



Bilaga till framställan / kompromisser till ändringar i direktivet

DRAFT COMPROMISE AMENDMENTS - Version 14-01-2019

CHARANZOVÁ report

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) - COM(2018)0336)

CA 1 on the definition of “use of a vehicle”

Amendments covered by the CA or falling in case of adoption: 77, 78, 79, 80, 81, 82, 13 (7 AMs)

Article 1 – paragraph 1 – point 1 // Directive 2009/103/EC Article 1 – point 1 a

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

CA 3a on vehicles intended for motorsports

Amendments covered by the CA or falling in case of adoption: 5, 57, 58, 60, 61 (5 AMs)

Recital 3 b (new)

(3 b) It is also appropriate to exclude from the scope of Directive 2009/103/EC vehicles intended exclusively for motorsports, as these vehicles are generally covered by other forms of liability insurance and not subject to compulsory motor insurance when they are solely used for a competition. Being 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 State maintain or introduce new mandatory provisions to cover vehicles that participate in a motorsport event.

CA 4 on the use of a vehicle in traffic vs. non-traffic

Amendments covered by the CA or falling in case of adoption: 5, 57, 58, 60, 61 (5 AMs)

Recital 3 c (new)

(3 c) Use of a vehicle in traffic includes the use of a vehicle in circulation on public and private roadways. This may 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 seen as the use of a vehicle in traffic. Nonetheless, when a vehicle is used in traffic at any point and therefore subject to compulsory insurance, Member States should ensure that the vehicle is covered by an insurance policy that covers potential injured parties, during the contracted period, regardless of whether the vehicle is 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 this non-traffic related insurance cover where there can be no reasonable expectation of cover, such as in a situation in which a tractor is involved in an

accident when its primary function, at the time of that accident, 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.

Use of a vehicle exclusively in non-traffic situation should therefore be excluded from the scope of Directive 2009/103/EC. Moreover, Member States should avoid a situation where insurance is required for vehicles which are permanently or temporarily de-registered due to their incapability of being used as a means of transport, because they are in a museum, they are undergoing restoration or they are not being used for a certain period of time for another reason, such as seasonal use.