COURT OF JUSTICE
OF THE EUROPEAN UNION

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Monthly Case-Law Digest
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I. FUNDAMENTAL RIGHTS: PRINCIPLES AND FUNDAMENTAL RIGHTS ENSHRINED IN THE CHARTER

Judgment of the Court (Fifth Chamber) of 15 October 2026, Golf Bulgaria, C-591/24

Link to the full text of the judgment

Reference for a preliminary ruling – Directive 2010/13/EU – Audiovisual media services – Article 1(1)(a)(i) – Concept of 'audiovisual media services' – Article 6(1) – Protection of human dignity – National legislation prohibiting broadcasts contrary to accepted standards of morality – Liability of the service provider – Charter of Fundamental Rights of the European Union – Article 11 – Freedom of expression – Article 52(1) – Limitation of the rights and freedoms recognised by the Charter of Fundamental Rights

Ruling on a request for a preliminary ruling from the Administrativen sad Sofia-grad (Administrative Court, Sofia City, Bulgaria), the Court of Justice rules on the scope of the Member States' obligation under Article 6(1) of Directive 2010/13 [1] to respect and protect the value of human dignity in relation to the dissemination of videos on the internet and, inter alia, to adopt the measures necessary to ensure that the content of audiovisual media services provided by providers under their jurisdiction does not undermine that value.

In April 2023, Golf Bulgaria published an article online which included a video showing a person with special educational needs being humiliated by a group of people. Taking the view that Golf Bulgaria had broadcast a video contrary to accepted standards of morality and in breach of national law, the Savet za elektronni medii (Electronic Media Council, Bulgaria) ('the SEM') imposed an administrative fine on Golf Bulgaria. That decision having been upheld at first instance, Golf Bulgaria brought an appeal before the referring court.

In that context, the referring court asks, in essence, whether Article 6(1) of Directive 2010/13, read in the light of Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'), must be interpreted as precluding a Member State from penalising a media service provider for disseminating a video which undermines human dignity, under national legislation prohibiting, on the basis of a general principle of law of that State, broadcasts contrary to accepted standards of morality.

Findings of the Court

As a preliminary point, the Court states that, where national legislation prohibiting the dissemination of content contrary to accepted standards of morality has served as the basis for a decision adopted in order to penalise an infringement of human dignity, that national legislation falls within the scope of Article 6(1) of Directive 2010/13. In the light of the citation of Article 4(1) of that directive in the request for a preliminary ruling, the Court explains that such legislation cannot, however, be regarded as containing 'more detailed' or 'stricter' rules within the meaning of that provision, but rather as implementing the obligation to respect human dignity and to establish a ground for prohibiting the dissemination of content that undermines the value of human dignity laid down in Article 6(1) of that directive.

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1 Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ 2010 L 95 p. 1), as amended by Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 (OJ 2018 L 303, p. 69) ('Directive 2010/13').

The Court considers, in the first place, that, although Article 6(1) of Directive 2010/13 requires Member States, in the field of audiovisual media services, to protect the value of human dignity by ensuring that content which undermines that value is prohibited, it is not, in principle, ruled out that that provision may be transposed into the domestic legal order of a Member State on the basis of national legislation prohibiting, in accordance with a general principle of the law of that State, broadcasts contrary to accepted standards of morality. Nevertheless, the legal situation resulting from that national legislation must be sufficiently precise and clear to enable media service providers to ascertain that the dissemination of a video which undermines the value of human dignity falls within the concept of a broadcast contrary to accepted standards of morality.

Furthermore, the principle of legal certainty requires, on the one hand, that the rules of law be clear and precise and, on the other, that their application be foreseeable for those subject to the law, in particular, where they may have adverse consequences. That principle requires, inter alia, that legislation must enable those concerned to know precisely the extent of the obligations imposed on them, and those persons must be able to ascertain unequivocally their rights and obligations and take steps accordingly.

