

COMMISSION

COMMISSION RECOMMENDATION

of 8 January 1981

on accelerated settlement of claims under insurance against civil liability in respect of the use of motor vehicles

(81/76/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 155 thereof,

Whereas motor vehicles are responsible for a significant proportion of accidents occurring in the Community;

Whereas, on 7 August 1980, the Commission presented to the Council a proposal for a second Directive on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles; whereas that proposal is aimed at reducing certain disparities which continue to exist between the obligatory motor vehicle civil liability insurance schemes in the different Member States, in order to ensure that motor vehicle accident victims have equivalent cover in all Member States;

Whereas, however, that proposal does not deal with the procedures used to settle claims; whereas it is not possible to establish a uniform procedure in all Member States for forwarding police reports, particularly in view of the effect in this area of principles of public policy governing the administration of justice;

Whereas the period elapsing between the occurrence of a road accident and the payment of compensation by the insurer of the person liable is occasionally extremely lengthy; whereas such lengthy periods are undoubtedly prejudicial to accident victims;

Whereas such lengthy periods are largely attributable to the slowness of the legal procedures for determining liability and fixing compensation;

Whereas procedures have been introduced in some Member States enabling the parties concerned and their insurers to obtain more rapid access to police reports containing the particulars that are essential for settling claims; whereas it is appropriate to encourage the extension of such arrangements,

HEREBY RECOMMENDS:

Article 1

The Member States shall take all the measures necessary to facilitate the communication to those concerned of police reports and other documents necessary for the payment of compensation by insurers covering against civil liability in respect of the use of motor vehicles.

Article 2

Member States shall inform the Commission of the measures they take on the basis of this recommendation.

Article 3

This recommendation is addressed to the Member States.

Done at Brussels, 8 January 1981.

For the Commission

Christopher TUGENDHAT

Member of the Commission