

Common Compendium

BIH - Bosnia and Herzegovina

Review date: 25/08/2022

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Country Code: BIH

Organisation (s):)

BIRO ZELENE KARTE U BOSNI I HERCEGOVINI

(English: GREEN CARD BUREAU IN BOSNIA AND HERZEGOVINA)

1. Basic Information (GCB/GF/CB)

This section is aimed at all three organisations. The questions are repeated three times to be filled out by each organization

1.1. If relevant, please indicate the name of the organisation that operates as:

Green Card Bureau: Green Card Bureau in Bosnia and Herzegovina

Guarantee Fund: Click or tap here to enter text.

Compensation Body: Click or tap here to enter text.

Information Centre: Green Card Bureau in Bosnia and Herzegovina

1.2. What is the legal status/form of your organisation? Only one option can be selected by each organisation.

Please answer in your capacity as Green Card Bureau:

Non-profit organisation

Association of legal entities

Limited liability company

Other. Please specify. Click or tap here to enter text.

Please answer in your capacity as Guarantee Fund:

Non-profit organisation

Association of legal entities

Limited liability company

Other. Please specify. Click or tap here to enter text.

Please answer in your capacity as Compensation Body:

Non-profit organisation

Association of legal entities

Limited liability company

Other. Please specify. Click or tap here to enter text.

1.3. How is the ownership of your organisation structured? Only one option can be selected by each organisation.

Please answer in your capacity as Green Card Bureau:

Owned/controlled by all Members equally

Part of state government

Other. Please specify. Click or tap here to enter text.

Please answer in your capacity as Guarantee Fund:

Owned/controlled by all Members equally

Part of state government

Other. Please specify. Click or tap here to enter text.

Please answer in your capacity as Compensation Body:

COUNCIL OF BUREAUX

- Owned/controlled by all Members equally
- Part of state government
- Other. Please specify. Click or tap here to enter text.

1.4. How is the membership/governance of your organisation structured? Only one option can be selected by each organisation.

Please answer in your capacity as Green Card Bureau:

- Only insurance undertakings are Member to the organisation
- Mixed membership of insurance undertakings and other members
- Only Members participate in the governance
- Others may participate in the governance
- Other. Please specify. Click or tap here to enter text.

Please answer in your capacity as Guarantee Fund:

- Only insurance undertakings are Member to the organisation
- Mixed membership of insurance undertakings and other members
- Only Members participate in the governance
- Others may participate in the governance
- Other. Please specify. Click or tap here to enter text.

Please answer in your capacity as Compensation Body:

- Only insurance undertakings are Member to the organisation
- Mixed membership of insurance undertakings and other members
- Only Members participate in the governance
- Others may participate in the governance
- Other. Please specify. Click or tap here to enter text.

1.5. Is your organisation a VAT liable entity? Only one option can be selected by each organisation.

Please answer in your capacity as Green Card Bureau:

Yes

No

If answered yes to question 1.5., please indicate the VAT number: Click or tap here to enter text.

If answered yes to question 1.5, is the service of claim handling VAT exempted?

Yes

No

In what instances is VAT refundable? Please specify. Click or tap here to enter text.

Please answer in your capacity as Guarantee Fund:

Yes

No

If answered yes to question 1.5., please indicate the VAT number: Click or tap here to enter text.

If answered yes to question 1.5, is the service of claim handling VAT exempted?

Yes

No

In what instances is VAT refundable? Please specify. Click or tap here to enter text.

Please answer in your capacity as Compensation Body:

Yes

No

If answered yes to question 1.5., please indicate the VAT number: Click or tap here to enter text.

If answered yes to question 1.5, is the service of claim handling VAT exempted?

Yes

No

In what instances is VAT refundable? Please specify. Click or tap here to enter text.

1.6. For a full overview of your national GCB/GF/CB please provide the link of your website:

GCB: <https://www.bzkbih.ba/>

GF: Click or tap here to enter text.

CB: Click or tap here to enter text.

The following questions are only aimed at Guarantee Funds and Compensation Bodies.

