

Operative part of the judgment

Article 56 TFEU must be interpreted as meaning that it applies to the situation of a company established in a Member State which has lost its licence to operate games of chance following the entry into force, in that Member State, of legislation determining the places in which it is permitted to organise such games, which is applicable without distinction to all service providers operating in that Member State, regardless of whether those services are provided to nationals of that Member State or to those of other Member States, where some of its customers come from a Member State other than the Member State in which it is established.

(¹) OJ C 213, 24.6.2019.

Judgment of the Court (Fifth Chamber) of 3 December 2020 (request for a preliminary ruling from the Verwaltungsgericht Berlin — Germany) — *Ingredion Germany GmbH v Bundesrepublik Deutschland*

(Case C-320/19) (¹)

(Reference for a preliminary ruling — Environment — Directive 2003/87/EC — Greenhouse gas emission allowance trading scheme — Article 3(h) — New entrants — Article 10a — Transitional rules for free allocation of emission allowances — Decision 2011/278/EU — Article 18(1)(c) — Fuel-related activity level — Second subparagraph of Article 18(2) — Relevant capacity utilisation factor)

(2021/C 35/16)

Language of the case: German

Referring court

Verwaltungsgericht Berlin

Parties to the main proceedings

Applicant: Ingredion Germany GmbH

Defendant: Bundesrepublik Deutschland

Operative part of the judgment

The second subparagraph of Article 18(2) of Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council must be interpreted as meaning that, for the purposes of allocating emission allowances free of charge to new entrants, the relevant capacity utilisation factor is limited to a value of less than 100 %.

(¹) OJ C 246, 22.7.2019.

Judgment of the Court (First Chamber) of 3 December 2020 — *Région de Bruxelles-Capitale v European Commission*

(Case C-352/19 P) (¹)

(Appeal — Regulation (EC) No 1107/2009 — Placing of plant protection products on the market — Implementing Regulation (EU) 2017/2324 — Renewal of the approval of the active substance glyphosate — Article 263 TFEU — Standing to bring proceedings of a regional body — Whether directly concerned)

(2021/C 35/17)

Language of the case: French

Parties

Appellant: Région de Bruxelles-Capitale (represented by: A. Bailleux, avocat)

Other party to the proceedings: European Commission (represented by: X. Lewis, F. Castillo de la Torre, I. Naglis and F. Castilla Contreras, acting as Agents)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the Région de Bruxelles-Capitale to pay the costs.

(¹) OJ C 220, 1.7.2019.

Judgment of the Court (Fifth Chamber) of 25 November 2020 (request for a preliminary ruling from the Ondernemingsrechtbank Antwerpen — Belgium) — Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM) v BVBA Weareone.World, NV Wecandance

(Case C-372/19) (¹)

(Reference for a preliminary ruling — Competition — Article 102 TFEU — Abuse of a dominant position — Concept of ‘unfair price’ — Copyright collecting society — De facto monopoly — Dominant position — Abuse — Performance of musical works during music festivals — Scale based on gross revenue from the sale of admission tickets — Reasonable in relation to the service provided by the collecting society — Determination of the share of the musical repertoire of the collecting society actually performed)

(2021/C 35/18)

Language of the case: Dutch

Referring court

Ondernemingsrechtbank Antwerpen

Parties to the main proceedings

Applicant: Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM)

Defendants: Weareone.World BVBA, Wecandance NV

Operative part of the judgment

Article 102 TFEU must be interpreted as meaning that, the imposition, by a collecting society having a de facto monopoly in a Member State, on organisers of musical events, for the right of communication to the public of musical works, a scale with the following attributes, does not constitute an abuse of a dominant position, within the meaning of that article:

- royalties due in respect of copyright are calculated on the basis of a rate applied to the gross revenue from the sale of admission tickets, without all of the costs relating to the organisation of the festival that are unrelated to the musical works performed there being deducted from that revenue, provided that, having regard to all the relevant circumstances of the case, the royalties actually imposed by the collecting society on application of that scale are not excessive in view, in particular, of the nature and extent of the use of the works, the economic value generated by that use and the economic value of the services provided by that collecting society, which it is for the national court to verify, and