

Table of Contents

Introduction and Questionnaire

Daniel Rubin

Introduction — 3

- I. Choice of Subject Matter — 3
- II. Research Aims — 4
- III. Methodology — 6

Questionnaire — 9

- I. The Term Compulsory Liability Insurance — 9
- II. Aims — 10
- III. Content of Insurance Cover — 10
- IV. Protection Mechanisms — 11
- V. Supervision and Sanctions — 13
- VI. Statutory Provisions required by the Constitution or the European Convention on Human Rights (ECHR) — 14
- VII. Reform Efforts — 14
- VIII. Compulsory Liability Insurance and Liability Law — 14

Country Reports

Daniel Rubin

Compulsory Liability Insurance in Austria — 17

- I. The Term Compulsory Liability Insurance — 17
- II. Aims — 23
- III. Content of Insurance Cover — 25
- IV. Protection Mechanisms — 32
- V. Supervision and Sanctions — 40
- VI. Statutory Provisions required by the Constitution or the European Convention on Human Rights (ECHR) — 43
- VII. Reform Efforts — 44
- VIII. Compulsory Liability Insurance and Liability Law — 44

Herman Cousy and Caroline Van Schoubroeck

Compulsory Liability Insurance in Belgium — 45

- I. The Term Compulsory Liability Insurance — 45

- II. Aims — 52
- III. Content of Insurance Cover — 55
- IV. Protection Mechanisms — 65
- V. Supervision and Sanctions — 76
- VI. Statutory Provisions required by the Constitution or the European Convention on Human Rights (ECHR) — 79
- VII. Reform Efforts — 80
- VIII. Compulsory Liability Insurance and Liability Law — 80

Petr Dobiáš

Compulsory Liability Insurance in the Czech Republic — 83

- I. The Term Compulsory Liability Insurance — 83
- II. Aims — 90
- III. Content of Insurance Cover — 91
- IV. Protection Mechanisms — 98
- V. Supervision and Sanctions — 105
- VI. Statutory Provisions required by the Constitution or the European Convention on Human Rights (ECHR) — 109
- VII. Reform Efforts — 110
- VIII. Compulsory Liability Insurance and Liability Law — 111

Jaana Norio-Timonen

Compulsory Liability Insurance in Finland — 113

- I. The Term Compulsory Liability Insurance — 113
- II. Aims — 121
- III. Content of Insurance Cover — 122
- IV. Protection Mechanisms — 127
- V. Supervision and Sanctions — 134
- VI. Statutory Provisions required by the Constitution or the European Convention on Human Rights (ECHR) — 135
- VII. Reform Efforts — 136
- VIII. Compulsory Liability Insurance and Liability Law — 136

Robert Koch

Compulsory Liability Insurance in Germany — 137

- I. The Term Compulsory Liability Insurance — 137
- II. Aims — 142
- III. Content of Insurance Cover — 143
- IV. Protection Mechanisms — 153
- V. Supervision and Sanctions — 160

- VI. Statutory Provisions required by the Constitution or the European Convention on Human Rights (ECHR) — 164
- VII. Reform Efforts — 167
- VIII. Compulsory Liability Insurance and Liability Law — 168

Péter Takáts

Compulsory Liability Insurance in Hungary — 169

- I. The Term Compulsory Liability Insurance — 169
- II. Aims — 173
- III. Content of Insurance Cover — 175
- IV. Protection Mechanisms — 180
- V. Supervision and Sanctions — 184
- VI. Statutory Provisions required by the Constitution or the European Convention on Human Rights (ECHR) — 186
- VII. Reform Efforts — 187
- VIII. Compulsory Liability Insurance and Liability Law — 187

Diana Cerini

Compulsory Liability Insurance in Italy — 189

- I. The Term Compulsory Liability Insurance — 189
- II. Aims — 196
- III. Content of Insurance Cover — 198
- IV. Protection Mechanisms — 205
- V. Supervision and Sanctions — 212
- VI. Statutory Provisions required by the Constitution or the European Convention on Human Rights (ECHR) — 213
- VII. Reform Efforts — 215
- VIII. Compulsory Liability Insurance and Liability Law — 215

Andrea Stäubli

Compulsory Liability Insurance in Switzerland — 217

- I. The Term Compulsory Liability Insurance — 217
- II. Aims — 221
- III. Content of Insurance Cover — 223
- IV. Protection Mechanisms — 233
- V. Supervision and Sanctions — 242
- VI. Statutory Provisions required by the Constitution or the European Convention on Human Rights (ECHR) — 244
- VII. Reform Efforts — 245
- VIII. Compulsory Liability Insurance and Liability Law — 246

