2024/1855

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COMMISSION IMPLEMENTING REGULATION (EU) 2024/1855

of 3 July 2024

laying down rules for the application of Directive 2009/103/EC of the European Parliament and of the Council as regards the template for the claims-history statement

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2009/103/EC of the European Parliament and of 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 ([1]), and in particular Article 16, sixth paragraph, thereof,

After consulting the European Data Protection Supervisor in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council ([2]),

After consulting the European Insurance and Occupational Pensions Committee,

Whereas:

(1) Holders of an insurance policy against civil liability in respect of the use of motor vehicles have the right to request at any time a statement relating to the third-party liability claims involving any vehicle covered by the insurance contract at least during the preceding 5 years of the contractual relationship, or to the absence of such claims (a 'claims-history statement').

(2) Directive 2009/103/EC was amended by Directive (EU) 2021/2118 of the European Parliament and of the Council ([3]) in order, inter alia, to introduce an empowerment for the Commission to specify, by means of a template, the form and content of the claims-history statement.

(3) The claims-history statement should have a form and content that makes it easily recognisable across the Union, benefiting insurance undertakings and policyholders alike. It should contain the information referred to in Article 16 of Directive 2009/103/EC while being limited to the information necessary in relation to the purposes for which it is issued. As Member States remain free to adopt national legislation concerning discounts, such as 'bonus-malus' systems, the form and content of the claims-history statement should allow for such specificities to be reflected.

(4) In order to set the content of the claims-history statement, the Commission has conducted consultations with stakeholders, including through a stakeholder workshop and an open consultation. Furthermore, the Commission has consulted Member States experts through the dedicated Expert Group on Banking, Payments and Insurance. The Commission has analysed the findings on laws and practices in the Member States gathered from these consultations as regards their relevance for setting a harmonised template. Member States' experts and representatives have also been consulted on the conclusions drawn by the Commission from the initial information gathering exercise. The Commission has thereby considered the observations made by all relevant parties.

([1]) OJ L 263, 7.10.2009, p. 11, ELI: http://data.europa.eu/eli/dir/2009/103/oj.

([2]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

([3]) Directive (EU) 2021/2118 of the European Parliament and of the Council of 24 November 2021 amending Directive 2009/103/EC 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 (OJ L 430, 2.12.2021, p. 1, ELI: http://data.europa.eu/eli/dir/2021/2118/oj).

(5) In order to accommodate for environmental concerns and reduce administrative costs, claims-history statements should by default be issued electronically. However, upon request by the policyholder, they should be provided also in paper form.

(6) For the purpose of allowing insurance undertakings and the bodies appointed by Member States to provide compulsory insurance or to supply claims-history statements sufficient time to adapt their current practices related to claims-history statements, the application of this Regulation should be deferred,

HAS ADOPTED THIS REGULATION:

Article 1

The claims-history statement shall be issued in the form of the template set out in Part A of the Annex and filled out in accordance with the instructions set out in Part B of the Annex.

The claims-history statement shall be provided electronically. Upon request from the policyholder, the claims-history statement shall also be provided in paper form, free of charge.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 24 July 2025.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 July 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

PART A

CLAIMS-HISTORY STATEMENT

This claims-history statement is issued in accordance with Article 16 of Directive 2009/103/EC of the European Parliament and of 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.

A. **Identity of the issuer of the claims-history statement**			
1.	Legal name		
2.	Member State		
3.	Registration number or legal basis		
4.	Contact information	Address	
		Email	
		Phone	

B. **Identity and contact information of the policyholder**		
5.	Name and surname(s) or legal name	
6.	Date of birth (DD/MM/YYYY)	
7.	Identification number	
8.	Contact information	

C **Vehicle(s) insured**			
9. Category of vehicle	10. Make of vehicle	11. Vehicle identification number	12. Vehicle registration number or other identifier of the vehicle

D. **Insurance contract(s)**			
13. Insurance undertaking	14. Policy number	15. Start date of cover (DD/MM/YYYY)	16. End date of cover (DD/MM/YYYY)

E. **Claim(s)**			
17. Date(s) of the accident(s) (DD/MM/YYYY)	18. Number of claims	19. Number of claims settled	20. Shared liability (YES NO)

F. **Additional information under the rules or practices applicable in the Member States relevant to premium discounts or penalties, and on contractual arrangements that impact premium calculation**
21.

