Depending on the different stages of claims handling, on payments made to the injured parties and on reimbursement processes in different compensation bodies, there may be outstanding liabilities between compensation bodies. The right of subrogation should pass from the compensation body that paid out compensation first to that of the other Member State as the reimbursement of compensation bodies progresses. Therefore, the compensation body, to the extent that it has provided compensation for the loss or injury suffered and has not yet been reimbursed, should be subrogated to the rights of the injured party against the person who caused the accident or his insurance undertaking. Each Member State should be obliged to acknowledge this subrogation as provided for by any other Member State.</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
35	Recital 7e (new) - Council			<i>(7e) To ensure efficient and effective protection of injured parties in the case of insolvency of the responsible insurer, it is necessary that the Member States take the appropriate arrangements to ensure that the funds needed to compensate victims are available when compensation payments are due. In accordance with the principle of subsidiarity, home Member States should consider these arrangements at national level. These arrangements however should be in compliance with EU law and with such principles as lex specialis and lex posterior in particular. In order to prevent placing an unjustified and disproportionate burden on insurers, if financial contributions by insurance undertakings are imposed, they should be collected only from insurance undertakings authorised by the Member State concerned.</i>	
36	Recital 8	(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	(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	(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	



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
		to simplify the verification and authentication of claims history statements, it is important that the content and format of the statement of such claims histories are the same across all Member States. In addition, insurance undertakings that take into account claims history statements to determine motor insurance premiums should not discriminate on the basis of nationality or solely on the basis of the previous Member State of residence of the policyholder. To enable Member States to verify how insurance undertakings treat claims history statements, insurance undertakings should publish their policies in respect of their use of claims history when calculating premiums.	to simplify the verification and authentication of <b><i>claims-history</i></b> 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 <b><i>claims- history</i></b> statements to determine motor insurance premiums should not discriminate on the basis of nationality or solely on the basis of the previous Member State of residence of the policyholder. <b><i>Additionally, insurance undertakings should treat a statement from another Member State as equal to a domestic statement and apply any discounts available to an otherwise identical potential client and those discounts that are required by a Member State's national legislation. Member States should remain free to adopt national legislation on the 'bonus-malus' systems since such systems are national in nature, without any cross- border element, and therefore, under the principle of subsidiarity, decision-making with regard to those systems should remain</i></b>	to simplify the verification and authentication of claims history statements, it is important that the <b><i>minimum</i></b> content and format of the statement of such claims histories are the same across all Member States. In addition, insurance undertakings that take into account claims history statements to determine motor insurance premiums should not discriminate on the basis of nationality or solely on the basis of the previous Member State of residence of the policyholder. To enable Member States to verify <b><i>whether and</i></b> how insurance undertakings treat claims history statements, insurance undertakings should publish <b><i>a general overview of</i></b> their policies in respect of their use of claims history when calculating premiums. <b><i>Insurance undertakings are not required to publish commercially sensitive information, such as details of tariff rules, and they are required to ensure compliance with Directive (EU) 2016/943 of the European Parliament and of the Council</i></b> *.	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
			<i>with the Member States.</i> To enable Member States to verify how insurance undertakings treat <b>claims-history</b> statements, insurance undertakings should publish their policies in respect of their use of claims history when calculating premiums.	<b>* Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1-18).</b>	
37	Recital 9	<p>(9) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission regarding the content and the form of the claims history statement. Those implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council *.</p> <p><b>* 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).</b></p>	<i>deleted</i>	<p>(9) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission regarding the <b>minimum</b> content and the form of the claims history statement. Those implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council *.</p> <p><b>* 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).</b></p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
38	Recital 9a (new) - EP		<i>(9a) In order to bring full effect to the use of claims-history statements when calculating premiums, Member States should encourage the participation of insurance undertakings in transparent price comparison tools.</i>		
39	Recital 10	(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	<i>(10) 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 establishment of the content and the form of claims-history statements.</i> To ensure that the minimum amounts <i>of cover of motor civil liability insurance</i> 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, as well as <i>the definition of</i> the procedural tasks and the procedural obligations of the bodies set up to provide compensation or entrusted	(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 <i>25a</i> 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	

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		<p>accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	<p><i>with</i> the task of providing compensation pursuant to Article 10a <i>of Directive 2009/103/EC</i> 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 <i>of 13 April 2016</i> on Better Law-Making*. 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.</p> <p>* <i>OJ L 123, 12.5.2016, p. 1.</i></p>	<p>consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
40	Recital 11	(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	(11) As part of the evaluation of the functioning of Directive <b>2009/103/EC</b> , the European Commission should monitor the application of <i>that</i> Directive, taking into account the number of <b><i>injured parties</i></b> , 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 <b><i>claims- history</i></b> statements. <b><i>The Commission should also monitor and review Directive 2009/103/EC in light of technological developments, including the increased use of autonomous and semi-autonomous vehicles, to ensure that it continues to serve its purpose, which is to protect potential injured parties from accidents involving motor vehicles. It should also analyse the liability system of high-speed lightweight vehicles, and a potential Union-wide solution of a bonus-malus system.</i></b>	(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.	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
41	Recital 12	(12) Since the objectives of this Directive, in particular to ensure an equal minimum protection of victims of traffic accidents across the Union and to ensure the protection of victims in case of insolvency of insurance undertakings, cannot be sufficiently achieved by the Member States but can rather, by reason of their effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty of the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	(12) Since the objectives of this Directive, in particular to ensure an equal minimum protection of <i>parties injured as a result</i> of traffic accidents across the Union, to ensure <i>their</i> protection in case of insolvency of insurance undertakings <i>and to ensure equal treatment in the authentication of claims-history statements by insurers for potential policy holders crossing internal Union borders</i> 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.	(12) Since the objectives of this Directive, in particular to ensure an equal minimum protection of victims of traffic accidents across the Union and to ensure the protection of victims in case of insolvency of insurance undertakings, cannot be sufficiently achieved by the Member States but can rather, by reason of their effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty of the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
42	Recital 13	<p>(13) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents *, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.</p> <p>* OJ C 369, 17.12.2011, p. 14.</p>	<p>(13) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents *, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.</p> <p>* OJ C 369, 17.12.2011, p. 14.</p>	<p>(13) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents *, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.</p> <p>* OJ C 369, 17.12.2011, p. 14.</p>	
43	Recital 13a (new) - EP		<p><b><i>(13a) In order to promote a consistent approach for parties injured as a result of incidents where a motor vehicle is used as a weapon to commit a violent crime or terrorist act, Member States should ensure that their compensation body set up or authorised in accordance with Article 10 of Directive 2009/103/EC handles any and all claims arising from such a crime or act.</i></b></p>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
44	Recital 14	(14) Directive 2009/103/EC should therefore be amended accordingly,	(14) Directive 2009/103/EC should therefore be amended accordingly,	(14) Directive 2009/103/EC should therefore be amended accordingly,	
45		HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
46	Art. 1 - title	Article 1 Directive 2009/103/EC is amended as follows:	Article 1 Directive 2009/103/EC is amended as follows:	Article 1 Directive 2009/103/EC is amended as follows:	
47	Article 1 – point -1 (new) - EP		<b><i>(-1) The word ‘victim’ is replaced by ‘injured party’ and ‘victims’ is replaced by ‘injured parties’, throughout the Directive.</i></b>		<i>EP: Final exact wording of "injured party" needs to be determined case by case, based on grammatical needs.</i>



