

Which factors would the case-by-case examination of the lawfulness of such a restriction in the light of the provisions of Articles 5 to 9 of the Unfair Commercial Practices Directive, as required by the Court of Justice in the judgment in Case C-540/08, have to take into account in the case of a provision restricting the freedom to increase consumer prices?

⁽¹⁾ OJ 2005 L 149, p. 22.

Request for a preliminary ruling from the Landgericht Stuttgart (Germany) lodged on 5 November 2015 — Zentrale zur Bekämpfung unlauteren Wettbewerbs Frankfurt am Main e.V. v comtech GmbH

(Case C-568/15)

(2016/C 038/36)

Language of the case: German

Referring court

Landgericht Stuttgart

Parties to the main proceedings

Applicant: Zentrale zur Bekämpfung unlauteren Wettbewerbs Frankfurt am Main e.V.

Defendant: comtech GmbH

Questions referred

1. Is the first paragraph of Article 21 of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights ⁽¹⁾ to be interpreted as meaning that, where a trader operates a telephone line for the purpose of consumers contacting the trader by telephone in relation to contracts concluded with the trader, a consumer contacting the trader by telephone must not incur higher charges than those that the consumer would incur for calling a standard (geographic) fixed or mobile number?
2. Does the first paragraph of Article 21 of Directive 2011/83/EU preclude national legislation according to which, where a trader operates a shared-cost service on an 0180 number for the purpose of consumers contacting the trader by telephone in relation to contracts concluded with the trader, a consumer must pay that which the telecommunications service provider charges the consumer for the use of that telecommunications service, even where those charges exceed those which the consumer would incur for calling a standard (geographic) fixed or mobile number?

Does the first paragraph of Article 21 of Directive 2011/83/EU not preclude such national legislation where the telecommunications service provider does not pass on to the trader part of the charges that he receives from the consumer for contacting the trader on the 0180 number?

⁽¹⁾ 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).

Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 5 November 2015 — X, Other party: Staatssecretaris van Financiën

(Case C-569/15)

(2016/C 038/37)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: X

Other party: Staatssecretaris van Financiën

Questions referred

1. Must Title II of Regulation (EEC) No 1408/71 ⁽¹⁾ be interpreted as meaning that a worker residing in the Netherlands who normally works in the Netherlands and who takes unpaid leave for three months is deemed to continue to be (also) employed in the Netherlands during that period if (i) the employment relationship continues during that period and (ii) for purposes of the application of the Dutch Werkloosheidswet (Law on unemployment) that period is considered to be a period of employment?
2. (a) What legislation does Regulation (EEC) No 1408/71 designate as applicable if during the unpaid leave that worker is employed in another Member State?
2. (b) Is it still important in that regard that the person concerned was employed in the same other Member State twice in the following year and for periods of approximately one to two weeks during the subsequent three years, without any mention in the Netherlands of unpaid leave?

⁽¹⁾ Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ 1971 L 149, p. 2).

**Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on
5 November 2015 — X, Other party: Staatssecretaris van Financiën**

(Case C-570/15)

(2016/C 038/38)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Appellant: X

Other party: Staatssecretaris van Financiën

Question referred

What standard or standards should be used to assess what legislation is designated by Regulation (EEC) No 1408/71 ⁽¹⁾ as applicable in the case of a worker residing in Belgium who performs the bulk of his work for his Dutch employer in the Netherlands, and in addition performs 6,5 per cent of that work in Belgium in the year in question, at home and with clients, without there being a fixed pattern and without any agreement having been made with his employer with regard to the performance of work in Belgium?

⁽¹⁾ Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ 1971 L 149, p. 2).