



POLSKIE BIURO
UBEZPIECZYCIELI KOMUNIKACYJNYCH
POLISH MOTOR INSURERS' BUREAU

Warsaw, 16th December 2014

To all Bureaux, Members of the Green Card System

Dear Sirs,

We would like to inform the membership about recent situation concerning claims for bereavement on Polish market.

Several years ago the new limitation periods were introduced to Polish Civil Code. The claim resulting from the accident which was considered as criminal offence became subject to limitation of 20 years from the date of the accident, instead of 10 years as it had been before. Accidents with lethal victims are practically always considered as criminal offences.

In addition to the extension of limitation period there has been a new interpretation of art. 448 of the Civil Code by the Supreme Court. Art. 448 provides that any person whose personal rights were violated is entitled to appropriate compensation. The Supreme Court came to the conclusion that the death of a victim usually violates the personal rights of his/hers close persons (in special cases even not necessarily family members) and results with bereavement. The interpretation of the Supreme Court did not change the law itself so it is applicable to all claims which are not time barred. The limitation period, as mentioned above was significantly extended. As a result files which were closed already many years ago have to be reopened now. The files are not reopened automatically but only upon submission of the claim by family members. Nevertheless we can expect that many cases will be reopened as at the moment the issue concerns as distant accidents as those occurred in 1994.

We should be much obliged if you could pass this information to your Member Companies.

Yours faithfully,

Mariusz W. Wichtowski
Chairman of the Board