In the second place, the Court points out that the rights and freedoms enshrined in Article 11 of the Charter are not absolute. In that context, an obligation relating to respect for accepted standards of morality, in so far as it constitutes a means of protecting the value of human dignity, by prohibiting the dissemination of content which undermines that value, first, is based on a legitimate ground for restricting freedom of expression and, secondly, having regard to the resulting restriction of that freedom, necessarily constitutes a proportionate measure within the meaning of Article 52(1) of the Charter.

Accordingly, the Court concludes that Article 6(1) of Directive 2010/13, read in the light of Article 11 of the Charter, must be interpreted as meaning that it does not preclude a Member State from penalising a media service provider for disseminating a video which undermines the value of human dignity, under national legislation prohibiting, on the basis of a general principle of law of that State, broadcasts contrary to accepted standards of morality, in so far as providers of such services are in a position to ascertain from the wording of that national legislation and, if need be, with the assistance of the interpretation of it by the national courts, that that prohibition covers broadcasts which undermine that value.

II. CITIZENSHIP OF THE UNION: DISCRIMINATION ON GROUNDS OF NATIONALITY

Judgment of the Court (Fifth Chamber) of 1 October 2026, Dris, C-131/25

Link to the full text of the judgment

Reference for a preliminary ruling – Citizenship of the Union – Articles 18 and 21 TFEU – Principle of non-discrimination – Access to higher education – Enrolment as first-year medical student – Quota capping non-resident students – Candidate for medical studies who completed his secondary education in the Member State concerned while residing in another Member State

Ruling on a request for a preliminary ruling from the Conseil d'État (Council of State, Belgium), the Court of Justice rules on whether the first paragraph of Article 18 and Article 21(1) TFEU preclude national legislation which, in the context of enrolment as a first-year medical student, subjects candidates who have completed a significant part of their education and obtained their diploma of completion of secondary education in that Member State, while residing in another Member State, to a quota applicable to non-resident students.

Mr Dris is a Luxembourg national domiciled in a municipality of the Grand Duchy of Luxembourg close to the border with Belgium, who completed his secondary education in a Belgian educational institution. Wishing to study at a university in Belgium, he sat the entrance and access examination in medical and dental sciences. Although he passed that examination, the French Community of Belgium refused to grant Mr Dris the certificate required for his university enrolment, pursuant to the system of quotas in force for enrolment of non-resident students. Mr Dris then brought an action against that decision before the referring court.

Findings of the Court

The Court points out that Member States are free to opt for an education system based on controlled access in which the students are selected provided that the detailed rules of the chosen system comply with the right of students to move and reside freely within the territory of a Member State without being subject to direct or indirect discrimination on grounds of their nationality.

In the present case, the national legislation at issue creates a difference in treatment between resident and non-resident students by subjecting the latter to a quota system, which limits access by those students to medical studies. Since a condition of residence is more easily satisfied by nationals of the State concerned, it gives rise to unequal treatment amounting to indirect discrimination on grounds of nationality. The Court notes that such discrimination is prohibited unless it is appropriate for securing the attainment of a legitimate objective and does not go beyond what is necessary to attain that objective.

In the first place, as regards the question whether there is a legitimate objective, the Court states that a difference in treatment based indirectly on nationality may indeed be justified by the objective of maintaining a balanced high-quality medical service open to all, in so far as it contributes to achieving a high level of protection of health.

In the second place, as regards whether such a difference in treatment is proportionate to the objective pursued, first, it is for the national authorities to demonstrate the existence of a genuine risk of a shortage of health professionals in the territory concerned by taking into account, in their analysis, not only the required number of graduates, but also the impact of the group of non-resident students.

Second, the Court finds that a condition of residence may be regarded as appropriate for ensuring the attainment of the objective pursued, given that students who are resident in a Member State when they are about to embark on their higher education studies may be more likely to settle for work in that Member State after completing their studies.

