

COMPENSATION BOOKLET

Traffic Accident Hunting Accident

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FONDS DE
GARANTIE
DES VICTIMES

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CONDITIONS FOR INTERVENTION

The Guarantee Fund for Victims' involvement is subject to certain conditions.

These conditions concern the nature and location of the accident, the registration of the motorised land vehicle at fault, the status of the persons at the time of the accident, the law governing liability, the time limits for referring the matter to the Guarantee Fund for Victims, the absence of compensation in another capacity, and the basis for compensation.

The Guarantee Fund for Victims may be applied to by the victim or their beneficiaries directly or by an agent (lawyer, insurer, etc.), as is very often the case.

In the event of a direct referral by the victim, details are given of the various steps that they must take to open a file with the Guarantee Fund for Victims, the documents to be provided for the investigation of their compensation claim, and the course of the compensation procedure.

In the event of an accident caused by a motorised land vehicle, the Badinter law of 5 July 1985 is applicable to the Guarantee Fund for Victims, which must respect the time limits laid down concerning the offer of compensation.

It should be noted that if the Guarantee Fund for Victims contests the validity of the guarantee refusal by the insurer of the at-fault party, the latter must compensate the victim. If refusal of guarantee is subsequently justified, the Guarantee Fund for Victims will reimburse the insurer.

Our compensation department employees are also at your disposal to give you information and help you in your efforts. Please contact us if you wish to request any information.

CONDITIONS FOR COMPENSATION OF YOUR INJURY

The Guarantee Fund for Victims compensates victims of traffic and hunting accidents when no insurance can intervene.

The conditions to be met: The intervention of the Guarantee Fund for Victims is subject to certain conditions concerning, in particular :

- the nature and location of the accident,
- the registration of the responsible land motor vehicle,
- the status of the persons at the time of the accident,
- the law governing liability,
- the time limits for referring to the Guarantee Fund for Victims,
- the absence of compensation in another way.

NATURE AND LOCATION OF THE ACCIDENT

► TRAFFIC ACCIDENTS

The damages suffered by the victim must result from a traffic accident on the ground, an accident involving :

- a motorised land vehicle on the road,
- or a person or an animal.

The accident for motorised land vehicles must have occurred :

- in metropolitan France,
- in Guadeloupe, French Guiana, Martinique, Mayotte, New Caledonia, French Polynesia, Reunion Island, Saint Pierre-et-Miquelon.

For people and animals, the accident must occur in a place open to public traffic (this excludes private places).

It must occur :

- in metropolitan France,
- in Guadeloupe, French Guiana, Martinique, Mayotte, Reunion Island, Saint Pierre-et-Miquelon.

► HUNTING ACCIDENTS

The damages suffered by the victim must result from hunting or the destruction of pests involving an unknown or uninsured third party.

- It must occur in metropolitan France,
- in Guadeloupe, Martinique, Mayotte, Réunion Island, Saint Pierre-et-Miquelon.

VEHICULE REGISTRATION

If the motorised land vehicle that caused the accident is registered in France or in a State which is not a member of the European Economic Area (EEA) or assimilated (Holy See, San Marino, Switzerland, Croatia, Andorra), the Guarantee Fund for Victims will intervene.

If the vehicle is registered in a Member State of the European Economic Area or an assimilated country, the accident is handled by the Bureau Central Français.

STATUS OF PERSONS

► PERSONS EXCLUDED AT THE TIME OF THE ACCIDENT

Damages suffered by certain persons cannot be compensated by the Guarantee Fund for Victims.

If the accident was caused by a motorised land vehicle :

- the damages suffered by the driver who caused the accident,
- property damage suffered by the owner of the vehicle that caused the accident and the State.

If the accident was caused by a person or an animal :

- the damages suffered by :
 - the owner or the person who has custody of the animal or thing at the time of the accident,
 - the spouse, the ascendants, and the descendants of the owner or guardian whose liability is involved and the legal representatives of the legal entity owning the animal or thing,
 - the at-fault party in the accident, their spouse, their ascendants, or their descendants.

