

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 10 October 2017 (request for a preliminary ruling from the Supreme Court — Ireland) — Elaine Farrell v Alan Whitty, The Minister for the Environment, Ireland, Attorney General, Motor Insurers Bureau of Ireland (MIBI),

(Case C-413/15) ⁽¹⁾

(Reference for a preliminary ruling — Approximation of laws — Insurance against civil liability in respect of the use of motor vehicles — Directive 90/232/EEC — Article 1 — Liability for personal injury caused to all passengers other than the driver — Compulsory insurance — Direct effect — Directive 84/5/EEC — Article 1(4) — Organisation responsible for paying compensation for damage to property or personal injury caused by an unidentified or uninsured vehicle space — Whether a directive can be relied on against a State — Conditions governing whether a private law body can be deemed to be an emanation of the State and whether provisions of a directive capable of having direct effect can be relied upon against it)

(2017/C 412/09)

Language of the case: English

Referring court

Supreme Court

Parties to the main proceedings

Applicant: Elaine Farrell

Defendants: Alan Whitty, The Minister for the Environment, Ireland, Attorney General, Motor Insurers Bureau of Ireland (MIBI),

Operative part of the judgment

1. Article 288 TFEU must be interpreted as meaning that it does not, in itself, preclude the possibility that provisions of a directive that are capable of having direct effect may be relied on against a body that does not display all the characteristics listed in paragraph 20 of the judgment of 12 July 1990, *Foster and Others* (C-188/89, EU:C:1990:313), read together with those mentioned in paragraph 18 of that judgment.;
2. Provisions of a directive that are capable of having direct effect may be relied on against a private law body on which a Member State has conferred a task in the public interest, such as that inherent in the obligation imposed on the Member States by Article 1(4) 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 the Third Council Directive 90/232/EEC of 14 May 1990, and which, for that purpose, possesses, by statute, special powers, such as the power to oblige insurers carrying on motor vehicle insurance in the territory of the Member State concerned to be members of it and to fund it.

⁽¹⁾ OJ C 320, 28.9.2015.