1.7. On what legal basis is your organisation authorised to carry out compensation?

Please answer in your capacity as Guarantee Fund:

Please provide the name and date of the law: Click or tap here to enter text.

Please answer in your capacity as Compensation Body:

Please provide the name and date of the law: Click or tap here to enter text.

1.8. Is compensation by your organisation subsidiary? Only one option can be selected by each organisation.

Please answer in your capacity as Guarantee Fund:

Yes

No

Please provide further explanations: Click or tap here to enter text.

If the compensation is subsidiary, which entities are excluded? Click or tap here to enter text.

Please answer in your capacity as Compensation Body:

Yes

No

Please provide further explanations: Click or tap here to enter text.

If the compensation is subsidiary, which entities are excluded? Click or tap here to enter text.

2. Applicable law (GCB/GF/CB)

This section is aimed at all three organisations. You are invited to complete this section in cooperation amongst your organisations, if applicable. Only one common answer is expected to be provided.

2.1. Provide the title and if applicable, the number of your national law which forms the basis for making a claim (Road Traffic Act, Insurance Law, Liability Law, etc.)

Existing Law on compulsory traffic insurance was enacted on 30th September 2015 / 11th August 2020 and it came into force on 14th October 2015 / 27th August 2020.

2.2. What liability regime do your organisations operate with? Only one option can be selected.

- Fault based liability**
- Strict liability**
- Other . Please specify.** Click or tap here to enter text.

2.3. Are there any restrictions to the activities of your organisations regarding the way the law applies to visitors with regard to:

- Country of residence. Please specify.** Click or tap here to enter text.
- Nationality. Please specify.** Click or tap here to enter text.
- Other. Please specify.** Click or tap here to enter text.

There are no restrictions

2.4. For what types/categories of motor vehicles is insurance compulsory?

Pursuant to the Law, the subjects of compulsory insurance are motor vehicles driven on public roads and other traffic areas, which are also subjects of compulsory registration, pursuant to the Regulations on road traffic.

Are there any exemptions? Please specify. Rail vehicles (trams); military vehicles

2.5. Does the MTPL insurance law apply to private areas?

- Yes**
- No**

How do you define a private area according to your national law? Please specify. A private area is defined as “other traffic area”.

2.6. What is the minimum amount of cover required for material and personal injury damage? State the minimum value of sum insured, the date as of which it is in effect from and please indicate whether the limit is per accident or per victim:

Click or tap here to enter text.

Type of vehicle	Personal injuries		Material damage	
	Per accident	Per victim	Per accident	Per victim
All	BAM 2,000,000.00	-*	BAM 400,000.00	-*
Date of effect: 14/10/2018				

* Irrespective of the number of victims

2.7. In which cases is an MTPL-insurer permitted by Law to reject/refuse cover for a third party claim? Please specify for the below-mentioned sub-items:

- Accident caused by stolen vehicles: Click or tap here to enter text.
- Accident caused by drunk driving: Click or tap here to enter text.
- Accident caused with intent (for instance homicide, suicide): Click or tap here to enter text.
- Accident caused by a terrorist attack: Click or tap here to enter text.
- Accident caused by a driver without a license: Click or tap here to enter text.
- Other instances: Click or tap here to enter text.

2.8. Does your national law require cover in respect of passengers carried in the vehicle?

- Yes
- No

Please specify. Click or tap here to enter text.

Is there any category of passenger excluded from this cover?

Yes

No

Please specify. A passenger who voluntarily entered a vehicle driven by an unauthorized driver or driver under the influence of alcohol or narcotics, if that circumstance should have been known to the passenger.

2.9. Does your national law require the insurer and/or Bureau to make an offer of compensation to a claimant within a specified time?

Yes

No

If yes, what is the nature of the damages to which the time-limit applies? Click or tap here to enter text.

All types of damages.

If yes, what is the specific time-limit? Click or tap here to enter text.

The insurers are obliged to make an offer or to explain why the claim is denied, in specific time-limit of 60 days.

2.10. What is the statute of limitation periods (prescription) according to your national law against the MTPL insurer when there is a direct action?

