

Guarantee Fund Compendium

HR – Croatia

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General information

Please provide the official full name of your Guarantee Fund.

Hrvatski ured za osiguranje – Garancijski fond / Croatian Insurance Bureau – Guarantee Fund

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

Non-profit organisation established under the Insurance Law.

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

Owned/controlled by its Members.

1 - Unidentified or uninsured vehicles

1.1. What is the full identity (exact name, address, etc.) of the organisation established or authorised with a view to transposing the 2nd MID? Please specify.

Please visit the CoB [website](#) or [extranet](#).

1.2. What is the legal nature of the organisation?

Private. Non-profit organisation established under the Insurance Law.

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

Law.

1.4. Is compensation by this body subsidiary?

Yes.

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

Social security bodies and insurance undertakings with subrogation claims and other natural or legal persons who have compensated the injured party for a claim arising out of an accident caused by an uninsured or unidentified vehicle.

1.6. Is your organisation a VAT liable entity?

No.

1.7. If yes, please indicate the VAT number:

1.8. If your organisation is a VAT liable entity, is the service of claim handling VAT exempted?

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?

Yes.

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

General right of recourse against the person responsible for the accident. In case of uninsured vehicles, the Guarantee Fund is entitled to reimbursement of the total amount of claim (compensation, costs and interest).

Social security bodies and insurance undertakings with subrogation claims and other natural or legal persons who have partly or fully compensated the injured party for a claim arising out of an accident caused by an uninsured or unidentified vehicle are not entitled to claim reimbursement from the Guarantee Fund.

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, including passengers who voluntarily entered an unregistered vehicle not bearing registration plates, provided that it can be proven that the passenger knew that the vehicle was uninsured / unregistered.

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?

Yes.

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

Compensation for damage to property may be claimed (with a 3 750 HRK excess borne by the claimant) only if the Croatian Insurance Bureau has paid compensation to a victim of the same accident for damage resulting from death or severe bodily injuries that required hospitalisation.

1.14. If yes to question 1.12, what are the conditions provided for by your legislation so that the damage to property may be considered as significant? Please specify briefly.

Death or severe bodily injuries that required hospitalisation.

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

Yes.

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

3 years limitation period starting from the time the injured party acquired knowledge of the damages suffered and the person causing the damage or injury, but in general 5 years from the date the damage or injury occurred. In the event of damage or injury caused by tort, where a longer limitation period is provided for criminal prosecution, the same limitation period shall apply to a claim for compensation of damage against the responsible person as the limitation period provided for criminal prosecution.

1.17. According to Directive 90/232/EEC, Article 4 “In the event of a dispute between the body referred to in Article 1 (4) of Directive 84/5/EEC 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 party to which the claim was presented first.

1.18. Are there certain vehicles or certain types of vehicle having a special plate exempted from the obligation of compulsory insurance in your country? (Article 5.2 of the MID)

Answer to this question is available in the Green Card Bureau Compendium, question 14.3.

1.19. If yes, please list those vehicles:

Answer to this question is available in the Green Card Bureau Compendium, question 14.4.

2 - Stolen vehicles or vehicles obtained by violence

2.1. Has your Member State made use of this possibility?

No.

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.

N/A.

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?

N/A.

3 - Other cases of intervention by the body

3.1. Do 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?

Yes.

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

In the event of circumstances necessitating the liquidation or in case of bankruptcy of the insurer.