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
48	Article 1 – point 0 (new) – Council  Directive 2009/103/EC Article 1 – point 1			<p><i>(0) In Article 1, point 1 is amended as follows:</i></p> <p><i>“1. ‘vehicle’ means:</i>  <i>a) any motor vehicle propelled exclusively by mechanical power on land but not running on rails with:</i>  <i>- a maximum design speed of more than 25 km/h, or</i>  <i>- a maximum net weight of more than 25 kg.</i>  <i>b) any trailer to be used with a vehicle referred to in point a), whether coupled or un-coupled; Without prejudice to points a) and b), wheelchair vehicles exclusively intended for use by the physically handicapped are not considered to be vehicles referred to in this Directive;”</i></p>	
49	Article 1 – point 1	(1) In Article 1, the following point 1a is inserted:	(1) In Article 1, the following point 1a is inserted:	(1) In Article 1, the following point 1a is inserted:	
50	Article 1 – point 1  Directive 2009/103/EC Article 1 – point 1a	“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.”;	1a. ‘use of a vehicle’ means any use of <i>a</i> vehicle <i>in traffic</i> that is consistent with the <i>vehicle's</i> function <i>as a means of transport at the time of the accident</i> , 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;	“1a. ‘use of a vehicle’ means any use of such vehicle [...] as a means of transport, that is, <i>at the time of the accident</i> , 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.”;	
51	Article 1 –		<i>(1a) In Article 2, the</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
	point 1a (new) - EP  Directive 2009/103/EC Article 2 – paragraphs 1a and 1b (new)		<p><i>following paragraphs are added:</i></p> <p><i>"This Directive shall only apply to vehicles covered by Regulation (EU) 2018/858*, Regulation (EU) No 167/2013** or Regulation (EU) No 168/2013***.</i></p> <p><i>This Directive shall not apply to vehicles that are intended exclusively for use in the context of participation in a competitive sport activity, or in related sport activities, within a closed area.</i></p> <p><i>* 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) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).</i></p> <p><i>** Regulation (EU) No 167/2013 of the European Parliament and of the Council</i></p>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
			<p><i>of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).</i></p> <p><b>*** 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 (OJ L 60, 2.3.2013, p. 52)."</b></p>		
52	<p>Article 1 – point 1a (new) - Council</p> <p>Directive 2009/103/EC</p> <p>Article 3 – first sub-paragraph</p>			<p><i>(1a) In Article 3, the first subparagraph is amended:</i></p> <p><b><i>“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.”</i></b></p>	<p><i>Current text of the Motor Insurance Directive, Article 3(1):</i></p> <p><i>“Each Member State shall, subject to Article 5, take all appropriate measures to ensure that civil liability in respect of the use of vehicles normally based in its territory is covered by insurance.”</i></p>

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
53	Article 1 – point 1b (new) - Council  Directive 2009/103/EC Article 3 – second paragraph (new)			<i>(1b) In Article 3, the following paragraph is inserted after the first paragraph: “The Member States may choose not to apply this Directive to use of vehicles in motorsport activities, including races, competitions, training, testing and demonstrations in a restricted and demarcated, fenced area, provided that the Member State ensures that the organiser of the activity or any other party has an alternative insurance or guarantee policy covering the damage to any third party including spectators and other bystanders.”</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
54	Article 1 – point 1b (new) - EP  Directive 2009/103/EC Article 3 – paragraph 4a (new)		<p><i>(1b) In Article 3, the following paragraph is added:</i></p> <p><i>“Member States shall ensure that when a vehicle is required to hold insurance pursuant to the first paragraph, the insurance is also valid and covers injured parties in the case of accidents occurring:</i></p> <p><i>(a) when the vehicle is in traffic and not being used in accordance with its primary function; and</i></p> <p><i>(b) outside the use of the vehicle in traffic.</i></p> <p><i>Member States may adopt limitations on insurance coverage in respect of the use outside the use of the vehicle in traffic as referred to in point (b) of the fifth paragraph. This provision shall be used as an exception and only when necessary, where Member States consider that such coverage would go beyond what can be reasonably expected from a motor insurance. This provision may never be used to circumvent the principles and rules set out in this Directive.”</i></p>		
55	Article 1 – point 2	(2) Article 4 is replaced by the following:	(2) Article 4 is replaced by the following:	(2) Article 4 is replaced by the following:	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
56	Article 1 – point 2  Directive 2009/103/EC Article 4 – title	“Article 4 Checks on insurance	“Article 4 Checks on insurance	“Article 4 Checks on insurance	
57	Article 1 – point 2  Directive 2009/103/EC Article 4 – paragraph 1 – subparagraph 1	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.	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.	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.	
58	Article 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, <b><i>respect the rights, freedoms and legitimate interests of the person concerned</i></b> , 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, and	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
59	Article 1 – point 2  Directive 2009/103/EC Article 4 – paragraph 1 – subparagraph 2 – point a	a) are carried out as part of a control which is not aimed exclusively at insurance verification or	a) are carried out as part of a control which is not aimed exclusively at insurance verification or	a) are carried out as part of a control which is not aimed exclusively at insurance verification or	
60	Article 1 – point 2  Directive 2009/103/EC Article 4 – paragraph 1 – subparagraph 2 – point b	b) they form part of a general system of checks on the national territory and do not require the vehicle to stop.	(b) they form part of a general system of checks on the national territory <b><i>which are carried out also in respect of vehicles normally based in the territory of the Member State carrying out the check</i></b> , and do not require the vehicle to stop.	b) they form part of a general system of checks on the national territory and do not require the vehicle to stop.	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
61	Article 1 – point 2  Directive 2009/103/EC Article 4 – paragraph 1a (new) - EP		<p><i>1a. For the purposes of carrying out checks on insurance, as referred to in paragraph 1, a Member State shall grant other Member States access to the following national vehicle registration data, with the power to conduct automated searches thereon:</i></p> <p><i>(a) data on whether a vehicle is covered by a compulsory insurance;</i></p> <p><i>(b) data relating to owners or holders of the vehicle which is relevant to their insurance against civil liability subject to Article 3.</i></p> <p><i>Access to those data shall be granted through the Member States' national contact points, as designated pursuant to Article 4(2) of Directive (EU) 2015/413*.</i></p> <p><i>* Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross- border exchange of information on road- safety-related traffic offences (OJ L 68, 13.3.2015, p. 9)</i></p>		



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
62	Article 1 – point 2  Directive 2009/103/EC Article 4 – paragraph 1b (new) - EP		<p><i>1b. When conducting a search in the form of an outgoing request, the national contact point of the Member State carrying out an insurance check shall use a full registration number. Those searches shall be conducted in compliance with the procedures laid down in Chapter 3 of the Annex to Decision 2008/616/JHA*. The Member State carrying out an insurance check shall use the data obtained in order to establish whether a vehicle is covered by a valid compulsory insurance subject to Article 3 of this Directive.</i></p> <p><i>* Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).</i></p>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
63	Article 1 – point 2  Directive 2009/103/EC Article 4 – paragraph 1c (new) - EP		<i>1c. Member States shall ensure the security and protection of the data transmitted, as far as possible using existing software applications, such as the one referred to in Article 15 of Decision 2008/616/JHA, and amended versions of those software applications, in compliance with Chapter 3 of the Annex to Decision 2008/616/JHA. The amended versions of the software applications shall provide for both online real-time exchange mode and batch exchange mode, the latter allowing for the exchange of multiple requests or responses within one message.</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
64	Article 1 – point 2  Directive 2009/103/EC Article 4 – paragraph 2	<p>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 uninsured driving of vehicles travelling in Member States other than where they are normally based as set out in Article 1. This law shall be in accordance with Regulation (EU) 2016/679* and shall also lay down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests.</p> <p>* 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)."</p>	<p>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 uninsured driving of vehicles travelling in Member States other than where they are normally based as set out in Article 1. This law shall be in accordance with Regulation (EU) 2016/679* and shall also lay down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests.</p> <p>* 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)."</p>	<p>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 uninsured driving of vehicles travelling in Member States other than where they are normally based as set out in Article 1. This law shall be in accordance with Regulation (EU) 2016/679* and shall also lay down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests."</p> <p>* 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)."</p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
65	Article 1 – point 2  Directive 2009/103/EC Article 4 – paragraph 2 – subparagraph 1a (new) - EP		<i>The Member States shall, 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 shall set a proportionate data retention period.</i>		
66	Article 1 – point 2  Directive 2009/103/EC Article 4 – paragraph 2 – subparagraph 1b (new) - EP		<i>The personal data processed pursuant to this Article shall not be retained longer than necessary for the purpose of handling an insurance check. Those data shall be fully erased as soon as they are no longer necessary for that purpose. Where an insurance check shows that a vehicle is covered by a compulsory insurance subject to Article 3, the controller shall immediately erase those data. When a check is unable to determine if a vehicle is covered by a compulsory insurance subject to Article 3, the data shall be retained for a proportionate period of not more than 30 days or until the time necessary to determine the insurance coverage as existing, whichever is shorter.</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
67	Article 1 – point 2  Directive 2009/103/EC Article 4 – paragraph 2 – subparagraph 1c (new) - EP		<i>Where a Member State determines that a vehicle is travelling without compulsory insurance subject to Article 3, it may apply the penalties established in accordance with Article 27.</i>		
68	Article 1 – point 2a (new) - Council  Directive 2009/103/EC Article 5			<i>(2a) In Article 5, the following paragraphs are inserted:</i>	
69	Article 1 – point 2a (new) - Council  Directive 2009/103/EC Article 5 – paragraph 3 subparagraph 1 (new) - Council			<i>“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.</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
70	Article 1 — point 2a (new) - Council  Directive 2009/103/EC Article 5 – paragraph 3 subparagraph 2 (new) - Council			<i>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 referred to in Article 3 has not been satisfied.</i>	
71	Article 1 – point 2a (new) - Council  Directive 2009/103/EC Article 5 – paragraph 3 subparagraph 3 (new) - Council			<i>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.</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
72	Article 1 – point 2a (new) - Council  Directive 2009/103/EC Article 5 – paragraph 4 subparagraph 1 (new) - Council			<i>4. A Member State may derogate from Article 3 in respect of vehicles used exclusively on areas with restricted access, in accordance with their national laws.</i>	
73	Article 1 – point 2a (new) - Council  Directive 2009/103/EC Article 5 – paragraph 4 subparagraph 2 (new) - Council			<i>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 referred to in Article 3 has not been satisfied.</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
74	Article 1 – point 2a (new) - Council  Directive 2009/103/EC Article 5 – paragraph 4 subparagraph 3 (new) - Council			<i>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.”</i>	
75	Article 1 – point 3	(3) Article 9 is replaced by the following:	(3) Article 9 is replaced by the following:	(3) Article 9 is replaced by the following:	
76	Article 1 – point 3  Directive 2009/103/EC – Article 9 – paragraph 1	“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:	“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:	“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:	
77	Article 1 – point 3  Directive 2009/103/EC Article 9 – paragraph 1 – subparagraph 1 – point a	(a) for personal injuries: EUR 6 070 000 per accident, irrespective of the number of victims, or EUR 1 220 000 per victim;	(a) for personal injuries: EUR 6 070 000 per accident, irrespective of the number of <i>injured parties</i> , or EUR 1 220 000 per <i>injured party</i> ;	(a) for personal injuries: EUR 6 070 000 per accident, irrespective of the number of victims, or EUR 1 220 000 per victim;	



