



**QUESTIONNAIRE ON THE INSURANCE METHODS
APPLICABLE TO THE TRANSPORT OF GOODS BY ROAD**

DENMARK

Information provided by: Danish Transport and Logistics Association (DTL)

1. What is the legal basis for insurance cover of freight transport in your country?

a. In national transport?

Motor vehicle liability insurance:

According to § 101 in the Danish Road Traffic Act, all motor vehicles are required to have liability insurance. The insurance covers all damage caused by vehicles as a result of road accidents, explosions or fire from the fuel system in the vehicle. Damage to goods belonging to a third party in connection with road accidents, explosions or fire from the fuel system in the vehicle will thus be covered by the compulsory vehicle liability insurance. There is a limit to the amount liable for damages, which is regulated by the Minister of Justice.

Carriers liability insurance:

The carriers liability insurance is not compulsory. It covers damage to goods caused when the goods are in the carrier's possession, and not included in the events mentioned in § 101 of the Danish Road Traffic Act (road accidents, explosion and fire).

b. In international transport?

Same as under a. However, in case of international transports according to the CMR rules, the amount is limited to 8.33 SDR, if the damage caused is not included in the events mentioned in § 101 of the Danish Road Traffic Act (road accidents, explosion and fire)

2. Is this regulation of an imperative nature?

The motor vehicle liability insurance according to § 101 in the Road Traffic Act is compulsory.

3. Do the national regulations make a distinction between insurance for damage to goods and insurance linked to the contractual liability of the transport operator?

Yes, if the CMR rules have been agreed upon between the parties for the national transport. This is often the case, i.e. Danske Fragtmænd only carries out transport according to the CMR rules.

4. If the answer to question 3 is positive, would it be possible to include the two types of insurance in the same contract.

Same as under 3.

5. Is there a model of insurance contract for these types of insurance?

Same as under 3.

6. If the answer to question 5 is positive, does this model have to be systematically respected by the insurance companies?

There are legislative demands to the compulsory liability insurance for motor vehicles which have to observe the provisions in § 101 in the Road Traffic Act.

7. Which of these two types of insurance are most frequently contracted?

a. By the transport operator

According to § 101 in the Road Traffic Act, the transport operator always has to take out the compulsory liability insurance. In practice, it is usually combined with the transport operator insurance.

b. By the forwarding agent

The forwarding agent may also have liability insurance for freight forwarders.

8. In practice, does the consignor generally insure his goods?

The consignor may have taken out an insurance policy for the goods if the goods are especially valuable.

9. What is the legal basis for the recourse by the insurer against the person responsible for the damage (including the transport operator)?

According to § 19, article 1, in the law of liability for damages, there is no liability to pay damages, if the damage is included in the insurance covering damage to property or loss of production. In such cases, there are no possibilities of recourse.

According to § 19, article 2 and 3, this is not applicable if the damage is a result of intent, gross negligence, or caused by public or private businesses. In the last-mentioned case, it is possible to recover contribution from the person liable to pay damages according to private common law practice.

10. Is it possible to insert a clause in the insurance contract which would forbid any recourse from the insurer?

In practice, such clauses are not applicable. However, in Denmark there is freedom of contract, so it is possible for the parties to agree that no recourse should be made against the third party.

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