

3. Are the differing rates of the government concession tax imposed on domestic and business users and its being applied only to subscription agreements, not to pre-paid services, consistent with the criteria of reasonableness and appropriateness and do those differences not impede the creation of a competitive market?

(¹) 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 (Authorisation Directive) (OJ L 108, p. 21).

Reference for a preliminary ruling from Supreme Court of the United Kingdom made on 27 June 2013 — Public Relations Consultants Association Ltd v The Newspaper Licensing Agency Ltd and others

(Case C-360/13)

(2013/C 260/50)

Language of the case: English

Referring court

Supreme Court of the United Kingdom

Parties to the main proceedings

Applicant: Public Relations Consultants Association Ltd

Defendant: The Newspaper Licensing Agency Ltd and others

Questions referred

In circumstances where:

- (i) an end-user views a web-page without downloading, printing or otherwise setting out to make a copy of it;
- (ii) copies of that web-page are automatically made on screen and in the internet 'cache' on the end-user's hard disk;
- (iii) the creation of those copies is indispensable to the technical processes involved in correct and efficient internet browsing;
- (iv) the screen copy remains on screen until the end-user moves away from the relevant web-page, when it is automatically deleted by the normal operation of the computer;
- (v) the cached copy remains in the cache until it is overwritten by other material as the end-user views further web-pages, when it is automatically deleted by the normal operation of the computer; and
- (vi) the copies are retained for no longer than the ordinary processes associated with internet use referred to at (iv) and (v) above continue;

Are such copies (i) temporary, (ii) transient or incidental and (iii) an integral and essential part of the technological process within the meaning of Article 5(1) of Directive 2001/29/EC (¹)?

(¹) 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 (OJ L 167, p. 10)

Action brought on 26 June 2013 — European Commission v Slovak Republic

(Case C-361/13)

(2013/C 260/51)

Language of the case: Slovak

Parties

Applicant: European Commission (represented by: F. Schatz and A. Tokár, Agents)

Defendant: Slovak Republic

Form of order sought

— Declare that, by refusing to grant the allowance by reason of birth provided for by Law No 592/2006 to persons entitled to it who reside in a Member State other than the Slovak Republic, the Slovak Republic has failed to fulfil its obligations under Articles 45 and 48 of the Treaty on the Functioning of the European Union and Article 7 of Regulation (EC) No 883/2004 (¹) of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.

— order the Slovak Republic to pay the costs.

Pleas in law and main arguments

The allowance by reason of birth provided for by Law No 592/2006 is an old-age benefit within the meaning of Article 3(1)(d) of Regulation No 883/2004 which must also be granted to persons entitled to it who reside outside the Member State concerned (in the present case, the Slovak Republic). A provision of domestic law may not therefore limit the right to receive the allowance by reason of birth of those entitled to it who reside outside the Slovak Republic. The provision of the domestic law of the Slovak Republic which lays down such a limitation is therefore incompatible with Articles 45 and 48 TFEU and Article 7 of Regulation No 883/2004.

(¹) OJ 2004 L 166, p. 1.