

## Key information for the injured party (in case of damage due to the liability of the owner of the boat or yacht towards third parties) Allianz Hrvatska d.d.

When you find yourself in a situation where you are an injured person in a maritime accident in the Republic of Croatia that occurred while using a boat or yacht, it is important to be familiar with the process of processing claims by Allianz Hrvatska d.d., Heinzelova 70, 10000 Zagreb (hereinafter: Allianz Hrvatska d.d.). This guide will provide you with basic information on the key elements of the claims process and claims processing with Allianz Hrvatska d.d. so that you can better understand your rights during the claims process.

### PART A - WHAT TO DO IN CASE OF A CAR ACCIDENT?

- **provide first aid and call an ambulance if there are injured people;**
- **Report the event to the police** or the Harbour Master's Office when required by regulations, and especially when there were injured or fatalities or if it was:
  - fire or explosion;
  - major material damage to the vessel;
  - there is another reason why you believe that the police or the harbour master's office should go to the scene of the maritime accident (another participant leaves the scene of the accident, refuses to provide personal information, it is a collision with an unregistered vessel, it is a matter of sailing without a valid license to operate the vessel, there is a suspicion that the driver is intoxicated/under the influence of opiates, etc.) and conduct an inspection of the maritime accident;
- do everything possible to minimize or eliminate the damage or, if possible, prevent the occurrence of greater damage;
- exchange personal information and information about vessels and insurance companies with other participants in a traffic accident;
- **Document the damage caused**, if possible: photograph the accident site, damage to the boat or yacht. If possible, take photos of the documentation (navigation license, registration sheet of the boat or yacht, etc.).

### PART B - MAKING A CLAIM FOR DAMAGES

- 1. To whom do I submit a claim?**  
You submit a claim for damages to Allianz Hrvatska d.d. It is recommended to file a claim as soon as possible.
  - 2. Who, how and where submits a claim?**  
**The injured party** or a person authorized by the injured party may file a claim for damages as follows: by online application at the link [Reporting a Harmful Event](#), by e-mail [stete@allianz.hr](mailto:stete@allianz.hr) or by calling the contact center at 072 100 001.  
If you are not the owner of the vessel, but the leasing company, in the event of material damage to the vessel, as the lessee, report the damage to Allianz Hrvatska d.d. and the leasing company as soon as possible.
  - 3. Documents and data in the process of resolving a claim?**
    - a navigation permit for the damaged vessel;
    - a valid licence of the person operating the vessel at the time of the accident;
    - it is also recommended to provide the payment account number (IBAN);
    - information on the location of the vessel;
    - in case of property damage: proof of ownership of the damaged building (e.g. land register excerpt, possession deed, etc.);
    - Only exceptionally and in case the police arrived at the scene, a police report, a breathalyzer test report and a record of the Harbour Master's Office.
- ADDITIONAL IMPORTANT NOTES:**
- when requesting data, Allianz Hrvatska d.d. will limit itself only to the necessary data (identification data, contact details, information on the method of payment of damages).
  - With an explanation of why this is crucial, Allianz Hrvatska d.d. may request and refer to the submission of additional documentation necessary for the settlement of the claim, which it cannot obtain on its own or, if you are in possession of it, in order to process the damage faster and more efficiently. In the above, Allianz Hrvatska d.d. may not ask the injured person for documentation that can be obtained by Allianz Hrvatska d.d. (for example, a police report, a breathalyzer test report, etc.).
  - Allianz Hrvatska d.d. is obliged to communicate in a transparent and understandable manner and to provide you with information on the course of the procedure and the deadlines for resolving the claim.
- Allianz Hrvatska d.d. may not condition the settlement of the claim or the payment of compensation for damage or an undisputed part of the compensation for damages, for example, by concluding a settlement and/or repairing the vessel at a certain repair shop, nor refer to the above as if this is the best or only way of resolving the claim and that it is necessary to accept the offered amount as final
- 4. What information can I expect from the insurance company immediately when filing a claim?**  
Allianz Hrvatska d.d. will:
    - assign a unique number (case number) for your claim report, based on which you will monitor the claim status during the processing process;
    - indicate the date of registration of the claim (the date of submission of the claim);
    - provide information on further proceedings to Allianz Hrvatska d.d.
 Allianz Hrvatska d.d. upon receipt of the claim for damages, is obligatory to inform you without delay of your rights, as well as of the obligations of Allianz Hrvatska d.d., and to actively and without delay take the necessary actions to fulfill its obligations.  
Allianz Hrvatska d.d. already at this stage, in the part of material damage, can offer you to choose the options for resolving the claim, which can be:
    - a) payment to the repair shop;
    - b) payment to the injured person.
 Note: **Allianz Hrvatska d.d. is obliged to explain all ways of solving in a clear, transparent and simple way. By signing a settlement statement or settlement agreement/agreement, you lose the right to claim additional compensation for damages. You can decline the offer to conclude a settlement and still receive compensation. Settlement agreements are final and binding. In the event of a settlement, Allianz Hrvatska d.d. is not responsible for any payments outside of this contract.**

