

Injured in a road accident in France as a foreign visitor: how you are compensated

Every year, millions of tourists, cross-border workers, students and foreign travellers use French roads. When one of them is injured in a traffic accident, a legitimate worry arises at once: does a foreign national — sometimes merely passing through — have the same rights as a French victim? The reassuring answer is that, on French soil, your **nationality** and your **country of residence** have no bearing on your right to compensation. The protective regime of the French **loi Badinter** applies to everyone alike. What remains are the rules specific to the international dimension of your case — applicable law, competent court and the assessment of losses suffered by someone who lives abroad — which this guide sets out.

1. In France, your nationality is irrelevant

The **Law of 5 July 1985 (no. 85-677)**, known as the **loi Badinter**, creates a special, self-contained compensation regime for road-accident victims. Its **Article 1** sets only two conditions: an accident occurring on French territory and the involvement of a **motor land vehicle**. Nationality, language, residence permit or country of residence appear nowhere. A German pedestrian, a Spanish passenger, a Belgian cyclist or a Japanese tourist injured in France is entitled to exactly the same compensation as a French victim. **Non-driver victims** (pedestrians, passengers, cyclists) are fully compensated for their bodily injuries, save for an **inexcusable fault** that is the sole cause of the accident.

2. Which law applies to your accident?

Where a case has a foreign element, two instruments may apply: the EU **Rome II Regulation (no. 864/2007)** and the **Hague Convention of 4 May 1971** on the law applicable to traffic accidents. The French **Cour de cassation** has ruled that the Hague Convention **prevails over Rome II** (1st Civ., 30 April 2014, no. 13-11.932). The Convention designates the **law of the place of the accident** (Article 3). The result is clear: an accident in France is governed by **French law**, and therefore by the loi Badinter, giving you the right to **full compensation** — one of the most favourable standards in Europe. If the other vehicle is registered abroad, French law still applies; only the payment channel changes, through the French Green Card bureau (**BCF**).

3. Who pays your compensation?

Your primary contact is the **insurer of the vehicle at fault**, against whom French law gives you a **direct right of action** (Article **L.124-3** of the Insurance Code). If the vehicle is registered abroad, the claim is handled through the BCF. If the driver fled (**hit-and-run**) or was uninsured, the French **Guarantee Fund (FGAO)** steps in (Article **L.421-1**). Crucially, the Fund's territorial condition is the **place of the accident** — in France — not the victim's nationality or residence. A foreign visitor injured by a hit-and-run driver in France can therefore claim from the FGAO.

Three situations not to be confused

Victim	Accident	Vehicle	Regime / who pays
Foreign	In France	Insured in France	French law (Badinter), French insurer — <i>this guide</i>
Foreign	In France	Registered abroad	French law, handled via the BCF
French / resident	Abroad	—	Hague Convention → foreign law; Fund subject to nationality/residence

Injured in France? Get a free assessment of your case.

Maître Joëlle Marteau-Péretié — personal-injury lawyer — Lille & Paris

Phone / WhatsApp: +33 6 84 28 25 95

jmp-avocat-indemnisation.fr

4. Where to bring your claim

If you live in the **European Union**, the **Brussels I bis Regulation (no. 1215/2012)** lets the injured party sue the liable party's insurer **before the court of their own domicile** (Articles 11(1)(b) and 13(2)), as confirmed by the Court of Justice of the EU in **FBTO v Odenbreit (13 December 2007, C-463/06)**. A resident of Belgium, Germany, Italy or the Netherlands injured in France can therefore sue the French insurer at home — a major advantage for cross-border workers near Lille. If you live **outside the EU**, the claim is generally brought in France, before the court of the place of the accident.

5. Assessing your losses when you live abroad

Your losses are assessed under French law and the **Dintilhac nomenclature**. The international dimension adds specific heads of loss: **medical repatriation costs**, ongoing care continued in your home country, **third-party assistance** (valued by local cost), loss of earnings based on your actual situation abroad, and home or vehicle adaptation. The recourse of a foreign social-security body is **excluded** from the Hague Convention's scope (Article 2; 1st Civ., 13 April 2023, no. 22-13.449) and, within the EU, is coordinated through Regulation (EC) no. 883/2004.

The reflex that changes everything. Keep and translate every supporting document — medical bills, adaptation quotes, employer certificates, transport receipts. A victim living abroad often loses part of their compensation simply for failing to document expenses incurred outside France.

6. Why obtain assistance early

Distance, language and unfamiliarity with French law place the foreign victim at a disadvantage against an experienced insurer. The **medical assessment** is decisive, since it fixes your impairment rates and heads of loss; being assisted by an **independent advisory doctor** often changes the outcome. The collection and translation of evidence, and compliance with the insurer's statutory deadlines, also matter. The **JMP firm**, based in **Lille** and **Paris**, assists foreign and cross-border victims at every stage, including where the procedure is handled partly at a distance.

Frequently asked questions

I am a foreign tourist: do I really have the same rights as a French victim?

Yes. The loi Badinter sets no condition of nationality. What triggers its protection is an accident in France involving a motor land vehicle. A tourist or a visitor passing through is compensated under the same rules as a French resident.

The vehicle that hit me was registered abroad: who pays?

French law still applies because the accident happened in France. The claim is handled through the French Green Card bureau (BCF). Your right to compensation is unaffected; only the contact point changes.

I live in Belgium: must I travel to Lille to enforce my rights?

Not necessarily. The Brussels I bis Regulation and the Odenbreit ruling allow you, as an EU resident, to sue the French insurer before the court of your own domicile. A French lawyer can run the file remotely.

My care continues in my home country: is it compensated?

Yes. Medical costs incurred abroad after your return, present and future, are compensable on translated supporting documents, as are medical repatriation costs.

Can the insurer apply the compensation scale of my own country?

No. Since the accident occurred in France, French law applies, with the Dintilhac nomenclature and full compensation. The assessment reflects your situation abroad but under French rules.

The driver at fault fled or was uninsured: what can I do?

You can apply to the FGAO. Its territorial condition is the place of the accident, located in France, not your nationality or residence. A foreign visitor can therefore be compensated by the Guarantee Fund.

References

- Law no. 85-677 of 5 July 1985 (loi Badinter), Article 1.
- Hague Convention of 4 May 1971 on the law applicable to traffic accidents, Articles 2 and 3.
- Cass. 1st Civ., 30 April 2014, no. 13-11.932 (Hague Convention prevails over Rome II).
- Cass. 1st Civ., 13 April 2023, no. 22-13.449.
- Regulation (EC) no. 864/2007 (Rome II), Articles 4 and 28.
- Regulation (EU) no. 1215/2012 (Brussels I bis), Articles 11 and 13.
- CJEU, 13 December 2007, FBTO Schadeverzekering v Odenbreit, C-463/06.
- French Insurance Code, Articles L.124-3 and L.421-1.
- Regulation (EC) no. 883/2004 on the coordination of social-security systems.
- Dintilhac Report (2005).

This document is general information and does not constitute legal advice. **Maître Joëlle Marteau-Péretié — JMP Avocat — Lille & Paris — +33 6 84 28 25 95 — jmp-avocat-indemnisation.fr**