H. **Date and signature**	
22. Name of the person signing	
23. Place and date (DD/MM/YYYY)	
24. Signature	

PART B

INSTRUCTIONS FOR FILLING IN THE CLAIMS-HISTORY STATEMENT

Section A: Identity of the issuer of the claims-history statement

The entity issuing the statement shall fill in under Section A information relevant for its identification.

Under item 1 the issuer shall also indicate whether it is an insurance undertaking, or another body empowered to issue claims-history statements.

Under item 2 the issuer shall indicate the country code, in the form of the ISO-alpha-2 country code, identifying the Member State in which it is established.

Under item 3 an insurer shall provide its registration number as provided for under national law or in a manner that is customary in the Member State in which the issuer is established, whereas a body shall indicate the relevant legal basis empowering it to issue claims-history statements.

Section B: Identity and contact information of the policyholder

For information on the policyholder, only fields corresponding to relevant items shall be filled in.

Item 5 shall contain the name and surname of policyholders that are natural persons, and the legal name for policyholders that are legal persons.

Item 6 shall be filled in for natural persons. This information may be omitted where an identification number for natural persons is customarily used in the Member State in which the issuer is established, and such number is provided under item 7.

Item 7 shall only be filled in for legal persons with an identifier as provided for under national law or in a manner that is customary in the Member State in which the issuer is established. It may also be filled in for natural persons where an identification number is customarily used in the Member State in which the issuer is established, in accordance with the specific conditions for the processing of a national identification number or any other identifier of general application.

Under item 8 the issuer is required to indicate the contact information provided by the policyholder if so requested.

Section C: Vehicle(s) insured

Section C shall contain information relevant for the identification of the vehicle or vehicles the use of which is covered by the insurance contract or contracts. Each vehicle shall be indicated in a separate line.

Item 9 shall be completed with the category of the vehicle:

A: Car

B: Motorcycle

C: Lorry or tractor

D: Cycle fitted with auxiliary engine

E: Bus

F: Trailer

G: Others

Item 10 shall be completed with the make of the vehicle. The model may also be indicated.

Item 11 on the Vehicle Identification Number (VIN) shall be completed when available to the issuer.

Item 12 on the vehicle's registration number shall be completed when available to the issuer. Where neither the vehicle's registration number nor the Vehicle Identification Number is available, other identifiers of the vehicle such as the chassis number, the engine number or the serial number shall be indicated instead.

Section D: Insurance contract(s)

Information under Section D shall identify some key elements of the contract(s). It may include several contracts depending on whether the issuer is aware of them. Each contract shall be indicated in a separate line. Where the issuer of the claims-history statement is not an insurance undertaking, the relevant insurer shall be listed under item 13.

The start date means the date when the insurance cover provided by the contract begins. The end date of the contract means the date on which the insurance cover ceases. In the absence of a known end date of the contract, item 16 shall contain the mention 'unknown'.

Section E: Claims

Under item 17, the issuer shall indicate the date(s) of accident(s), if any.

Under item 18, the issuer shall indicate the number of claims per accident. Where no claims exist, this shall be clearly indicated.

Under item 19, the issuer shall indicate the number of claims settled per accident.

Item 20 shall include information on the fact that the policyholder is not entirely liable for the damage caused in an accident (i.e. the liability ratio is lower than 100 %) where the insurer is in possession of such information.

Section F: Other relevant factors

Item 21 allows issuers to detail additional information relevant under the rules or practices applicable in a Member State. This shall include any information available to the issuer which is relevant for the purpose of considering premium discounts or penalties under existing national law, national practices or specific contractual arrangements that have an impact on how a premium is calculated. This may also include information on designated drivers and whether they caused the accident.