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
78	Article 1 – point 3  Directive 2009/103/EC Article 9 – paragraph 1 – subparagraph 1 – point b	(b) for damages to property, EUR 1 220 000 per claim, irrespective of the number of victims.	(b) for <i>damage</i> to property, EUR 1 220 000 per <i>accident</i> , irrespective of the number of <i>injured parties</i> .	(b) for damages to property, EUR 1 220 000 per <i>accident</i> , irrespective of the number of victims.	
79	Article 1 – point 3  Directive 2009/103/EC Article 9 – paragraph 1 – subparagraph 2	For Member States that have not adopted the euro, the minimum amounts shall be converted into their national currency by applying the exchange rate as at [Publications Office – set the date the date of entry in force of this Directive] published in the Official Journal of the European Union.	For Member States that have not adopted the euro, the minimum amounts shall be converted into their national currency by applying the exchange rate as at [Publications Office – set the date the date of entry in force of this Directive] published in the Official Journal of the European Union.	For Member States that have not adopted the euro, the minimum amounts shall be converted into their national currency by applying the exchange rate as at [Publications Office – set the date the date of entry in force of this Directive] published in the Official Journal of the European Union.	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
80	Article 1 – point 3  Directive 2009/103/EC Article 9 – paragraph 2 – subparagraph 1	2. Every five years from [date of entry into force of this Directive], 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 **.  ** 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).	2. Every five years from [date of entry into force of this Directive], 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 **.  ** 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).	2. Every five years from [date of entry into force of this Directive], 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 **.  ** 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).	
81	Article 1 – point 3  Directive 2009/103/EC Article 9 – paragraph 2 – subparagraph 2	The Commission shall be empowered to 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.	The Commission shall be empowered to 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.	The Commission shall be empowered to 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.	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
82	Article 1 – point 3  Directive 2009/103/EC Article 9 – paragraph 2 – subparagraph 3	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 and as published in the Official Journal of the European Union."	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 and as published in the Official Journal of the European Union."	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 and as published in the Official Journal of the European Union."	
83	Article 1 – point 3a (new) - EP  Directive 2009/103/EC Article 10 – paragraph 1 – subparagraph 1		<b><i>(3a) In Article 10, the first subparagraph of paragraph 1 is replaced by the following:</i></b>  "Each Member State shall set up or authorise a body with the task of providing compensation <b><i>of</i></b> at least up to the limits of the insurance obligation <b><i>referred to in Article 9(1) or the guarantee limits prescribed by the Member State, if higher</i></b> , 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, <b><i>including with respect to incidents where a motor vehicle is used as a weapon to commit a violent crime or terrorist act.</i></b> "		<i>Current text of the Motor Insurance Directive, Article 10(1), first subparagraph:</i>  <i>"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."</i>

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
84	Article 1 – point 4  Article 1 - point 5a (new) - Council	(4) the following Article 10a is inserted:	(4) the following Article 10a is inserted:	(5a) the following Article 25a is inserted:	
85	Article 1 – point 4  Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 10a  Directive 2009/103/EC Article 25a (new) - Council	“Article 10a Protection of injured parties in case of insolvency of an insurance undertaking or lack of cooperation of an insurance undertaking	Article 10a Protection of injured parties in case of insolvency of an insurance undertaking [...]	Article 25a Protection of injured parties in case of insolvency of an insurance undertaking [...]	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
86	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph -1 (new) - EP		<p><b><i>-1. Member States shall take all measures necessary to ensure that injured parties have the right to claim compensation, at least up to the limits of the insurance obligation referred to in Article 9(1) or the guarantee limits prescribed by the Member State, if higher, for personal injuries or damage to property caused by a vehicle insured by an insurance undertaking in the following situations:</i></b></p> <p><b><i>(a) the insurance undertaking is subject to bankruptcy proceedings; or</i></b></p> <p><b><i>(b) the insurance undertaking is subject to winding-up proceedings as defined in Article 268(d) of Directive 2009/138/EC of the European Parliament and of the Council*.</i></b></p> <p><b><i>* 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).</i></b></p>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
87	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) - Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 1 – subparagraph 1</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 1 subparagraph 1 - Council</p>	<p>1. Member States shall set up or authorise a body to compensate injured parties habitually residing within their territory, at least up to the limits of the insurance obligation referred to in Article 9(1) for personal injuries or material damage, caused by a vehicle insured by an insurance undertaking in any of the following situations:</p>	<p>1. <b><i>Each</i></b> Member <b><i>State</i></b> shall set up or authorise a body to compensate injured parties, habitually residing within their territory, <b><i>in the situations</i></b> referred to in <b><i>paragraph -1</i></b>.</p>	<p>1. <b><i>Each</i></b> Member <b><i>State</i></b> shall set up or authorise a body to compensate injured parties habitually residing within their territory, at least up to the limits of the insurance obligation referred to in Article 9(1) <b><i>or, where applicable, higher guarantee limits provided for by the Member State</i></b> for personal injuries or material damage, caused by a vehicle insured by an insurance undertaking <b><i>which cannot pay out compensation as it falls due</i></b>, in <b><i>either</i></b> of the following situations:</p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
88	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) - Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 1 – subparagraph 1 – point a</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 1 – subparagraph 1 – point a - Council</p>	(a) the insurance undertaking is subject to bankruptcy proceedings;	[...]	(a) <i>the moment from which</i> the insurance undertaking is subject to bankruptcy proceedings; or	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
89	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) – Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 1 – subparagraph 1 – point b</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 1 – subparagraph 1 – point b - Council</p>	<p>(b) the insurance undertaking is subject to a winding up procedure as defined in Article 268(d) of Directive 2009/138/EC of the European Parliament and of the Council***;</p> <p>*** 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).";</p>	[...]	<p>(b) the insurance undertaking is subject to a winding up proceedings as defined in Article 268(d) of Directive 2009/138/EC of the European Parliament and of the Council***;</p> <p>*** 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).";</p>	



