



C/2024/6078

21.10.2024

**Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on  
12 July 2024 – Stichting Koskea, as administrator of ED v Nationale Nederlanden Schadeverzekering  
Maatschappij N.V., trading as Reaal Schadeverzekering N.V.**

**(Case C-490/24, Stichting Koskea)**

(C/2024/6078)

*Language of the case: Dutch*

**Referring court**

Hoge Raad der Nederlanden

**Parties to the main proceedings**

*Applicant:* Stichting Koskea, as administrator of ED

*Defendant:* Nationale Nederlanden Schadeverzekering Maatschappij N.V., trading as Reaal Schadeverzekering N.V.

**Questions referred**

1. Is Article 12(1) of codified Directive 2009/103 <sup>(1)</sup> to be interpreted as requiring compulsory insurance to cover liability for the (initial) driver's damage in a case where a passenger interferes with the steering of the motor vehicle and an accident occurs as a result of that intervention?
2. If the first question is answered in the affirmative, do certain requirements arise from EU law that the national court must take into account when determining whether a driver, within the meaning of Article 12(1) of Directive 2009/103, has lost the capacity of driver in the circumstances of the case and is entitled to claim passenger protection under the general rule?

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<sup>(1)</sup> Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (OJ 2009 L 263, p. 11).