

COMPENSATION BOOKLET

for victims
of traffic
accidents
abroad

OCTOBER 2020



FONDS DE
GARANTIE
DES VICTIMES

AGENCY

The Guarantee Fund for Victims is the agency designated as a Compensation Body for France in application of the European Motor Vehicle Directive of 16 May 2000.

This Directive applies to traffic accidents involving at least one motorised land vehicle and occurring on or after 20 January 2003.



THE EUROPEAN MOTOR VEHICLE DIRECTIVE

With the European Motor Vehicle Directive, European lawmakers sought to speed up and facilitate the compensation of victims of traffic accidents that occurred:

- Within the territory of a Member State of the European Economic Area (European Union countries, Iceland, Norway and Liechtenstein) other than the victim's country of residence, when both the victim and the at-fault party have their habitual residence in an EEA country;
- Within the territory of a State that is part of the 'Green Card' bureau system (you can find the list of these countries on the back of your insurance certificate), when the victim and the at-fault party have their habitual residence in an EEA country.

PRINCIPLES ESTABLISHED BY THE DIRECTIVE

For each Member State of the European Economic Area:

All insurance companies offering third-party motor vehicle liability insurance shall appoint a representative in each of the other EEA countries. This representative shall handle compensation claims on behalf of the insurance company.

The list of these representatives by insurance company and by country can be consulted on the Bureau Central Français (French Central Bureau) website.

An information centre (AGIRA, in France) is responsible for informing accident victims about the insurance of the vehicle at fault at the date of the accident using the vehicle's number plate.

Note: You must consult the national information centre that corresponds to the vehicle's number plate. If the number plate is German, it is the German information centre that should be consulted, not AGIRA

A Compensation Body is responsible for providing compensation to victims if one of the 3 following conditions is not met:

CONDITIONS FOR COMPENSATION

The victim has presented their claim to the at-fault party's insurance company or its representative in the country in which the victim resides and:

1. The victim has not received a so-called reasoned reply from the insurer or its representative. A reasoned reply is a reply by which the insurer states its position: is the at-fault vehicle insured or not? The liability of the person responsible: is it accepted or not? Compensation of the victim: is it accepted or not?
2. The insurer of the at-fault vehicle has not appointed a representative in the victim's country of residence.
3. It is impossible to identify the at-fault vehicle (in the case of a hit and run, for example), or if, after 2 months, it is impossible to identify an insurer who might cover the accident.

FOUR POSSIBLE SITUATIONS

1. Accident in France - You live in a country other than France that is in the European Economic Area.

You are the victim of a traffic accident in France where at least one motorised land vehicle was involved.

If the aforementioned conditions are met (absence of a reasoned reply or absence of a representative or unidentified vehicle or insurer), you may refer the matter to your national compensation body, which will process your claim in cooperation with our organisation (claim occurring in France).

The applicable law will be French law.

2. Accident outside of France - You live in a country other than France that is in the European Economic Area.

You are the victim of a traffic accident in a country that is a member of the Green Card system (which includes EEA countries) where at least one motorised land vehicle involved (as defined by the law of the country where the accident occurred) is registered in France.

If the aforementioned conditions are met (absence of a reasoned reply or absence of a representative or unidentified vehicle or insurer), you may refer the matter to your national compensation body, which will process your claim in cooperation with the Guarantee Fund for Victims (at-fault vehicle registered in France).

The applicable law will be that of the country where the accident occurred.

3. Accident outside of France - You live in France

You are the victim of a traffic accident in a country that is a member of the Green Card system (which includes EEA countries) where at least one motorised land vehicle involved (as defined by the law of the country where the accident occurred) is registered in an EEA member state.

If the aforementioned conditions are met (absence of a reasoned reply or absence of a representative or unidentified vehicle or insurer), you may refer the matter to the Guarantee Fund for Victims, which will process your claim in cooperation with the national compensation body of the at-fault party.

The applicable law will be that of the country where the accident occurred.

4. Accident outside of France - You live in France - The at-fault vehicle is unidentified

You can refer the matter to the Guarantee Fund for Victims, which will process your claim in accordance with the law of the country in which the accident occurred.

It is important to bear in mind that the applicable law is that of the country where the accident took place; likewise, not all Green Card countries have the same definition of a motorised land vehicle.

For the Directive to be applicable and for the matter to be able to be referred to us, a motorised land vehicle must be involved.

For example: In France, electric scooters are considered to be motorised land vehicles. This is not the case in all EEA countries.

Example 1: In France, an accident takes place between a scooter and a pedestrian. The directive is applicable to the pedestrian.

Example 2: In EEA countries outside France, an accident takes place between a scooter and a pedestrian. The directive is not applicable to the pedestrian. Consequently, the Fund will not be able to act as a compensation body.

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