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
90	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) – Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 1 – subparagraph 1 – point c</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 1 – subparagraph 1 – point c - Council</p>	<p>(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.</p>	[...]	[...]	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
91	Article 1 – point 5a (new) – Council  Directive 2009/103/EC Article 25a (new) – paragraph 1 – subparagraph 2 (new) - Council			<i>Each Member State shall take appropriate measures to ensure that compensation bodies set up or authorised in accordance with the first subparagraph have sufficient funds available to compensate injured parties when compensation payments are due in situations provided for in points (a) and (b) in accordance with the rules set out in paragraph 4. These measures may include financial contributions provided that they are imposed only on insurance undertakings that have been authorised by the Member State imposing the financial contribution.</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
92	Article 1 – point 5a (new) – Council  Directive 2009/103/EC Article 25a (new) – paragraph 1 – subparagraph 3 (new) - Council			<i>The compensation body of the Member State, in which the insurance undertaking which issued the policy of the liable party has its head office, shall publish an announcement when it begins its operation, when an order or a decision on the proceedings referred to in the first subparagraph has been made public by a competent court, national competent authority or any other competent authority. That compensation body shall inform all other compensation bodies referred to in paragraph 1 about commencing its operation.</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
93	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) - Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 2</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 2 - Council</p>	<p>2. Injured parties may not present a claim to the body referred to in paragraph 1 if they have presented a claim directly to or taken legal action directly against the insurance undertaking and such claim or legal action is still pending.</p>	<p>[...]</p>	<p>2. Injured parties may [...] present a claim to the body referred to in paragraph 1 [...].</p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
94	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) – Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 3</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 3 - subparagraph 1 - Council</p>	<p>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.</p>	<p><b>3. <i>The injured party may apply for compensation directly to the body referred to in paragraph 1. That body shall, on the basis of information provided at its request by the injured party, provide the injured party with a reasoned reply regarding the payment of any compensation within three months from the date when the injured party applies for compensation.</i></b></p> <p><b><i>Where compensation is due, the body referred to in paragraph 1 shall within three months of communicating its reply, provide the full compensation to the injured party or, when compensation is in the form of agreed periodic payments, start such payments.</i></b></p> <p><b><i>When an injured party has filed a claim to an insurance undertaking or its claims representative, which before or during a claim became subject to the situations referred to in paragraph -1, and that injured party has not yet received a reasoned reply from that insurance undertaking or its claims representative, the injured party shall be able to re-submit his or her claim for compensation to the body referred to in paragraph 1.</i></b></p>	<p>3. <b><i>The Member States shall ensure that</i></b> the body referred to in paragraph 1 <b><i>gives</i></b> a reply, <b><i>in accordance with the national law,</i></b> to the claim within <b><i>three</i></b> months after the date on which the injured party has presented his or her claim for compensation <b><i>to the body.</i></b></p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
95	Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 25a (new) – paragraph 3 - subparagraph 2 (new) - Council			<i>For the purposes of the first subparagraph, the body shall:</i>	
96	Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 25a (new) – paragraph 3 - subparagraph 2 - point a (new) - Council			<i>(a) make a reasoned offer of compensation to the extent that the body has established that it is liable pursuant to paragraph 1, point a) or b) and the claim is not contested and the damage has been quantified;</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
97	Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 25a (new) – paragraph 3 - subparagraph 2 - point b (new) - Council			<i>(b) provide a reasoned reply to the points made in the claim to the extent that the body has established that it is not liable pursuant to paragraph 1, point a) or b) or where liability is denied or the damage has not been fully quantified.</i>	
98	Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 25a (new) – paragraph 3 - subparagraph 3 (new) - Council			<i>For the purposes of the first subparagraph, where necessary and at the request of the compensation body referred to in paragraph 1, the compensation body or any other competent party of the Member State performing its functions, in which the insurance undertaking which issued the policy of the liable party has its head office, shall inform the compensation body referred to in paragraph 1 within two months about the status of the claim, the reasons for contesting the liability and the timeframe in which that the damage can be quantified.</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
99	Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 25a (new) – paragraph 3a (new) - Council			<i>3a. The compensation body referred to in paragraph 1 shall pay out the compensation to the injured party without undue delay when his or her right to the compensation has been duly quantified and not contested as referred to in point a) of the second subparagraph of paragraph 3.</i>	
100	Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 25a (new) – paragraph 3b - subparagraph 1 (new) - Council			<i>3b. The Member States shall ensure that the body referred to in paragraph 1 is competent to inform and be informed, in due time, by the following on the stages of proceedings and procedures referred to in paragraphs 1 and 3:</i>	



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
101	Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 25a (new) – paragraph 3b - subparagraph 1 - point a (new) - Council			<i>(a) the insurance undertaking of the vehicle the use of which caused the accident, the claims representative or administrator or liquidator;</i>	
102	Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 25a (new) – paragraph 3b - subparagraph 1 - point b (new) - Council			<i>(b) the compensation body in the Member State in which the insurance undertaking which issued the policy has its head office;</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
103	Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 25a (new) – paragraph 3b - subparagraph 1 - point c (new) - Council			<i>(c) other compensation bodies and national competent authorities of the Member States.</i>	
104	Directive 2009/103/EC Article 25a (new) – paragraph 3b - subparagraph 2 (new) - Council			<i>The Member States shall ensure that the body referred to in paragraph 1 is competent to inform and be informed, in due time, by parties referred to in points a) to c) of the first subparagraph on the details of specific claims, where relevant.</i>	
105	Article 1 – point 4  Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 10a –	4. Where the injured party is resident in another Member State than the Member State in which the insurance undertaking referred to in paragraph 1 is established, the body referred to in paragraph 1 and which has compensated that injured party in his or her Member State of residence, shall be entitled to claim reimbursement of the sum	4. Where the insurance undertaking <i>received the authorisation in accordance with Article 14 of Directive 2009/138/EC in a Member State different from the Member State for which</i> the body referred to in paragraph 1 <i>is competent, that body</i> shall be entitled to claim reimbursement of the sum paid by way of	4. Where the injured party is <i>habitually residing</i> in another Member State than the Member State in which the insurance undertaking referred to in paragraph 1 <i>has its head office</i> , the body referred to in paragraph 1 and which has compensated that injured party in his or her Member State of residence, shall be entitled to claim full	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
	paragraph 4  Directive 2009/103/EC Article 25a (new) – paragraph 4 - Council	paid by way of compensation from the body referred to in paragraph 1 in the Member State in which the insurance undertaking which issued the policy of the liable party is established.	compensation from the body referred to in paragraph 1 in the Member State in which the insurance undertaking <i>received the authorisation.</i>	reimbursement of the sum paid by way of compensation from the body referred to in paragraph 1 in the Member State in which the insurance undertaking which issued the policy of the liable party <i>has its head office. The compensation body of the Member State in which the insurance undertaking which issued the policy of the liable party has its head office, shall make the payment to the body referred to in paragraph 1 in a reasonable time not exceeding six months, unless otherwise agreed in writing by these compensation bodies, after it has received a claim for recompensation regarding a payment that has been made to the injured party by the body referred to in paragraph 1. The compensation body that has provided compensation for the loss or injury suffered pursuant to the first subparagraph, shall be subrogated to the rights of the injured party against the person who caused the accident or his insurance undertaking. Each Member State shall acknowledge this subrogation as provided for by any other Member State.</i>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
106	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) - Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 5</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 5 - Council</p>	5. Paragraphs 1 to 4 are without prejudice to:	5. Paragraphs <del>1</del> to 4 are without prejudice to:	5. Paragraphs 1 to 4 are without prejudice to:	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
107	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) - Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 5 - point a</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 5 - point a - Council</p>	(a) the right of Member States to regard compensation paid by the body referred to in paragraph 1 as subsidiary or non-subsidiary;	(a) the right of Member States to regard compensation paid by the body referred to in paragraph 1 as subsidiary or non-subsidiary;	(a) the right of Member States to regard compensation paid by the body referred to in paragraph 1 as subsidiary or non-subsidiary;	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
108	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) - Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 5 - point b</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 5 - point b - Council</p>	(b) the right of Member States to make provision for the settlement of claims in respect of the same accident between:	(b) the right of Member States to make provision for the settlement of claims in respect of the same accident between:	(b) the right of Member States to make provision for the settlement of claims in respect of the same accident between:	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
109	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) - Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 5 - point b - subpoint i</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 5 - point b - subpoint i - Council</p>	(i) the body referred to in paragraph 1;	(i) the body referred to in paragraph 1;	(i) the body referred to in paragraph 1;	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
110	Article 1 – point 4  Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 10a – paragraph 5 - point b - subpoint ii  Directive 2009/103/EC Article 25a (new) – paragraph 5 - point b - subpoint ii - Council	(ii) the person or persons liable for the accident;	(ii) the person or persons liable for the accident;	(ii) the person or persons liable for the accident;	



