



Department
for Transport

Motor Insurance Framework

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SECTION 1: WHAT WE ARE TALKING ABOUT

1. Policy area

Motor insurance.

2. Scope

Applicable law

The elements of this policy area that intersect with devolved competence are third-party motor insurance coverage, checks on insurance documentation and the “Visiting Victims” scheme.

Post transition period, UK legislation that transposes EU Directives remains in force in the UK as assimilated law unless amended or repealed by Parliament. This obliges all motor vehicles in the UK to be covered by compulsory third-party insurance, and abolishes border checks on insurance so that vehicles can be driven easily between the UK and EU and EEA countries (Green Card-free circulation zone). Border checks are also prohibited for vehicles from certain third countries (Andorra, Serbia and Switzerland). The Directive provides a mechanism to compensate “Visiting Victims” of accidents caused by vehicles in the UK, or an EU or EEA country, and requires all insurers to have claims representatives based in the UK, and each EU and EEA Member State.

In practical terms, this law is implemented in the UK through the Motor Insurers’ Bureau whose role as the UK’s National Insurers’ Bureau is to guarantee that the insurer of a country from which the visiting motorist comes will reimburse according to the existing legislation and insurance guarantee limits of the visited. Where the driver is uninsured, the victim can apply through their national equivalent of the Motor Insurers’ Bureau (MIB) which will pursue the matter with their counterpart organisation in the state where the accident occurred.

The MIB has agreed to maintain the relevant EU interpretative effects when considering claims under the Green Card-free circulation zone.

It is worth noting that Russia, Belarus and Iran are currently suspended from the Green Card scheme.

The EU-UK Trade and Cooperation Agreement

The area of policy covered by this Common Framework does not fall directly within the provisions of the Trade and Cooperation Agreement, although both the Common Framework and that agreement will impact significantly on devolved and reserved responsibilities.

UKG and DA competence and the parties to this framework

In this area, motor insurance is a transferred matter for Northern Ireland (NI) under the Northern Ireland Act 1998. In the case of visiting victims' provisions, which are transferred to NI, legislative amendments have already been made to protect both the NI and Great Britain (GB) position post-transition period. Green Cards, third-party motor insurance coverage and checks on insurance documentation are transferred to NI, so divergence is possible in these areas. The governments agree on this description of competence.

GB and NI insurance providers must provide cover for travel to EEA Member States and there is a devolved government to opt out of doing so. However, there are some differences in the decisions that each nation in the UK can make, as outlined below.

The Motor Insurance Directive was given effect through various pieces of domestic legislation. The Motor Vehicles (Compulsory Insurance) (Amendment etc.) (EU Exit) Regulations 2019 amended the legislative framework to deal with deficiencies that arose as a consequence of the UK leaving the EU, but otherwise maintain the existing rules for compulsory motor insurance. Motor insurance is a transferred matter for Northern Ireland under the Northern Ireland Act 1998. At the time of the 2019 Regulations, and in the absence of a NI Executive, the UK Government decided to put through the necessary secondary legislation at Westminster for Northern Ireland, in close consultation with the Northern Ireland departments. No legislative changes will be needed or are planned to existing legislation unless a decision is taken to introduce border checks for motor insurance documentation.

Green Card System

Following the transition period, there was no change to the UK's participation in the Green Card system. Green card rules were updated by the Council of Bureaux and the rules relating to the documents that can be presented in the UK by foreign motorists are set out in legislation. GB legislation was laid on 14 July 2020 to reflect the updated rules. As this area is transferred, NI officials have indicated that they intend to lay similar legislation as soon as possible. Similarly, no legislative changes will be needed or are planned to existing legislation, unless a decision is taken to introduce border checks for motor insurance documentation.

Participation in the Green Card-free Circulation Zone (GCFCZ)

The UK lost automatic membership of the Green Card Free Circulation Zone established by the Directive as a result of Brexit. However the UK again became a member: on 30 June 2021 the European Commission issued Implementing Decision (EU) 2021/1145 which stated that with effect 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 except for military vehicles registered therein, at their entry in the Union. This in effect confirmed the UK's re-admittance to the Green Card Free Circulation Zone meaning that UK motorists have not needed to carry a Green Card from 2 August 2021 in the EU/EEA.

