

TABLE 1 (2006)

**BASIC INDEMNITIES FOR DEATH
(INCLUDING MORAL DAMAGES)**

Prejudiced parties/beneficiaries (1) of indemnity (in groups)	Age of Victim		
	Up to 65	66-80	80 +
	Euros	Euros	Euros
GROUP I – VICTIM WITH SPOUSE (2)			
Spouse	96.614,12	72.460,59	48.307,06
Each child which is a minor	40.255,89	40.255,89	40.255,89
Each child of age			
If younger than 25	16.102,35	16.102,35	6.038,38
If older than 25	8.051,18	8.051,18	4.025,59
Each parent living or not with victim	8.051,18	8.051,18	–
Each brother/sister under age, orphans & dependants on victim	40.255,89	40.255,89	–
GROUP II – VICTIM WITHOUT SPOUSE (3) BUT WITH YOUNG CHILDREN			
One child only	144.921,18	144.921,18	144.921,18
One child only of victim legally separated	112.716,47	112.716,47	112.716,47
Each child under age (4)	40.255,89	40.255,89	40.255,89
Each child of age living with younger children	16.102,35	16.102,35	6.038,38
To each parent living or not living with the victim	8.051,18	8.051,18	–
To each brother/sister under age, orphans & dependant on the victim	40.255,89	40.255,89	–
GROUP III – VICTIM WITHOUT SPOUSE & WITH ALL CHILDREN OF AGE			
III.1 UP TO 25 YRS OF AGE			
One child only	104.665,30	104.665,30	60.383,83
One child only of a victim legally separated	80.511,76	80.511,76	48.307,06
Each child under 25 (4)	24.153,53	24.153,53	12.076,76
Each child over 25 living with children under 25	8.051,18	8.051,18	4.025,59
Each parent living or not living with the victim	8.051,18	8.051,18	–
Each brother/sister under age, orphans and dependant on victim	40.255,89	40.255,89	–
III-2 MORE THAN 25 YRS OF AGE			
One child only	48.307,06	48.307,06	32.204,71

Each other child over 25 yrs (4)	8.051,18	8.051,18	4.025,59
Each parent living or not living with the victim	8.051,18	8.051,18	–
Each brother/sister under age, orphans and dependant on victim	40.255,89	40.255,89	–

Prejudiced parties/beneficiaries (1) Of indemnity (in groups)	Age of Victim		
	Up to 65	66-80	80 +
	Euros	Euros	Euros
GROUP IV – VICTIM WITH SPOUSE (3) NOR CHILDREN BUT WITH ASCENDANCY			
Parents (5)			
Living with victim	88.562,94	64.409,41	–
Not living with victim	64.409,41	48.307,06	–
Grand parents – no parents (6)			
To each one	24.153,53	–	–
To each younger brother/sister of age living with victim in the two previous cases	16.102,35	–	–
GROUP V – Victim only with brothers and sisters			
V.1 With brothers/sisters younger than 25 yrs of age			
One brother or sister	64.409,41	48.307,06	32.204,71
For each brother/sister younger than 25 yrs of age (7)	16.102,35	16.102,35	8.051,18
For each brother/sister older than 25 yrs of age lving with brother/siser younger than 25 yrs of age	8.051,18	8.051,18	8.051,18
V.2. Without brothers/sisters younger than 25 yrs of age			
One brother/sister only	40.255,89	24.153,53	16.102,35
For each other brother/sister (7)	8.051,18	8.051,18	8.051,18

1) Of a general character

- a) When dealing with children, adopted children are also includes
- b) When different amounts are awarded according to the age of the beneficiary or the prejudiced party, the date will be taken as of on the date of the accident suffered by the victim.

2) Spouse not legally separated at the time of the accident.

Consolidated Common law couples will be assimilated under the law.

- 3) Legal separation and divorce will be considered on the same level. However, if the separated or divorced party has the right to a pension regulated in Article 97 of the Civil Code, they will have the right to an indemnity equal to 50% of the amount fixed for the spouse in Group I.
In the case of more than one marriage or relationship where legal separations do not exist, the indemnity awarded for the spouse in Group I will be shared between the parties involved in proportional amounts.
- 4) The total amount of indemnity corresponding, according to the number of children, will be divided between the parties involved in proportional amounts.
- 5) If there arises the case of one person living and another not living with the victim, they will be awarded 50% of the amount corresponding.
- 6) The total amount of indemnity will be distributed in 50% between the maternal and paternal grandparents.
- 7) The total amount of indemnity corresponding according to the number of brothers and sisters will be divided in equal parts.