Click or tap here to enter text.

3 years, from ascertainment of damage and of the responsible person, but maximum 5 years from the date of accident.

2.10.1. When does the period of limitation begin and when does it expire?

In respect to material damage: Click or tap here to enter text.

It starts from the day of the accident and expires after 3 years

In respect to bodily injuries: Click or tap here to enter text.

It starts from the end of medical treatment (when the health condition is definitive) and expires after 3 years

2.10.2. Are there any provisions in your national law which allow the suspension/extension of the limitation period? How about interruption? Please specify.

Click or tap here to enter text.

- a. Interruption of the limitation period: recognition of debt.
- b. Extension of the limitation period: claims resulting from tort.

**2.10.3. Are there special circumstances in your national law regarding statute of limitations?
Please describe in short :**

No

Are there any differences for limitation period of liable party? [Click or tap here to enter text.](#)

No

The following questions are only aimed at Compensation Bodies. Please answer in your capacity as Compensation Body:

2.11. Under your legislation, does a victim who has requested compensation under Articles 24 and 25 of the Codified Motor Insurance Directive have the right to remedy against the decision/omission of the Compensation Body?

Yes

No

If yes, please specify (i.e. appeal to administrative authority, judicial review of the latter's decision or action to court directly, i.e., passive procedural legitimacy of the Compensation Body):

[Click or tap here to enter text.](#)

3. Trucks and trailers (GCB/GF/CB)

This section is aimed at all three organisations. You are invited to complete this section in cooperation amongst your organisations, if applicable. Only one common answer is expected to be provided.

3.1. Does your national law regulate trailers?

Yes

No

3.2. Liability

3.2.1. If the truck is coupled with the trailer, does liability strictly fall on the truck or is there a division of liability? Please specify.

All liability finally falls on a truck.

3.2.2. Can liability arise in case of an uncoupled trailer in an accident?

Yes

No

If yes, what are the conditions? [Click or tap here to enter text.](#)

In case of both, static or rolling position (e.g. material falling from the parked trailer / uncontrolled movement of the parked trailer).

3.3. Do trailers need to bear a registration plate in your country?

Yes

No

If yes, please specify the conditions: [Click or tap here to enter text.](#)

All trailers need to bear registration plate.

3.4. Is the trailer given separate plates or does it bear the same registration plate as the truck?

Yes

No

Please specify. [Click or tap here to enter text.](#)

A separate registration plate is required.

3.5. Does your country have an established practice in determining where (the component parts of) a truck-trailer combination bearing the registration plates of different countries is/are:

- "normally based"

Yes

No

Please specify. Click or tap here to enter text.

- **“originating from”**

Yes

No

Please specify. Click or tap here to enter text.

3.6. Is there an obligation to insure the truck and the trailer separately?

Yes

No

If yes, please specify the conditions/exemptions: Click or tap here to enter text.

Owners of all categories of trailers are obliged to insure them.

3.7. Do trailers need their own Green Card?

Yes

No

Please specify. Click or tap here to enter text.

They need their own Green Card separate from the towing vehicle.

3.8. If there is no insurance obligation for a trailer in your country but liability is ascertained under the applicable law, does the Guarantee Fund intervene?

Yes

No

Please specify. Click or tap here to enter text.

There is an insurance obligation for a trailer.

3.9. If there exists a separate liability, is a claimant obliged to make a claim against either the truck or the trailer?

Yes

No

Please specify. Click or tap here to enter text.

There is joint and several liability towards third parties, so the claimant is free to make a claim either against the towing vehicle or the trailer

3.10.If there is a division of liability?

Yes

No

If yes, Please specify.

- **the criteria (i.e. joint/several liability, percentage):** Click or tap here to enter text.

- **on what is the division of liability based (i.e. law/jurisprudence/agreement between insurers)?**

Click or tap here to enter text.

3.11.Can the division of risk between truck and trailer be based on any other rules than liability (e.g. such as on the basis of double insurance)?

Yes

No

Please specify. Click or tap here to enter text.

