



## Reports of Cases

Case C-300/10

Vítor Hugo Marques Almeida

v

Companhia de Seguros Fidelidade-Mundial SA and Others

(Reference for a preliminary ruling from the Tribunal da Relação de Guimarães)

(Insurance against civil liability in respect of the use of motor vehicles — Directive 72/166/EEC — Article 3(1) — Directive 84/5/EEC — Article 2(1) — Directive 90/232/EEC — Article 1 — Right to compensation by means of compulsory insurance against civil liability in respect of the use of motor vehicles — Civil liability of the insured person — Victim's contribution to loss or injury — Limitation of the right to compensation)

Summary — Judgment of the Court (Grand Chamber), 23 October 2012

*Approximation of laws — Insurance against civil liability in respect of motor vehicles — Directives 72/166, 84/5 and 90/232 — Determining the rules of civil liability applicable to road traffic accidents — National provisions which, in the absence of fault attributable to the drivers of the vehicles involved in the accident, allow the right of the victim to compensation to be limited or excluded — Lawfulness*

*(Council Directives 72/166, Art. 3(1), 84/5, Art. 2(1), and 90/232, Art. 1)*

Article 3(1) of Directive 72/166 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability, Article 2(1) of Second Council Directive 84/5 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and Article 1 of Third Council Directive 90/232 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles must be interpreted as meaning that they do not preclude national provisions which, where two motor vehicles collide giving rise to personal injury to the passenger in one of the vehicles and the event is not attributable to the fault of the drivers of those vehicles, allows the civil liability of the insured persons to be limited or excluded.

Such national rules, which seek only to determine the right of the victim, and the possible extent of that right, to compensation, are not such as to limit any civil liability insurance cover established for the insured person under the rules of European Union law.

Moreover, although the national rules provide that, where the injured person's fault has contributed to the occurrence or aggravation of the injury or loss, according to the assessment made by the competent court and the seriousness of the fault of each party and the consequences thereof, that person may be deprived of some or all of the compensation, those national rules do not have the

effect of automatically excluding or limiting disproportionately the right of that victim to compensation by means of compulsory insurance against the civil liability of the driver of the vehicle involved in the accident.

(see paras 28, 35-37, 39, operative part)