

**Parties to the main proceedings**

*Applicant, appellant and respondent:* Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale Bundesverband e.V.

*Defendant, appellant and respondent:* Frontline Digital GmbH

**Questions referred**

1. In the case of distance contracts, is there a supply of digital content to the consumer within the meaning of Article 16(m) of Directive 2011/83/EU <sup>(1)</sup> where the consumer concludes with a trader a contract for participation in an internet-based 'dating website'?

2. If Question 1 is to be answered in the affirmative:

Does the commencement of the supply of digital content by the trader to the consumer lead to the loss of the consumer's right of withdrawal, as provided for in Article 16(m) of the Directive, even in the case where, contrary to Article 8(7) of the Directive, the trader has not sent beforehand to the consumer confirmation of the contract concluded together with the information referred to in that latter provision?

If the consumer's right of withdrawal continues in existence in that event:

Must the consumer be provided with information to that effect beforehand, in accordance with Article 6(1)(k) of the Directive?

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<sup>(1)</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ 2011 L 304, p. 64).

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**Request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco (Spain) lodged on 7 June 2019 — Vodafone España S.A.U. v Diputación Foral de Guipúzcoa**

(Case C-443/19)

(2019/C 328/12)

*Language of the case: Spanish*

**Referring court**

Tribunal Superior de Justicia del País Vasco

**Parties to the main proceedings**

*Applicant:* Vodafone España S.A.U.

*Defendant:* Diputación Foral de Guipúzcoa

### 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 <sup>(1)</sup> 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?

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

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### 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, <sup>(1)</sup> 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, <sup>(2)</sup> 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)?

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<sup>(1)</sup> 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).

<sup>(2)</sup> OJ 2004 L 16, p. 44.

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