Protection of Visiting Victims

The UK lost access to the Visiting Victims system established under the Motor Insurance Directive. Compensation is still available to UK residents. The National Insurance Bureaux, who are signatories to the multilateral agreement that guarantees compensation for visiting victims, have agreed to continue their multilateral cooperation and will continue handling claims based on deemed insurance cover.

Insurers of foreign drivers are no longer required to establish a claims representative in the UK and DfT has removed the compensation body obligations on MIB from UK legislation, as without this the MIB would have to pay out where a UK resident incurred damages by a foreign driver in the EU/EEA but the foreign compensation body wouldn't be obliged to reimburse MIB. This means that if a UK resident is injured by an insured vehicle in the EU/EEA, the individual would need to pursue a claim against the insurer in the foreign country, rather than through a UK-based claims representative. The MIB has said that they could still assist victims before they make a claim to get information in their language.

There are no legislative requirements arising from this and the MIB acts for the whole UK so no separate arrangements are required for NI.

For uninsured/untraced vehicles, the MIB has negotiated bilateral 'Protection of Visitors' agreements with the guarantee funds of EU/EEA countries so victims will still be able to claim compensation, but this would be done through the Guarantee Fund of the foreign country rather than the MIB

Bilateral agreements have been agreed with all EU countries except for Romania, who have agreed in principle but are yet to make the requisite domestic legislation.

This Common Framework will be an agreement between DfT and DfI.

International obligations

The international obligations that apply to this area are:

- The Inter-Bureaux Uniform Agreement between all bureaux participating in the Green Card scheme (first signed in 1951 in support of a United Nations initiative).

- **Multilateral Guarantee Agreement:** the 1991 Multilateral Agreement was entered into between certain bureaux only, under which a green card is not required on the basis of deemed insurance and the guarantee. This Multilateral Agreement itself consolidated various successive agreements since 1972 stemming from the requirement in the first Motor Insurance Directive for an agreement between bureaux to guarantee compensation, even if a vehicle turns out to be uninsured.
- The Internal Regulations of the Council of Bureaux (which updates the agreements above), signed in 2002.
- The Council of Bureaux 'Agreement between Bureaux on the Protection of Visitors', agreed in May 2012 aiming to replicate the sort of protection available to member states visiting victims under the EU Directive. National Insurer Bureaux can agree with other bureaux to apply the Agreement on a bilateral basis.

The Common Frameworks principles agreed at JMC (EN) state that frameworks will be established where necessary to ensure the UK can negotiate, enter, and implement new trade agreements and international treaties, and ensure compliance with international obligations. These principles were established in the context of an ambition for close working between the UK Government and the Devolved governments on reserved matters that significantly impact devolved responsibilities in common frameworks.

Common Frameworks will allow the parties, in a timely manner, to ascertain the impact of international trade on managing UK policy divergence. All parties to the framework will consider any impact in a way that meets the requirements of the JMC (EN) principles. Common Frameworks will allow considering any implications stemming from international trade which have a direct bearing on the operation of a Common Framework. The scope of this consideration will not extend beyond Common Frameworks.

International policy formulation will be developed in line with the current Devolution MoU and its accompanying International Relations Concordat. International obligations will be implemented in line with these agreements. In this respect, the parties will automatically use any updated IR Concordat, and the wider outcomes of the Joint IGR Review, as the basis for such international considerations.

The Windsor Framework

This Common Framework does not intersect with the Windsor Framework.

3. Definitions

Definitions for the key terms in this policy area are as follows:

National Insurers' Bureau (NIB) - is put in place in each member country to guarantee that victims of road traffic accidents caused by foreign vehicles (of another participating country) will receive compensation, and this will occur in the country of the accident.

Motor Insurance Bureau (MIB) - national insurance bureau in the UK that guarantees the insurer of UK motorists visiting another Green Card country will reimburse according to the rules of the visited country. To note, this stakeholder is not a party to the framework.

Instead, DFT requests information from MIB to inform our understanding of motor insurance matters, which then informs the framework.

Green Card System - established to facilitate border crossings by ensuring appropriate liability cover is in place and supporting claims settlement covering 48 countries.

Green Card - an international certificate of insurance proving visiting motorists have the minimum compulsory insurance cover required by the law of the country visited.

Green Card Free Circulation - The 34 green card-free circulation countries are parties to a further 'Agreement between the national insurers' bureaux of the Member States of the EEA and other Associate States' adopted in 2002 and revised in 2008 ('the Green Card free circulation agreement') in which they agree to be bound by the optional obligations in section 3 of the Internal Regulations. These countries have agreed to abolish border checks on insurance documents, facilitated under the EU Motor Insurance Directive.

