

4. In the event that the first or the second question is answered in the affirmative: does the avoidability criterion relate to the extraordinary circumstance or, rather, to the consequences of the occurrence of the extraordinary circumstance?

⁽¹⁾ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ 2004 L 46, p. 1).

**Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 29 May 2017 —
Hellenic Republic v Leo Kuhn**

(Case C-308/17)

(2017/C 283/30)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Defendant and appellant on a point of law: Hellenic Republic

Applicant and respondent in the appeal on a point of law: Leo Kuhn

Questions referred

Must Article 7(1)(a) of Regulation (EU) No 1215/2012 ⁽¹⁾ be interpreted as meaning that:

1. even in the case — as here — of the repeated contractual transfer of a claim, the place of performance within the meaning of that provision is determined by the first contractual agreement?
2. in the case of the assertion of a claim seeking compliance with the terms of a government bond such as that specifically issued by the Hellenic Republic in the present case, or seeking damages for non-fulfilment of that claim, the actual place of performance is established immediately upon the payment of interest from that government bond into an account of a person holding a domestic securities portfolio?
3. the fact that a legal place of performance within the meaning of Article 7(1)(a) of that regulation was established by the first contractual agreement precludes the assumption that the subsequent actual performance of a contract establishes a — further — place of performance within the meaning of that provision?

⁽¹⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2012 L 351, p. 1).

**Appeal brought on 6 June 2017 by HB and Others against the judgment of the General Court (First
Chamber) delivered on 5 April 2017 in Case T-361/14, HB and Others v European Commission**

(Case C-336/17 P)

(2017/C 283/31)

Language of the case: German

Parties

Appellants: HB and Others (represented by: P. Brockmann, Rechtsanwalt)

Other party to the proceedings: European Commission