# Commission Implementing Decision (EU) 2020/1358 of 28 September 2020 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 Bosnia and Herzegovina (Text with EEA relevance)

## COMMISSION IMPLEMENTING DECISION (EU) 2020/1358

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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 Bosnia and Herzegovina

(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(2) thereof,

Whereas:

(1) According to Article 8(1), second subparagraph, of Directive 2009/103/EC, vehicles normally based in a third country are to be treated, as regards the documentation of the compulsory insurance against civil liability 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 is to fix the date of application of that provision for those vehicles, and the types of vehicles to 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 associated States concluded an agreement under which the settlement of claims arising in respect of accidents occurring in their territory 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 13 June 2019 the national insurers' bureaux of the Member States and those of Andorra, Iceland, Norway, Serbia and Switzerland signed Addendum No 2 to the Agreement to include the national insurers' bureau of Bosnia and Herzegovina. That Addendum provides for the practical arrangements enabling the abolition of insurance checks for vehicles mentioned in the Agreement that are normally based in the territory of Bosnia and Herzegovina, covering all types of vehicles except military vehicles registered in that country.

(5) Therefore, all the conditions for the removal of checks on motor insurance against civil liability in accordance with Directive 2009/103/EC in respect of vehicles normally based in Bosnia and Herzegovina are fulfilled,

HAS ADOPTED THIS DECISION:

*Article 1*

From 19 October 2020, Member States shall refrain from making checks of insurance against civil liability in respect of all types of vehicles normally based in the territory of Bosnia and Herzegovina, with the exception of military vehicles registered in that country, at their entry into the Union.

*Article 2*

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

*Article 3*

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, 28 September 2020.

*For the Commission*

*The President*

Ursula VON DER LEYEN