



C/2024/7019

2.12.2024

Request for a preliminary ruling from the Oberlandesgericht Wien (Austria) lodged on 27 August 2024 – Flutter Entertainment plc v KJ

(Case C-574/24, Flutter Entertainment)

(C/2024/7019)

Language of the case: German

Referring court

Oberlandesgericht Wien

Parties to the main proceedings

Applicant: Flutter Entertainment plc

Defendant: KJ

Question referred

Is Article 4(1) of Regulation (EC) No 864/2007 ⁽¹⁾ to be interpreted as meaning that, in the case of an action for damages based on tortious liability in respect of incurred gambling losses which is brought against an ultimate parent company whose subsidiary, as a jointly and severally liable co-perpetrator, offered online games of chance in Austria without a license, the place where the damage occurred is determined by:

- (a) the place from which the player effects credit transfers from his or her bank account to the player account maintained by the subsidiary,
- (b) the place where the subsidiary maintains the player account in which deposits from the player, winnings, losses and bonuses are entered,
- (c) the place from which the player places bets via that player account which ultimately result in a loss,
- (d) the player's place of residence as the location of his or her claim to payment of the credit balance in his or her player account,
- (e) the location of the player's main assets?

⁽¹⁾ Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations ('Rome II') (OJ 2007 L 199, p. 40).