

Green Card Bureau Compendium

NL – The Netherlands

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General information

Please provide the official full name of your Bureau.

Nederlands Bureau der Motorrijtuigverzekeraars

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

We are an association for MTPL insurers.

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.

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?

January 1st, 1965.

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

The original Law still applies; last amendment enacted 1 January 2012.

Question N° 2

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

All motor vehicles except motor vehicles belonging to the state, **slow** electric bikes and trailers (although they are not considered motor vehicles in the Netherlands).

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, except goods carried by the vehicle that is liable for the accident.

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
Alle vehicles except the ones mentioned below	€ 6,070,000	N/A.	€ 1,220,000	N/A.
For vehicles constructed to carry more than 8 persons (driver excluded)	€ 10,836,000	N/A.	€ 1,220.000 + € 40,000 (For goods carried by the passengers)	N/A.
For vehicles with an allowed maximum weight over 3500 kg(provided the damage was caused by dangerous goods or hazardous substances as defined by Article 8.1210 par	€10,000,000	N/A.	€ 10,000.000	N/A.
Date of effect: 01/01/2017				

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?

The persons who stole the vehicle.

Question N° 7

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

- Damage caused by stolen vehicles (on certain conditions)
- Damage to the driver of the vehicle
- Damage caused during authorised speed matches and contests of skill etc.

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?

No.

However, the Insurer and the Bureau have to give a reasoned reply within 3 months.

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

N/A.

10.2. What is the specific time-limit?

N/A.

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

N/A.

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.

- 3 years against an Insurer (direct action)
- 5 years against an Insured.

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.

By negotiation and correspondence or legal action.

Question N° 12

12.1. Is your Bureau a VAT liable entity?

Yes.

12.2. If yes, please indicate the VAT number:

NL.8078.24.914.B01

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?

No.

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

N/A.

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?

Yes.

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:

1. The state
2. Conscientious Objectors

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

1. The state
2. Guarantee Fund (but the clamant first has to contact the owner of the vehicle)

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:

According to our law in general vehicles that are a motor vehicle, but are a very small risk in traffic. For now only the e-bike is exempted.

Question N° 15

15.1. Any other special features?

The law requires that the liability of passengers in motor vehicles should be covered in addition to the liability of the driver, user or owner.