



Court of Justice of the European Union

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Advocate General's Opinion in Case C-100/18
Línea Directa Aseguradora v S.A./Segurcaixa, Sociedad Anónima de Seguros y Reaseguros

Press and Information

Advocate General Bot proposes that the Court should declare that spontaneous burning of a vehicle parked in a private garage for more than 24 hours falls within the concept of 'use of vehicles'

In August 2013, a vehicle that had not been driven for more than 24 hours, parked in the garage of a private dwelling, caught fire and caused damage to that dwelling. The fire originated in the vehicle's electrical system. The civil liability relating to the use of the vehicle was covered by insurance taken out with Línea Directa Aseguradora, S.A. ('Línea Directa'). The house was insured by Segurcaixa, Sociedad Anónima de Seguros y Reaseguros ('Segurcaixa') and the owner company was compensated in the amount of €44 704.34 for material damage caused to the building by the fire in the vehicle.

In March 2014, Segurcaixa brought an action against Línea Directa before the Juzgado de Primera Instancia de Vitoria-Gasteiz (Court of First Instance, Vitoria-Gasteiz, Spain) seeking an order that the latter reimburse the compensation paid, on the ground that the accident originated from use of a vehicle covered by the vehicle's motor insurance. That court held that the accident could not be qualified as 'use' and rejected Segurcaixa's claim. Segurcaixa appealed the judgment and the Audiencia Provincial de Álava (Provincial Court of Alava, Spain) set aside that decision and upheld Segurcaixa's claim, ruling that 'a fire in a vehicle parked in a non-permanent way by its owner in a parking space, when the combustion is the result of causes intrinsic to the vehicle without the interference of an act of a third party' constitutes 'use'.

Línea Directa lodged an appeal on a point of law against that judgment before the Tribunal Supremo (Supreme Court, Spain). Since it was uncertain as to the interpretation to be given to the concept of 'use of vehicles' contained in the Directive relating to insurance against civil liability in respect of the use of motor vehicles¹, that court decided to refer questions to the Court of Justice.

In today's Opinion, **Advocate General Yves Bot takes the view that the situation in question falls within the scope of the concept of 'use of vehicles'**. He points out, first of all, that this concept is an autonomous concept of EU law that cannot be left to the assessment of each Member State. According to the Advocate General, in the light of the Court's case-law, **there is no doubt that this concept covers situations in which damage has been caused when the vehicle was parked in a private area intended for that purpose.**

However, the common factor in the various cases referred to the Court was the involvement of a vehicle that was either in use or had just been used. **It must therefore be determined whether the fact that the vehicle was not used within a sufficiently short time preceding the accident may constitute grounds to exclude the protection afforded by EU legislation on civil liability in respect of the use of vehicles. The Advocate General considers that this is not the case** given that, with regard to the implementation of protection for the victims of accidents caused by vehicles, the EU legislature has not provided for limits in relation to when the accident occurs and

¹ Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (OJ 2009 L 263, p. 11).

the case-law of the Court shows that its aim is to give effect to this objective of protection, which has been consistently pursued and strengthened by the EU legislature, whenever a vehicle is used or is intended to be used consistently with its function as a means of transport. Furthermore, a case-by-case analysis of when the vehicle was last used would be a source of legal uncertainty, which would run counter to that objective. The Advocate General concludes that only circumstances in which an accident occurs when the vehicle is or has been used for a purpose other than transport, for example as a machine for carrying out work² or as a weapon, or even as living accommodation, do not fall within the meaning of ‘use of vehicles’.

It remains to be decided whether limits should be set as to the origin of the damage, namely the mechanisms of the vehicle necessary to performing the transport function of the vehicle. The Advocate General notes, on the one hand, that the EU legislature has not laid down such conditions. On the other hand, since the fire was spontaneously caused by the vehicle, in his opinion that is sufficient, to find that the vehicle was involved. He adds that, since that type of risk is inherent in the transport function of the vehicle, there is no need to seek any specific action or source of the damage. That interpretation is consistent with the objective of ensuring that victims of accidents caused by vehicles receive comparable treatment irrespective of where in the EU the accident occurred. In those circumstances, the Advocate General considers that **a vehicle, used consistently with its function as a means of transport, could be said to be involved in an accident merely upon finding that it contributed in some way to its occurrence.**

NOTE: The Advocate General’s Opinion is not binding on the Court of Justice. It is the role of the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the Court are now beginning their deliberations in this case. Judgment will be given at a later date.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court’s decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the Opinion is published on the CURIA website on the day of delivery.

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² See judgment of 28 November 2017, *Rodrigues de Andrade* (C-514/16; see also [PR No. 124/17](#)).