

Italy – Mandatory Tables for Bodily Injury Compensation – First Comments and Analysis

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The Italian compensation system has historically operated on a discretionary basis because the legislator has not provided – until now – any specific mandatory guideline for quantifying bodily injury compensation. The estimation of the non-pecuniary component of damages was figured using some indicative parameters contained in the compensation tables drawn up by individual local courts. In this scenario, the compensation tables created by the tribunal of Milan are currently the most used across Italy. The tariffs set out non-economic damages in terms of a score that increases in line with the percentage of a disability (from 1% to 100%).

This situation has (finally) changed: on 18 February 2025, after nearly 20 years, the law providing national tables, known as TUN (Tabella Unica Nazionale) for the compensation of bodily injuries has been published in the Official Gazette. The law will enter into force on 5 March 2025.

Here are our initial thoughts and analysis of the new mandatory compensation tables, anticipating the potential impact of the law.

1. Applicability.

National tables refers to compensation of non-minor bodily injury (above 10% of permanent disability). Article 5 of the decree specifies that the Table will apply only to claims occurring after the effective date.

2. No more uncertainty related to the different tables to be applied.

The compensation method is finally mandatory by law: no more different values coming from tables created by each tribunal. This is a positive development for our compensation system, bringing general harmonization across the country.

3. No more uncertainty related to the update of amounts.

The Economic Value of the Base Point of the table is the same one used for the quantification of compensation for minor bodily injury (€ 947.30). Consequently, any update of this amount automatically reflects in the quantification of compensation for minor as well as non-minor bodily injury. The base point thus defined is subject to annual updating pursuant to paragraph 5 of the article 139 of the Italian insurance code. It is updated annually by an amount corresponding to the variation of the national consumer price index for the families of workers and employees ascertained by ISTAT (Italian national institute of Statistics).

Claims Focus

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4. The TUN will not impact fatal compensations that represent a significant portion of the total damage. As an example, on Motor Third Part Liability (MTPL) claims, fatal losses constitute the 20% based on the last ANIA (Italian Insurers Association) report in 2023. The same applies for reflex damages compensation that are awarded in case of very severe permanent disability to the close relatives of the injured person. Both fatal claims compensations and reflex damage compensations will continue to be paid by applying the Milan tables (for the vast majority of the losses) and the Rome tables for the remaining part. Therefore, there is no change in this respect.

Comparison of TUN vs. Milan Tables 2024

- **Moral Damage (pain and suffering).**

Unlike the Milan tables that provide a standard percentage which increases with the increase in permanent disability damage (ranging from 26% at the 10th point of permanent disability to a maximum of 50% increase from the 35th point of permanent disability onwards), TUN provides a higher discretionary method - between minimum, medium, and maximum. The maximum increase percentages reach up to 60% for very serious damages. However, the accompanying report to the decree confirms that the moral damage needs to be proved and cannot be granted automatically.
- **Customization.**

This is an additional amount awarded in specific cases upon the specific proof of the disruption of life due to the damage suffered. The Milan tables contain an additional percentage of the biologic damage due to "customization" (from the 10th to the 31st point of permanent disability, the percentage of customization gradually decreases from 49% to 26%; then, from the 32nd point of permanent disability onwards, the percentage stabilizes at 25%). Instead, the TUN do not contain any specific reference to the customization. Therefore, the only reference to the customization is in article 138 of the insurance code (*"the biologic damage might increase to a maximum of 30% if the verified impairment significantly affects specific dynamic-relational personal aspects, the damage must be documented and objectively verified"*). Considering this relevant difference that the customization does not appear in the TUN unlike the Milan tables, the application of this specific item might be less likely than before.
- **Temporary Disability Damage.**

The Milan tables' daily amount ranges between EUR 84 and EUR 173. Instead, TUN contain a minor range from EUR 55 to EUR 110. In very severe cases where the injured person usually suffers approx. 365 days of full (or partial 50%) temporary disability damage, the amount to be awarded will be lower, at around EUR 20.000/EUR 25.000 per loss.

