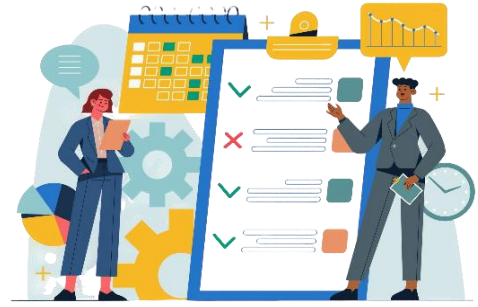


STOP PRESS NEWS! NEW TABLES FOR MACRO BODILY INJURY COMPENSATION IN ITALY

PRESIDENTIAL DECREE NO. 12 OF 13TH JANUARY 2025

REGULATION CONTAINING THE SINGLE TABLE OF THE PECUNIARY VALUE TO BE ATTRIBUTED TO EACH SINGLE POINT OF INVALIDITY BETWEEN TEN AND HUNDRED POINTS INCLUDING THE COEFFICIENTS OF VARIATION CORRESPONDING TO THE AGE OF THE INJURED PARTY, PURSUANT TO ARTICLE 138 (1) B) OF THE CODE OF PRIVATE INSURANCE REFERRED TO IN LEGISLATIVE DECREE NO. 209 OF 7TH SEPTEMBER 2005



28th February 2025

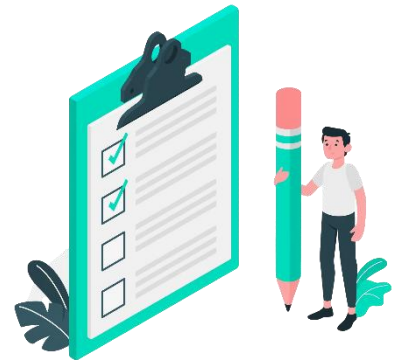
The Italian compensation system used to be discretionary.

However, on February 18, 2025, after nearly 20 years, the law establishing the National Table (Tabella Unica Nazionale – TUN) for bodily injury compensation was officially published. We offer initial comments and an analysis to assess the potential impact of this new legislation.

Decree will be in force from 5th March 2025

IT REALLY IS THE END OF A LONG WAIT OF TWENTY YEARS?

On 18 February 2025, Decree 12/2025 was published in the Official Italian Law Register and contains the values of the National Table (TUN) for compensation in case of macro-injuries (monetary value to be attributed to each single point of invalidity of impairments to psycho-physical integrity between ten and one hundred points). The TUN will therefore be in force from **5th March 2025**.



Over the years, many have discussed the *substitution* provided by the tables based on case law developed by Italian courts, while waiting for the legislator to create a specific unified table to be applied throughout the Italian Republic.

This is because Article 138, paragraph 1¹, of Legislative Decree 7/09/2005, no. 209 (Private Insurance Code) specifically provided for two unified tables to be used across the entire Italian territory, to be adopted by two separate decrees of the President of the Republic. The first table concerned impairments to physical and mental integrity ranging from ten to one hundred points (Article 138, paragraph 1, letter a); the second addressed the monetary value to be assigned to each individual point of disability, including the variation coefficients corresponding to the age of the injured person (Article 138, paragraph 1, letter b).

And it is precisely the table referred to in letter b) of the Private Insurance Code that has finally come into existence. We are therefore witnessing the creation of the national unified table concerning the monetary value to be assigned for compensation of non-economic damages for so-called 'macro-permanent' injuries (injuries ranging from ten to one hundred points of permanent disability)."

WHEN IT COMES INTO FORCE AND FROM WHEN THE DECREE APPLIES.

The TUN will be in force from 5 March 2025.

The new table will be applied to claims occurred after the date of its entry into force.

¹ The article was amended by Article 1, paragraph 213, Legislative Decree No. 74 of May 12, 2015, and subsequently replaced by Article 1, paragraph 17, Law No. 124 of August 4, 2017.

The new law is referring to claim and not to event. In the medical area this aspect could have an impact. In light of the definition of claim provided by Article 1, letter o) of Implementation Decree 232/2023, is it permissible to apply the values set forth in the new table in cases where the claim for compensation was received after the entry into force of Decree 12/2025 but with reference to events that occurred previously? We will see what approach the judges will take on the matter.

ADOPTION OF THE SINGLE NATIONAL TABLE.

The application of the values set forth in the TUN is limited to two categories of claim events. Paragraph I of article 1 of the regulation, entitled 'Adoption of the single national table', states that for the purposes of compensation for non-pecuniary damage, injuries of no minor entity must be consequent to the circulation of motor vehicles and watercraft, as well as consequent to the activity of the person exercising the health profession and the public or private health or social welfare structure, medical area.

