

# **EUROPEAN UNION**

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## **Revision of the Motor Insurance Directive**

- 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 insure against such liability
- 2017 REFIT review
- Proposal for amendments to the Directive published on 24 May 2018

## Revision of the Motor Insurance Directive

### Key points:

- Scope of the Directive

CJEU 4.9.2014,  
C-162/13

Codification of the *Vnuk* jurisprudence of the CJEU:

### **Art 1 MID [Definitions].**

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.

## **Revision of the Motor Insurance Directive**

### **Key points:**

- **New technologies**
  - *Autonomous vehicles*
    - already covered
    - no amendments

## **Revision of the Motor Insurance Directive**

### **Key points:**

- **New technologies**
  - *Other new vehicle*
    - already covered
    - exemption from insurance requirement possible under (existing) Art 5 para 2 MID, therefore
    - no amendment

## **Revision of the Motor Insurance Directive**

### **Key points:**

- **Minimum amount of cover**

Currently (as last adapted in 2016):

- Personal injury: € 1,220,000 per victim  
€ 6,070,000 per claim
- Material damage: € 1,220,000 per claim

⇒ now written into Art 9 MID in order to overcome existing differences between the Member States due to various transition periods

## **Revision of the Motor Insurance Directive**

### **Key points:**

- **Insolvency of the insurer**

National compensation body shall also step in if victims fail to receive payments from the responsible insurer.

## **Revision of the Motor Insurance Directive**

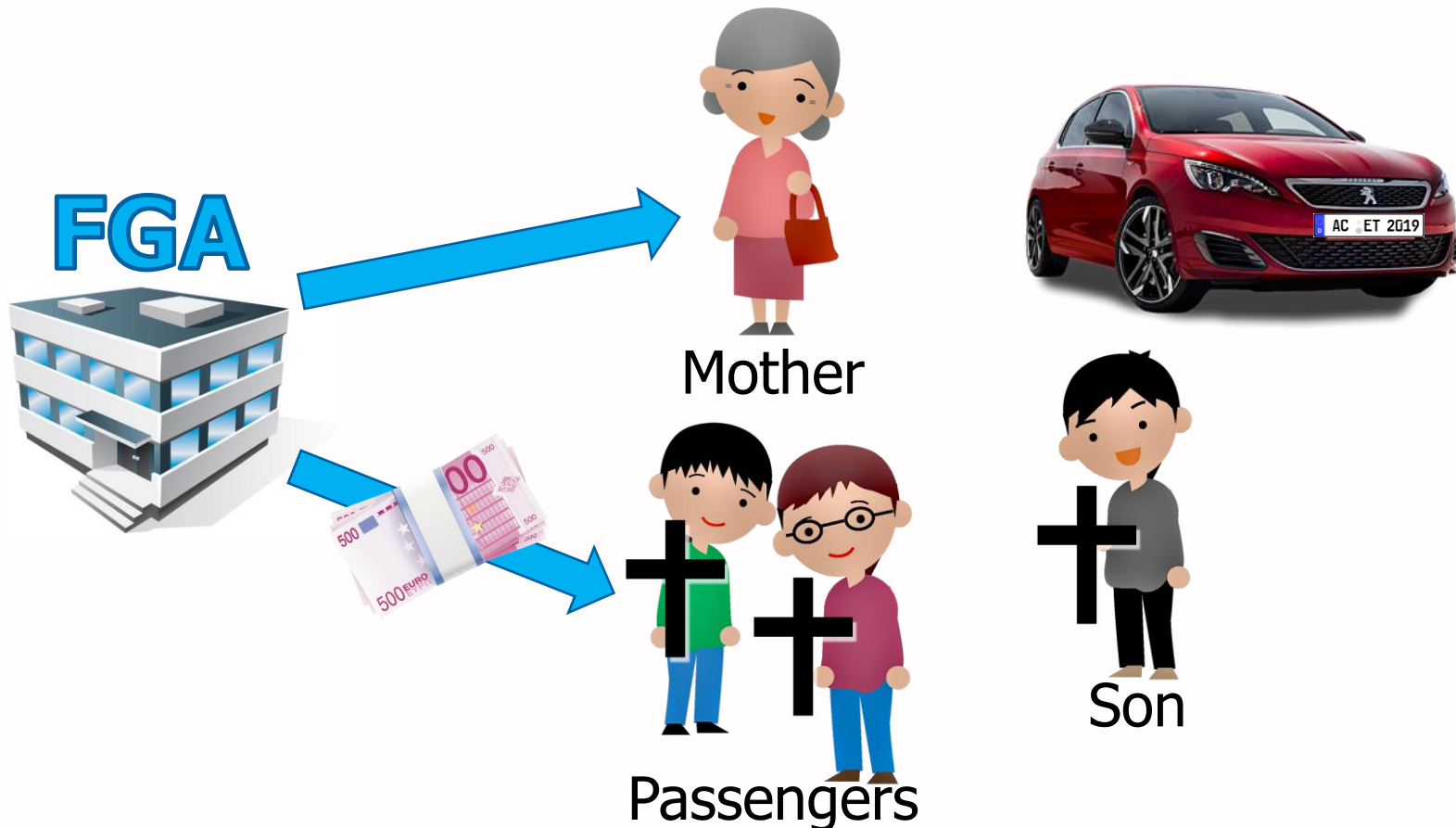
### **Key points:**

- **Uninsured driving**

Introduction of new technologies to identify uninsured vehicles entering the territory of a Member State (eg automated license plate recognition)



## CJEU 4.9.2018, C-80/17 (Grand Chamber) *Fundo de Garantia Automóvel*



## **CJEU 4.9.2018, C-80/17 (Grand Chamber)** ***Fundo de Garantia Automóvel***

- Was the mother still required to keep her car insured, despite her choice to keep it immobilised on private land and no longer use it?
- Does the Guarantee Fund have a right of recourse against the mother even if she is not liable vis-à-vis the victims if they had sued her directly?

YES

YES

## **Revision of the Motor Insurance Directive**

- Amendments proposed by the European Parliament on 13 February 2019

## Revision of the Motor Insurance Directive

### Key points:

- Scope of the Directive as amended by Parliament

#### **Art 1 MID [Definitions].**

1a. 'use of a vehicle' means any use of a 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.