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
111	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) - Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 5 - point b - subpoint iii</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 5 - point b - subpoint iii - Council</p>	(iii) other insurance undertakings or social security bodies required to compensate the injured party.	(iii) other insurance undertakings or social security bodies required to compensate the injured party.	(iii) other insurance undertakings or social security bodies required to compensate the injured party.	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
112	<p>Article 1 – point 4</p> <p>Article 1 – point 5a (new) - Council</p> <p>Directive 2009/103/EC Article 10a – paragraph 6</p> <p>Directive 2009/103/EC Article 25a (new) – paragraph 6 - Council</p>	<p>6. Member States shall not allow the body referred to in paragraph 1 to make the payment of compensation subject to any requirements other than those laid down in this Directive and in particular not the requirement that the injured party should establish that the party liable is unable or refuses to pay.</p>	<p>6. Member States shall not allow the body referred to in paragraph 1 to make the payment of compensation subject to any <i>reduction or</i> to any requirements other than those laid down in this Directive. <i>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 establish that the party liable or the insurance undertaking is unable or refuses to pay.</i></p>	<p>6. Member States shall not allow the body referred to in paragraph 1 to make the payment of compensation subject to any requirements other than those laid down in this Directive and in particular not the requirement that the injured party should establish that the <i>legal or natural person</i> liable is unable or refuses to pay.</p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
113	Article 1 – point 4  Article 1 – point 5a (new) - Council  Directive 2009/103/EC Article 10a – paragraph 7  Directive 2009/103/EC Article 25a (new) – paragraph 7 - Council	7. The Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 28b in order to define the procedural tasks and the procedural obligations of the bodies set up or authorised pursuant to Article 10a with regard to the reimbursement."	7. <i><b>This Article</b></i> shall <i><b>take effect:</b></i>	7. The Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 28b in order to define the procedural tasks and the procedural obligations of the bodies set up or authorised pursuant to <i><b>Article 25a</b></i> with regard to the reimbursement."	
114	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7 - point a (new) - EP		(a) <i><b>after an agreement has been concluded between all the bodies</b></i> referred to in <i><b>paragraph 1, set up or authorised by the Member States, relating to their functions and obligations and the procedures for reimbursement;</b></i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
115	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7 - point b (new) - EP		<i>(b) from a date to be fixed by the Commission once it has ascertained, in close cooperation with the Member States, that the agreement referred to in point (a) has been concluded."</i>		
116	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7a (new) - EP		<i>7a. Injured parties referred to in Article 20(1) may, in the situations referred to in paragraph -1, apply for compensation from the compensation body referred to in Article 24 in their Member State of residence.</i>		
117	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7b – subparagraph 1 (new) - EP		<i>7b. The injured party may apply for compensation directly to the compensation body which, on the basis of information provided at its request by the injured party, shall provide the injured party with a reasoned reply within three months of the date when the injured party applies for compensation.</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
118	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7b - subparagraph 2 (new) - EP		<i>Upon receipt of the claim, the compensation body shall inform the following persons or bodies that it has received a claim from the injured party:</i>		
119	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7b - subparagraph 2 - point a (new) - EP		<i>(a) the insurance undertaking subject to bankruptcy or winding-up proceedings;</i>		
120	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7b - subparagraph 2 - point b (new) - EP		<i>(b) the liquidator appointed for that insurance undertaking, as defined in Article 268(f) of Directive 2009/138/EC;</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
121	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7b - subparagraph 2 - point c (new) - EP		<i>(c) the compensation body in the Member State where the accident occurred; and</i>		
122	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7b - subparagraph 2 - point d (new) - EP		<i>(d) the compensation body in the Member State where the insurance undertaking received the authorisation in accordance with Article 14 of Directive 2009/138/EC in case that Member State differs from the Member State where the accident occurred.</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
123	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7c (new) - EP		<i>7c. Upon receipt of the information referred to in paragraph 7b, the compensation body in the Member State where the accident occurred shall inform the compensation body in the injured party's Member State of residence whether the compensation by the body referred to in paragraph 1 is to be regarded as subsidiary or non-subsidiary. The compensation body in the injured party's Member State of residence shall take into account that information when providing compensation.</i>		
124	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7d (new) - EP		<i>7d. The compensation body which has compensated the injured party in his or her Member State of residence shall be entitled to claim reimbursement of the sum paid by way of compensation from the compensation body in the Member State where the insurance undertaking received the authorisation in accordance with Article 14 of Directive 2009/138/EC.</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
125	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7e - subparagraph 1 (new) - EP		<i>7e. The latter body shall be subrogated to the injured party in his or her rights against the body referred to in paragraph 1 established in the Member State where the insurance undertaking received the authorisation in accordance with Article 14 of Directive 2009/138/EC in so far as the compensation body in the injured party's Member State of residence provided compensation for personal injuries or damage to property.</i>		
126	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7e - subparagraph 2 (new) - EP		<i>Each Member State shall be obliged to acknowledge this subrogation as provided for by any other Member state.</i>		
127	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7f (new) - EP		<i>7f. The agreement between compensation bodies, referred to in Article 24(3), shall contain provisions relating to the compensation bodies' functions, obligations and procedures for reimbursement resulting from this Article.</i>		



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
128	Article 1 – point 4  Directive 2009/103/EC Article 10a – paragraph 7g (new) - EP		<i>7g. In the absence of the agreement referred to in point (a) of paragraph 7 or in the absence of an amendment to the agreement under paragraph 7f by [two years after the entry into force of this amending Directive], the Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 28b laying down the procedural tasks and the procedural obligations of the bodies set up or authorised pursuant to this Article with regard to the reimbursement, or amending the agreement under Article 24(3), or both, if necessary.</i>		
129	Article 1 – point 4a (new) - EP  Directive 2009/103/EC Article 15		<i>(4a) Article 15 is replaced by the following:</i>  "Article 15 Vehicles dispatched from one Member State to another		<i>Current text of the Motor Insurance Directive, Article 15(1):</i>  "Article 15 Vehicles dispatched from one Member State to another

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
130	Article 1 – point 4a (new) - EP  Directive 2009/103/EC Article 15 - paragraph 1		<p><b><i>1.</i></b> By way of derogation from <b><i>point (b) of Article 13, point 13 of Directive 2009/138/EC of the European Parliament and of the Council*</i></b>, where a vehicle is dispatched from one Member State to another, the Member State where the risk is situated shall be considered to be <b><i>either the Member State of registration or, immediately upon acceptance of delivery by the purchaser,</i></b> the Member State of destination, for a period of 30 days, even <b><i>if</i></b> the vehicle has not formally been registered in the Member State of destination.</p> <p><b><i>* 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)."</i></b></p>		<p><i>1. By way of derogation from the second indent of Article 2(d) of Directive 88/357/EEC, where a vehicle is dispatched from one Member State to another, the Member State where the risk is situated shall be considered to be the Member State of destination, immediately upon acceptance of delivery by the purchaser, for a period of 30 days, even though the vehicle has not formally been registered in the Member State of destination."</i></p>