3.12.Who is responsible for the damage to a connected trailer in case of a solo accident?

The towing unit

The trailer

Other.

Please specify. Click or tap here to enter text.

In the case of a solo accident, the owner of the connected trailer cannot file a claim against the towing vehicle's insurer.

3.13.Who is responsible for the damage to a connected trailer in cases involving Third Parties?

The towing unit

The trailer

A third party, depending on the situation

Other. Please specify. Click or tap here to enter text.

4. Property Damage – Claims (GCB/GF/CB)

This section is aimed at all three organisations. You are invited to complete this section in cooperation amongst your organisations, if applicable. Only one common answer is expected to be provided.

4.1. For the following sub-items please state the different possibilities for a claimant to file a claim against a MTPL-insurer for property damage

4.1.1. How is vehicle damage covered with regards to repair costs?

Repair costs are fully covered.

The damaged party has the right to get the vehicle repaired or to receive the monetary value of the repair.

4.1.2. How is vehicle damage covered with regards to total loss?

Total loss is fully covered.

The damaged party has the right to compensation for the value of the vehicle on the day of the accident, taking into account corrective factors (market value, good/bad condition of the vehicle, mileage, etc.).

4.2. Does the claimant have right to compensation for loss of value for a damaged vehicle?

Yes

No

If yes, Please specify. Click or tap here to enter text.

In practice, the right to compensation for loss of value is granted for vehicles up to 4 years old.

4.3. Does the claimant have right to compensation for costs of expert reports?

Yes

No

If yes, Please specify. Click or tap here to enter text.

Expert costs are compensated if the Court has approved the engagement of an expert. In out-of-court proceedings, expertise is generally performed by experts from insurance companies.

4.4. Does the claimant have right to compensation for costs of vehicle recovery/rescue and towing a vehicle to a repair shop?

Yes

No

If yes, please specify the criteria: [Click or tap here to enter text.](#)

These costs are covered.

4.5. Does the claimant have right to compensation for the loss of use of a damaged vehicle?

Yes

No

If yes, please specify the criteria: [Click or tap here to enter text.](#)

Yes, if the claimant is engaged in business activities and the vehicle is used for that purpose.

4.6. Does the claimant have right to compensation for costs of hiring another vehicle in case of a damaged vehicle and/or a lump sum as a substitute?

Yes

No

If yes, please specify the criteria: [Click or tap here to enter text.](#)

Yes, if the claimant is engaged in business activity, or otherwise, if proves that hiring another vehicle was necessary.

4.7. Does the claimant have right to compensation for registration fees related to cases where the vehicle is a total loss?

Yes

No

If yes, please specify the criteria: [Click or tap here to enter text.](#)

In relation to the remaining registration period of damaged vehicle.

4.8. Does the claimant have right to compensation for costs related to overnight accommodation and meals?

Yes

No

If yes, please specify the criteria: [Click or tap here to enter text.](#)

Only average accommodation costs and if there is a need for that.

4.9. Does the claimant have right to compensation for pre-financing costs related to a vehicle damage (for instance borrowing money because of an accident)?

Yes

No

If yes, please specify the criteria: [Click or tap here to enter text.](#)

Only if these costs are necessary and with adequate proofs.

4.10. Does the claimant have right to compensation for general costs (i.e. telephone and mailing costs, administrative costs, etc)?

Yes

No

If yes, please specify the criteria: [Click or tap here to enter text.](#)

Only with adequate proofs.

4.11. Any other instances/cases which are covered?

Yes

No

If yes, Please specify. [Click or tap here to enter text.](#)

4.12. How can the claimant claim recovery for damages if the responsible vehicle is uninsured?

Please specify. [Click or tap here to enter text.](#)

The claimant can address a claim directly to the Guarantee Fund, which is competent for claims from uninsured vehicles

5. Personal Injuries and death – Claims (GCB/GF/CB)

For the following sub-items please state the different possibilities for a claimant to file a claim against a MTPL-insurer for bodily injury. Please specify for each question when applicable.

5.1. Does the claimant have right to compensation for costs of medical treatment?

Yes.