Quantitative Comparison Milan 2024 vs. TUN only for Biological Damage

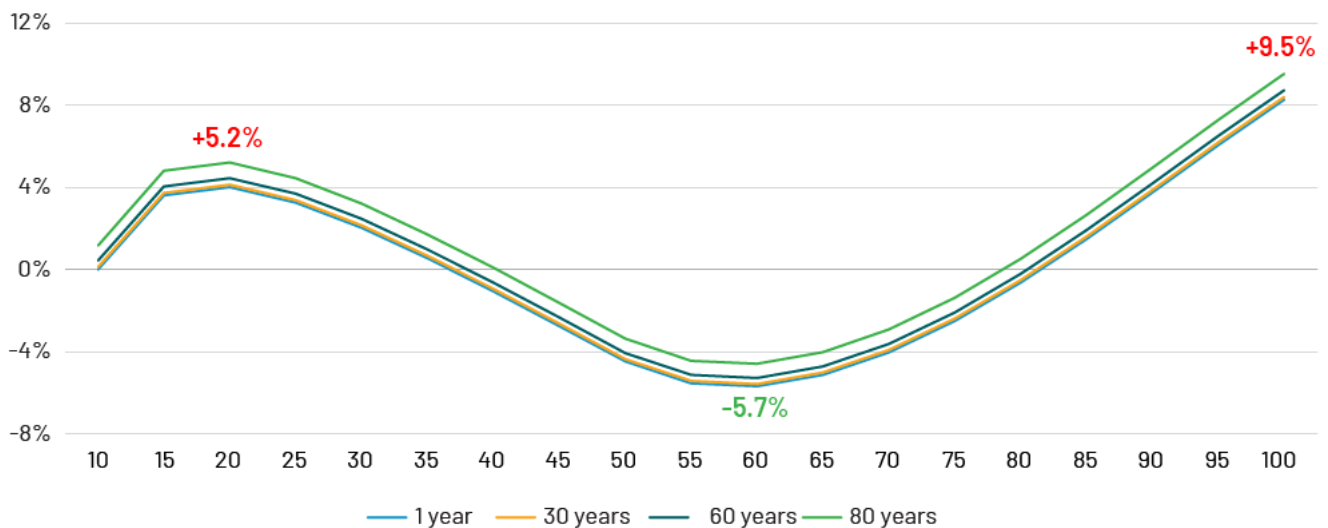
The TUN curve produces higher compensations of up to 35% of permanent disability than the Milan tables. The compensation curve decreases up to 82% of permanent disability. Above 82% of permanent disability, the TUN curve shows higher amounts compared to the Milan tables. Below you will see the percentage of increase (red color) and decrease (green color), comparing all compensation amounts with the Milan tables, taking into consideration the biologic damage only.

In the Italian legal system, biological damage ("danno biologico") refers to the harm caused to a person's physical or psychological health. This type of damage is compensated independently of its impact on the victim's earning capacity.

Percentage of Compensation Increase/Decrease – With Increase of Age and Permanent Disability.
Only Biological Damage.*

% IP	1 year	10 years	20 years	30 years	40 years	50 years	60 years	70 years	80 years
10	0.0%	0.0%	0.0%	0.1%	0.1%	0.3%	0.4%	0.8%	1.2%
15	3.6%	3.6%	3.6%	3.7%	3.7%	3.9%	4.0%	4.4%	4.8%
20	4.0%	4.0%	4.0%	4.1%	4.1%	4.3%	4.4%	4.8%	5.2%
25	3.2%	3.2%	3.2%	3.4%	3.4%	3.5%	3.7%	4.0%	4.4%
30	2.0%	2.0%	2.0%	2.1%	2.2%	2.3%	2.5%	2.8%	3.2%
35	0.5%	0.5%	0.5%	0.7%	0.7%	0.8%	1.0%	1.3%	1.7%
40	-1.1%	-1.1%	-1.1%	-0.9%	-0.9%	-0.8%	-0.6%	-0.3%	0.1%
45	-2.7%	-2.7%	-2.7%	-2.6%	-2.6%	-2.5%	-2.3%	-2.0%	-1.6%
50	-4.5%	-4.5%	-4.5%	-4.4%	-4.4%	-4.2%	-4.1%	-3.7%	-3.4%
55	-5.5%	-5.5%	-5.5%	-5.4%	-5.4%	-5.3%	-5.1%	-4.8%	-4.4%
60	-5.7%	-5.7%	-5.7%	-5.6%	-5.6%	-5.4%	-5.3%	-5.0%	-4.6%
65	-5.1%	-5.1%	-5.1%	-5.0%	-5.0%	-4.9%	-4.7%	-4.4%	-4.0%
70	-4.0%	-4.0%	-4.0%	-3.9%	-3.9%	-3.8%	-3.6%	-3.3%	-2.9%
75	-2.5%	-2.5%	-2.5%	-2.4%	-2.4%	-2.2%	-2.1%	-1.8%	-1.4%
80	-0.6%	-0.6%	-0.6%	-0.5%	-0.5%	-0.4%	-0.2%	0.1%	0.5%
85	1.5%	1.5%	1.5%	1.6%	1.6%	1.7%	1.9%	2.2%	2.6%
90	3.7%	3.7%	3.7%	3.9%	3.9%	4.0%	4.2%	4.5%	4.9%
95	6.1%	6.1%	6.1%	6.2%	6.2%	6.3%	6.5%	6.9%	7.3%
100	8.3%	8.3%	8.3%	8.4%	8.4%	8.5%	8.7%	9.1%	9.5%

Milan 2024 vs. TUN, Percentage of Compensation Decrease/Increase with Increasing Permanent Disability.
Only Biological Damage.*



