

# **Act on Compulsory Motor Third-Party Liability Insurance**

The full text of Act No 381/2001 of 4 September 2001 on compulsory motor third-party liability insurance (and amending certain laws), as amended by Act No 95/2002, Act No 99/2003, Act No 430/2003, Act No 430/2003, 186/2004, Act No 645/2004, Act No 91/2005, Act No 747/2004, Act No 188/2006, Act No 110/2007, Act No 144/2010, Act No 520/2011, Act No 180/2013, Act No 39/2015, and Act No 373/2018.

The National Council of the Slovak Republic has adopted this Act:

## **ARTICLE I**

### **DIVISION ONE**

#### **Section 1**

##### **Purpose of the Act**

(1) This Act regulates compulsory motor third-party liability insurance (hereinafter ‘liability insurance’) and the establishment of the Slovak Insurers’ Bureau (hereinafter ‘the Bureau’).

(2) Unless stipulated otherwise by this Act, liability insurance is subject to other acts.<sup>1</sup>

#### **Section 2**

##### **Definition of terms**

For the purposes of this Act, the following terms are defined as follows:

- (a) ‘motor vehicle’ means a rigid, free-wheeled vehicle with own drive, as well as other vehicle without own drive for which a certificate of registration, road worthiness certificate or a similar certificate is issued;
- (b) ‘domestic motor vehicle’ means any motor vehicle subject to vehicles registration in the Slovak Republic; a motor vehicle which is not subject to registration but its owner, holder, or operator has permanent or a registered office<sup>3</sup> in the territory of the Slovak Republic or a motor vehicle which has been dispatched to the Slovak Republic from another Member State where the Slovak Republic is considered to be the destination, upon acceptance of delivery by the purchaser for a period of thirty days, even though the vehicle has not been registered in the Slovak Republic is also classified as a domestic motor vehicle;
- (c) ‘foreign-based motor vehicle’ means any motor vehicle registered abroad; a motor vehicle which is not subject to vehicle registration but is owned by a natural or legal person having permanent residence or registered office outside the territory of the Slovak Republic is also classified as a foreign-based motor vehicle;

- (d) ‘insurer’ means an insurance company, an insurance company from other Member State or foreign insurance company authorised to provide liability insurance in the territory of the Slovak Republic pursuant other legislation<sup>4</sup>;
- (e) ‘policyholder’ is a person who concluded a liability insurance contract (hereinafter ‘insurance contract’);
- (f) ‘insured party’ is the person covered by liability insurance;
- (g) ‘injured party’ means any person who suffered damage caused by the operation of motor vehicle and is entitled to compensation under this Act;
- (h) ‘occurrence of loss’ is an event on the basis of which the injured party may become entitled to receive compensation from the insurer or from the Bureau;
- (i) ‘insured event’ is an event on the basis of which the insurer or the Bureau is obliged to pay compensation for damage;
- (j) ‘operator of the motor vehicle’ is a natural or legal person having a legal or actual possibility to dispose of the motor vehicle;
- (k) ‘vehicle registration authority’ means the District Traffic Inspectorate;<sup>5</sup>
- (l) ‘central vehicle register’ is an automated information system regarding motor vehicles in the Slovak Republic, kept by the Ministry of Interior of the Slovak Republic pursuant to other legislation;<sup>6</sup>
- (m) ‘green card’ means the International Motor Insurance Card;
- (n) ‘Member State’ means a Member State of the European Union or a Member State of the European Free Trade Agreement, which signed the Treaty establishing the European Economic Area;
- (o) territory of habitual presence of the motor vehicle means:
  1. territory of the State where a registration number,<sup>6aa</sup> individual registration number<sup>6ab</sup> or special registration number<sup>6ac</sup> has been assigned to it;
  2. territory of the State where the insurer’s mark or any other distinguishing mark has been assigned to it if it is a motor vehicle not subject to the registration of vehicles; or
  3. territory of the State where the holder, owner or operator of the motor vehicle has its permanent residence or registered office if no registration number, insurer’s mark or other distinguishing mark is assigned to the motor vehicle;
  4. territory of the State where the damage was caused, in the case that the motor vehicle had not assigned the registration number,<sup>6aa</sup> individual registration number<sup>6ab</sup> or special registration number<sup>6ac</sup>, or this number does not agree with the motor vehicle or with the assigned registration number,<sup>6aa</sup> individual registration number<sup>6ab</sup> or special registration number;<sup>6ac</sup>
  5. territory of the Member State where the motor vehicle was sent from other Member State, and this within thirty (30) days from the motor vehicle takeover by a buyer, although the registration number,<sup>6aa</sup> individual registration number<sup>6ab</sup> or special registration number<sup>6ac</sup> was not assigned to the motor vehicle in the Member State where the motor vehicle was sent;
- (p) ‘the green card system’ means the complex of relations of the national Insurers’ Bureaus regulated by the Internal Rules<sup>6ad</sup> approved by the general meeting of the Bureaus Council.

### Section 3

#### Obligation to conclude an insurance contract

(1) In the case of a domestic motor vehicle, an obligation to conclude an insurance contract shall lie with the person whose name is entered in the documents of the motor vehicle as a holder, or the one who is indicated in the documents of the motor vehicle as the person to which the possession of the motors has been transferred,<sup>6a</sup> in other cases, the owner of the motor vehicle or its operator. If the motor vehicle is the subject of a contract of lease with a right of purchase, the obligation to make an insurance contract shall apply to the leaseholder.

(2) In the case of a foreign-based motor vehicle, an obligation to conclude an insurance contract shall lie with the driver of the motor vehicle unless otherwise stipulated by this Act.

(3) Any person to whom an obligation to make an insurance contract applies pursuant to paragraph 1, shall be obliged to conclude an insurance contract no later than on the first day of using the motor vehicle. The person obliged to conclude an insurance contract pursuant to paragraph 2, shall be obliged to conclude such contract pursuant to Section 16 before entering the territory of the Slovak Republic.

### **Scope of liability insurance**

#### **Section 4**

(1) Liability insurance covers any person responsible for damage caused by the operation of the motor vehicle specified in the insurance contract.

(2) The insured party is entitled, on the basis of liability insurance, to claim that the insurer should pay to the injured party on its behalf any justified claims for compensation, such as:

- (a) damage to health and costs incurred in the event of death;
- (b) loss caused by damage, destruction, theft, or loss of property;
- (c) reasonable costs incurred in connection with legal representation in enforcing of the entitlements pursuant to subparagraphs (a), (b) and (d) in the case that the insurer did not fulfilled the obligations stated in Section 11(6)(a) or (b) or the insurer unlawfully refused to provide the insurance benefit, or the insurer unlawfully reduced the provided insurance benefit;
- (d) loss of profit.

(3) The insured party has the right from the liability insurance that the insurer shall reimburse the claimed, proved and paid appropriate costs of health care, sickness benefit, old-age benefit, service pensions benefit and pensions of the old-age pension saving to the appropriate subjects<sup>6b</sup> for the insured party in the case that the insured party is obliged to reimburse the costs to these subjects.

(4) The insured party is entitled to expect the insurer to pay insurance benefits to the injured party on his behalf to the extent under paragraph 2 if the incident causing damage for which the insured party is liable occurred at a time covered by liability insurance, unless otherwise stipulated by this Act.

(5) In the case of damage caused by operation of a domestic motor vehicle in the territory of other Member State, the injured party is provided the payment of an insurance claim within the scope of liability insurance in compliance with legal regulations of the Member State in whose territory the damage occurred, unless pursuant to this Act or based on the insurance contract the payment of a claim is provided within a wider scope.

(6) In the case of damage caused by operation of a motor vehicle to a citizen of a Member State in the territory of a foreign country where the competent Insurers' Bureau does not operate, during its travel from one Member State to the territory of another Member State, legal regulations of the Member State on whose territory the motor vehicle is habitually present apply to such damage.

## Section 5

(1) Unless the insurance contract stipulates otherwise, the insurer shall not pay damages on behalf of the insured party in the event of liability for damage:

- (a) suffered by the driver of the motor vehicle by whose operation the damage was caused;
- (b) pursuant to Section 4(2)(b) to (d):
  - 1. for which the insured party is liable to his/her spouse or to persons who lived with him in a common household at the time when the accident occurred;<sup>7</sup>
  - 2. sustained by the holder, owner, or operator of the motor vehicle by whose operation the damage was caused;
  - 3. caused to a convoy of vehicles consisting of a motor vehicle and a trailer vehicle, except for the cases when the damage was caused by operation of another motor vehicle or when the vehicles were connected by a tow-rope or tow-bar while providing help, which is not conducted as a business activity;
- (c) to the motor vehicle by whose operation the damage was caused, including to things transported by such motor vehicle, with the exception of damage to things worn or hold by the persons transported, except persons under subparagraphs (a) and (b) indent 1, at the time when the traffic accident occurred;
- (d) which the insured party has settled or undertook to settle above the limit set by other legislation<sup>8</sup> or above the limit set on the basis of a court's final decision on compensation for damage or on the basis of a court's final decision confirming an agreement between the participants in the proceedings, if the policyholder was not one of the participants;
- (e) suffered by racers or competing participants during motor races or competitions or preparations for such events, or damage to the motor vehicles used in such races, with the exception of damage caused by operation of such vehicles, during which the driver is obliged to observe the Road Traffic Regulations;
- (f) arising from the coverage of health care expenses, sickness benefits, health security benefits, accident benefits, accident security benefits, old-age benefits, service pension benefits and pensions of the old-age pension saving provided on account of damage to health or death caused by operation of motor vehicles:
  - 1. where the person liable for the damage has not been identified;
  - 2. to the driver of the motor vehicle by whose operation that damage was caused;

- (g) caused by the use of a motor vehicle as a working tool, with the exception of damage caused by its operation;
- (h) the occurrence of which is not connected with the insured event;
- (i) caused by the handling of the load of a standing vehicle;
- (j) caused by operation of a motor vehicle in a terrorist act or war incident if such operation is directly related to such act or incident.