Council of Bureaux - The Council of Bureaux (CoB) is the managing organisation of the Green Card system and the EU Motor Insurance Directives. It operates under the United Nations' aegis and cooperates with EU institutions. It acts as the secretariat for the bodies applying the EU Motor Insurance Directives. To note, this stakeholder is not a party to the framework.

DfT Road Safety Standards Services (RSSS)/Director – The Department for Transport's directorate/senior official responsible for motor insurance policy relating to the future relationship with the EU.

DfI Driving, Vehicle & Road Safety Policy Division and the Gateways and EU Relations Directorates/Directors - The Department for Infrastructure's directorates/senior officials responsible for motor insurance policy relating to the future relationship with the EU.

SECTION 2: PROPOSED BREAKDOWN OF POLICY AREA AND FRAMEWORK

4. Summary of proposed approach

Non-legislative agreement

This Framework Outline Agreement will be agreed between DfT and DfI, establishing the ways of working set out here as the (non-legislative) Motor Insurance Common Framework.

JMC(EN) Frameworks Principles

DfI and DfT agree that the approach summarised above is necessary according to Section 1 of the JMC(EN) Frameworks principles, particularly to ensure compliance with international obligations, as well as to enable the management of common resources and providing access to justice in cases with a cross-border element (see Annex A for the full list of principles).

The reason this policy area falls under these principles is that as a minimum, under international obligations (and to remain part of the Green Card-free Circulation Zone) GB and NI insurance providers must provide cover for travel to EEA Member States. This is as per the 'Agreement between the national insurers' bureaux of the Member States of the EEA and other Associate States' adopted in 2002 and revised in 2008 ('the Green Card free circulation agreement') in which parties agree to be bound by the optional obligations in section 3 of the Internal Regulations. These countries have agreed to abolish border checks on insurance documents. Currently, there is no power for the devolved administrations to opt out of providing this cover.

5. Detailed overview of proposed framework: legislation (primary or secondary)

It has been agreed by DfI and DfT that no legislation is required in this area.

6. Detailed overview of proposed framework: non-legislative arrangements

DfI and DfT considered whether a concordat was required as part of the development of this Common Framework. It has been agreed by all parties that a separate concordat is not required in this instance as it would duplicate information that is already in the Framework Outline Agreement.

7. Detailed overview of areas where no further action is thought to be needed

Not Applicable

OPERATIONAL DETAIL

SECTION 3: PROPOSED OPERATIONAL ELEMENTS OF FRAMEWORK

8. Decision making

Key joint decisions that will be made through this framework

- Once the framework is in operation, the key joint decisions that will or could be taken by the parties to this framework are:
- Policy decisions on Green Cards and Visiting Victims arrangements.
- Resolution of issues.
- Referring issues to the overarching dispute avoidance and resolution mechanism outlined in the Intergovernmental Relations Review.
- Reviewing and amending the framework.

Decision-making fora

The main forum for official-level discussion and decision-making will be the Motor Insurance Common Framework Official Working Group. Terms of Reference for this group are set out in Annex B.

For the proposed governance structure to operate most effectively, it is envisaged that recommendations for most proposals will be agreed at the official level. It is therefore essential that an appropriate evidence base is developed at this level. The development of evidence base could be carried out through:

