



## PRESS RELEASE

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### **Gibraltar Case Referred to a Grand Chamber of the European Court**

In a hearing held on Tuesday 16 May 2017, the Court of Justice of the European Union heard submissions from the Gibraltar Government and the Gibraltar Target Shooting Association on the question of whether the EU Directive establishing a European Firearms Pass ought to be implemented in Gibraltar, in Case C-267/16.

The Directive has not been transposed in Gibraltar on the basis that the Government considers that it concerns the free movement of goods, an area of EU law that does not apply to Gibraltar. The Shooting Association is challenging the Government for that non-transposition.

The case has reached the European Court on a preliminary reference made by the Gibraltar Supreme Court. In the previous hearing before the Supreme Court, held on Thursday 14 April 2016, Chief Justice Mr Anthony Dudley accepted the arguments made by both parties that the case raised complex issues of EU law that needed to be determined by the European Court of Justice in Luxembourg.

This is the first time that a court in Gibraltar makes a preliminary reference to the European Court. Indeed, in his opening submissions, HM Attorney General Michael Llamas QC, stated that this was “a historic moment” and regretted that this might well be the first and last time that the courts of Gibraltar would seek the distinguished guidance of the European Court.

Significantly, the case was assigned to a Grand Chamber of the Court consisting of 15 judges and presided by the President of the Court of Justice, Mr. Koen Lenaerts. The Grand Chamber only sits in cases which raise issues of exceptional importance. The UK Government, the European Parliament, the European Commission and the European Council also intervened in the case in support of the Gibraltar Government.

Advocate General P. Mengozzi will deliver his Opinion on 26 September 2017.

The Attorney General Mr Michael Llamas QC, and Crown Counsel Mrs Yvette Sanguinetti of the Government Law Offices appeared for the Gibraltar Government. The members of the Shooting Association were represented by Mr Lewis Baglietto QC and Mr Charles Bonfante of Hassans.