Third, it must be examined whether national legislation such as that at issue goes beyond what is necessary to attain the objective of protecting public health. In that regard, a condition of residence may be disproportionate if it is too exclusive in nature because it unduly favours an element which is not necessarily the sole element representative of the real and effective degree of connection with a Member State. The fact that a student has received a significant part of his secondary education in a Member State is such as to establish a genuine link with the society of that Member State. In the present case, the Court considers that integration within the education system, which necessarily entails involvement in ancillary activities and the development of social relationships, is such as to establish such a real and effective degree of connection, irrespective of the fact that the students concerned travel to the Member State in which they receive their secondary education from the Member State in which they reside.

In that regard, the Court finds that no provision is made in the national legislation at issue for the existence of a real and effective degree of connection with the Kingdom of Belgium to be established other than through residence. Therefore, the Court holds that that legislation, which establishes a quota for non-resident students without any provision being made for account to be taken, for those students, of the real and effective degree of connection with that Member State stemming from the fact that they have completed a significant part of their education in that Member State and were issued their diploma of completion of secondary education there, goes beyond what is necessary to attain the objective pursued and is thus not compatible with the first paragraph of Article 18 and Article 21(1) TFEU.

III. EU LAW AND NATIONAL LAW: LIABILITY OF A MEMBER STATE FOR LOSS OR DAMAGE CAUSED TO INDIVIDUALS BY THE INFRINGEMENT OF EU LAW

Judgment of the Court (First Chamber) of 8 October 2026, Zálečta, C-808/24

Link to the full text of the judgment

Reference for a preliminary ruling – Social policy – Directive 2003/88/EC – Point 1 of Article 2 – Definition of 'working time' – Article 6(b) – Maximum weekly working time – Protection of the safety and health of workers – Working time of firefighters – On-call time at the workplace not included in working time – Right to compensation for non-material damage from a Member State for infringement of EU law – Conditions – Method of calculating compensation for damage incurred on account of the infringement of Article 6(b) of Directive 2003/88 – Principle of equivalence – Principle of effectiveness

Hearing a request for a preliminary ruling from the Okresný súd Lučenec (District Court, Lučenec, Slovakia), the Court of Justice specifies the detailed rules for compensation for alleged damage resulting from the incorrect transposition of Directive 2003/88 [2].

M.R., a member of a municipal fire service and rescue service, spent time on call at his workplace, which was not treated as working time. He brought legal proceedings against the State for non-material damage, in particular for breach of his right to respect for his private and family life, which he claims to have suffered as a result of the incorrect transposition of Directive 2003/88.

By a 2023 judgment, the referring court had found, first, that, in breach of point 1 of Article 2 of Directive 2003/88, the Slovak legislation provided for the possibility of not counting, as working time, on-call duty time carried out by a firefighter and, second, that, including the time spent on call by M.R., the duration of his working time exceeded the number of working days that could be worked during the period concerned, in breach of Article 6(b) of that directive. That court ordered the Slovak Republic to pay compensation for the non-material damage suffered. The appeal brought by the State was upheld by the Krajský súd v Banskej Bystrici (Regional Court, Banská Bystrica, Slovakia) on the ground that the referring court had ruled *ultra petita*, since M.R. had not relied before that court either on a right based on the loss of hope for a change in the national legislation or the right to compensation for non-material damage linked to the number of hours worked above the limit laid down in Article 6(b) of that directive. That court held that the non-material damage caused by the incompatibility of the national law with point 1 of Article 2 of that directive should give rise to compensation without there being any need to find an infringement of Article 6(b) of that directive. The case was referred back to the referring court, which has doubts as to the interpretation of point 1 of Article 2 and Article 6(b) of Directive 2003/88.

Findings of the Court

As a preliminary point, the Court recalls that the principle of State liability for loss and damage caused to individuals by breaches of EU law for which the State can be held responsible is inherent in the system of the Treaties on which the European Union is based.

That liability is subject to three cumulative conditions, namely that the rule of EU law infringed must be intended to confer rights on individuals; the breach of that rule must be sufficiently serious; and there must be a direct causal link between the breach and the loss or damage sustained.

