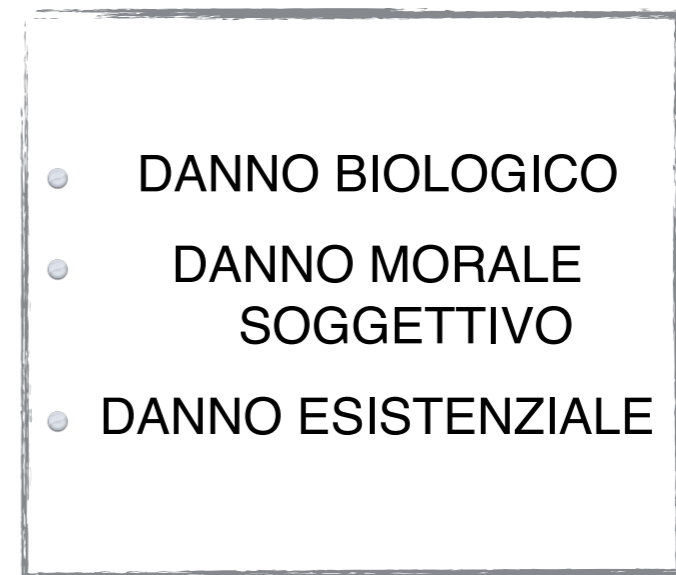
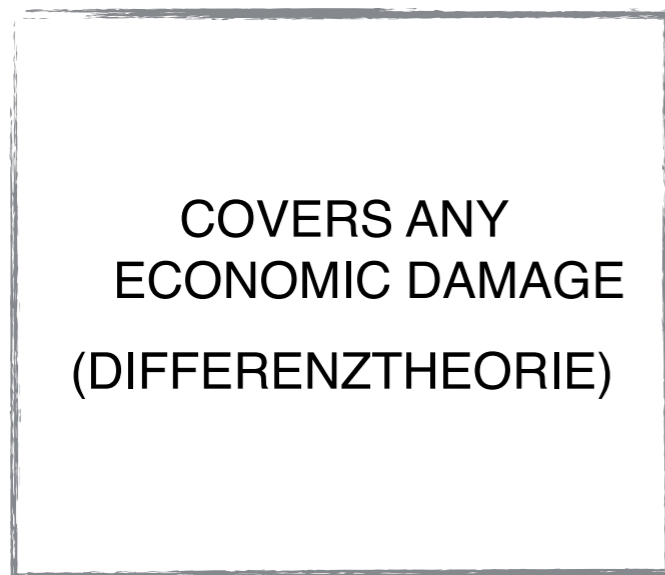
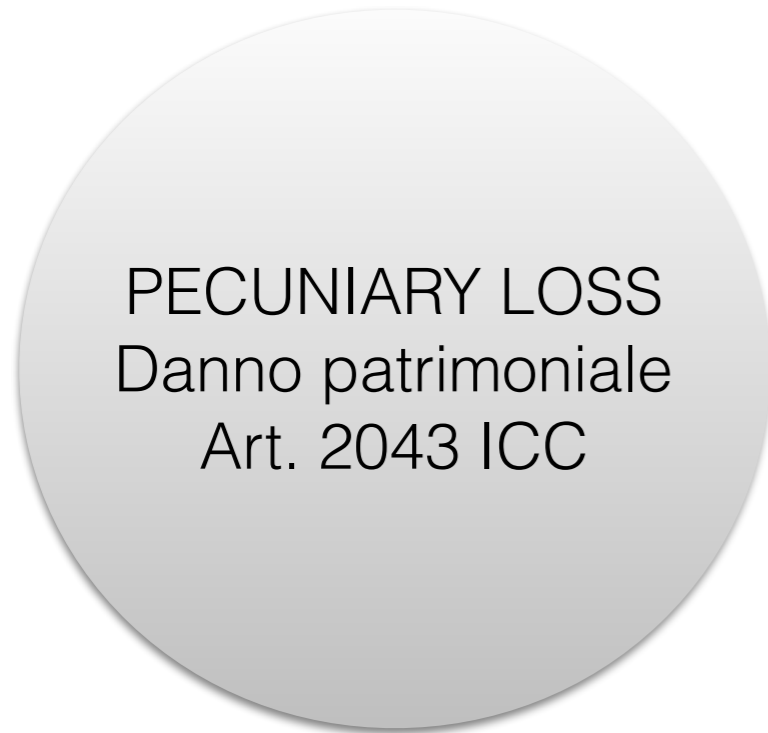


# Assessment of damages

# The criteria to determine the damage to be compensated

- **Art. 1223 ICC** expressly lays down that damages must include both the **actual damage** (*damnum emergens*) as well as the **lost gain** (*lucrum cessans*)... “insofar as they are a direct and immediate consequence”.

Pecuniary loss (*danno patrimoniale*) vs Non-pecuniary loss (*danno non patrimoniale*)



Different types of non-pecuniary loss

- **DANNO BIOLOGICO**: is intrinsic in the injury of the victims's personal integrity.
- **DANNO MORALE (SOGGETTIVO)**: pain and suffering related to the harmful event: it refers to the “psychological suffering” of the injured person, to their “internal sphere”.
- **DANNO ESISTENZIALE**: relates to the necessary change of the victim's everyday habits, as a consequence of the harmful event and therefore refers to the “external sphere”.

Cass, Joint Session, 11  
Novembre 2008, no  
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“In cases of personal injury due to an unlawful act, besides pecuniary loss, the injured person is entitled to claim damages for non-pecuniary loss (*danno non patrimoniale*) as a unitary category”.



# Compensation in Pet- death cases