

Green Card Bureau Compendium

TN - Tunisia

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General information

Please provide the official full name of your Bureau.

Bureau Unifié Automobile Tunisien

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?

- 30th November 1960
- 30th January 1961.

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

- 15th August 2005
- Applicable to all accidents occurring as from 1st January 2006.

Question N° 2

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

All land motor 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
Private vehicles, vehicles with 2 or 3 wheels	Unlimited	Unlimited	Unlimited	Unlimited
Other vehicles (coaches, lorries, etc.)	Unlimited	Unlimited	Unlimited	Unlimited
Date of effect: 09/03/1992				

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?

Persons transported excluded :

- The driver of the vehicle
- The employees or agents of the insured person when they are carried whilst on duty.

- the insured's partners when carried in the vehicle on the occasion of joint professional business.

Question N° 7

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

Yes. Nullity or suspension of the contract - suspension of cover - non-insurance.

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?

- Action against the local Bureau.
- Action against the foreign insurer represented by the local 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 in cases where the victim or his/her beneficiaries in case of his/her death requests the settlement of a claim.

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

Bodily injuries only.

10.2. What is the specific time-limit?

Six months after submission of all documents supporting the demand for settlement made by the victim or his/her beneficiaries.

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

Late interest equal to the amount awarded by Court multiplied by the legal civil interest rate increased by 50%.

10.4. Are there any similar stipulations for provisional payments?

Yes, the same sanctions apply.

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 from the moment when the injured party learns of the damage and the identity of the party liable for this. In any case, 15 years from the time when the damage occurs.

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.

- Any action at law or extra-judicial proceedings giving the debtor formal notice to fulfil his obligation.
- Any measure of conservation or act of execution undertaken in relation to the debtor's assets or any application for an act of this type to be executed.
- Any act by means of which the debtor acknowledges the right of the prosecuting party.

Question N° 12

12.1. Is your Bureau a VAT liable entity?

No

12.2. If yes, please indicate the VAT number:

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?

Yes

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?

Yes.

If yes, what are the conditions and limits of intervention of the Guarantee Fund?

- Body injuries
- Accident caused by a (land) motor vehicle, occurring in Tunisia.
- In the event of an accident with the responsible party is uninsured.
- In the event of nullity of the contract, suspension of the contract or cover, non-insurance or partial insurance invoked against the victims or their assignees.

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- Conditions required of victims in order to lay claim to intervention of the **Guarantee** fund:

1) To have Tunisian nationality or residing in Tunisia

2) To be a national from a State which has concluded a reciprocal agreement with Tunisia and to fulfil the conditions of this agreement

3) The accident must not give rise to complete compensation for another reason.

13.2. Are these conditions and limits applicable to non-residents whether they are the cause of, or victims of, accidents?

Yes, in all cases considered.

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)

N/A.

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)

N/A

If yes, please list those vehicles:

N/A

Question N° 15

15.1. Any other special features?

Yes.

- The Guarantee fund has right of recourse against the person responsible for the accident or his insurer.