



C/2024/3060

13.5.2024

**Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 8 March 2024 –
Dr Matthäus Metzler as insolvency practitioner v Auto1 European Cars B.V.**

(Case C-186/24, Auto1 European Cars)

(C/2024/3060)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Appellant: Dr Matthäus Metzler, as insolvency practitioner

Respondent: Auto1 European Cars B.V.

Questions referred

1. Is Article 31(1) of Regulation (EU) 2015/848 ⁽¹⁾ to be interpreted as meaning that obligations honoured for the benefit of the debtor which should have been honoured for the benefit of the practitioner in the insolvency proceedings also include, within the meaning of that provision, such obligations arising from a legal transaction which the debtor did not conclude until after the opening of insolvency proceedings and the transfer of powers to the insolvency practitioner?

If the above question is answered in the affirmative:

2. Is Article 31(1) of Regulation (EU) 2015/848 to be interpreted as meaning that the place in which an obligation is honoured within the meaning of that provision is the place from which the third party's payment is made by credit transfer from a bank account there, even if the third party is established not in that Member State but in another Member State, while the conclusion of the legal transaction and the honouring of the debtor's obligation took place not there but through a branch of the third party in yet another Member State, namely in the Member State in which the insolvency proceedings have been opened?

⁽¹⁾ Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (recast) (OJ 2015 L 141, p. 19).