

**Judgment of the Court (Fourth Chamber) of 26 May 2011 (reference for a preliminary ruling from the Landesgericht Innsbruck — Austria) — Gebhard Stark v DAS Österreichische Allgemeine Rechtsschutzversicherung AG**

(Case C-293/10) <sup>(1)</sup>

*(Legal expenses insurance — Directive 87/344/EEC — Article 4(1) — Freedom of the insured person to choose his lawyer — Limitation of the reimbursement allowed in respect of the costs relating to representation of the insured person in judicial proceedings — Reimbursement limited to the amount corresponding to that claimed by a lawyer established in the judicial district of the court having jurisdiction at first instance)*

(2011/C 211/08)

Language of the case: German

#### Referring court

Landesgericht Innsbruck

#### Parties to the main proceedings

Appellant: Gebhard Stark

Respondent: DAS Österreichische Allgemeine Rechtsschutzversicherung AG

#### Re:

Reference for a preliminary ruling — Landesgericht Innsbruck — Interpretation of Article 4(1) of Council Directive 87/344/EEC of 22 June 1987 on the coordination of laws, regulations and administrative provisions relating to legal expenses insurance (OJ 1987 L 185, p. 77) — Insurance contract providing that, in accordance with national legislation, the person taking out legal expenses insurance is required to choose a lawyer established at the place of the court before which the proceedings are to be conducted

#### Operative part of the judgment

Article 4(1) of Council Directive 87/344/EEC of 22 June 1987 on the coordination of laws, regulations and administrative provisions relating to legal expenses insurance must be interpreted as not precluding a national provision under which it may be agreed that a person covered by legal expenses insurance may select, in order to have his interests represented in administrative or judicial proceedings, only persons professionally authorised to represent parties who have their chambers at the place of the court or administrative authority having jurisdiction at first instance, on condition that, in order not to render meaningless the insured person's freedom to choose the person instructed to represent him, that restriction relates only to the extent of the cover by the legal insurance provider in respect of costs linked to the involvement of a representative and that the reimbursement actually provided by that insurer is sufficient, this being a matter for the referring court to determine.

<sup>(1)</sup> OJ C 274, 9.10.2010.

**Order of the Court of 24 March 2011 (reference for a preliminary ruling from Mora Kommun — Sweden) — in the course of consideration of a complaint made by Dan Bengtsson**

(Case C-344/09) <sup>(1)</sup>

*(Reference for a preliminary ruling — Need for a dispute and proceedings intended to lead to a decision of a judicial nature — Lack of jurisdiction of the Court)*

(2011/C 211/09)

Language of the case: Swedish

#### Referring court

Mora Kommun

#### Party to the main proceedings

Dan Bengtsson

#### Re:

Reference for a preliminary ruling — Interpretation of Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) (OJ 1999 L 199, p. 59) and the precautionary principle — Effects on health of electromagnetic radiation from base stations for wireless telecommunication — Reference levels laid down by the recommendation

#### Operative part of the order

*The Court of Justice of the European Union clearly has no jurisdiction to reply to the question referred by Mora Kommun, Miljö- och hälsoskydds nämnden (Sweden) by decision of 2 June 2009.*

<sup>(1)</sup> OJ C 317, 20.11.2010.

**Order of the Court (Fifth Chamber) of 7 April 2011 (reference for a preliminary ruling from the Arbeitsgericht Wuppertal — Germany) — Dieter May v AOK Rheinland/Hamburg — Die Gesundheitskasse**

(Case C-519/09) <sup>(1)</sup>

*(Article 104(3), first subparagraph, of the Rules of Procedure — Social policy — Organisation of working time — Directive 2003/88/EC — Scope ratione personae — Annual leave coinciding with sick leave — Compensation payment in respect of sickness — Concept of worker — Employees subject to the regulations concerning annual leave of public servants ('Dienstordnungsangestellte'))*

(2011/C 211/10)

Language of the case: German

#### Referring court

Arbeitsgericht Wuppertal (Germany)