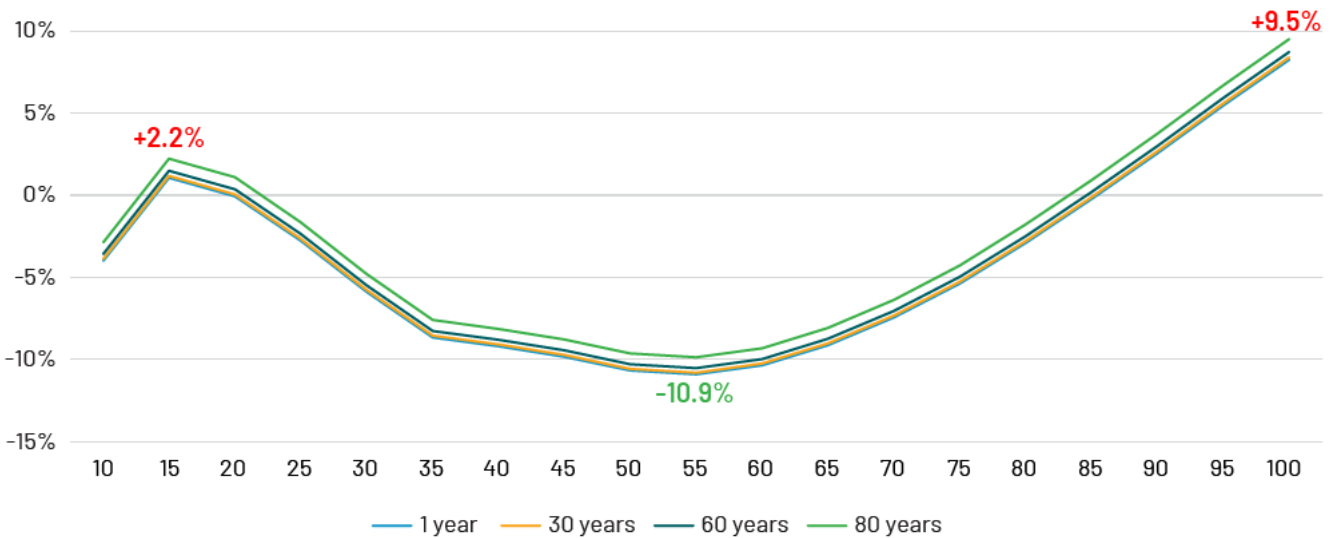
Comparing Milan 2024 vs. TUN Biological Damage and Moral Damage

In the tables below, you will see a comparison between the TUN and the Milan tables 2024 taking into consideration the compensation related to biological damage and moral damage, with the application of: 1) minimum range of moral damage as set in the TUN, 2) medium range of moral damage, and 3) maximum range of moral damage.

Percentage of Compensation Increase/Decrease – Compensation Milan 2024 vs. TUN with the Application of Minimum Range of Moral Damage*

%PD	1 year	10 years	20 years	30 years	40 years	50 years	60 years	70 years	80 years
10	-4.0%	-4.0%	-4.0%	-3.9%	-3.8%	-3.7%	-3.6%	-3.2%	-2.9%
15	1.1%	1.1%	1.1%	1.2%	1.2%	1.3%	1.5%	1.8%	2.2%
20	-0.1%	-0.1%	-0.1%	0.1%	0.1%	0.2%	0.4%	0.7%	1.1%
25	-2.8%	-2.8%	-2.8%	-2.6%	-2.6%	-2.5%	-2.3%	-2.0%	-1.6%
30	-5.9%	-5.9%	-5.9%	-5.8%	-5.8%	-5.6%	-5.5%	-5.2%	-4.8%
35	-8.6%	-8.6%	-8.6%	-8.5%	-8.5%	-8.4%	-8.3%	-7.9%	-7.6%
40	-9.2%	-9.2%	-9.2%	-9.1%	-9.1%	-8.9%	-8.8%	-8.5%	-8.1%
45	-9.8%	-9.8%	-9.8%	-9.7%	-9.7%	-9.6%	-9.4%	-9.1%	-8.8%
50	-10.7%	-10.7%	-10.7%	-10.5%	-10.5%	-10.4%	-10.3%	-10.0%	-9.6%
55	-10.9%	-10.9%	-10.9%	-10.8%	-10.8%	-10.7%	-10.5%	-10.2%	-9.9%
60	-10.3%	-10.3%	-10.3%	-10.3%	-10.2%	-10.1%	-10.0%	-9.7%	-9.3%
65	-9.1%	-9.1%	-9.1%	-9.0%	-9.0%	-8.9%	-8.7%	-8.4%	-8.1%
70	-7.4%	-7.4%	-7.4%	-7.3%	-7.3%	-7.2%	-7.0%	-6.7%	-6.4%
75	-5.4%	-5.4%	-5.4%	-5.3%	-5.2%	-5.1%	-5.0%	-4.6%	-4.3%
80	-2.9%	-2.9%	-2.9%	-2.8%	-2.8%	-2.6%	-2.5%	-2.2%	-1.8%
85	-0.2%	-0.2%	-0.2%	-0.1%	-0.1%	0.0%	0.2%	0.5%	0.9%
90	2.6%	2.6%	2.6%	2.7%	2.7%	2.8%	3.0%	3.3%	3.8%
95	5.5%	5.5%	5.5%	5.6%	5.6%	5.8%	5.9%	6.3%	6.7%
100	8.3%	8.3%	8.3%	8.4%	8.4%	8.5%	8.7%	9.1%	9.5%

