



# **Agreement between Insolvency Bodies in the framework of Article 10a of the European Motor Insurance Directive**

**Protection of injured parties in respect of damage  
resulting from accidents occurring in their Member  
State of residence in the case of the insolvency of an  
insurance undertaking**

## **Addendum N° 1**

**Amending the entry into force of the Agreement and  
introducing transitional clauses for some Member  
States**

Latest update in 2023

## Parties to the Addendum

The following bodies, signatories to this Addendum:

A	Austrian Insolvency Body	<i>Fachverband der Versicherungsunternehmen, represented by Verband der Versicherungsunternehmen Österreichs (VVO)</i>
B	Belgian Insolvency Body	<i>Fonds Commun de Garantie Belge / Belgisch Gemeenschappelijk Waarborgfonds (FCGB-BGWF)</i>
BG	Bulgarian Insolvency Body	<i>Bulgarian Guarantee Fund</i>
CY	Cypriot Insolvency Body	<i>Cyprus Motor Insurers' Fund</i>
CZ	Czech Insolvency Body	<i>Czech Insurers' Bureau</i>
D	German Insolvency Body	<i>Verkehrsoferhilfe e.v. (VOH)</i>
DK	Danish Insolvency Body	<i>Danish Guarantee Fund for Non-Life Insurers</i>
E	Spanish Insolvency Body	<i>Consortio de Compensación de Seguros (CCS)</i>
EST	Estonian Insolvency Body	<i>Estonian Motor Insurance Bureau</i>
F	French Insolvency Body	<i>Fonds de Garantie des Assurances Obligatoires de dommages (FGAO)</i>
FIN	Finnish Insolvency Body	<i>Finnish Motor Insurers' Centre</i>
GR	Greek Insolvency Body	<i>Greek Guarantee Fund</i>
H	Hungarian Insolvency Body	<i>Hungarian Motor Insurance Bureau</i>
HR	Croatian Insolvency Body	<i>Croatian Insurance Bureau (Hrvatski Ured Za Osiguranje)</i>
I	Italian Insolvency Body	<i>CONSAP, as Fondo di Garanzia per le Vittime della Strada</i>
IRL	Irish Insolvency Body	<i>Motor Insurers' Bureau of Ireland</i>
L	Luxembourgish Insolvency Body	<i>Fonds d'insolvabilité en Assurance Automobile (FIAA)</i>
LT	Lithuanian Insolvency Body	<i>Motor Insurers' Bureau of the Republic of Lithuania</i>
LV	Latvian Insolvency Body	<i>Motor Insurers' Bureau of Latvia</i>
M	Maltese Insolvency Body	<i>Protection and Compensation Fund (PCF)</i>
NL	Dutch Insolvency Body	<i>Motor Traffic Guarantee Fund (Waarborgfonds Motorverkeer)</i>

P	Portuguese Insolvency Body	<i>Fundo de Garantia Automóvel (FGA)</i>
PL	Polish Insolvency Body	<i>Polish Insurance Guarantee Fund (Ubezpieczeniowy Fundusz Gwarancyjny, UFG)</i>
RO	Romanian Insolvency Body	<i>Policyholders Guarantee Fund of Romania (Fondul de Garantare a Asiguraților, FGA)</i>
S	Swedish Insolvency Body	<i>Swedish Motor Insurers (Trafikförsäkringsföreningen)</i>
SK	Slovak Insolvency Body	<i>Slovak Insurers' Bureau (Slovenská kancelária poisťovateľov)</i>
SLO	Slovenian Insolvency Body	<i>Slovenian Insurance Association (Slovensko zavarovalno združenje, GIZ)</i>

## Preamble

### Whereas

1. The Signatory Insolvency Bodies to this Addendum are all signatories to the Agreement between Insolvency Bodies in the framework of Article 10a of the European Motor Insurance Directive, Protection of injured parties in respect of damage resulting from accidents occurring in their Member State of residence in the case of the insolvency of an insurance undertaking ('the Agreement');
2. The new Article 10a(13), last subparagraph of the Codified Motor Insurance Directive provides that "where the agreement referred to in the first subparagraph is not concluded by 23 December 2023, the Commission is empowered to adopt delegated acts (...);"
3. The new Article 30 of the Codified Motor insurance Directive contains the following provision: "Article 10a(1) to (12) shall apply from the date of the agreement referred to in Article 10a(13), first subparagraph, or from the date of application of the Commission delegated act referred to in Article 10a(13), fourth subparagraph";
4. It is unlikely that the signatures of all EU Member States' Insolvency Bodies are collected by 23 December 2023. The agreement referred to in Article 10a(13), first subparagraph can therefore not be considered as having been concluded by 23 December 2023. Consequently, the new insolvency provisions of the Codified Motor Insurance Directive will not enter into force on 23 December 2023 either;
5. In some Member States, the entry into force of the relevant national law implementing the Sixth Motor Insurance Directive is linked to the activation of Article 10a, which means that some Insolvency Bodies may find themselves bound by the provisions of the Agreement while not having received the legal capacity to act as such;
6. In light of these developments, the signatory Insolvency Bodies wish to clarify the application of the Agreement after 23 December 2023.

