

# GREECE

## 1. Actions to take immediately after road traffic accidents

If a road traffic accident causes personal injury or damage to property, all road users involved in the accident in any way must:

1. remain at the scene of the accident (without hindering traffic);
2. in cases of personal injury only: notify the closest police station or phone 100;
3. exchange personal details as well as any information relevant to the vehicles involved.

After the accident, try to be as calm as possible, especially for the first 5 to 10 minutes when appropriate and decisive action is required.

If the accident was fatal, or resulted in physical injury, all road users involved in the accident in any way must:

1. provide victims with the necessary assistance and support;
2. notify the closest police station and remain at the scene of the accident until the police arrives, unless it is necessary to leave to find a phone or to be taken to hospital for treatment - in such cases, the driver is obliged to report the accident to the police as soon as possible;
3. prevent the scene of the accident from being disturbed (to facilitate the police investigation) unless action must be taken to restore the traffic flow.

The failure to observe these obligations may result in a custodial sentence of up to three years.

If the police are not called to the site of the accident, for example, when the accident involves material damage only, 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.

## 2. Legal procedure

Claims for compensation for damages resulting from traffic accidents may be based on either fault liability or risk liability. Regarding fault liability, each party must prove the fault of the other party. Compensation in such cases is not limited. For risk liability, unlimited liability applies to the holder or driver of the vehicle, except when the holder or driver of the vehicle is not the owner. In such cases the owner of the vehicle is only liable for an amount up to the value of his vehicle. In cases involving material damage, if the owner of the damaged vehicle is not present, the persons involved in the accident are obliged to give him/her the abovementioned information within 24 hours, using the most appropriate way. The closest police station may be asked to take the action of notifying him/her.

The responsibility of the driver who was liable for causing injury or death to a third party, constitutes a criminal offence, and falls under state law (the public prosecutor's office). When criminal proceedings are pending, the victims can include claims for damages in these proceedings. However, this is not the usual course of action. Claims for damages for pain and suffering are awarded, but in civil court the amounts awarded for such claims are generally higher. If an amount of compensation is awarded for pain and suffering in the criminal proceedings, the victims cannot take an appeal to a higher court. Such appeals can be submitted in the civil court.

Every person involved in a traffic accident has a legal interest in receiving copies of the reports and other documents drawn up by the police, and to use them in his own defense.

### **3. Compensation for damages/time limits**

A driver involved in a traffic accident must make a "declaration of accident" to his/her insurer within three days, reporting the circumstances of the accident and the damages suffered by the driver and any other person involved in that accident. Later, after having established that the driver is not liable for the accident, he/she should contact the insurance company of the other party involved and request an assessment of his/her damage in order to claim compensation. The insurer is liable for damages to the amount minimum amount covered by the policy. If the damages amount to more than this, the owner or driver concerned can be addressed for the difference.

If the other vehicle's insurer denies liability, a lawyer specialized in traffic accident cases should be contacted regarding the claim.

In cases involving serious injury or death, it is best that the victims immediately contact a lawyer specialized in traffic accidents in order to best protect their rights.

The period of limitations for claims for damages based on fault liability is 5 years from the date of the accident. For claims submitted to the insurer of the person liable for the accident based on risk liability the period of limitations is 2 years from the date of the accident.

### **4. Damages to be compensated**

Loss of income resulting from an accident is compensated. The surviving dependents of a victim are entitled to compensation maintaining a standard of living. Medical and hospital expenses are compensated to an amount determined by Greek national social insurance. Costs to be incurred in the future resulting from injuries sustained in an accident are also compensated. Damages for pain and suffering can also be claimed. Such claims involve many facets of the injury. For permanent impairment, the amount of compensation depends on the capacity to work. Compensation for pain and suffering may not be claimed by surviving dependents unless set down contractually while the victim was still alive or had been brought before the court.

Surviving dependents have their own entitlement to compensation for pain and suffering, but this must be awarded by the Court.

For material damage, a distinction is made between direct and indirect damage. Direct damages are compensated through negotiations with the insurer and compensation for indirect damages must be decided by the Court.

## **5. Accidents abroad**

With effect from 20 January 2003, the 4<sup>th</sup> 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**

a. Emergency services telephone numbers:

Police, 100; Hellenic Centre for Immediate Care, 166; Fire Brigade, 199.

b. EFTHITA ((Hellenic Association for RTA Victim Support)

tel.: +30 (210) 77 80 295, fax. +30 (210) 77 52 550,

e-mail: [efthita@otenet.gr](mailto:efthita@otenet.gr)

c. Information Centre

(For accidents in another Member State as described in the 4<sup>th</sup> Motor Insurance Directive)

Ministry of Development

General Secretary for Commerce

Place Kaning – GR 101 81Athens

[ethomo@gge.gr](mailto:ethomo@gge.gr)

tel.: 00 30 210 381 62 41 int/ 126

d. Auxiliary Fund

For claims for damages caused by an unknown, stolen or uninsured motor vehicle:

Epikouriko Kefaleo Asfaliseos

Konstantinou Tsatsou 4

GR – 10558 Athens