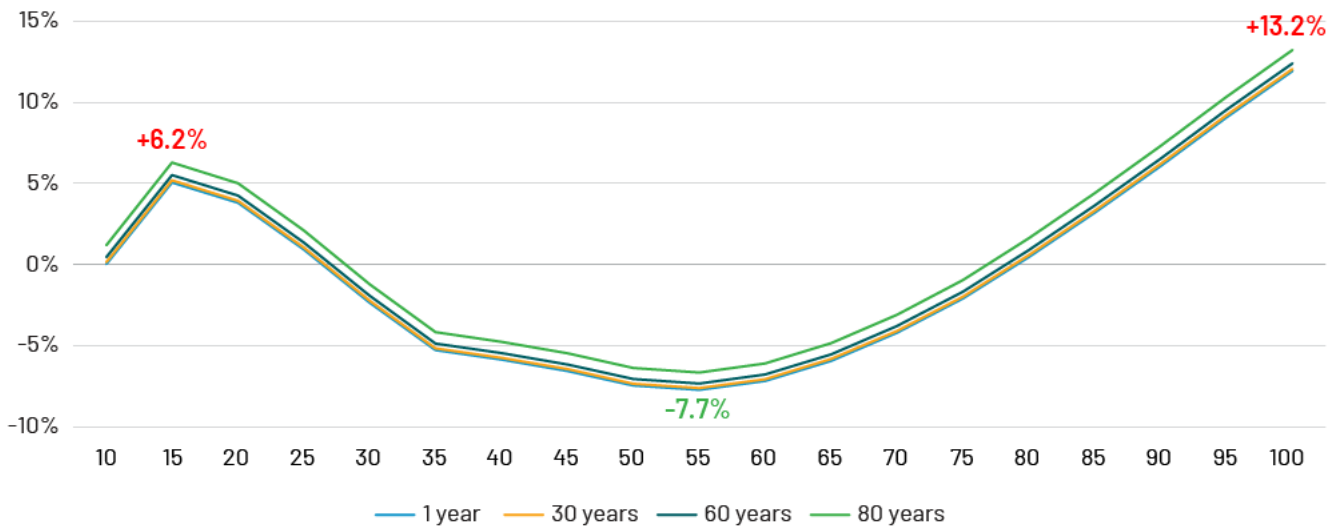
Milan 2024 vs. TUN, Percentage of Compensation Decrease/Increase with Increasing Permanent Disability. Biological and Moral Damage Minimum.*



Percentage of Compensation Increase/Decrease – Comparison Milan 2024 vs. TUN with the Application of Medium Range of Moral Damage*

%PD	1 year	10 years	20 years	30 years	40 years	50 years	60 years	70 years	80 years
10	0.0%	0.0%	0.0%	0.1%	0.1%	0.3%	0.4%	0.8%	1.2%
15	5.0%	5.0%	5.0%	5.1%	5.2%	5.3%	5.5%	5.8%	6.2%
20	3.8%	3.8%	3.8%	3.9%	3.9%	4.0%	4.2%	4.6%	5.0%
25	0.9%	0.9%	0.9%	1.0%	1.0%	1.2%	1.3%	1.7%	2.1%
30	-2.4%	-2.4%	-2.4%	-2.3%	-2.3%	-2.1%	-2.0%	-1.6%	-1.2%
35	-5.3%	-5.3%	-5.3%	-5.2%	-5.2%	-5.0%	-4.9%	-4.6%	-4.2%
40	-5.9%	-5.9%	-5.9%	-5.8%	-5.8%	-5.6%	-5.5%	-5.2%	-4.8%
45	-6.6%	-6.6%	-6.6%	-6.5%	-6.5%	-6.3%	-6.2%	-5.9%	-5.5%
50	-7.5%	-7.5%	-7.5%	-7.4%	-7.4%	-7.2%	-7.1%	-6.8%	-6.4%
55	-7.7%	-7.7%	-7.7%	-7.6%	-7.6%	-7.5%	-7.3%	-7.0%	-6.7%
60	-7.2%	-7.2%	-7.2%	-7.1%	-7.1%	-6.9%	-6.8%	-6.5%	-6.1%
65	-5.9%	-5.9%	-5.9%	-5.8%	-5.8%	-5.7%	-5.5%	-5.2%	-4.9%
70	-4.2%	-4.2%	-4.2%	-4.1%	-4.1%	-4.0%	-3.8%	-3.5%	-3.1%
75	-2.1%	-2.1%	-2.1%	-2.0%	-2.0%	-1.9%	-1.7%	-1.4%	-1.0%
80	0.4%	0.4%	0.4%	0.5%	0.5%	0.7%	0.8%	1.2%	1.6%
85	3.2%	3.2%	3.2%	3.3%	3.3%	3.4%	3.6%	4.0%	4.4%
90	6.0%	6.0%	6.0%	6.1%	6.2%	6.3%	6.5%	6.8%	7.3%
95	9.0%	9.0%	9.0%	9.1%	9.2%	9.3%	9.5%	9.9%	10.3%
100	11.9%	11.9%	11.9%	12.0%	12.0%	12.2%	12.3%	12.7%	13.2%

