FIFTH EU DIRECTIVE RELATING TO INSURANCE AGAINST CIVIL LIABILITY IN RESPECT OF THE USE OF MOTOR VEHICLE

In the field of compulsory insurance against civil liability for losses to third parties from use of motor vehicles in the EEC/EU out of five Directives, four of them had precise goals of improving accident victim position through better insurance cover. First Directive established principle of compulsory insurance against civil liability in respect of the use of motor vehicles and to the enforcement of the obligation to insure against such liability. It superseded green card control on the EEC internal frontiers. Second Directive provided for minimal conditions for motorist civil liability cover and requested the Member States to establish guarantee fund for traffic victim compensation in cases where the liable person was unknown and vehicle uninsured. Third Directive extended cover to personal injuries for all passengers except driver and requested insurance cover to be based on a single premium on the entire EEC area. Fourth Directive established a simplified procedure of the claim settlement in order of speeding up reimbursement of the injured persons who suffered damage abroad.

Compared to the foregoing, the most recent fifth Directive is not a homogeneous text and does not address only one issue. On the contrary, it consists of approximately twenty measures not exactly connected, except for the common thread and that is a concern for injured party's rights protection. Member States shall ensure even better protection of the traffic accident victims and their equal treatment. Better protection shall be achieved by implementation of the measures (definition of the motor vehicle regular base, insurance control prohibition, minimal sum insured increase, better cyclist and pedestrian protection, prohibition of excesses use etc.) provided for by Directive. Furthermore, this shall take place regardless of whether a person suffers damage in domicile or foreign country.