

Compensation Body Compendium

B – Belgium

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1. What is the full identity (exact name, address, etc.) of the Compensation Body established or approved in accordance with Article 24 of the Codified Motor Insurance Directive? Please specify.

Please visit the CoB [website](#) or [extranet](#).

2. What is the legal nature of this body?

Private.

3. On what legal basis is it authorised to carry out compensation?

Law.

4. Is compensation by this body subsidiary?

No.

5. If the compensation is subsidiary, which entities are excluded?

N/A.

6. Is this body a VAT liable entity?

Yes.

If yes, please indicate the VAT number:

0407229655 = n° **enterprise** - we would like to avoid every unhappy use of the above mentioned number. Of course we will respect our obligation to inform the Belgian Tax services about our reimbursement notes addressed to all those (but only those) who consider themselves VAT liable but not exempted concerning their activity.

It would be very difficult for us to accept that our body would be the object of reports invoiced from outside Belgium, transferred to domestic tax authorities, and wherein our body would be treated as a non-exempted recipient, followed by checks from Belgian authorities towards our body, only because our number would be mentioned in the reimbursement notes.

In this case is the service of claim handling VAT exempted?

Yes.

7. Are there any specific provisions governing the recourse between this body and those responsible for the accident and other insurers or social security bodies obliged to compensate the victim for the same accident?

Yes.

If yes, what do these specific provisions consist of? Please specify briefly.

The Belgian Guarantee Fund, if acting as Compensation body, shall only apply the MTPL Law of the State of the accident.

8. 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.

If yes, please specify (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):

Action to court directly.

Other: OMBUDSMAN

If a Belgian resident requests compensation to the Belgian CB and the request is rejected by this body, the victim, instead of starting immediately a court procedure against the Belgian CB, may prefer to seek first for a mediation by the Ombudsman (Ombudsman des Assurances) by addressing a "complaint" to the latter. We know this is not to be understood as an "appeal" strictly spoken, but nevertheless it may be considered also as a way to invite the CB to reconsider a decision. The victim is allowed to use this way also if the delay of reply would be unsatisfactory.

9. Are there natural or legal persons (public or private) exempt from the obligation of compulsory MTPL insurance in your country? (Article 5.1 of the Codified Motor Insurance Directive)

Answer to this question is available in the Green Card Bureau Compendium, question 14.1.

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

Answer to this question is available in the Green Card Bureau Compendium, question 14.2.a).

In case of disagreement, please concert with your national Bureau.

Please also indicate the authorities or bodies responsible for compensation:

Answer to this question is available in the Green Card Bureau Compendium, question 14.2.b).

In case of disagreement, please concert with your national Bureau.

10. Are there certain types of vehicles or certain vehicles having a special plate exempted from the obligation of compulsory MTPL insurance in your country? (Article 5.2 of the Codified Motor Insurance Directive)

Answer to this question is available in the Green Card Bureau Compendium, question 14.3.

In case of disagreement, please concert with your national Bureau.

If yes, please list those vehicles:

Answer to this question is available in the Green Card Bureau Compendium, question 14.4.

In case of disagreement, please concert with your national Bureau.