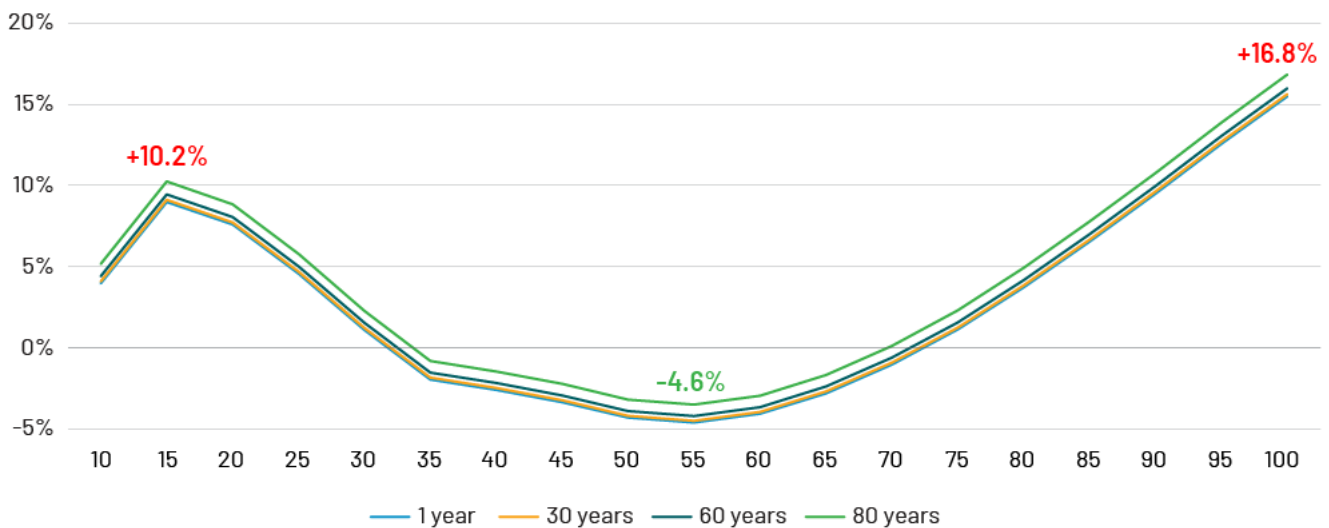
Milan 2024 vs. TUN, Percentage of Compensation Decrease/Increase with Increasing Permanent Disability. Biological and Moral Damage Medium.*



Percentage of Compensation Increase/Decrease – Comparison Milan 2024 vs. TUN with the Application of Maximum Range of Moral Damage*

%PD	1 year	10 years	20 years	30 years	40 years	50 years	60 years	70 years	80 years
10	4.0%	4.0%	4.0%	4.1%	4.1%	4.2%	4.4%	4.8%	5.2%
15	9.0%	9.0%	9.0%	9.1%	9.1%	9.3%	9.4%	9.8%	10.2%
20	7.6%	7.6%	7.6%	7.7%	7.7%	7.9%	8.1%	8.4%	8.8%
25	4.6%	4.6%	4.6%	4.7%	4.7%	4.8%	5.0%	5.4%	5.8%
30	1.1%	1.1%	1.1%	1.2%	1.2%	1.4%	1.5%	1.9%	2.3%
35	-1.9%	-1.9%	-1.9%	-1.8%	-1.8%	-1.7%	-1.5%	-1.2%	-0.8%
40	-2.6%	-2.6%	-2.6%	-2.5%	-2.5%	-2.3%	-2.2%	-1.8%	-1.4%
45	-3.3%	-3.3%	-3.3%	-3.2%	-3.2%	-3.1%	-2.9%	-2.6%	-2.2%
50	-4.3%	-4.3%	-4.3%	-4.2%	-4.2%	-4.0%	-3.9%	-3.6%	-3.2%
55	-4.6%	-4.6%	-4.6%	-4.5%	-4.5%	-4.3%	-4.2%	-3.9%	-3.5%
60	-4.0%	-4.0%	-4.0%	-3.9%	-3.9%	-3.8%	-3.6%	-3.3%	-2.9%
65	-2.8%	-2.8%	-2.8%	-2.7%	-2.7%	-2.5%	-2.4%	-2.0%	-1.7%
70	-1.0%	-1.0%	-1.0%	-0.9%	-0.9%	-0.8%	-0.6%	-0.3%	0.1%
75	1.1%	1.1%	1.1%	1.3%	1.3%	1.4%	1.6%	1.9%	2.3%
80	3.7%	3.7%	3.7%	3.9%	3.9%	4.0%	4.2%	4.5%	4.9%
85	6.5%	6.5%	6.5%	6.7%	6.7%	6.8%	7.0%	7.4%	7.8%
90	9.5%	9.5%	9.5%	9.6%	9.6%	9.8%	9.9%	10.3%	10.7%
95	12.6%	12.6%	12.6%	12.7%	12.7%	12.9%	13.0%	13.4%	13.9%
100	15.5%	15.5%	15.5%	15.6%	15.6%	15.8%	16.0%	16.4%	16.8%

Milan 2024 vs. TUN, Percentage of Compensation Decrease/Increase with Increasing Permanent Disability. Biological and Moral Damage Maximum.*



Case Studies

To illustrate the potential impact of the new TUN tables, we compared the TUN and the Milan tables in two case studies:

1. This first case study refers to a compensation of 90% permanent disability suffered by a: 1) 17-year-old student; 2) a 40-year-old man; and 3) an 80-year-old man
2. The second case study refers to 50% permanent disability impacting a: 1) 17-year-old student; 2) 40-year-old man; and 3) an 80-year-old man.

