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Asbestos victim: how to be compensated?

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Do you suffer from a disease caused by exposure to asbestos? You are entitled to state compensation for the damage suffered. You can also be compensated if one of your relatives has died from an illness caused by exposure to asbestos. In both cases, you must send a claim to the Asbestos Victims Compensation Fund (Fiva). This body is responsible for examining the files and awarding the compensation.

Who can be compensated?

You can be compensated by the Fiva if you are in one of the following 3 situations:

- You have been exposed to asbestos in the workplace and you suffer from a disease related to this exposure (illness recognised as of professional origin (<https://www.service-public.fr/particuliers/vosdroits/F176?lang=en>) or not
- You have been exposed to asbestos outside the workplace and you suffer from a disease related to this exposure
- You the (child, husband or wife...) of a person who has died as a result of an illness caused by exposure to asbestos

How do I apply?

There is one procedure for the direct victim and another for the person entitled to the victim.

You're a direct victim

The approach varies depending on whether your illness has been recognised as an occupational disease or not.

Your illness has been recognised as an occupational disease

You must complete the claim form.

Fiva - Claim - Victim (<https://www.service-public.fr/particuliers/vosdroits/R16627>)

Attach to the application the documents specified in the form for your situation.

The file must be sent by mail to the Fiva.

You must make the claim to the Fiva within **10 years** following the date of^o medical certificate establishing the link between the disease and exposure to asbestos.

Your illness has not been recognised as a work-related illness

You must complete the claim form.

Fiva - Claim - Victim (<https://www.service-public.fr/particuliers/vosdroits/R16627>)

Attach the application with the documents specified in the form and complete the following questionnaire:

Questionnaire concerning exposure to asbestos (<https://www.service-public.fr/particuliers/vosdroits/R2725>)

The file must be sent by mail to the Fiva.

You must make the claim to the Fiva within **10 years** following the date of^o medical certificate establishing the link between the disease and exposure to asbestos.

You are a victim's rights holder

The procedure varies depending on whether your loved one's illness has been recognised as an occupational disease or not.

Your loved one's illness has been recognised as a professional disease

You must complete the claim form.

Fiva - Claim - Entitled (<https://www.service-public.fr/particuliers/vosdroits/R1729>)

Attach to the application the documents specified in the form for your situation.

The file must be sent by mail to the Fiva.

You must apply within **10 years** following the date of^o medical certificate establishing the link between the death of the exposed person and that exposure.

Your loved one's illness has not been recognised as a work-related illness

You must complete the claim form.

Fiva - Claim - Entitled (<https://www.service-public.fr/particuliers/vosdroits/R1729>)

Attach to the application the documents specified in the form for your situation.

You must also complete and attach this questionnaire:

Questionnaire concerning exposure to asbestos (<https://www.service-public.fr/particuliers/vosdroits/R2725>)

The file must be sent by mail to the Fiva.

You must apply within **10 years** following the date of^o medical certificate establishing the link between the death of the exposed person and that exposure.

Help can be obtained from the National Association for the Defence of Asbestos Victims (Andeva).

Fiva response

Upon receipt of the request, the Fiva will send you an acknowledgement within 15 days indicating whether the file is acceptable or not.

Your file is admissible

If your file is admissible, the Fiva will tell you the date on which it can make a compensation proposal to you.

The date will be closer if the health insurance has already reviewed your file and decided that your condition requires compensation.

Right to compensation already recognised by a social security body

IFAD reviews the claim and if it considers that you qualify for compensation, it sends you an offer of compensation. You must respond by registered letter with acknowledgement of receipt to indicate whether or not you accept the Fiva's compensation offer.

You accept the Fiva's compensation offer

If you decide to accept the offer of compensation, you must inform the Fiva by registered letter with acknowledgement of receipt. You will receive the funds within 2 months of your response.

In this case, you can no longer go to court to claim compensation for the damage caused by asbestos. You can no longer make a new claim with the Fiva. However, if your illness worsens, you can make a new claim with the Fiva.

You do not accept the Fiva's compensation offer

If you feel that the amount of compensation is insufficient, you should inform the Fiva by registered letter with acknowledgement of receipt. You can then appeal against the Fiva decision.

Right to compensation not yet recognised by a social security body

The Fiva sends you a questionnaire on the circumstances of exposure to asbestos.

They can also ask for supporting documents that link the disease to asbestos exposure and require medical expertise.

If a medical opinion is requested, you will be notified 15 days before the expected date of the circumstances of the procedure: date and place, doctor's identity and subject of examination.

You can request that the date of the expertise be changed.

You can also ask the Fiva to reimburse the costs incurred by the expertise: travel expenses, lost revenue...

After the expert's report, he sends his report to you at the same time as to the Fiva.

The Fiva studies the report of the expert.

If the Fiva believes that you qualify for compensation, the Fiva will send you an offer of compensation. You must respond by registered letter with acknowledgement of receipt to indicate whether or not you accept the Fiva's compensation offer.

If you accept the Fiva's compensation offer, you will receive the funds within 2 months.

You can no longer go to court to seek compensation for asbestos-related harm. You can no longer make a new claim with the Fiva.

However, if your illness worsens, you can make a new claim with the Fiva.

If you feel that the amount of compensation is insufficient, you should inform the Fiva by registered letter with acknowledgement of receipt. You can then appeal against the Fiva decision.

Your file is not admissible

If the Fiva considers that your file is not admissible, it shall indicate in the acknowledgement letter the missing documents. You must send the documents for the claim to be reviewed.