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2 Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p. 9).

Point 1 of Article 2 of Directive 2003/88, which defines the concept of 'working time', a fundamental and autonomous concept of EU law, is not intended to confer rights on individuals in itself. Thus, in the event of infringement of that provision alone, the first condition for establishing State liability is not satisfied. Provided that the applicant has also based his or her action on infringement of Article 6(b) of that directive, which seeks to ensure that workers have a maximum limit concerning average weekly working time, and which constitutes a rule of EU social law which confers rights on individuals, it appears that the first condition is however satisfied. It is for the referring court to ascertain whether the applicant based his action on the infringement of Article 6(b).

As regards the second condition, a breach of EU law must be regarded as sufficiently serious where it occurred in manifest disregard of the relevant case-law of the Court of Justice. [3]

The Court noted, in that regard, that its case-law on the concept of 'working time', in particular as regards firefighters, was already well defined. The Court had, inter alia, held that the activities carried out by the operational crews of such a public service fall within the scope of Directive 2003/88, with the result that, in principle, Article 6(b) of that directive precludes the exceeding of the 48-hours prescribed as the maximum weekly working time, including time on call. [4]

Furthermore, the Court had also stated that Article 2 of Directive 2003/88, which defines the concepts of 'working time' and 'rest period', is not one of the provisions from which the directive allows derogations. [5]

The Court infers from this that it is for the referring court, first, to analyse, in the light of those factors, whether the failure to comply with the requirements of Article 6(b) of Directive 2003/88 during the period from 1 August 2020 to 30 June 2023 occurred in manifest disregard of that case-law of the Court. If that were the case, the existence of a sufficiently serious breach of EU law would be established. It is for that court, secondly, as regards the third condition for establishing State liability for an infringement of EU law, to ascertain whether there is a direct causal link between the infringement and the damage relied on.

As regards the detailed rules for compensation for any non-material damage suffered as a result of the infringement of EU law, the Court noted that, (i), Directive 2003/88 does not contain any specific rule in that regard, (ii), in the absence of provisions of EU law, it is in the context of national liability that the State must make reparation for the consequences of the loss or harm caused, subject, however, to compliance with the principles of equivalence and effectiveness, and, (iii), compensation must be commensurate with the loss or damage sustained so as to ensure effective protection of rights. It is for the Member States, in compliance with those principles, to determine whether reparation for the loss or damage caused to an individual as a result of the infringement of the provisions of Directive 2003/88 must take the form of financial compensation and to lay down the rules concerning how that reparation is to be calculated. The rules on compensation must be determined not on the basis of the duration of the breach of EU law resulting from the fact that the national legislation concerned does not provide for on-call time to be counted as 'working time' within the meaning of point 1 of Article 2 of that directive, but on the basis of the harm actually and specifically suffered by the individuals concerned where there is a direct causal link with the infringement of Article 6(b) of that directive and in accordance with the principles of equivalence and effectiveness.

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3 Judgments of 25 November 2010, *Fuß* (C-429/09, EU:C:2010:717, paragraph 52), and, to that effect, of 1 August 2025, *Minister for Children, Equality, Disability, Integration and Youth and Others* (C-97/24, EU:C:2025:594, paragraph 30 and the case-law cited).

4 Judgment of 25 November 2010, *Fuß* (C-429/09, EU:C:2010:717, paragraph 57).

5 Judgments of 10 September 2015, *Federación de Servicios Privados del sindicato Comisiones obreras* (C-266/14, EU:C:2015:578, paragraph 28 and the case-law cited), and of 9 October 2025, STAS-IV (C-110/24, EU:C:2025:768, paragraph 23 and the case-law cited).

