

Parties to the main proceedings

Applicants: Kreshnik Ymerag, Kasim Ymeraga, Afijete Ymeraga-Tafarshiku, Kushtrim Ymeraga, Labinot Ymeraga

Defendant: Minister for Labour, Employment and Immigration

Question referred

To what extent does the fact of being a citizen of the Union and the related right to reside in the country of which a Union citizen is a national, as provided for by Article 20 of the TFEU, along with the rights, guarantees and obligations laid down in the Charter of Fundamental Rights and in particular and insofar as is relevant, in Articles 20, 21, 24, 33 and 34, confer a right to family reunification upon a sponsor who is a citizen of the Union and wishes to bring about, in the country in which he resides and of which he holds the nationality, the reunification with himself of his mother and father and two of his brothers, all of whom are third-country nationals, where he has not exercised his right to free movement and has not resided in a Member State other than that of which he holds the nationality?

Reference for a preliminary ruling from the Tribunal da Relação de Guimarães (Portugal) lodged on 22 February 2012 — Domingos Freitas and Maria Adília Monteiro Pinto v Companhia de Seguros Allianz Portugal SA

(Case C-96/12)

(2012/C 138/06)

Language of the case: Portuguese

Referring court

Tribunal da Relação de Guimarães

Parties to the main proceedings

Applicants: Domingos Freitas and Maria Adília Monteiro Pinto

Defendant: Companhia de Seguros Allianz Portugal SA

Question referred

In a road-traffic accident involving a motor vehicle and a minor riding a bicycle, in which the cyclist suffers personal and material damage, is the exclusion or reduction of compensation for such damage where the damage-causing event is due to the conduct of the cyclist contrary to [European Union] law and, in particular, to Article 3(1) of the First Directive (72/166/EEC), ⁽¹⁾ Article 2(1) of the Second Directive (84/5/EEC) ⁽²⁾ and Article 1a of the Third Directive (90/232/EEC), ⁽³⁾ inserted by Article 4 of the Fifth Directive (2005/14/EC) ⁽⁴⁾ (all relating to insurance against civil liability in respect of the use of motor vehicles), in

the light of the case-law of the Court of Justice [of the European Union] concerning the circumstances in which compensation on the basis of compulsory motor vehicle insurance may be limited?

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- (¹) 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).
 - (²) 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).
 - (³) 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).
 - (⁴) Directive 2005/14/EC of the European Parliament and of the Council of 11 May 2005 amending Council Directives 72/166/EEC, 84/5/EEC, 88/357/EEC and 90/232/EEC and Directive 2000/26/EC of the European Parliament and of the Council relating to insurance against civil liability in respect of the use of motor vehicles (OJ 2005 L 149, p. 14).

Reference for a preliminary ruling from the Tribunal de première instance de Bruxelles (Belgium) lodged on 24 February 2012 — Eurofit SA v Bureau d'intervention et de restitution belge (BIRB)

(Case C-99/12)

(2012/C 138/07)

Language of the case: French

Referring court

Tribunal de première instance de Bruxelles

Parties to the main proceedings

Applicant: Eurofit SA

Defendant: Bureau d'intervention et de restitution belge (BIRB)

Question referred

Is there a case of *force majeure* within the meaning of Regulation No 3665/87, laying down common detailed rules for the application of the system of export refunds on agricultural products, ⁽¹⁾ where the competent authorities fail to provide requested information, or deliberately communicate erroneous information to an economic operator, thereby distorting its assessment of the reliability of a contractor who is suspected of fraud?

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- (¹) Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products (OJ 1987 L 351, p. 1).