

Compensation Body Compendium

I – Italy

Review date: 09/12/2020

The information in this compendium is provided by the Compensation Body of the country concerned and serves an information purpose only. It is not intended to be comprehensive or complete, nor can it be guaranteed to be accurate or up to date. The Council of Bureaux nor the Compensation Body concerned accepts any responsibility or liability whatsoever in relation to the information provided in this document.

1. What is the full identity (exact name, address, etc.) of the Compensation Body established or approved in accordance with Article 24 of the Codified Motor Insurance Directive? Please specify.

Consap S.p.A. – Italian Guarantee Fund and Compensation Body

Via Yser, 14 – 00198 Rome (Italy)

2. What is the legal nature of this body?

Public.

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

Law (Insurance Code)

4. Is compensation by this body subsidiary?

Yes.

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

Social security bodies - Insurance undertakings.

6. Is this body a VAT liable entity?

No.

If yes, please indicate the VAT number:

N/A.

In this case, is the service of claim handling VAT exempted?

N/A.

7. 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.

If yes, what do these specific provisions consist of? Please specify briefly.

Art. 299 Insurance Code: in case of recourse against insurers that have not provided a reasoned reply, the Compensation Body can request the total reimbursement of the claim (compensations, costs and handling fees).

Art. 301 of the Insurance Code: in case of recourse against owner and driver of the uninsured vehicle, the Guarantee Fund can request the total reimbursement of the claim (compensations, costs and handling fees plus interests).

8. Under your legislation, does a victim who has requested compensation under Articles 24 and 25 of the Codified Motor Insurance Directive have the right to remedy against the decision/omission of the Compensation Body?

The Italian Insurance Code does not explicitly provide for a remedy against the decision/omission of the Compensation Body nor the possibility to take legal action against the latter. Moreover, there is not sufficient case law on the matter.

However, passive legitimation may be recognized by a judge if a claim for compensation was first submitted to the Compensation Body and then rejected by the latter (*Grilc* Order - CJEU c-541/11).

On the contrary, an appeal before the administrative authorities may be excluded.

If yes, please specify (appeal to administrative authority, judicial review of the latter's decision or action to court directly, i.e. passive procedural legitimacy of the Compensation Body):

N/A.

9. Are there natural or legal persons (public or private) exempt from the obligation of compulsory MTPL insurance in your country? (Article 5.1 of the Codified Motor Insurance Directive)

Answer to this question is available in the Green Card Bureau Compendium, question 14.1.

If yes, please list the persons exempt from compulsory MTPL insurance:

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

In case of disagreement, please concert with your national Bureau.

Please also indicate the authorities or bodies responsible for compensation:

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

In case of disagreement, please concert with your national Bureau.

10. 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)

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

In case of disagreement, please concert with your national Bureau.

If yes, please list those vehicles:

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

In case of disagreement, please concert with your national Bureau.