



CREDIT AND INSURANCE MATTERS COMMITTEE

Meeting 3/26 January 2011

Item 5: Procedure for settlement of claims and payment of compensation to beneficiaries under private insurance cover against civil liability in respect of the use of motor vehicles, and relevant organisational obligations of insurance undertakings

THE CREDIT AND INSURANCE MATTERS COMMITTEE, having regard to:

- a) the provisions of the Statute of the Bank of Greece, in particular Article
 55A thereof, as currently in force (Law 3424/1927, Government Gazette A' 298);
- b) the provisions of Law 3867/2010 "Supervision of private insurance, establishment of a Private Life Insurance Guarantee Fund, credit rating agencies, and other provisions within the scope of the Ministry of Finance" (Government Gazette A´ 128), in particular paragraphs 1 and 2 of Article 1 thereof;
- c) Bank of Greece Governor's Act 2638/14 December 2010 "Amendment to Bank of Greece Governor's Act 336/29 February 1984, as currently in force, renaming and enlarging the composition and competencies of the Banking and Credit Matters Committee" (Government Gazette B' 1953);



- d) the provisions of Law 3229/2004 "Supervision of private insurance, supervision and control of games of chance, application of the International Accounting Standards, and other provisions" (Government Gazette A' 38/10 February 2004), in particular Article 3 paragraphs 1c and 5 thereof;
- e) the provisions of Joint Ministerial Decision no. 46511/B2147/29.10.2007 (Government Gazette B' 2190) of the Minister of Economy & Finance and the Minister of Development "Declaratory act on the activation of the Private Insurance Supervisory Committee", issued under Law 3229/2004;
- f) the provisions of Legislative Decree 400/1970 "Private insurance undertakings" (Government Gazette A' 10), as currently in force, in particular Articles 13, 6 paragraph 2, 111 paragraphs 1 and 6, and 120 paragraphs 2 and 3 thereof;
- g) the provisions of Law 3557/2007 "Amendment to Presidential Decree 237/1986 (Government Gazette A' 110) codifying the provisions of Law 489/1976 'Compulsory insurance against civil liability arising from motor vehicle accidents' (Government Gazette A' 331), and other provisions" (Government Gazette A' 100);
- h) Presidential Decree No. 237/86 "Codification of the provisions of Law 489/1976 on compulsory insurance against civil liability arising from motor vehicle accidents";
- j) the recommendation of the Department of Private Insurance Supervision dated 21 January 2011; and
- k) the fact that the government budget will not incur any expenditure due to the implementation of the provisions of this Decision,

HEREBY DECIDES as follows:



to lay down the procedure for the settlement of claims and payment to beneficiaries of any compensation arising from a private insurance contract and payable under the insurance contract's terms and the provisions of Legislative Decree 237/1986, as currently in force, the relevant organisational obligations of the insurance undertakings concerned, as well as the penalties for violations of the provisions of this Decision, as follows:

CHAPTER I SCOPE, DEFINITIONS

Article 1

Scope

This Decision regards:

- a) insurance and mutual insurance undertakings based in Greece that operate in the non-life insurance sector, subsector 10 under Article 13 of Legislative Decree 400/1970, as currently in force, regarding all insurance contracts concluded by these undertakings both in Greece and in other EU/EEA Member States, either under the right of establishment or under the freedom to provide services; this Decision shall apply to insurance contracts concluded by such undertakings in third countries (outside the EU/EEA) provided that these undertakings are not subject to similar obligations in these countries;
- b) insurance undertakings based in EU/EEA countries and operating in Greece, either under the right of establishment or under the freedom to provide services, as regards insurance contracts pertaining to the non-life sector, subsector 10 under Legislative Decree 400/1970, which are concluded in Greece; and



c) insurance and mutual insurance undertakings of third countries, as regards insurance contracts pertaining to the non-life sector, subsector 10 under Legislative Decree 400/1970, which are concluded in Greece.