(2) Unless otherwise stipulated by the insurance contract, the insurer is authorised to refuse, in part or entirely, to pay insurance benefits if the insured party:

- (a) acknowledges, without the insurer's consent, the obligation to pay compensation for the damage, or part of the damage, above the limits of insurance coverage, which the insurer is otherwise obliged to provide in accordance with this Act;
- (b) undertakes to settle statute-barred debts;
- (c) fails to cooperate with the insurer in judicial proceedings.

## **Section 6**

### **Insurance contract**

(1) An insurance contract shall contain, in addition to general data pursuant to other legislation,<sup>9</sup> data on the motor vehicle entered in the certificate of vehicle registration pursuant to other legislation<sup>10</sup> or data entered in the road worthiness certificate as regards motor vehicles which are not subject to the registration of motor vehicles or in a similar certificate.

(2) An insurance contract includes the general terms and conditions of insurance. General terms and conditions of insurance must contain at least the terms and conditions laid down in Sections 4, 5, 7 to 12, and 15.

(3) The insurer shall be obliged to conclude an insurance contract on the proposal from the policyholder if it is not in conflict with the present Act. If the insurer refuses to conclude an insurance contract with the policyholder, Národná banka Slovenska shall designate,<sup>11</sup> at the policyholder's request, another insurer who will be obliged to conclude such contract.

(4) In the case that the insurance contract is concluded, the liability insurance is valid in the period of this insurance duration in the territory of all Member States; the liability insurance is valid in the period of this insurance duration also in the territory of the States marked by the insurer in the green card.

## **Section 7**

### **Limits of insurance benefit**

(1) A limit of the insurance benefit means the highest amount of insurance benefit paid by an insurer for a single insured event. Limits of the insurance benefit must be set in the insurance contract.

(2) Unless defined otherwise in this Act, the limit of the insurance benefit from one occurrence of damage has to be at least:

- (a) EUR 5,240,000 for the damage pursuant to Section 4(2)(a) and the costs pursuant to Section 4(3) regardless of the number of the injured or killed persons;
- (b) EUR 1,050,000 for the damage pursuant to Section 4(2)(b) to (d) regardless the number of the injured parties.

(3) In the case that the sum of the entitlements of more injured parties is higher than the limit of the insurance benefit pursuant to paragraph 2(a) or (b) or the insurance contract, the insurance benefit shall be reduced to each of them in the proportion of the insurance benefit limit to the sum of the entitlements of all injured parties.

## **Section 8**

### **Insurance premium**

(1) The amount of premium to be paid for liability insurance pursuant to this Act is set so that the insurer's obligations arising from liability insurance including the creation of reserves pursuant to other legislation<sup>4</sup> could be met in full.

(2) The period of insurance is usually one calendar year, or a shorter period. The form of premium payment, length of the insurance period, and the due date of premium payment are laid down in the general terms of conditions of insurance.

(3) When determining the contractual amount of the insurance premium to be paid for liability insurance pursuant to this Act the insurer shall be obliged to take into account the policyholder's overall previous claims record either by providing a discount on the premium where the record is without any claim, or by adding an extra charge where insurance benefit has been paid in respect of liability insurance.

## **Section 9**

### **Expiration of liability insurance**

(1) Apart from reasons specified in other legislation,<sup>12</sup> liability insurance shall expire for the following reasons:

- (a) extinction of the motor vehicle;
- (b) entry of a record in the register of motor vehicles of the transfer of possession of the motor vehicle to another person;<sup>6a</sup>
- (c) exclusion of the motor vehicle from the register of vehicles;<sup>13</sup>
- (d) notification of the relevant authority<sup>14</sup> of the theft of the motor vehicle;
- (e) return of the certificate of liability insurance where the motor vehicle is not subject to the registration of vehicles;
- (f) exclusion of the motor vehicle from the traffic on ground communications;<sup>14a</sup>
- (g) change of a lessee if the motor vehicle is subject of a contract of lease involving the right to purchase the leased thing.

(2) Liability insurance shall expire at the moment when the event mentioned in paragraph 1 occurs. The policyholder shall be obliged to notify the insurer of such events without undue delay.

(3) After an insured event, the insurance contract may be terminated by the insurer and the policyholder within one month of the day on which the insured event was reported to the insurer. In such case, the term of notice shall be one month of the day of delivery of a written notice of termination of the insurance contract to the other party. Upon expiration of that time limit, the contract of liability insurance shall become null and void.

(4) Liability insurance shall also expire if the insurance premium is not paid within a month of the due date unless a longer time limit is agreed in the insurance contract for the expiration of liability insurance, the maximum extent of such a limit being three months. Upon expiration of that time limit, liability insurance shall become null and void.

(5) Upon termination of liability insurance, with the exception of the termination of motor vehicle liability insurance under Section 27, the policyholder shall be obliged to submit to the insurer a certificate of liability insurance and green card without undue delay.

## **Section 10**

### **Rights and obligations of the policyholder**

- (1) The insured party is obliged to notify the insurer in writing of the insured event:
- (a) within 15 days of its occurrence if the event took place in the territory of the Slovak Republic;
  - (b) within 30 days of its occurrence if the event took place outside the territory of the Slovak Republic.

(2) The general terms and conditions of insurance may contain clauses specifying the cases when the time limits mentioned in paragraph 1 may be prolonged to an adequate extent. After notifying the insurer of the insured event, the insured party shall be obliged to act according to the insurer's instructions and to present all documents required by the insurer within the time limit agreed.

(3) The insurer is obliged to notify the insured party, in writing and without undue delay, of the fact that:

- (a) a claim has been raised against it for compensation for damage and express his opinion with regard to the amount of compensation required;
- (b) in connection with the insured event, criminal proceedings or administrative hearing of administrative infractions have commenced and to ensure that the insurer be informed of the course and results of such proceedings; if the insured party has a legal representative, he is obliged to report his full name, permanent address, or trade name and registered office to the insurer;
- (c) the right to compensation for damage was enforced in due form; in such a case, the insured party shall be obliged to proceed according to the insurer's instructions.

(4) The insured party is obliged to notify, without undue delay, the insurer of any circumstances affecting the transfer of rights to the insurer pursuant to Section 13 and to hand over any documents that are necessary for the exercise of such rights.

(5) At the request of the injured party, the insured party shall be obliged to provide, without undue delay, any data necessary for the injured party to enforce his claim to damages, mainly:

- (a) the full name and permanent residence address of the insured party or their business name and registered office;
- (b) the business name and registered office of the insurer with whom the contract of liability insurance was signed;
- (c) the number of the insurance contract.

(6) The policyholder party is entitled to ask the insurer in writing for issuing of the certificate about the claim experience of the liability insurance for the whole period of the contractual relation duration, but at least for the period of the last five (5) years of the contractual relation duration. The insurer is obliged to issue this certificate within fifteen (15) days from delivery of the policyholder request.

## **Section 11**

### **Rights and duties of the insurer**

(1) The insurer shall be obliged to issue, after the conclusion of a contract of liability insurance, a certificate of liability insurance and green card for the insured party without undue delay; for this purpose, the insurer is obliged to ensure that a security feature be incorporated in the certificate of insurance. The due form of the certificate of liability insurance shall be prescribed in legislation of general application issued by Národná banka Slovenska. The insurer shall be obliged to provide for the registration of all certificates of liability insurance.

(2) For the purposes of compensation for loss caused by damage, the insurer shall be obliged, after the conclusion of a contract of liability insurance, to issue for the insured party a form for specifying data concerning the traffic accident or occurrence of loss, traffic accident participants, participating motor vehicles and damage to them, as well as liability insurance and liability; the insurer shall also be obliged to issue this form to insured persons on their request.

(3) The insurer shall be obliged to notify the Bureau in writing, without undue delay, of the establishment, modification, or expiration of liability insurance and of other insurance contracts concluded, including data under Section 25(2)(a) and (b). The policyholder is obliged to provide to the insurer data under Section 25(2)(a) and (b) and their amendment. The insurer shall be obliged to verify any data on a motor vehicle registered by the Bureau.

(4) The insurer shall be obliged, within 15 days after termination of liability insurance, to issue to the policyholder a document about the course of liability insurance. If the policyholder failed to fulfil the obligations under Section 9(5), the insurer is not obliged to give back the insurance premium pursuant to paragraph 11 unless this obligation shall be fulfilled.

(5) Based on a written application, the insurer shall appoint a legal representative<sup>15</sup> for the insured party, without undue delay, to act on his behalf in judicial proceedings in the case of liability insurance.

