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Compensation booklet

International traffic accidents

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1 Compensation body

The Fonds de Garantie (guarantee fund) has been approved as the compensation body specified by the Fourth Motor Insurance Directive.

2 The Fourth Motor Insurance Directive (16th May 2000) applicable to accidents occurring from 20th January 2003 onwards

The purpose of the Fourth Motor Insurance Directive is to improve and speed up the procedures for compensating victims of traffic accidents occurring in a European Economic Area member state other than their state of residence (e.g. a French victim of an accident in Germany). The Directive also applies to accidents occurring in “green card” member states outside the European Economic Area involving a victim resident in the EEA and a vehicle registered in a green card state (e.g. a French victim of an accident caused in Morocco by a vehicle registered in Italy) in the absence of a “reasoned” reply by the insurer of the responsible vehicle.

3 Principles laid down by the Fourth Directive

In each European Economic Area state:

- 1) Appointment of a representative in each EEA state by all insurance undertakings covering motor civil liability risks. The list of French insurers’ representatives in other countries can be consulted on the website of the Bureau Central Français.
- 2) Creation of an information centre so that the responsible party’s insurer on the day of the accident can be found via the vehicle registration number. In France, this role is performed by the “Agira”.
- 3) Creation of a compensation body. The Fonds de Garantie des Assurances Obligatoires de Dommages (compulsory general insurance guarantee fund – FGAO) has been designated to manage the French compensation body.

4 Compensation conditions

If any of the following three situations applies, victims of traffic accidents occurring in a state other than their country of residence may apply to the compensation body of their country of residence:

- no “reasoned” offer or reply presented to the victim by the responsible party’s insurer or its representative within three months of the claim;
- no representative designated by the responsible party’s insurer in his/her country of residence;
- impossible to identify the responsible party’s vehicle or (within two months of the accident) the insurance company.

5 Three possibilities

- 1) If you live in an EEA state other than France, e.g. Belgium, and you are involved in an accident in France caused by a vehicle registered in France and if any of the three situations above applies, you will be entitled to apply to the Belgian compensation body, which will compensate you according to the law of the country where the accident occurred (French law in this case), while the French compensation body will reimburse the compensation payment and, if possible, take recourse against the responsible party or his/her insurer.
- 2) If you live in France and you are the victim of an accident in an EEA state other than France caused by a vehicle registered in the EEA (e.g. a French victim of an accident in Belgium caused by a vehicle registered in Poland) or an accident in a “green card” country caused by a vehicle registered in an EEA state other than France, though only in the absence of a “reasoned” reply from the responsible party’s insurer (e.g. a French victim of an accident in Morocco caused by a vehicle registered in Italy), the FGAO will act principally as the compensation body, while the Fonds de Garantie, taking action within two months of the compensation claim and having checked that the referral conditions are satisfied, will compensate the victim directly and then claim the compensation and its administrative costs from the foreign compensation body.
- 3) If you have an accident caused by an unidentified party in an EEA state other than your country of residence, you will be entitled to apply to the compensation body of your country of residence, which will process your claim and take recourse against the guarantee fund in the country where the accident occurred.

In all cases, personal injury and material damage are compensated in accordance with the law of the state where the accident occurred.