If the vehicle, animal, or thing that caused the accident was stolen, the damages suffered by the accomplices to the theft and all persons transported shall not be compensated if the Guarantee Fund proves their complicity or knowledge of the theft.

If the accident was caused by hunting :

- only the party at-fault in the hunting accident is excluded from the Guarantee Fund for Victims' benefits.

► NATIONALITY OR RESIDENCY CONDITIONS

If the accident was caused by a motorised land vehicle, the victims or their beneficiaries must :

- be French, or
- have their primary residence on French Republic territory, or
- be nationals of a State which has concluded a reciprocity agreement with France and meet the conditions laid down in the said agreement (there are 3: Morocco, Tunisia, and Switzerland), or
- be nationals or residents of a Member State of the European Economic Area or of the Holy See.

If the accident was caused by a person or an animal or if it results from hunting, the victims or their beneficiaries must :

- be French, or
- have their primary residence on French Republic territory

LAW GOVERNING LIABILITY

Victims must prove their right to compensation under French law against an uninsured or unidentified third party.

Compensation may be limited or excluded if the victim is at fault.

REFERRAL DEADLINES

Where the person responsible for the damages is unknown, the compensation claim must be addressed to the Guarantee Fund within 3 years of the accident.

Where the person responsible for the damages is known, the compensation claim must be addressed to the Guarantee Fund for Victims within one year from either :

- the settlement date, or
- the date of the legal decision which has become res judicata.

In all cases, the victims must, within 5 years of the accident, have concluded an agreement or have taken legal action, either against the known perpetrator or with the Guarantee Fund if the perpetrator has remained unknown.

The victim who has suffered only damage to property must apply to the Guarantee Fund for Victims within one year of the accident at the latest.

ABSENCE OF COMPENSATION

Victims must prove :

- either that the person responsible for the accident could not be identified,
- or that they are uninsured or their insurer is insolvent.

They must also prove that the accident cannot give rise to a right to compensation on any other grounds.

As the obligations of the Guarantee Fund for Victims are subsidiary, it does not have to intervene if the victim can be fully compensated in another way (by the insurer of another at-fault or involved party, by property damage insurance, etc.).

If the victim can be partially compensated in another way (by the social security system, mutual insurance companies, the employer, broken glass insurance, etc.), the Guarantee Fund for Victims only pays the remainder.

In application of this principle of subsidiarity, third parties who have fully or partially compensated the victim have no recourse against the Guarantee Fund for Victims.

OFFER OF COMPENSATION

► PERSONAL INJURY

The Guarantee Fund for Victims intervenes, whether or not the person responsible is identified :

- in the case of a traffic accident caused by a motorised land vehicle,
- in the case of a traffic accident caused by a person (pedestrian, cyclist, etc.) or an animal,
- in the case of a hunting accident.

For a personal injury, the Guarantee Fund for Victims makes an offer of compensation :

- in case of injury,
- in case of death.

In case of injury :

- Healing without after-effects

The Guarantee Fund for Victims makes an offer of compensation based on the medical certificates submitted, proof of expenses not covered, and loss of income, less welfare agency claims.

- Injuries with after-effects

The Guarantee Fund for Victims pays one or more interim compensation payments.

The Guarantee Fund for Victims asks its medical advisor to examine the victim, who may be supported by a doctor of their choice (a copy of the report is sent to them and to their doctor).

The Guarantee Fund for Victims, when the state of health has stabilised, sends the victim a detailed statement of the compensation offered based on the medical report, less welfare agency claims.

In case of death :

The offer of compensation is sent to the beneficiaries. It includes compensation for emotional distress, funeral costs, expenses not covered, and economic loss, less welfare agency claims (social security, mutual insurance companies, etc.).

Options for the victim or the beneficiary; where the person concerned receives the offer of compensation, they may :

- accept it,
- discuss it,
- refuse it: the amount of the compensation is then determined through the courts. The Guarantee Fund for Victims makes a payment based on the final ruling made.

► DOMMAGES AUX BIENS

The Guarantee Fund for Victims intervenes, provided that the at-fault party is identified :

- in the case of a traffic accident caused by a motorised land vehicle,
- in the case of a traffic accident caused by a person (pedestrian, cyclist, etc.) or an animal.