## PART C - ASSESSMENT AND PROCESSING OF CLAIMS

1. **You are free to choose an authorised service provider (workshop) to repair the damage.**
2. Allianz Hrvatska d.d. will communicate with you or with a person authorized by you in an agreed manner (in accordance with the usual methods of business communication, unless the mandatory method of communication is prescribed by law) in order to provide information on the procedure for resolving a claim.
3. **You have the right, at your own expense, to hire an independent expert to prepare findings and opinions, whereby Allianz Hrvatska d.d. comment in detail on all possibly disputable elements of that finding and opinion.**
4. Allianz Hrvatska d.d. also verifies the amount and justification of the claim for damages, i.e. its obligations based on the submitted documentation.

## PART D - REASONED OFFER, REASONED ANSWER AND YOUR RIGHT TO OBJECT

1. **Allianz Hrvatska d.d. has a deadline of 60 days from the date of receipt of the claim for damages** to submit a written reasoned offer for compensation for damages:
  - **when the liability for compensation for damage is not disputed and when the amount of damage has been determined**, or
  - a written reasoned answer if the liability for damages is disputed or when the amount of the damage is not fully determined.
- a) **A reasoned offer** must include:
  - the name of the decision, the date of its adoption and the function/job title of the decision-maker,
  - the day of receipt of the claim and the list of received and obtained documentation,
  - statement by Allianz Hrvatska d.d. that it has determined its obligation to compensate for damages, and a detailed explanation with the stated decisive facts and legal basis (relevant provision of positive regulations, insurance conditions, etc.),
  - specification of the determined amount of damage, whereby Allianz Hrvatska d.d. be obliged to explain in a clear, simple and understandable manner how it arrived at the determined amount of damage and the amount of damage to be paid, and to justify any specific factors applied (e.g. depreciation, co-liability, etc.), including the reasons why they were applied and how they were determined,
  - **a statement that it will pay the amount of compensation from the reasoned offer within 15 days from the date of sending the reasoned offer, whereby the stated payment deadline must be within 60 days from the date of receipt of the claim for damages,**
  - **the injured party is also entitled to the payment of statutory default interest from the date of filing the claim for damages, in the event of failure to comply with the obligation to pay damages or the undisputed amount within the period specified in the previous paragraph,**
  - a detailed statement on the disputed points of the submitted finding and opinion of the independent expert and the disputed items of the invoice or the offer for repair of damage by the authorized service provider, when submitted,
  - instruction on the right to file a complaint and how to file an objection to the decision of Allianz Hrvatska d.d. and within 15 days within which Allianz Hrvatska d.d. to respond to that objection.
- b) **The reasoned answer** must include:
  - When Allianz Hrvatska d.d. found that **he was not liable for damages**:
    - the name of the decision, the date of its adoption and the function/job title of the decision-maker,
    - the day of receipt of the claim and the list of received and obtained documentation,
    - statement by Allianz Hrvatska d.d. that he has established that he is not responsible and a detailed, simple and understandable explanation with the stated decisive facts and legal basis (relevant provision of positive regulations, insurance conditions, etc.) on the reasons for exclusion of liability, taking into account all available documentation, ,
    - a detailed statement on the disputable points of the submitted finding and the opinion of an independent expert related to liability for damages.
    - instruction on how to file an objection to the decision of Allianz Hrvatska d.d. and within 15 days within which Allianz Hrvatska d.d. to respond to that objection.
  - When Allianz Hrvatska d.d. determine that he is **liable only for part of the damages**:
    - the name of the decision, the date of its adoption and the function/job title of the decision-maker,
