

Green Card Bureau Compendium

D – Germany

Review date: 14/02/2022

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General information

Please provide the official full name of your Bureau.

Deutsches Büro Grüne Karte e.V.

What is the legal status (form) of your Bureau (non-profit organisation, association of legal entities, limited liability company, etc.)?

Registered association / non-profit organisation

How is the ownership/membership of your Bureau structured (e.g. owned/controlled by all members equally, part of state government, etc.)?

Members of the association are all MTPL insurance companies operating in Germany

Question N° 1

1.1. What was the date of the original Law, which introduced Compulsory Third Party Motor Insurance and what was the date of its entry into force?

5th April 1965. In force since 1st October 1965.

1.2. What is the date of the present Law and of its entry into force?

6th February 2017. In force since 6th February 2017.

Question N° 2

2. Which are the classes of motor vehicles for which insurance is compulsory?

All motor vehicles including trailers.

Question N° 3

3. Is the Law applicable to foreign visitors?

Yes.

Question N° 4

4. Does the Law apply in respect of liability for both personal injury and damage to property?

Yes.

Question N° 5

5. What is the minimum limit of cover required for personal injury damage? State the minimum value of sum insured, date with effect from and please indicate whether the limit is per accident or per victim.

| Type of vehicle | Personal injuries | | Material damage | | Miscellaneous |
|---|-------------------|------------|-----------------|------------|--------------------|
| | Per accident | Per victim | Per accident | Per victim | Consequential loss |
| MINIMUM VALUES OF SUMS INSURED | € 7.500.000 | N/A. | € 1.220.000 | N/A. | € 50.000 |
| For motor vehicles with more than 9 seats being used for the conveyance of passengers (driver's seat excluded), the amounts are increased for the 10th and each additional seat till the 80th seat. | € 50.000 | N/A. | | N/A. | € 500 |
| For each additional seat after the 80th | € 25.000 | N/A. | | N/A. | € 500 |
| Date of effect: 11/06/2016 | | | | | |

Question N° 6

6.1. Does the Law require cover in respect of passengers carried in the vehicle?

Yes.

6.2. Is there any category of passenger excluded from this cover?

N/A.

Question N° 7

7. Under what conditions is an insurer permitted by Law to reject a third party claim? Please specify.

After a period of one-month beginning at the date when the Insurer has sent a notification to the competent authority regarding the termination of Insurer's contractual cover.

Question N° 8

8. Is there a direct right of action by a third party against an insurer?

Yes.

Question N° 9

9. Does a claimant resident in a foreign country have a direct right of action against the local Bureau or the insurer representing the Bureau?

Yes, but not against the Insurer dealing with a claim on behalf of the Bureau.

Question N° 10

10.1. Does the Law require the insurer and/or Bureau to make an offer of compensation to a claimant within a specified time?

Yes.

If yes, what is the nature of the damages to which the time-limit applies?

All kind of damages.

10.2. What is the specific time-limit?

3 months.

10.3. Which are the other provisions of the Law in this respect? (e.g. sanctions)

The claim will be charged with interest.

10.4. Are there any similar stipulations for provisional payments?

No.

Question N° 11

11.1. Is there a limitation period for legal proceedings against the insured or the insurer?

Yes.

If yes, please specify.

Limitation occurs 3 years after knowing the circumstances that allows the victim to claim. The direct claim against the insurance company ends at the latest 10 years after the accident.

11.2. Are there any provisions in the Law which allow for the suspension or extension of that limitation period?

Yes.

If yes, please specify.

Limitation can be exceptionally delayed.

Question N° 12

12.1. Is your Bureau a VAT liable entity?

No.

12.2. If yes, please indicate the VAT number:

N/A.

In this case is the service of claims handling by the Bureau VAT exempted?

N/A.

12.3. Is an MTPL insurer in your market a VAT liable entity?

We assume that yes.

If yes, is the service of claims handling by an MTPL insurer VAT exempted?

We have no information. Please ask the insurer concerned.

12.4. Is a specialised claims handling office a VAT liable entity?

We assume that yes.

If yes, is the service of claims handling by this entity VAT exempted?

We have no information. Please ask the claim handling office concerned.

COUNCIL OF BUREAUX

Question N° 13

[Note: Questions addressed to non-EEA Bureaux only. For EEA Bureaux, see Section 2 & 3]

13.1. Is there a Guarantee Fund in your Country?

N/A.

If yes, what are the conditions and limits of intervention of the Guarantee Fund?

N/A.

13.2. Are these conditions and limits applicable to non-residents whether they are the cause of, or victims of, accidents?

N/A.

Question N° 14 – For countries concerned by Section III of the Internal Regulations

14.1. Are there natural or legal persons (public or private) exempted from the obligation of compulsory MTPL insurance in your country? (Article 12.2 of the Internal Regulations)

Yes.

If yes, please list the persons exempt from compulsory MTPL insurance:

Military vehicles subject to the terms of International Agreements

In this case please also indicate the authorities or bodies responsible for compensation:

The competent national authority / Ministry of Defence.

14.2. Are there certain types of vehicles or certain vehicles bearing a special plate exempted from the obligation of compulsory MTPL insurance in your country? (Article 12.3. of the Internal Regulations)

Yes.

If yes, please list those vehicles:

Except Government vehicles and those which maximum speed does not exceed 6 km/hour and self-propelled plant with a maximum speed of 20 km/hour if they are not subject to the prescriptions of the concession procedure.

Question N° 15

15.1. Any other special features?

No.