

- 2.3. Does a choice of law clause of that kind entail on other grounds that the contractual clauses challenged must be assessed in accordance with the law of the country in which the defendant undertaking is established?
3. If Question 1 is answered in the negative:
- How then must the law applicable to the action for an injunction be determined?
4. Regardless of the answers to the previous questions:
- 4.1. Must a term included in general terms and conditions specifying that a contract concluded in the course of electronic commerce between a consumer and a trader established in another Member State shall be governed by the law of the country in which that trader is established be regarded as unfair within the meaning of Article 3(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts ⁽³⁾?
- 4.2. Is the processing of personal data by an undertaking that in the course of electronic commerce concludes contracts with consumers resident in other Member States, in accordance with Article 4(1)(a) of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽⁴⁾, and regardless of the law that otherwise applies, governed exclusively by the law of the Member State in which the establishment of the undertaking is situated in whose framework the processing takes place or must the undertaking also comply with the data protection rules of those Member States to which its commercial activities are directed?

⁽¹⁾ OJ 2009 L 110, p. 30.

⁽²⁾ OJ 2007 L 199, p. 40.

⁽³⁾ OJ 1993 L 95, p. 29.

⁽⁴⁾ OJ 1995 L 281, p. 31.

Request for a preliminary ruling from the Simvoulio tis Epikratias (Greece) lodged on 29 April 2015 — Anonimi Geniki Etairia Tsimenton Iraklis (AGET Iraklis) v Ipourgos Ergasias, Kinonikis Asfalis kai Kinonikis Allilengiis

(Case C-201/15)

(2015/C 221/05)

Language of the case: Greek

Referring court

Simvoulio tis Epikratias

Parties to the main proceedings

Applicant: Anonimi Geniki Etairia Tsimenton Iraklis (AGET Iraklis)

Defendant: Ipourgos Ergasias, Kinonikis Asfalis kai Kinonikis Allilengiis

Questions referred

1. Is a national provision, such as Article 5(3) of Law No 1387/1983, which lays down as a condition in order for collective redundancies to be effected in a specific undertaking that the administrative authorities must authorise the redundancies in question on the basis of criteria as to (a) the conditions in the labour market, (b) the situation of the undertaking and (c) the interests of the national economy compatible with Directive 98/59/EC ⁽¹⁾ in particular and, more generally, Articles 49 TFEU and 63 TFEU?

2. If the answer to the first question is in the negative, is a national provision with the aforementioned content compatible with Directive 98/59/EC in particular and, more generally, Articles 49 TFEU and 63 TFEU if there are serious social reasons, such as an acute economic crisis and very high unemployment?

⁽¹⁾ Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies (OJ 1998 L 225, p. 16).

Request for a preliminary ruling from the Kamarrätten i Stockholm (Sweden) lodged on 4 May 2015 — Tele2 Sverige AB v Post- och telestyrelsen

(Case C-203/15)

(2015/C 221/06)

Language of the case: Swedish

Referring court

Kammarrätten i Stockholm

Parties to the main proceedings

Applicant: Tele2 Sverige AB

Defendant: Post- och telestyrelsen

Questions referred

- 1) Is a general obligation to retain traffic data covering all persons, all means of electronic communication and all traffic data without any distinctions, limitations or exceptions for the purpose of combating crime (as described [below under points 1-6]) compatible with Article 15(1) of Directive 2002/58/EC ⁽¹⁾, taking account of Articles 7, 8 and 15(1) of the Charter?
- 2) If the answer to question 1 is in the negative, may the retention nevertheless be permitted where:
 - a) access by the national authorities to the retained data is determined as [described below under paragraphs 7-24], and
 - b) security requirements are regulated as [described below under paragraphs 26-31], and
 - c) all relevant data are to be retained for six months, calculated as from the day the communication is ended, and subsequently deleted as [described below under paragraphs 25]?

⁽¹⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ 2002 L 201, p. 37).
