Request for a preliminary ruling from the College van Beroep voor het Bedrijfsleven (Netherlands) lodged on 3 May 2019 — De Ruiter vof v De Minister van Landbouw, Natuur en Voedselkwaliteit

(Case C-361/19)

(2019/C 270/18)

Language of the case: Dutch

Referring court

College van Beroep voor het Bedrijfsleven

Parties to the main proceedings

Applicant: De Ruiter vof

Defendant: De Minister van Landbouw, Natuur en Voedselkwaliteit

Question referred

Are Article 99(1) of Regulation (EU) No 1306/2013 [1] of the European Parliament and the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy [and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008] and Article 73(4)(a) of Commission Implementing Regulation (EU) No 809/2014 [2] of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance valid, in so far as, in those provisions, the year of the finding of non-compliance is decisive for the determination of the year for which the cross-compliance reduction is calculated, in a situation where the year of the non-compliance with the cross-compliance rules is not the same as the year of the finding of non-compliance?

(1) OJ 2013 L 347, p. 549.
(2) OJ 2014 L 227, p. 69.

Request for a preliminary ruling from the Ondernemingsrechtbank Antwerpen (Belgium) lodged on 10 May 2019 — Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM) v BVBA Weareone.World, NV Wecandance

(Case C-372/19)

(2019/C 270/19)

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: BVBA Weareone.World, NV Wecandance

Questions referred

Must Article 102 TFEU, whether or not read in conjunction with Article 16 of Directive 2014/26/EU ([1]) on collective management of copyright and related rights and the multi-territorial licensing of rights in musical works for online use in the internal market, be interpreted as meaning that there is abuse of a dominant position if a copyright management company which has a de facto monopoly in a Member State, applies a remuneration model to organisers of musical events for the right to communicate musical works to the public, based among other things on turnover,

1. which uses a flat-rate tariff in tranches, instead of a tariff that takes into account the precise share (making use of advanced technical tools) of the music repertoire protected by the management company played during the event?

2. which makes licence fees dependent on external elements such as, inter alia, the admission price, the price of refreshments, the artistic budget for the performers and the budget for other elements, such as decor?

([1]) OJ 2014 L 84, p. 72.

Action brought on 16 May 2019 — European Commission v Kingdom of Spain

(Case C-384/19)

(2019/C 270/20)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: E. Manhaeve and E. Sanfrutos Cano, Agents)

Defendant: Kingdom of Spain

Form of order sought

The applicant claims that the Court should:

— declare that the Kingdom of Spain has failed to fulfil its obligations under Article 7(1) and (5) and Article 15(1) of Directive 2007/60/EC ([1]) as regards river basin districts ES120 Gran Canaria, ES122 Fuerteventura, ES123 Lanzarote, ES124 Tenerife, ES125 La Palma, ES126 La Gomera and ES127 El Hierro;

— declare that the Kingdom of Spain has failed to fulfil its obligations under Article 10(1) and (2) of Directive 2007/60/EC as regards river basin districts ES120 Gran Canaria, ES122 Fuerteventura and ES125 La Palma;

— order the Kingdom of Spain to pay the costs.