The legal entities referred to in (a), (b) and (c) above shall hereinafter be referred to as "the Undertakings".

Article 2

Definitions

- 1. "Insured party" means a person as defined in paragraph (b) of Article 1 of Presidential Decree 237/1986, as currently in force.
- 2. "Injured person" means a person as defined in paragraph (c) of Article 1 of Presidential Decree 237/1986, as currently in force.
- 3. "Offer" means a proposal submitted by an Undertaking to an injured person in accordance with paragraph 6(a) of Article 6 of Presidential Decree 237/1986; such offer shall, as a minimum, include the data referred to in Article 12 hereof.
- 4. "Reply" means the reasoned denial of an Undertaking to submit an offer to an injured person, in accordance with paragraph 6(b) of Article 6 of Presidential Decree 237/1986.
- 5. "Expert report on property damage" means a report of experts appointed by an Undertaking in order to assess the property damage sustained by an injured person(s) as a result of a given motor vehicle incident.
- 6. "Medical expert report" means a report of medical experts, of a specialty relevant to the personal injury suffered by injured persons, appointed by Undertakings in order to assess the personal injury sustained by injured persons as a result of a given vehicle incident.
- 7. "Expert report on the accident circumstances" means a report of experts appointed by an Undertaking in order to investigate the standard of fault of a



driver(s) and the actual circumstances under which the vehicle accident occurred.

- 8. "Assessment of property damage" means an assessment report, submitted to Undertakings by injured persons, pertaining to the property damage sustained by injured persons as a result of a given vehicle accident.
- 9. "Medical assessment" means a report of medical experts, of a specialty relevant to the personal injury suffered by injured persons, appointed by an Undertaking in order to determine the personal injury sustained by injured persons as a result of a given vehicle accident, which is submitted to Undertakings by injured persons.
- 10. "Assessment of the accident circumstances" means a report submitted to Undertakings by injured persons, which investigates the standard of fault of drivers and the actual circumstances under which a vehicle accident occurred.
- 11. "Head Actuary" means the person referred to in paragraph 1(a) of Article 55 of Legislative Decree 400/1970 (Government Gazette A 10), as currently in force.
- 12. "Final judgments" means court judgments which can no longer be contested using ordinary legal remedies, in accordance with the provisions of the Code of Civil Procedure.
- 13. "Direct Payment System" means a system established pursuant to an agreement between insurance undertakings operating in Greece in the non-life insurance sector, with a view to the direct settlement of claims in the event of a motor vehicle accident.
- 14. "Agreed Statement of Facts" means a document co-signed by the parties involved in a motor vehicle accident under the Direct Payment System.

CHAPTER II



ARCHIVE AND DATA STORAGE

- 1. Undertakings shall mandatorily produce and keep, in accordance with the provisions of this Decision, Insurance Claim Dossiers, an Archive of Insurance Claim Dossiers, a Statistical Data Archive and document receipts.
- 2. The production, maintenance and submission to the Bank of Greece of the data and archives set out in paragraph 1 above shall be an ongoing organisational obligation of Undertakings, without prejudice to the provisions of Articles 4 and 5 hereof, and shall be a responsibility of the Boards of Directors and Head Actuaries of Undertakings.
- 3. The archives and data referred to in paragraph 1 above shall be so kept as to be immediately at the disposal of the Bank of Greece in the event of an on-site examination
- 4. The Archive of Insurance Claim Dossiers and the Statistical Data Archive shall be established and kept in electronic form.