No.

Please specify. Click or tap here to enter text.

Medical expenses are covered.

5.1.1. Does your national law make a distinction between public and private healthcare?

Yes.

No.

Please specify. Click or tap here to enter text.

5.2. Does the claimant have right to compensation for costs of care and increased needs due to an accident?

Yes.

No.

Please specify. Click or tap here to enter text.

5.3. Does the claimant have right to compensation for disability?

Yes.

No.

Please specify. Click or tap here to enter text.

This is compensated within the right to compensation for moral damages (limitations in life, loss of quality, etc.)

5.4. Does the claimant have right to compensation for pain and suffering?

Yes

No

If answered yes, how is the amount of compensation assessed (fixed sum, tables, court)? Please specify.
Click or tap here to enter text.

There are judicial criteria in relation to intensity and duration (in days).

5.5. Does the claimant have right to compensation for loss of earnings?

Yes.

No.

Please specify. Click or tap here to enter text.

The claimant has to prove the amount of lost earnings

5.6. Does the claimant have right to compensation for loss of future earnings?

Yes.

No.

Please specify. Click or tap here to enter text.

Future earnings have to be certain and determinable

5.7. Does the claimant have right to compensation for loss of dependency (for instance a victim is fatally injured in a traffic accident and leaves a spouse/children behind)?

Yes.

No.

Please specify. Click or tap here to enter text.

The loss of sustentation is compensated for as long as it would have lasted in the normal circumstance

5.8. Does the claimant have right to compensation for funeral expenses?

Yes.

No.

Please specify. Click or tap here to enter text.

All funeral expenses are covered, in accordance with local customs

5.9. Does the claimant have right to compensation for moral damages (limitations in life, loss of quality, etc)?

Yes.

No.

Please specify. Click or tap here to enter text.

The resulting disability is compensated within this right as well

Is it part of the pain and suffering according to your national law?

Yes.

No.

Please specify. Click or tap here to enter text.

5.10. Does the claimant have right to compensation in case of aggravation of the damage suffered?

Yes.

No.

Please specify. Click or tap here to enter text.

5.11. Are relatives/next of kin entitled to compensation (tort, pain and suffering, other)?

Yes.

No.

Please specify. Click or tap here to enter text.

Parents, spouse/partner, children and siblings have this right by law.

5.12. Any other cases? Please specify.

Click or tap here to enter text.

6. Claims Settlement Procedures – in and out of court (GCB/GF/CB)

This section is aimed at all three organisations. You are invited to complete this section in cooperation amongst your organisations, if applicable. Only one common answer is expected to be provided.

6.1. What evidence is considered as acceptable/lawful in your country? More than one of the following options can be selected.

- Constat amiable (European Accident Statement)**
- Police report**
- Pictures**
- Witness statements**
- Medical statements**
- Other**

Please specify in detail: Click or tap here to enter text.

Common evidence is listed above, while generally the acceptability of each evidence is assessed on a case-by-case basis.

6.2. Out of court settlement

6.2.1. What are the conditions for filing a claim according to your national law? Please specify in detail:

Click or tap here to enter text.

In order to be taken in the handling process, the claim has to be completed (with all essential elements and supported with the necessary evidence).

6.2.2. Do you require proof for the following 3 indicators and please specify in detail (including limitations):

- **Proof of involvement – including the recording/requirement of the accident (i.e police report, constat amiable, etc.)**

Yes

No

Please specify. Click or tap here to enter text.

- **Proof of damage**

Yes

No

Please specify. Click or tap here to enter text.

- **Proof of causal link between liability and damage**

Yes

No

Please specify. Click or tap here to enter text.

6.2.3. Is a visiting victim required to file a report about the accident to the local authorities before returning to the State of residence?

Yes

No

Please specify. Click or tap here to enter text.

Based on the law, the police should come to the scene of the accident and carry out an investigation if a foreign vehicle was involved

If they fail to do so, does that exclude the visiting victim from filing a claim for compensation?

Yes

No

Please specify. Click or tap here to enter text.

