

COMMISSION IMPLEMENTING DECISION (EU) 2021/1145**of 30 June 2021****on the application of Directive 2009/103/EC of the European Parliament and of the Council with regard to checks on insurance against civil liability in respect of the use of motor vehicles normally based in Montenegro and the United Kingdom****(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 2, point (b), in conjunction with Article 8, paragraph 2, thereof,

Whereas:

- (1) In accordance with Article 8(1), second subparagraph, of Directive 2009/103/EC, vehicles normally based in a third country are to be treated, as regards the valid green card or a certificate of frontier insurance in respect of the use of such vehicles, as vehicles normally based in the Union where the national bureaux of all the Member States severally guarantee, each in accordance with the provisions of their own national law on compulsory insurance, settlement of claims in respect of accidents occurring in their territory caused by such vehicles.
- (2) Article 2 of Directive 2009/103/EC makes the application of Article 8 of that Directive to vehicles normally based in a third country subject to the conclusion of an agreement between the national insurers' bureaux of the Member States and the national insurers' bureau of such third country. In addition, for Article 8 of that Directive to apply to such vehicles, the Commission should fix the date of application of that provision for those vehicles, and the types of vehicles for which that provision is to apply, after having ascertained in close cooperation with the Member States that such an agreement has been concluded.
- (3) On 30 May 2002, the national insurers' bureaux of the Member States of the European Economic Area and other associate States concluded an agreement under which the settlement of claims arising in respect of accidents occurring in their territories that are caused by vehicles normally based in the territory of the other parties to that agreement, is guaranteed, irrespective of whether such vehicles are insured (the 'Agreement').
- (4) On 6 January 2021, the national insurers' bureaux of the Member States and those of Andorra, Bosnia and Herzegovina, Iceland, Liechtenstein, Norway, Serbia, Switzerland and the United Kingdom signed an addendum to the agreement by which the Agreement was amended to include the national insurers' bureau of Montenegro. The addendum provides for the practical arrangements to abolish insurance checks in respect of vehicles normally based in the territory of Montenegro and which are subject to the Agreement.
- (5) The national insurers' bureau of the United Kingdom was a signatory to of the Agreement of 30 May 2002. The withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union did not change the situation as regards the commitments of its national insurers' bureau towards the other national insurers' bureaux concerned.
- (6) Therefore, all the conditions for the removing of checks on motor insurance against civil liability, in accordance with Directive 2009/103/EC, in respect of vehicles normally based in Montenegro and the United Kingdom are fulfilled.

HAS ADOPTED THIS DECISION:

Article 1

From 2 August 2021 Member States shall refrain from making checks of insurance against civil liability in respect of all types of vehicles normally based in Montenegro, with the exception of military vehicles registered therein, at their entry in the Union.

⁽¹⁾ OJ L 263, 7.10.2009, p. 11.

Article 2

From 2 August 2021 Member States shall refrain from making checks of insurance against civil liability in respect of all types of vehicles normally based in the United Kingdom, with the exception of military vehicles registered therein, at their entry in the Union.

Article 3

Member States shall forthwith inform the Commission of measures taken to apply this Decision.

Article 4

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

Done at Brussels, 30 June 2021.

For the Commission
The President
Ursula VON DER LEYEN
