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Press and Information

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Judgment of the Court of Justice in Case C-164/07

*James Wood v. Fonds de garantie des victimes des actes de terrorisme et d'autres infractions*

**COMMUNITY LAW PRECLUDES MEMBER STATE LEGISLATION WHICH, IN CERTAIN CIRCUMSTANCES, EXCLUDES NATIONALS OF OTHER MEMBER STATES FROM THE GRANT OF COMPENSATION ON THE SOLE GROUND OF THEIR NATIONALITY**

*Such unequal treatment, solely based on nationality, constitutes direct discrimination which cannot be justified*

James Wood is a British national who lives, works and pays taxes in France, where he has lived for more than 20 years with his partner, who is a French national. They have three children, who are also French nationals, the eldest of whom died in a road traffic accident in Australia.

The family brought a claim before the Compensation Board for the victims of crimes of the Tribunal de Grande Instance, Nantes, for an assessment of the non-material damage suffered by the family. The agreement reached with the Guarantee Fund, approved by the Compensation Board, on the amount of compensation claimed by the family, excluded the father of the deceased. The Guarantee Fund took the view that Mr Wood did not meet the criteria laid down by the French Code of criminal procedure, according to which the claimant of compensation must have French nationality or, if not, the acts must have been committed on French territory.

Mr Wood disputed that decision and brought an action before the Tribunal de Grande Instance, Nantes, which has referred a question to the Court on the compatibility of the French legislation with Community law.

The Court finds, first, that the situation of Mr Wood, who has lived and worked in France, falls within the scope of application of the Treaty and that he may rely on his right not to suffer discrimination on the ground of his nationality.

Next, it observes that the principle of non-discrimination requires that comparable situations must not be treated differently and that different situations must not be treated in the same way unless such treatment is based on objective considerations independent of the nationality of the persons concerned and is proportionate to the objective being legitimately pursued.

According to the Court, it is clear that Mr Wood is in a comparable situation to that of a person like his partner of French nationality as regards the damage suffered following the loss of their

daughter in an accident outside the territory of the Community. Apart from their nationality, their situation is the same as regards the conditions for their right to compensation. Yet only Mr Wood's partner, because of her French nationality, received compensation.

Thus that different treatment, based expressly and solely on Mr Wood's nationality, constitutes direct discrimination and cannot be justified.

**In those circumstances, the Court concludes that Community law precludes legislation, such as the French legislation, which excludes nationals of other Member States who live and work in its territory from the grant of compensation intended to make good losses resulting from offences against the person where the crime in question was not committed in the territory of that State, on the sole ground of their nationality.**

*Unofficial document for media use, not binding on the Court of Justice.*

*Languages available: DE, EN, FR, PL*

*The full text of the judgment may be found on the Court's internet site*

*<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=C-164/07>*

*It can usually be consulted after midday (CET) on the day judgment is delivered.*

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