



Judgment of the Court in Case C-482/24 P | Global 8 Airlines v Commission

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Restrictive measures: the inclusion, by the Commission, of aircraft on a flight ban list is an act that may be challenged before the EU Courts

An act of the Commission may, depending on the case, in view of that act's substance and of the intention of its author, be the subject of an action for annulment, even if that institution were to lack the powers necessary to adopt the act

In the context of the restrictive measures adopted following Russia's military aggression against Ukraine, the European Union, *inter alia*, prohibited certain aircraft linked to Russian persons or entities from landing in, taking off from or overflying its territory.

Global 8 Airlines, a Kyrgyz airline company, purchased two aircraft from a Russian company. After Eurocontrol ¹ rejected a flight plan for one of the two aircraft, the company learned that the two aircraft appeared on a list of aircraft subject to a flight ban, transmitted to Eurocontrol by the European Commission.

Global 8 Airlines brought an action before the General Court of the European Union seeking the annulment of the decision on the inclusion of its aircraft on that list. In April 2024, the General Court dismissed, by an order, ² its action as inadmissible, ruling that that decision did not constitute an act against which an action for annulment may be brought.

The Court of Justice, with which an appeal was lodged, **sets aside the order of the General Court.**

The Court of Justice recalls that any act of an EU institution, whatever its form, that is intended to have binding legal effects may be the subject of an action for annulment. In order to determine whether that is the case, it is necessary in particular to carry out a specific examination of the content of the act. The General Court failed to carry out such an analysis and did not request the Commission to produce the decision at issue. The Court of Justice states also that the information in the case file shows **the leading role that the Commission had in the inclusion of the two aircraft among the aircraft subject to a flight ban.**

The Court of Justice also points out that whether an act is open to challenge must be assessed objectively, on the basis of its substance. The question whether that act affects the applicant's interests by bringing about a distinct change in that person's legal position is part of a separate examination, relating to the applicant's standing in the light of the conditions provided for in the fourth paragraph of Article 263 TFEU.

The Court of Justice thus rejects the grounds of inadmissibility alleging that the decision at issue did not exist, that it did not constitute an act against which an action may be brought, and that it was not attributable to the Commission. **The other matters pertaining to admissibility as well as the merits of the action remain to be examined; the case is referred back to the General Court.**

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the decision of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which

is bound by the decision given by the Court of Justice on the appeal.

NOTE: An action for annulment seeks the annulment of acts of the institutions, bodies, offices and agencies of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

Unofficial document for media use, not binding on the Court of Justice. The presentation of the facts and the legal context refers to the relevant period and is based on the case file.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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¹ Eurocontrol (European Organisation for the Safety of Air Navigation) is an intergovernmental organisation separate from the European Union. As the network manager of the single European sky, it ensures, in particular, the centralised processing, the acceptance and the distribution of flight plans. In that context, it takes into account information provided by the Commission concerning the aircraft subject to a flight ban.

² Order of the General Court of 29 April 2024, *Global 8 Airlines v Commission*, [T-277/23](#).