



PRESS RELEASE No 57/26

Luxembourg, 16 April 2026

Advocate General's Opinion in Case C-555/24 P | Medel and Others v Council

Advocate General Ćapeta: associations representing judges have standing to bring actions for annulment against the Council's decision approving justice system milestones concerning Poland under the EU Recovery and Resilience Facility

Four associations ¹ representing judges brought actions for annulment against the Council implementing decision approving Poland's recovery and resilience plan under the Recovery and Resilience Facility (RRF). Those associations consider that the conditions for the disbursement of funds, three of which concerned the Polish justice system (milestones F1G, F2G and F3G), are inconsistent with EU law and the Council's obligations thereunder.

By order of 4 June 2024, the General Court dismissed those actions as inadmissible. ² It held that the associations did not have standing because the decision at issue was of a budgetary conditionality nature and did not directly concern either the judges, members of those associations, or the associations acting in their own name.

In her Opinion delivered today, **Advocate General Tamara Ćapeta proposes that the order be set aside and that the case be referred back to the General Court for a ruling on the substance.**

Milestones F2G and F3G imposed a specific obligation on Poland to introduce review proceedings of disciplinary sanctions imposed on judges by the Disciplinary Chamber of the Polish Supreme Court. The Advocate General considers that **the General Court erred in finding that those milestones do not directly concern the Polish judges affected by those disciplinary decisions.** In addition, the possibility that Poland would not implement those milestones was merely theoretical. The Advocate General therefore concludes that **the actions brought on behalf of those judges should not have been rejected as inadmissible.** By contrast, she agrees with the General Court that those milestones do not directly concern other Polish judges who were not subject to disciplinary sanctions.

Milestone F1G required certain reforms intended to strengthen the independence of the judiciary in Poland. The Advocate General takes the view that the General Court was entitled to find that the alleged insufficiency of the reforms required by that milestone do not directly affect the legal position of Polish judges generally, or of judges in other Member States and EEA States. The arguments relied on in that respect were not sufficient to establish a direct link between the contested milestone and a concrete change in their legal situation.

However, the Advocate General considers that **the General Court did not sufficiently address the argument that, in the light of the principle of effective judicial protection, associations may challenge EU acts affecting their own interests.**

For the purposes of resolving the issue of standing in the present case, the Advocate General therefore examines the broader issue of when associations acting in their own name may be directly and individually concerned for the purposes of the fourth paragraph of Article 263 TFEU. In particular, she considers that associations have their own interests where they defend collective interests that form part of their identity and go beyond the mere sum of their members' individual

interests.

In that light, the Advocate General suggests that **direct concern should be understood, in the case of an association acting in its own name, as requiring that the challenged act is the direct source of the effects on the collective interests that the association defends. Individual concern should, in turn, be assessed by reference to whether the association's core interests and activities differentiate it from other associations and from its members in relation to the challenged act.** On that basis, she considers that the associations at issue in the present case, whose purpose is to safeguard the independence of the judiciary in Poland, have standing in their own name for the purposes of bringing actions for annulment to challenge milestone F1G.

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: An appeal, limited to points of law, may be brought before the Court of Justice against a decision of the General Court. In principle, such an appeal does not have suspensory effect. If the appeal is allowed and well founded, the Court sets aside the decision of the General Court. Where the state of the proceedings so permits, the Court may itself give final judgment in the case. Otherwise, it must refer the case back to the General Court, which is bound by the decision given on appeal.

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.

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

Stay Connected!



¹ The four associations active in the defence of judicial independence are *Medel - Magistrats européens pour la démocratie et les libertés* (a European network of associations of judges defending judicial independence), *the International Association of Judges* (a global organisation representing national associations of judges), *the Association of European Administrative Judges* (representing administrative judges across Europe) and *Stichting Rechters voor Rechters* (a foundation supporting judges whose independence is threatened).

² [Order of the General Court of 4 June 2024 in Joined Cases T-530/22 to T-533/22](#) (see also Press Release [91/24](#)).