A question immediately arises: can the values in the single national table be applied by analogy to similar cases? We will see what approach the judges will take on the issue.

CONTENT OF THE REGULATION: TABLES AND CHARTS.

Specifically, with Decree 12/2025, the following were adopted:



a) the tables containing the point's multiplying and dividing coefficients for calculating the biological and moral damages (Annex I);

b) the national unified table for biological damage (Annex II, Table 1)²;

c) the national unified table for biological damage, including moral damage (Annex II, Table 2)³.

In providing for its practical application, the legislator thus splits the national unified table into two parts: one concerning only biological damage and another that includes both biological and moral damage. The latter, in turn, contains a three-part division of biological damage, including moral damage, with minimum, average, and maximum increases.

The newly created national unified table specifically refers to impairments to psycho-physical integrity ranging from ten to one hundred points.

In compliance with the provisions of Article 138, paragraph 2, letters b), c), d), e), the new national unified table:

- Is based on a variable point system depending on age and the degree of disability;
- The economic value of the point is a growing function of the percentage of disability, and the impact of the impairment on the dynamic-relational aspects of the injured person's life increases more than proportionally with the percentage increase assigned to the sequelae;
- The economic value of the point is a decreasing function of the individual's age, based on mortality tables prepared by ISTAT (the Italian National Institute of Statistics), at a revaluation rate equal to the legal interest rate;



² The national unified table for the monetary value to be assigned to each individual disability point, including the variation coefficients corresponding to the age of the injured party, pursuant to Article 138, paragraphs 1, letter b), and 2, letters a), b), c), and d), of Legislative Decree no. 209 of September 7, 2005.

³ The national unified table for the monetary value to be assigned to each individual disability point, including the variation coefficients corresponding to the age of the injured party, increased by the moral damage in the minimum, average, and maximum values, pursuant to Article 138, paragraph 2, letter e), of Legislative Decree no. 209 of September 7, 2005.

- To account for the moral damage component due to physical injury, the portion corresponding to biological damage, established according to the criteria in letters a) to d), is increased progressively and by percentage for each point, identifying the percentage increase of these values for the overall personalization of the settlement;
- Article 2 of Decree 12/2025, titled "Value of the First Disability Point" establishes that the value of the first disability point corresponds to that provided in Article 139, paragraphs 1, letter a), last sentence, and 5, of Legislative Decree No. 209 of September 7, 2005. The base point for permanent damage in the new national unified table is, therefore, equal to €947.30, which corresponds to the amount provided for micro-permanent injuries;
- Article 3 of Decree 12/2025, titled "Settlement of Temporary Biological Damage" provides that temporary biological damage be compensated in accordance with Article 139, paragraphs 1, letter b), and 5, of Legislative Decree no. 209 of September 7, 2005 (currently equal to €54.80), with an increase for moral damage ranging from 30 to 60 percent of the liquidated temporary biological damage.

It is noteworthy that the new national unified table does not provide for the so-called personalization of damage. However, it is important to remember that Article 138, paragraph 3, specifically prescribes its application: *"If the assessed impairment significantly affects specific documented and objectively ascertained personal dynamic-relational aspects, the amount of the compensation, calculated according to the provisions of the national unified table (as per paragraph 1, letter b)), may be increased by the judge, with a fair and reasoned evaluation of the subjective conditions of the injured party, up to 30 percent."*

TABLE OR TABLES: IT IS NOT ONLY A QUESTION OF SINGULAR OR PLURAL NUMBER.

Article 138(1) of the code of private insurance in its incipit indicates the purpose of the provision of a single national table relating to macro injuries that is, to guarantee the right of damaged parties to obtain full compensation for the damage actually suffered and to rationalise the costs burdening the insurance system and consumers.

But non-patrimonial damage composed of several heads of damage.

In fact, the Milanese Tables use the plural. It is sufficient to read the table of contents which, among others, provides, in addition to the table for the settlement of non-patrimonial damage deriving from injury to psycho-physical integrity, the table for the settlement of non-patrimonial damage deriving from injury to health as defined by premature death, the table for the settlement of terminal / catastrophic damage, and the table for the settlement of non-patrimonial damage deriving from the loss of parental relationship.

If, therefore, we celebrate the adoption of regulatory tables pertaining to macro-injuries, on the other hand we imagine that all the players in the insurance world will have to continue to put up with a hybrid system that continues to apply neo-legislative tables, on one hand, and paranormative tables sometimes from Milan Court, sometimes from Rome Court, on the other.

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AVV. SILVIA TRAVERSO
s.traverso@btglegal.it

AVV. OTTAVIA PIZZO
o.pizzo@btglegal.it

www.btglegal.it

www.globalinsurancelaw.com