Article 2

Insurance Claim Dossier

- 1. Each Insurance Claim Dossier Archive shall include, without limitation, depending on the circumstances of each given motor vehicle accident, the following:
 - a) the report of the motor vehicle accident by the insured person, the compensation claim by the injured party referred to in Article 10 hereof and the document co-signed by the parties involved in the accident (Agreed Statement of Facts) under the Direct Payment System; a compensation claim template is shown in Annex I hereto;
 - b) the expert report on property damage as well as any medical expert report, and the expert report on the accident circumstances, including any



annexed data; more specifically, the expert report on property damage shall include, without limitation, photographs of the damaged vehicle, a description of the damaged parts of the vehicle, a detailed description of the necessary repair works and detailed pricing of these works;

- the assessment of property damage to the vehicle, as well as any medical assessment and assessment of the accident circumstances, including any annexed data;
- d) any additional information collected to assess liability, including, but not limited to, the incident report sheet, photographs of the site of the accident, photographs of all the vehicles involved in the accident, and any copies of criminal proceedings files;
- e) copies of all the invoices and receipts used to substantiate the injured person's compensation claim;
- f) copies of all the document receipts produced by the Undertaking for a given Insurance Claim Dossier;
- g) a copy of the written offer/reply, in accordance with Articles 9 and 12 hereof, accompanied by the relevant document receipt proving that the said offer/reply was received by the injured persons;
- h) a copy of any final judgment issued on a given Insurance Claim Dossier; and
- i) the receipts evidencing payment of compensation to injured persons.
- 2. In the event of activation of the Direct Payment System, the Insurance Claim Dossier shall be kept by the injured person's Undertaking (Insurer).
- 3. In the event that original documents are delivered, the Insurance Claim Dossier shall necessarily include simple copies thereof.



- 4. Undertakings shall notify the Bank of Greece of one or more specific locations in their premises where all the Insurance Claim Dossiers are stored.
- 5. The storage requirement for Insurance Claim Dossiers shall last: a) as regards Insurance Claim Dossiers produced after the entry into force of this Decision, until the dispute is fully settled; and b) as regards all other Insurance Claim Dossiers already produced by the Undertakings by the time of entry into force of this Decision, for at least ten years following the Dossier's production. The requirement under (b) above shall extend beyond the ten-year period until the claim settlement procedure is completed.

Article 5

Insurance Claim Dossier Archive

The Insurance Claim Dossier Archive shall consist in an electronic record of all the scanned, original or copied, documents included in the printed form of the Insurance Claim Dossiers. Undertakings shall update the Insurance Claim Dossier Archive within fifteen (15) days at the latest following the production of an Insurance Claim Dossier, in accordance with paragraph 3 of Article 10 hereof, and thereafter within three (3) working days at the latest following the delivery of each document filed in the given Insurance Claim Dossier. Undertakings shall keep the Insurance Claim Dossier Archive for at least fifteen (15) years following a given Insurance Claim Dossier's production.

Article 6

Document receipts

1. Document receipts shall, as a minimum, contain the following data: the serial number of an issued receipt corresponding to a special electronic register, the logos and names of the Undertakings, full name and home address of the



insured party or the injured person, their signatures, the description of the type of document received, date of receipt of the document, as well as full name, position and signature of the employee who received the document.

2. The following documents shall be assimilated to document receipts: a) Hellenic Post (ELTA) receipts signed by the Undertakings' employee who received the registered mail; b) fax delivery receipts under paragraph 1 of Article 10 hereof attesting transmission to the fax number notified in accordance with paragraph 1 of Article 15 hereof; and c) proofs of service by process servers, as provided for in the Code of Civil Procedure.

Article 7

Statistical Data Archive

The Statistical Data Archive shall contain, as a minimum, the following data: a.i. the number of Insurance Claim Dossiers produced in the course of the year; a.ii. the number of compensation offers made and replies sent, in accordance with paragraph 6 of Article 6 of Presidential Decree 237/1986, as currently in force;

a.iii. the average time required, as regards Insurance Claim Dossiers, from the time of receipt of the statement or compensation claim until the time of dispatch of the offer or reply;

b.i. on the basis of final judgments issued in the course of the year, the number of replies sent since the date of promulgation of this Decision for which payment of compensation was finally imposed on Undertakings by court judgments;

b.ii. on the basis of final judgments issued in the course of the year, the number of offers made since the date of promulgation of this Decision for which



payment of compensation was finally imposed on Undertakings by court judgments;

