**PRESIDENTIAL DECREE 237/1986 CODIFICATION OF PROVISIONS ON COMPULSORY INSURANCE OF MOTOR VEHICLES**

P.D. 237 of 10.6/18.7.86 “Codification of the provisions of Law 489/1976 (Government Gazette A331/76) ″Compulsory Insurance against Civil Liability in respect of Motor Vehicles ″, as supplemented and amended by Law 1569/1985 (Government Gazette A 183/85) and Presidential Decrees 1019/1981 (Government Gazette A 253/81) and 118/1985 (Government Gazette A 35/85)” (Government Gazette A 110)

**CHAPTER I**

**General provisions**

**Article 1**

Within the meaning hereof:

(a) A vehicle is:

(aa) any motor vehicle propelled exclusively by mechanical power on land but not running on rails, with:

(aaa) a maximum design speed of more than twenty-five (25) km/h; or

(aab) a maximum net weight of more than twenty-five (25) kg and a maximum design speed of more than fourteen (14) km/h;

(ab) any trailer to be used with a vehicle referred to in point (aa), whether coupled or uncoupled.

Without prejudice to points (aa) and (ab), wheelchair vehicles intended exclusively for use by persons with physical disabilities shall not be considered to be vehicles for the purposes hereof.

(b) “Insured” is the person whose liability is covered in accordance with the provisions hereof.

(c) Injured party and party injured means any person entitled to compensation in respect of any loss or injury caused by vehicles.

(d) “Insurer” is the insurance undertaking that covers the risk, as well as the Auxiliary Fund and the International Insurance Bureau referred to in Articles 16 and 25, respectively.

(e) The territory in which the vehicle is normally stationed is:

The territory of the Member State of which the vehicle bears a registration plate, whether this is permanent or temporary; or, where a vehicle bears no plate or bears a registration plate which does not correspond or no longer corresponds to the vehicle, and this vehicle has been involved in an accident, the territory of the state in which the accident occurred.

Where no registration is required for certain types of vehicle which bear an insurance certificate or a distinguishing sign equivalent to the registration plate, the territory of the state in which the said sign or certificate is issued is deemed to be the territory in which the vehicle is normally stationed.

Where neither registration nor insurance plates or distinguishing sign are required for certain types of vehicle, the territory of the state of residence of the person in charge of the vehicle is deemed to be the territory in which the vehicle is normally stationed.

(f) “Insurance under freedom of services in Greece” means coverage against civil liability in respect of motor vehicles, carriers’ liability excluded, by an insurance undertaking headquartered in another Member State or having a branch or agency in another Member State.

(g) “Claims representative”, within the meaning hereof, is the person appointed in Greece under Article 37a by an insurance undertaking established in a Member State of the EU and the EEA.

(h) “Compensation Body” is the “International Insurance Bureau” referred to in Article 26 hereof.

(i) The “Information Centre” is an organic unit of the Auxiliary Fund for the insurance of liability arising from motor accidents, as defined in Article 27b hereof.

(j) “Internal Regulations of the Council of Bureaux” (Règlement Général du Conseil des Bureaux) (L 192/23 – 31 July 2003) is the agreement which, according to Article 2(2) of Directive 72/166/EC of the Council of 24 April 1972 (L 103), transposed and replaced, as of 1 August 2003, pursuant to the decision of 28 July 2003 of the European Commission (L 192), all the provisions of the Uniform Agreement between Bureaux and the Multilateral Guarantee Agreement.

(k) When a vehicle is dispatched from another Member State of the European Union to Greece, by way of derogation from Article 3(13)(b) of Law 4364/2016 (Government Gazette A 13), the Member State in which the risk is situated shall be considered, depending on the choice of the person responsible for third party civil liability cover, to be either the Member State of registration of the vehicle or, immediately upon acceptance of delivery by the purchaser, Greece as the Member State of destination, for a period of thirty (30) days, even if the vehicle has not formally been registered in Greece. If, during the period of thirty (30) days, the vehicle is involved in an accident without being insured, the Auxiliary Fund shall pay the compensation referred to in Article 19(2).

(l) Use of a vehicle means any use of a vehicle that is consistent with the vehicle’s function as a means of transport at the time of the accident, irrespective of the vehicle’s characteristics and irrespective of the terrain on which the motor vehicle is used and of whether the vehicle is stationary or in motion.

(m) The home Member State shall be the Member State of the European Union in which the head office of the insurance undertaking covering the risk is situated, as defined in Article 3(8)(a) of Law 4364/2016.

**Article 2**

1. The owner or the person in charge of a vehicle which is normally based in Greek territory shall be obliged, without prejudice to Article 3, to take out insurance against third party civil liability arising from the use of the vehicle, in accordance with the provisions hereof. The insurance obligation shall exist continuously from the date of issue of the road licence and the registration plates, without being subject to the actual movement or operation of the vehicle, unless the immobilisation procedure (whereby vehicles are temporarily or permanently withdrawn and prohibited from use) has been followed, in accordance with Article 22 of Law 2367/1953 (Government Gazette A 82). Accidents caused by vehicles for which the immobilisation procedure has been followed shall be treated as accidents caused by uninsured vehicles, and injured persons shall have a claim for compensation against the Auxiliary Fund.

2. A motor vehicle which is normally stationed in Greek territory and leaves its borders shall carry an international insurance certificate (Green Card) valid at least in the territories of the EU Member States, the EEA states and the other states whose National Motor Insurers’ Bureaux are bound to apply Section ΙΙΙ of the Internal Regulations.

The present paragraph shall no longer apply when the certificate form and the special badge provided for by Article 5(2) of the present Decree include a compulsory imprint of the relevant data in Latin script.

3. Should a motor vehicle referred to in the preceding paragraph circulate within the territory of non-EEA countries, it shall carry an international insurance certificate (Green Card) valid in those countries as provided for in Section ΙΙ of Internal Regulations. Any violation of the above shall render the owner, the person in charge and the driver of the motor vehicle severally liable towards the insurer and the International Insurance Bureau, as provided for in the following articles.

**Article 3**

1. All motor vehicles belonging to the Greek State shall be exempted from compulsory motor insurance, as well as, on condition of reciprocity, all motor vehicles belonging to foreign states and those belonging to intergovernmental organisations, whereas some types of vehicles or vehicles with special registration plates may derogate from the provisions on compulsory motor insurance as specified by decision of the Private Insurance Supervision Committee.

All vehicles exempted hereunder shall be furnished with a certificate issued by the competent Greek authorities confirming their status. In cases of vehicles belonging to foreign states or intergovernmental organisations, this certificate shall also name the authority or organisation which is liable to pay any insurance compensation and which may be sued before a competent Greek court.

2. The Greek State and other entities exempted from compulsory motor insurance shall be liable to the injured party for the obligations under Article 6 below for injury or damage caused by motor vehicles in Greece or on the territory of other EU Member States.

In the case of accidents caused on the territory of other EU Member States, the International Insurance Bureau shall be, according to Article 27 of the present Decree, responsible for the settlement of claims.

3. The Greek State and other entities exempted from compulsory motor insurance shall be liable to the injured party for the Auxiliary Fund’s obligations under Article 19 below for injury or damage caused by persons that have used of their own accord motor vehicles owned by the Greek State and such entities.

4. By a Presidential Decree issued on a recommendation from the Minister of Trade, motor vehicles belonging to legal persons in public law or to public utility concerns, which are able to provide sufficient financial guarantee to be their own insurer, may be exempted from compulsory insurance, in accordance with the provisions of paragraphs 1 and 2 of Annex II of the European Convention on Compulsory Insurance against Civil Liability in respect of Motor Vehicles, which was ratified by Law 4147/1961.

5. The Private Insurance Supervision Committee shall communicate to the other Member States and the European Commission a list of the entities whose motor vehicles are exempted from compulsory insurance, of certain types of motor vehicles and of motor vehicles with special registration plates, as well as a list of the authorities and organisations that are liable to third-party compensation, in accordance with this article.

6. The International Insurance Bureau referred to in Article 27 hereof, upon payment of compensation – according to the provisions hereof – to the corresponding bureau of another state due to an accident caused within the territory of such other state by a vehicle normally stationed in Greece, which is exempted from compulsory insurance and does not bear an international insurance certificate, shall have a right of recourse against the owner of such vehicle.

7. The Transport Companies referred to in Article 1(3) of Law 2669/1998 (Government Gazette 283 A) “Athens – Piraeus and Suburbs Urban Transport Organisation” (ETHEL S.A., ILPAP S.A., ISAP S.A.) shall come under the exception of Article 3 of Law 489/1976 for the time period between the insurance policy expiry date and the signing of a new policy by an open bid procedure, but only for a time period of up to six months since the insurance policy expiry date. The above entities shall fulfil by themselves their obligations vis-à-vis injured parties during the time period of exception.

**Article 4**

1. Insurance cover under the preceding articles shall be underwritten by insurers lawfully operating in Greece in motor vehicle third-party liability insurance.

2. Where it is established that insurance cover is unobtainable owing to the high level of risk or insufficiency of the premium, whether or not the class of insurance is priced, the party liable under Article 2 shall forthwith apply for the determination of the premium and terms of the policy to the standing special pricing committee. This committee shall be established by decision of the Ministry of Trade, also regulating its operation. The Director of the Insurance Undertakings and Actuaries Directorate of the Ministry of Trade shall chair the committee, replaced by his/her lawful alternate, while the members of the committee shall comprise one actuary of the competent directorate and two representatives of the Hellenic Association of Insurance Undertakings. The committee is authorised to set special premiums and any special insurance conditions after assessing the nature, frequency, level and any other circumstance regarding the related risk.

The committee shall decide by majority within ten (10) days. Its decisions shall come into force upon approval by the Minister of Trade. If the committee fails to decide within ten (10) days, the Minister of Trade shall decide on the matter.

Upon submission of the relevant application to the standing special committee, the applicant shall immediately submit to an insurance undertaking of his/her choice an application for insurance, also notifying the insurer on the initiation of the special pricing procedure.

The insurance undertaking shall have no right to deny insurance cover, which shall be provided from the time of submission of the application for insurance, in accordance with the conditions set under the above procedure.

3. Insurance, within the meaning of this article, shall also include the following:

(a) international insurance (Green Card) under Articles 5(3) and 25 – 32 below;

(b) frontier insurance under Articles 33 – 35 below; and

(c) the insurance of members of mutual insurance undertakings against civil liability in respect of motor vehicles.

**Article 5**

1. Without prejudice to the provisions of Article 3 above, the circulation in Greece of motor vehicles not covered by insurance under Article 2 hereof shall be prohibited.

2. Insurance cover under Article 2 shall (a) only start upon payment of the entire premium due to the insurer, before which the insurance policy may not be delivered to the insured or the policyholder; (b) be valid for the term laid down in the insurance policy; and (c) be evidenced, vis-à-vis the bodies responsible for imposing the penalties referred to in para. 4 hereof, by the holding of the insurance policy, which shall be sent by the insurer to the insured or the policyholder within five (5) days of receipt of the premium.

