



C/2024/927

29.1.2024

Order of the Court (Eighth Chamber) of 11 December 2023 (request for a preliminary ruling from the Sąd Rejonowy dla Wrocławia-Fabrycznej we Wrocławiu — Poland) — Powszechny Zakład Ubezpieczeń S.A v Volvia sp. z o.o.

(Case C-303/23, ⁽¹⁾ Powszechny Zakład Ubezpieczeń)

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Directive 2011/7/EU — Combating late payment in commercial transactions — Article 2(1) — Concept of ‘commercial transactions’ — Article 3(1)(a) — Entitlement to interest for late payment — Insurance contract concluded between undertakings)

(C/2024/927)

Language of the case: Polish

Referring court

Sąd Rejonowy dla Wrocławia-Fabrycznej we Wrocławiu

Parties to the main proceedings

Applicant: Powszechny Zakład Ubezpieczeń S.A

Defendant: Volvia sp. z o.o.

Operative part of the order

1. Article 2(1) of Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions must be interpreted as meaning that the concept of ‘commercial transactions’ covers an insurance contract by which the insurer undertakes to provide a specific service to an undertaking in the event of the occurrence of an event provided for in that contract and that undertaking undertakes to pay the insurance premium to the insurer.
2. Article 3(1)(a) of Directive 2011/7 must be interpreted as meaning that, in the context of an insurance contract, the insurer fulfils its contractual and legal obligations, within the meaning of that provision, on the sole condition that it provides insurance cover to the other party, irrespective of whether compensation has been paid to that party in the event of the occurrence of the event covered by that contract.

⁽¹⁾ Date lodged: 15.5.2023.