

CONSOLIDATED FOURTEENTH PROTOCOL TO THE
MANO RIVER DECLARATION
THIRD PARTY CIVIL LIABILITY INSURANCE IN THE UNION

WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE MANO RIVER UNION:

IN FUTHURANCE of the aims and objectives of the Mano River Union;

CONSEQUENT on the decision as recorded in the Eight Article of the MANO RIVER DECLARATION;

RECOGNISING the need to promote the freedom of movements within the union;

NOTING that the purpose of compulsory insurance coverage against civil liability in respect of the use of motor vehicles is to safeguard the interest of persons who may be victims of accidents caused by such vehicles and that the existence of frontier controls of such insurances would result in disparities among national requirements in this field;

RESOLVING to remove such disparities as may impede the free movement of motor vehicles and persons within the Union;

CONSCIOUS of the need to involve the inhabitants of the Union more fully in the reality of the union through the measures undertaken to liberalize the rules regarding the free movement of persons and motor vehicles traveling between the Member States; and that for this purpose it will be necessary that the recognized insurers of each Member State should enter into an agreement whereby each national insurer in a proportion to be determined amongst their guarantees compensation in accordance with the provision in national law in respect of loss or injury giving entitlement to compensation, caused in their territory by one of those vehicle, and that such a guarantee agreement presupposes that all Union motor vehicle traveling in union territory are covered by insurance and that the national law of each member State should therefore provide for compulsory insurance to be valid throughout the union territory that such national law may nevertheless provide for exception for certain persons and for certain type of vehicles;

DO HEREBY ESTABLISH THIS PROTOCOL TO THE DECLARATION:

FIRST, for the purpose of this protocol;

“Vehicle” means any motor vehicle intended for travel on land and propelled by mechanical power, but not running on rails, and any trailer whether or not coupled;

“Injured party” means any persons entitled to compensation in respect of any loss or injury caused by vehicles or from operation thereof;

“National Insurer” or “Insurer” means a professional organization which constituted in accordance with national law is authorized to conduct the business of motor insurance against civil liability;

“Territory in which the vehicle is Normally Based” means the territory of the state in which the vehicle is registered or in cases where no vehicle is registered or in cases where no registration is required for a type of vehicle but the vehicle bears an insurance plate or a distinguished sign analogous to the registration plate, the territory of the State in which the insurance sign or plate is issued or in cases where neither registration plate nor distinguishing sign is required for certain type of vehicles, the territory of the state in which the person who has custody over the vehicle is permanently resident.

SECOND, each Member State shall take all appropriate measures to ensure that civil liability in respect of the use of Vehicles normally based on its territory is covered by insurance. The extent of the liability covered and the terms and conditions of the coverage shall be determined on the basis of these measures:

Each Member State shall take all appropriate measures to ensure that the contract of insurance also covers:

- according to the laws in force in the other Member State any loss or injury which is caused in the territory of that Member State;

- any loss or injury suffered by nationals of the Member State during a direct journey between the two territories in which this protocol is in force in accordance with national laws on compulsory insurance in the vehicle is normally based.

THIRD, each Member State shall ensure that where an accident is caused in its territory by a vehicle normally based in the territory of the other Member State the national insurer shall obtain all relevant information;

FOURTH, each Member State shall take all appropriate measure to ensure that vehicles normally based in the territory of a Third State entering the territory of a Member State shall not be used in its territory unless and loss or injury caused by those vehicles is covered in accordance with the requirements of the law of the Member State on compulsory insurance against civil liability in respect of the use of vehicles throughout the union territory;

FIFTH, any vehicle normally based in the territory of a Third State must before entering Union territory be provided with a certificate of frontier insurance establishing that the vehicle is insured in accordance with paragraph four hereof;

however, vehicle normally based in a Third State shall be treated as vehicles normally based in the union if a national insurer of a Member State guarantees in accordance with applicable national law on compulsory insurance settlement of claims in respect of accident occurring in the territory in which the national insurer is registered, caused by such vehicle;

upon having ascertained that the obligations referred to in the proceeding paragraph have both assumed by the Member State, the union Ministerial Council shall fix the date from which and the types of vehicles for which Member State shall no longer require production of the documents referred to in sub-paragraph one hereof;

IN WITNESS WHEREOF, WE, the Heads of State and Government of the Member States of the Mano River Union have hereunto affixed our respective signatures:

