

**Request for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 31 July 2015 —
Xabier Ormaetxea Garai and Bernardo Lorenzo Almendros v Administración del Estado**

(Case C-424/15)

(2015/C 363/26)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Applicants: Xabier Ormaetxea Garai and Bernardo Lorenzo Almendros

Defendant: Administración del Estado

Questions referred

1. Is Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002⁽¹⁾ on a common regulatory framework for electronic communications networks and services to be interpreted to the effect that, from the perspective of the effective protection of the public interest for which the relevant national regulatory body is responsible, the creation by the national legislature of a regulatory and supervisory body of an unspecialised institutional model, which merges into a single body the pre-existing supervisory bodies in the energy, telecommunications and competition fields, may be considered compatible with the directive?
2. Must the conditions of 'independence' of national regulatory authorities for electronic communications networks and services, referred to in Article 3(2) and (3a) of Directive 2002/21/EC, as amended by Directive 2009/140/EC⁽²⁾, be the same as those required for national supervisory authorities for data protection under Article 28 of Directive 95/46/EC⁽³⁾?
3. Is the decision in the judgment in *Commission v Hungary*, C-288/12⁽⁴⁾, applicable to a situation in which the officers of a national telecommunications regulatory authority are dismissed before their term of office has expired owing to the requirements of the new legal framework which creates a supervisory body grouping together various national regulatory authorities for regulated sectors? May that early dismissal, due only to the entry into force of a new national law and not to an unforeseen change in the circumstances of the office-holders as previously established in national law, be considered compatible with the provisions of Article 3 (3a) of Directive 2002/21/EC?

⁽¹⁾ OJ 2002 L 108, p. 33.

⁽²⁾ OJ 2009 L 337, p. 37.

⁽³⁾ 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).

⁽⁴⁾ EU:C:2014:237.

**Request for a preliminary ruling from the Juzgado Mercantil No 3 de Barcelona (Spain) lodged on
7 August 2015 — Asociación Profesional Élite Taxi v Uber Systems Spain, S.L.**

(Case C-434/15)

(2015/C 363/27)

Language of the case: Spanish

Referring court

Juzgado Mercantil No 3 de Barcelona