



PRESS RELEASE No 112/26

Luxembourg, 16 July 2026

Judgments of the Court in Cases C-523/24 | Sociedad Civil Catalana and C-666/24 | Associació Catalana de Víctimes de Organitzacions Terroristes (ACVOT)

EU law does not preclude the Spanish amnesty law for normalisation of the situation in Catalonia

The adoption and application of an amnesty law falls within the competence of the Member States, so that the Court's review is limited to the identification of problems associated with judicial protection which have a systemic nature, and to respect for the effectiveness of the rules of EU law specifically affected, such as the Directive on combating terrorism and the preliminary ruling procedure

The Spanish Court of Auditors and the Spanish National High Court referred questions to the Court of Justice concerning the compatibility of EU law with the Spanish amnesty law adopted in June 2024, concerning acts carried out in the context of the Catalan independence process. In its judgments, the Court, sitting as the Grand Chamber, holds that EU law does not preclude that amnesty law. That law seeks to reduce institutional and political tensions and to facilitate a scenario for reconciliation

- by requiring the national courts to adopt a decision extinguishing liability within a maximum period of two months, without examination of the defence submissions and exculpatory evidence and without hearing all the parties to the proceedings and

- by providing that there be no prosecution for terrorist offences committed in the sole specific context of the movement for Catalan independence, with the exception of acts which intentionally caused serious breaches of human rights.

As regards the procedural rules set out by such an amnesty law in a field that falls within the competence of the Member States, the Court states that its review is limited to problems of a systemic nature capable of undermining the proper functioning of the national judicial system. According to the Court, the procedural rules of the Spanish amnesty law cannot lead to such problems.

That law also respects the effectiveness of the directive on combating terrorism, since, in line with its own objectives, the amnesty law merely provides, *a posteriori*, for the absence of prosecution for terrorist offences committed in the sole specific context of the movement for Catalan independence.

The Court however emphasises that that amnesty law must not deprive the preliminary ruling procedure of its effectiveness. That would be the case if the maximum period of two months within which the national courts must adopt a decision extinguishing liability and lift any interim measures already taken were to apply even where a request for a preliminary ruling was made to the Court, without the possibility of waiting for it to deliver its decision. If the provisions of the amnesty law were to have such an effect, they would have to be set aside.

On 10 June 2024, the Spanish Parliament adopted an amnesty law for institutional, political and social normalisation in Catalonia. 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.

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

However, having doubts about the compatibility with EU law of the amnesty law, the Spanish Court of Auditors and the Spanish High Court therefore referred questions to the Court of Justice for a preliminary ruling.

Case C-523/24 Sociedad Civil Catalana

The Spanish Court of Auditors must rule on liability actions against a number of people responsible for the handling of public funds and accused of having caused loss to the public assets of the Autonomous Community of Catalonia. That loss relates to the expenditure incurred in holding the referendum and promoting Catalonia's independence internationally between 2011 and 2017.

The Spanish Court of Auditors wishes to know, first, **whether the extinction of liability for that loss is capable of undermining the financial interests of the Union. The Court responds in the negative.** Any effect on the Union budget cannot result from an adverse effect on the national budget alone, on the ground that the contribution of the Member State concerned to the Union budget could be affected by it. In particular, an adverse effect on the financial interests of the Union cannot be established on the sole basis of the reduction in gross national income which could potentially be the result of the secession of part of a national territory.

Secondly, the Spanish Court of Auditors asks about the compatibility of the amnesty law with the general obligation for the Member States, laid down in the EU Treaty, to establish remedies sufficient to ensure effective legal protection in the fields covered by EU law. ¹

In its judgment, **the Court states that, in a field falling within the competence of the Member States, its review is limited to problems of a systemic nature capable of undermining the proper functioning of the national judicial system in the fields covered by EU law.**

Through that prism, the obligation to ensure effective judicial protection does not preclude procedural provisions which, within the expressly defined scope of the amnesty law alone, require national courts to adopt a decision extinguishing liability within a maximum period of two months, without examination of the defence submissions and exculpatory evidence and without hearing all the parties to the proceedings. **According to the Court, such provisions cannot lead to problems of a systemic nature capable of undermining the proper functioning of the national judicial system in the fields covered by EU law.**

