

4. Article 101 TFEU must be interpreted as meaning that such an arrangement cannot be exempt under Article 101(3) TFEU.

⁽¹⁾ OJ C 222, 20.6.2016.

Judgment of the Court (Grand Chamber) of 23 January 2018 (request for a preliminary ruling from the Supreme Court of Gibraltar) — The Queen on the application of Albert Buhagiar and Others v Minister for Justice

(Case C-267/16) ⁽¹⁾

(Reference for a preliminary ruling — Territorial scope of EU law — Article 355(3) TFEU — Act concerning the Conditions of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland and the Adjustments to the Treaties — Article 29 — Point 4 of Section I of Annex I — Exclusion of Gibraltar from the customs territory of the European Union — Implications — Directive 91/477/EEC — Article 1(4) — Article 12(2) — Annex II — European firearms pass — Hunting and target shooting activities — Applicability to the territory of Gibraltar — Obligation to transpose — No such obligation — Validity)

(2018/C 104/04)

Language of the case: English

Referring court

Supreme Court of Gibraltar

Parties to the main proceedings

Claimants: The Queen on the application of Albert Buhagiar, Wayne Piri, Stephanie Piri, Arthur Taylor, Henry Bonifacio, Colin Tomlinson, Darren Sheriff

Defendant: Minister for Justice

Operative part of the judgment

1. Article 29 of the Act concerning the Conditions of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland and the Adjustments to the Treaties, read in conjunction with point 4 of Section I of Annex I thereto, must be interpreted as meaning that Article 12(2) of Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons, as amended by Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008, read in conjunction with Article 1(4) thereof and Annex II thereto, does not apply on the territory of Gibraltar.
2. Examination of the questions referred for a preliminary ruling has disclosed no factor of such a kind as to affect the validity of Directive 91/477, as amended by Directive 2008/51.

⁽¹⁾ OJ C 260, 18.7.2016.