

Directive 2005/14/EC of the European Parliament and of the Council of 11 May 2005 amending Council Directives 72/166/EEC, 84/5/EEC, 88/357/EEC and 90/232/EEC and Directive 2000/26/EC of the European Parliament and of the Council relating to insurance against civil liability in respect of the use of motor vehicles (Text with EEA relevance) (repealed)

Article 1

Amendments to Directive 72/166/EEC

Directive 72/166/EEC shall be amended as follows:

1. Article 1(4) is amended as follows:
 - (a) the first indent shall be replaced by the following:

the territory of the State of which the vehicle bears a registration plate, irrespective of whether the plate is permanent or temporary, or;
 - (b) the following indent shall be added:

in cases where the vehicle does not bear any registration plate or bears a registration plate which does not correspond or no longer corresponds to the vehicle and has been involved in an accident, the territory of the State in which the accident took place, for the purpose of settling the claim as provided for in the first indent of Article 2(2) of this Directive or in Article 1(4) of Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles⁽¹⁾;
2. Article 2(1) is replaced by the following:
 1. Member States shall refrain from making checks on insurance against civil liability in respect of vehicles normally based in the territory of another Member State and in respect of vehicles normally based in the territory of a third country entering their territory from the territory of another Member State. However, they may carry out non-systematic checks on insurance provided that they are not discriminatory and are carried out as part of a control which is not aimed exclusively at insurance verification.;
3. Article 4 is amended as follows:
 - (a) in point (a), second subparagraph:
 - (i) the first sentence shall be replaced by the following:

A Member State so derogating shall take the appropriate measures to ensure that compensation is paid in respect of any loss or injury caused in its territory and in the territory of other Member States by vehicles belonging to such persons.;
 - (ii) the last sentence shall be replaced by the following:

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It shall communicate to the Commission the list of persons exempt from compulsory insurance and the authorities or bodies responsible for compensation. The Commission shall publish the list.;

- (b) in point (b), the second subparagraph shall be replaced by the following:

In that case Member States shall ensure that vehicles as mentioned in the first subparagraph of this point are treated in the same way as vehicles for which the insurance obligation provided for in Article 3(1) has not been satisfied. The compensation body of the Member State in which the accident has taken place shall then have a claim against the guarantee fund provided for in Article 1(4) of Directive 84/5/EEC in the Member State where the vehicle is normally based.

After a period of five years from the date of entry into force of Directive 2005/14/EC of the European Parliament and of the Council of 11 May 2005 amending Council Directives 72/166/EEC, 84/5/EEC, 88/357/EEC and 90/232/EEC and Directive 2000/26/EC of the European Parliament and of the Council relating to insurance against civil liability in respect of the use of motor vehicles⁽²⁾, Member States shall report to the Commission on the implementation and practical application of this point. The Commission, after having examined these reports, shall, if appropriate, submit proposals on the replacement or repeal of this derogation.;

4. in Articles 6 and 7(1) ‘or in the non-European territory of a Member State’ shall be deleted.

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- (1) [OJ L 8, 11.1.1984, p. 17.](#)’;
- (2) [OJ L 149, 11.6.2005, p. 14.](#)’;