On the basis of the explanatory report attached to the text of the Tables, we believe it would be more reliable to consider quantification of moral damage at the medium range. In fact, the explanatory report signed by the Ministry of Enterprises and Made in Italy expressly states that, in essence, it is up to the judge, having verified the existence of moral damage

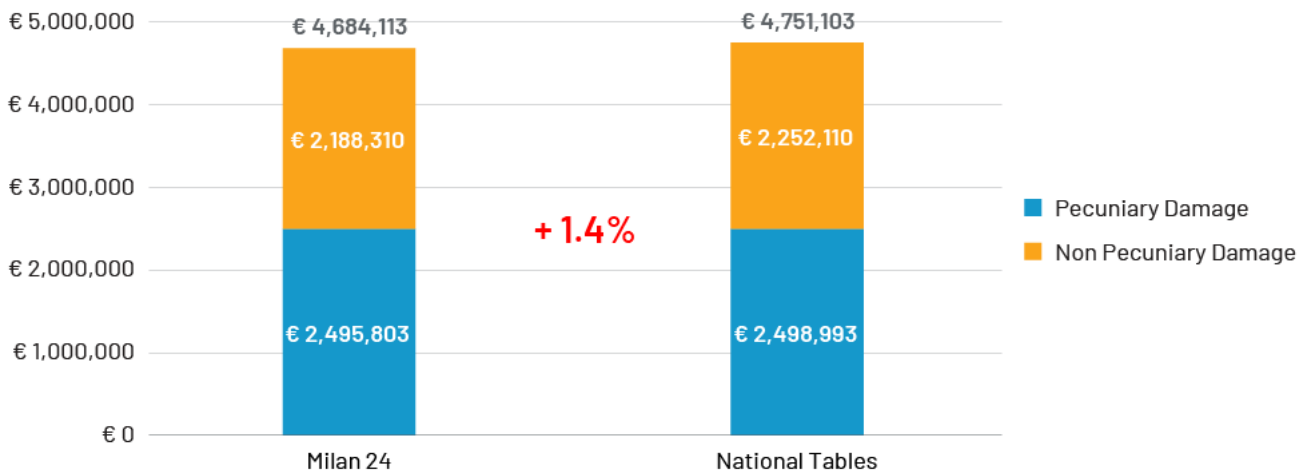
due to subjective inner suffering, to assess whether the average amount – provided for by the National Single Table – is appropriate in relation to the specific case. Depending on the case he may:

- Reduce this amount in the presence of weak allegations and procedural finding (minimum range);
- Confirm it and therefore not modify it based on the procedural findings, if it is considered that there are no elements to deviate from the quantification of average subjective suffering (medium range which constitutes the starting point; and
- Increase it based on precise allegations and proof of factual circumstances, but always within the percentage range of customization provided (maximum range).

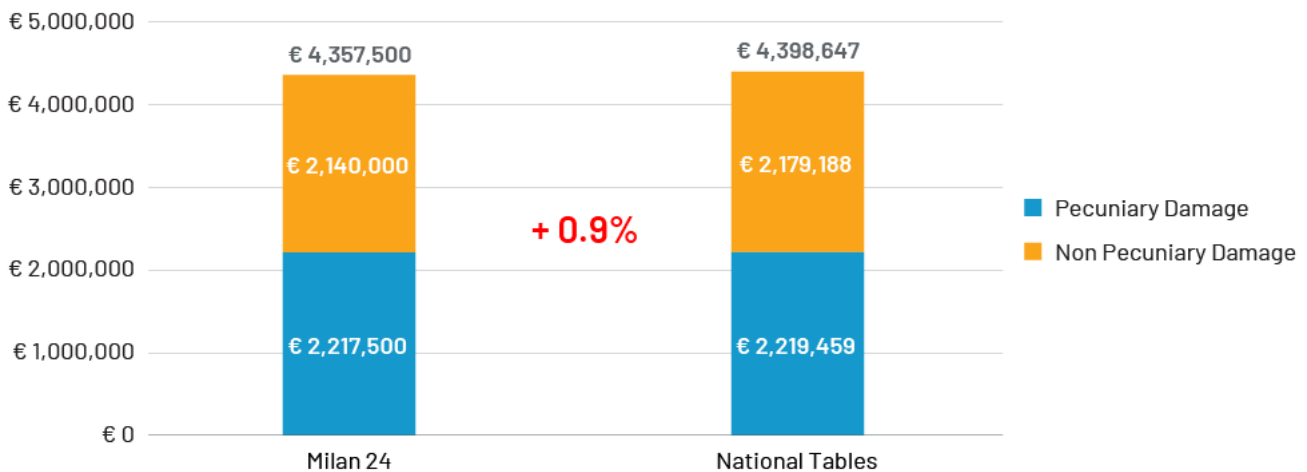
In practice, we therefore expect that the medium range will be applied to most losses.