    - the day of receipt of the claim and the list of received and obtained documentation,
    - statement by Allianz Hrvatska d.d. that it has established that it is responsible only for a part of the compensation for damage and a detailed explanation with the stated decisive facts and legal basis (relevant provision of positive regulations, insurance conditions, etc.),
    - specification of the determined amount of damage, whereby Allianz Hrvatska d.d. is obliged to explain in a clear, simple and understandable way how he arrived at the determined amount of damage and the amount of damage to be paid, and to explain any specific factors applied, and how he arrived at the determined amount of damage and the amount of damage to be paid, and to explain any specific factors applied (e.g. depreciation, co-liability, etc.), including the reasons why they were applied and how they were determined,
    - **a statement that it will pay the undisputed amount from the reasoned answer within 15 days of sending the reasoned answer, whereby the specified payment period may be shorter because it must be within 60 days from the date of receipt of the claim,**
    - **the injured party is also entitled to the payment of statutory default interest from the date of filing the claim for damages, in the event of failure to comply with the obligation to pay damages or the undisputed amount within the period specified in the previous paragraph,**
    - a detailed statement on the disputed points of the submitted finding and opinion of an independent expert and the disputed items of the invoice or offer for repair of damage of the authorized service provider, if they were submitted,
    - instruction on how to file an objection to the decision of Allianz Hrvatska d.d. and within 15 days within which Allianz Hrvatska d.d. will respond to this complaint.
- When Allianz Hrvatska d.d. **is not able to fully determine the amount of damage**:
  - the name of the decision, the date of its adoption and the function/job title of the decision-maker,
  - the day of receipt of the claim and the list of received and obtained documentation,
  - statement by Allianz Hrvatska d.d. of its liability and that it is not able to fully determine the amount of damage and the reasons why it is not able to fully determine the amount of damage,
  - a detailed explanation with the stated decisive facts and legal basis (relevant provision of positive regulations, insurance conditions, etc.),
  - specification of the determined amount of damage, whereby Allianz Hrvatska d.d. be obliged to explain in a clear, simple and understandable manner the reasons for which he was not able to fully determine the amount of damage, and how he arrived at the determined amount of damage and the amount of damage to be paid, and explain any specific factors applied (e.g. depreciation, co-liability, etc.), including the reasons why they were applied and how they were determined,
  - a statement that it will pay the undisputed amount within 15 days of sending a reasoned answer, whereby the stated payment period may be shorter because it must be within 60 days from the date of receipt of the claim,
  - a detailed statement on the disputed points of the submitted finding and opinion of the independent expert and the disputed items of the invoice or the offer for repair of damage by the authorized service provider, when submitted,
  - instruction on how to file an objection to the decision of Allianz Hrvatska d.d. and within 15 days within which Allianz Hrvatska d.d. to respond to that objection.
2. If Allianz Hrvatska d.d. without delay, and no later than 60 days from the date of receipt of the claim, submits a reasoned offer for compensation for damages, i.e. a reasoned answer, and you are not able to resolve the dispute amicably with Allianz Hrvatska d.d. as well as before the Mediation Centre at the Croatian Insurance Bureau or other peaceful means <https://mpu.gov.hr/mirno-riesavanje-sporova-medijacija/26978>, you can request the protection of your right in court, i.e. you can file a lawsuit against Allianz Hrvatska d.d.
3. An injured person who is not satisfied with the manner of proceeding in the procedure of resolving a claim may contact the Insurance Ombudsman at the Croatian Insurance Bureau and submit a petition to HANFA.