(d) If the bodies responsible for imposing penalties conduct an audit during the above five-day period, it shall be enough to produce the premium receipt.

2a. The insurance undertaking may raise the expiry of the insurance policy against the injured party only in respect of accidents occurring after 16 days have elapsed since the contractual expiry date, no further action or notification of the insured and/or the policyholder being needed.

2b. Renewal of the insurance policy shall only be allowed upon timely payment of the premium of the next insurance period, not later than the expiry of the current insurance policy.

2c. The insurance undertaking shall inform in real time the Information Centre of the effective date and the term of every new insurance policy and every renewal thereof.

3. In case of a vehicle normally stationed in the territory of a country whose national bureau of international insurance has not subscribed to the Internal Regulations – Section III under Article 2(2) hereof, insurance cover shall be deemed to be in force insofar as this vehicle bears a valid international insurance certificate issued by a bureau headquartered abroad and established to issue international insurance certificates, having signed a claims settlement agreement with the International Insurance Bureau under Article 27 of the present Decree, or by an insurer authorised to issue such certificates.

4. On vehicles circulating without insurance cover under Article 2, in addition to the penalties set out in Article 12, the following administrative penalties shall also be imposed by an act of the competent police authority:

(aa) Removal of the driving licence for six (6) months.

(bb) Removal of the vehicle’s registration plates and road licence for six (6) months. Where an accident is caused by a vehicle not bearing the above special certificate, the vehicle’s registration plates and road licence shall be removed for two (2) years. Registration plates and road licence shall only be returned if the person concerned produces the appropriate insurance policy.

(cc) Imposition of a fine on the owner or person in charge of the vehicle and its driver, in favour of the Auxiliary Fund as set out in Article 16 of Law 489/1976, in the amount of €1,000 euros for buses and public use trucks, €500 for passenger and all other vehicles, and €250 for two-wheeled vehicles. If the driver of the vehicle is its owner or the person in charge thereof, only one fine shall be imposed. The above fines shall be collected in accordance with the provisions of the Code for the Collection of Public Revenue.

By exception, the following documents shall be returned before the lapse of the above removal periods:

(i) the driving licence to the vehicle’s driver upon production of the fine payment receipt; and

(ii) the vehicle’s road licence and registration plates to the owner or the person in charge of the vehicle upon production of the fine payment receipt and the relevant insurance policy.

A joint decision of the Ministers of Finance, Development, Competitiveness, Infrastructures & Networks, Public Order & Citizen Protection, published in the Government Gazette, shall determine any details necessary for the implementation of this paragraph.

**Article 5a**

1. The identification of uninsured motor vehicles and the pursuit of owners’ compliance, including by expediting the imposition of the administrative penalties referred to in Article 5(4) and the criminal penalties referred to in Article 12, shall be conducted by (1) the competent police authorities through on-site inspections; and (2) electronically under the care of the General Secretariat of Information Systems of the Ministry of Finance, designated as competent authority, following the procedure below:

(a) the General Secretariat of Information Systems of the Ministry of Finance shall cross-check electronically and process the data arising from linking the following databases:

(aa) the records of the Information Centre referred to in Article 27b hereof, where the data of insured vehicles and vehicles exempted under Article 3 above are registered electronically;

(bb) the records of the General Secretariat of Information Systems of the Ministry of Finance, where the data of vehicles whose road licence is issued by the Ministry of Development, Competitiveness, Infrastructures & Networks are registered electronically;

(cc) the records of any other public service or ministry having the right to issue road licences under the law, where the data of such vehicles are registered electronically.

To this end, the Information Centre and the above public services or ministries shall provide the General Secretariat of Information Systems, on a continuous basis, access to their above data and records.

(b) If the linking and processing of the records and data referred to in (a) above leads to the identification of a vehicle not furnished with compulsory insurance cover under Article 2 (uninsured vehicle), the General Secretariat of Information Systems shall issue an act, to be sent together with a notification to the owner of the vehicle, inviting him/her to promptly take out insurance against civil liability in respect of the vehicle under Article 2, not later than eight (8) days of receiving such notification. By the same letter, the General Secretariat of Information Systems shall inform the vehicle owner of the procedure to be followed for obtaining any further explanations in connection with the performance of his/her obligation under Article 2. In order to issue the insurance policy in this case, the insurance undertaking must be provided with a letter of formal notice and a fee in favour of the Greek State, the amount of which shall be, by category of vehicle, as follows:

One hundred euros (EUR 100) for two-wheeled vehicles up to 250 cc.

One hundred and fifty euros (EUR 150) for two-wheeled vehicles of 251 cc or more.

Two hundred euros (EUR 200) for cars up to 1000 cc.

Two hundred and fifty euros (EUR 250) for cars of 1001 cc or more.

(c) Should the vehicle owner fail to appear, provide satisfactory explanations and comply with indent (b) above, the General Secretariat of Information Systems shall send his/her data and the data of the vehicle not furnished with insurance cover under Article 2 to the police authority of the district of the vehicle owner’s residence, which shall expedite the imposition of penalties under Articles 5(4) and 12.

2. The General Secretariat of Information Systems shall carry out the procedure set out in para. 1(a) and (b) on an annual basis regularly and at least twice a year, including upon the request of the Auxiliary Fund referred to in Article 16.

3. A decision of the Minister of Finance shall determine any details necessary for the implementation of this article.

4. By decision of the Minister of Finance, with the agreement of the Governor of the Independent Authority for Public Revenue (IAPR), a conditional exemption from the application of this Article may be granted in areas declared in a state of emergency.

**Article 6**

1. Insurance shall cover the civil liability of the owner, the person in charge of the vehicle and any driver or other person employed to drive the vehicle or responsible for it, with the exception of persons who have taken control thereof by theft or violence, as well as persons who have wilfully caused the accident.

2. Insurance cover shall include third-party civil liability for death or bodily injury or damage to property, including monetary compensation for pain and suffering as well as liability for death or bodily injuries caused to members of the family of the insured, of the driver or any other person liable under the first paragraph, irrespective of kinship degree. Insurance shall also include the civil liability of the owner or the person in charge of the vehicle towards third parties in case control of the vehicle was taken by theft or violence.

Goods transported by the same vehicle shall be excluded from compulsory insurance (Articles 3 and 2(2) of Directive 84/5/EEC).

Insurance shall not cover civil liability to persons that voluntarily entered the vehicle which caused the damage or injury, when the insurer can prove that they knew the vehicle was stolen or that it was being used for committing a crime (Article 2(1)(2) of Directive 84/5/EEC).

If an accident is caused by a trailing vehicle to which a trailer is coupled, the insurers of the trailing vehicle and the trailer, respectively, shall be severally liable towards the third parties that have suffered damage. The liability of these insurers shall be limited to the sum insured under the relevant contracts, without prejudice to their right of recourse against each other for allocation of the damage.

The liability of the insurer of the trailer referred to in the preceding sentence shall apply even where the trailer can be identified, but the vehicle that towed it cannot be identified.

3. (a) The same shall apply for other states whose national bureaux of international insurance are signatories to the agreement referred to in Article 2(2) above.

The insurer shall be liable on the basis of a single premium, throughout the term of the agreement, towards third parties that have suffered damage by the circulation of vehicles normally stationed in Greece, in the territory of Member States of the European Union, including any time period of stay of the vehicle in other Member States during the agreement, in accordance with the legal provisions and compulsory insurance cover currently in effect in the state where the accident occurred, or the cover specified by the policy or the Greek legislation, whichever is higher.

The same shall apply for other states whose national bureaux of international insurance are signatories to the Agreement referred to in Article 2(2) above.

(b) The insurer shall also be liable towards nationals of other EEC Member States that have been injured or suffered damage by any vehicle normally stationed in Greece during its transit over areas directly connecting the Greek State with the territory of other Member States, provided that the transit state does not have its own national bureau of international insurance. This liability shall be determined according to the provisions set out herein.

(c) The International Insurance Bureau shall also be liable under para. (a) above for vehicles normally stationed in Greece which have caused injury or damage in the territory of the states referred to above.

(d) The insurer shall have the right, when invoicing his services in concluding or renewing an insurance policy, to impose an additional premium based on objective criteria referred to in the policy and applicable in general to his insureds in cases where: (aa) the driver of the insured motor vehicle has submitted a declaration admitting his fault in the accident; (bb) the insurer has paid compensation, according to the provisions hereof, to a person involved in the accident with his insured.

(e) When determining the premium for property damage of the insured motor vehicle, the insured motor vehicle’s current value shall compulsorily be taken into account, calculated on the basis of model and age. If the insurer applies a premium that does not correspond to the current value of the insured motor vehicle, the excess shall be refunded to the policyholder or the insured with legal interest. If the above amount is not refunded by the insurer, the Minister of Development may impose on the insurer a fine of up to four thousand euro (€4,000).

4. If the vehicle is to be exposed to special third party civil liability risks, the insurance cover shall include such special risks as well, while a special insurance certificate shall also be issued to this end (special cover). The obligation to take out specific insurance cover applies in particular where the vehicle participates in motorsport races, events or activities, including speed, precision or skill races, as well as competitions, training, testing and demonstrations.

5. The amount of insurance cover shall be at least equal to that determined from time to time by decision of the Bank of Greece for each type of risk subject to compulsory insurance and shall be revised in accordance with the Harmonised Index of Consumer Prices (HICP), as provided for in Regulation (EU) 2016/792 of the European Parliament and of the Council of 11 May 2016 on harmonised indices of consumer prices and the house price index, and repealing Council Regulation (EC) No 2494/95 (L 135).

As of 1 January 2022, the minimum amounts of insurance cover may not be less than:

(a) In the case of personal injury, one million three hundred thousand euros (EUR 1,300,000) per injured person.

(b) In the case of damage to property, one million three hundred thousand euros (EUR 1,300,000) per accident, irrespective of the number of injured parties.

6. The insurer shall, within three (3) months from the date the injured party presents his claim for compensation, either directly to the insurance undertaking of the person that caused the accident or to its claims representative:

(a) submit in writing a reasoned compensation offer in cases where the liability is not contested and the damage has been assessed;

(b) submit in writing a reasoned reply to the points included in the claim, where the liability is contested or has not been clearly determined, or where the damage has not been fully assessed.

Failure by the insurer to comply with indent (a) of this paragraph shall entail payment of default interest on the amount of compensation offered by the insurance undertaking to the injured party, upon expiration of the three-month period and until the day of the offer. This provision shall also apply to any settlement of the claim made through the International Insurance Bureau.

