

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by the Princely Court of Appeal, dated 30 April 2025 in the case of Dommages Aréas v Gable Insurance AG in Konkurs

(Case E-8/25)

A request has been made to the EFTA Court dated 30 April 2025 from the Princely Court of Appeal (*Fürstliches Obergericht*), which was received at the Court Registry on 6 May 2025, for an Advisory Opinion in the case of Dommages Aréas v Gable Insurance AG in Konkurs, on the following questions:

- 1. Is an insurance claim within the meaning of Article 268(1)(g) of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), OJ 2009 L 335, p. 1, incorporated in the EEA Agreement by Decision of the EEA Joint Committee No 78/2011 of 1 July 2011, LGBI 2012/384, still to be given precedence in accordance with Article 275(1) of that directive even where the claim at issue is the claim of an injured party having a direct right of action against the insurance undertaking which, by way of statutory subrogation, has been subrogated to a fourth party?**
- 2. If the answer to the Question 1 is in the affirmative:**

Must legal costs incurred in the assertion of an insurance claim be regarded as an insurance claim within the meaning of Article 268(1)(g) of Directive 2009/138/EC and thus also be given precedence in accordance with Article 275(1) of that directive?