- c. with respect to every Insurance Claim Dossier pertaining to death or injury that has been stored by the Undertakings and is pending at the time of entry into force of this Decision, irrespective of the time the Dossier was produced, as well as with respect to every Insurance Claim Dossier to be produced thereafter, details of the amount of compensation due for property damage, pain and suffering, moral damage, loss of profit and payments in instalments: (i) included in any offer made; (ii) claimed in court proceedings; (iii) awarded by final judgment; and (iv) paid to the injured persons. An analysis shall be provided by injured person. The data on payments in instalments shall include the amounts of each instalment, the time schedule of instalment payment and a calculation of any incremental payments (i) included in any offer made; (ii) claimed in court proceedings; and (iii) imposed by final judgment.
- 2. The implementation of paragraph (c) above shall be governed by the provisions of Annex 2 hereto.

Article 8

Submission of data to the Bank of Greece

1. Data under subparagraphs (a) and (b) of paragraph 1 of Article 7 hereof shall be submitted to the Bank of Greece as follows: As regards Insurance Claim Dossiers produced in the first half of each calendar year, data shall be submitted within the first eight days of the tenth month of the said calendar year and shall take into account the progress in the Insurance Claim Dossiers during the third quarter of the said calendar year. Aggregated data for Insurance Claim Dossiers produced throughout the calendar year shall be submitted within the first eight days of the fourth month of the following calendar year



and shall take into account the progress in the Insurance Claim Dossiers in the first quarter of the following calendar year. The Statistical Data Archive shall be submitted to the Bank of Greece in electronic form.

- 2. Data under subparagraph (c) of paragraph 1 of Article 7 hereof pertaining to dossiers pending on 31 December 2010 shall be submitted for the first time to the Bank of Greece on the last working day of the first month following the date of entry into force of this Decision. Thereafter, the data referred to in subparagraph (c) of paragraph 1 of Article 7 for each calendar year shall be submitted to the Bank of Greece by 31 December of the same calendar year.
- 3. In addition to the provisions of paragraph 1 above, the Bank of Greece may request supervised Undertakings, in writing with acknowledgement of receipt, to submit to it the files or individual data set out in this Decision. Undertakings shall send, within three working days of notification of the written request at the latest, the requested data in electronic form, signed at least by the Head Actuary.
- 4. The Archive provided for in subparagraph (c) of paragraph 1 of Article 7 hereof shall be submitted in .*csv* format (comma-separated values), and a CD/DVD copy shall be sent to the Bank of Greece's address: 21 Panepistimiou St., 10250 Athens, Greece.
- 5. The file to be sent by the Undertakings shall be named as follows:
 - a) file code tel.;
 - b) System Code of the insurance undertaking, available on the webpage: http://www.bankofgreece.gr/Pages/el/deia/PrivateInsuranceFirms
 Search.aspx, in the field under the given insurance undertaking's name; and
 - c) reference calendar year.

This information shall be displayed without separators in the form YYYYMMDD.



CHAPTER III SETTLEMENT PROCEDURE

Article 9

Principles governing the settlement procedure

- 1. Undertakings shall use their best efforts to settle promptly any damage arising from vehicle accidents within the three-month deadline laid down in paragraph 6 of Article 6 of Presidential Decree 137/1986 for the submission of either a) a reasoned offer of compensation in cases where liability is not contested and where the damages have been quantified; or b) a reasoned reply regarding the points included in the beneficiary's claim in cases where liability is contested or not fully ascertained and where the damages have not been quantified.
- 2. Reasoned replies must state the particular reason for which Undertakings deny compensation to injured persons.
- 3. Undertakings shall assess their obligations, arising in particular from paragraph 1 of Article 10 of Presidential Decree 237/1986, on the basis of all the data available in each given case, in accordance with Article 4 hereof.
- 4. Undertakings shall also take into account, in the context of damage quantification, invoices and receipts, copies of assessments submitted by the injured persons under subparagraph (c) of Article 4 hereof, as well as any expert reports provided for in subparagraph (b) of Article 4 hereof, which may be required for certain insurance claims.

