

Green Card Bureau Compendium

E - Spain

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General information

Please provide the official full name of your Bureau.

OFESAUTO

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

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.)?

Controlled by all members equally

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?

Decree 632/68 dated 21 March 1968. Entry into force on the following day of the of publication date.

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

Royal Decree 8/2004, dated 29/10/2004. Entry into force 06/11/2004.

Royal Decree 1507/2008, dated 12/09/2008. Entry into force 14/10/2008.

Law 35/2015, dated 22/09/2015. Entry into force 01/01/2016

Question N° 2

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

All motor vehicles including 50cc motorcycles and 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	
	Per accident	Per victim	Per accident	Per victim
All	70.000.000€	N/A.	15.000.000€	N/A.
Date of effect: 01/01/2008				

Question N° 6

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

Yes. All passengers are covered under compulsory insurance law, excluding injuries of the driver.

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

The driver.

Question N° 7

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

No. Except in case of force majeure or exclusive fault of the victim.

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, the claimant has a direct right of action against the insurer and the local Bureau but, generally, action is brought against 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 within a period of three months from the date of accident.

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

Yes. All classes of damages.

10.2. What is the specific time-limit?

Yes. There is a period of three months from the claim of third party.

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

In the first two years from the date of the accident an annual legal interest of 1.5% is added to the final compensation until the payment date. Two years went by from the date of the accident a 20% delay interest becomes due.

10.4. Are there any similar stipulations for provisional payments?

No, but non-payment of provisional payments is treated in the same way as non-payment of the final compensation, that is, made subject to legal interest payment. The only way in which to avoid payment of this legal interest is to deposit in the Court (or to pay a compensation to the victim) the amounts previously due and declared sufficient by the Court.

Question N° 11

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

Yes.

If yes, please specify.

- One year from date of accident when no claim has been made by victim;
- One year from date of a final Court decision when the action falls within the strict scope of Compulsory Insurance (immediately enforceable);

- Fifteen years from a final Court decision when a claim is outside the scope of Compulsory Insurance.

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.

- When the victim does not make his/her claim within the prescribed period;
- When an Insurer accepts its liability and obligation to compensate the victim;
- When a legal action has been instituted.

Question N° 12

12.1. Is your Bureau a VAT liable entity?

Yes.

12.2. If yes, please indicate the VAT number:

ES G28075240

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

Yes.

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

Yes.

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

No.

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

Yes.

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

No.

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)

No.

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

N/A.

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

N/A.

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:

Agricultural and industrial vehicles which are not authorised for use on public roads.

Question N° 15

15.1. Any other special features?

In Spain the system for assessing personal damage is based on a legal compulsory scale appended as an Annex to Royal Decree 8/2004, and Law 35/2015 for accidents happened as from 01/01/2016. Such scale is binding on all entities including judicial bodies.