Judgment of the Court (Eighth Chamber) of 28 October 2010 — Commission v Belgium

(Case C-41/10)

(Failure of a Member State to fulfil obligations — Direct insurance other than life assurance — Directives 73/239/EEC and 92/49/EEC — Mutual societies active in the supplementary sickness insurance market — Incorrect or incomplete transposition)

Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU) (see paras 29-32)

Re:

Failure of a Member State to fulfil obligations — Incorrect and incomplete transposition of Articles 6, 8, 15, 16 and 17 of Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance (OJ 1973 L 228, p. 3) and of Articles 20, 21 and 22 of Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive) (OJ 1992 L 228, p. 1).

Operative part

1. Declares that, by its incorrect and incomplete transposition of First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance, as amended by Directive 2002/13/EC of the European Parliament and of the Council of

5 March 2002, and Council Directive 92/49/EEC of 18 June 1992 on the co-ordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive), the Kingdom of Belgium has failed to fulfil its obligations under, in particular, Articles 6, 8, 15, 16 and 17 of Directive 73/129, as amended by Directive 2002/13, and Articles 20, 21 and 22 of Directive 92/49;

2. Orders the Kingdom of Belgium to pay the costs.

Order of the Court (Eighth Chamber) of 28 October 2010 — Frăsina Bejan v Tudorel Muşat

(Case C-102/10)

(Rules of Procedure — Articles 92(1) and 103(1) and 104(3), first and second subparagraphs — Approximation of laws — Compulsory motor civil liability insurance system — Optional insurance contract — Inapplicability)

1. *European Union — Conferred powers — Consequences as regards the influence of Union law on the result of proceedings before national courts (Art. 5(2) TEU) (see para. 29)*

2. *Approximation of laws — Insurance against civil liability in respect of motor vehicles — Directives 72/166, 84/5, 90/232, 2000/26 and 2005/14 — Determining the rules of civil liability applicable to road traffic accidents — Optional insurance contract (European Parliament and Council Directives 2000/26 and 2005/14; Council Directives 72/166, 84/5 and 90/232) (see para. 36, operative part 1)*