

# Green Card Bureau Compendium

## UA - Ukraine

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### General information

Please provide the official full name of your Bureau.

Motor (Transport) Insurance Bureau of Ukraine.

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

Non-profit organisation, association of legal entities (Insurers).

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

The UA Bureau is owned/controlled by all its 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?**

The original Law was adopted on 7th of June 1994 and entered into force on 1st of January 1995.

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

The present Law was adopted on 1st of July 2004 and entered into force on 1st of January 2005.

### Question N° 2

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

Insurance is compulsory for motor cars, buses, self-propelled vehicles constructed on chassis of motor cars, motor-cycles of any type, brand and model, trailers, semi-trailers and motor cycle side-cars.

**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, it does.

**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	UAH 200.000	Unlimited	UAH 100.000	UAH 500.000
<b>Date of effect:</b> 19/02/2016				

**Question N° 6**

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

Yes, it does.

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

Passengers that are insured in compliance with compulsory accident insurance of passengers in public transport. It refers mainly to passengers of interurban coaches.

**Question N° 7**

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

An Insurer shall not make indemnification for:

- 1) damages, caused by the insured vehicle, which are not subject to the provisions of the law on compulsory MTPL insurance;
- 2) damages to the insured vehicle liable for causing the road-traffic accident;
- 3) bodily injuries to the passengers who stayed in the insured vehicle liable for causing the road-traffic accident and who are insured in compliance with compulsory accident insurance of passengers in public transport;
- 4) damages to the property residing in the insured vehicle liable for causing the road-traffic accident;
- 5) damages caused while using the insured vehicle during test runs or for the participation in the formal racing;
- 6) damages which are a direct or indirect result of nuclear fission or radiation;
- 7) damages which are formulated as loss of market value of the vehicle;
- 8) damages to antique articles, articles made of precious metals, precious or semi-precious stones, bijouterie, articles for religious use, paintings, manuscripts, money, securities, all kinds of documents, philatelic, numismatic and other collections;
- 9) damages caused by a road-traffic accident resulting from riots and civil commotion, military conflicts, acts of terrorism, "act of god", explosion of ammunition or fire of the motor vehicles not connected with the accident.

#### **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, but no time-limit specified for that.

**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?**

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The claim shall be fully settled within the period of 90 days commencing from the date the Insurer has received from the injured party a formal claim with supporting documents foreseen by the Law on MTPL.

**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?**

Yes.

**Question N° 11**

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

The limitation period is unlimited.

**If yes, please specify.**

N/A.

**11.2. Are there any provisions in the Law which allow for the suspension or extension of that limitation period?**

No

**If yes, please specify.**

**Question N° 12**

**12.1. Is your Bureau a VAT liable entity?**

Ukrainian Bureau is registered as a VAT payer.

**12.2. If yes, please indicate the VAT number:**

216471326097.

**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?**

Insurance operations are not the objects of the VAT imposition. However, other operations could be the objects of the VAT imposition.

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

It depends on different types of operations.

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

It depends on types of operations.

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

It depends on types of operations.

### **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?**

There are two Funds in our country: Insurance Guarantee Fund and Fund for Protection of Victims of Road Traffic Accidents (Victim Fund).

- Insurance Guarantee Fund is intended for ensuring solvency of Motor (Transport) Insurance Bureau of Ukraine in course of mutual settlements with corresponding organizations authorized to provide third party liability motor insurance of vehicles owners of other countries, with which Ukrainian Bureau has concluded Agreement for mutual recognition of contracts for insurance and mutual claims settlement.
- Fund for Protection of Victims of Road Accidents (Victim Fund) is intended for effecting settlements with third parties on the territory of Ukraine.

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

The Motor (Transport) Insurance Bureau of Ukraine provides compensation from the guarantee funds in the following cases:

- 1) for damages and injuries which are caused by uninsured vehicles. Compensation is not provided for the damaged vehicle - victim of the road-traffic accident as well as the property contained in the vehicle if such a vehicle is not insured under the compulsory motor TPL insurance;
- 2) for injuries which are caused by unidentified vehicles;
- 3) for damages and injuries which are caused by the vehicle which no longer is in possession of the owner as a result of illegal actions of other persons;
- 4) for damages and injuries which are caused by vehicles personally driven by participants of war operations and invalids (category 1);
- 5) when the insured renders his / her vehicle to personnel of militia (police) or health safety bodies (in cases stipulated by the law);
- 6) in cases of bankruptcy or liquidation of the insurer.

For applicable limits of intervention of the Guarantee Fund please revert to answer to Question 5.

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

These conditions are applicable to non-resident victims.

**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?**

There are no other special features.