

Judgment of the Court (Second Chamber) of 15 March 2017 (request for a preliminary ruling from the College van Beroep voor het bedrijfsleven — Netherlands) — Tele2 (Netherlands) BV, Ziggo BV, Vodafone Libertel BV v Autoriteit Consument en Markt (ACM)

(Case C-536/15) ⁽¹⁾

(Reference for a preliminary ruling — Electronic communications networks and services — Directive 2002/22/EC — Article 25(2) — Directory enquiry services and directories — Directive 2002/58/EC — Article 12 — Directories of subscribers — Making available personal data concerning subscribers for the purposes of the provision of publicly available directory enquiry services and directories — Subscriber's consent — Distinction on the basis of the Member State in which publicly available directory enquiry services and directories are provided — Principle of non-discrimination)

(2017/C 151/12)

Language of the case: Dutch

Referring court

College van Beroep voor het bedrijfsleven

Parties to the main proceedings

Applicants: Tele2 (Netherlands) BV, Ziggo BV, Vodafone Libertel BV

Defendant: Autoriteit Consument en Markt (ACM)

Intervening parties: European Directory Assistance NV

Operative part of the judgment

1. Article 25(2) of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive), as amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009, must be interpreted as meaning that the concept of 'requests' in that article, covers also requests made by an undertaking, established in a Member State other than that in which the undertakings which assign telephone numbers to subscribers are established, which requests the relevant information possessed by those undertakings in order to provide publicly available telephone directory enquiry services and directories in that Member State and/or in other Member States.
2. Article 25(2) of Directive 2002/22, as amended by Directive 2009/136, must be interpreted as precluding an undertaking which assigns telephone numbers to subscribers, and which is obliged under national legislation to request those subscribers' consent to the use of data relating to them for the purposes of supplying directory enquiry services and directories, from differentiating in the request for those subscribers' consent to that use according to the Member State in which the undertakings requesting the information referred to in that provision provide those services.

⁽¹⁾ OJ C 27, 25.1.2016.

Judgment of the Court (Tenth Chamber) of 15 March 2017 — European Commission v Kingdom of Spain

(Case C-563/15) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Environment — Directive 2008/98/EC — Articles 13 and 15 — Waste management — Protection of human health and the environment — Responsibility — Landfills)

(2017/C 151/13)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: L. Pignataro-Nolin and E. Sanfrutos Cano, acting as Agents)