

Request for a preliminary ruling from the Supremo Tribunal de Justiça (Portugal) lodged on 23 May 2016 — Fidelidade-Companhia de Seguros SA v Caisse Suisse de Compensation and Others

(Case C-287/16)

(2016/C 326/17)

Language of the case: Portuguese

Referring court

Supremo Tribunal de Justiça

Parties to the main proceedings

Appellant: Fidelidade-Companhia de Seguros SA

Respondents: Caisse Suisse de Compensation, Fundo de Garantia Automóvel, Sandra Cristina Chrystello Pinto Moreira Pereira, Sandra Manuela Teixeira Gomes Seemann, Catarina Ferreira Seemann, José Batista Pereira

Question referred

Do Article 3(1) of Directive 72/166/EEC,⁽¹⁾ Article 2(1) of Directive 84/5/EEC,⁽²⁾ and Article 1 of Directive 90/232/EEC,⁽³⁾ on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles, preclude national legislation which provides that an insurance contract shall be null and void in the event of false statements concerning the owner of the motor vehicle and the identity of its usual driver, where the contract was concluded by a person who has no economic interest in the use of the vehicle and where there is an underlying fraudulent intent on the part of the interested parties (policy holder, owner of the vehicle and the usual driver) to obtain cover for risks in respect of the use of motor vehicles by means of: (i) concluding a contract that the insurer would not have entered if it had known the identity of the policyholder and (ii) paying a premium lower than would be payable having regard to the age of the usual driver?

⁽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 1972 L 103, p. 1).

⁽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).

Request for a preliminary ruling from the Rechtbank Noord-Nederland, sitting in Groningen (Netherlands), lodged on 27 May 2016 — Bas Jacob Adriaan Krijgsman v Surinaamse Luchtvaart Maatschappij NV

(Case C-302/16)

(2016/C 326/18)

Language of the case: Dutch

Referring court

Rechtbank Noord-Nederland, sitting in Groningen

Parties to the main proceedings

Applicant: Bas Jacob Adriaan Krijgsman

Defendant: Surinaamse Luchtvaart Maatschappij NV