7. Where the injured party is a permanent resident of a Member State other than Greece and has suffered injury or damage to property by a vehicle normally stationed in Greece or in the territory of another Member State and insured by an insurance undertaking established in Greece (having its headquarters or a branch in Greece), the insurance undertaking shall, within three (3) months from the date the injured party presents his/her claim for compensation either to the insurance undertaking or to its claims representative appointed under Article 15(1)(f) and Article 20(2A)(f) of Law Decree 400/70, as currently in force:

(a) submit in writing a reasoned offer of compensation where liability is not contested and the damages have been quantified;

(b) provide in writing a reasoned reply to the points made in the claim where liability is denied or has not been clearly determined or the damages have not been fully quantified.

Failure by the insurer to comply with the obligation under (a) above shall entail payment of default interest on the amount of compensation offered by the insurance undertaking to the injured party, upon expiration of the three-month period and until the day of the offer.

Failure by the insurance undertaking to comply with the obligations laid down above shall entail imposition of the penalties provided for in Article 38 of P.D. 237/1986 (Government Gazette A 150), as amended by Law 2170/93 (Government Gazette A 150) and Law 2496/97 (Government Gazette A 87).

8. The payment time mentioned in the compensation offer may not exceed ten (10) days from the offer, save as otherwise specifically agreed upon between the parties. If compensation in natura is agreed upon, its time may not exceed twenty (20) days from the agreement, save as otherwise specifically agreed upon between the parties.

9. For the application of paras. 6 and 7 above, the following shall be assimilated to compensation claims: accident reports submitted under Article 9(1) hereof, any agreed statements of facts under the Direct Payment System and any notification in writing that the insured risk occurred, by letter or email or fax, to the insurer either by the insured party or the policyholder or third-party compensation beneficiary.

**Article 6a**

1. Without prejudice to Article 6(3), insurance shall be valid within the territorial limits prescribed in the insurance policy.

2. Where communication in writing between the insurer and the policyholder or insured party or compensation beneficiary is required, such communication may be either by letter or email or fax or message sent to a mobile phone, with the contact details given by the latter in writing or in a legally recorded conversation. The insurance application referred to in Article 28(3) of Law 4583/2018 (Government Gazette A 212) may also be received electronically, without the customer’s physical signature, while its delivery by the courier to the customer and to the insurance undertaking may be proven by any appropriate means.

3. The policyholder and the insured, in the event of a change of address, shall inform the insurer without delay of their new address.

The insurer may make any notification or communication to the policyholder and the insured at their last given address.

**Article 6b**

1. Excluded from insurance shall be damages caused by:

(a) a driver lacking a legal driving license for the motor vehicle category he drives;

(b) a driver who was under the influence of alcohol or toxic substances at the time of the accident, in violation of the Road Traffic Code (Law 2696/1999, Government Gazette A 57), as currently in force, provided that the violation in question was causally connected to the accident. If the motor vehicle involved in the accident is the property of a passenger motor vehicle rental enterprise, the insurer’s right of recourse shall only be exercised against the driver of the vehicle at fault, provided there is a valid rental document;

(c) a motor vehicle which is being used for a different purpose than that specified in the insurance policy and the road licence, provided that the use in question is causally connected with the accident.

2. In addition to the cases referred to in the preceding paragraph, the insurance policy may also set out other cases of exception of insurance cover, provided that these cases concern optional insurance cover. Any other exception shall be automatically null and void.

3. The exceptions mentioned above shall only apply to the relationship between the insurer and the insured party. The insurer shall not be relieved of its liability towards the injured third parties by invoking such exceptions.

The insurer shall not be relieved of its liability towards the injured passengers by invoking the exception of para. 1(b) of this article, because they were aware or should have been aware that the driver of the motor vehicle was under the influence of alcohol or toxic substances at the time of the accident, and any other contrary contractual insurance clause shall be considered ineffective in relation to the compensation claim of such passengers.

**Article 6c**

1. The policyholder or the insured, as defined in an insurance contract, shall have the right to request from the insurance undertaking or the liquidation officers, in the event of its winding up, at any time, a statement relating to third-party liability claims involving the vehicle or vehicles covered by that insurance contract, during the preceding five years of the contractual relationship or to the absence of such claims (“claims-history statement”). The insurance undertaking or the liquidation officers shall provide such a statement within fifteen (15) days of submission of the relevant request. They shall do so using the form of the claims-history statement.

The form and content of this statement are laid down in the European Commission’s template, which is issued in accordance with the provisions of Article 16 of Directive 2009/103/EC, as replaced by Article 1(15) of Directive 2021/2118.

2. When taking into account claims-history statements issued by other insurance undertakings or other liquidation officers, in accordance with para. 1, insurance undertakings shall not treat policyholders or insured persons in a discriminatory manner and shall not surcharge their premiums either because of their nationality or solely on the basis of their previous Member State of residence.

3. Where insurance undertakings take into account claims-history statements issued in other Member States when determining premiums, including when applying any discounts, they shall treat them as equal to those issued by domestic insurance undertakings or liquidation officers, in accordance with para. 1.

4. Insurance undertakings are required to publish a general overview of their policies in respect of their use of claims-history statements when calculating premiums.

5. Failure by an insurance undertaking or by liquidation officers, in the case of its winding up, to comply with the obligations referred to in paras 1 to 4 shall result in the supervisory authority imposing the administrative penalties referred to in Article 256(1) of Law 4364/2016 (Government Gazette A 13). When setting a fine, account shall be taken of the circumstances referred to in Article 256(6) of Law 4364/2016.

6. Without prejudice to Article 1 of Law 4605/2019 (Government Gazette A 52), insurance undertakings shall not be required to publish commercially sensitive information, such as details of tariff rules.

**Article 7**

The driver of the vehicle which caused the damage shall not be considered to be a third party within the meaning of Article 2(1) and Article 6(2).

**Article 8**

1. In the event that the motor vehicle ownership is transferred by reason of death, the rights and obligations of the decedent shall be transferred automatically to the heir, unless the latter notifies the insurer in writing that he/she does not accept them, within thirty (30) days of becoming aware of the devolution of inheritance and its cause.

2. If ownership or possession of the motor vehicle is transferred in any legal way, the insurance policy shall be automatically terminated thirty (30) days after the date of transfer and the insurer shall return any unearned insurance premiums.

The insurance policy termination shall be valid erga omnes, while no action on the part of the insurer shall be required.

3. If, after the transfer of the motor vehicle under the preceding paragraph, a new insurance policy is concluded for the same motor vehicle, the existing insurance relation shall cease to have effect and the only party liable against injured third parties shall be the last insurer.

**Article 9**

1. The policyholder or the insured party shall immediately report every accident involving the insured motor vehicle to the insurer, without intentional delay and within (8) business days of becoming aware of the accident.

2. The insured party shall take all possible action for limiting the damage and shall provide the insurer with all documents and information according to the insurance policy. He/she shall also provide, upon the insurer’s request, any other document and information available to him/her which is considered necessary in present or future court proceedings instituted by the insurer.

3. In case of intentional breach of the obligations as defined in the previous paragraphs, the policyholder or the insured party may be obliged, by decision of a competent court of law, to pay compensation to the insurer of up to two thousand euro (€2,000).

4. Payment to the insured party or the injured third party or refund of an amount due that exceeds one hundred euro (€100) shall be effected by a cheque in his name or by a deposit in his bank account. Lawyer fees shall likewise be paid by the insurer in the event that the insurance compensation payment is effected pursuant to a court decision or is the product of an out-of-court settlement.

2. A decision of the Minister of Development, issued within six (6) months from the publication hereof, shall determine the procedure for settlement and payment to beneficiaries of any compensation due under the insurance policy and the provisions of P.D. 237/1986, as currently in force, as well as the specific terms and conditions, and shall lay down the administrative penalties to be imposed in case of breach thereof.

**Article 9a**

1. The injured party who is a permanent resident of Greece, where the accident occurred:

(a) within the territory of a Member State other than Greece and was caused by a vehicle normally stationed and insured in a Member State; or (b) within the territory of a third country, without prejudice to the legislation of third countries on civil liability, whose International Insurance Bureau has acceded to the Green Card system and the accident was caused by a vehicle normally stationed and insured in a Member State, shall submit an application to the claims representative appointed, under Article 37a hereof, in Greece by the insurer of the person that caused the accident or directly to the insurance undertaking, presenting his/her claims arising from the accident.

The claims representative or the insurance undertaking shall, within three (3) months from the date the injured party presented his/her claim for compensation: (a) make to the injured party a reasoned compensation offer where the liability is not contested and the damage has been quantified; or (b) provide a reasoned reply to the points made in the claim, where the liability is contested or the damage has not yet been fully quantified.

If the injured party has not received the aforementioned documents within three months, he/she may appeal to the Compensation Body in accordance with the procedures provided for in Article 27a below.

**Article 10**

1. The injured party shall have the right of a direct claim against the insurer under the policy up to the sum insured.

2. This claim shall be barred after five (5) years have elapsed since the time of the accident, without prejudice to the provisions of the legislation in force regulating the suspension and interruption of the limitation period.

3. Where there are several injured parties and the aggregate compensation exceeds the amount insured, the claim of each injured party against the insurer shall be reduced proportionally up to the completion of the whole amount insured. Where the insurer pays to any injured party an amount exceeding that of the latter’s proportional share, due to ignorance of the existence or the exact amount of other claims or pursuant to a court judgement, the insurer’s liability towards the remaining injured parties shall be limited to the remaining balance of the amount insured. The remaining injured parties shall have a right of recourse against the one that received the amount in excess.

4. Where the injured party is a permanent resident of a foreign country, the claim may be paid in the currency of the country of the beneficiary’s permanent residence.

5. The hearing of the principal action filed against an insurance undertaking, the Auxiliary Fund referred to in Article 19 hereof or any other party liable, for loss of income due to an accident caused by a motor vehicle, shall be declared inadmissible unless a document is produced certifying the prior service of a copy of the action to the competent Internal Revenue Service to which the plaintiff is subject.

**Article 11**

1. The insurer may not raise any objection under the insurance policy against the claim brought by the injured party under the provisions of Article 10(1) above, without prejudice to the insurer’s right to bring an action against the policyholder, the insured party and the vehicle’s driver.

2. In case of consecutive insurance policies, only the last one shall be valid and the last insurer shall be solely liable for payment of indemnity to the injured third party. Previous insurance policies shall be automatically null and void, no notification or cancellation being needed.

3. The insurance undertaking shall not raise any own participation of the policyholder or the insured himself/herself against the injured party that is entitled to compensation for damage or injury caused by a motor vehicle.

**Article 11a**

**Early termination of insurance policy**

1. The parties to the insurance policy may terminate it at any time by an agreement in writing.

2. The policyholder and/or the insured party may terminate the insurance policy at any time by a letter sent either by fax or via email, to the address designated by the insurance undertaking on its official website and its literature. The effects of termination with respect to the parties shall be brought about on the date it is received by the insurance undertaking.

