

DENMARK

1. Actions to take immediately after road traffic accidents

Although not obligatory, it is advisable to contact the police in the event of an accident:

tel.: 112. The police report forms the basis for settling any claim for damages with the other party's insurer.

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

The Danish Road Traffic Act deals with liability in road traffic accidents in art. 101 – 104.

The driver of a motor vehicle is liable for the damage caused in a road traffic accident. He is also liable for damage caused by any fire or explosion of the fuel tank of his vehicle.

Personal injury is compensated on the basis of risk liability. The driver responsible for the accident is liable, regardless of whether or not he was at fault. If only material damage is concerned, compensation will be determined on the basis of fault liability. The fault of the driver responsible for the damage must be proved.

3. Compensation for damages/time limits

A statutory insurance obligation applies to all motor vehicles, including motorcycles and mopeds. If the victim can be assigned partial blame for an accident, the amount of the compensation may be affected on the basis of both risk liability and fault liability.

The period of limitations is 5 years from the date at which the injured party became aware of all aspects of the damage. The period of limitations may be interrupted by the submission of a claim and further legal action.

4. Damages to be compensated.

Loss of income is compensated with the deduction of benefits arising from the Sickness Benefits Act or other insurance. Medical expenses are compensated when not covered by any other health or accident insurance.

Compensation for permanent physical impairment is reduced by 1% each year the insured is older than 39 years old at the time of the accident. If the insured is 60 years old, the compensation is reduced by further 1% each year the insured is older than 59 years old at the time of the accident.

Compensation for permanent loss of capacity is reduced if the insured is 30 years old at the time of the accident as the compensation is reduced by 1% each year the insured is older than 29 years old. If the insured is 55 years old, the compensation is reduced by further 2% each year the insured is older than 54 years old at the time of the accident. The compensation will not be reduced further in the above mentioned two cases after the age of 69 has been reached.

Denmark recognizes compensation for pain and suffering arising from physical injury. The calculation is standardized in relation to days of sick leave. Compensation for pain and suffering arising from permanent physical impairment, or loss of physical capacity or diminished capacity for work, is calculated using an impairment table. Once the age of 60 has been reached, compensation for pain and suffering is reduced in terms of a percentage.

Compensation for funeral expenses to a reasonable extent as well as compensation to the surviving dependants can be claimed. Compensation to surviving dependants being wife, husband or the person with whom one cohabits is 30% of the compensation that the deceased is assumed to have achieved at a permanent loss of capacity. However, the compensation is reduced by the same principle as the compensation for permanent loss of capacity. Compensation for loss of breadwinner to surviving children can also be claimed. Finally, a temporary amount which primary is entitled to the surviving wife, husband or the person with whom one cohabits can be claimed. Under special circumstances, the compensation can be awarded to another surviving relative.

Surviving dependents have no independent right to compensation for pain and suffering. They may, however, inherit the compensation for pain and suffering awarded to the deceased victim. This only applies if the compensation for pain and suffering had been recognized or claimed prior to the death of the victim.

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, ambulance, fire brigade: 112.

Dansk Forening for International Motorkøretøjsforsikring (DFIM) [Danish International Motor-Vehicle Insurance]

DFIM, Amaliegade 10 – DK 1256 K København K,

tel.: 00 45 33 43 55 00, fax: 00 45 33 43 55 01, e-mail: dfim@forsikringenshus.dk

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