



African Export-Import Bank
Banque Africaine D'Import-Export

Transforming Africa's Trade



THE AVAT NO FAULT COMPENSATION SCHEME

An Overview



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AVAT No Fault Compensation Scheme

Background

- AVAT recognizes that individuals must feel confident their government will take care of them fairly and swiftly if they are seriously injured by a vaccine. The AVAT No Fault Compensation Scheme for Participating Member States provides eligible vaccine recipients with access to prompt, fair and transparent compensation for serious adverse events associated with COVID-19 vaccinations.
- The establishment of an NFCS is a legal requirement under the J&J Purchase Agreement. The scheme will cover all COVID-19 vaccine purchases by AVAT from other suppliers and donations processed through AVAT.
- There are currently 41 States participating in the AVAT NFCS.

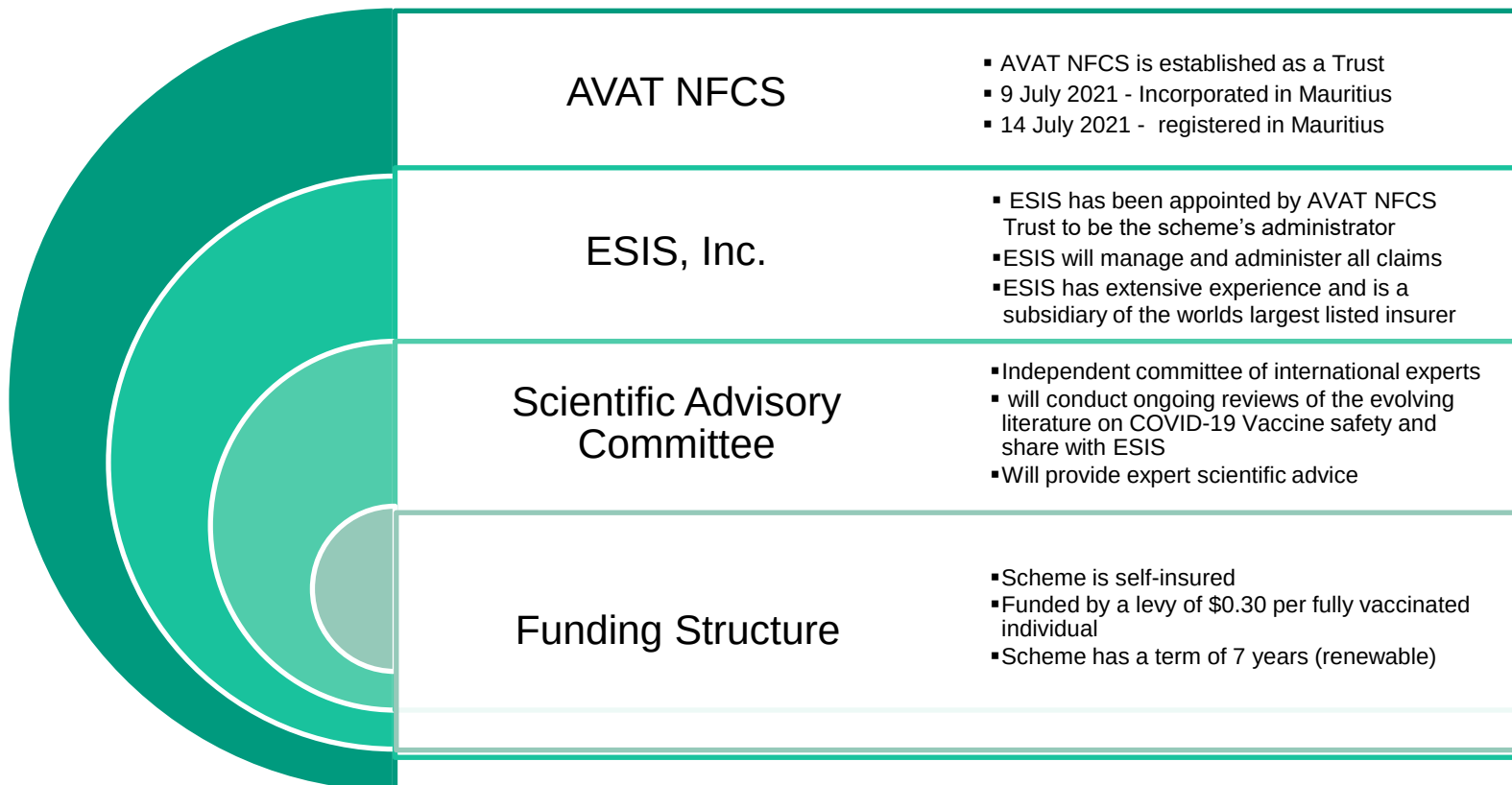
Objective

- To inspire a high level of trust, to be fair, robust and transparent
- Disincentivize claims in court and reduce the need for indemnification
- Encourage vaccine uptake

Purpose

- To provide a no fault, lump sum compensation in full and final settlement of any claims for serious adverse events (SAEs) arising from vaccines procured or distributed through the AVAT Framework

AVAT NFCS Structure



Types of Damage

- Compensation is only awarded to those that suffer a **Serious Adverse Event** (including death) following the administration of a COVID-19 Vaccine
- Applicants must observe a **30 day waiting period** after receiving the vaccine before making a claim. This is to exclude non-serious claims. The waiting period does not apply in the case of death.
- Acceptance by applicants of no-fault compensation under the NFCS shall constitute **full and final settlement** of any claims and the applicant shall be precluded from seeking further compensation through national courts.