3. The insurance undertaking may send a written notice of termination of the insurance policy only due to breach of a material clause by the policyholder or the insured party, and shall bear the burden of proof of such breach. The notice of termination to the policyholder and/or the insured party shall inform them that failure to comply with the breached material clause within thirty (30) days from service of the notice of termination shall lead to termination of the insurance policy.

4. The letter referred to in the preceding paragraph shall be sent to the residence or domicile address of the policyholder and/or the insured party written on the insurance policy. The residence or domicile address shall be the last address given in writing by the policyholder and/or the insured party to the insurance undertaking. The results of the letter shall be brought about notwithstanding that the policyholder and/or the insured party refuse to receive it, or are not found at their residence or domicile addresses, or do not report to the post office to receive it.

5. In case of early termination of the insurance policy under paras. 1, 2 and 3 above, the insurance undertaking shall inform to this effect the Information Centre of the Auxiliary Fund. In the case of para. 3 above, the Information Centre of the Auxiliary Fund may not be informed earlier than the 30th day from dispatch of the relevant letter. The termination of the insurance policy may be raised by the insurance undertaking against the injured party only after sixteen (16) days have elapsed since the Information Centre of the Auxiliary Fund was informed under the preceding sentences.

**Article 12**

Owners or persons in charge of any vehicle driven or permitted to be driven by third persons without being insured as provided for herein shall be punished with imprisonment of two (2) to twelve (12) months and with a fine at least equivalent to 300 ECU.

The same penalties shall also apply to any person putting in circulation a motor vehicle not owned by him/her and not insured as provided for herein.

The provisions of article 103 of Law 2696/1999 (Government Gazette 57 Α) shall apply in all other respects.

**Article 13**

**Checks on motor insurance**

1. No check shall be conducted on insurance against civil liability in respect of vehicles normally based in the territory of another Member State entering Greek territory from the territory of that Member State whose National Motor Insurers’ Bureau has signed with the respective Greek Bureau Section III of the Unified Agreement.

2. No checks shall be carried out on insurance against civil liability in respect of the circulation of vehicles normally based in the territory of another Member State and in respect of vehicles normally based in the territory of a third country entering Greece from the territory of another Member State. Such insurance checks may only be carried out if they are non-discriminatory, necessary and proportionate to achieve the end pursued and (a) they are carried out as part of a control which is not aimed exclusively at insurance verification, or (b) they form part of a general system of checks in Greece, which are carried out also in respect of vehicles normally based in Greece, and do not require the vehicle to stop.

3. Personal data may be processed where necessary for the purpose of combatting the uninsured driving in Greece of vehicles normally based in the territory of another Member State. Personal data processed pursuant to this article, exclusively for the purpose of handling an insurance check, shall only be retained for as long as it is necessary for that purpose and shall be fully erased as soon as that check has been achieved. Where an insurance check shows that a vehicle is covered by compulsory insurance in accordance with Article 2, the controller shall immediately erase those data. When a check is unable to determine if a vehicle is covered by compulsory insurance under Article 2, the data shall only be retained for a limited period, not exceeding the number of days necessary to determine whether the insurance coverage exists.

**Article 14**

1. Motor vehicles may not be seized as security for claims arising from any accident caused by these vehicles, provided that they are insured – under Greek or international insurance cover – in accordance with the provisions hereof, unless the amount claimed probably exceeds the sum insured, in which case the motor vehicle may be seized for the amount in excess.

2. By exception, the injured party shall have the right of provisional distraint of the motor vehicle insured for claims arising from accidents caused by that vehicle, where the owner, the person in charge or driver of the vehicle fails to make to his/her insurer the declaration provided for in Article 9 above. The insurer may also take the above action in case of recourse against the owner of the vehicle.

**Article 15**

1. Permission to organise motorsport events and activities, including speed, precision or skill races, as well as of competitions, training, testing and demonstrations with vehicles, in a restricted and demarcated area of Greece, shall be granted by the competent authority, in accordance with Article 49(2)(c), (d) and (e) of the Road Traffic Code (Law 2696/1999, Government Gazette A 57), only if it is established that the organisers have taken out a general and specific insurance policy under Article 6 and provided that there is also an insurance cover in place for the professional civil liability of the organisers for any accident arising from the organisation and conduct of the above races, events and activities.

2. Anyone organising the activities referred to in para. 1 in breach of the conditions laid down therein shall be punishable with the penalties set out in the first sentence of Article 12.

**CHAPTER II**

**Auxiliary Fund**

**Article 16**

A legal entity in private law under the name “Auxiliary Fund for the Insurance of Liability Arising from Motor Accidents” (hereinafter referred to as “Auxiliary Fund”) is hereby established, which shall be headquartered in Athens and shall be under the control and supervision of the Minister of Trade. This entity shall be governed by the provisions hereof.

**Article 17**

**Objective and responsibilities of the Auxiliary Fund**

The objective of the Auxiliary Fund shall be to pay insurance compensation for civil liability in respect of motor accidents in accordance with Articles 19 (obligation of the Auxiliary Fund to compensate in the event of death, personal injury or damage to property), 19a (protection of injured parties against damage caused by accidents occurring in the Member State of their residence), 19b (protection of injured parties against damage caused by accidents occurring in a Member State other than that of their residence) and Article 23(2) designating the Auxiliary Fund as compensation body for the purposes of Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (L 263).

**Article 18**

All insurance undertakings underwriting motor vehicle liability insurance shall compulsorily and automatically become members of the Auxiliary Fund, including those providing insurance in Greece under freedom of services within the meaning of Article 1(f) above, the mutual insurance undertakings that cover such risk, as well as legal entities in public law or public utility companies whose vehicles are exempted from compulsory insurance under Article 3(3) above.

**Article 19**

1. The Auxiliary Fund shall pay to the injured parties the compensation referred to in paragraph 2 for death or personal injury or damage to property caused by motor accidents where:

(a) The person liable remains unidentified. In that case, however, there shall be no obligation to compensate for damage to property, unless death or personal injury requiring hospitalisation occurred at the same time, provided that a police authority has been seized of the matter and that such hospitalisation lasted for a period of at least five days in a public hospital or private establishment.

(b) The accident was caused by a car in respect of which the obligation under Article 2 has not been fulfilled or which is in a state of immobilisation, in accordance with Article 22 of Law 2367/1953 (Government Gazette A 82).

Persons who voluntarily entered the vehicle which caused the damage or personal injury shall be excluded from compensation, provided that the Auxiliary Fund can prove that they knew that the vehicle was uninsured.

(c) The insurance undertaking has been wound up, without prejudice to Articles 19a and 19b hereof.

(d) The accident was caused by certain types of vehicles or certain vehicles having a special plate whose liability had not been covered in accordance with Article 2 hereof. In such case, the Auxiliary Fund, which has compensated for damage caused by a special type of vehicle or a vehicle having a registration plate of another Member State, shall have the right of recourse against the corresponding Auxiliary Fund of the territory where the vehicle is normally based.

2. The compensation paid by the Auxiliary Fund may not exceed the minimum insurance amounts applicable at the time of the accident set out in Article 6(5), with legal interest, in accordance with the Civil Code. The relevant claim shall be subject to the limitation period referred to in Article 10(2).

3. In the cases referred to in paragraph 1, the injured party shall have the right to file its own claim against the Auxiliary Fund, which, however, may not be exercised against the members of the latter.

The Auxiliary Fund shall, on the basis of information provided at its request by the injured party, provide a reasoned reply as to whether or not compensation shall be paid.

However, the Auxiliary Fund shall pay the compensation without the injured party having to prove that the legal or natural person responsible for the accident is unable or refuses to pay.

4. Upon payment of the claim, the Auxiliary Fund shall become subrogated into all the rights of the injured party arising from the accident against the person liable to pay compensation or his/her insurer. By exception, in the case referred to in para. 1(d), the Auxiliary Fund shall not become subrogated into the rights of the injured party arising from the accident against the person liable to compensation; it shall however become subrogated into the privileged right of the insured under Article 10 of L.D. 400/70 “Private Insurance Undertakings” (Government Gazette 10).

5. The Auxiliary Fund shall only be liable to pay the compensation representing the difference between the sum claimed and the sum payable to the injured party by a social security fund or any other social security organisation for the same cause (84/5/EEC Article 1(4)(a)).

The preceding sentence shall not apply where the Greek Motor Insurers’ Bureau pays compensation in accordance with the provisions hereof to foreign Motor Insurers’ Bureaux for accidents occurring outside Greece.

In the event of a dispute between the Auxiliary Fund and the civil liability insurer as to which must compensate the injured party for personal injuries caused by an unidentified vehicle or for damage to property and personal injuries caused by an uninsured vehicle, the Auxiliary Fund shall pay the compensation without delay.

If it is ultimately agreed or decided by a court ruling or other decision that the civil liability insurer should have paid part or all of the compensation, the civil liability insurer shall reimburse accordingly the Auxiliary Fund (90/232/EEC, Article 4).

6. Compensation paid by the Auxiliary Fund to beneficiaries of insurance compensation for civil liability arising from motor vehicle accidents shall be exempt from stamp duty.

7. The Auxiliary Fund shall pay the compensation required by the compensation bodies of the Member States up to the amount paid to permanent residents of such states due to damage caused by:

(a) motor vehicles normally stationed in Greece which are not insured;

(b) unidentified motor vehicles when the accident occurred in Greece;

(c) uninsured vehicles of third countries whose national bureaux of international insurance are members of the Green Card system, provided that the accident occurred in Greece.

Upon payment of compensation, the Auxiliary Fund shall become subrogated by analogy as provided for in para. 4 of this article.

8. An action against the Auxiliary Fund shall only be admissible if the plaintiff has, prior to instituting it, submitted to the Auxiliary Fund a written claim for compensation, attached with evidence of his/her claim. The Auxiliary Fund shall provide a reasoned reply to such claim within three (3) months from its submission, in accordance with Article 6(6) above. Upon receiving the reply of the Auxiliary Fund or upon the lapse of the above time limit, the injured party may institute an action against the Auxiliary Fund.

**Article 19a**

**Protection of injured parties against damage caused by accidents occurring in the Member State of their residence in the event of insolvency of an insurance undertaking**

1. Without prejudice to Article 242(3) of Law 4364/2016 (Government Gazette A 13) on the method of compensating beneficiaries of certified claims under motor vehicle liability insurance, the Auxiliary Fund shall provide compensation to injured parties resident in Greece for accidents occurring in Greece, at least up to the limits of compulsory insurance, for damage to property or personal injuries caused by a vehicle that has been insured by:

(a) an insurance undertaking which has its head office in another Member State and is subject either to insolvency proceedings or to winding-up proceedings as referred to in Article 268(1)(d) of Directive 2009/138/EC; or

(b) an insurance undertaking which has its head office in Greece and is subject to winding-up proceedings (“insurance liquidation”) referred to in Article 221(1)(d) of Law 4364/2016.

