

# **Slovakia**

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## **Death of a Close Relative**

- Judgment of the Supreme Court of the Slovak Republic of 31 March 2016, Case no III Cdo 301/2012
- Judgment of the Court of Second Instance Prešov of 31 March 2016, Case no 21Co/60/2015

## **Death of a Close Relative**

### **The Supreme Court**

- Defendant 1 (driver)
- Defendant 2  
(insurance company)

### **The Court of Second Instance**

- Defendant 1 (driver)
- Defendant 2  
(operator of the vehicle)
- Defendant 3  
(insurance company)

Art 11, art 13 par. 2 of the Act 40/1964 – Civil Code (infringement of personal privacy and personal integrity)

Art 4 par. 2 of the Act 381/2001 (Act on Compulsory Contractual Motor Vehicle Third Party Liability Insurance)

## **Death of a Close Relative**

### **The Supreme Court**

The term 'damage', as defined by Act no 381/2001 in the Collection of Laws, does not subsume a claim to compensation for immaterial damage caused by the infringement of personal rights of the deceased; and compensation is not part of the insurance deal, as defined by art 4, par. 2., letter a. of the law. Claims, as defined by the art 13 CC, are to be applied in the case of immaterial damage only against those who committed the act of infringement of personal integrity. This is not applicable in relation to the insurance company.

### **The Court of Second Instance**

The act of homicide is a grave infringement of the privacy and mental health of those related and close to the deceased, and it establishes the right to compensation of damage to health in all its forms, including immaterial harm, with a direct claim against the insurance company.

## **Death of a Close Relative**

### **The Supreme Court**

- Court of Justice “[...] merely stated what the regulation of this question in domestic law should look like when in accord with a Community law.”

### **The Court of Second Instance**

- the teleological interpretation of the appropriate legislation must be applied.
- the court sees no reason why the risk of damage should be carried by the oftentimes financially instable individuals, instead of the insurance company.