(6) The insurer shall be obliged, without undue delay, to undertake investigation necessary to determine the scope of its obligation to pay insurance benefits and within three months of the date when the insured party notified of the incident causing damage:

- (a) to complete the investigation necessary to determine the scope of its obligation to pay insurance benefits and to notify the insured party of the amount of the insurance benefit if the scope of the insurer's obligation to pay insurance benefits and the entitlement to compensation of damage has been proven;
- (b) to provide to the insured party a written explanation of the reasons for which it refused or reduced the insurance benefit, or to provide to the insured party a written explanation with respect to the claims filed when the scope of the insurer's obligation to pay insurance benefit within the set time limit and the amount of insurance benefit has not been proven; a written explanation shall be considered delivered on the date when the insured party received, refused to receive it, or on the date when the Post Office returned it as non-delivered.

(7) The insurer shall be obliged to pay insurance benefit within 15 days after the investigation necessary to determine the scope of the insurer's obligation to pay insurance benefits or upon delivery of a final and conclusive court decision on the amount of the compensation for damage to the insurer unless other time limit for the payment of insurance benefit arises from such decision.

(8) If the insurer fails to fulfil its obligation under paragraph 6, it shall be obliged to pay interest on late payment to the insured party pursuant to other legislation.<sup>15a</sup>

(9) Paragraphs 6 to 8 shall apply equally even when the claim to the compensation for damage has been filed by the injured party with the claims agent (Section 15a).

(10) Unless criminal proceedings are endangered pursuant to other legislation<sup>15b</sup> or administrative hearing of administrative infraction, the law enforcement agency or the authority hearing an administrative infraction shall, upon request, communicate to the insurer or the Bureau data concerning the traffic accident within the scope pursuant to other legislation,<sup>15c</sup> or allow it to inspect the file thereon and to make extracts regarding the case of the insured event.

(11) When the liability insurance expires before the end of the insurance period for which insurance premium was or had to be paid, the insurer is entitled to receive proportional part of insurance premium at the date when the liability insurance expired. The insurer shall be obliged to refund the remainder of the premium to the policyholder if that amount exceeds SKK 50.

(12) When the liability insurance expires before the end of the insurance period for which insurance premium was or had to be paid and an insured event occurs in that period, for which the insurer is obliged to pay damages, the insurer shall be entitled to receive insurance premium until the end of the insurance period.

(13) The insurer shall be obliged, at the latest 10 weeks before the termination of the insurance period, to inform in writing the policyholder about:

- (a) the amount of insurance premium referred to in Section 8 for the subsequent insurance period;
- (b) the day of termination of the insurance period;
- (c) the deadline until when the insurance contract may be cancelled in accordance with another act.<sup>15ca</sup>

## **Section 12**

### **The insurer's right to compensation for the payment of insurance benefits**

(1) The insurer shall be entitled to receive full or partial compensation from the policyholder for the payment of insurance benefits for damage caused by operation of a motor vehicle if they:

- (a) caused damage intentionally or if he drove the motor vehicle under the influence of addictive drugs;<sup>15d</sup>
- (b) drove the motor vehicle without a valid driving licence or at a time when his driving licence was suspended by court or other competent authority;<sup>16</sup>
- (c) caused damage by a motor vehicle the technical state of which failed to meet the criteria set for motor vehicles used in traffic on ground communications pursuant to other legislation;<sup>17</sup>
- (d) knowingly entrusted the motor vehicle to a person not meeting the conditions for driving a motor vehicle pursuant to other legislation;<sup>18</sup>
- (e) failed to report the traffic accident, which was an insured event, pursuant to other legislation;<sup>19</sup>
- (f) were in delay with the payment of insurance premium at the time when the insured event occurred;
- (g) caused damage by a motor vehicle and without reasons worth special attention breached the obligations under Section 10(1) to (4);
- (h) refused a post-accident drug test.<sup>15d</sup>

(2) The insurer shall be entitled to receive full or partial compensation from the insured party, who is not the policyholder, for the payment of insurance benefits on his behalf for damage or injury caused by operation of a motor vehicle if:

- (a) the insured party caused damage intentionally or if he drove the motor vehicle under the influence of addictive drugs;<sup>15d</sup>
- (b) the insured party caused damage by using a motor vehicle without authorisation;
- (c) the insured party drove without a valid driving licence or at a time when his driving licence was suspended by court or other competent authority;<sup>16</sup>
- (d) the insured party caused damage by driving a motor vehicle knowing that its technical state failed to meet the conditions stipulated for vehicles used in traffic on ground communications pursuant to other legislation<sup>17</sup> and this state was responsible for the said damage;
- (e) he knowingly entrusted the motor vehicle to a person not meeting the conditions for driving a motor vehicle pursuant to other legislation;<sup>18</sup>
- (f) the insured party failed to report the traffic accident, which was an insured event, pursuant to other legislation;<sup>19</sup>

- (g) he caused damage by a motor vehicle and without reasons worth special attention breached the obligations under Section 10(1) to (4);
- (h) refused a post-accident drug test.<sup>15d</sup>

(3) The amount of the insurance benefit or its part compensation, which the insurer is entitled to receive pursuant to paragraphs 1 or 2, may not exceed the sum of insurance benefits, paid by the insurer by reason of the insured event.

(4) The insurer's right to compensation for payment of the insurance benefit or its part pursuant to paragraph 1 or 2 shall be in lapse within three (3) years of the date of the insurance benefit payment.

### **Section 13**

#### **Transfer of rights to the insurer**

If the insured party has a right in relation to the injured party or any other person to the repayment of the amount paid, to its reduction or the suspension of its repayment, this right shall be transferred to the insurer provided he has paid or pays this amount on behalf of the insured party.

### **Section 14**

#### **Preliminary liability insurance**

(1) Before the conclusion of an insurance contract, the insurer may agree with the person to whom the obligation to conclude an insurance contract refers pursuant to Section 3(1), that he will pay compensation for any damage or injury on the said person's behalf in accordance with this Act.

(2) Insurance pursuant to paragraph 1 may not be arranged for foreign-based motor vehicles.

(3) Insurance pursuant to paragraph 1 shall extinguish upon expiration of the period for which it was agreed or after the insurance contract is closed.

### **Section 15**

#### **Direct claims of the injured party**

(1) Compensation for damage shall be paid to the injured party by the insurer. The injured party is entitled to enforce its claim to compensation directly vis-à-vis the insurer<sup>20</sup> and is obliged to document this claim.<sup>21</sup>

(2) The limitation of claims to compensation vis-à-vis the insurer is subject to the same regulations as the limitation of claims vis-à-vis the person responsible for the damage.<sup>22</sup>

## **Section 15a**

### **Claims agent**

(1) The insurer shall be obliged to appoint its claims agent in each Member State where it has been granted a licence to pursue insurance activity. A claims agent can be a natural person or legal person who must have permanent residence or a registered office in that Member State where it pursues its activity.

(2) A claims agent shall administer claims on behalf of and on the account of the insurer; a claims agent is authorised to pursue such activity for one insurer or more insurers; the pursuit of the activity of a claims agent shall not constitute the establishment of the insurer's branch.

(3) A claims agent shall collect information necessary for the investigation of the entitlement of the injured party to the compensation for damage and pursue the activities necessary to satisfy them if the damage was caused by operation of a motor vehicle:

- (a) which is the subject of the liability insurance effected in the Member State other than that where the injured party has its permanent residence or registered office;
- (b) which is usually present in the Member State other than that where the injured party has its permanent residence or registered office;
- (c) in the territory of the Member State other than that where the injured party has its permanent residence or registered office;
- (d) which usually occurs in the Member State other than that where the injured party has its permanent residence or registered office, whereas the damage was caused in the territory of other than the Member State where the appropriate Insurers' Bureau integrated into the green card system operates.

(4) A claims agent shall be authorised with respect to the injured party when satisfying its claims to represent the insurer in full, and it shall have to ensure the investigation of the injured party's claims in the official language of the Member State where the injured party has its permanent residence or registered office; this shall be without to the injured party's right to file its claims for the compensation for damage directly with the insurer or against the person that caused such damage.

(5) The insurer shall be obliged, within seven days of the appointment of a claims agent, to notify Národná banka Slovenska and the Bureau of the full name, date of birth, permanent residence address of the claims agent and their business name and registered office. The Bureau shall communicate such information without undue delay to the competent national information centres of other Member States.

(6) The provisions of paragraphs 2 to 4 apply mutatis mutandis to the liquidating agent of other Member State insurance company operating the liability insurance in the territory of the Slovak Republic upon the right of free services provision.<sup>4</sup>

(7) In the case that the insurer with its registered office in the territory of other Member State operates the liability insurance in the territory of the Slovak Republic by means of a branch office,<sup>4</sup> the activity of the liquidating agent pursuant to paragraphs 2 to 4 is operated by the head

of the branch of other Member State insurance company in the territory of the Slovak Republic, unless the insurer appointed another liquidating agent.

## **Section 16**

### **Frontier insurance**

(1) The driver of a foreign-based motor vehicle is obliged to conclude a contract of insurance with the Bureau against civil liability in respect of the operation of foreign-based motor vehicles in the territory of the Slovak Republic (hereinafter ‘frontier insurance’). Frontier insurance covers only insured events taking place in the territory of the Slovak Republic and in the territory of another Member State.