2. If an insurance undertaking which has its head office in Greece is subject to winding-up proceedings, the Auxiliary Fund shall notify to this effect all the bodies of the Member States referred to in Article 10a of Directive 2009/103/EC.

3. The injured party referred to in paragraph 1 may present a claim directly to the Auxiliary Fund.

4. The Auxiliary Fund shall acknowledge receipt of this claim, as appropriate:

a. to the insurance liquidator of the insurance undertaking which has its head office in Greece;

b. to the equivalent body in the home Member State of the insurance undertaking which is subject to insolvency or winding-up proceedings, as well as to the insurance undertaking which is subject to insolvency or winding-up proceedings or to its administrator or liquidator.

5. For the implementation hereof, the Auxiliary Fund shall cooperate in due time:

(a) with the corresponding bodies in other Member States;

(b) with other bodies established or approved under Article 25a of Directive 2009/103/EC in other Member States;

(c) with other interested parties, including insurance undertakings subject to insolvency or winding-up proceedings, their administrator or liquidator or the insurance liquidator; and

(d) with the competent authorities of Greece or other Member States, at all stages during the proceedings referred to herein.

Such cooperation shall include, where appropriate, requesting, receiving and providing information on details of specific claims relating to the application of this Article and Article 10a of Directive 2009/103/EC.

6. The insurance liquidator of the insurance undertaking referred to in paragraph 1(b), if the claim for compensation is forwarded to it by the Auxiliary Fund, shall, within one (1) month of its receipt, inform the Auxiliary Fund, giving reasons, when it compensates or denies liability with regard to the claim, in whole or in part, providing the following information:

(a) a reasoned offer of compensation, if it has established that it is liable to provide compensation, the claim is not contested and the damages have been partially or fully quantified, specifying the amount of the insurance claim accepted; or

(b) a reasoned reply to the points made in the claim, where it has established that liability is denied or has not been clearly determined or the damages have not been fully quantified.

7. The insurance liquidator of the insurance undertaking referred to in paragraph 1(b), if the claim for compensation originates from a body of another Member State, under Article 10a of Directive 2009/103/EC, shall, within the time limit set by that body, but no later than one (1) month from receipt of the request, inform the body requesting compensation, giving reasons, whether it accepts or denies, in whole or in part, liability with regard to the claim in question, providing the following information:

(a) a reasoned offer of compensation if it has established that it is liable to provide compensation, the claim is not contested and the damages have been partially or fully quantified, specifying the amount of the insurance claim accepted; or

(b) a reasoned reply to the points made in the claim, where it has established that liability is denied or has not been clearly determined or the damages have not been fully quantified.

8. The Auxiliary Fund shall, including on the basis of information provided at its request by the injured party, provide the injured party, within three (3) months from the date on which the injured party submitted its claim for compensation, with:

(a) a reasoned offer of compensation if it has established that it is liable to provide compensation, the claim is not contested and the damages have been partially or fully quantified, specifying the amount of the insurance claim accepted; or

(b) a reasoned reply to the points made in the insurance claim, where it has established that it is not liable to pay compensation because the conditions set out in points (a) and (b) of paragraph 1 of this Article are not satisfied, or where the liability is denied or has not been clearly determined or the damages have not been fully quantified.

9. Where compensation is due, either in whole or in part, the Auxiliary Fund shall pay it to the injured party without undue delay and in any event within three (3) months of the acceptance by the injured party of the reasoned offer of compensation.

10. The Auxiliary Fund shall notify the payment of compensation to the injured party hereunder, as appropriate:

(a) where the insurance undertaking has its head office in Greece, to its insurance liquidator, in which case it shall be released of its corresponding obligation under Article 242(3) of Law 4364/2016 for the amount paid;

(b) where the insurance undertaking has its head office in another Member State, to the corresponding body of the home Member State of the insurance undertaking, as well as to the insurance undertaking which is subject to insolvency or winding-up proceedings or to its administrator or liquidator.

11. (a) Where the insurance undertaking has its head office in another Member State, the Auxiliary Fund, after compensating the injured party in accordance with paragraphs 1 to 10, shall be entitled to claim full reimbursement of the sum paid by way of compensation from the corresponding body of the home Member State of the insurance undertaking.

(b) Where the insurance undertaking has its head office in Greece, the Auxiliary Fund shall pay, after receiving a claim for reimbursement, within a reasonable period of time not exceeding six (6) months, to the corresponding body of the Member State in which the injured party is resident, the compensation which the said body has paid to it, unless otherwise agreed in writing between the Auxiliary Fund and the corresponding body of the other Member State.

12. In the case of an insurance undertaking that has its head office in Greece, the Auxiliary Fund shall be subrogated to the injured party in his or her rights up to the amount of the compensation paid, including the right of precedence of insurance claims under Article 240 of Law 4364/2016.

13. The liability of the Auxiliary Fund referred to in this Article shall be limited to the amount representing the difference between the sum claimed and the sum payable to the injured party by a social security fund or any other social security organisation for the same cause.

14. The Auxiliary Fund shall pay the compensation referred to in paragraph 1, without the injured party having to prove that the legal or natural person responsible for the accident is unable or refuses to pay.

**Article 19b**

**Protection of injured parties against damage caused by accidents occurring in a Member State other than that of their residence in the event of insolvency of an insurance undertaking**

1. Without prejudice to Article 242(3) of Law 4364/2016 (Government Gazette A 13), the Auxiliary Fund shall provide compensation to injured parties resident in Greece for accidents occurring in another EU Member State, at least up to the limits of compulsory insurance, for damage to property or personal injuries caused by a vehicle that has been insured by:

(a) an insurance undertaking which has its head office in another Member State and is either subject to insolvency proceedings or to winding-up proceedings as referred to in Article 268(1)(d) of Directive 2009/138/EC; or

(b) an insurance undertaking which has its head office in Greece and is subject to the winding-up proceedings (“insurance liquidation”) referred to in Article 221(1)(d) of Law 4364/2016.

2. If an insurance undertaking which has its head office in Greece is subject to winding-up proceedings, the Auxiliary Fund shall notify to this effect all the bodies of the Member States referred to in Articles 24 and 25a of Directive 2009/103/EC.

3. The injured party referred to in paragraph 1 may present a claim directly to the Auxiliary Fund.

4. The Auxiliary Fund shall acknowledge receipt of this claim, as appropriate:

a. to the insurance liquidator of the insurance undertaking which has its head office in Greece;

b. to the equivalent body in the home Member State of the insurance undertaking which is subject to insolvency or winding-up proceedings, as well as to the insurance undertaking which is subject to insolvency or winding-up proceedings or to its administrator or liquidator;

c. to the International Motor Insurers’ Bureau referred to in Article 26 hereof.

5. For the implementation hereof, the Auxiliary Fund shall cooperate in due time:

(a) with the corresponding bodies in other Member States;

(b) with other bodies established or approved under Articles 10a and 24 of Directive 2009/103/EC in other Member States;

(c) with other interested parties, including insurance undertakings subject to insolvency or winding-up proceedings, their claims settlement representative or their administrator or liquidator; and

(d) with the competent authorities of Greece or other Member States, at all stages during the proceedings referred to herein.

Such cooperation shall include, where appropriate, requesting, receiving and providing information, inter alia, on details of specific claims, relating to the implementation hereof and of Article 25a of Directive 2009/103/EC.

6. The insurance liquidator of the insurance undertaking referred to in paragraph 1(b), if the claim for compensation is forwarded to it by the Auxiliary Fund, shall, within one (1) month of its receipt, inform the Auxiliary Fund, giving reasons, when it compensates or denies liability with regard to the claim, in whole or in part, providing the following information:

(a) a reasoned offer of compensation if it has established that it is liable to provide compensation, the claim is not contested and the damages have been partially or fully quantified, specifying the amount of the insurance claim accepted; or

(b) a reasoned reply to the points made in the claim, where it has established that liability is denied or has not been clearly determined or the damages have not been fully quantified.

7. The insurance liquidator of the insurance undertaking referred to in paragraph 1(b), if the claim for compensation originates from a body of another Member State, under Article 25a of Directive 2009/103/EC, shall, within the time limit set by that body, and in any event not later than one (1) month from receipt of the claim, inform that body, giving reasons, whether it accepts or denies, in whole or in part, liability with regard to the claim in question, providing the following information:

(a) a reasoned offer of compensation if it has established that it is liable to provide compensation, the claim is not contested and the damages have been partially or fully quantified, specifying the amount of the insurance claim accepted; or

(b) a reasoned reply to the points made in the claim, where it has established that liability is denied or has not been clearly determined or the damages have not been fully quantified.

8. The Auxiliary Fund shall, including on the basis of information provided at its request by the injured party, provide the injured party, within three (3) months from the date on which the injured party submitted its claim for compensation, with:

(a) a reasoned offer of compensation, if it has established that it is liable to provide compensation, the claim is not contested and the damages have been partially or fully quantified, specifying the amount of the insurance claim accepted; or

(b) a reasoned reply to the points made in the insurance claim, where it has established that it is not liable to pay compensation because the conditions set out in points (a) and (b) of paragraph 1 of this Article are not satisfied, or where the liability is denied or has not been clearly determined or the damages have not been fully quantified.

9. Where compensation is due, either in whole or in part, the Auxiliary Fund shall pay it to the injured party without undue delay and within three (3) months at the latest of the acceptance by the injured party of the reasoned offer of compensation.

10. The Auxiliary Fund shall notify the payment of compensation to the injured party, in accordance herewith, as appropriate:

(a) where the insurance undertaking has its head office in Greece, to its insurance liquidator, in which case it shall be released of its corresponding obligation under Article 242(3) of Law 4364/2016 for the amount paid;

(b) where the insurance undertaking has its head office in another Member State, to the corresponding body of the home Member State of the insurance undertaking, as well as to the insurance undertaking which is subject to insolvency or winding-up proceedings or to its administrator or liquidator;

(c) to the International Motor Insurers’ Bureau referred to in Article 26 hereof.

11. Where the insurance undertaking has its head office in another Member State, the Auxiliary Fund, after compensating the injured party in accordance with paragraphs 1 to 10, shall be entitled to claim full reimbursement of the sum paid by way of compensation from the corresponding body of the home Member State of the insurance undertaking.

Where the insurance undertaking has its head office in Greece, the Auxiliary Fund shall pay, after receiving a claim for reimbursement, within a reasonable period of time not exceeding six (6) months, to the corresponding body of the Member State in which the injured party is resident, the compensation which the said body has paid to it, unless otherwise agreed in writing between the Auxiliary Fund and the corresponding body of the other Member State.

12. In the case of an insurance undertaking that has its head office in Greece, the Auxiliary Fund shall be subrogated to the injured party in his or her rights up to the amount of the compensation paid, including the right of precedence of insurance claims under Article 240 of Law 4364/2016.