90% Permanent Disability

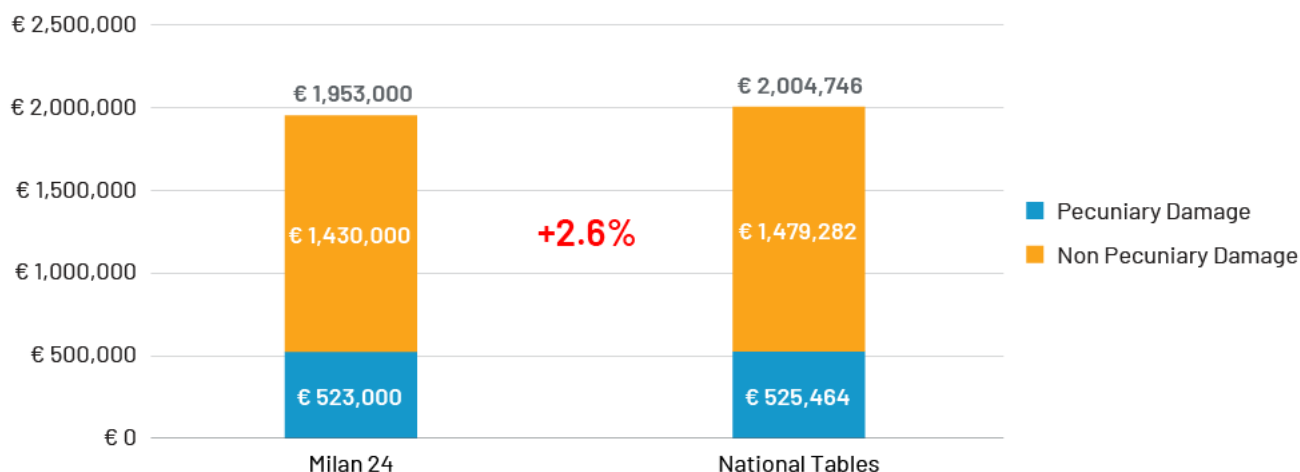
Case 1: Age 17 – Student – 90% Permanent Disability
Milan 2024 vs. National Tables (Moral Damage Medium)*



Case 2: Age 40 – Employed Annual Income EUR 40.000 – 90% Permanent Disability
Milan 2024 vs. National Tables (Moral Damage Medium)*

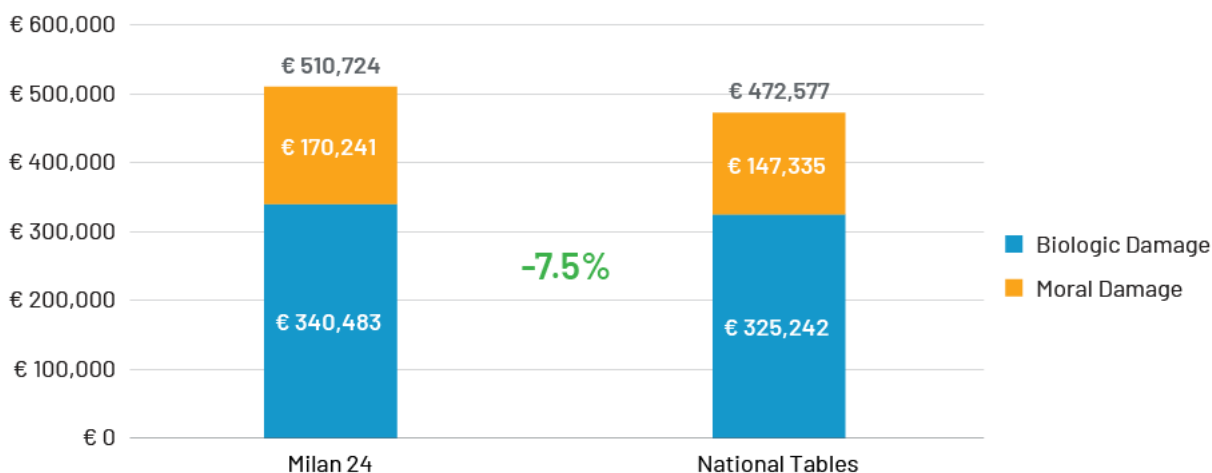


Case 3: Age 80 – 90% Permanent Disability – Retired
Milan 2024 vs. National Tables (Moral Damage Medium)*

