

**Parties to the main proceedings***Appellant:* Z*Respondent:* Minister voor Immigratie en Asiel**Questions referred**

1. Do foreign nationals with a homosexual orientation form a particular social group as referred to in Article 10(1)(d) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004 L 304; 'the Directive')?
  - (a) Can foreign nationals with a homosexual orientation be expected to conceal their orientation from everyone in their country of origin in order to avoid persecution?
  - (b) If the previous question is to be answered in the negative, can foreign nationals with a homosexual orientation be expected to exercise restraint, and if so, to what extent, when giving expression to that orientation in their country of origin, in order to avoid persecution? Moreover, can greater restraint be expected of homosexuals than of heterosexuals?
  - (c) If, in that regard, a distinction can be made between forms of expression which relate to the core area of the orientation and forms of expression which do not, what should be understood to constitute the core area of the orientation and in what way can it be determined?
3. Do the criminalisation of homosexual activities and the threat of imprisonment, which are discriminatory by nature, as set out in the Code Pénal of Senegal, constitute an act of persecution as referred to in Article 9(1)(a) [Or. 13], read in conjunction with Article 9(2)(c) of the Directive? If not, under what circumstances would that be the case?

**Reference for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on 14 May 2012 — Vodafone Omnitel Nv v Autorità per le Garanzie nelle Comunicazioni, Presidenza del Consiglio dei Ministri**

(Case C-228/12)

(2012/C 217/17)

*Language of the case: Italian***Referring court**

Tribunale Amministrativo Regionale per il Lazio

**Parties to the main proceedings***Applicant:* Vodafone Omnitel Nv*Defendant:* Autorità per le Garanzie nelle Comunicazioni, Presidenza del Consiglio dei Ministri**Question referred**

Are the Community provisions in the sector, and in particular the provisions of Directive No 2002/20/EC, <sup>(1)</sup> to be interpreted as precluding the national rules referred to, in particular Law No 266 of 2005, as those provisions are actually applied by regulation included.

<sup>(1)</sup> 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 (Authorisation Directive); OJ 2002 L 108, p. 21.

**Reference for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on 14 May 2012 — Fastweb SpA v Autorità per le Garanzie nelle Comunicazioni and Others**

(Case C-229/12)

(2012/C 217/18)

*Language of the case: Italian***Referring court**

Tribunale Amministrativo Regionale per il Lazio

**Parties to the main proceedings***Applicant:* Fastweb SpA*Defendant:* Autorità per le Garanzie nelle Comunicazioni and Others

**Question referred**

Are the Community provisions in the sector, and in particular the provisions of Directive No 2002/20/EC, <sup>(1)</sup> to be interpreted as precluding the national rules referred to, in particular Law No 266 of 2005, as those provisions are actually applied by regulation included.

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<sup>(1)</sup> 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 (Authorisation Directive); OJ 2002 L 108, p. 21.

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**Reference for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on 14 May 2012 — WIND Telecomunicazioni SpA v Autorità per le Garanzie nelle Comunicazioni and Others**

(Case C-230/12)

(2012/C 217/19)

*Language of the case: Italian*

**Referring court**

Tribunale Amministrativo Regionale per il Lazio

**Parties to the main proceedings**

*Applicant:* WIND Telecomunicazioni SpA

*Defendant:* Autorità per le Garanzie nelle Comunicazioni and Others

**Question referred**

Are the Community provisions in the sector, and in particular the provisions of Directive No 2002/20/EC, <sup>(1)</sup> to be interpreted as precluding the national rules referred to, in particular Law No 266 of 2005, as those provisions are actually applied by regulation included.

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<sup>(1)</sup> 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 (Authorisation Directive); OJ 2002 L 108, p. 21.

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**Reference for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on 14 May 2012 — Vodafone Omnitel Nv v Autorità per le Garanzie nelle Comunicazioni, Presidenza del Consiglio dei Ministri**

(Case C-231/12)

(2012/C 217/20)

*Language of the case: Italian*

**Referring court**

Tribunale Amministrativo Regionale per il Lazio

**Parties to the main proceedings**

*Applicant:* Vodafone Omnitel Nv

*Defendant:* Autorità per le Garanzie nelle Comunicazioni, Presidenza del Consiglio dei Ministri

**Question referred**

Are the Community provisions in the sector, and in particular the provisions of Directive No 2002/20/EC, <sup>(1)</sup> to be interpreted as precluding the national rules referred to, in particular Law No 266 of 2005, as those provisions are actually applied by regulation included.

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**Reference for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on 14 May 2012 — v Autorità per le Garanzie nelle Comunicazioni and Others**

(Case C-232/12)

(2012/C 217/21)

*Language of the case: Italian*

**Referring court**

Tribunale Amministrativo Regionale per il Lazio

**Parties to the main proceedings**

*Applicant:* Fastweb SpA

*Defendant:* Autorità per le Garanzie nelle Comunicazioni and Others

**Question referred**

Are the Community provisions in the sector, and in particular the provisions of Directive No 2002/20/EC, <sup>(1)</sup> to be interpreted as precluding the national rules referred to, in particular Law No 266 of 2005, as those provisions are actually applied by regulation included.

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<sup>(1)</sup> 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 (Authorisation Directive); OJ 2002 L 108, p. 21.