Article 10

Accident report and compensation claim

Comment [k1]: Directive 2000/26/EC



- 1. Accident reports and compensation claims, submitted in accordance with paragraphs 1 and 2 of Article 9 and paragraph 6 of Article 6 of Presidential Decree 237/1986, as well as any Agreed Statement of Facts under the Direct Payment System shall be filed by Undertakings in the Insurance Claim Dossier in accordance with the provisions of Article 4 hereof. The compensation claim shall mandatorily include the information and data set out in Annex I hereto.
- 2. Accident reports and compensation claims shall be submitted either at the Undertakings' offices by those concerned in person or by fax or registered mail, provided that the authenticity of the signature is certified in accordance with the provisions of the Code of Civil Procedure, or at designated offices, natural persons/legal entities by those concerned in person, in accordance with paragraph 1 Article 15 hereof. The offices, natural persons/legal entities defined in paragraph 1 Article 15 shall issue document receipts and send the received reports and compensation claims to the location where the Insurance Claim Dossiers are stored in accordance with the last subparagraph of Article 4 of this Decision, on the next day following their delivery.
- 3. The date of production of an Insurance Claim Dossier shall be the earlier of the dates of submission of the accident report, the compensation claim or the Agreed Statement of Facts.

Article 11

Time of expert assessment of vehicle damage

Where Undertakings deem that an expert assessment of property damage is necessary, they shall carry out such assessment provided that the vehicle is located in the place indicated by the injured person, within fifteen days at the latest if the accident occurred in Greece or within twenty-five days at the latest if the accident occurred abroad, without prejudice to cases in which a national



Motor Insurance Bureau is required to conduct or has undertaken the settlement procedure. This expert assessment shall be filed in the Insurance Claim Dossier. The abovementioned deadlines shall start on the day of submission of the compensation claim to Undertakings, as provided for in Article 10 hereof.

Article 12

Offer and settlement of claim in respect of motor vehicle accident

- 1. The compensation offer by Undertakings in accordance with paragraph 6(a) of Article 6 of Presidential Decree 237/1986 shall indicate, as a minimum, the exact compensation sum offered to injured persons, as well as the time, place and manner of providing monetary or *in natura* compensation.
- 2. The time of payment mentioned in the compensation offer shall not exceed ten days following the date of the offer. If *in natura* compensation is agreed, the time of compensation may not exceed twenty days following the date of the agreement, unless otherwise specifically agreed between the parties.
- 3. Upon payment of compensation, injured persons shall deliver to Undertakings the original invoices and receipts for services rendered pertaining to any relevant damage or expenditure, if required by the legislation in force for the lawful payment of compensation.

CHAPTER IV

INFORMATION TO INSURED PARTY AND INJURED PERSONS AND NOTIFICATIONS TO THE BANK OF GREECE

Article 13

Information to insured party



- 1. Undertakings shall attach to the compulsory insurance policy against civil liability in respect of the use of motor vehicles to be delivered to the insured party, in addition to the documents set out in the insurance legislation, also the following documents: vehicle accident report and compensation claim form. Their delivery shall be accompanied by acknowledgement of receipt by the insured party.
- 2. The insurance contract shall provide a brief overview of this Decision.

Article 14

Receipt of copies

Insured parties and injured persons are entitled to obtain, at their own expense, copies of documents from the Insurance Claim Dossier, bearing the company's stamp and the indication "Copy from the Insurance Claim Dossier kept by the Insurer", after filing a request in the Insurance Claim Dossier. At the same time, they shall be issued a receipt, without prejudice to the provisions of Law 2472/97.

Article 15

Notifications to the Bank of Greece

1. Undertakings shall notify the Bank of Greece of the location designated for submission of accident reports and compensation claims by those concerned in person in accordance with Article 10, as well as of the postal address and fax number of all the designated natural and legal persons for the purposes of Article 10, of local points of sale and the location provided for in paragraph 3 of Article 4 hereof, within one month of the promulgation of this Decision.



