

Request for a preliminary ruling from the Landgericht Wiesbaden (Germany) lodged on 29 April 2013 — Stefan Fahnenbrock v Hellenic Republic

(Case C-226/13)

(2013/C 215/05)

Language of the case: German

Referring court

Landgericht Wiesbaden

Parties to the main proceedings

Applicant: Stefan Fahnenbrock

Defendant: Hellenic Republic

Question referred

Is Article 1 of Regulation (EC) No 1393/2007 [of the European Parliament and] of the Council of 13 November 2007 on the service [in the Member States] of judicial and extrajudicial documents in civil or commercial matters [(service of documents), and repealing Council Regulation (EC) No 1348/2000] ⁽¹⁾ to be interpreted as meaning that an action — in which a purchaser of bonds issued by the defendant that were in the safe-keeping of S-Broker AG & Co. KG, in the securities account of the applicant, and in respect of which the applicant had not accepted the defendant's exchange offer made at the end of February 2012, demands compensation for damages in the amount of the difference in value relative to an exchange of the bonds that was nonetheless effected in March 2012 and which was economically disadvantageous for the applicant — is to be regarded as a 'civil or commercial matter' within the meaning of the Regulation?

⁽¹⁾ OJ 2007 L 324, p. 79.

Request for a preliminary ruling from the Landgericht Wiesbaden (Germany) lodged on 2 May 2013 — Holger Priestoph and Others v Hellenic Republic

(Case C-245/13)

(2013/C 215/06)

Language of the case: German

Referring court

Landgericht Wiesbaden

Parties to the main proceedings

Applicants: Holger Priestoph, Matteo Antonio Priestoph, Pia Antonia Priestoph

Defendant: Hellenic Republic

Question referred

Is Article 1 of Regulation (EC) No 1393/2007 [of the European Parliament and] of the Council of 13 November 2007 on the service [in the Member States] of judicial and extrajudicial documents in civil or commercial matters [(service of documents), and repealing Council Regulation (EC) No 1348/2000] ⁽¹⁾ to be interpreted as meaning that an action — in which a purchaser of bonds issued by the defendant that were in the safe-keeping of S-Broker AG, in the securities account of the applicants, and in respect of which the applicants had not accepted the defendant's exchange offer made at the end of February 2012, demands compensation for damages in the amount of the difference in value relative to an exchange of the bonds that was nonetheless effected in March 2012 and which was economically disadvantageous for the applicants — is to be regarded as a 'civil or commercial matter' within the meaning of the Regulation?

⁽¹⁾ OJ 2007 L 324, p. 79.

Request for a preliminary ruling from the Landgericht Wiesbaden (Germany) lodged on 3 May 2013 — Rudolf Reznicek v Hellenic Republic

(Case C-247/13)

(2013/C 215/07)

Language of the case: German

Referring court

Landgericht Wiesbaden

Parties to the main proceedings

Applicant: Rudolf Reznicek

Defendant: Hellenic Republic

Question referred

Is Article 1 of Regulation (EC) No 1393/2007 [of the European Parliament and] of the Council of 13 November 2007 on the service [in the Member States] of judicial and extrajudicial documents in civil or commercial matters [(service of documents), and repealing Regulation (EC) No 1348/2000] ⁽¹⁾ to be interpreted as meaning that an action — in which a purchaser of bonds issued by the defendant that were in the safe-keeping of Gries und Heissel Bankiers AG, in the securities account of the applicant, and in respect of which the applicant had not accepted the defendant's exchange offer made at the end of February 2012, demands compensation for damages in

the amount of the difference in value relative to an exchange of the bonds that was nonetheless effected in March 2012 and which was economically disadvantageous for the applicant — is to be regarded as a ‘civil or commercial matter’ within the meaning of the Regulation?

⁽¹⁾ OJ 2007 L 324, p. 79.

Request for a preliminary ruling from the Varas Cíveis de Lisboa (Portugal) lodged on 13 May 2013 — Sociedade Agrícola e Imobiliária da Quinta de S. Paio, Lda v Instituto da Segurança Social, IP

(Case C-258/13)

(2013/C 215/08)

Language of the case: Portuguese

Referring court

Varas Cíveis de Lisboa

Parties to the main proceedings

Applicant: Sociedade Agrícola e Imobiliária da Quinta de S. Paio, Lda

Defendant: Instituto da Segurança Social, IP

Questions referred

Does Article 47 of the Charter of Fundamental Rights of the European Union ⁽¹⁾ which lays down the right to effective legal protection preclude national legislation that prohibits legal persons pursuing a commercial objective from obtaining legal aid?

Must Article 47 of the Charter of Fundamental Rights of the European Union be construed as having ensured the right to effective judicial protection, where the domestic law of the Member State, whilst excluding legal persons pursuing a commercial objective from receiving legal aid, automatically grants them an exemption from the costs and charges relating to legal proceedings where they are insolvent or in receivership?

⁽¹⁾ OJ 2000, C 364, p. 1.

Request for a preliminary ruling from the Amtsgericht Rüsselsheim (Germany) lodged on 14 May 2013 — Ekkehard Aleweld v Condor Flugdienst GmbH

(Case C-262/13)

(2013/C 215/09)

Language of the case: German

Referring court

Amtsgericht Rüsselsheim

Parties to the main proceedings

Applicant: Ekkehard Aleweld

Defendant: Condor Flugdienst GmbH

Questions referred

1. Is there also a right under Article 7 of Regulation No 261/2004 ⁽¹⁾ to compensation where the departure of the booked flight is delayed by more than three hours, the passenger rebooks on another airline and the delay on arrival compared with the original flight is thereby appreciably reduced, whilst both the original flight and the replacement flight arrive at the original destination far more than three hours late?
2. If Question 1 is answered in the affirmative: is it decisive in this regard that the period of five hours, specified in Article 6(1)(iii), for application of Article 8(1) of the regulation has or has not expired?
3. Is it material whether the rebooking was made independently by the passenger or with the defendant's help?

⁽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).