

Green Card Bureau Compendium

GC Code – Country

Review date: 08/08/2023

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General information

Please provide the official full name of your Bureau.

NATIONAL INSURANCE BUREAU

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

Non-profit organisation.

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

Owned by all member 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?

7th April 1965.

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

The present Compulsory Traffic Insurance Law was passed on 12.10.2005 and entered into force on 27.10.2005 (Official Gazette no.88/05).

Also , in the Insurance Supervision Law ,which has been into effect since 02.05.2003 , there are some regulations which are valid for the Compulsory Traffic Insurance Law (Official Gazette no. 27 / 02) .

At the present , there is a procedure for modification and supplement of the Compulsory Traffic Insurance Law (it is to be passed at the beginning of 2007 and to implement the solutions which exist in the European legislation).

Question N° 2

2. Which are the classes of motor vehicles for which insurance is compulsory?

The Third Party Liability Insurance is obligatory for all motor and connecting vehicles , defined in accordance with the regulations for traffic safety on the roads (Traffic Safety Law – Official Gazette no. 27/02 modified and supplemented in 2002 and 2004 –Official Gazette no. 38/02 and 38/04) including the tractors irrespectively of the possession of the registration card and the terms for technical check .

Question N° 3

3. Is the Law applicable to foreign visitors?

Yes

Question N° 4

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

Yes

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 (for damages in case of death, physical injury and health deterioration, after an event of damage regardless of the number of claimants)	Material damage (for damages in case of destruction or damage of items, per an event of damage regardless of the number of claimants:
	Per accident	Per accident
buses and cargo vehicles	675.000 €	337.500 €
other motor vehicles	337.000 €	168.750 €
motor vehicles transporting hazardous materials	1.012.500 €	506.250 €

With effect 01/01/2012

Comment :The minimum insured amounts to which motor TPL insurance can be concluded, calculated in Denar equivalent at the exchange rate of the National Bank of the Republic of Macedonia on the date of payment shall be in the following amounts.

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?

Every person shall be entitled to damage compensation on the basis of motor TPL insurance except the following:

- 1) the person controlling the motor vehicle the use of which caused the accident;
- 2) the owner, co-owner, insurance contracting party and any other user of the vehicle that did not operate the motor vehicle at the time of the accident, but only up to the damage amount regarding destruction or damage to items;
- 3) the person that illegally usurped a motor vehicle that caused the accident, as well as his/her accomplice, regardless whether he/she controlled the motor vehicle at the time of the accident; and
- 4) the persons that suffered damage as a result of the following:
 - usage of the motor vehicle in sports events upon prior obtained official consent, at which maximum speed should be achieved;
 - use of the motor vehicle in an act of terrorism or military operations defined by the Criminal Code.

Question N° 7

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

The Insurer can not raise an objection against the Third Party which according to the Law or the Insurance Contract could raise it against the insured for disobedience of the Law or the Insurance Contract.

Question N° 8

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

The damaged person has the right of "Actiodirecta", i.e. has the right of action against the Insurer.

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?

In accordance with the Insurance Law, the citizen of a foreign country has the right, for a damage suffered in the territory of the Republic of Macedonia, to require reimbursement from the Insurance Company for which the owner or user of the vehicle which caused the accident has made TPL Compulsory insurance cover. Foreign citizens has the same right as domestic one.

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 Insurer shall give an offer according to the Obligatory Law in period of 14 days after the claim is completed (in art. 9 of the Traffic Compulsory Insurance Law , it is stipulated that for issues not regulated by this Law , the Obligatory Law is applied , published in Official Gazette of R.of Macedonia no.18 / 01).

If the claim is caused by a foreign vehicle, the period for submission of the offer is three months from the date of notice of the claim with a complete documentation (art. 33 of the Law).

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

It refers to all losses , material and non – pecuniary losses.

10.2. What is the specific time-limit?

The Insurer shall give an offer according to the Obligatory Law in period of 14 days after completing the claim.

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

An Insurance company or its authorised representative shall be punished by a fine at the amount of 250.000,00 up to 300.000,00.

10.4. Are there any similar stipulations for provisional payments?

Question N° 11

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

Yes

If yes, please specify.

The limitation period is three (3) years for material losses and five (5) years for non-pecuniary losses. If the loss is caused by a criminal act and if the criminal prosecution is predicted, the limitation period may differ and the claim against the responsible party expires on the date of expiry specified by the criminal prosecution.

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

Yes

If yes, please specify.

The expiry is cancelled in the following situations:

- when the debtor recognises the debt;
- when the victim brings charges;
- force majeure.

Question N° 12

12.1. Is your Bureau a VAT liable entity?

NO

12.2. If yes, please indicate the VAT number:

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

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

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

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

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

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 damaged party who suffered damage in accordance with art.58, par. 1 of the present Law has the right to submit an indemnity claim to the Bureau or directly to the Insurance company.

The damaged party can bring charges against the Bureau, namely the Insurance companies if in period of three months from the day of submission of the claim indemnity, it has not been reimbursed yet.

If the damage is caused by a driver of an uninsured motor vehicle, the Bureau is liable for the claim indemnity in the same way as the Insurance company in case of a signed Insurance contract, but only up to the level of the minimum insurance amounts, established by the present law.

If the damage is caused by a driver of an unknown motor vehicle, the Bureau is liable for the claim indemnity as a result of death, bodily injury or health disturbance in the same way as the insurance company in case an Insurance contract was signed, but only up to the level of the minimum insurance amounts for any other motor vehicles stipulated by Law.

The Bureau has the right of recovery at the level of the reimbursed claim including the interest and the expenses by the owner of the uninsured motor vehicle, aircraft , boat and owner of the means of transportation in the public transportation , namely by the party who caused the accident . The owner, namely the party who caused the accident are equally liable to the Bureau.

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

In cases when the party is not citizen of the Republic of Macedonia, he/she has the right to submit an indemnity claim against uninsured and unknown motor vehicles only if he/she is a citizen of a country where the citizens of the Republic of Macedonia are provided the equivalent rights for indemnity in the same circumstances.

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)

No

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

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

14.2. Are there certain types of vehicles or certain vehicles 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?