Appeal against the decision of the Fiva

If you are not satisfied with the Fiva's decision, you can challenge it in court.

You can challenge the Fiva's decision to refuse compensation.

If the Fiva agrees to indemnify you, you may also contest the amount proposed.

Challenging Refusal

If the Fiva makes a refusal decision and communicates it to you, it is an explicit refusal decision.

If the Fiva does not make a decision within 6 months of the receipt of the request, it is considered an implicit decision of refusal.

You can challenge both types of refusals.

Challenge explicit refusal decision

The challenge must be made within 2 months of notification of the decision.

The appeal must be lodged in writing before the court of appeal competent for your domicile.

FYI

You don't have to take a lawyer.

Challenge implied refusal decision

In case of an implicit decision to refuse, the challenge must be made within 2 months of the date of the decision (6 months after the acknowledgement of receipt).

The appeal must be lodged in writing before the court of appeal competent for your domicile.

FYI

You don't have to take a lawyer.

Challenge amount of compensation

If you feel that the amount of compensation offered by the Fiva is not sufficient in relation to the importance of your damages, you can challenge it.

The appeal must be made within 2 months of notification of the decision.

The appeal must be lodged in writing before the court of appeal competent for your domicile.

FYI

You don't have to take a lawyer.

How is the amount of compensation calculated?

The amount of compensation is determined by the Fiva on the basis of a scale established by the institution and according to your situation.

The compensation paid is intended to enable you to receive full compensation for all damages suffered as a victim or close to a victim.

Direct victim

Personal and economic harm can include:

- Functional disability (reduced physical strength)
- Physical harm (damage to body part, organ or member)
- Moral harm (suffering and pain caused by illness)
- Damage to authorisation (impossibility to do leisure activities)
- Aesthetic damage (distortion of physical appearance, e.g. face)
- Actual loss of earnings
- Health costs remaining at your expense
- Additional charges: hiring home help, vehicle and housing development, etc.

Close

Personal and economic harm can include:

- Accompanying injury (absence of deceased relative in daily life)
- Personal moral harm (suffering and pain caused by death of loved one)
- Injury of approval (impossibility of doing leisure activity due to the death of the relative)
- Actual economic loss (financial loss caused by death of the relative)
- Your loved one's health costs remain with you
- Additional charges: funeral expenses, vehicle and accommodation, etc.

Post-compensation worsening of health

If you have been compensated by Fiva and your health is worsening (or a new asbestos-related illness appears), you can make a new claim.

You must complete the form provided for this situation and attach the required supporting documents:

Fiva - Claim - Victim's Health Aggravated (<https://www.service-public.fr/particuliers/vosdroits/R34455>)

The file must be sent by mail to the Fiva.

The amount of your compensation can be increased if the Fiva believes that the damages you have suffered justify it.

Statute and miscellaneous references

Act No. 2000-1257 of 23 December 2000 on the financing of social security for 2001: Article 53 ([http://legifrance.gouv.fr/affichTexteArticle.do?](http://legifrance.gouv.fr/affichTexteArticle.do?idArticle=LEGIARTI000023272303&cidTexte=LEGITEXT000005630311)

- [idArticle=LEGIARTI000023272303&cidTexte=LEGITEXT000005630311](http://legifrance.gouv.fr/affichTexteArticle.do?idArticle=LEGIARTI000023272303&cidTexte=LEGITEXT000005630311)
Right to compensation

Decree No. 2001-963 of 23 October 2001 on the compensation fund for victims of asbestos ([https://www.legifrance.gouv.fr/affichTexte.do?](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000406606)

- [cidTexte=JORFTEXT00000406606](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000406606))

Order of 5 May 2002 listing the diseases whose findings justify exposure to asbestos ([https://www.legifrance.gouv.fr/affichTexte.do?](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000408207)

- [cidTexte=JORFTEXT00000408207](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000408207))

Online services and forms

Fiva - Claim - Victim ([https://www.service-public.fr/particuliers/vosdroits/R16627?](https://www.service-public.fr/particuliers/vosdroits/R16627?lang=en)

- [lang=en](https://www.service-public.fr/particuliers/vosdroits/R16627?lang=en))
Form

Fiva - Claim - Entitled ([https://www.service-public.fr/particuliers/vosdroits/R1729?](https://www.service-public.fr/particuliers/vosdroits/R1729?lang=en)

- [lang=en](https://www.service-public.fr/particuliers/vosdroits/R1729?lang=en))
Form

Questionnaire concerning exposure to asbestos ([https://www.service-public.fr/particuliers/vosdroits/R2725?](https://www.service-public.fr/particuliers/vosdroits/R2725?lang=en)

- [lang=en](https://www.service-public.fr/particuliers/vosdroits/R2725?lang=en))
Form

Fiva - Claim - Victim's Health Aggravated ([https://www.service-public.fr/particuliers/vosdroits/R34455?](https://www.service-public.fr/particuliers/vosdroits/R34455?lang=en)

- [lang=en](https://www.service-public.fr/particuliers/vosdroits/R34455?lang=en))
Form

FAQ

Income tax: how are the work stoppage allowances taxed?([https://www.service-public.fr/particuliers/vosdroits/F3152?](https://www.service-public.fr/particuliers/vosdroits/F3152?lang=en)

- lang=en)

Additional topics

Occupational disease: procedures ([https://www.service-public.fr/particuliers/vosdroits/F176?](https://www.service-public.fr/particuliers/vosdroits/F176?lang=en)

- lang=en)

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- Fiva website (<http://www.fiva.fr/>)

Ministry of Solidarity and Health