

# Guarantee Fund Compendium

## FIN – Finland

Review date: 23/02/2022

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### General information

**Please provide the official full name of your Guarantee Fund.**

Finnish Motor Insurers' Centre.

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

Finnish Motor Insurers' Centre is a semi-public organisation which is based on special legislation.

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

All insurance companies engaged in motor liability insurance business in Finland are members of Finnish Motor Insurers' Centre. Organs of the Finnish Motor Insurers' Centre are General Assembly, The Board and Managing Director. Every member has a right to participate and plead in General Assembly. General Assembly has the highest authority in the Finnish Motor Insurers' Centre.

### 1 - Unidentified or uninsured vehicles

**1.1. What is the full identity (exact name, address, etc.) of the body established or authorised in accordance with Article 10 of the Codified Motor Insurance Directive? Please specify.**

Finnish Motor Insurers' Centre

Itämerenkatu 11-13

00180 Helsinki

FINLAND

Compensation service, tel. +358 40 450 45 20

**1.2. What is the legal nature of this body?**

Finnish Motor Insurers' Centre is a semi-public organisation which is based on special legislation.

**1.3. On what legal basis is it authorised to carry out compensation?**

It is defined in the Motor Liability Insurance Act (461/2016) that Finnish Motor Insurers' Centre takes care of the compensation.

**1.4. Is compensation by this body subsidiary?**

No.

**1.5. If the compensation is subsidiary, which entities are excluded?**

N/A.

**1.6. Is this body a VAT liable entity?**

No

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

N/A.

**1.8. If this body is a VAT liable entity, is the service of claim handling VAT exempted?**

N/A.

**1.9. Are there any specific provisions governing the recourse between this body and those responsible for the accident and other insurers or social security bodies obliged to compensate the victim for the same accident?**

No. It is not possible to recourse the person (owner or holder of the vehicle) who was obliged to take out the insurance but did not do so. The general paragraph concerning insurance company's right to recourse is the same for all traffic accidents. The right of an injured party to claim from a third person is transferred to the insurance company up to the amount it has paid to the injured party. However if the third person is a private person, employee, civil servant or comparable to them or the owner, holder or passenger of the vehicle, the right is transferred to the insurance company only if the above mentioned persons caused the loss event intentionally or through gross negligence or of if the driver was under the influence of alcohol or drugs specified more detailed in Motor Liability Insurance Act.

**1.10. If yes to question 1.9, what do these specific provisions consist of? Please specify briefly.**

N/A.

**1.11. Are people who voluntarily entered the vehicle which caused the damage when they knew that the vehicle was uninsured, excluded from the intervention of the body?**

Yes but only if the injured party is the owner or holder of the vehicle who was a passenger in the car or the driver of the car, and the Finnish Motor Insurers' Centre can prove that they were aware that the vehicle was uninsured.

**1.12. In the event of an accident caused by an unidentified vehicle, is the intervention of the body subject to specific provisions as regards the compensation of damage to property?**

No.

**1.13. If yes to question 1.12, what are the specific provisions? Please specify briefly.**

N/A.

**1.14. If yes to question 1.12, what are the conditions provided for by your legislation so that the personal injuries may be considered as significant (cf. Article 10.3 of the Codified Motor Insurance Directive)? Please specify briefly.**

N/A.

**1.15. If the injured party is not a resident of an EEA Member State, can it benefit from the intervention of the body?**

No.

**1.16. What periods of limitation are the demands for compensation addressed to the body subjected to? Please specify briefly.**

A claim for damages shall be presented to an insurance company within three years of the person claiming for damages became informed of the loss event and the resulting damage. The claim for damages shall in any case be presented within ten years of the occurrence of the damage. These periods are the same for everybody.

**1.17. According to Article 11 of the Codified Motor Insurance Directive "In the event of a dispute between the body referred to in Article 10(1) and the civil liability insurer as to which must compensate the victim, the Member States shall take the appropriate measures so that one of these parties is designated to be responsible in the first instance for paying compensation to the victim without delay". Which of these parties has been designated in your country to be responsible in the first instance for paying compensation to the victim in the event of a dispute between the body and the insurer responsible for civil liability as to which must compensate the victim? Please specify.**

The body, Finnish Motor Insurers' Centre will always be the first instance for compensation payment.

**1.18. Are there certain types of vehicles or certain vehicles having a special plate exempted from the obligation of compulsory MTPL insurance in your country? (Article 5.2 of the Codified Motor Insurance Directive)**

Yes, there are certain type of vehicles that are exempted from the obligation of compulsory MTPL. There are no vehicles with special plates that are exempted from the obligation of compulsory MTPL.

**1.19. If yes, please list those vehicles:**

Motor liability insurance need not be taken out for:

- 1) a motor-powered working vehicle or tractor that needs not be registered and whose maximum structural speed does not exceed 15 kilometres per hour;
- 2) a combine harvester or other motorised agricultural motor-powered working vehicle intended for harvesting that needs not be registered;
- 3) a trailer that needs not be registered;
- 4) a vehicle intended exclusively to be driven by a child that needs not be registered;
- 5) an electric wheelchair or similar lightweight vehicle intended exclusively for use by handicapped persons that needs not be registered;
- 6) a vehicle that needs not be registered and is not used in traffic;
- 7) a vehicle whose owner or holder is the State of Finland;
- 8) a vehicle in case another state or its compensation body is liable for any traffic accidents caused by said vehicle;
- 9) a vehicle that has been decommissioned from traffic use and is not used in traffic;
- 10) a vehicle that has been finally deregistered.

However, the owner and holder of the vehicle have the right to insure a vehicle referred to in subsection 1 items 6, 7 and 9.

## **2 - Stolen vehicles or vehicles obtained by violence**

**2.1. Has your Member State made use of the possibility offered by Article 13(2) of the Codified Motor Insurance Directive to make the Guarantee Fund responsible for paying compensation instead of the insurer?**

Yes.

**2.2. If yes to question 2.1, what are the conditions provided in the event of compensation for damage to property? Please specify briefly.**

If the vehicle has been stolen and this has been reported to the police and the insurance company, then the policyholder has the right to terminate the insurance policy. If after this termination of the insurance policy the vehicle causes a traffic accident, then the Finnish Motor Insurer's Centre will take care of the compensation.

**2.3. If yes to question 2.1, are people who voluntarily entered the vehicle which caused the damage when they knew that the vehicle was stolen, excluded from the intervention of the body?**

Yes, it is possible. If the traffic accident was caused while the injured party was in a vehicle taken into use without authorisation and the insurance company can prove that the person was aware of the use of the vehicle being unauthorised, compensation is paid to the injured party from the insurance for the vehicle only for a specific reason.

### **3 - Other cases of intervention by the body**

**3.1. Does the legislation of your Member State provide for other situations where the injured party can claim compensation from the body after a road traffic accident?**

No.

**3.2. If yes to question 3.1, what are these situations?**

N/A.