Vaccines and Affected Individuals

- Applicant must have received a COVID-19 Vaccine through the AVAT Framework in a Participating Member States that has submitted an NFCS Election Notice to AVAT.
- Applicant must have received the COVID-19 Vaccine prior to 4 August 2023 (2 years from date of first AVAT delivery).
- Applicant will then have at least 3 years from when they receive the vaccine to make a claim.

Compensation Formula

- \$0.30 Levy based on a projected number of successful claims of between 750 to 1250. This is based on best estimates from insurers based on the historic ratio of Claims/Vaccination from various Vaccine Indemnity Compensation Programs (VICPs).
- Compensation = average GDP per capita of the relevant Participating Member State where applicant is based **multiplied by 12 multiplied by** a harm factor of between 0.5 and 1.5 (depending on the seriousness of the injury).
- Hospital costs incurred will also be reimbursed at \$100 a day for up to 60 days.

Key Commercial Terms

	Commercial Terms	Description
6	Insurance	- The scheme will be self-insured at inception, that is it will be funded by a levy of \$0.30 paid by Participating Member States in relation to each fully vaccinated individual. - An insurance layer will be explored once the scheme is established
7	Panels	Review Panel appointed by the Administrator that is comprised of 5 duly licensed nurses, selected from a roster of 11 such nurses Appeals Panel - a three-member panel (i) that is comprised of 2 duly licensed physicians and 1 duly licensed nurse, who shall be appointed by the Administrator from a roster of 6 such physicians and nurses and (ii) that will review all Notices of Appeal of Denied Receivable Claims filed by Claimants and determine – in accordance with the terms of this Protocol—whether the Review Panel's denial of the relevant Receivable Claim should be upheld or reversed. Scientific Advisory Committee comprised of 3-6 duly qualified health experts will provide Administrator, Review Panel and Appeals Panel with updated information on safety of the Vaccines to guide process of the determination of Receivable Claims
8	Accessibility	- There shall be no fee for applications (and appeals) under the AVAT NFCS - Applicants will be required to complete the forms available at avatclaims.com - Acceptance by applicants of no-fault compensation under the NFCS shall constitute full and final settlement of any claims and the applicant shall be precluded from seeking further compensation through national courts.

Application Submission (following 30 day waiting period)

Receivable Application

Administrator confirms vaccine eligible, and form correctly completed and application moves to next stage

Non-Receiveable Application

Administrator determines vaccine ineligible or form incorrectly completed. Applicant may appeal within 90 days of rejection.



Receivable Claim reviewed by Review Panel

- If Review Panel determines vaccine “most probable” cause of injury/ death, payment is made.
- Applicant signs release form agreeing to full & final settlement

If Review Panel rejects a Receivable Claim, Applicant may appeal within 90 days and provide additional supporting material



Appeals Panel review rejected Receivable Claim

Appeals Panel upholds Review Panel decision – no payment is made.

- Appeals Panel reverses Review Panel decision – payment is made.
- Applicant signs release form agreeing to full & final settlement

Website

- AVAT NFCS website address is avatclaims.com
- Launched **1 October 2021**
- The AVAT NFCS Protocol (rules of the scheme) and all information and forms needed for the submission of claims are available on website.

Accessibility

- Information required to submit an application will be available on website.
- Africa CDC and Ministries of Health will also be encouraged to include a link to avatclaims.com on their websites.
- Protocol (scheme rules) and website are currently available in English and will shortly be made available in French and Portuguese.
- There are no fees for submitting an application or making an appeal

AVAT Enhancements

- Investment in website design which is user friendly and less text heavy
- Ability to complete application online as well as to print and submit a hard copy through the website, by email or post
- A WhatsApp Help function in addition to a telephone and email hotline
- Focus on mobile accessibility

Avatclaims.com


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AVAT No-Fault Compensation Scheme
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To protect their citizens, governments will ask people to take COVID-19 vaccines not just for their own health, but also for the health of their country. AVAT recognizes that individuals must feel confident their government will take care of them fairly and swiftly if they are seriously injured by a vaccine. The AVAT No Fault Compensation Scheme for Participating Member States provides eligible vaccine recipients with access to prompt, fair and transparent compensation for serious adverse events associated with COVID-19 vaccinations.

Online Application

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[Apply >](#)

Submit Documents

On this page, you can upload and submit the [Supporting Evidence Form](#) and other documents that are required to be submitted together with the [Application Form](#).

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