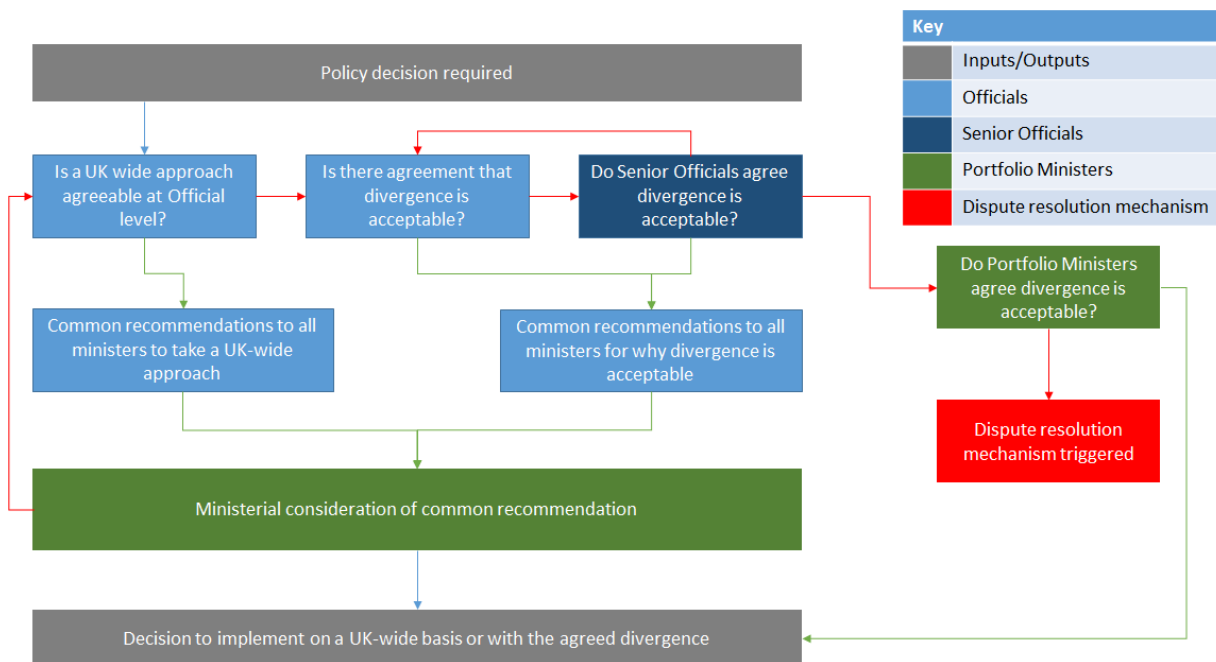
- Commissioning further evidence from analysts
- Commissioning further evidence from legal teams
- Seeking advice from external bodies
- Engagement with industry (possibly through consultations, working groups etc)

Where evidence is being gathered this will, where possible, be shared between administrations.

Criteria for joint decisions will be agreed upon by those present during official level meetings and will be dependent on the issue being discussed. Further escalation (above deputy director level) will be determined as and when it is seen as appropriate to do so, determined by officials present during the meetings organised to discuss the issues.

The evidence-based input may include papers on proposals to diverge to be circulated and reviewed by a wider circulation list ahead of meetings. Output may include updates on where conversations have reached, and this is to be circulated and provided to DfT Road Safety Division (RSD) Director(s) and the DfI Driving, Vehicle & Road Safety Policy Division/Gateways and EU Relations Directors as appropriate. If no agreement is reached, the course of action would be to escalate involvement to DfT RSD and DfI Driving, Vehicle & Road Safety Policy Division/Gateways and EU relations Directors to progress the matter.

Initially, discussions will be held at an official level. Ministerial-level consultation would be determined during meetings with officials, depending on the nature of the issue. Discretion at the director level would be exercised. Any final decisions would be made with Ministerial clearance. Decision-making will be tracked by officials on both sides. Any disagreement between administrations on approaches should be recorded.



External stakeholders will not be party to the framework. The framework parties may seek information from third parties to inform decision-making, but third parties will not have an active role in the decision-making process.

Disagreements

The parties to this framework have agreed that if there is a disagreement on a decision, an effort will be made to resolve this issue at the lowest possible level. If there has been a disagreement, officials will seek further evidence to better inform their discussions and consult lawyers for further advice on matters where there is a lack of clarity. If an issue can't be resolved, parties will follow the dispute resolution process outlined in section 13 of this document.

Any issues between parties will be recorded as this may help to inform the Review and Amendment process when it is next conducted.

9. Roles and responsibilities of each party to the framework

The following sets out the roles and responsibilities of officials and ministers in this framework.

Officials

Officials will hold day-to-day discussions on the policy covered by frameworks and give advice to ministers with the rationale for the approach taken within motor insurance, or why divergent policies may be necessary. Officials across administrations should convene to discuss policy issues as appropriate and to keep colleagues regularly informed of any ramifications that policy will have across administrations. If such officials do not agree when making decisions, issues discussed at a working level can be escalated to senior officials in line with the framework's dispute avoidance and resolution mechanism.

