

Compensation Body Compendium

P – Portugal

Review date: 08/01/2021

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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.

Fundo de Garantia Automóvel

Av. da República, 59 - 4º
1050-189 Lisboa

2. What is the legal nature of this body?

Financial and Administrative Autonomous Public Fund.

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

By law ((Decree-Law n.º 291/07, 21st August)

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?

The Portuguese Guarantee Fund is not a VAT liable entity but is considered a "Taxable Person" for the acquired outsourcing services.

If yes, please indicate the VAT number:

[501328599](#)

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

The insurance and reinsurance operations are VAT exempted as well as the related services performed by insurance brokers.

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?

No.

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

N/A.

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):

By an internal appeal 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)

Yes

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

A

- State vehicles.
- Foreign States and International Organizations vehicles (to which Portugal belongs, according to a reciprocity principle (an exemption certificate is required).

Please also indicate the authorities or bodies responsible for compensation:

The entities responsible for those vehicles

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)

yes

If yes, please list those vehicles:

- Agricultural machines for which a registration plate is not required.
- Railway Vehicles except trams circulating on rails or in the case of liability for accidents occurred in the intersection of the rails with the public road, the vehicles integrated in the Subway systems being considered as railway vehicles.