13. The liability of the Auxiliary Fund referred to in this Article shall be limited to the amount representing the difference between the sum claimed and the sum payable to the injured party by a social security fund or any other social security organisation for the same cause.

14. The Auxiliary Fund shall pay the compensation referred to in paragraph 1, without the injured party having to prove that the legal or natural person responsible for the accident is unable or refuses to pay.

**Article 20**

1.a) In order for the objective of the Auxiliary Fund to be achieved, a contribution shall be levied in its favour, which may not exceed in whole six per cent (6%) of the total gross written premiums of the motor vehicle civil liability class, broken down as follows:

(aa) for liability of the Auxiliary Fund as per Article 19(1)(a), (b) and (d), four point five percent (4.5%) of the total gross written premiums of the motor vehicle civil liability class. In cases where such insurance is conducted under the freedom to provide services within the meaning of Article 1(f), the contribution shall be calculated on the gross written premiums on insurance contracts concluded under the freedom to provide services in Greece;

(ab) for liability of the Auxiliary Fund as per Article 19(1)(c) and in the cases of Articles 19a and 19b, one point half percent (1.5%) of the total gross written premiums of the motor vehicle civil liability class. This contribution shall only be levied on insurance undertakings which have their head office in Greece and carry out business under class 10 of Article 4(1[)](javascript:open_article_links(663278,'4'))(j) of [Law](javascript:open_links('46601,663278')) 4364/2016 [(Government Gazette A](javascript:open_fek_links('%CE%91','13','2016')) 13), by way of derogation from the provisions of Article 120(2) of that Law.

By decision of the Bank of Greece, following a reasoned recommendation from the Auxiliary Fund, accompanied by a relevant feasibility study, the percentages referred to in points (aa) and (ab) may be modified, but may not, as a sum, exceed in whole a ceiling of six percent (6%).

This contribution shall be borne at a rate of seventy percent (70%) by insurance undertakings and thirty percent (30%) by insured persons.

The contribution of insured persons shall appear on the insurance policy and shall be exempt from any tax or other charge other than stamp duty. Stamp duty shall be paid over to the fiscal authorities by the insurance undertakings, in accordance with Presidential Decree 160/1978 (Government Gazette A 34).

Mutual insurance cooperatives shall pay to the Auxiliary Fund the contributions due by the first-level cooperatives which they reinsure, irrespective of whether or not they have collected these contributions.

b) Within fifteen (15) days of the end of every two calendar months, insurance undertakings shall pay to the Auxiliary Fund the contributions corresponding to the insurance policies concluded or renewed during the two months that expired, irrespective of whether these premiums have been collected or not. In the event of late payment, the contribution shall be subject to the applicable default interest. These contributions, with the exception of the funds required to fulfil the obligations of the Auxiliary Fund, shall be invested under the responsibility of its Management Committee or deposited in an interest-bearing account of a bank operating legally in Greece.

A decision of the Auxiliary Fund shall regulate matters and procedures relating to the method of collecting contributions. The Auxiliary Fund shall, within one (1) month of the end of every two calendar months, inform the Bank of Greece of the amount of contributions collected, broken down by undertaking, and the date of payment of the contribution, as well as of which undertakings have failed to pay their contribution.

(c) Repealed.

2. In order to meet its obligations, the Auxiliary Fund may contract loans and assign or pledge as collateral for such loans any claims due and/or contributions payable to it in the future up to 2/3 of their total.

Any enforcement proceedings against the Auxiliary Fund, for assets either in its possession or in the possession of third parties, shall be suspended from the entry into force hereof until 31 December 2025.

It is also prohibited to offset the contributions of its members against any debts of the Auxiliary Fund to them.

3. The Auxiliary Fund shall have the right to sue its members in order to collect their contributions.

4. The subscription dues payable by every new member to the Auxiliary Fund shall be €50,000. The minimum annual contribution of every member, regardless of the amount of gross written premiums, shall be €10,000.

**Article 21**

1. The General Meeting of its members shall be the supreme body of the Auxiliary Fund, entitled to decide on all matters. Its decisions shall be binding also on absent or dissenting members.

2. The General Meeting shall be exclusively competent to decide on matters regarding:

(a) the appointment or removal of the members of the Administrative Committee under Article 22;

(b) the approval or modification of the budget, ex-post report and balance sheet;

(c) the drafting of bylaws governing the overall operation of the Auxiliary Fund according to the provisions hereof, to be approved by the Minister of Trade and published in the Government Gazette (Sociétés Anonymes and Limited Liability Companies Issue);

(d) the taking out of insurance by the Auxiliary Fund to cover insolvency of its members regarding the fulfilment of their obligations towards the Auxiliary Fund.

3. The number of votes available to each member during the next year in the Fund’s General Meetings shall be determined pro rata to the contribution paid to the Fund by a decision of the Minister of Trade issued annually and published in the Government Gazette (Sociétés Anonymes and Limited Liability Companies Issue).

The Administrative Committee referred to in Article 22 below shall submit by the end of November every year to the Ministry of Trade a list of members’ contributions to the Auxiliary Fund for that year.

Pending the issue of the above Ministerial Decision, each member shall have in General Meetings one vote per one million drachmas (GRD 1 million) of gross written premiums in the class of motor vehicle insurance in the preceding year. Members with gross written premiums of less than one million drachmas (GRD 1 million) of gross written premiums shall be entitled to one vote, regardless of the actual sum of gross written premiums.

**Article 22**

1. The administration of the Auxiliary Fund shall be conducted by the Administrative Committee, which shall, under the conditions required by law, take any measure necessary (contracting loans, hiring staff, procuring materials, etc.) to facilitate the pursuit of the objects of the Auxiliary Fund. This Committee shall consist of nine members elected by the General Meeting and one member without voting rights, appointed by decision of the Minister of Trade. The Administrative Committee shall elect its Chair from among its elected members. It shall publish in the Government Gazette (Sociétés Anonymes and Limited Liability Companies Issue) the annual report and the annual balance sheet of the Auxiliary Fund, which shall include special chapters containing the annual activities report and the annual balance sheet of the Assistance Account.

2. The Auxiliary Fund shall be represented both in court and out of court by the Chair of the Administrative Committee. It may also be represented in general or for specific cases by one or more of its members or other persons as determined by decision of the Administrative Committee.

**Article 23**

The following matters shall be determined by decision of the Minister of Trade published in the Government Gazette (Sociétés Anonymes and Limited Liability Companies Issue), on an opinion from the General Meeting of the members of the Auxiliary Fund:

(a) the composition, convening, operation and competence of the Administrative Committee provided for in Article 22 hereof;

(b) the time and method of convening meetings, the quorum, decision-making and operation of the General Meeting;

(c) any refund of amounts to the members during the operation of the Fund; and

(d) any details necessary for the operation of the Auxiliary Fund. 2. The Auxiliary Fund is designated as the compensation body referred to in Articles 10a and 25a of Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (L 263), as added by Article 1(8) and (18) respectively of Directive (EU) 2021/2118 of the European Parliament and of the Council of 24 November 2021 amending Directive 2009/103/EC relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (L 430), and is empowered to negotiate and conclude the agreements provided for in Articles 10a and 25a to which it becomes a contracting party.

**Article 24**

The Auxiliary Fund may be dissolved by Presidential Decree issued on a recommendation from the Minister of Trade, on an opinion from the General Meeting of its members. The same Decree shall also provide for the liquidation and the distribution of the Fund’s assets.

**Article 25**

1. Failure of any member of the Auxiliary Fund to comply with the provisions hereof, the Presidential Decrees and the Ministerial Decisions issued for the implementation thereof shall entail withdrawal of its authorisation in the class of motor vehicle liability insurance.

2. New authorisation may only be granted to an insurance undertaking whose authorisation has been withdrawn under the preceding paragraph after one year from the date of withdrawal and after full settlement of all related obligations.

3. If any member withdraws from the Fund due to withdrawal of its authorisation in the class of motor vehicle liability insurance, such member shall be entitled to recover from the Fund, six months after the end of the fiscal year during which its authorisation was withdrawn, any balance of its paid contributions, after deduction of its proportion of claims and expenses paid up to the time of its withdrawal and also of its share in the provisions for claims outstanding.

5. By decisions published in the Government Gazette (Sociétés Anonyme and Limited Liability Companies Issue), the Minister of Trade may also subject to the provisions hereof those insurance undertakings whose authorisation has been withdrawn prior to the effective date hereof. The Minister of Finance may, by a decision issued on a recommendation from the Bank of Greece, impose special conditions for the payment of compensation by the Auxiliary Fund in case of withdrawal of authorisation due to violation of law or adjudication in bankruptcy.

6. The provisions hereof, as amended, shall not affect the provisions of Law 1380/1983 “Amendment to, and supplementation of, provisions on private insurance undertakings”.

**CHAPTER III**

**International Insurance Bureau**

**Article 26**

A legal entity in private law with the name “International Insurance Bureau” is hereby established, headquartered in Athens and governed by the provisions hereof. The supervision and control of the Bureau is entrusted to the Minister of Trade.

**Article 27**

1. The International Insurance Bureau shall settle claims and pay compensation on behalf of foreign International Insurance Bureaux, within the limits set forth in the provisions hereof, regarding accidents caused by motor vehicles circulating in Greece which are normally stationed in the territory of states whose respective bureaux apply Section II of Internal Regulations, provided that these vehicles bear a valid international insurance certificate (Green Card).

In respect, however, of vehicles not subject to insurance cover inspection under Article 13(1) hereof, the aforementioned obligations of the International Insurance Bureau subsist even if these vehicles do not bear an international insurance certificate (Green Card), or even if they are not insured.

2. Settlement of claims in Greece shall be conducted either directly by the International Insurance Bureau or by members thereof acting as settlers, appointed by the Bureau, or by designated correspondents of foreign insurers on a recommendation from the bureau of their country of establishment and upon approval by the Greek Bureau.

3. The International Insurance Bureau shall also be liable to provide compensation for accidents which occur in the territory of states with which the agreements provided for by Article 2(2) hereof have been concluded, caused by vehicles normally stationed in Greece. Likewise, the Bureau shall also be liable to provide compensation for accidents which occur on the territory of states with whose bureau the agreement referred to in Article 30(1) hereof has been concluded and in accordance with the conditions of this agreement, provided that the vehicle which caused the accident bears a valid international insurance certificate issued by the Bureau.

4. (a) When a vehicle which is normally stationed in Greece is uninsured, the International Insurance Bureau shall have a right of recourse against the owner, the person in charge and the driver for the sum of compensation paid to third parties or payable to the corresponding bureau of the state in which the accident occurred, as well as against the Auxiliary Fund in the cases set out in Article 19(1)(b), (c), (d) and (e) of this Decree.

The same shall apply to accidents caused to nationals of other EU Member States subject to the provisions of Article 6(3) above.