(2) Frontier insurance is taken out when a foreign-based motor vehicle enters the territory of the Slovak Republic by the payment of insurance premium, for the entire period of operation of the said motor vehicle in the territory of the Slovak Republic, but no less than 15 days. Premium paid for frontier insurance is not refunded.

(3) An obligation to effect frontier insurance pursuant to paragraph 1 is regarded as satisfied if:

- (a) the driver produces a green card valid for the territory of the Slovak Republic for the period of operating the motor vehicle in the territory of the Slovak Republic;
- (b) it is a motor vehicle covered by liability insurance pursuant to the Multilateral Agreement on Guarantees between National Insurers’ Bureaus;
- (c) it is a motor vehicle which is habitually present in the territory of another Member State;
- (d) it is a motor vehicle listed in the register of motor vehicles to which an exemption from liability insurance applies, which has been that Member State submitted to the European Commission and to the Bureau, including the designation of the entity responsible for the compensation of damage caused by operation of such motor vehicles.

(4) Drivers of foreign-based motor vehicles who take out frontier insurance will be given a certificate of frontier insurance. On request, a certificate of frontier insurance may also be issued in another language, i.e. in English, French, German, or Russian. The due form of a certificate of frontier insurance is to be prescribed in legislation of general application to be issued by Národná banka Slovenska.

(5) The Bureau may ensure, through contract, that frontier insurance be arranged and a certificate of such insurance be issued on its behalf by other legal persons as well.

(6) The unit of the Police Force executes control of fulfilment of the obligation pursuant to paragraph 1 at the entry of the foreign-based motor vehicle that usually occurs in the territory of other Member State and enters the territory of the Slovak Republic from other than the Member State. In the case that at the entry of such foreign-based motor vehicle to the territory of the Slovak Republic the unit of the Police Force finds out that the driver of the foreign-based motor vehicle fails to fulfil the obligation pursuant to paragraph 1, such motor vehicle will not be allowed to enter the territory of the Slovak Republic unless the driver shall fulfil this obligation.

(7) The driver of a foreign-based motor vehicle who operates the motor vehicles in the territory of the Slovak Republic, for which he is obliged to take out frontier insurance, shall pay, without such insurance or a valid green card, insurance premium in the amount of three times the premium payable for the period of his stay in the Slovak Republic, but not less than SKK 10,000.

(8) If the driver of a foreign-based motor vehicle, the operation of which is subject to frontier insurance, fails to present, when leaving the Slovak Republic, a document certifying that he had frontier insurance for the entire period of his stay in the Slovak Republic, he will be prohibited from the further use of the motor vehicle concerned until he meets the requirement laid down in paragraph 7.

### **Section 17**

#### **Proof of liability insurance**

The policyholder is obliged to present a proof of liability insurance when required by the body of vehicle registration, in the form of a certificate of liability insurance or a copy of the insurance contract pursuant to Section 14.

### **Section 18**

#### **Checks on liability insurance**

(1) When driving a domestic motor vehicle, the driver is obliged to carry a certificate of liability insurance and to present it when required by an officer of the Police Force; if insurance was arranged pursuant to Section 14, the driver is obliged to present a document of this fact.

(2) When driving a foreign-based motor vehicle, the driver is obliged to carry a green card or a certificate of frontier insurance, which he is obliged to present when required by an officer of the Police Force. This obligation does not apply to foreign-based motor vehicles that are subject to the Multilateral Agreement on Guarantees between National Insurers' Bureaus.

(3) As part supervision of the safety and smooth running of road traffic, the officers of the Police Force carry out checks on documents mentioned in paragraphs 1 and 2.

(4) Repealed from 1 November 2003.

### **Section 19**

#### **Penalties**

(1) The district authority shall impose a penalty from SKK 500 to SKK 100,000 on those who failed to conclude an insurance contract pursuant to Section 3(1).

(2) Pursuant to Section 25(3) upon the Bureau notice the district authority shall call, without undue delay, the entity obliged to conclude an insurance contract pursuant to Section 3(1)

to submit a certificate of liability insurance within seven (7) working days from delivery of such notice.

(3) At the penalty imposing pursuant to paragraph 1 the seriousness of the breach of the obligation and duration of the unlawful state shall be taken into consideration.

(4) The penalty pursuant to paragraph 1 may be imposed within two (2) years as of the date, on which the district authority learnt about the breach of an obligation, but no later than three (3) years as of the date on which the breach of obligation occurred.

(5) The district authority at the place of the permanent residence or registered office<sup>3</sup> of the holder, owner or operator of the motor vehicle shall have the local jurisdiction for the proceedings in respect of the penalty imposing pursuant to paragraph 1.

(6) Income from fines shall constitute revenue of the state budget.

(7) Proceedings in respect of the penalty imposing pursuant to paragraph 1 are governed by legislation of general application on administrative proceedings<sup>23</sup> unless otherwise stipulated by this Act.

## **DIVISION TWO**

### **Section 20 The Bureau**

(1) The Bureau is hereby established as a legal person.<sup>24</sup> Its registered office is Bratislava. The Bureau is registered in the Commercial Register and it operates within the scope as defined by this Act.

(2) The Bureau shall:

- (a) manage the Guarantee Insurance Fund;
- (b) administer frontier insurance;
- (c) represent the insurers in international institutions dealing with liability insurance;
- (d) make agreements with the insurers' bureaus of foreign countries, entities responsible for the compensation for damage in Member States and with information centres of Member States and cause tasks arising from these agreements to be fulfilled;
- (e) cooperate with state authorities in matters relating to liability insurance;
- (f) participate in the prevention of damages in road traffic and in the prevention of insurance fraud in connection with the operation of motor vehicles;
- (g) keep records and statistics for the purposes of liability insurance;
- (h) pursue the activity of an information centre and for this purpose it shall keep a register of liability insurance (hereinafter 'the register');

- (i) at the injured party's request and based on the data provided by the insured party, it shall provide information on the method of asserting and settling its claim for the compensation of damage.

(3) Membership of the Bureau shall commence on the date as determined in the decision of Národná banka Slovenska based on which the insurer, which is an insurance company or foreign insurance company, is authorised to provide liability insurance,<sup>4</sup> or if such date is missing in the decision of Národná banka Slovenska, on the effective date of such decision. As regards an insurer, which is an insurance company from other Member State, the membership of the Bureau shall commence on the first day of providing liability insurance in the territory of the Slovak Republic. The insurer shall be obliged to notify the Bureau of this fact without undue delay. The Bureau shall notify the relevant body of vehicle registration of the establishment of membership without undue delay.

(4) Membership of the Bureau shall terminate on the date on which the decision of Národná banka Slovenska based on which the insurer's licence to pursue insurance activity or authorisation to provide liability insurance, which is an insurance company or foreign insurance company, was withdrawn from the insurer. As regards an insurer, which is an insurance company from other Member State, the membership of the Bureau shall terminate on the date when the competent supervisory body of the Member State withdrew an authorisation to provide liability insurance from the insurer. The insurer shall be obliged to notify the Bureau of this fact without undue delay. The Bureau shall inform the relevant body of vehicle registration of the expiration of membership without undue delay.

(5) The Bureau shall gather and manage financial contributions from its members for the performance of duties of the Bureau pursuant to this Act and to ensure other activities (hereinafter 'contributions'). A member shall be obliged to pay the Bureau a yearly contribution composed of quarter-year contributions determined by a percentage according to the number of motor vehicles insured for the preceding calendar quarter-year; the general meeting of the members may decide on a different method of determination of the amount of contribution. If a member of the Bureau did not provide liability insurance or was not authorised to do so in the previous calendar year, its contribution shall be EUR 100,000.

(6) Members of the Bureau shall be obliged to pay an extraordinary contribution to the insurance guarantee fund if the amount of the funds in the insurance guarantee fund does not suffice to cover the obligations of the Bureau pursuant to Section 24(2), proportionately according to the amount of their contributions pursuant to paragraph 5 so that all obligations could be discharged from the insurance guarantee fund.

(7) The financial statements of the Bureau shall be verified by an auditor pursuant to other legislation.<sup>26</sup>

(8) The Bureau is obliged to create the technical reserves for provision of activities pursuant to paragraph 2(a) and (b) and Section 28(3) and (4) as follows:

- (a) the technical reserve for the insurance premium of future periods;<sup>24a</sup>
- (b) the technical reserve for the insurance benefit;<sup>24b</sup>
- (c) further technical reserves.

(9) The Bureau may create the further technical reserves pursuant to paragraph 8(c) in the case that it is not possible to pay the liabilities arising from activities pursuant to paragraph 2(a) and (b) and Section 28(3) and (4) from any of the technical reserves stated in paragraph 8(a) and (b). The prior agreement of Národná banka Slovenska upon the Bureau request is needed for creation of the further technical reserves pursuant to paragraph 8(c).

(10) When placing technical reserve funds, the Bureau is obliged to observe the following rules:

- (a) the safety rule under which the technical reserve funds are placed in a way that ensures return of the technical reserve funds;
- (b) the profitability rule under which the technical reserve funds bear yield on their placement or profit on their sale;
- (c) the liquidity rule under which a part of the technical reserve funds is placed in a way that enables them to be immediately and continuously used for insurance benefit payments;
- (d) the risk-diversification rule under which the technical reserve funds shall be placed with several entities having no parent company-subsidiary relationship and not acting in concert.<sup>24c</sup>

(11) The Bureau is obliged to follow the procedure laid down by other legislation<sup>24d</sup> for placing the technical reserve funds decreased by its outstanding receivables from insurance companies and branches of foreign insurance companies that create provisions for their liabilities towards the Bureau.