Özlem Gürses

Compulsory Liability Insurance in the United Kingdom — 247

- I. The Term Compulsory Liability Insurance — 247
- II. Aims — 254
- III. Content of Insurance Cover — 257
- IV. Protection Mechanisms — 268
- V. Supervision and Sanctions — 276
- VI. Statutory Provisions required by the Constitution or the European Convention on Human Rights (ECHR) — 279
- VII. Reform Efforts — 280
- VIII. Compulsory Liability Insurance and Liability Law — 281

Special Reports

Stefan Perner

Compulsory Liability Insurance and European Union Law — 285

- I. Introduction — 285
- II. Duties to Take Out Insurance in European Secondary Law — 286
- III. Conflict of Laws — 288
- IV. Primary Law (Four Freedoms) — 290
- V. Summary — 295

Franz Merli

Compulsory Liability Insurance and Constitutional Law — 297

Helmut Heiss

Compulsory Liability Insurance in the Principles of European Insurance Contract Law (PEICL) — 301

- I. Compulsory Liability Insurance: A 'Social Dimension' of Private Insurance Law — 301
- II. Compulsory Liability Insurance and the Internal Market — 303
- III. The Role of the Principles of European Insurance Contract Law (PEICL) — 306
- IV. Summary — 316

Michael Faure

Compulsory Liability Insurance: Economic Perspectives — 319

- I. Introduction — 319
- II. Aims of Compulsory Liability Insurance — 320

III. Types and Contents of the Duty —	322
IV. Control of Moral Hazard —	328
V. Level of Governance —	331
VI. Alternative Mechanisms —	333
VII. Limits of Compulsory Liability Insurance —	335
VIII. Enforcement —	338
IX. Reforms/Recent Literature —	339
X. Concluding Remarks —	341

Bernard Tettamanti, Hubert Bär and Jean-Claude Werz

Compulsory Liability Insurance in a Changing Legal Environment – An Insurance and Reinsurance Perspective — 343

I. Executive Summary —	343
II. General Insurance Principles —	344
III. Concept of Liability Insurance —	345
IV. Key Issues of Insurability —	350
V. Compulsory Insurance Schemes in Europe —	358
VI. Compulsory Insurance in Economic Terms —	365
VII. Prerequisites of Compulsory Insurance —	367
VIII. Advantages and Disadvantages of Compulsory Insurance —	370
IX. Other Financial Security Instruments —	373
X. Buyer's Perspective on Compulsory Insurance —	376
XI. Changing Legal Environment – Outlook —	376
XII. Conclusion —	380

Comparative Report and Conclusions

Daniel Rubin

Comparative Report — 385

I. The Term Compulsory Liability Insurance —	385
II. Aims —	393
III. Content of Insurance Cover —	395
IV. Protection Mechanisms —	406
V. Supervision and Sanctions —	423
VI. Statutory Provisions required by the Constitution or the European Convention on Human Rights (ECHR) —	428
VII. Reform Efforts —	428
VIII. Compulsory Liability Insurance and Liability Law —	429

Daniel Rubin

Conclusions — 431

- I. The Purpose of Compulsory Liability Insurance — 431
- II. Establishment of Duties to Take out Liability Insurance — 432
- III. Content of the Insurance Cover — 437
- IV. Protection Mechanisms — 439
- V. Supervision — 441

Annex: Rules on Compulsory Liability Insurance

Daniel Rubin

Austria — 445

- I. Federal Law — 445
- II. Laws of the Provinces (State Laws) — 449

Herman Cousy and Caroline Van Schoubroeck

Belgium — 452

- I. Federal Law — 452
- II. Regional Legislation and Regulation (Laws of Local Entities in the Federal State: 'Regions' and 'Communities') — 459

Petr Dobiáš

Czech Republic — 468

- I. Federal Law — 468
- II. Laws of the Provinces (State Laws) — 474

Jaana Norio-Timonen

Finland — 475

- I. National Law — 475
- II. Laws of the Provinces (State Laws) — 478

Robert Koch

Germany — 479

- I. Federal Law — 479
- II. Laws of the (Federal) States (*Bundesländer*) — 483
- III. Codes of Conduct (based on the Law of the Federal States) — 492

Péter Takáts

Hungary — 494

- I. National Law — 494
- II. Laws of the Provinces (State Laws) — 497

Diana Cerini and Anna Teresa Memola

Italy — 498

- I. National Law — 498
- II. Regional Laws — 513

Andrea Stäubli

Switzerland — 517

- I. Federal Law — 517
- II. Laws of the Provinces (State Laws) — 521

Özlem Gürses

United Kingdom — 528

- I. United Kingdom Legislation — 528
- II. Devolved Legislation — 530

List of Contributors and Editors — 531

Index — 533

Publications — 555