

**Judgment of the Court (Third Chamber) of 17 October 2013 (request for a preliminary ruling from the Simvoulio tis Epikrateias — Greece) — Enosi Epangelmaton Asfaliston Ellados (EEAE), Sillogos Asfalistikon Praktoron N. Attikis (SPATE), Panellinios Sillogos Asfalistikon Simboulon (PSAS), Sindesmos Ellinon Mesiton Asfaliseon (SEMA), Panellinios Sindesmos Sintoniston Asfalistikon Simboulon (PSSAS) v Ipourgos Anaptixis, Omospondia Asfalistikon Sillogon Ellados**

(Case C-555/11) <sup>(1)</sup>

*(Directive 2002/92/EC — Insurance mediation — Exclusion of the activities pursued by an insurance undertaking or an employee acting under the responsibility of such an undertaking — Whether it is possible for such an employee to pursue insurance mediation activities on an incidental basis — Professional requirements)*

(2013/C 367/05)

Language of the case: Greek

#### Referring court

Simvoulio tis Epikrateias

#### Parties to the main proceedings

Applicants: Enosi Epangelmaton Asfaliston Ellados (EEAE), Sillogos Asfalistikon Praktoron N. Attikis (SPATE), Panellinios Sillogos Asfalistikon Simboulon (PSAS), Sindesmos Ellinon Mesiton Asfaliseon (SEMA), Panellinios Sindesmos Sintoniston Asfalistikon Simboulon (PSASS)

Defendant: Ipourgos Anaptixis, Omospondia Asfalistikon Sillogon Ellados

#### Re:

Request for a preliminary ruling — Simvoulio tis Epikrateias — Interpretation of the second subparagraph of Article 2(3) of Directive 2002/92/EC of the European Parliament and the Council of 9 December 2002 on insurance mediation — Meaning of ‘insurance mediation’ — Exclusion of activities pursued by an insurance undertaking or an employee of an insurance undertaking acting under its responsibility — Scope

#### Operative part of the judgment

The second subparagraph of Article 2(3), in conjunction with Article 4(1), of Directive 2002/92/EC of the European Parliament and of the Council of 9 December 2002 on insurance mediation must be interpreted as precluding an employee of an insurance undertaking who does not possess the qualifications required under the latter provision from pursuing — on an incidental basis and not as his

main professional activity — the activity of insurance mediation where such an employee does not act as a subordinate of that undertaking, even though the latter in any event supervises that person’s activities.

<sup>(1)</sup> OJ C 25, 28.1.2012.

**Judgment of the Court (Fifth Chamber) of 17 October 2013 (requests for a preliminary ruling from the Tribunal Supremo — Spain) — Iberdrola SA, Gas Natural SDG SA (C-566/11), Gas Natural SDG SA (C-567/11), Tarragona Power SL (C-580/11), Gas Natural SDG SA, Bizcaia Energía SL (C-591/11), Bahía de Bizcaia Electricidad SL (C-620/11), E.ON Generación SL and Others (C-640/11)**

(Joined Cases C-566/11, C-567/11, C-580/11, C-591/11, C-620/11 and C-640/11) <sup>(1)</sup>

*(Request for a preliminary ruling — Protection of the ozone layer — Scheme for greenhouse gas emission allowance trading within the Community — Method of allocating allowances — Allocation of allowances free of charge)*

(2013/C 367/06)

Language of the case: Spanish

#### Referring court

Tribunal Supremo

#### Parties to the main proceedings

Applicants: Iberdrola SA, Gas Natural SDG SA,

Intervening parties: Administración del Estado and Others (C-566/11),

Applicant: Gas Natural SDG SA,

Intervening parties: Endesa SA and Others (C-567/11),

Applicant: Tarragona Power SL,

Intervening parties: Gas Natural SDG SA and Others (C-580/11),

Applicants: Gas Natural SDG SA, Bizcaia Energía SL,

*Intervening parties:* Administración del Estado and Others (C-591/11),

*Applicant:* Bahía de Bizcaia Electricidad SL,

*Intervening parties:* Gas Natural SDG SA and Others (C-620/11),

*Applicant:* E.ON Generación SL and Others (C-640/11)

#### Re:

Requests for a preliminary ruling — Tribunal Supremo — Interpretation of Article 10 of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ 2003 L 275, p. 32) — Protection of the ozone layer — Scheme for greenhouse gas emission allowance trading within the Community — Method of allocating allowances — Allocation of allowances free of charge

#### Operative part of the judgment

Article 10 of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC must be interpreted as not precluding application of national legislative measures, such as those at issue in the main proceedings, the purpose and effect of which are to reduce remuneration for electricity production by an amount equal to the increase in such remuneration brought about through the incorporation, in the selling prices offered on the wholesale electricity market, of the value of the emission allowances allocated free of charge.

<sup>(1)</sup> OJ C 25, 28.1.2012  
OJ C 39, 11.2.2012.

**Judgment of the Court (Second Chamber) of 24 October 2013 (request for a preliminary ruling from the Krajský súd v Prešove (Slovakia)) — Katarína Haasová v Rastislav Petrík, Blanka Holingová**

(Case C-22/12) <sup>(1)</sup>

**(Compulsory insurance against civil liability in respect of the use of motor vehicles — Directive 72/166/EEC — Article 3(1) — Directive 90/232/EEC — Article 1 — Road traffic accident — Death of a passenger — Right to compensation of the partner and of the child, who is a minor — Non-material damage — Compensation — Cover by compulsory insurance)**

(2013/C 367/07)

Language of the case: Slovak

#### Referring court

Krajský súd v Prešove

#### Parties in the main proceedings

*Applicant:* Katarína Haasová

*Defendants:* Rastislav Petrík, Blanka Holingová

#### Re:

Request for a preliminary ruling — Krajský súd v Prešove — Interpretation of Article 1 of 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) and Article 3(1) of 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 1972 L 103, p. 1) — Scope of the guarantee in favour of third parties provided by compulsory insurance — National provision not providing for compensation for non-material damage

#### Operative part of the judgment

Article 3(1) of Council Directive 72/166/EEC of 24 April 1972 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 to the enforcement of the obligation to insure against such liability, Article 1(1) and (2) of 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, as amended by Directive 2005/14/EC of the European Parliament and of the Council of 11 May 2005, and Article 1(1) of 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 must be interpreted as meaning that compulsory insurance against civil liability in respect of the use of motor vehicles must cover compensation for non-material damage suffered by the next of kin of the deceased victims of a road traffic accident, in so far as such compensation is provided for as part of the civil liability of the insured party under the national law applicable in the dispute in the main proceedings.

<sup>(1)</sup> OJ C 98, 31.3.2012.