(12) The Bureau is obliged to respect the limits for particular methods of placement of the technical reserve funds defined by other legislation.<sup>24e</sup>

(13) The Bureau is obliged to maintain the technical reserve funds placed in the way defined by other legislation<sup>24d</sup> at least in the amount of the technical reserves stated in paragraph 8 decreased by its outstanding receivables from the insurance companies and branches of foreign insurance companies that create provisions for their liabilities towards the Bureau.

(14) The Bureau shall draw up an overview of the placement of technical reserve funds and the amount of technical reserve funds conforming to the placement in the appropriate way defined by other legislation.<sup>24d</sup> The Bureau is obliged to submit this overview to Národná banka Slovenska always according to the situation as at 31 March, 30 June, 30 September and 31 December of the current year within thirty (30) days from the date for which the situation is presented.

(15) The bodies of the Bureau are:

- (a) the general meeting of members;
- (b) the management board;
- (c) the supervisory board;
- (d) the Chief Executive Officer.

(16) The Bureau shall without undue delay notify Národná banka Slovenska of the member of the Bureau that failed to pay contributions to the Bureau within the set time limit;

Národná banka Slovenska shall be authorised to withdraw from such member an authorisation to pursue insurance activity for liability insurance.

## **Section 21**

### **General meeting of members**

(1) The supreme body of the Bureau is the general meeting of members. Each member of the Bureau is authorised to attend the general meeting of members. The general meeting is convened by the management board once a year. The management board shall convene the general meeting so that it takes place no later than 30 days of the day when the supervisory board or at least one third of the members so requested. Each session of the general meeting shall be attended by a representative of Národná banka Slovenska; representative of Národná banka Slovenska must be given the floor on his request.

(2) The general meeting of the members has a quorum if attended by more than 50% of the members of the Bureau, with the exception of the members providing such insurance in the territory of the Slovak Republic based on the right of free provision of services.<sup>4</sup> If the general meeting has no quorum, the management board shall convene a new meeting to be held no later than 30 days of the date of the previous meeting; such a meeting shall have a quorum irrespective of the number of attending members. Each member shall have one vote. The general meeting of the members shall decide by the majority of votes of those present.

(3) The general meeting of the members:

- (a) elects and removes the members of the management board;
- (b) elects and removes the members of the supervisory board;
- (c) sets the amount of contributions pursuant to Section 20(5) and (6);
- (d) approves the budget of the Bureau;
- (e) approves the annual report and financial statements of the Bureau, including a report on the management of the Insurance Guarantee Fund;
- (f) approves the draft statute of the Bureau and submits it to Národná banka Slovenska for approval;
- (g) decides in other matters which do not fall within the scope of authority of the Bureau's other bodies.

(4) The statute of the Bureau contains mainly:

- (a) details about the powers of the Bureau;
- (b) details about the rights and duties of its members;
- (c) details about the powers of the Bureau's bodies;
- (d) method and date of payment of contributions.

## **Section 22**

### **Management board**

(1) The management board is the statutory body of the Bureau and has five members. The management board is represented and its decisions are signed by the chairman of the management board.

(2) The management board:

- (a) elects and removes the chairman and vice-chairman of the management board;
- (b) appoints and removes the Chief Executive Officer;
- (c) manages the assets of the Bureau and the Insurance Guarantee Fund;
- (d) approves the internal rules and regulations of the Bureau and their amendments;
- (e) approves the organisational chart of the Bureau;
- (f) ensures publishing, archiving, and other activities necessary for the operation of the Bureau;
- (g) decides in other matters which do not fall within the competence of the Bureau's other bodies.

(3) The management board meets as a rule once a month and decides by a majority of votes. The meetings are convened by the chairman of the management board or the vice-chairman acting on their behalf.

### **Section 23** **Supervisory board**

(1) The supervisory board is the supervisory body of the Bureau.

(2) The supervisory board supervises:

- (a) the performance of tasks by the management board;
- (b) the activities of the Bureau including budgetary performance;
- (c) the management of funds in the Insurance Guarantee Fund;
- (d) the payment of contributions by members in the amount and within the time limits as prescribed.

(3) The supervisory board has five members. Two members of the supervisory board are appointed and removed by the Minister of Finance of the Slovak Republic. The chairman of the supervisory board is elected and removed by the members of the supervisory board. A member of the supervisory board may not be simultaneously a member of the management board, an employee of the Bureau, or in employment relations with the Bureau or a statutory body of a member of the Bureau or a member of this body either, or a member of the supervisory body of another member of the Bureau, or a proxy of another member of the Bureau either.

(4) For the purpose of supervision, the Bureau shall be obliged to supply the members of the supervisory board with the necessary documents and true and detailed information about the facts under investigation. The members of the Bureau shall have the same duties if the subject of inspection is the amount of contribution paid by the same members of the Bureau.

(5) The supervisory board shall report its findings to the general meeting of members, management board, and to Národná banka Slovenska. The management board is obliged to

discuss them without undue delay and to inform the general meeting, supervisory board, and Národná banka Slovenska of the course of discussion and the measures adopted.

### **Section 23a**

#### **Chief Executive Officer**

The Chief Executive Officer shall be authorised to perform acts necessary to provide for the activity of the Bureau in the meantime between sessions of the management board unless these are under the scope of authority of other bodies of the Bureau.

### **The Insurance Guarantee Fund**

#### **Section 24**

(1) The Insurance Guarantee Fund is created from the contributions of Bureau members under Section 20(5), extraordinary contributions under Section 20(6), and from insurance premiums in accordance with Section 16.

(2) The Bureau provides from the Insurance Guarantee Fund funds for the payment of insurance benefits for:

- (a) damage to health or death caused by an unidentified motor vehicle the responsibility for which is borne by an unidentified person;
- (b) damage caused by operation of a motor vehicle where the person responsible has no liability insurance;
- (c) damage caused by operation of a motor vehicle belonging to a person whose responsibility for the damage is covered by insurance provided by an insurer who is not able to compensate for the damage due to insolvency;
- (d) damage caused by operation of a foreign-based motor vehicle belonging to a person whose responsibility for the damage is covered by the insured party pursuant to Section 16(1);
- (e) damage caused by operation of a foreign-based motor vehicle whose driver is not obliged to effect frontier insurance when operating the motor vehicle concerned in the territory of the Slovak Republic, with the exception of a foreign-based motor vehicle which is habitually present in the territory of other Member State; this shall be without prejudice to the provisions of Section 24a and 24b;
- (f) damage caused by harm, destruction, larceny or loss of a thing and caused by operation of an unknown motor vehicle for which an unknown person is responsible in the case that at the same time this motor vehicle caused heavy actual bodily harm<sup>26a</sup> or killing;
- (g) damage caused by operation of the motor vehicle that was sent to the Slovak Republic from other Member State provided that at the same time the following conditions were met:
  - 1. the liability insurance was not established for this motor vehicle;
  - 2. the motor vehicle had not assigned a registration number,<sup>6aa</sup> individual registration number<sup>6ab</sup> or special registration number<sup>6ac</sup> in the Slovak Republic;
  - 3. the damage was caused within thirty (30) days as of the date of the motor vehicle takeover by a buyer.

(3) The injured party is entitled to claim damages pursuant to paragraph 2 from the Bureau under the same conditions as if he claimed damages from the insurer pursuant to this Act.

(4) A precondition for the entitlement of the injured party to the compensation from the Insurance Guarantee Fund pursuant to paragraph 2(a) and (f) is that a unit of the Police Force ascertained the accident upon its occurrence. The injured party shall be obliged to present, when claiming damages from the Bureau, a certificate from the Police Force confirming that the damage was caused by an unidentified motor vehicle belonging to an unidentified person.

(5) The Bureau shall pay damages to the injured party pursuant to paragraph 2 under the same conditions as the insurer pursuant to the provisions of this Act. The conditions under which damages are paid in accordance with paragraph 2(c) are considered to be met if they have been fulfilled in relation to an insurer who is unable to pay compensation for damages due to its insolvency.

(6) The payment of insurance benefits pursuant to paragraph 2(a) to (c), (f) and (g) is subject to Section 7.

(7) The Bureau is entitled to receive compensation from the person responsible for a loss or injury pursuant to paragraph 2(a), (b), (f) and (g), for which the Bureau paid insurance benefits. The Bureau is entitled to compensation from the insurer for the amount paid to the insured party pursuant to paragraph 2(c). The Bureau is obliged to demand from the relevant insurer that the amount paid by it to the injured party pursuant to paragraph 2(e) and pursuant to Section 24a(1)(a) be refunded to it.

(8) If a conflict regarding the responsibility for the payment of insurance benefit to the injured party between the Bureau and the insurer occurs, the Bureau shall pay insurance benefit to the injured party. If further investigation proves that insurance benefit or part thereof should have been paid by the insurer, the insurer shall be obliged to refund to the Bureau the amount that the Bureau paid instead of it.

(9) Based on an agreement, the Bureau may empower a member of the Bureau to perform duties pursuant to paragraphs 2, 7 and 8 in the name and on the account of the Bureau.

