



EUROPEAN
COMMISSION

Brussels, 3.7.2024
C(2024) 4429 final

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of 3.7.2024

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)

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of 3.7.2024

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 liability¹, 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,

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 five 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 Council² 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.

-

¹ OJ L 263, 7.10.2009, p. 11, ELI: <http://data.europa.eu/eli/dir/2009/103/oj>.

² 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>)

- (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.
- (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 [OP please insert date: 12 months after the date of entry into force of this Regulation].

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

Done at Brussels, 3.7.2024

For the Commission
The President
Ursula VON DER LEYEN