Parties to the main proceedings

Applicants: Arriva Italia Srl, Ferrotramviairia SpA, Consorzio Trasporti Aziende Pugliesi (CO.TRA.P)

Defendant: Ministero delle Infrastrutture e dei Trasporti

Questions referred

In the factual and legal circumstances set out above, does a measure involving the statutory allocation of EUR 70 million for the benefit of an operator in the rail transport sector, in accordance with the conditions laid down by Law No 208 of 28 December 2015 (Article 1(867)), as amended by Decree-Law No 50 of 24 April 2017, and the subsequent transfer of that operator to another economic operator, without a competitive tender procedure and for no consideration, constitute State aid within the meaning of Article 107 of the Treaty on the Functioning of the European Union?

If so, is it necessary to establish whether the aid in question is, in any event, compatible with EU law, and what are the consequences of failure to give notification of the aid for the purposes of Article 10[8](3) TFEU?

Request for a preliminary ruling from the College van Beroep voor het Bedrijfsleven (Netherlands) lodged on 11 June 2018 — Coöperatieve Producentenorganisatie en Beheersgroep Texel UA v Minister van Landbouw, Natuur en Voedselkwaliteit

(Case C-386/18)

(2018/C 294/43)

Language of the case: Dutch

Referring court

College van Beroep voor het Bedrijfsleven

Parties to the main proceedings

Applicant: Coöperatieve Producentenorganisatie en Beheersgroep Texel UA

Defendant: Minister van Landbouw, Natuur en Voedselkwaliteit

Questions referred

1(a) Does Article 66(1) of Regulation (EU) No 508/2014 ([1]) of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council ('Regulation 508/2014'), given that it provides that the EMFF 'shall' support the preparation and implementation of production and marketing plans referred to in Article 28 of Regulation (EU) No 1379/2013 ([2]) of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 ('Regulation 1379/2013'), preclude a Member State from responding to a producer organisation which has submitted an application for such a grant, by arguing that the Member State concerned had not made available, either in its operational programme approved by the European Commission, or in the national rules for determining the eligibility of expenditure, the possibility of making such an application at the time of the submission of the application for a certain category of expenditure (in the present case: the costs of the preparation and implementation of production and marketing plans) or for a certain period (in the present case: the year 2014)?

1(b) Is it relevant to the answer to question 1(a) that the producer organisation is obliged, under Article 28(1) of Regulation No 1379/2013, to draw up a production and marketing plan and, after approval of the production and marketing plan by the Member State, to implement that production and marketing plan?

2. If the answer to question 1(a) is that Article 66(1) of Regulation 508/2014 precludes a Member State from responding to a producer organisation which has submitted an application for a grant for the preparation and implementation of production and marketing plans by arguing that the Member State concerned had not made available the possibility of making such an application at the time of the submission of the application, can the grant applicant concerned then rely directly on Article 66(1) of Regulation 508/2014 as the legal basis for a claim against his Member State on the provision of the grant in question?

3. If the answer to question 2 is that, in the case referred to in question 2, the grant applicant concerned can rely directly on Article 66(1) of Regulation 508/2014 as the legal basis for a claim against his Member State on the provision of the grant in question, does Article 65(6) of Regulation (EU) No 1303/2013 ([3]) of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ('Regulation 1303/2013') then preclude the provision of a grant for the preparation and implementation of a production and implementation plan in a situation where the grant application is submitted after the production and marketing plan has been prepared and implemented?

([1]) OJ 2014 L 149, p. 1.
([2]) OJ 2013 L 354, p. 1.
([3]) OJ 2013 L 347, p. 320.

Request for a preliminary ruling from the Wojewódzki Sąd Administracyjny w Warszawie (Poland) lodged on 12 June 2018 — Delfarma Sp. z o.o. v Prezes Urzędu Rejestracji Produktów Leczniczych, Wyrobów Medycznych i Produktów Biobójczych

(Case C-387/18)

(2018/C 294/44)

Language of the case: Polish

Referring court

Wojewódzki Sąd Administracyjny w Warszawie

Parties to the main proceedings

Applicant: Delfarma Sp. z o.o.

Defendant: Prezes Urzędu Rejestracji Produktów Leczniczych, Wyrobów Medycznych i Produktów Biobójczych

Question referred

Does EU law, including without limitation Article 34 and Article 36 of the Treaty on the Functioning of the European Union, preclude national legislation whereby the marketing authorisation in a Member State for a medicinal product imported in parallel cannot be granted quite simply because the medicinal product imported in parallel has been authorised in the Member State of export as a generic medicinal product, namely on the basis of an abridged dossier, whereas in the Member State of import this medicinal product has been authorised as a reference medicinal product, namely on the basis of a full dossier, and the authorisation is refused without examining whether both products are essentially therapeutically identical and without the national authority applying — despite this being possible — for documentation to the appropriate authority in the Member State of export?

Request for a preliminary ruling from the Tribunal de première instance francophone de Bruxelles (Belgium) lodged on 13 June 2018 — Brussels Securities SA v Belgian State

(Case C-389/18)

(2018/C 294/45)

Language of the case: French

Referring court

Tribunal de première instance francophone de Bruxelles