Regarding animals, they can only be pets with an identified owner.

In other cases, where the person responsible is not identified, the Guarantee Fund for Victims intervenes, under certain bodily conditions, to compensate the material damage.

The driver of the vehicle involved in the accident or any other person involved in the accident must :

- have died, or
- been hospitalised for at least 7 days and then have a temporary total disability for at least 1 month or maintain a functional impairment of at least 10%.

For damage to property, the Guarantee Fund for Victims pays in most cases upon receipt of supporting documents.

In the event of a dispute, the amount of compensation may also be determined by a court of law.

PREPARING A COMPENSATION CLAIM

► STEPS TO FOLLOW

Forms were created to facilitate the opening of claims and to enable efficient management. They can be obtained by post or downloaded directly.

Once completed, the form in question will be returned to the Guarantee Fund together with the supporting documents required to compensate the loss.

As soon as the request is received, a personalised relationship is set up on all correspondence, enabling each victim to know the person they are talking to and to be able to reach them by telephone. An explanatory note on the progress of the compensation is provided and an initial advance may be paid.

Notes :

- most motor vehicle or multi-risk home insurance policies contain legal assistance or legal protection cover obliging the insurer to handle the formalities vis-à-vis the Guarantee Fund for Victims and allowing the victim to receive assistance from a doctor or lawyer if necessary,
- in the event of purely material damages, an agreement concluded by the Guarantee Fund for Victims and the insurers allows the victim, under certain conditions, to be compensated directly by their insurer, with the latter subsequently claiming reimbursement from the Guarantee Fund for Victims.

► SUPPORTING DOCUMENTS TO PROVIDE

When submitting their compensation claim, the victim shall provide supporting documents which will enable the Guarantee Fund for Victims to examine whether they meet the conditions laid down under applicable legislation.

These supporting documents relate to :

- the person,
- the accident,
- the absence of compensation in another way,
- the damages.

Proof related to the person

The victim must establish, by any means, that they fulfil the conditions of nationality or primary residence by producing, for example :

- a photocopy of the ID card, passport, or residency permit, or
- for the beneficiaries, in the event of death, the family record book, a notarial act, or any document proving the degree of kinship with the deceased person.

Proof related to the accident

The victim must provide any document proving the facts of the accident :

- a photocopy of the police report (if this document is not in their possession, they indicate the contact details of the authority that prepared it),
- failing this, a photocopy of the accident statement signed by both parties,
- failing this, an accident report accompanied by one or more witness accounts.

► PROOF OF ABSENCE OF COMPENSATION IN ANOTHER WAY

The victim must send supporting documents demonstrating non-coverage or non-insurance, if the at-fault party in the accident was identified :

- a letter from the insurer refusing coverage.

In the case of damage to property as a result of a traffic accident, the victim must provide any documents indicating the absence of compensation in other ways :

- insurance contract pertaining to the damaged property, specifying the nature of the cover taken out and the absence of damage cover (all-risk insurance, for example).

► PROOF OF DAMAGES

In case of injury :

- the initial medical certificate describing the injuries (the first certificate normally prepared on the day of the accident by the hospital or the attending doctor),
- possibly the recovery certificate or a medical certificate indicating consolidation.

In the event of loss of income or medical or hospitalisation expenses that are not covered :

- proof of loss of income (refer to the form),
- proof of medical or hospitalisation expenses incurred and reimbursements from welfare agencies.

In case of death :

- the bill for funeral costs and the amount of money paid by welfare agencies,
- proof of the economic loss suffered.

In case of property damage :

- any document showing an assessment of the amount of the damages: damage survey report or paid invoice.

FORMS TO DOWNLOAD

The request to open a claim for compensation begins when a form is sent to the Guarantee Fund for Victims, including supporting documents.

There are two compensation claim forms available, depending on the circumstances. These can be downloaded directly and then printed out and filled in by hand :

- form to be completed by the victim,
- form to be completed by the beneficiary in the event of death.

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