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
131	Article 1 – point 4a (new) - EP  Directive 2009/103/EC Article 15 - paragraph 2		2. <i>Member States shall take the necessary steps to ensure that insurance undertakings notify to the information centre of the Member State in which the vehicle is registered that they have issued an insurance policy for the use of the vehicle in question.</i>		<i>Current text of the Motor Insurance Directive, Article 15(2):  “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.”</i>
132	Article 1 – point 4b (new) - EP  Directive 2009/103/EC Article 15a (new) - EP		(4b) <i>The following Article is inserted:</i>		
133	Article 1 – point 4b (new) - EP  Directive 2009/103/EC Article 15a – title (new) - EP		<i>"Article 15a Liability in case of an accident involving a trailer towed by a powered vehicle</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
134	Article 1 – point 4b (new) - EP  Directive 2009/103/EC Article 15a – paragraph 1 (new) - EP		<i>In case of an accident caused by a set of vehicles consisting of a trailer towed by a powered vehicle, the injured party shall be compensated by the undertaking that insured the trailer, where:</i>		
135	Article 1 – point 4b (new) - EP  Directive 2009/103/EC Article 15a – paragraph 1 - - point 1 (new) - EP		<i>- separate third party liabilities were taken out; and</i>		
136	Article 1 – point 4b (new) - EP  Directive 2009/103/EC Article 15a – paragraph 1 - - point 2 (new) - EP		<i>- the trailer can be identified, but the powered vehicle that towed it cannot be identified.</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
137	Article 1 – point 4b (new) - EP  Directive 2009/103/EC Article 15a – paragraph 2 (new) - EP		<i>The undertaking compensating the injured party in this case shall have a recourse to the undertaking that insured the towing powered vehicle if this is provided for under national law.</i>		
138	Article 1 – point 5	(5) Article 16 is amended as follows:	(5) Article 16 is amended as follows:	(5) Article 16 is amended as follows:	
139	Article 1 – point 5 – subpoint a	(a) the following sentence is added at the end of the second subparagraph:	(a) the following sentence is added at the end of the second subparagraph:	(a) the following sentence is added at the end of the second subparagraph:	
140	Article 1 – point 5 – point a  Directive 2009/103/EC Article 16 – subparagraph 2	“They shall do so using the form of the claims history statement”;	“They shall do so using the form of the claims history statement”;	“They <i>may</i> do so using the form of the claims history statement”;	
141	Article 1 – point 5 – point b	(b) the following subparagraphs are added:	(b) the following subparagraphs are added:	(b) the following subparagraphs are added:	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
142	Article 1 – point 5 – point b  Directive 2009/103/EC Article 16 – subparagraph 3	“Member States shall ensure that insurance undertakings or the bodies as referred to in the second subparagraph, when taking account of claims history statements issued by other insurance undertakings or other bodies as referred to in the second subparagraph, do not treat policyholders in a discriminatory manner or surcharge their premiums because of their nationality or solely on the basis of their previous Member State of residence.	Member States shall ensure that insurance undertakings <b>and</b> the bodies as referred to in the second subparagraph, when taking account of <b>claims-history</b> statements issued by other insurance undertakings or other bodies as referred to in the second subparagraph, do not treat policyholders in a discriminatory manner or surcharge their premiums because of their nationality or solely on the basis of their previous Member State of residence.	“Member States shall ensure that insurance undertakings or the bodies as referred to in the second subparagraph, <b>where insurance undertakings take</b> 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.	
143	Article 1 – point 5 – point b  Directive 2009/103/EC Article 16 – subparagraph 3a (new) - EP		<b><i>Member States shall ensure that where an insurance undertaking takes into account claims-history statements when determining premiums, it shall also take into account claims-history statements issued by insurance undertakings based in other Member States as equal to those issued by an insurance undertaking within the same Member State and shall apply, in accordance with national law, any statutory requirements as to premiums treatment.</i></b>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
144	Article 1 – point 5 – point b  Directive 2009/103/EC Article 16 – subparagraph 4	Member States shall ensure that insurance undertakings publish their policies in respect of their use of claims history statements when calculating premiums.	<i>Without prejudice to the pricing policies of insurance undertakings</i> , Member States shall ensure that insurance undertakings publish their policies in respect of their use of <i>claims-history</i> statements when calculating premiums.	Member States shall ensure that insurance undertakings publish <i>a general overview of</i> their policies in respect of their use of claims history statements when calculating premiums.	
145	Article 1 – point 5 – point b  Directive 2009/103/EC Article 16 – subparagraph 5	The Commission shall be empowered to adopt implementing acts in accordance with Article 28a(2) specifying the contents and form of the claims history statement referred to in the second subparagraph. That statement shall contain information about all of the following:	The Commission shall be empowered to adopt <i>delegated</i> acts in accordance with Article <i>28b laying down</i> the contents and form of the <i>claims-history</i> statement referred to in the second <i>paragraph</i> . That statement shall, <i>as a minimum</i> , contain information about the following:	The Commission shall be empowered to adopt implementing acts in accordance with Article 28a(2) specifying <i>the minimum</i> contents and form of the claims history statement referred to in the second subparagraph. That statement shall contain information about all of the following:	
146	Directive 2009/103/EC Article 16 – subparagraph 5 - point a	(a) the identity of the insurance undertaking issuing the claims history statement;	(a) the identity of the insurance undertaking issuing the <i>claims-history</i> statement;	(a) the identity of the insurance undertaking <i>or the body</i> issuing the claims history statement;	
147	Article 1 – point 5 – point b  Directive 2009/103/EC Article 16 – subparagraph 5 - point b	(b) the identity of the policyholder;	(b) the identity of the policyholder, <i>including date of birth, contact address and, where applicable, the number and date of issue of the driving licence</i> ;	(b) the identity of the policyholder;	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
148	Article 1 – point 5 – point b  Directive 2009/103/EC Article 16 – subparagraph 5 - point c	(c) the vehicle insured;	(c) the vehicle insured <i>and its Vehicle Identification Number</i> ;	(c) the vehicle insured;	
149	Article 1 – point 5 – point b  Directive 2009/103/EC Article 16 – subparagraph 5 - point d	(d) the period of cover of the vehicle insured:	(d) the <i>start date and date of termination of the insurance cover</i> of the vehicle;	(d) the period of cover of the vehicle insured:	
150	Article 1 – point 5 – point b  Directive 2009/103/EC Article 16 – subparagraph 5 - point e	(e) the number and value of the declared third party liability claims during the period covered by the claims history statement."	(e) the number of declared third party liability claims during the period covered by the <i>claims-history</i> statement <i>in which the policyholder was at fault, including the date and nature of each claim, as regards damage to property or personal injury, and whether the claim is currently open or closed.</i>	(e) the number [...] of the declared third party liability claims during the period covered by the claims history statement."	



