

Question referred

Whether Article 13 and related and supplementary provisions of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services ⁽¹⁾ must be interpreted as precluding the Kingdom of Spain, and specifically the fiscally autonomous historic territory of Guipúzcoa, from making telecommunications operators' right of use of radio frequencies — which is already subject to what is known as the spectrum fee — subject to the general tax on capital transfers and documented legal acts that applies generally to administrative concessions of publicly owned assets, in accordance with local laws governing the said tax?

⁽¹⁾ OJ 2002 L 108, p. 21.

Request for a preliminary ruling from the Tribunal Superior de Justicia de Castilla-La Mancha (Spain) lodged on 12 June 2019 — WT v Subdelegación del Gobierno en Guadalajara

(Case C-448/19)

(2019/C 328/13)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de Castilla-La Mancha

Parties to the main proceedings

Applicant: WT

Defendant: Subdelegación del Gobierno en Guadalajara

Question referred

Is an interpretation such as that set out in judgments of the Spanish Supreme Court No 191/2019 of 19 February 2019, appeal in cassation 5607/2017 (ECLI:ES:TS:2019:580), and No 257/2019 of 27 February 2019, appeal in cassation 5809/2017 (ECLI:ES:TS:2019:663), according to which, through an interpretation of Directive 2001/40/EC, ⁽¹⁾ it is possible to come to the conclusion that any third-country national holding a long-term residence permit who has committed an offence punishable by a sentence of at least one year in duration can and should be 'automatically' removed, that is to say, without needing to give any consideration to his personal, family, social or employment circumstances, compatible with Article 12 of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, ⁽²⁾ and with — inter alia — the judgments of the Court of Justice of the European Union of 7 December 2017 (Case C-636/16) and of 8 December 2011 (Case C-371/08)?

⁽¹⁾ Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (OJ 2001 L 149, p. 34).

⁽²⁾ OJ 2004 L 16, p. 44.