### **Section 24a**

(1) The injured party with its permanent residence or registered office in the territory of the Slovak Republic shall be entitled to the substituted performance from the Insurance Guarantee Fund (hereinafter 'substituted performance') if:

- (a) within three months of the date of notification by the injured party of the incident causing damage the insurer or its claims agent responsible for the compensation for damage failed to give a written explanation regarding its claims for compensation for damage to the injured party; or
- (b) the insurer with its registered office in other Member State failed to designate a claims agent responsible for the compensation for damage in the Slovak Republic.

- (2) The injured party shall not be entitled to the substituted performance if:
- (a) pursuant to paragraph 1(b) it has already filed a claim for the compensation for damage directly with the insurer and within three months received a written explanation from that insurer; or
  - (b) it has asserted its claim for the compensation for damage against the insurer concerned by bringing an action to court against the insurer.

(3) The substituted insurance benefit shall not be provided for claimed, proved and paid costs of health care, sickness benefits, sickness security benefits, accident benefits, accident security benefits, old-age benefits, service pension benefits and pensions of the old-age pension saving.

(4) The bureau shall be obliged to provide substituted performance or to provide a written explanation of the grounds for which it refused to provide or for which it reduced the substituted performance. The Bureau shall not provide substituted performance or written explanation if the insurer or its claims agent provided to the injured party the insurance benefit or written explanation of the ground for which it refused to provide or for which it reduced the insurance benefit.

(5) Upon payment of the substituted performance, the rights of the injured party towards the person responsible for damage or towards its insurer shall pass to the Bureau.

(6) The Bureau shall, without undue delay after the substituted performance has been claimed claim, notify thereof in writing:

- (a) the insurer with whom the insured party concluded the insurance contract, or its claims agent;
- (b) the entity responsible for the substituted performance in the Member State where the insurer has its registered office, which is an insurance company from other Member State, which concluded the insurance contract regarding the motor vehicle by operation of which the damage has been caused;
- (c) the person that caused damage, if known.

(7) The Bureau shall be entitled to the reimbursement of the substituted performance, which it paid to the injured party, from the entity responsible for the compensation for damage in the Member State where the insurer has its registered office, which is an insurance company from other Member State, which concluded the insurance contract regarding the motor vehicle by operation of which the damage has been caused.

(8) The Bureau shall be obliged without undue delay to refund to the entity responsible for the compensation for damage in the Member State the substituted performance, which has been provided to the injured party having its permanent residence or registered office in that Member State, which that entity claimed against the Bureau.

## **Section 24b**

(1) The injured party having its permanent residence or registered office in the territory of the Slovak Republic shall be entitled to the substituted performance within the scope that the Bureau is obliged pay from the Guarantee Fund pursuant to this Act, even if:

- (a) it is impossible to identify the motor vehicle by whose operation the damage was caused in the territory of another Member State; or
- (b) within two months after the occurrence of damage caused by operation of a motor vehicle it is impossible to identify the insurer responsible for the compensation for damage.

(2) The Bureau is entitled to the reimbursement of the substituted performance that it has paid to the injured party in accordance with paragraph 1 against the entity responsible for the compensation for damage in the Member State in whose territory:

- (a) the motor vehicle is habitually present, unless the insurer responsible for the compensation for damage caused by that motor vehicle can be identified;
- (b) the damage was caused, unless the motor vehicle by whose operation the damage was caused can be identified;
- (c) the damage was caused if the damage was caused by operation of a motor vehicle which is usually present in the territory of the State other than a Member State.

(3) Provisions of Section 24a(3), (5) and (8) shall apply equally when the substituted performance under paragraph 1 is concerned.

### **Section 24c**

The Bureau's right to the insurance benefit compensation or the compensation of the insurance benefit provided from the insurance guaranty fund pursuant to Sections 24, 24a and 24b shall be in lapse within three (3) years as of the date of the insurance benefit payment or the substitutive insurance benefit payment from the insurance guaranty fund.

### **Section 25 Register**

(1) For the purpose to ensure the activity of the information centre the Bureau keeps a register containing data in electronic form on liability insurance pursuant to Section 11, data on insured events in which the motor vehicle participated, and data from the Central Register of Motor Vehicles and from the Register of Traffic Accidents. Such data are provided to the Bureau by insurers and the competent government body. The Bureau provides the data from the register in the scope of paragraph 2 to the insurers including to the insurers' bureaus and to the subjects responsible for the compensation of damages in the foreign states for the purpose of investigating necessary for finding out of the scope of obligation to provide the insurance benefit and the scope of the insurance benefit provision. In these cases, the Bureau provides the data without prior agreement and informing of the entity concerned.

(2) The register keeps records of the following data on the motor vehicle, holder of the motors vehicle, owner of the motor vehicle, liability insurance and on insured events:

- (a) the full name, personal identification number and permanent residence address, or the business name and registered office of the holder/owner of the motor vehicle;
- (b) the registration number of the motor vehicle;
- (c) details concerning the creation, change and termination of liability insurance;
- (d) details concerning insurance contracts and green cards issued;
- (e) data on the insurers, branches of insurers established in other Member States and on claims agents;
- (f) data from the Register of Motor Vehicles and from the Register of Traffic Accidents within the scope as such information is provided to the Bureau pursuant to another act;<sup>15c</sup>
- (g) data on the scope, legal base and amount of the claims asserted and settled within the insurance related to the operation of motor vehicles.

(3) With a view to verifying the veracity of data concerning a motor vehicle and with a view to preventing insurance fraud within the insurance related to the operation of motor vehicles, the Bureau shall be authorised to demand from insurers data under paragraph 2. Insurers shall be obliged to provide such data even without prior approval and notifying the person to whom such information concerns. If the Bureau finds out, based on data from the Central Register of Motor Vehicles and data provided by insurers, that a motor vehicle is not covered by liability insurance, the Bureau shall notify without undue delay the competent district authority of this fact, including the data referred to in paragraph 2(a) and (b). If based on the data provided from the Central Register of Motor Vehicles and based on the data provided by insurers the Bureau reveals the facts indicating that a criminal offence of insurance fraud has been committed or is being committed, which is related to the operation of a motor vehicle, it shall without undue delay notify thereof the law enforcement agencies and the insurer with which insurance claims related to the operation of motor vehicles have been asserted.

(4) The Bureau shall provide the Central Register of Motor Vehicles with data on the duration of liability insurance.

(5) The Bureau shall be obliged to maintain the following data for minimum seven years after the date of discarding the motor vehicle from the register of motor vehicles or after the date of termination of liability insurance:

- (a) registration numbers of domestic motor vehicles;
- (b) numbers of insurance contracts concerning the liability insurance of domestic motor vehicles, including data on the duration of liability insurance;
- (c) numbers of green cards, numbers of insurance contracts concerning the frontier insurance;
- (d) the business names and registered offices of insurers, business names and addresses of the branches of insurers established in other Member States;
- (e) the full names and addresses of claims agents or their business names and registered offices.

(6) The injured party and the traffic accident participant<sup>26b</sup> are entitled to request from the Bureau during seven years after the occurrence of the incident causing damage the following data:

- (a) the business name and registered office of the insurer that effected the liability insurance for the motor vehicle by which the damage was caused;

- (b) the number of the insurance contract concerning the liability insurance concluded by the insurer pursuant to subparagraph (a);
- (c) the full name and address of the claims agent or their business name and registered office if the injured party has permanent residence in another Member State;
- (d) the full name and address of the holder/owner or operator of the motor vehicle, or their business name and registered office.

(7) The Bureau shall be obliged to provide the data under paragraph 6 to the injured party and to the traffic accident participant<sup>26b</sup> without undue delay.

(8) The Bureau shall be obliged to maintain, apart from data under paragraph 5, registers of motor vehicles exempted from liability insurance, which have been submitted to the European Commission and the Bureau by Member States including the designation of the entity responsible for the compensation for the damage caused by the operation of such motor vehicles.

(9) The Bureau obtains data concerning motor vehicles, which are habitually present in the territory of other Member States through information centres of those Member States.

(10) Upon a written request from the injured party that suffered damage in the territory of the Slovak Republic by a motor vehicle, which is habitually present in the territory of other Member State, the Bureau shall be obliged to provide data concerning the following:

- (a) territory where that vehicle is usually present and its registration number if assigned;
- (b) liability insurance of the motor vehicle within the scope of data indicated in the green card issued by the Member State in whose territory the motor vehicle is habitually present;
- (c) entity responsible for the compensation for damage caused by the operation of the motor vehicle which is exempted from liability pursuant to paragraph 8.

(11) The Bureau shall be obliged to provide data under paragraph 10 not only to the injured party, but also to the respective information centre of the Member State in whose territory the motor vehicle is habitually present and by which damage has been caused in the territory of the Slovak Republic.

(12) Other legislation<sup>27</sup> applies to the provision of data from the register.

