

Green Card Bureau Compendium

S - Sweden

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General information

Please provide the official full name of your Bureau.

Trafikförsäkringsföreningen

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

Private non-profit association

How is the ownership/membership of your Bureau structured (e.g. owned/controlled by all members equally, part of state government, etc.)?

All insurers who are underwriting compulsory MTPL insurance are obliged by law to be members of Trafikförsäkringsföreningen and to contribute to its funding. Trafikförsäkringsföreningen is under supervision of the Financial Supervisory Commission.

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?

10th May 1929 in force 1st July 1929.

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

15th December 1975 in force 1st July 1976.

Question N° 2

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

All motor driven vehicles except Government vehicles.

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	300.000.000 SEK		300.000.000 SEK	

Date of effect: 1st January 1989

Comment: No minimum. Maximum liability limits entitled to compensation under only one motor insurance policy for a single event. This limit is understood globally as being per event and including all personal injuries and material damages.

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?

No.

Question N° 7

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

Under no conditions.

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.

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.

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

All damages.

10.2. What is the specific time-limit?

A reasoned offer of compensation or reply to questions raised shall be given within a period of three months from the date the claim was reported.

In principle, the insurance indemnity shall be paid not later than one month after the person entitled to the indemnity gave notice of the loss and provided such information as might reasonably be required of him.

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

Penal interest.

10.4. Are there any similar stipulations for provisional payments?

If it's clear that the person claiming indemnity is entitled, in any event, to a certain sum, that shall be paid immediately.

Question N° 11

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

Yes.

If yes, please specify.

As of 1 January 2015 different rules applies depending on when the traffic accident took place.

For claims arising from accidents that occurred before 1 January 2015 the victim has to file a lawsuit within 3 years from the date upon which the victim obtained knowledge that the claim could be upheld, and in any case within 10 years from the earliest date upon which the claim could have been upheld.

If the accident has occurred 1 January 2015 or later a limitation period of 10 years starts from the date of the accident. With the possibility to extend the time limit in individual cases.

The claimant can always make a plaint to court within six months from the day when the insurer informed him or her that the settlement of claims is finished.

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.

Commencement of Court process.

Question N° 12

12.1. Is your Bureau a VAT liable entity?

Yes.

12.2. If yes, please indicate the VAT number:

SE802005928601

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

According to a ruling by the Supreme Court of Administration the Bureau's handling of claims does not constitute supply of service for consideration. Hence, the service is not liable to VAT. (The exemption regarding insurance and related services is therefore not applicable.) The handling fee is however liable to VAT.

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?

As a chief rule the claims handling is exempted from VAT

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)

Yes.

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

Governmental authorities

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

Kammarkollegiet

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)

No.

If yes, please list those vehicles:

N/A.

Question N° 15

15.1. Any other special features?

According to the Interest Act penalty interest is payable on the amount due for payment from the date falling thirty days after the injured Party lodged a claim for compensation and put forward such documentation that with regard to the circumstances of the accident can reasonably be requested. The interest amounts to discount rate + 8% or at present 8% (July 2017).