

Parties to the main proceedings

Applicant: E.ON Biofor Sverige AB

Defendant: Statens energimyndighet

Operative part of the judgment

1. Article 18(1) of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC must be interpreted as meaning that it is not intended to place an obligation on the Member States to authorise imports, via their interconnected national gas networks, of biogas satisfying the sustainability criteria set out in Article 17 of that directive and intended for use as biofuel;
2. Examination of the second question has not disclosed any factor such as to affect the validity of Article 18(1) of Directive 2009/28;
3. Article 34 TFEU must be interpreted as precluding an order, such as the order at issue in the main proceedings, by which a national authority seeks to exclude the possibility that an economic operator may implement a mass balance system, within the meaning of Article 18(1) of Directive 2009/28, in respect of sustainable biogas transported in interconnected national gas networks, by virtue of a provision adopted by that authority under which such a mass balance must be achieved 'within a location with a clear boundary', when that authority accepts, on the basis of that provision, that a mass balance system may be implemented in respect of sustainable biogas transported within the national gas network of the Member State of that authority.

⁽¹⁾ OJ C 7, 11.1.2016.

Judgment of the Court (First Chamber) of 15 June 2017 (request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas — Lithuania) — Lietuvos Respublikos transporto priemonių draudikų biuras v Gintaras Dockevičius, Jurgita Dockevičienė

(Case C-587/15) ⁽¹⁾

(Reference for a preliminary ruling — Insurance against civil liability in respect of motor vehicles — Accident occurring in 2006 between vehicles normally based in different Member States — Internal Regulations of the Council of Bureaux of national insurers of the Member States — Lack of jurisdiction of the Court — Directive 2009/103/EC — Not applicable ratione temporis — Directives 72/166/EEC, 84/5/EEC and 2000/26/EC — Not applicable ratione materiae — Article 47 of the Charter of Fundamental Rights of the European Union — Inapplicability — Failure to implement EU law)

(2017/C 277/07)

Language of the case: Lithuanian

Referring court

Lietuvos Aukščiausiasis Teismas

Parties to the main proceedings

Applicant: Lietuvos Respublikos transporto priemonių draudikų biuras

Defendants: Gintaras Dockevičius, Jurgita Dockevičienė

Operative part of the judgment

The Court does not have jurisdiction to give a preliminary ruling on the questions referred by the national court in respect of the interpretation of the Internal Regulations of the Council of Bureaux, adopted by the Agreement of 30 May 2002 between the national insurers' bureaux of the Member States of the European Economic Area and other Associate States, and appended to the annex to Commission Decision 2003/564/EC of 28 July 2003 on the application of Council Directive 72/166/EEC relating to checks on insurance against civil liability in respect of the use of motor vehicles.

- 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.