Senior Officials

Senior officials (e.g. Deputy Directors and Directors) provide strategic direction on the policy areas governed by frameworks and make key operational decisions. They may review an issue as per a framework's dispute avoidance and resolution mechanism if officials are not able to agree on an approach, or if ministers have rejected advice from officials in the first instance, in another attempt to reach agreement. Senior officials should convene to discuss issues as appropriate, either by regular meetings or on an ad hoc basis.

Ministers

Ministers may receive advice from their officials either concurrently across administrations as issues arise or during business as usual for individual administrations. Ministers may accept advice or they may reject it. If work is remitted to senior officials and an issue remains unresolved, the issue may be escalated to ministers. Where ministers are

considering issues as part of the Framework's dispute avoidance and resolution mechanism this could be via several media, including inter-ministerial meetings or by correspondence. Where appropriate, it may be escalated to a senior minister. To note, terminology distinguishing ministerial hierarchy is not universal across governments. Where there is a distinction, it is likely that advice presented to a minister who is not a senior minister, will be copied to a senior minister who may provide an additional steer if needed. In some circumstances, the senior minister will also be the most appropriate minister to make a decision and therefore the distinction between senior minister and minister will not be relevant. In the case of DfT, a senior minister would be the Secretary of State (SoS).

Information sharing

As per the current MoU on Devolution, each administration will aim to provide each other with as full and open as possible access to scientific, technical and policy information including statistics and research and, where appropriate, representations from third parties.

Parliamentary and stakeholder communication and engagement

The parties to the framework will undertake to update legislatures at least every three years and if the Framework changes substantively, if outside of the three yearly review points. Additionally, advice will be sought as and when necessary, but this is not expected to be on a regular basis. The parties to the framework may seek information from third parties to inform decision making, but third parties and stakeholders will not have an active role in the decision-making process.

10. Roles and responsibilities of existing or new bodies

Working group senior.

11. Monitoring

DfT and DfI meet fortnightly and will monitor the framework on a routine basis as the quarterly working group is established. The purpose of monitoring is to assess:

- intergovernmental cooperation and collaboration as a result of the Framework;
- whether parties are implementing and complying with the Framework;
- whether divergence has taken place, whether this is in contravention of the Common Framework principles; and
- whether divergence has taken place that impacts the policy area covered by the Framework.

The outcome of this monitoring will be used to inform joint decision-making going forward and the next review and amendment process. If there is an unresolved disagreement, the dispute avoidance and resolution mechanism should be used.

12. Review and Amendment

Process

The Review and Amendment Mechanism (RAM) ensures the framework can adapt to changing policy and governance environments in the future.

- There are two types of review which are outlined below. The process for agreeing amendments should be identical regardless of the type of review.
- The RAM relies on consensus at each stage of the process from the Ministers responsible for the policy areas covered by the non-legislative agreement.
- Third parties can be used by any party to the framework to provide advice at any stage in the process. These include other government departments or bodies as well as external stakeholders such as NGOs and interest groups.
- At the outset of the review stage, parties to the framework must agree on timelines for the process, including the possible amendment stage.
- If agreement is not reached in either the review or amendment stage, parties to the framework can raise it as a dispute through the framework's dispute avoidance and resolution mechanism.

Review Stage

- A periodic review of the framework will take place every 3 years, in line with official or ministerial-level meetings.
 - The period of 3 years starts from the conclusion of a periodic review and any amendment stages that follow.
 - During the periodic review, parties to the framework will discuss whether the governance and operational aspects of the framework are working effectively and whether decisions made over the previous 3 years need to be reflected in an updated non-legislative agreement.
- An exceptional review of the framework is triggered by a 'significant issue'.
 - A significant issue must be time-sensitive and fundamentally impact the operation and/or the scope of the framework.
 - The exceptional review may include a review of governance structures if all parties agree it is required. Otherwise, these issues are handled in the periodic review.

- The same significant issue cannot be discussed within six months of the closing of that issue.

The amendment stage can only be triggered through unanimous agreement by ministers. If parties agree that no amendment is required, the relevant time period begins again for both review types. It will be 3 years until the next periodic review and at least 6 months until the same significant issue can trigger an exceptional review.

Amendment Stage

- Following agreement that all parties wish to enter the amendment stage, parties will enter a discussion around the exact nature of the amendment. This can either be led by one party to the framework or all.
- If an amendment is deemed necessary during either type of review, the existing framework will remain in place until a final amendment has been agreed
- All amendments to the framework must be agreed upon by all parties and a new non-legislative agreement signed by all parties.

