

**Reference for a preliminary ruling from the Centrale Raad van Beroep (Netherlands) lodged on 13 September 2010 — J.C. van Ardennen v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen**

(Case C-435/10)

(2010/C 317/32)

*Language of the case: Dutch*

**Referring court**

Centrale Raad van Beroep

**Parties to the main proceedings**

*Applicant:* J.C. van Ardennen

*Defendant:* Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen (UWV)

**Questions referred**

1. Must the Insolvency Directive, <sup>(1)</sup> in particular Articles 4, 5 and 10 thereof, be interpreted in such a way as to render generally incompatible with it a national rule which obliges employees, in the event of the insolvency of their employer, in order to (fully) validate their right to have their outstanding wage claims met, to register as job-seekers at the latest on the first working day after the day on which the employment relationship ended or should reasonably have ended? If not:
2. Must the Insolvency Directive, in particular Articles 4, 5 and 10 thereof, be interpreted in such a way as to render incompatible with it a national rule which also imposes that registration obligation on employees who engaged in activities in their own business or profession during the notice period?
3. Must the Insolvency Directive, in particular Articles 4, 5 and 10 thereof, be interpreted in such a way as to render incompatible with it a national rule on the basis of which failure to comply (timeously) with that registration obligation can result in the partial non-payment of the insolvency benefit, where the level and the duration of the partial non-payment measure taken are partly determined by the date of compliance with that obligation?

<sup>(1)</sup> Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer (OJ 1980 L 283, p. 23)

**Reference for a preliminary ruling from the Tribunal Judicial de Vieira do Minho (Portugal) lodged on 13 September 2010 — Manuel Afonso Esteves v Axa — Seguros de Portugal SA**

(Case C-437/10)

(2010/C 317/33)

*Language of the case: Portuguese*

**Referring court**

Tribunal Judicial de Vieira do Minho

**Parties to the main proceedings**

*Applicant:* Manuel Afonso Esteves

*Defendant:* Axa — Seguros de Portugal SA

**Question referred**

In a motor-vehicle collision in which none of the drivers is liable for the accident on the basis of fault, and which has caused personal injury and material loss to one of the drivers (the injured party claiming compensation), is it contrary to Community law, in particular Article 3(1) of the First Directive (72/166/EEC), <sup>(1)</sup> Article 2(1) of the Second Directive (84/5/EEC) <sup>(2)</sup> and Article 1 of the Third Directive (90/232/EEC), <sup>(3)</sup> as those provisions have been interpreted by the Court of Justice of the European Communities, for it to be possible to apportion liability for risk (Article 506(1) and (2) of the Portuguese Civil Code) with a direct impact on the amount of compensation to be awarded to the injured party for the material and non-material loss resulting from the personal injuries suffered (since that apportionment of liability for risk will entail a commensurate reduction in the amount of compensation)?

<sup>(1)</sup> Council Directive 72/166/EEC of 24 April 1972 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 (OJ, English Special Edition 1972(II), p. 360).

<sup>(2)</sup> Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJ 1984 L 8, p. 17).

<sup>(3)</sup> Third Council Directive 90/232/EEC of 14 May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJ 1990 L 129, p. 33).