

Guarantee Fund Compendium

L - Luxembourg

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General information

Please provide the official full name of your Guarantee Fund.

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

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

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?

Public.

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

1.6. Is your organisation a VAT liable entity?

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?

No.

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.

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 1.2, what are the specific provisions? Please specify briefly.

Necessity of severe bodily injuries.

1.14. If yes to question 1.2, what are the conditions provided for by your legislation so that the damage to property may be considered as significant? Please specify briefly.

Permanent disability or at least 3 days of hospital care.

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.

6 months.

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.

Insurer.

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?

Bankruptcy of the civil liability insurer.

Specially protected victims "victime faible".