**have concluded this Addendum:**

## Provisions of the Addendum

### ARTICLE 1 – Relation to the Agreement

The terminology used in the Agreement is equally applicable to this Addendum.

### ARTICLE 2 – Entry into force of the Agreement

The signatory Insolvency Bodies agree that:

- (a) the provisions of the Agreement shall not enter into force until 30 days after the date of receipt by COB of the signature of the last of the 27 EU Insolvency Bodies established in an EU Member State (excluding EEA States which are not Member States of the European Union). Upon entry into force, the Agreement shall apply to insolvencies which occurred on or after 23 December 2023, in accordance with its Article 14.
- (b) Where a delegated act is adopted by the European Commission in accordance with the fourth subparagraph of Article 10a(13) of the Sixth Motor Insurance Directive before the date of receipt by COB of the signature of the last of the 27 EU Insolvency Bodies established in an EU Member State, the Agreement shall not enter into force.

### ARTICLE 3 – Transitional provision in relation to Poland

The provisions of the Agreement shall not enter into force in relation to the Polish Insurance Guarantee Fund, as the Polish Insolvency Body in the framework of Article 10a, until it is legally empowered to act in this capacity and to fulfil its rights and obligations under the Agreement, through the entry into force of the relevant national law implementing the Sixth Motor Insurance Directive.

The Polish Insurance Guarantee Fund shall inform COB in writing, without undue delay, of the date of entry into force of the relevant national law. COB shall, in turn, inform the other Signatories to the Agreement and this Addendum, as well as the European Commission.

As of the date of entry into force of the applicable law, the Polish Insurance Guarantee Fund shall fully comply with its obligations under the Agreement, including the obligation to satisfy all demands for reimbursement addressed to it and concerning insolvencies which occurred on or after 23 December 2023, in accordance with Article 14 of the Agreement.

Should the relevant national law enter into force before the date indicated in Article 2(a) of this Addendum, the provisions of the Agreement shall enter into force in relation to the Polish Insurance Guarantee Fund in accordance with Article 2(a).

#### **ARTICLE 4 – Transitional provision in relation to Ireland**

The provisions of the Agreement shall not enter into force in relation to the Motor Insurers' Bureau of Ireland, as the Irish Insolvency Body in the framework of Article 10a, until it is legally empowered to act in this capacity and to fulfil its rights and obligations under the Agreement, through the entry into force of the relevant national law implementing the Sixth Motor Insurance Directive and the approval by the members of the Motor Insurers' Bureau of Ireland of the relevant changes to its constitution.

The Motor Insurers' Bureau of Ireland shall inform COB in writing, without undue delay, of the date of entry into force of the relevant national law and of the date on which its members approve the relevant changes to its constitution. COB shall, in turn, inform the other Signatories to the Agreement and this Addendum, as well as the European Commission.

As of the later of the date of entry into force of the relevant national law and the date on which the members of the Motor Insurers' Bureau of Ireland approve the relevant changes to its constitution, the Motor Insurers' Bureau of Ireland shall fully comply with its obligations under the Agreement, including the obligation to satisfy all demands for reimbursement addressed to it and concerning insolvencies which occurred on or after 23 December 2023, in accordance with Article 14 of the Agreement.

Should the later of the date of entry into force of the relevant national law and the date on which the members of the Motor Insurers' Bureau of Ireland approve the relevant changes to its constitution be before the date indicated in Article 2(a) of this Addendum, the provisions of the Agreement shall enter into force in relation to the Motor Insurers' Bureau of Ireland in accordance with Article 2(a).

#### **ARTICLE 5 – Transitional provision in relation to Latvia**

The provisions of the Agreement shall not enter into force in relation to the Motor Insurers' Bureau of Latvia, as the Latvian Insolvency Body in the framework of Article 10a, until it is legally empowered to act in this capacity and to fulfil its rights and obligations under the Agreement, through the entry into force of the relevant national law implementing the Sixth Motor Insurance Directive.

The Motor Insurers' Bureau of Latvia shall inform COB in writing, without undue delay, of the date of entry into force of the relevant national law. COB shall, in turn, inform the other Signatories to the Agreement and this Addendum, as well as the European Commission.

As of the date of entry into force of the relevant national law, the Motor Insurers' Bureau of Latvia shall fully comply with its obligations under the Agreement, including the obligation to satisfy all demands for reimbursement addressed to it and concerning insolvencies which occurred on or after 23 December 2023, in accordance with Article 14 of the Agreement.

Should the relevant national law enter into force before the date indicated in Article 2(a) of this Addendum, the provisions of the Agreement shall enter into force in relation to the Motor Insurers' Bureau of Latvia in accordance with Article 2(a).

## **ARTICLE 6 – Entry into force**

This Addendum shall enter into force on 23 December 2023.