(b) Where the insurer has paid compensation under Article 6(3)(a) above, which exceeds the limit of its liability, as defined in Article 29(1), the insurer shall have a right of recourse against the International Insurance Bureau for the amount paid in excess.

**Article 27a**

1. The Compensation Body referred to in Article 1 hereof shall be liable to provide compensation to the injured parties who are resident in Greece and have suffered any damage by the circulation of vehicles in other Member States or third countries whose international insurance bureaux are members of the Green Card system, by vehicles insured and normally stationed in the territory of a Member State other than their state of residence, provided that the following conditions are met.

2. The Compensation Body shall settle claims, in accordance with the legislation of the country where the accident occurred, and provide compensation to the above injured parties, upon their request, provided that:

(a) within three months from the date on which the injured party presented his/her claim to the insurance undertaking covering the vehicle the use of which caused the accident or to its claims representative, the insurance undertaking or its claims representative have not given a reasoned reply to the points made in the claim, or (b) the insurance undertaking has failed to appoint a claims representative in Greece. In such case the injured parties may not present a claim to the Compensation Body if they have presented a claim for compensation directly to the insurance undertaking of the vehicle the use of which caused the accident and if they have received a reasoned reply within three months of presenting the claim.

3. The Compensation Body shall, upon presentation of the claim as provided for above, immediately notify:

(a) the insurance undertaking covering the vehicle the use of which caused the accident or its claims representative;

(b) the compensation body of the Member State in which the insurance undertaking which has issued the policy is established;

(c) if known, the person who caused the accident, that it has received a claim from the injured party and that it will respond to that claim within two (2) months of presentation of that claim.

4. The Compensation Body, based on the information provided by the injured party, shall settle the claim, within the above two-month time limit, in accordance with the legislation of the state where the accident occurred, and shall provide compensation, insofar as it is obliged to do so.

However, the Compensation Body may not demand – in order to proceed with the payment of compensation – that the injured party provide evidence that the person liable to pay compensation is unable or refuses to pay, without prejudice to the provisions of paras. 2 and 10 of this article.

5. Upon payment of compensation, the Compensation Body may demand the recovery of the sum paid as compensation from the compensation body of the Member State in which the insurance undertaking that has issued the policy is established, pursuant to the agreement concluded between the compensation bodies of the Member States.

6. The Compensation Body shall become subrogated into all the rights of the injured party arising from the accident against the person that caused the accident or his/her insurer, up to the amount paid to the above injured party as compensation for any damage to property or bodily injury or up to the amount paid to the Compensation Body of another Member State.

7. The compensation paid by the Compensation Body shall be limited to the amount required for supplementing the sum payable for this cause to the injured party by the social security fund or by any other social security organisation.

8. The Compensation Body shall be liable to provide compensation to injured parties that are resident in Greece and have suffered an accident in another Member State:

(a) caused by an unidentified vehicle;

(b) where the insurance undertaking covering the vehicle that caused the accident cannot be identified;

(c) in cases of uninsured vehicles of third countries whose national bureau of international insurance is a member of the Green Card system.

Compensation shall be payable in accordance with the procedure laid down in para. 4 of this article.

9. The Compensation Body shall have a right of recourse in respect of the amount paid in accordance to para. 8 above against:

(a) the Auxiliary Fund of the Member State in which the vehicle is normally stationed, where the insurance undertaking remains unidentified;

(b) the Auxiliary Fund of the Member State in which the accident occurred, where the vehicle remains unidentified;

(c) the Auxiliary Fund of the Member State in which the accident occurred in the case of uninsured vehicles of third countries within the meaning of para. 8 of this article.

10. The Compensation Body shall not intervene or shall withdraw when the insurance undertaking covering the person responsible or its representative has taken relevant action. Moreover, where the injured party has sued directly the insurance undertaking, the Compensation Body shall be under no obligation to provide compensation.

11. Ministerial Decision No K44523/86 of the Deputy Minister of Trade “Organisation and Operation of the International Insurance Bureau” (Government Gazette/Sociétés Anonymes and Limited Liability Companies Issue 3087/23.10.1986) shall be accordingly modified and supplemented by decision of the Minister of Development.

**Article 27b**

1. The Information Centre shall be a unit of the Auxiliary Fund for the Insurance of Liability Arising from Motor Accidents referred to in Article 16 above.

2. The object of the Information Centre shall be to provide information to any party involved in a road accident:

(a) which was caused by a motor vehicle bearing Greek registration plates; or

(b) provided that the accident occurred within the territory of a Member State of the EU and the EEA or occurred within the territory of a third country whose national bureau of international insurance has acceded to the Green Card system and the accident was caused by motor vehicles normally stationed and insured in a Member State of the EU and the EEA.

3. Furthermore, the Information Centre may provide similar information on vehicles which are normally stationed in Greece and have been involved in accidents in Greece, in order to assist injured third parties having a legitimate interest to present and satisfy their claims for compensation.

To achieve its objectives, the Information Centre shall be responsible for:

(a) keeping a record or co-ordinating the collection of the following information:

- Registration number of every vehicle bearing Greek registration plates (registration number, full name and address of owner(s), make and type of vehicle).

- Number of the insurance policy covering civil liability arising from motor vehicle accidents, as well as the term of such policy.

- The insurance undertaking that has issued the policy, fully specified, or the entity providing insurance cover to the vehicle, when the latter falls under the exceptions of Article 3 hereof, as well as the claims representatives appointed by the insurance undertakings in other Member States.

- The claims representatives appointed in Greece by all insurance undertakings established in the EU or the EEA, conducting motor vehicle civil liability insurance.

- A list of the vehicles exempted from compulsory insurance against civil liability under Article 3 hereof and Article 4b of Directive 72/166/EEC.

(b) The Information Centre shall assist all parties entitled to obtain the information referred to in (a) above and shall coordinate the collection and distribution of such information.

In order to collect the information referred to in (a) above, the Information Centre shall apply to the insurance undertakings and insurance co-operatives operating in Greece and conducting motor vehicle civil liability insurance, entities which are exempted from compulsory insurance (Article 3 hereof and Article 4b of Directive 72/166/EEC), as well as the registrars of vehicles. The collection of such information may be achieved via submission of the corresponding data by the above entities or direct access of the Information Centre to the electronic records of the above entities – which the latter must ensure – so that the Information Centre obtains on line and in real time the information it requires.

All details regulating the collection of the relevant information shall be determined by a joint decision of the Minister of Development and other competent Ministers.

4. The information referred to in para. 3(a) of this article shall be kept for a period of seven (7) years from the date the vehicle is deleted from the records of the Information Centre or from the date of expiration of the insurance policy.

Information Centres of the EU Member States shall cooperate in order to exchange information, in accordance with the principles of the collaboration agreement they have signed.

The Information Centre, in the case of a vehicle dispatched from one Member State to another, if the vehicle is registered in Greece or Greece is the Member State of destination or the Member State in the territory of which the accident occurred or in which the injured party is resident, shall cooperate with the corresponding information centres of the other Member States in order to ensure that the necessary information on the dispatched vehicle is available.

5. All natural persons or legal entities having suffered damage from motor vehicle accidents, as well as any other party having legitimate interest, may request and be forthwith granted by the Information Centre of the Member State of their residence or the Member State whose registration plates are borne by the vehicle or the Member State in which the accident occurred, the following information:

(a) the registered name and address of the insurance undertaking or the organisation appointed for vehicles which fall under the exceptions set out in Article 3 hereof;

(b) the insurance policy number;

(c) the name and address of the claims representative appointed in Greece by the insurance undertaking.

The Information Centre shall notify to the injured party the name and address of the owner, usual driver or person in charge of the vehicle, provided that the injured party provides evidence of his/her legitimate interest in obtaining such information. In order to collect such information, the Information Centre shall apply either to the insurance undertaking or the entities referred to in para. 3(b) of this article.

6. Insurance undertakings having their head office in Greece, mutual insurance cooperatives, branches of insurance undertakings established in Greece having their head office in the EU or in the EEA or in third countries as well as companies operating under the freedom to provide services in Greece under class 10 “Civil Liability for Land Vehicles Accidents” shall provide the Information Centre with the following information:

(a) the registration number of the vehicles for which they provide insurance against civil liability;

(b) the insurance policy number and its effective term, as well as whenever an insurance policy becomes invalid or otherwise no longer covers a vehicle with a registration number;

(c) the green card number.

The International Motor Insurers’ Bureau shall provide the Information Centre with the numbers of the frontier insurance contracts concluded, as provided for in Article 4(b) of Council Directive 72/166/EEC.

The manner in which the above data and information are to be submitted, as well as the relevant deadlines, shall be laid down in a ministerial decision.

7. The Ministries of Transport & Communication, Environment, Physical Planning & Public Works, Public Order, Agriculture, National Defence, Interior, Public Administration & Decentralisation, as well as the Public Power Corporation shall provide the Information Centre with all information on vehicles they have registered or shall provide the Information Centre with direct access to the electronic records they keep. This information shall include registration numbers, full name of owner, address of residence or headquarters (in respect of legal entities), make and type of vehicle. Where direct access is not provided to their electronic records, any change in the above data shall be notified within a reasonable time to the Information Centre.

8. The Information Centre shall operate a “central database”, which shall make available in good time to injured parties, insurers or their legal representatives the essential data required to settle claims.

9. The Information Centre shall make available the information kept in its records under para. 3(a) of this article to the General Secretariat of Information Systems on a continuous basis, so as to enable the electronic control and identification of motor vehicles lacking compulsory insurance cover under Article 2 (identification of uninsured vehicles), as specified in Article 5a above.

**Article 28**

1. All insurance undertakings that conduct motor vehicle liability insurance, whether headquartered in Greece or abroad and whether they provide insurance cover through their establishment in Greece or under freedom of services, within the meaning of Article 1(f) hereof, shall automatically and compulsorily become members of the International Insurance Bureau. The latter shall have the right of recourse against the establishment in Greece of insurance undertakings registered in other Member States where the insurer conducts motor vehicle liability insurance abroad from its establishment in Greece under freedom of services, for all sums that the Bureau may be required to pay on behalf of these undertakings under the provisions of the international agreements between bureaux.

2. The members of the Bureau shall cover the civil liability of their insureds for accidents caused abroad by motor vehicles normally stationed in Greece, issuing for this purpose the appropriate international insurance certificate.

3. The certificate forms shall be supplied by the International Insurance Bureau, in the format used internationally.

4. Companies headquartered abroad shall participate compulsorily and automatically in the Greek International Insurance Bureau, being subject to the provisions of Article 29 hereof.

5. Mutual insurance undertakings, as defined in Article 35(4) of L.D. 400/70, as currently in force, shall also compulsorily become members of the International Insurance Bureau if they cover third-party motor vehicle liability.