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
151	Article 1 – point 5 – point b  Directive 2009/103/EC Article 16 – subparagraph 5a (new) - EP		<i>The Commission shall consult with all relevant stakeholders before adopting those delegated acts and seek to reach a mutual agreement between stakeholders as to the content and the form of the claims-history statement.</i>		
152	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a (new) - EP		<i>(5a) The following Article is inserted: “Article 16a Price Comparison Tool</i>		
153	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 1 (new) - EP		<i>1. Member states shall ensure that consumers have access free of charge to at least one independent comparison tool, which enables them to compare and evaluate general prices and tariffs between providers of the compulsory insurance subject to Article 3, based on information provided by the consumers.</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
154	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 2 (new) - EP		<b>2. Providers of compulsory insurance shall provide competent authorities with all information requested for such a tool and shall ensure that this information is as accurate and updated as needed to ensure this accuracy. Such a tool may also include additional motor insurance coverage options beyond compulsory insurance under Article 3.</b>		
155	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 3 (new) - EP		<b>3. The comparison tool shall:</b>		
156	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 3 - point a (new) - EP		<b>(a) be operationally independent from service providers, thereby ensuring that service providers are given equal treatment in search results;</b>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
157	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 3 - point b (new) - EP		<i>(b) clearly disclose their the owners and operators of the comparison tool;</i>		
158	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 3 - point c (new) - EP		<i>(c) set out clear, objective criteria on which the comparison is based;</i>		
159	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 3 - point d (new) - EP		<i>(d) use plain and unambiguous language;</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
160	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 3 - point e (new) - EP		<i>(e) provide accurate and up-to-date information and state the time of the last update;</i>		
161	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 3 - point f (new) - EP		<i>(f) be open to any provider of compulsory insurance making available the relevant information, and include a broad range of offers covering a significant part of the market and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results;</i>		
162	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 3 - point g (new) - EP		<i>(g) provide an effective procedure to report incorrect information.</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
163	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 3 - point h (new) - EP		<i>(h) include a statement that prices are based on the information provided and are not binding on insurance providers.</i>		
164	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 4 (new) - EP		<i>4. Comparison tools fulfilling the requirements in points (a) to (h) of paragraph 3 shall, upon request by the provider of the tool, be certified by competent authorities.</i>		
165	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 5 (new) - EP		<i>5. The Commission shall be empowered to adopt a delegated act in accordance with the procedure referred to in Article 28b, supplementing this Directive by establishing the form and functions of such a comparison tool and the categories of information to be provided by insurance providers in light of the individualised nature of insurance policies.</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
166	Article 1 – point 5a (new) - EP  Directive 2009/103/EC Article 16a - paragraph 6 (new) - EP		<b>6.</b> <i>Without prejudice to other Union legislation and in accordance with Article 27, Member States may provide for penalties, including fines, for comparison tool operators that mislead consumers or do not clearly disclose their ownership and whether they receive remuneration from any insurance provider."</i>		
167	Article 1 – point 5b (new) - EP  Directive 2009/103/EC Article 18a (new) - EP		<b>(5b)</b> <i>The following Article is inserted:</i>  <i>"Article 18a</i> <i>Access to accident reports</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
168	Article 1 – point 5b (new) - EP  Directive 2009/103/EC Article 18a (new) - EP		<i>Member States shall ensure the right of the injured party to obtain a copy of the accident report from competent authorities in a timely manner. In accordance with national law, when a Member State is prevented from releasing the full accident report immediately, it shall provide to the injured party a redacted version until the full version becomes available. Any redactions to the text should be limited to those strictly necessary and required in order to comply with Union or national law."</i>		
169	Article 1 – point 5c (new) – point a (new) - EP		<i>(5c) Article 23 is amended as follows:</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
170	Article 1 – point 5c (new) – point a (new) - EP  Directive 2009/103/EC Article 23 – paragraph 1a (new) - EP		<i>(a) the following paragraph is inserted:</i>  <i>"1a. Member States shall ensure that insurance undertakings are required to provide all necessary information required by the register referred to in point (a) of paragraph 1, including all registration numbers covered by an insurance policy issued by an undertaking. Member States shall also require insurance undertakings to inform the information centre when a policy becomes invalid before the policy expiration date or otherwise no longer covers a registered vehicle number.";</i>		
171	Article 1 – point 5c (new) – point b (new) - EP  Directive 2009/103/EC Article 23 – paragraph 5a (new) - EP		<i>(b) the following paragraph is inserted:</i>  <i>"5a. Member States shall ensure that the register referred to in point (a) of paragraph 1 is maintained and updated and is fully integrated into vehicle registration databases, and accessible to the national contact points under Directive (EU) 2015/413.";</i>		



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
172	Article 1 – point 5c (new) – point c (new) - EP  Directive 2009/103/EC Article 23 – paragraph 6		<i>(c) paragraph 6 is replaced by the following:</i>  "6. The processing of personal data resulting from paragraphs 1 to <b>5a</b> shall be carried out in accordance with <b>Regulation (EU) 2016/679</b> ."		<i>Current text of the Motor Insurance Directive, Article 23(6):</i>  "6. The processing of personal data resulting from paragraphs 1 to <b>5</b> <b>must</b> be carried out in accordance with <b>national measures taken pursuant to Directive 95/46/EC</b> ."
173	Article 1 – point 5d (new) - EP  Directive 2009/103/EC Article 26a (new)		<i>(5d) The following Article 26a is inserted:</i>  <i>"Article 26a</i> <i>Compensation Bodies</i>		
174	Article 1 – point 5d (new) - EP  Directive 2009/103/EC Article 26a – paragraph 1 (new) - EP		<i>1. Member States shall seek to ensure that the compensation bodies referred to in Articles 10, 10a and 24 are administrated as a single administrative unit covering all the functions of the different compensation bodies covered by this Directive.</i>		
175	Article 1 – point 5d (new) - EP  Directive 2009/103/EC Article 26a – paragraph 2 (new) - EP		<i>2. Where a Member State does not administer these bodies as a single administrative unit, it shall notify the Commission and the other Member States of this fact and the reasons for its decision."</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
176	Article 1 – point 5e (new) - EP  Directive 2009/103/EC Article 26b (new) - EP		<i>(5e) The following Article is inserted: “Article 26b Limitation period</i>		
177	Article 1 – point 5e (new) - EP  Directive 2009/103/EC Article 26b - paragraph 1 (new) - EP		<i>1. Member States shall ensure that a limitation period of at least four years applies to actions under Articles 19 and 20(2) that relate to compensation for personal injury and damage to property resulting from a cross-border road traffic accident. The limitation period shall begin to run from the day on which the claimant became aware, or had reasonable grounds to become aware, of the extent of the injury, loss or damage, its cause and the identity of the person liable and the insurance undertaking covering this person against civil liability or the claims representative or compensation body responsible for providing compensation and against whom the claim is to be brought.</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
178	Article 1 – point 5e (new) - EP  Directive 2009/103/EC Article 26b - paragraph 2 (new) - EP		<b>2.</b> <i>Member States shall ensure that where the national law applicable to the claim provides for a limitation period which is longer than four years, such longer limitation period shall apply.</i>		
179	Article 1 – point 5e (new) - EP  Directive 2009/103/EC Article 26b - paragraph 3 (new) - EP		<b>3.</b> <i>Member States shall provide the Commission with up-to-date information on their national rules on the limitation in respect of damages caused by traffic accidents. The Commission shall make publicly available and accessible, in all official languages of the Union, a summary of the information communicated by Member States.”</i>		
180	Article 1 – paragraph 1 – point 5f (new)  Directive 2009/103/EC Article 26c (new)		<b>(5f)</b> <i>The following Article is inserted: “Article 26c Suspension of the limitation</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
181	Article 1 – paragraph 1 – point 5f (new)  Directive 2009/103/EC Article 26c - paragraph 1 (new)		<i>1. Member States shall ensure that the limitation provided for in Article 26a is suspended during the period between submission by the claimant of his or her claim to:</i>		
182	Article 1 – paragraph 1 – point 5f (new)  Directive 2009/103/EC Article 26c - paragraph 1 - point a (new)		<i>(a) the insurance undertaking of the person who caused the accident or its claims representative referred to in Articles 21 and 22; or</i>		
183	Article 1 – paragraph 1 – point 5f (new)  Directive 2009/103/EC Article 26c - paragraph 1 - point b (new)		<i>(b) the compensation body referred to in Articles 24 and 25, and the defendant's rejection of the claim.</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
184	Article 1 – paragraph 1 – point 5f (new)  Directive 2009/103/EC Article 26c - paragraph 2 (new)		<b>2.</b> <i>Where the remaining part of the limitation period, once the period of suspension ends, is less than six months, Member States shall ensure that the claimant is granted a minimum period of six additional months to initiate court proceedings.</i>		
185	Article 1 – paragraph 1 – point 5f (new)  Directive 2009/103/EC Article 26c - paragraph 3 (new)		<b>3.</b> <i>Member States shall ensure that, if a period expires on a Saturday, a Sunday or one of their public holidays, it shall be extended until the end of the first following working day.”</i>		
186	Article 1 – paragraph 1 – point 5g (new)  Directive 2009/103/EC Article 26d (new)		<b>(5g)</b> <i>The following Article is inserted: “Article 26d Calculation of time limits</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
187	Article 1 – paragraph 1 – point 5g (new)  Directive 2009/103/EC Article 26d - paragraph 1 (new)		<i>Member States shall ensure that any period of time laid down by this Directive is calculated as follows:</i>		
188	Article 1 – paragraph 1 – point 5g (new)  Directive 2009/103/EC Article 26d - paragraph 1 point a (new)		<i>(a) calculation shall start on the day following the day on which the relevant event occurred;</i>		
189	Article 1 – paragraph 1 – point 5g (new)  Directive 2009/103/EC Article 26d - paragraph 1 point b (new)		<i>(b) when a period is expressed in years, it shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred. If the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month;</i>		