Thirdly, the Spanish Court of Auditors has doubts as to the **compatibility of the amnesty law with the preliminary ruling procedure before the Court of Justice.**

In its judgment, the Court notes that **the Spanish amnesty law could deprive the preliminary ruling procedure of its effectiveness.** That would be the case if the **maximum period of two months** within which the **national courts must adopt a decision** extinguishing liability **and lift any interim measures** already taken applied **even where a request for a preliminary ruling was made to the Court of Justice and it has not yet delivered its decision.**

Before the Court, the Spanish Government nevertheless maintained that the amnesty law lends itself to an interpretation that complies with EU law, in so far as proceedings may be suspended and interim measures maintained for as long as necessary to ensure the effectiveness of the Court's reply.

Case C-666/24 ACVOT

In reply to the questions raised by the Spanish High court, the Court recalls, first, that the Directive on combating terrorism ² requires the Member States, first to define as terrorist offences a series of acts committed with a terrorist aim; secondly, to penalise offences relating to a terrorist group or to terrorist activities, as well as aiding and abetting those offences, inciting the commission of such offences and attempting to commit them and, thirdly, to provide for effective, proportionate and dissuasive criminal penalties, which must be heavier than those imposable under national law in the

absence of terrorist intent.

By contrast, the Court observes that that directive contains no specific provision relating to national mechanisms for extinguishing criminal liability, such as amnesties, and it does not therefore determine the limits in relation to such mechanisms. The application of an amnesty such as that provided for by the Spanish amnesty law nevertheless has the effect that acts which may be classified as terrorism and which fall within the scope of that law can no longer be prosecuted in Spain. This concerns acts perpetrated between 1 November 2011 and 13 November 2023 in the specific context of the movement for Catalan independence.

According to the Court, **the Spanish amnesty law does not compromise the effectiveness of the Directive on combating terrorism**. In line with its objective of reducing institutional and political tensions and facilitating a scenario for reconciliation, that law merely provides, *a posteriori*, for the absence of prosecution for certain offences committed in the sole specific context of the movement for Catalan independence, while excluding any amnesty for acts which intentionally caused serious breaches of human rights.

It is for the courts having jurisdiction to identify the specific acts which are excluded from the amnesty.

In that regard, the Court notes that **the abstract definition of acts falling within the scope of that exclusion from amnesty** and in particular the fact that that law does not specify in detail either the exact nature of all of those acts or set a threshold of seriousness to be attached to them **do not undermine the requirements of the principle of legal certainty**. A legislative technique consisting in the use of abstract formulations or general categories rather than exhaustive lists observes that principle, provided that the interpretation of those formulations is reasonably foreseeable. The exclusion provision in question refers to legal concepts of criminal law, such as intention, causality and the seriousness of a breach of human rights, which cannot raise difficulties in terms of application for the courts having jurisdiction in order, as the case may be, to exclude an act from the benefit of amnesty.

Next, the Court emphasises that the Spanish amnesty law observes the principles of equal treatment and non-discrimination, since, in the light of its express aim of promoting political reconciliation in the sole context of a particular political movement, the offences committed in that context and those committed in other contexts cannot be regarded as comparable situations.

Finally, in the light of the finding that the **Spanish amnesty law** does not undermine the effectiveness of the directive, read in the light of the principles of legal certainty, equal treatment and non-discrimination, the Court concludes that **nor does that law infringe the principle of primacy** by virtue of which all Member State bodies must give full effect to the various EU provisions, **or the principle of sincere cooperation** which requires the Member States to refrain from any measure which could jeopardise the attainment of the European Union's objectives.

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, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The full text and, as the case may be, an abstract of the judgments ([C-523/24](#) and [C-666/24](#)) are published on the CURIA website on the day of delivery.

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¹ Principle of effective judicial protection, enshrined in a general provision of primary EU law: the second subparagraph of Article 19(1) TEU.

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.