## **Section 26**

### **Supervision of the Bureau activity**

(1) The activities of the Bureau are subject to the inspection carried out by Národná banka Slovenska pursuant to other legislation.<sup>28</sup>

(2) When carrying out inspection, Národná banka Slovenska is entitled to impose penalties upon the Bureau pursuant to other legislation.<sup>28</sup>

(3) For the purpose of remote supervision and for statistics purposes at the financial market supervision the Bureau is obliged to draw up and submit to Národná banka Slovenska upon its request understandable and well-arranged statements, reports, reviews and other

information, materials and documents about facts related to the Bureau pursuant to legislation of general application issued according to paragraph 4. The data stated in the submitted statements, reports, reviews and other information, materials and documents have to be complete, actual, correct, true and provable. In the case that the submitted statements, reports, reviews and other information, materials and documents do not contain the required data, they are not in accordance with the defined methodology or in the case that reasonable doubts about their completeness, recency, correctness, truth and demonstrability shall occur, the Bureau is obliged, upon the request by Národná banka Slovenska, to submit materials and provide explanation within the period defined by Národná banka Slovenska. The Bureau is obliged to submit also the final accounts to Národná banka Slovenska.

(4) The structure of the statements, reports, reviews and other information that the Bureau is obliged to draw up and submit to Národná banka Slovenska, the scope, content, division, terms, form, way, procedure and place of submission such statements, reports, reviews and other information, including the methodology for their drawing up, as well as the way and terms of the Bureau final accounts submission to Národná banka Slovenska, shall be defined by the provision that Národná banka Slovenska shall issue and that shall be published in the Collection of Laws of the Slovak Republic.

## **DIVISION THREE**

### **Section 27 Special provisions**

- (1) For the motor vehicles kept by:
- (a) the Ministry of the Interior of the Slovak Republic and for the motor vehicles kept by the institutions receiving contributions from the State Budget and institutions fully funded from the State Budget falling under the scope of powers of the Ministry of the Interior of the Slovak Republic the insurance contract shall be concluded by the Ministry of the Interior of the Slovak Republic;
  - (b) the Ministry of Defence of the Slovak Republic and for the motor vehicles kept by the institutions receiving contributions from the State Budget and institutions fully funded from the State Budget falling under the scope of powers of the Ministry of Defence of the Slovak Republic and the Armed Forces of the Slovak Republic the insurance contract shall be concluded by the Ministry of Defence of the Slovak Republic;
  - (c) the Slovak Intelligence Service the insurance contract shall be concluded by the Slovak Intelligence Service;
  - (d) the Prison Wardens and Judicial Guards the insurance contracts shall be concluded by the Ministry of Justice of the Slovak Republic.

(2) The Ministry of the Interior of the Slovak Republic, Ministry of Defence of the Slovak Republic, Slovak Intelligence Service and the Ministry of Justice of the Slovak Republic conclude one insurance contract each with the insurer for all motor vehicles, with the exception

of motor vehicles specified in paragraph 3. Such insurance contract contains the number of motor vehicles by category, the premium rates by vehicle category, and the amount of the premium.

(3) The motor vehicles held as reserves by the Ministry of Defence of the Slovak Republic, budgetary organisations and allowance organization falling under the scope of powers of the Ministry of Defence of the Slovak Republic, the Armed Forces of the Slovak Republic, Ministry of the Interior of the Slovak Republic, the institutions receiving contributions from the State Budget and institutions fully funded from the State Budget falling under the scope of powers of the Ministry of the Interior of the Slovak Republic, and held in the reserves of the Programme 222 are not subject to the obligation to conclude an insurance contract and to pay insurance premium during the period when they are held as reserves.

(4) A proof of liability insurance for motor vehicles operated by entities listed in paragraph 2 is a table with a registration number or a licence plate.

(5) The provisions of Section 25(3) do not apply to motor vehicles kept by entities listed in paragraph 2.

### **Section 27a**

By this Act, the legally binding acts of the European Union listed in Annex are implemented.

### **Section 28 Transitional provisions**

(1) The obligation under Section 3(1) and (2) arises on 1 January 2002. The rights and duties arise from insurance contracts concluded under this Act before 31 December 2001 with effect from 1 January 2002.

(2) Legal relations arising from compulsory motor third-party liability insurance before 31 December 2001 shall be governed by the existing legislation.

(3) The rights and duties of Slovenská poisťovňa, a.s., arising from mandatory insurance, will be transferred to the Bureau with effect from 1 January 2002. These rights and duties will be exercised in the name and to the account of the Bureau by Slovenská poisťovňa, a.s. The bank shall keep a separate account of this activity.

(4) Slovenská poisťovňa, a.s. shall transfer to a separate account of the Bureau by 31 December 2001 an amount corresponding to the level of reserves and other funds received from compulsory motor third-party liability insurance in respect of the use of motor vehicles before 31 December 2001, after the deduction of the amount paid in insurance benefits and related operating expenses from 1 January 2001 to the date of transfer. Within one calendar month after the verification of the financial statements for 2001 by an auditor, Slovenská poisťovňa, a.s. shall transfer, to a separate account of the Bureau, the amount of funds earned from compulsory motor

third-party liability insurance in respect of the use of motor vehicles according to the state of affairs detected during the verification of the financial statements for 2001. Funds held in this account may be used only for the discharge of obligations arising from mandatory insurance and for the coverage of costs incurred in connection with their settlement. If the funds in this account do not suffice, the obligations arising from mandatory insurance and the costs incurred in connection with their settlement shall be covered by the Bureau from the contributions of its members.

(5) For the year 2002, the minimum premium is set in the same amount as the premium for compulsory motor third-party liability insurance in respect of the use of motor vehicles for 2001. For 2003 and 2004, the minimum premium for insurance from the previous year is increased every year by the average rate of annual inflation expressed in terms of the consumer price index published by the Statistical Office of the Slovak Republic (inflation rate). If, however, the increase in the loss ratio in a certain category of motor vehicles exceeded the rate of inflation in the previous year, the minimum premium in the same category will be increased in the following year by the increase in the loss ratio approved by Národná banka Slovenska at the suggestion of the Bureau; the loss ratio for these purposes is defined as the sum of insurance benefits paid by all insurers and the Bureau including the reserves created by them for the payment of insurance benefits<sup>29</sup> in relation to the amount of insurance premiums collected by them. The maximum amount of insurance premium must not be higher than the amount of minimum premium increased by 30%.

(6) The first meeting of the members of the Bureau shall be held no later than 31 October 2001. The meeting shall approve the contributions for 2001 and their due date. The meeting shall also approve the share of the contributions that the Bureau may use for its activities during the year.

(7) The Ministry of the Interior of the Slovak Republic shall provide, to the Bureau for purposes specified in Section 25, data from the central register on motor vehicles in electronic form and in the range as at 1 October 2001, no later than 15 October 2001.

### **Section 28a**

(1) The provision of Section 28(5) shall not be applicable in 2004.

(2) The insurer shall be obliged to appoint its claims agent pursuant to Section 15a within three months of the effective date of the Treaty on Accession of the Slovak Republic to the European Union at the latest.

(3) Legal relations arising from liability insurance before 1 November 2003 shall be governed by the existing legislation.

### **Section 28b** **Transitional provisions** **for regulations in effect from 1 January 2006**

(1) Approvals issued by the Financial Market Authority before 1 January 2006, which are valid as at 1 January 2006, shall be considered as approvals issued in compliance with this Act.

(2) The issuing of legislation of general application, which were issued before 1 January 2006 with a view to implementing individual delegating provisions of this Act, shall pass from 1 January 2006 under the scope of authority of Národná banka Slovenska within the scope as determined by this Act.

**Section 28c**  
**Transitional provisions**  
**for regulations in effect as of 1 April 2007**

(1) From 1 April 2007 to 31 December 2008, the limit of the insurance benefit from one damage occurrence pursuant to Section 7(2) has to be at least:

- (a) SKK 19,000,000 for the damage pursuant to Section 4(2)(a) and the costs pursuant to Section 4(3) per each injured or killed person;
- (b) SKK 5,000,000 for the damage pursuant to Section 4(2)(b) to (d).

(2) From 1 January 2009 to 31 December 2011, the limit of the insurance benefit from one damage occurrence pursuant to Section 7(2) has to be at least:

- (a) EUR 2,500,000 for the damage pursuant to Section 4(2)(a) and the costs pursuant to Section 4(3) regardless of the number of injured or killed persons;
- (b) EUR 500,000 for the damage pursuant to Section 4(2)(b) to (d) regardless the number of injured parties.

(3) The provision of Section 7(3) shall not be applied to the insurance benefit decreasing to 31 December 2008 in the case that the limit of the insurance benefit pursuant to paragraph 1(a) covers the insurance benefit.

(4) The entitlements resulting from the damage occurrence follow the limits of the insurance benefit in effect on the date of the damage occurrence.

(5) The proceedings in respect of penalty imposition pursuant to Section 19(1)(a) as in effect until 31 March 2007 that commenced but were not finally concluded shall be brought to their conclusion in accordance with Section 19 as in effect until 31 March 2007. The proceedings in respect of penalty imposition pursuant to Section 19(1)(b) as in effect until 31 March 2007 that commenced but were not finally concluded shall be discontinued. The two-year period for the imposition of penalty pursuant to Section 19(4) as in effect from 1 April 2007 shall be first applied in the proceedings in respect of penalty imposition for the breach of obligation, of which the district authority learned after 31 March 2007.

(6) The legal relations arising from the liability insurance before 1 April 2007 shall be preserved.

**Section 28d**  
**Transitional provision**  
**for regulations in effect from 1 April 2015**

The provision of Section 8(3) as amended with effect from 1 April 2015 shall apply to insurance contracts concluded after 31 March 2015.

