

**Judgment of the Court (First Chamber) of 11 July 2013
(request for a preliminary ruling from the Fővárosi
Bíróság — Hungary) — Gábor Csonka, Tibor Isztli, Dávid
Juhász, János Kiss, Csaba Szontágh v Magyar Állam**

(Case C-409/11) ⁽¹⁾

*(Use of motor vehicles — Insurance against civil liability —
Directive 72/166/EEC — Article 3(1) — Directive 84/5/EEC
— Article 1(4), first subparagraph — Insolvency of the
insurer — No payment of compensation by the body
providing compensation)*

(2013/C 252/09)

Language of the case: Hungarian

Referring court

Fővárosi Bíróság

Parties to the main proceedings

Applicants: Gábor Csonka, Tibor Isztli, Dávid Juhász, János Kiss,
Csaba Szontágh

Defendant: Magyar Állam

Re:

Request for a preliminary ruling — Fővárosi Bíróság — Interpretation 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, English Special Edition 1972 (II), p. 360) — Obligation for the Member States to take the measures necessary to ensure that all compulsory insurance policies against civil liability cover the whole of the territory of the Community — Withdrawal of a motor vehicle insurance company's operating licence, giving rise to an obligation on the part of individuals who had concluded contracts with that insurance company to answer personally, using their own assets, for the damage they caused to others — State liability in cases of incorrect transposition of a directive

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 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, as amended by Directive 2005/14/EC of the European Parliament and of the Council of 11 May 2005, read in the light of 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 Directive 2005/14, must be interpreted as not including, among the obligations which that provision imposes on Member

States, that of establishing a body to ensure that compensation is provided to victims of road accidents in situations where, although the persons responsible for the damage had taken out insurance covering their civil liability in respect of the use of motor vehicles, the insurer has become insolvent.

⁽¹⁾ OJ C 347, 26.11.2011.

**Judgment of the Court (First Chamber) of 11 July 2013 —
European Commission v Grand Duchy of Luxembourg**

(Case C-412/11) ⁽¹⁾

*(Failure of a Member State to fulfil obligations — Transport
— Development of the Community's railways — Directive
91/440/EEC — Article 6(3) and Annex II — Directive
2001/14/EC — Article 14(2) — Independence of the body
to which the exercise of essential functions is entrusted)*

(2013/C 252/10)

Language of the case: French

Parties

Applicant: European Commission (represented by: J.-P. Keppenne
and H. Støvlbæk, Agents)

Defendant: Grand Duchy of Luxembourg (represented by: C.
Schiltz, Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the period prescribed, all the provisions necessary to comply with Article 6(3) of and Annex II to Council Directive 91/440/EEC on the development of the Community's railways (OJ 1991 L 237, p. 25), as amended by Directive 2001/12/EC (OJ 2001 L 75, p. 1), and Article 14(2) of Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ 2001 L 75, p. 29) — Failure to ensure the independence of essential functions

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the European Commission to pay the costs

⁽¹⁾ OJ C 298, 8.10.2011.