

Guarantee Fund Compendium

S – Sweden

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General information

Please provide the official full name of your Guarantee Fund.

Trafikförsäkringsföreningen.

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

Private non-profit association.

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

All insurers who are underwriting compulsory MTPL insurance are obliged by law to be members of Trafikförsäkringsföreningen and to contribute to its funding. Trafikförsäkringsföreningen is under supervision of the Financial Supervisory Commission.

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.

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

1.2. What is the legal nature of the organisation?

Private non-profit association.

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

Law.

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 your organisation a VAT liable entity?

Yes.

1.7. If yes, please indicate the VAT number:

SE802005928601

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

According to a ruling by the Supreme Court of Administration Trafikförsäkringsföreningen's handling of claims does not constitute supply of services for consideration. Hence, the service is not liable to VAT. (The exemption regarding insurance and related services is therefore not applicable.) Any handling fee is however liable to VAT.

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.

The social insurance has no right to recovery.

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?

No.

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.

There is a legal excess of approx. 227 euro.

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.

There are no restrictions. There are also no restrictions concerning the conditions for compensating property damage. This means that also damage to a parked vehicle can be compensated if it can be proved that it has been caused by an unidentified vehicle.

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.

As of 1st of January 2015 different sets of rules apply, depending on when the traffic accident took place.

For claims arising from accidents that occurred before 1st of January 2015 the victim has to file a lawsuit within 3 years from the date upon which the victim obtained knowledge that the claim could be upheld, and in any case within 10 years from the earliest date upon which the claim could have been upheld.

If the accident has occurred 1st of January 2015 or later a limitation period of 10 years starts from the date of the accident. With the possibility to extend the time limit in individual cases.

The claimant can always make a plaint to court within six months from the day when the insurer informed him or her that the settlement of claims is finished.

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 Guarantee Fund (= Trafikförsäkringsföreningen).

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 14.2.

1.19. If yes, please list those vehicles:

Answer to this question is available in the Green Card Bureau Compendium, question 14.2.

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?

No.

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

N/A.