



**COUNCIL OF BUREAUX  
CONSEIL DES BUREAUX**



Brussels, 12<sup>th</sup> September 2012

Dear sirs,

**Claims handling in case of accidents caused by despatched vehicles in the Member State of origin**

Since the entry into force of the 5<sup>th</sup> Motor Insurance Directive, the provision on despatched vehicles (the current Article 15 of the Codified Motor Insurance Directive 2009/103/EC) has given rise to a number of practical issues. One of these is the question who would be responsible for the handling of claims following an accident occurred in the Member state of origin (the Member State of purchase) during the first 30 days after acceptance of delivery of the vehicle by the new owner.

If the accident occurs in the Member State of destination or in a third Member State, no practical problem would appear since the vehicle is not registered in the Member State where the accident occurred and, consequently, the National Insurers' Bureau will be competent to receive any claims. If however, the accident occurs in the Member State of origin, the victim can neither present a claim to the National Insurers' Bureau (since the vehicle will still be registered in the Member State of origin and is therefore not considered as a vehicle normally based in another Member State), nor to the insurer's claims representative (since the accident has not occurred in another Member state than the victim's Member State of residence).

After having reported this gap in the European legislation to the European Commission, the latter informed the Council of Bureaux that an amendment of the Motor Insurance Directive was not feasible in the near future and invited the CoB to contemplate any practical solution so as to improve the victim's position.

Upon this request from the European Commission, the Council of Bureaux, via the National Insurers' Bureaux and the National Insurers' Associations, organised last year a consultation of the markets on the question whether MTPL

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insurers would be ready to extend the mission of their claims representatives to also handle claims for accidents caused by despatched vehicles in the Member State of origin.

This consultation has received a wide support from the European insurers and has, consequently, been proposed by both Insurance Europe and the Council of Bureaux to the European Commission. The Commission, in its turn, expressed its satisfaction about the practical solution brought forward and supported its practical implementation.

**As a consequence, we kindly ask you to request all insurance undertakings authorised in your market<sup>1</sup> to empower their respective claims representatives (in the sense of Article 21 of the Motor Insurance Directive) with sufficient powers to represent the insurance undertaking in relation to victims of road traffic accidents occurred in the Member State where a motor vehicle was purchased, if this vehicle is despatched to another Member State and if the accident occurred during the first 30 days after acceptance of delivery of the vehicle by the purchaser.**

The Council of Bureaux will also communicate this solution to the National Compensation Bodies (as referred to in Article 24 of the Motor Insurance Directive), to the National Insurers' Bureaux and to the Information Centres (as referred to in Article 23 of the Motor Insurance Directive) to make sure that victims of accidents caused by despatched vehicles in the victim's Member state of residence are properly informed of the fact that they can present a claim to the claims representative of the insurer covering the risk of the despatched vehicle.

We sincerely thank you for your kind cooperation.

Yours sincerely,

Greet Floré  
Secretary General Council of Bureaux



Michaela Koller  
Director General Insurance Europe



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<sup>1</sup> Insurance companies authorised to conduct the business of compulsory third party liability insurance in respect of the use of motor vehicles.

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The National Insurers' Bureaux

The National Compensation Bodies

The National Information Centres