



PRESS RELEASE No 142/25

Luxembourg, 13 November 2025

Advocate General's Opinion in Case C-666/24 | Associació Catalana de Víctimes d'Organitzacions Terroristes (ACVOT)

Advocate General Spielmann considers that the Spanish amnesty law does not contravene the directive on combating terrorism

Nor does it contravene certain general principles of EU law

On 10 June 2024, the Spanish Parliament adopted a law on amnesty for institutional, political and social normalisation in Catalonia. ¹ The law came into force the following day. It amnesties acts giving rise to criminal or administrative liability, or liability in respect of public funds, carried out in connection with the unlawful referendum on the independence of Catalonia of 1 October 2017 and those acts carried out in connection with the Catalan independence process.

Criminal proceedings are under way before the National High Court (Spain) against twelve individuals accused of acts constituting terrorist offences in the context of the movement for Catalan independence.

Having doubts as to the application of that law in the present case, in particular in the light of the inclusion in the scope of the amnesty of acts that may be classified as terrorist acts under the directive combating terrorism, ² the National High Court referred the matter to the Court of Justice.

In his Opinion delivered today, Advocate General Dean Spielmann examines, in the first place, the **compatibility of the amnesty law with the directive**. He observes that amnesty is a non-harmonised matter coming under the exclusive competence of the Member States. Moreover, the directive does not contain any provision explicitly prohibiting the use of mechanisms for extinguishing criminal liability, such as amnesty. The Advocate General considers that the decisive criterion for assessing that compatibility lies in its compliance with the minimum requirements arising from international law, in particular humanitarian law, and with the case-law standards established by the European Court of Human Rights, among others. ³

The Advocate General considers that **the directive does not preclude the amnesty law**. Indeed, **that law does not deprive that directive of its full effectiveness**, because the it entails only a partial and temporary 'deactivation' of its effects, by extinguishing criminal liability for certain specific acts that are limited in time and by their nature, without calling into question the general applicability of the directive to other situations. Furthermore, the amnesty law satisfies the case-law standards established by the European Court of Human Rights: on the one hand, **it appears to have been adopted in a genuine context of political and social reconciliation, and does not constitute a self-amnesty**; on the other, **it does not cover serious human rights violations, most notably violations of the rights to life and physical integrity**. The amnesty law explicitly **excludes acts that intentionally caused such violations**, without formally including all of the offences covered by the directive. That approach does not appear to be incompatible, in principle, with the objectives of the directive.

In the second place, the Advocate General examines the conformity of the amnesty law with certain **general**

principles of EU law, such as the **principles of legal certainty**,⁴ **legitimate expectations**,⁵ **equality before the law and non-discrimination**, together with the **principles of the primacy of EU law**⁶ and **sincere cooperation**.⁷

With regard to the **principle of legal certainty**, the Advocate General highlights the fact that the amnesty law explicitly refers to the relevant provisions of the European Convention on Human Rights enshrining the right to life and the prohibition of torture and inhuman or degrading treatment. According to the Advocate General, **that wording makes it possible to draw a sufficiently clear line** between conduct capable of benefiting from an amnesty and conduct which, because of its seriousness, must remain subject to the prosecution system established by the directive.

Furthermore, **with regard to the principles of legal certainty and legitimate expectations**, the Advocate General considers that, in principle, **the abstract scope or general wording of the material or temporal scope of the amnesty law are not decisive in assessing the conformity of that law with EU law**. The Court's review should be confined to verifying that there is **no impunity for acts constituting serious human rights violations**. Furthermore, although the amnesty law has a broad material and temporal scope, it covers a specific period and precisely identified facts, which are all linked to the independence process in Catalonia. It therefore has a direct link with its political purpose – institutional normalisation and social reconciliation in the context of the Catalan crisis.

According to the Advocate General, the **principles of equality before the law and non-discrimination**, together with the principles of the **primacy of EU law and sincere cooperation**, **likewise do not preclude the amnesty law**.

NOTE: The Advocate General's Opinion is not binding on the Court of Justice. It is the role of the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the Court are now beginning their deliberations in this case. Judgment will be given at a later date.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision. That decision is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text](#) of the Opinion is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

Images of the delivery of the Opinion are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

Stay Connected!



¹ The Spanish Constitutional Court declared this law to be compatible with the Spanish Constitution in a ruling of 26 June 2025, with the exception of two provisions.

² [Directive \(EU\) 2017/541](#) of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

³ The case-law of the European Court of Human Rights has evolved in this area, and is structured around three major constants: in the first place, amnesty granted for serious crimes, such as acts of torture, war crimes or violations of the right to life, undermines the very essence of the obligations to protect the right to life and to prohibit torture under the [European Convention on Human Rights](#); in the second place, that approach is part of a trend based on the rejection of impunity for the most serious human rights violations; lastly, only a strictly framed amnesty, as part of a

genuine process of bringing justice, combining compensation for victims and, where appropriate, reconciliation, can still be considered compatible with the obligations of the Member States under the European Convention on Human Rights.

⁴ Under that principle, rules of law must be formulated in a clear, precise and unequivocal manner, so that everyone can know, in a foreseeable manner, the extent of their rights and obligations.

⁵ That principle aims to protect the stability of legal positions established on the basis of the rules in force. It presupposes the existence of precise and legitimate expectations based on clear assurances from the competent authorities.

⁶ That principle requires all Member State bodies to give full effect to the various EU provisions, and the law of the Member States may not undermine the effect accorded to those various provisions in the territory of those States.

⁷ That principle requires the Member States and the EU institutions to respect each other and to assist each other in carrying out the tasks which flow from the Treaties. Member States must therefore take all measures necessary to guarantee the application and effectiveness of EU law.