**Section 29**  
**Repealing provisions**

Decree No 423/1991 of the Ministry of Finance of the Slovak Republic, stipulating the scope and conditions of compulsory motor third-party liability insurance, as amended by Decree No 88/1992; Decree No 568/1992; Decree No 147/1993; Decree No 304/1993; Decree No 24/1994; Decree No 44/1994; Decree No 372/1994; Decree No 372/1997; Decree No 376/1999; and Decree No 478/2000; shall be repealed.

**ARTICLE II**

This Act took effect on 1 October 2001, with the exception of Article I Sections 3 to 19, Section 24(2) to (8), Sections 25 and 29, Article II points 7, 8, and 9, and Article IV points 1, 4 to 7, which took effect on 1 January 2002.

Act No 95/2002 took effect on 1 March 2002.

Act No 99/2003 took effect on 21 March 2003.

Act No 430/2003 took effect on 1 November 2003, with the exception of Section I points 8, 9, 10, Section 11(8), points 21, 22, 24, 30, Section 20(3) second sentence, Section 20(4) second sentence, points 39, 42, 45, Section 25(5)(e), Section 25(6)(c), Section 25(8) to (11), Section 28a(2), Article II points 2 and 3, which took effect on the date of the entry into force of the 2003 Treaty of Accession of the Slovak Republic to the European Union.

Act No 186/2004 took effect on the date of the entry into force of the 2003 Treaty of Accession of the Slovak Republic to the European Union.

Act No 645/2004 took effect on 1 January 2005.

Act No 91/2005 took effect on 1 April 2005.

Act No 747/2004 took effect on 1 January 2006.

Act No 188/2006 took effect on 13 April 2006.

Act No 110/2007 took effect on 1 April 2007.

Act No 144/2010, Article IV, took effect on 1 June 2010

Act No 520/2011, provisions of Article III, took effect on 1 July 2012.

Act No 180/2013, Article XV, took effect on 1 October 2013.

Act No 39/2015, provisions of Article IV, took effect on 1 April 2015.

Act No 373/2018 takes effect on 1 January 2019, with the exception of Article VI points 2, 11, 18, 37 to 39, 41, 42, 44 and 49, and Article VIII points 2 to 7, 13 and 14, which take effect on 21 July 2019.

**SCHEDULE OF LEGALLY BINDING ACTS OF THE EUROPEAN UNION  
ENACTED IN SLOVAK LAW BY THIS ACT**

1. Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability (OJ L 103, 02.05.1972; Special Edition in Slovak: Chapter 6 Volume 1) as amended by Council Directive 72/430/EEC of 19 December 1972 (OJ L 291, 28.12.1972; Special Edition in Slovak: Chapter 6 Volume 1) and Council Directive 84/5/EEC of 30 December 1983 (OJ L 8, 11.01.1984; Special Edition in Slovak: Chapter 6 Volume 7).
2. Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJ L 8, 11.01.1984; Special Edition in Slovak: Chapter 6 Volume 7) as amended by Council Directive 90/232/EEC of 14 May 1990 (OJ L 129, 19.05.1990; Special Edition in Slovak: Chapter 6 Volume 1).
3. Second Council Directive 88/357/EEC of 22 June 1988 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive 73/239/EEC (OJ L 172, 04.07.1988; Special Edition in Slovak: Chapter 6 Volume 1) as amended by Council Directive 90/618/EEC of 8 November 1990 (; OJ L 330, 29.11.1990.) and Council Directive 92/49/EEC of 18 June 1992 (OJ L 228, 11.08.1992; Special Edition in Slovak: Chapter 6 Volume 1).
4. Third Council Directive 90/232/EEC of 14 May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJ L 129, 19.05.1990; Special Edition in Slovak: Chapter 6 Volume 1).
5. Directive 2000/26/EC of the European Parliament and of the Council of 16 May 2000 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and amending Council Directives 73/239/EEC and 88/357/EEC (Fourth motor insurance Directive) (OJ L 181, 20.07.2000; Special Edition in Slovak: Chapter 6 Volume 3).
6. Directive 2005/14/EC of the European Parliament and of the Council of 11 May 2005 amending Council Directives 72/166/EEC, 84/5/EEC, 88/357/EEC and 90/232/EEC and Directive 2000/26/EC of the European Parliament and of the Council relating to insurance against civil liability in respect of the use of motor vehicles (OJ L 149, 11.06.2005.).
7. Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (Recast) (OJ L 335,17/02/2009), as amended by Directive 2011/89/EU of the European Parliament and of the Council of 16 November 2011 (OJ L 326, 08/12/2011), as amended by Directive 2012/23/EU

of the European Parliament and of the Council of 12 September 2012 (OJ L 249, 14/09/2012), as amended by Council Directive 2013/23/EU of 13 May 2013 (OJ L 158, 10/06/2013), as amended by Directive 2013/58/EU of the European Parliament and of the Council of 11 December 2013 (OJ L 341, 18/12/2013), as amended by Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 (OJ L 153, 22/05/2014).

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**Footnotes:**

- <sup>1</sup> Act No 39/2015 on insurance (and amending certain laws).  
The Civil Code, as amended.
- <sup>3</sup> Section 21 of the Commercial Code.
- <sup>4</sup> Act No 39/2015.
- <sup>5</sup> Section 88(5) of Act No 315/1996 on road traffic, as amended.
- <sup>6</sup> Section 111 of Act No 315/1996.
- <sup>6a</sup> Section 90(1)(a) of Act No 315/1996.
- <sup>6aa</sup> Section 94 of Act No 315/1996.
- <sup>6ab</sup> Section 95 of Act No 315/1996.
- <sup>6ac</sup> Section 96 of Act No 315/1996.
- <sup>6ad</sup> Commission Decision of 28 July 2003 on the application of Council Directive 72/166/EEC relating to checks on insurance against civil liability in respect of the use of motor vehicles (Special edition OJ EU, Chapter 6 Volume 6; OJ EU L 192, 31.07.2003).
- <sup>6b</sup> Sections 80 and 81 of Act No 328/2002 on social security for police officers and soldiers (and amending certain laws), as amended by Act No 732/2004.  
Section 120 of Act No 461/2003 on social insurance, as amended.  
Section 44 of Act No 43/2004 on the old-age pension scheme (and amending certain laws).  
Section 4 of Act No 578/2004 on health care providers, health workers, and professional organisations in the health service (and amending certain laws), as amended.  
Section 2 of Act No 581/2004 on health insurance companies and health-care supervision (and amending certain laws).
- <sup>7</sup> Section 115 of the Civil Code.
- <sup>8</sup> Sections 442 to 449 of the Civil Code.  
Act No 437/2004 on compensation for pain and compensation for reduced social integration (and amending Act No 273/1994 on health insurance, the financing of health insurance, the establishment of Všeobecná zdravotná poisťovňa, and the establishment of sectoral, industry-specific, corporate and civil health insurance companies, as amended).
- <sup>9</sup> Sections 788 to 805 of the Civil Code.
- <sup>10</sup> Section 23 of Act No 725/2004 on conditions for the operation of vehicles in road traffic (and amending certain laws).
- <sup>11</sup> Act No 747/2004 on financial market supervision (and amending certain laws).
- <sup>12</sup> Sections 800 and 802 of the Civil Code.
- <sup>13</sup> Sections 91 and 92 of Act No 315/1996.

- <sup>14</sup> Section 196 of the Rules of Criminal Procedure.
- <sup>14a</sup> Section 24 of Act No 725/2004.
- <sup>15</sup> Section 22 of the Civil Code.
- <sup>15a</sup> Section 517(2) of the Civil Code.
- <sup>15b</sup> Code of Criminal Procedure.
- <sup>15c</sup> Section 86(11) and (12) of Act No 315/1996 on road traffic, as amended.
- <sup>15ca</sup> Section 800(1) of the Civil Code.
- <sup>15d</sup> Section 130(5) of the Penal Code.
- <sup>16</sup> Sections 14 and 52 of Act No 372/1990 on non-indictable offences.
- <sup>17</sup> Act No 725/2004, as amended.
- <sup>18</sup> Section 4 of Act No 315/1996.
- <sup>19</sup> Section 51(3) of Act No 315/1996, as amended.
- <sup>20</sup> Section 823 of the Civil Code.
- <sup>21</sup> Section 799 of the Civil Code.
- <sup>22</sup> Section 106 of the Civil Code.
- <sup>23</sup> Act No 71/1967.
- <sup>24</sup> Section 18(2)(d) of the Civil Code.
- <sup>24a</sup> Section 173 of Act No 39/2015.
- <sup>24b</sup> Section 174 of Act No 39/2015.
- <sup>24c</sup> Section 66b of the Commercial Code, as amended.
- <sup>24d</sup> Section 178(1) of Act No 39/2015.
- <sup>24e</sup> Section 178(2) of Act No 39/2015.
- <sup>26</sup> Act No 466/2002 on auditors and the Slovak Chamber of Auditors.
- <sup>26a</sup> Section 123(3) and (4) of the Penal Code.
- <sup>26b</sup> Section 51(1) of Act No 315/1996.
- <sup>27</sup> Section 18 of Act No 482/2002 on the protection of personal data.
- <sup>28</sup> Act No 39/2015.  
Act No 747/2004, as amended.
- <sup>29</sup> Section 3 of Decree No 136/1996 of the Ministry of Finance of the Slovak Republic concerning the creation, application, and placement of insurers' funds and reserves, as amended.