

Questions referred

1. Is the second sentence of Article 23(1) of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community ⁽¹⁾ to be interpreted as meaning that an online check-in fee and an 'administration fee' for credit card purchases, which are additional to the price of the ticket, and the VAT applied to air fares and to optional supplements for national flights, fall within the category of unavoidable, foreseeable or optional price supplements?
2. Is the fourth sentence of Article 23(1) of Regulation No 1008/2008 to be interpreted in the sense that the word 'optional' covers price supplements which the majority of consumers are able to avoid?

⁽¹⁾ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (OJ 2008 L 293, p. 3).

Request for a preliminary ruling from Tribunalul București (Romania) lodged on 29 January 2019 — Orange Romania SA v Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal

(Case C-61/19)

(2019/C 164/15)

Language of the case: Romanian

Referring court

Tribunalul București

Parties to the main proceedings

Applicant: Orange Romania SA

Defendant: Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal

Questions referred

1. For the purposes of Article 2(h) of Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data, ⁽¹⁾ what conditions must be fulfilled in order for an indication of wishes to be regarded as specific and informed?

2. For the purposes of Article 2(h) of Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data, what conditions must be fulfilled in order for an indication of wishes to be regarded as freely given?

(¹) 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 (OJ 1995 L 281, p. 31).

Request for a preliminary ruling from the Tribunalul București (Romania) lodged on 29 January 2019 — Star Taxi App SRL v Unitatea Administrativ Teritorială Municipiului București prin Primarul General and Consiliul General al Municipiului București

(Case C-62/19)

(2019/C 164/16)

Language of the case: Romanian

Referring court

Tribunalul București

Parties to the main proceedings

Applicant: Star Taxi App SRL

Defendants: Unitatea Administrativ Teritorială Municipiului București prin Primarul General and Consiliul General al Municipiului București

Questions referred

1. Are the provisions of Directive 98/34/EC (¹) (Article 1(2)), as amended by Directive 98/48/EC, (²) and of Directive 2000/31/EC (³) (Article 2(a)), which state that an Information Society service is a 'service, provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services', to be interpreted as meaning that an activity such as that carried on by Star Taxi App SRL (namely a service consisting in putting taxi passengers directly in touch, via an electronic application, with taxi drivers) must be regarded specifically as an Information Society and collaborative economy service (bearing in mind that Star Taxi App SRL does not fulfil the criteria for being a transport undertaking considered by the Court of Justice of the European Union in paragraph 39 of its judgment in Case C-434/15 with reference to Uber)?
2. In the event that [the application operated by] Star Taxi App SRL is to be regarded as an Information Society service, do the provisions of Article 4 of Directive 2000/31/EC, of Articles 9, 10 and 16 of Directive 2006/123/EC (⁴) and of Article 56 TFEU entail the application of the principle of the freedom to provide services to the activity carried on by Star Taxi App SRL? If the answer to that question is in the affirmative, do those provisions preclude rules such as those set out in Articles I, II, III, IV and