**Article 29**

1. The liability of a member of the International Insurance Bureau deriving from the issue of an international insurance certificate shall be limited to the sum insured as specified in Article 6(5) above. The amount exceeding the sum insured, according to the aforementioned paragraph, shall be paid by the International Insurance Bureau. On the occurrence of an accident, the member providing insurance cover shall, within ten (10) business days from the date of notification by the International Insurance Bureau, pay to the International Insurance Bureau the equivalent sum of the above limit.

2. Any sums which a member has failed to pay in performance of its obligations under the preceding paragraph shall be paid to the International Insurance Bureau by the other members in proportion to their gross written premiums relating to third-party motor vehicle liability insurance during the business year preceding that of the accident, without prejudice to the International Insurance Bureau’s right of recourse against the obligor member.

3. Any member failing to comply with its obligations under paras. 1 and 2 shall be subject to the penalties provided in Article 38 below.

4. By decision of the Administrative Committee, the International Insurance Bureau may refuse to supply international insurance certificates to any member that fails to meet its obligations hereunder and under the relevant Ministerial Decisions, and may further require that the member no longer issue international insurance certificates with which it has already been provided and that it return all forms not yet issued which remain in its possession.

5. The provisions of paras. 1 to 3 of this article shall not apply to insurance undertakings – members of the International Insurance Bureau which conduct thirdparty motor vehicle liability insurance under the freedom of services within the meaning of Article 1(f) hereof. The obligations of these members regarding the issue of international insurance certificates (Green Cards) of the Greek Bureau shall be regulated by Article 27(2) above and Section II of the Unified Agreement.

**Article 30**

1. The International Insurance Bureau shall countersign the text that includes the obligatory provisions of the Unified Agreement and shall abide by these provisions, as well as the provisions of Section II of this Agreement countersigned with the corresponding Bureaux regarding relations between these bureaux based on the international insurance certificate (Green Card).

Likewise, the International Insurance Bureau shall abide by the provisions of Section III of the Unified Agreement, based on presumptive insurance cover, which it has countersigned with the bureaux mentioned in the Annex to the decision of the European Commission dated 28.7.2003 (L192), of the EEA states and the associated states which acceded to the Multilateral Guarantee Agreement as per Article 17 of the Unified Agreement.

The International Insurance Bureau shall also sign all other agreements necessary for the fulfilment of its obligations.

2. Any agreement executed under the preceding paragraph, in addition to the obligations it creates between the contracting bureaux, shall also create direct rights and obligations of the individual members of the Bureau in respect of the insurance policies each of those members has concluded.

3. Such agreement shall be exempt from any contribution in favour of the Lawyers’ Pension Fund or of any other legal entity.

4. Failure by any member to pay insurance compensation due shall result in all other members covering the amount paid by the Bureau, without prejudice to the right of recourse against the undertaking that has issued the policy.

**Article 31**

1. An International Insurance Certificate shall be issued upon completion of a printed form supplied by the Bureau, in the format used internationally.

2. This certificate shall be issued in order to enable the insured to exercise his/her rights under the agreement signed between the Greek Bureau and the corresponding bureau of the state in which the accident occurred.

3. The International Insurance Bureau shall accept and receive any loss advice regarding accidents caused in Greece by vehicles normally stationed outside Greek territory, insofar as it is required by Article 27 hereof to settle the claim and pay compensation for the accident.

4. Under such circumstances, the Bureau shall act as agent of the foreign insurer. The party that suffered damage following an accident caused in Greece by a vehicle normally stationed outside Greek territory shall have a direct action against the International Insurance Bureau insofar as the conditions of this article are fulfilled with respect to the vehicle, without prejudice to the right of action reserved to the Bureau that makes the payment.

**Article 32**

1. Where a vehicle exempted from insurance cover inspection under Article 13(2) above has been involved in an accident in Greece, any authority or insurance undertaking concerned with the accident shall report promptly in writing to the International Insurance Bureau the territory in which the vehicle involved is normally stationed, its registration number and full insurance particulars of the vehicle(s) involved in the accident in Greece.

2. The International Insurance Bureau shall forward the data so reported to the corresponding bureau of the state in which every vehicle involved in the accident is normally stationed.

**Article 33**

1. The management bodies of the International Insurance Bureau shall be the General Meeting of its members and the Administrative Committee.

2. The Administrative Committee shall be composed of ten members. One of them, without voting rights, shall be appointed by the Minister of Trade, while all other members shall be elected by the General Meeting. The Administrative Committee shall elect its Chair from among its elected members.

3. A decision of the Minister of Trade, issued on an opinion from the General Meeting and published in the Government Gazette, shall determine the contributions every member of the International Insurance Bureau is obliged to pay, in accordance with the following provisions:

(a) To cover operating expenses, the members shall pay to the International Insurance Bureau, as a registration fee, a contribution at least equal to the equivalent in drachmas of 3,000 ECU. For the next years, the contribution rate of each member shall be calculated pro rata to the gross written premiums from motor vehicle insurance during the previous accounting year.

(b) In order for the International Insurance Bureau to meet the obligations arising from uninsured vehicles and from the direct settlement of claims from accidents caused on Greek territory or abroad by vehicles normally stationed abroad or in Greece, respectively, and also in order to meet the reinsurance costs for its obligations hereunder, each member shall pay an annual proportional contribution, calculated pro rata to its gross written premiums from motor vehicle liability insurance during the preceding year. If the Administrative Committee estimates that the funds at any time available to the Bureau are insufficient to cover its outstanding obligations, every member shall contribute an additional proportionate sum within one (1) month from the date the relevant decision is taken.

4. In particular in the case of insurance provided under freedom of services, within the meaning of Article 1(f) hereof, contributions to the International Insurance Bureau shall be calculated in accordance with the provisions currently in force on insurance undertakings established in Greece.

5. Article 24 hereof shall apply by analogy where a member fails to comply with its obligations set out in the preceding paragraph.

6. Article 25 hereof shall apply by analogy where a member fails to comply with the obligations set out in this article in respect of contributions.

7. In all other respects, Articles 21 to 24 above shall apply to the International Insurance Bureau by analogy.

8. By decision of the Minister of Development, issued on an opinion from the General Meeting and published in the Government Gazette, supplementary proportionate contributions may be imposed if the Administrative Committee estimates that the funds at any time available to the Bureau are insufficient to cover its outstanding obligations.

**Article 34**

A decision of the Minister of Trade, issued on an opinion from the General Meeting of the members of the International Insurance Bureau and published in the Government Gazette, shall determine the following:

(a) the contributions payable by each member of the International Insurance Bureau and the basis of their calculation to cover the obligations and guarantees undertaken by the Bureau as well as its operating expenses;

(b) the composition, convening, operation and competence of the Administrative Committee referred to in Article 33 above;

(c) the time and method of convening, the quorum, decision-making and operation of the General Meeting;

(d) any refund of sums to the members during the operation of the Bureau; and

(e) any details necessary for the operation of the Bureau.

**Article 34a**

1. Any reference herein to a “Member State of the EEC” shall be understood as a reference to the Member States of the European Union (EU) and of the European Economic Area (EEA).

2. The obligations of the International Insurance Bureau, in their totality, which have arisen either before or after 1 July 2003, shall be regulated by the provisions of the Unified Agreement.

**CHAPTER IV**

**Frontier Insurance**

**Article 35**

1. Vehicles entering Greece on which insurance cover inspection is conducted and which do not bear a valid international insurance certificate, as provided for in Article 5(3) hereof, shall, upon entering Greek territory, obtain insurance cover in the form of special insurance (“frontier insurance”) in accordance with the following article.

2. This special insurance (frontier insurance) shall be concluded for a period of 30 days and shall not be renewable. The provisions of Article 6(3) hereof shall apply by analogy to this case.

**Article 36**

1. The International Insurance Bureau shall appoint at each border station and port of entry into the country a representative authorised to underwrite frontier insurance on behalf of all members of the Bureau. Such representative may be a natural person or a legal entity, as well as any officer performing police or customs duties. Such representatives may be remunerated by decision of the Minister of Trade, at the expense of the Bureau.

2. Frontier insurance shall be concluded in accordance with the conditions and premium tariffs applicable in Greece.

3. A special document shall be issued for frontier insurance, the format of which shall be determined by decision of the Minister of Trade.

**Article 37**

1. The International Insurance Bureau shall keep a separate account of the premiums, claims (paid and outstanding) and of all other expenses of frontier insurance.

2. The International Insurance Bureau shall be liable towards the injured party, the latter having a direct claim against the Bureau.

3. In all other respects, the provisions of law regarding the International Insurance Bureau shall apply by analogy to frontier insurance.

**Article 37a**

1. The claims representative, who must be appointed in Greece pursuant to Article 4 of the Directive 2000/26/EC by all insurance undertakings established in any Member State of the EU or the EEA and conducting insurance class 10 “motor vehicle civil liability insurance”, carriers’ liability excluded, shall have the following qualifications and obligations:

He must have a good command of the Greek language; have his permanent residence or domicile in Greece; and be duly authorised to represent the insurance undertaking appointing him and to fully satisfy all claims of the injured parties that are permanent residents of Greece arising from accidents caused by vehicles insured by the said undertaking.

2. The above representative shall collect all necessary information relating to the above claims in order to make a settlement of such claims and shall take all measures necessary to negotiate the settlement of claims. He/she shall further possess sufficient authority to represent the insurance undertaking before the injured parties who may be entitled to present a claim for compensation and also to fully satisfy such claims and, to the extent necessary, shall represent the undertaking before the administrative authorities with respect to such claims. Moreover, he/she shall take any action under Article 9a hereof.

3. The compulsory appointment of a claims representative shall by no means affect the right of the injured parties or their insurers to institute proceedings directly against the person responsible for the accident or his/her insurer.

4. If the claims representative fails to comply with the provisions of Directive 2000/26 /EC in order to satisfy the injured parties, the competent supervisory authority shall inform the corresponding insurance regulator of the state in which the insurance undertaking is established in order for all necessary measures to be taken.

**CHAPTER V**

**Article 39**

1. A levy on the net premiums of the class of motor liability insurance may be imposed in favour of the National Road Fund by decision of the Minister of Trade. Such levy may be increased up to 3% by a Presidential Decree issued on a recommendation from the Minister of Trade.

2. The above levy shall be entered separately in the insurance policy and shall be payable by the insured.

3. The insurance undertakings shall pay to the National Road Fund within one month from the end of each quarter the levies collected during that quarter.

4. The National Road Fund shall make exclusive use of its revenue under para. 1 for the signalling of the national and provincial road network.

5. By decision of the Minister of Development, part of the levy provided for in para. 1 above may be made available to the Auxiliary Fund for the achievement of its objects. The details regarding the implementation of this paragraph shall be regulated by a similar decision of the Minister of Development.

**Article 57**

In case of any discrepancy between the text of this Decree and the text of the legislation codified, the latter shall prevail.

**Article 58**

This Decree shall take effect as from the date of its publication in the Government Gazette.