



N/REF : **CIRCULAIRE N°5/2013**

Objet : Articulated vehicles

Paris, le 11 avril 2013

To all bureaux

Dear colleagues,

The Bureau Central Français is frequently asked to clarify the conditions according to which are settled the claims caused in France by foreign articulated motor vehicles.

The present note aims to remind who is the competent interlocutor, and to precise the conditions of the recourses in the following situation : **an accident for which is liable in France a foreign articulated vehicle, the elements of which (truck and trailer) are registered in a country of the green card system,**

1. We remind that a decree of 19<sup>th</sup> July 2007, provides that when an articulated vehicle is involved in a traffic accident, the injured person can choose to exercise the direct action either against the insurer of the truck or the insurer of the trailer. It is just a provision which aims helping the victim to be quickly compensated. But it must be clear that the decree did not changed the rules of liability.

It means that if the victim addresses his/her claim to an insurer, be it the insurer of the truck be it the insurer of the trailer, its correspondent can't refuse to handle the claim (of course if the guarantee is confirmed).

On the same way, if the injured party asked for compensation to the BCF on the basis of an uninsured, but normally based element of the articulated vehicle, the Bureau will be obliged to compensate the victim. It will ask the reimbursement to the Bureau of the country where this element is normally based.

The attached chart summarize the various interlocutors to whom it is possible to apply, according to the various cases concerned.

2. As far as the recourses are concerned, the decree provides :

*“The insurer covering the injured persons, whether it is the insurer of the motor vehicle or that of the trailer or the semi-trailer, shall have, where applicable, a right of recourse against the insurer of the other part of the entire articulated vehicle, or against any other party that may eventually be found liable for the damages.”*

The BCF is often asked to explain the word “eventually”, and the sharing of compensation between both insurers. Note that :

- the recourses are made on the basis of common law (Civil code). It is the meaning of the word “eventually” : it is impossible to determine a priori the cases of recourses.
- There are no rules planning the burden sharing of the compensation between insurers. It follows the rules of common law.

Best regards

**La Directrice,**



**Françoise DAUPHIN**

Attached : one chart