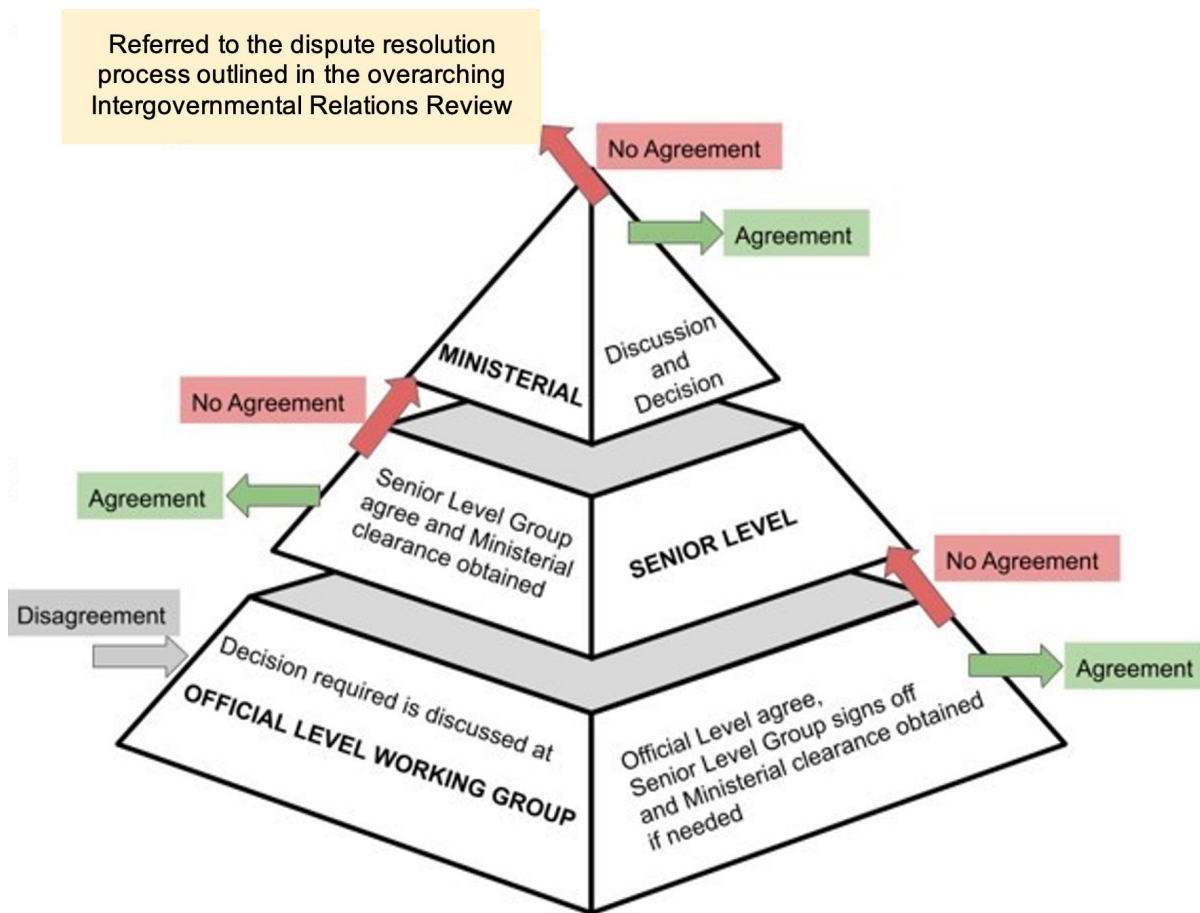
If parties cannot agree on whether or how a framework should be amended this may become a disagreement and as such could be raised through the framework's dispute avoidance and resolution mechanism.

13. Dispute resolution

Process

- A disagreement between parties of this framework becomes a 'dispute' when it enters the formal dispute avoidance and resolution process set out in the Review of Intergovernmental Relations, which has been agreed by the UK Government and the devolved governments, and was published on 13 January 2022. This Common Framework is consistent with the outcomes of that review and reflects those outcomes where relevant.
- The goal of this dispute avoidance and resolution mechanism is therefore to avoid escalation to this point, by resolving any disagreements at the lowest possible level.
- This mechanism will be utilised only when genuine agreement cannot be reached and divergence would impact negatively on the ability to meet the Common Frameworks principles. In those areas where a common approach is not needed to meet these principles an "agreement to disagree" could be considered an acceptable resolution.
- The working groups within this framework are the Motor Insurance Common Framework Official Working Group – made up of officials from DfT and DfI – and the Motor Insurance Common Framework Senior Official Working Group – made up of Directors and Deputy Directors from both parties.