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
190	Article 1 – paragraph 1 – point 5g (new)  Directive 2009/103/EC Article 26d - paragraph 1 point c (new)		<i>(c) periods shall not be suspended during court recesses.”</i>		
191	Article 1 – paragraph 1 – point 5b (new)  Directive 2009/103/EC Article 28(1) - new subparagraph			<i>(5b) In Article 28(1), the following subparagraph is inserted after the first subparagraph:</i>	
192	Article 1 – paragraph 1 – point 5b (new)  Directive 2009/103/EC Article 28(1) - new subparagraph			<i>“The Member States may require motor third party liability insurance that meets the requirements of this Directive for any motor equipment used on land that is not referred to as a vehicle in Article 1, point 1, and to which Article 3 does not apply.”</i>	
193	Article 1 – paragraph 1 – point 6	(6) the following Articles 28a, 28b and 28c are inserted:	(6) the following Articles [...], 28b and 28c are inserted:	(6) the following Articles 28a, <b>and 28b</b> are inserted:	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
194	Article 1 – paragraph 1 – point 6  Directive 2009/103/EC Article 28a	"Article 28a Committee procedure	<i>deleted</i>	"Article 28a Committee procedure	



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
195	Article 1 – paragraph 1 – point 6  Directive 2009/103/EC Article 28a - paragraph 1	<p>1. The Commission shall be assisted by the European Insurance and Occupational Pensions Committee established by Commission Decision 2004/9/EC ****. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*****.</p> <p>***** Commission Decision 2004/9/EC of 5 November 2003 establishing the European Insurance and Occupational Pensions Committee (OJ L3, 7.1.2004, p.34).</p> <p>***** 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 the mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).”.</p>	<i>deleted</i>	<p>1. The Commission shall be assisted by the European Insurance and Occupational Pensions Committee established by Commission Decision 2004/9/EC ****. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*****.</p> <p>***** Commission Decision 2004/9/EC of 5 November 2003 establishing the European Insurance and Occupational Pensions Committee (OJ L3, 7.1.2004, p.34).</p> <p>***** 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 the mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).”.</p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
196	Article 1 – paragraph 1 – point 6  Directive 2009/103/EC Article 28a - paragraph 2	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	<i>deleted</i>	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	
197	Article 1 – paragraph 1 – point 6  Directive 2009/103/EC Article 28b	Article 28b Exercise of delegated powers	Article 28b Exercise of delegated powers	<i>Article 28b</i> Exercise of delegated powers	
198	Article 1 – paragraph 1 – point 6  Directive 2009/103/EC Article 28b - paragraph 1	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
199	Article 1 – paragraph 1 – point 6  Directive 2009/103/EC Article 28b – paragraph 2	2. The power to adopt delegated acts referred to in Articles 9(2) and 10a(7) shall be conferred on the Commission for an indeterminate period of time from the date referred to in Article 30.	2. The power to adopt delegated acts referred to in <b>Article</b> 9(2) shall be conferred on the Commission for an indeterminate period of time from ... <b><i>[the date of entry into force of this amending Directive]. The power to adopt delegated acts referred to in Articles 10a(7g), the fifth paragraph of Article 16 and Article 16a(5) shall be conferred on the Commission for a period of five years from [the date of entry into force of this amending Directive].</i></b>	2. The power to adopt delegated acts referred to in Articles 9(2) and <b>25a</b> (7) shall be conferred on the Commission for an indeterminate period of time from the date referred to in Article 30.	
200	Article 1 – paragraph 1 – point 6  Directive 2009/103/EC Article 28b – paragraph 3	3. The delegation of power referred to in Articles 9(2) and 10a(7) 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 <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 9(2) and 10a(7) 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 <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 9(2) and <b>25a</b> (7) 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 <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
201	Article 1 – paragraph 1 – point 6  Directive 2009/103/EC Article 28b – paragraph 4	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
202	Article 1 – paragraph 1 – point 6  Directive 2009/103/EC Article 28b – paragraph 5	5. A delegated act adopted pursuant to Articles 9(2) and 10a(7) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.	5. A delegated act adopted pursuant to <i>Article</i> 9(2); <i>Article 10a(7g), the fifth paragraph of Article 16 and Article 16a(5)</i> shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of <i>three</i> months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.	5. A delegated act adopted pursuant to Articles 9(2) and <i>25a</i> (7) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.	
203	Directive 2009/103/EC Article 28c  Amending Directive Article 1a	Article 28c Evaluation	Article 28c Evaluation <i>and review</i>	Article 1a - of the amending Directive not of the existing Directive Evaluation	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
204	Amending Directive Article 1a - paragraph 1 (new) - Council			<p><i>No later than five years after the date of application of Article 25a of Directive 2009/103/EC as referred to in Article 2(2) of this Directive, the Commission shall submit to the European Parliament and to the Council a report on the situation of functioning, cooperation and funding of the compensation bodies referred to in Article 25a of Directive 2009/103/EC. If appropriate, the report shall be accompanied by a legislative proposal. With regard to the funding of the compensation bodies, that report shall include at least:</i></p> <p><i>(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;</i></p> <p><i>(b) an assessment of the harmonisation of the funding approach of the compensation bodies;</i></p> <p><i>(c) if the report is accompanied by a legislative proposal, an assessment of the impact of contributions upon Motor Third Party Liability</i></p>	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
				<b><i>Insurance contract premiums.</i></b>	
205	Directive 2009/103/EC Article 28c  Directive Article 1a - paragraph 2 - Council	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.	No later than <b><i>five</i></b> years after the date of transposition of this Directive, the Commission shall <b><i>submit a report</i></b> to the European Parliament, <b><i>to</i></b> the Council and <b><i>to</i></b> the European Economic and Social Committee <b><i>evaluating the implementation of this Directive, in particular in respect of:</i></b> <b><i>(a) its application with regard to technological developments, in particular with regard to autonomous and semi- autonomous vehicles;</i></b> <b><i>(b) the adequacy of its scope, considering the accident risks posed by different motor vehicles, in view of likely changes in the market, in particular as regards high speed lightweight vehicles falling under the categories of vehicle referred to in Article 2, paragraph 2, point h), i), j), k) of Regulation (EU) No 168/2013, such as eBikes, segways or electric scooters, and whether the liability system it provides is likely to satisfy future needs;</i></b> <b><i>(c) the encouragement of insurance undertakings to include a bonus-malus system</i></b>	No later than seven years after the date <b><i>referred to in the first sub-paragraph of Article 2(1) of this Directive</i></b> , an evaluation of Directive 2009/103/EC, <b><i>with the exception of those elements of Directive 2009/103/EC that are concerned by the evaluation referred to in the first paragraph above</i></b> , 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."	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
			<i>in their insurance contracts, including discounts by way of a "no claims bonus", in which premiums are influenced by the policyholders' claims- history statement. That report shall be accompanied by the observations of the Commission and, where appropriate, by a legislative proposal.</i>		
206	Amending Directive Article 2 - title	Article 2 Transposition	Article 2 Transposition	Article 2 Transposition <i>and application</i>	
207	Amending Directive Article 2 - paragraph 1 - subparagraph 1	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.	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.	1. Member States shall adopt and publish, by [PO: Please insert date <b>24</b> months after the date of entry into force <i>of this Directive</i> ] 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.	
208	Amending Directive Article 2 - paragraph 1 - subparagraph 2	They shall apply those provisions from [PO: Please insert date 12 months after the date of entry into force ].	They shall apply those provisions from [PO: Please insert date 12 months after the date of entry into force ].	They shall apply those provisions from [PO: Please insert date <b>24</b> months after the date of entry into force <i>of this Directive</i> ].	

Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
209	Amending Directive Article 2 - paragraph 1 - subparagraph 3	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	
210	Amending Directive Article 2 - paragraph 1a (new)			<b><i>1a. Article 25a shall apply as of the date of entry into force of the Commission Delegated acts referred to in Article 25a(7) or the date referred to in the second subparagraph of paragraph 1 above, whichever is the later date.</i></b>	
211	Amending Directive Article 2 - paragraph 2	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive	
212	Amending Directive Article 3 - title	Article 3 Entry into force	Article 3 Entry into force	Article 3 Entry into force	
213	Amending Directive Article 3	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	
214	Amending Directive Article 4	Article 4 Addressees	Article 4 Addressees	Article 4 Addressees	



Line	Ref.	Commission proposal	EP amendments (13/02/2019)	Council's negotiating mandate (14645/19)	Comments
215		This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	
216		Done at Brussels,	Done at Brussels,	Done at Brussels,	
217		For the European Parliament For the Council	For the European Parliament For the Council	For the European Parliament For the Council	
218		The President The President	The President The President	The President The President	

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