IV. PROCEEDINGS OF THE EUROPEAN UNION

1. ACTIONS FOR FAILURE TO FULFIL OBLIGATIONS

Judgment of the Court (Third Chamber) of 15 October 2026, Commission v Denmark (Inland navigation), C-879/24

Failure of a Member State to fulfil obligations – Directive (EU) 2017/2397 – Recognition of professional qualifications in inland navigation – Article 39(3) – Limited transposition obligation – Article 39(4) – Exemption from the transposition obligation in the event that inland waterway navigation is not technically possible – Directive (EU) 2021/1233 – Transitional measures for the recognition of third-country certificates – Article 2(1) – Failure to notify measures transposing a directive – Article 260(3) TFEU – Application for the imposition of a lump sum and a periodic penalty payment

Hearing an action for failure to fulfil obligations brought by the European Commission, the Court of Justice finds that the Kingdom of Denmark has failed to fulfil its obligations by having failed to adopt and, accordingly, to notify measures transposing Directives 2017/2397 [6] and 2021/1233. [7] The Court, holding that the failure to fulfil obligations attributable to the Kingdom of Denmark falls within the scope of Article 260(3) TFEU, finds that it is therefore appropriate to order that Member State to pay the Commission, upon the expiry of a six-month time limit following the delivery of the judgment in the present case, a daily penalty payment, in the event that the failure to fulfil obligations which has been found is still ongoing upon the date of expiry of that time limit.

In 2022, the Commission sent the Kingdom of Denmark a letter of formal notice, followed by reasoned opinions, owing to the failure to notify national measures transposing Directives 2017/2397 and 2021/1233.

The Kingdom of Denmark disputed the existence of a transposition obligation, arguing, even before the expiry of the time limit for transposition and throughout the pre-litigation procedure, that the lack of inland waterways in its territory released it from the obligation to transpose the two directives.

At the end of the pre-litigation procedure, the Commission brought the action in the present case, claiming that the Court should find that there had been a failure to transpose Directives 2017/2397 and 2021/1233 or, at the very least, that there had been a failure to notify measures transposing those directives, and that the Court should order the Kingdom of Denmark to pay a lump sum and a periodic penalty payment.

Findings of the Court

Regarding, in the first place, whether there is a failure to fulfil obligations under Article 258 TFEU, the Kingdom of Denmark relies on the exemption, provided for in Article 39(4) of Directive 2017/2397, from any transposition obligation, under which a Member State is not obliged to transpose that directive as long as inland waterway navigation is not technically possible on its territory.

The Court observes, first of all, that the presence of inland waterways which are connected to the sea or exclusively used for recreational boating and small craft does not release a Member State from its limited transposition obligation under Article 39(3) of Directive 2017/2397. Therefore, it holds that the

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6 Directive (EU) 2017/2397 of the European Parliament and of the Council of 12 December 2017 on the recognition of professional qualifications in inland navigation and repealing Council Directives 91/672/EEC and 96/50/EC (OJ 2017 L 345, p. 53).

7 Directive (EU) 2021/1233 of the European Parliament and of the Council of 14 July 2021 amending Directive (EU) 2017/2397 as regards the transitional measures for the recognition of third-country certificates (OJ 2021 L 274, p. 52).

Kingdom of Denmark cannot validly rely on the lack of inland waterways in its territory in order to avoid that obligation.

Next, the Court notes that that finding is not called into question by the other arguments relied on by the Kingdom of Denmark, derived from (i) Directive 2016/1629, [8] Article 40 of which explicitly excludes that Member State from its scope, (ii) Annex I to Regulation 2024/1679, [9] or (iii) the European Agreement on Main Inland Waterways of International Importance, the annexes to which do not include any inland waterway situated in the Danish territory.

Lastly, the Court emphasises that the objectives pursued by Directive 2017/2397 confirm that interpretation, as that directive is intended to facilitate mobility, to ensure the safety of navigation and to ensure the protection of human life and the environment by means of harmonised rules regarding the certification and recognition of the qualifications of persons involved in the operation of craft navigating on Union inland waterways.