- The below diagram states the levels of escalation of a disagreement to a dispute and the interaction between each level.



Timescales for escalation

When a proposal is raised at an official level, consideration will be given to the urgency of the proposal (i.e. how quickly a decision is required). This assessment will guide timescales for escalation of disagreement within the governance structure, with decisions requiring a more immediate resolution being escalated more quickly.

Evidence gathering

At each stage, further evidence may be requested from the preceding forum before the disagreement is discussed.

Third parties

The parties to the framework may seek information from third parties to inform decision-making, but third parties and stakeholders will not have an active role in the decision-making process.

SECTION 4: PRACTICAL NEXT STEPS AND RELATED ISSUES

14. Implementation

DfT and DfI have been working together to draft and agree the Framework Outline Agreement. Following scrutiny by the UK Parliament and the NI Assembly between October 2021 and January 2022, the UKG-NI policy teams have jointly assessed the recommendations from both committees and updated the Framework accordingly.

Annex A: Joint Ministerial Committee (EU Negotiations) Communique, October 2017

Common Frameworks: Definition and Principles

Definition

As the UK leaves the European Union, the Government of the United Kingdom and the devolved administrations agree to work together to establish common approaches in some areas that are currently governed by EU law, but that are otherwise within areas of competence of the devolved administrations or legislatures. A framework will set out a common UK or GB approach and how it will be operated and governed. This may consist of common goals, minimum or maximum standards, harmonisation, and limits on action or mutual recognition, depending on the policy area and the objectives being pursued. Frameworks may be implemented by legislation, by executive action, by memorandums of understanding, or by other means depending on the context in which the framework is intended to operate.

Context

The following principles apply to Common frameworks in areas where EU law currently intersects with devolved competence. There will also be close working between the UK Government and the devolved administrations on reserved and excepted matters that impact significantly on devolved responsibilities.

Discussions will be either multilateral or bilateral between the UK Government and the devolved administrations. It will be the aim of all parties to agree where there is a need for Common Frameworks and the content of them.

The outcomes from these discussions on Common Frameworks will be without prejudice to the UK's negotiations and future relationship with the EU.

Principles

1. Common Frameworks will be established where they are necessary in order to:

- enable the functioning of the UK internal market, while acknowledging policy divergence;
- ensure compliance with international obligations;
- ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;
- enable the management of common resources;
- administer and provide access to justice in cases with a cross-border element; and
- safeguard the security of the UK.

2. Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and will therefore:

- be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent;
- maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules; and
- lead to a significant increase in decision-making powers for the devolved administrations.

3. Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK that shares a land frontier with the EU. They will also adhere to the Belfast Agreement.

Annex B: Terms of Reference for Motor Insurance Framework

Purpose

To bring together the Motor Insurance Common Framework Official Working Group to discuss motor insurance and make joint decisions that uphold the JMC(EN) Frameworks principles.

Objectives

The purpose of the Motor Insurance Common Framework Official Working Group is to bring together the DfI and DfT to:

- Facilitate multilateral policy development
- Seek, where agreeable to develop and agree upon common policy approaches
- Manage potential divergence in a way that respects the Devolution Settlements
- Coordinate parliamentary and stakeholder engagement and communication
- Review and amend the framework as per the R&A process
- Escalate issues as per the dispute avoidance and resolution process

Membership

1. Core membership:
 - Department for Transport
 - Department for Infrastructure
 - DfT Road Safety Strategy team

- DfI Roads/Motor Insurance Policy team
- RSD Deputy Director and Director and DfI Driving, Vehicle & Road Safety Policy Division/Gateways and EU Relations Deputy Director and Directors.

Operation of the Group

2. The Group will meet quarterly as a minimum, with meeting frequency remaining flexible to reflect activity in a particular area.
3. Each administration will aim to provide each other with as full and open as possible access to scientific, technical and policy information including statistics and research and, where appropriate, representations from third parties.
4. Where the Group decides that actions should be tasked to other working groups, or that other fora should be informed of outcomes of Group meetings, the secretariat will be responsible for this.
5. These Terms of Reference may be amended as necessary by a decision of the Group.