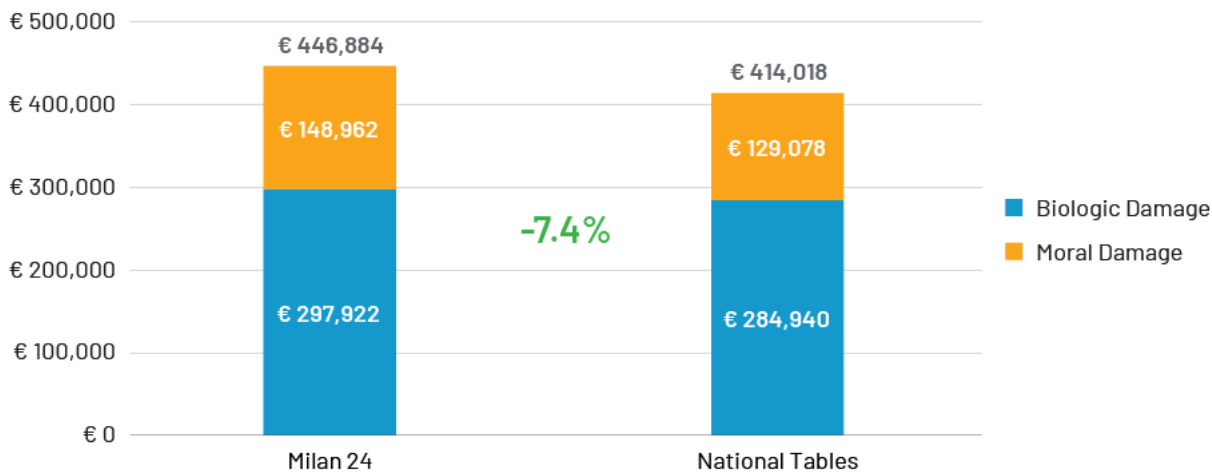


50% Permanent Disability

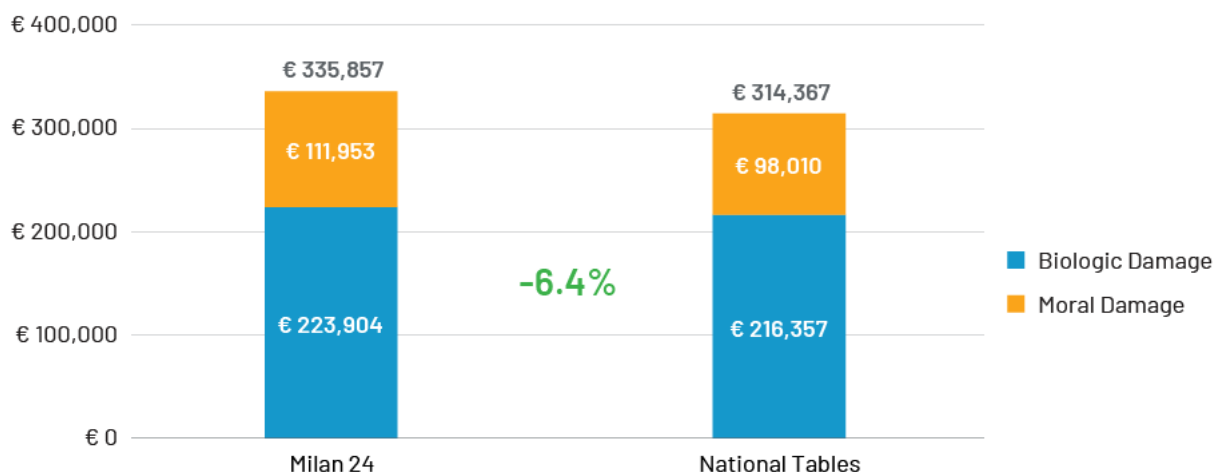
Case 1: Age 17 – student – 50% Permanent Disability
Milan 2024 vs. National Tables (Moral Damage Medium)*



Case 2: Age 40 – Employed annual income € 40.000 – 50% Permanent Disability
Milan 2024 vs. National Tables (Moral Damage Medium)*



Case 3: Age 80 – 50% Permanent Disability – Retired
Milan 2024 vs. National Tables (Moral Damage Medium)*



Final Remarks

There are several aspects that will mitigate the increase of compensation for severe damages based on the new tables.

As shown in the graphs above, the impact of the new tables will be smaller the more severe the damage is, as the share related to pecuniary damages (loss of income, care costs, etc.) will play a much larger role for these types of severe losses.

All fatal claims will not be affected by the Tables (on MTPL represents about 20% of the overall paid amount for claims) and reflex damages are excluded from TUN also.

The daily amount for the temporary disability damage in TUN contain a minor range than the Milan tables. Therefore, the amount to be awarded will be lower, at around EUR 20.000/ EUR 25.000 per loss, in very severe cases where the injured person usually suffers approx. 365 days of full or partial temporary disability damage.

The Milan tables contain an additional percentage of the biologic damage due to “customization”. However, the TUN do not contain any specific reference to the customization. Considering that the customization does not appear in the TUN unlike the Milan tables, the application of this specific point may be less likely than before.

It is of course very early days, and we don’t expect to see what the real impact of the new national tables will be until at least next year (2026). Right now, considering the discretionary values to be applied between minimum, medium, and maximum, we might expect an average application of the medium percentage for moral damage. In addition, considering the balance between increases for very severe damages (increase mitigated by the pecuniary component) and decreases for moderate damages it is not expected that the amounts will change significantly in terms of amounts.

About the Author

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* Source: Gen Re based on own research.

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