6.2.4. Which are the conditions according to your national law in considering a vehicle as identified? Please specify in detail.

Click or tap here to enter text.

The main element of vehicle identification is the registration plate number (in addition to the make and type of the vehicle), while it can also be identified through other elements (e.g. VIN number).

6.2.5. Are there any other requirements for filing a claim?

Yes

No

If yes, please specify in detail. Click or tap here to enter text.

6.2.6. Are legal fees for out of court settlements reimbursed?

Yes

No

If yes, how are these fees assessed/calculated? Click or tap here to enter text.

In accordance with the official Lawyer's Tariff

6.3. Court settlements

6.3.1. What are the requirements when filing a claim in relation to civil and/or criminal proceedings? Please specify in detail:

Click or tap here to enter text.

A civil lawsuit can be initiated only if the claimant did not previously receive satisfactory compensation in an out-of-court procedure.

6.3.2. What legal remedies are available (possibility of appeal, etc.)? Please specify in detail:

Click or tap here to enter text.

The following remedies are available in court proceedings:

- appeal to a higher court;
- cassation review to the Supreme Court;

- cassation appeal to the Constitutional Court.

6.3.3. How do you handle any costs in connection with proceedings in and out of court and please specify the types of costs (lawyers fee, legal fees, court experts, translation, etc.)? Please specify in detail.

Out of court (arbitration/mediation, etc.) : Click or tap here to enter text.

Lawyers fee, experts, etc.

In court: Click or tap here to enter text.

Lawyers fee, legal fees, court experts, witnesses, translation, etc.

6.4. Any other procedure of settlement? Please specify.

Click or tap here to enter text.

7. Involvement of National Guarantee Funds (GF) EEA/Non-EEA

This section is aimed only at Guarantee Funds. Please only provide answers to this section in your capacity as Guarantee Fund.

7.1. In which cases does your National Guarantee Fund intervene (stolen vehicles, intent, etc.)? Please specify in detail. (Article 11 MID).

Click or tap here to enter text.

7.2. What is the procedure (including any specific requirements) to be followed by a claimant when filing a claim to your national Guarantee Fund? Please specify.

Click or tap here to enter text.

7.3. Can a claimant who is resident in a foreign country make a claim against your National Guarantee Fund? Please specify.

Click or tap here to enter text.

7.4. Are there any exceptions when handling a claim for uninsured and/or unidentified vehicles (excess, property damage only when bodily injury, severity of bodily injuries, passenger voluntarily entering an uninsured vehicle, other)? Please specify in details.

Click or tap here to enter text.

7.5. Does the statute of limitations mentioned above under “Applicable Law” apply for the National Guarantee Fund or are there any exceptions?

Yes

No

If yes, Please specify. [Click or tap here to enter text.](#)

7.6. Involvement of the Guarantee Fund or any other bodies responsible for insolvencies for protection of victims in case of insolvency of an MTPL insurer? / Insurance Guarantee Scheme

When does this intervention mechanism start its intervention? Only one option can be selected.

The insurance undertaking is subject to bankruptcy proceedings

The insurance undertaking is subject to winding up proceedings

The insurance undertaking has had the authorisation withdrawn

After withdrawal of the authorisation

Please specify. [Click or tap here to enter text.](#)

7.7. Stolen vehicles- Are people who voluntarily entered the vehicle which caused the damage when they knew that the vehicle was stolen, excluded from the intervention of the body?

[Click or tap here to enter text.](#)

8. Involvement of Green Card Bureaux (GCB)

This section is aimed only at Green Card Bureaux. Please only provide answers to this section in your capacity as Green Card Bureau.

8.1. What is the procedure (including any specific requirements) to be followed by a claimant when filing a claim to your national Green Card Bureau? Please specify.

[Click or tap here to enter text.](#)

A written claim should be filled out and supported by the necessary evidence

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

Yes

No

Please specify. Click or tap here to enter text.

Only against the Bureau (not against agent/ insurer representing the Bureau)

8.3. Are there any other considerations that claimants should bear in mind? Please specify.

Click or tap here to enter text.

No