

In the special tax, electronic communications services have to bear, in addition to administrative charges and management charges, a further financial burden, which, however, in breach of Article 12 of the Directive, is intended, not to finance administrative costs which will be incurred in the management of the general authorisation scheme, but to cover expenditure under the general budget of the Hungarian State.

The Commission takes the view that the special tax thus collected is in the nature of a burden on electronic communications services under a general authorisation, significantly increases the financial burden borne by the suppliers of that service, is an obstacle to the free movement of telecommunications services and is intended to finance expenditure not permitted by the Directive, and, as such, is incompatible with Article 12 of the Directive.

Finally, the Commission considers that Hungary did not properly inform those concerned of its intention to amend the general authorisations and the rights and conditions (of use or installation) or allow sufficient time for the interested parties to express their views on the proposed amendments. Accordingly, Hungary has failed to fulfil its obligations under Article 14 of the Directive.

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**Reference for a preliminary ruling from the Svea hovrätt (Sweden) lodged on 18 October 2012 — Nils Svensson, Sten Sjögren, Madelaine Sahlman, Pia Gadd v Retreiver Sverige AB**

(Case C-466/12)

(2012/C 379/31)

*Language of the case: Swedish*

#### Referring court

Svea hovrätt

#### Parties to the main proceedings

*Applicants:* Nils Svensson, Sten Sjögren, Madelaine Sahlman, Pia Gadd

*Defendant:* Retreiver Sverige AB

#### Questions referred

1. If anyone other than the holder of copyright in a certain work supplies a clickable link to the work on his website, does that constitute communication to the public within the meaning of Article 3(1) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society? <sup>(1)</sup>
2. Is the assessment under question 1 affected if the work to which the link refers is on a website on the Internet which can be accessed by anyone without restrictions or if access is restricted in some way?
3. When making the assessment under question 1, should any distinction be drawn between a case where the work, after the user has clicked on the link, is shown on another website and one where the work, after the user has clicked on the link, is shown in such a way as to give the impression that it is appearing on the same website?
4. Is it possible for a Member State to give wider protection to authors' exclusive right by enabling 'communication to the public' to cover a greater range of acts than provided for in Article 3(1) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society?

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<sup>(1)</sup> OJ 2001 L 167, p. 10.

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**Order of the President of the Court of 14 September 2012 (reference for a preliminary ruling from the Judecătoria Timișoara — Romania) — SC Volksbank România SA v Autoritatea Națională Pentru Protecția Consumatorilor CRPC ARAD TIMIȘ**

(Case C-47/11) <sup>(1)</sup>

(2012/C 379/32)

*Language of the case: Romanian*

The President of the Court has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 113, 9.4.2011.