Undertakings shall have at least one point of delivery per Greek prefecture for accident reports and compensation claims under Article 10. Furthermore, Undertakings shall notify the Bank of Greece of any change in these data one week before such modification is made.

2. Undertakings shall notify the names of one or more persons designated as contact persons with the Bank of Greece in respect of implementation issues of this Decision.

CHAPTER V

Article 16

Administrative penalties

1. For any violation of the provisions of this Decision, the penalties laid down in paragraph 3 of Article 120 of Legislative Decree 400/1970 shall be imposed.

Article 17

Entry into force

This Decision shall take effect on the first day of the eighth month following its promulgation.

Article 18

Other provisions

1. As from the date of promulgation of this Decision in the Government Gazette, any provisions to the contrary shall be repealed.



2. The Bank's Department for Private Insurance Supervision is hereby authorised to provide guidance and clarifications for the implementation of this Decision and its Annexes.

Annexes I and II shall constitute an integral part of this Decision.

The present Decision shall be published in the Government Gazette.

THE SECRETARY THE MEMBERS

THE CHAIRMAN

George Provopoulos

True and exact copy
Athens, 22 March 2011
The Secretary
(signed) A. Kazakopoulou



ANNEX I

COMPENSATION CLAIM IN ACCORDANCE WITH PARAGRAPH 6 OF ARTICLE 6 OF PRESIDENTIAL DECREE 237/1986

LODGED BEFORE THE INSURANCE COMPANY UNDER THE NAME

I request to be compensated for the accident which occurred on at in
(No), St.
In brief, I provide you with the following data:
CLAIMANT'S DETAILS OFFENDING VEHICLE DATA
Full name:
Address:
Tel. no:
Mobile no:
Email:
Vehicle registration number:
Vehicle make/type:
Insurer:
The driver of the vehicle responsible for the accident committed the following



Leaving a parking place/opening a door
Emerging from a car park/private grounds/a track
Entering a car park/private grounds/a track
Changing lanes
Overtaking
Making a sudden turn
Reversing
Encroaching in the opposite traffic lane
Making a U-turn
Failing to comply with traffic light signal
Not observing a right of way sign
Other:
1

Comment [k2]: Βλ. έντυπο Agreed Statement of Facts EN

The movement of the vehicles can be illustrated as follows (sketch):							
The points of impact on the vehicles were:							
Claimant's vehicle	Offending vehicle						

The following eyewitnesses were present (full name, address, home telephone number, mobile phone number)

1.

2.



The following	persons w	vere injured	d: 1.					
			2.					
Currently my address:	vehicle	is availab	e for	expert	assessment	at	the	following
OTHER REMA	ARKS:							
		(p	lace &	date)				
		THE	CLA	IMANT				



ANNEX II

Annex: subparagraph (c), paragraph 1, Article 8

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Claim		number of					
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		Date of	Date				
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	Dt	Claim	yy)			
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Claimant	Anomy	or other				compensation 1
of		claimant of				injured person
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Sation	AitonNa	Injured Person				
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			yy)			payment of
						compensation
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Annex: subparagraphs (a) and (b) of paragraph 1 of Article 8

Information				Values	Remark
Code	Description	Type	Code Description		
	Code of				Reference code of
CompanyId	Insurance				Insurance
	Undertaking	Integer			Undertaking
FileYear	Year of File				
rne i eai	Production	Integer			
	Number of				
	Insurance				
FapCount	Claim				
	Dossiers				
	produced	Integer			
Fan Panliad Count	Number of				
FapRepliedCount	offers made or	Integer			



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	replies sent			
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	required for			
	offers made or			
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	out of the total			
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	final			
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eis	compensation			
	issued in the			
	case of replies	Integer		
	Number of			
	final			
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res	awarding			
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	issued in the			
	case of offers	Integer		