

- Since Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability, is not applicable *ratione temporis* to the dispute in the main proceedings,
- since Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability, as amended by Directive 2005/14/EC of the European Parliament and of the Council of 11 May 2005, Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles as amended by Directive 2005/14, and Directive 2000/26/EC of the European Parliament and of the Council of 16 May 2000 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and amending Council Directives 73/239/EEC and 88/357/EEC are not applicable *ratione materiae* to the present dispute, and, therefore,
- since, in the absence of implementation of EU law within the meaning of Article 51(1) of the Charter, neither is Article 47 of the Charter of Fundamental Rights of the European Union applicable to the dispute,

those directives and Article 47 of the Charter must be interpreted as not precluding, in the present case, the consequences arising from the case-law of the referring court to the effect that, for the purposes of the subrogated claim, the burden of proof relating to all of the elements establishing the civil liability of the defendants in the main proceedings for the accident which occurred on 20 July 2006 rests with the Lietuvos Respublikos transporto priemonių draudikų biuras (the Bureau of Motor Insurers of the Republic of Lithuania).

⁽¹⁾ OJ C 27, 25.1.2016.

Judgment of the Court (Grand Chamber) of 13 June 2017 (request for a preliminary ruling from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) — United Kingdom) — The Queen, on the application of: The Gibraltar Betting and Gaming Association Limited v Commissioners for Her Majesty's Revenue and Customs, Her Majesty's Treasury

(Case C-591/15) ⁽¹⁾

(Reference for a preliminary ruling — Article 355(3) TFEU — Status of Gibraltar — Article 56 TFEU — Freedom to provide services — Purely internal situation — Inadmissibility)

(2017/C 277/08)

Language of the case: English

Referring court

High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court)

Parties to the main proceedings

Applicant: The Queen, on the application of: The Gibraltar Betting and Gaming Association Limited

Defendant: Commissioners for Her Majesty's Revenue and Customs, Her Majesty's Treasury

Operative part of the judgment

Article 355(3) TFEU, in conjunction with Article 56 TFEU, is to be interpreted as meaning that the provision of services by operators established in Gibraltar to persons established in the United Kingdom constitutes, as a matter of EU law, a situation confined in all respects within a single Member State.

⁽¹⁾ OJ C 27, 25.1.2016.