

FINLAND

1. Actions to take immediately after road traffic accidents

Every driver is obliged to lend assistance to accident victims. The police must be called to the scene of any accident where injuries are sustained: telephone number 1 00 22. In general, the police will not attend accidents where only material damage is sustained, but , you are strongly advised to use the European Claim Form which can be obtained from your insurance company. It is important that both parties involved in the accident sign the form because the form is normally used as evidence. It is also important to take down the names and addresses of any witnesses as well as to give information on the facts of the accident. It is also advisable to take a photograph of the scene of the accident.

NB: Do not sign the European Claim Form if you do not understand the content! The same applies to other statements on who is to blame for the accident. You should not sign the form if there are differences of opinion on the facts of the accident. In such a case it is advisable to contact the police, even if the accident only involves damage to property.

Unknown motor vehicle: the police must always be notified.

2. Legal procedure.

In Finland a system of fault liability and risk liability applies. In civil proceedings, when two or more motor vehicles are involved in an accident the damage is determined on the basis of fault liability. The fault of the driver of the vehicle responsible for the accident must be proved. If the accident involves a motor vehicle and pedestrians or cyclists, risk liability applies, and the insurer of the motor vehicle will pay compensation regardless of who was at fault.

The injured party can attach a claim for damages to criminal proceedings brought against the other party. Given that special circumstances apply, this seldom occurs.

Witness statements made by occupants of the vehicles concerned or members of the family of the driver have less evidential value than statements made by others.

3. Compensation for damages/time limits

Given that statutory liability insurance applies in Finland for all motor vehicles, this legislation also applies to accidents involving mopeds.

The amount of the compensation for damage may be reduced if the injured party is partially at fault for the accident. The same applies to compensation for personal injury, unless the degree of partial fault is small.

The period of limitations for claims is 3 years from the date on which the injured party became aware of the damage. The period of limitations for claims arising from an unlawful

act is 10 years from the date on which the act was committed. The period of limitations is interrupted when legal proceedings are brought.

4. Damages to be compensated.

High compensation may be paid for personal injury. This includes the costs of loss of income, help in the household, and travel expenses incurred in connection with medical examinations. Immaterial damage and physical impairment are compensated. If the damage is the fault of the other party, the victim is entitled to compensation for pain and suffering. Suffering may also be compensated, for example, in the event of false arrest, the infringement of personal freedom or defamation of character.

The courts and insurers observe standards for the amounts of compensation paid for damages for pain and suffering. No account is taken of the financial situation of the victims of the accident nor the degree of partial fault. Surviving dependents are not entitled to damages for pain and suffering.

5. Accidents abroad

With effect from 20 January 2003, the 4th Motor Insurance Directive has been in force regarding traffic accidents outside your own country. Victims of traffic accidents can now claim compensation in a simple manner from the insurer of the party at fault. Such claims are submitted to the representative of the foreign insurer in the country of the victim: the claims representative. Addresses of claims representatives are available from the Information Centre. The centre can also provide information on the compensation body that will make payment if the insurer fails to designate a claims representative or does not respond to a victim's claim.

You can find additional information on this procedure at this website.

6. Useful addresses

Emergency services telephone numbers: police: 10022; ambulance: 112; fire brigade: 112.

Information centre for insurance details: *Liikennevakuutuskeskus* (Motor Vehicle Insurers' Bureau)

Bulevardi 28, FIN - 00120 Helsinki 12, tel.: 00 358 9 6804 061;

Fax: 00 358 9 6804 0474; e-mail address: lvk.ic@vakes.fi; website www.lvk.fi/ic

(This is also the address for claims for damages caused by an unknown or uninsured motor vehicle.)