COURT OF JUSTICE
OF THE EUROPEAN UNION

# **Judgment** of the Court
# in Case C-118/25 P | Nord Stream 2 v Parliament and Council

Press release No 160/26

Luxembourg, 5 November 2026

## Nord Stream 2 gas pipeline: the Court of Justice upholds the General Court's judgment dismissing the action brought by Nord Stream 2 against the directive extending certain rules for the internal market in natural gas to pipelines from third countries

*The rules challenged before the General Court therefore remain in force*

Nord Stream 2 is a gas pipeline from Russia to Germany running through the Baltic Sea. In 2019, the European Union amended the rules for the market in gas so that they also apply to pipelines connecting a Member State to a third country, including sections located within the territorial sea of a Member State. Those rules concern, inter alia, the unbundling of gas supply from the operation of gas transmission systems, third-party access to pipelines and transparency. The amendments also allow Member States, under certain conditions, to grant derogations for pipelines completed before 23 May 2019. Nord Stream 2 AG, the company responsible, inter alia, for operating the Nord Stream 2 pipeline, challenged those amendments before the General Court of the European Union.

After the General Court initially declared the action inadmissible, [1] the Court of Justice set aside its decision [2] and found that the action was admissible in respect of the amended provision concerning derogations for pipelines completed before 23 May 2019. The case was therefore referred back to the General Court for it to rule on the merits within the limits of admissibility thus recognised by the Court of Justice. In its judgment of 27 November 2024, [3] the General Court dismissed the action on the merits. Nord Stream 2 AG lodged an appeal against that judgment.

**The Court of Justice dismisses the appeal and thus upholds the judgment of the General Court.**

The Court of Justice first of all points out that, in its judgment of 12 July 2022, which concerns only the admissibility of the action, it examined whether Nord Stream 2 AG could benefit from the derogations stemming from the amendment to the regulatory framework. However, it in no way examined whether there was any difference in treatment between that company and the other pipeline operators. Consequently, it did not follow from the judgment of the Court of Justice that the General Court was required to examine whether there was any justification for a difference in treatment in comparison with those other operators.

Next, the Court of Justice notes that the EU institutions have not given Nord Stream 2 AG any assurances, in the form of precise, unconditional and consistent information, that the rules for the market in gas would continue not to apply to it. On the contrary, there have, for years, been several indications that those rules would apply to pipelines from third countries in general and to the Nord Stream 2 pipeline in particular. In those circumstances, the Court of Justice rejects Nord Stream 2 AG's argument that, on the basis of the principle of the protection of legitimate expectations, the General Court should have found that it should have been entitled to a transitional period or to a compensation system.

Furthermore, the General Court was correct in finding that the application of the common rules for the market in gas to pipelines from third countries passing through the territorial waters of a Member State serves to avoid a legal vacuum and to make the regulatory framework more consistent. In that regard, the General Court, duly fulfilling its obligation to state reasons, noted that the fundamental principles of the regulatory framework are reflected in several international agreements concluded by Member States or by the European Union with third countries and are systematically applied to

onshore pipelines between a Member State and a third country.

With regard to whether the obligation to unbundle the transmission system and the transmission system operator is appropriate for guaranteeing free competition, the Court of Justice confirms that that obligation contributes to ensuring that dominant gas suppliers cannot abuse their position by intervening simultaneously in the transmission and distribution sectors. In that context, the Court of Justice states that the mere fact that it is unlikely that there will be requests from third parties to connect to Nord Stream 2 AG's pipeline does not call that finding into question. The obligation to grant third-party access covers existing and future requests for access and means that, as regards the section of the pipeline which falls within the territorial scope of EU law, third parties are entitled not only to connect to pipelines but also to access the transmission capacities of those pipelines.

Last, the Court of Justice considers that Nord Stream 2 AG cannot avoid the obligation to unbundle on the basis of its corporate structure, since such an interpretation would be tantamount to rendering that obligation ineffective.

**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.

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] Orders of the General Court of 20 May 2020, *Nord Stream 2 AG and Nord Stream AG* v *Parliament and Council*, T-526/19 and T-530/19 (see also press release No 62/20).

[2] Judgment of the Court of Justice of 12 July 2022, *Nord Stream 2* v *Parliament and Council*, C-348/20 P (see also press release No 122/22).

[3] Judgment of the General Court of 27 November 2024, *Nord Stream 2* v *Parliament and Council*, T-526/19 RENV (see also press release No 195/24).