

Green Card Bureau Compendium

SRB - SERBIA

Review date: 02/02/2022

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General information

Please provide the official full name of your Bureau.

UDRUŽENJE OSIGURAVAČA SRBIJE/ASSOCIATION OF SERBIAN INSURERS

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

Non-profit organization / association

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

Owned/controlled by all members equally.

Question N° 1

1.1. What was the date of the original Law, which introduced Compulsory Third Party Motor Insurance and what was the date of its entry into force?

The original Law which introduced Compulsory Third Party Motor Insurance was published in Yugoslav Official Gazette No 15/65 of 4th April 1965 and entered into force on 5th April 1965.

1.2. What is the date of the present Law and of its entry into force?

The present Law was published on Serbian Official Gazette No. 51/2009 of 14/07/2009 and entered into force on 12/10/2009.

Question N° 2**2. Which are the classes of motor vehicles for which insurance is compulsory?**

-Motor insurance is compulsory for all types of motor vehicles and trailers used to carry passengers and cargo except for those running on trails. It is also compulsory for airplanes and boats.

-Motor vehicle registration is only possible with the proof of existence of MTPL policy.

Question N° 3**3. Is the Law applicable to foreign visitors?**

The Law applies to foreign visitors.

Question N° 4**4. Does the Law apply in respect of liability for both personal injury and damage to property?**

The Law applies in respect of liability for both personal injury and damage to property, except for claims caused by unknown vehicle. In that case only personal injury is covered.

Question N° 5

5. What is the minimum limit of cover required for personal injury damage? State the minimum value of sum insured, date with effect from and please indicate whether the limit is per accident or per victim.

Type of vehicle	Personal injuries		Material damage	
	Per accident	Per victim	Per accident	Per victim
For buses and trucks	1.000.000 €		200.000 €	
For other motor vehicles				
Date of effect: 12/10/2014				

Question N° 6

6.1. Does the Law require cover in respect of passengers carried in the vehicle?

Yes.

6.2. Is there any category of passenger excluded from this cover?

The excluded categories of passengers are:

1. *The owner (for material damage) of the vehicle causing damage,*
2. *Driver of the vehicle causing damage,*
3. *Person who entered vehicle which caused damage in spite the fact that the person knew that the vehicle in question was used against the Law (i.e. stolen)*

Exclusions further apply to persons who suffered loss/injury:

1. *During racing events*
2. *From nuclear energy or other dangerous cargo during transporting the same*
3. *Military operations, rebellions, terroristic actions*

Question N° 7

7. Under what conditions is an insurer permitted by Law to reject a third party claim? Please specify.

An Insurer is permitted by Law to reject a Third Party Claim exceeding the limits of liability and if the claimant is solely responsible for the accident.

Question N° 8

8. Is there a direct right of action by a third party against an insurer?

Yes.

Question N° 9

9. Does a claimant resident in a foreign country have a direct right of action against the local Bureau or the insurer representing the Bureau?

Yes.

Question N° 10

10.1. Does the Law require the insurer and/or Bureau to make an offer of compensation to a claimant within a specified time?

Yes. The Law requires that if the Insurer does not settle the claim in the period of 60 days, a claimant can file a claim demand to the Bureau in the period of 30 days.

If yes, what is the nature of the damages to which the time-limit applies?

The time-limit applies for both personal injuries and material damage.

10.2. What is the specific time-limit?

Within 60 days from the date when Insurance Company has received the claim demand with complete supporting/proving documentation for claim settling. If a claim is not settled within this period, the claimant can start a legal action against Bureau and the Insurance company.

10.3. Which are the other provisions of the Law in this respect? (e.g. sanctions)

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10.4. Are there any similar stipulations for provisional payments?

If a claim is not paid in the anticipated term, the Insurer is obliged to pay as the advance payment the amount for the indisputable part of the claim.

Question N° 11

11.1. Is there a limitation period for legal proceedings against the insured or the insurer?

If yes, please specify.

The limitation period for legal proceedings against the Insured or the Insurer is three years.

11.2. Are there any provisions in the Law which allow for the suspension or extension of that limitation period? If yes, please specify.

Yes, when a claim is caused by a criminal act. The claim demand becomes time barred when the time limit for criminal charges is expired:

-the break of time limit of criminal charges breaks the time limit for raising a claim

-a claim confirmed by a court verdict, issued to execution, is time barred to ten years

Question N° 12

12.1. Is your Bureau a VAT liable entity?

Yes.

12.2. If yes, please indicate the VAT number:

VAT number: 101727995

In this case is the service of claims handling by the Bureau VAT exempted?

Yes.

12.3. Is an MTPL insurer in your market a VAT liable entity?

Yes.

If yes, is the service of claims handling by an MTPL insurer VAT exempted?

Yes.

12.4. Is a specialised claims handling office a VAT liable entity?

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If yes, is the service of claims handling by this entity VAT exempted?

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Question N° 13

[Note: Questions addressed to non-EEA Bureaux only. For EEA Bureaux, see Section 2 & 3]

13.1. Is there a Guarantee Fund in your Country?

Yes.

If yes, what are the conditions and limits of intervention of the Guarantee Fund?

The Guarantee Fund intervenes in the following cases:

-if a claim is caused by an unknown vehicle;

-if a claim is caused by an uninsured vehicle;

-if a claim is caused by the vehicle the insurer of which is under bankruptcy proceedings;

13.2. Are these conditions and limits applicable to non-residents whether they are the cause of, or victims of, accidents?

Yes, if Serbian citizens have the same rights in non-residents' country – reciprocal basis.

Question N° 14 – For countries concerned by Section III of the Internal Regulations

14.1. Are there natural or legal persons (public or private) exempted from the obligation of compulsory MTPL insurance in your country? (Article 12.2 of the Internal Regulations)

Yes.

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

The Army of Serbia.

In this case please also indicate the authorities or bodies responsible for compensation:

The Army of Serbia.

14.2. Are there certain types of vehicles or certain vehicle bearing a special plate exempted from the obligation of compulsory MTPL insurance in your country? (Article 12.3. of the Internal Regulations)

No.

If yes, please list those vehicles:

Question N° 15

15.1. Any other special features?

None.