TABLE II

ADJUSTMENT FACTORS FOR THE EVALUATION OF INDEMNITIES FOR DEATH

DESCRIPTION	% OF INCREASE OR IN EUROS	% OF DECREASE
ECONOMIC FACTORS		
Net annual income of the victim		
Up to 24.153,53 € (1)	Up to 10%	—
From 24.153,54 € to 48.307,06 €	From 11 to 25%	—
From 48.307,07 € to 80.511,76 €	From 26 to 50%	—
More than 80.511,76€	From 51 to 75 %	—
SPECIAL FAMILY CIRCUMSTANCES		
- Invalidity, mental or physical of the prejudiced beneficiary prior to the accident		
If partner or a child is under age	From 75 to 100% (2)	—
If child of age but less than 25 yrs old	From 50 to 75% (2)	—
Any other prejudiced party or beneficiary	From 25 to 50% (2)	—
- Victim is an only child		
If a minor	From 30 to 50%	—
If of age but under 25	From 20 to 40%	—
If of age and more than 25	From 10 to 25%	—
- Death of both parents in an accident		
With young children	From 75 to 100 % (3)	—
Without young children		
- With children less than 25	From 25 to 75% (3)	—
- Without children less than 25	From 10 to 25% (3)	—
- Death of a pregnant woman with loss of foetus		
If it was a first child		
- up to third month of pregnancy	12.076,76	—
- from third month of pregnancy	32.204,71	—
If it was a second pregnancy or more		
- up to third month of pregnancy	8.051,18	—
- from the third month of pregnancy	16.102,35	—
Correction factors of first section.7 of this attachment		Up to 75%

- (1) Included in this section, any type of victim of working age although income is not justified.
- (2) On the indemnity corresponding to an incapacitated beneficiary
- (3) On the basic indemnity corresponding to each prejudiced party.

TABLE IV

ADJUSTMENT FACTORS FOR THE BASIC INDEMNITIES FOR PERMANENT INJURIES

DESCRIPTION	% OF INCREASE OR IN EUROS	% OF DECREASE
ECONOMIC FACTORS:		
Net annual income of the victim		
Up 24.153,53 € (1)	Up to 10%	-
From 24.153,54 € to 48.307,06 €	From 11 to 25%	-
From 48.307,07 € to 80.511,76 €	From 26 to 50%	-
More than 80.511,76 €	From 51 to 75 %	-
COMPLEMENTARY MORAL DAMAGES		
Will be understood when one sole sequel exceeds 75 points or if all sequels added together exceed 90 points. Only in these cases will this be applicable <i>Permanent injuries which constitute an incapacity for the occupation or normal activity of the victim</i>	Up to 80.511,76	-
PARTIALLY PERMANENT:		
With permanent sequelae which partially limits the occupation or normal activity without restricting the carrying out of fundamental jobs oneself.	Up to 16.102,35	-
TOTALLY PERMANENT:		
With permanent sequelae that totally impede the carrying out of the job or normal activities of the injured party.	From 16.102,36 Up 80.511,76	-
ABSOLUTELY PERMANENT:		
With sequelae that totally inhibit the disabled person from carrying out any type of job or activity.	From 80.511,77 Up 161.023,54	-
LARGE SCALE INVALIDITY		
Persons affected with permanent sequelae that require the help of other persons to carry out the essentials of every day life such as dressing, getting about, eating or similar (tetraplegic, paraplegic, state of coma or chronic vegetative state, important neurological sequelae or neuropsychiatric with serious mental or psychological alterations, complete blindness etc.)		
<ul style="list-style-type: none"> REQUIRING THE HELP OF ANOTHER PERSON Considering the age of the victim and grade of incapacity to carry out the essential activities of life. Includes in this amount the cost of assistance in those cases of coma or chronic vegetative state.	Up to 322.047,06	-
<ul style="list-style-type: none"> HOME IMPROVEMENTS 		

Depending on the type of living quarters of the disabled person and circumstances, for their necessities	Up to 80.511,76	
<ul style="list-style-type: none"> MORAL PREJUDICES OF FAMILY MEMBERS Destined to the family near to the disabled person due to the substantial alteration in their life derived from the continual care and attention according to circumstances	Up to 120.767,65	—
<i>Pregnancy with loss of fetus as a result of the accident (2)</i>		
If it was a first child		
- up to third month of pregnancy	Up to 12.076,76	—
- from third month of pregnancy	Up to 32.204,71	—
If it was a second pregnancy or more		
- up to third month of pregnancy	Up to 8.051,18	—
- from the third month of pregnancy	Up to 16.102,35	—
Correction factors of first section.7 of this attachment	According to circumstances	According to circumstances
CONVERSION OF OWN VEHICLE		
Depending on the characteristics of the vehicle and circumstances of the party permanently disabled and their necessities.	Up to 24.153,53	

(1) Included in this section, any type of victim of working age although income is not justified.

(2) There is place in the perception of this indemnity even though the pregnant person has not sustained injury.

TABLE V**INDEMNITY FOR TEMPORARY INCAPACITY 2006****(Compatible with other indemnities)****A. BASIC INDEMNITIES (INCLUDING MORAL DAMAGES)**

INCAPACITY DAYS	DAILY INDEMNITY EUROS	
• During hospitalisation	60,34	
• Without hospitalisation		
• Preventive (1)	49,03	
• Non preventive	26,40	

It is understood as being preventive those days when a victim is incapacitated to carry out their own occupation or normal every day activity.

B. CORRECTION FACTORS

DESCRIPTION	PERCENTAGE INCREASE	PERCENTAGE DECREASE
Economic prejudices		
Net annual income of the victim		
Up to 24.153,53 €	Up to 10%	—
From 24.153,53 € to 48.307,06 €	From 11 to 25%	—
From 48.307,07 € to 80.511,76 €	From 26 to 50%	—
More than 80.511,76 €	From 51 to 75%	—
Correcting decreasing factors of first section.7 of this attachment		Up to 75%