The Court concludes from this that the Kingdom of Denmark was required to ensure limited transposition of Directive 2017/2397 and to transpose Directive 2021/1233 in full. Accordingly, by failing to adopt and to notify to the Commission the necessary transposition measures within the prescribed period, the Kingdom of Denmark has failed to fulfil its obligations.

Regarding, in the second place, whether Article 260(3) TFEU relating to financial penalties is applicable, the Kingdom of Denmark asserts, given that it is relying on the exemption from transposition provided for in Article 39(4) of Directive 2017/2397, that the action in the present case in fact concerns whether Directives 2017/2397 and 2021/1233 have been correctly transposed and that, accordingly, a financial penalty may not be imposed on it except following an action for failure to fulfil obligations brought in the event of non-compliance with a judgment finding such a failure to fulfil obligations under Article 260(2) TFEU.

In that regard, the Court specifies that the mere fact that a Member State considers that certain provisions of a directive do not apply to it cannot release that Member State from its obligation to adopt the provisions necessary to comply with that directive. Nor can that fact release that Member State from its obligation to notify the Commission of measures transposing the directive.

Consequently, the Court finds, contrary to the Kingdom of Denmark's assertions, that the proceeding under Article 260(3) TFEU has in no way prevented that Member State from submitting its interpretation of Article 39(4) of Directive 2017/2397 to the Court. That provision is, accordingly, applicable.

Regarding, in the third and last place, whether it is appropriate to impose financial penalties, the Court emphasises that the failure to fulfil obligations which has been found is the result of the incorrect interpretation, by the Kingdom of Denmark, of the extent of its obligation to transpose Directive 2017/2397. The Court notes, first, that, since the pre-litigation procedure, that Member State has consistently maintained, putting forward arguments – which are not manifestly devoid of any basis – relating to the interpretation of the exemptions from transposing that directive, that it regarded itself as not being obliged to transpose Directives 2017/2397 and 2021/1233 and, second, that the Court has not yet adopted a position, in its case-law, regarding the application of Article 260(3) TFEU in such a context.

In those particular circumstances, the Court considers that it does not appear to be necessary to order payment of a lump sum in order to prevent the recurrence of infringements of EU law similar to

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8 Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC (OJ 2016 L 252, p. 118).

9 Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013 (OJ L, 2024/1679).

those in the present case, and that the Kingdom of Denmark must be ordered to pay a daily penalty payment only.

The Court notes, regarding the date on which the periodic penalty payment is to take effect, that, in view of the circumstances of the present case, it is appropriate to grant that Member State a period of six months from the delivery of the judgment in the present case to enable it to comply with its obligations under that judgment.

2. ACTIONS FOR ANNULMENT

Order of the General Court (Third Chamber) of 6 October 2026, De Masi v Commission, T-886/25

Action for annulment – Question put by a Member of the Parliament to the Commission regarding contact between the President of the Commission and defence contractors – Answer from the Commission – Second paragraph of Article 230 TFEU – Act not open to challenge – Inadmissibility

The Court dismisses the action seeking annulment of the European Commission's response to a parliamentary question that a Member of the Parliament had put to it, [10] in that that response contained a partial refusal to answer that question.

On 14 March 2025, the applicant, in his capacity as a Member of the European Parliament, addressed a written question to the Commission seeking disclosure of the contact (physical meetings, telephone calls, videoconferences, emails and correspondence) the Commission President had had with defence contractors since the European Parliament elections in June 2024. On 27 October 2025, the Commission sent a communication [11] to the Parliament presented as an answer to the applicant's parliamentary question ('the contested act').

Findings of the Court

Hearing an objection of inadmissibility raised by the Commission claiming that the action was inadmissible on the ground that, since it does not produce binding legal effects, the contested act cannot be the subject of an action for annulment, the Court decided to rule on that application without taking further steps in the proceedings.

In the first place, the Court recalls that, in accordance with settled case-law, in order to determine whether an act produces binding legal effects and may, accordingly, form the subject matter of an action for annulment, it is necessary to examine the substance of that act and to assess those effects in the light of objective criteria, such as the content of that act, taking into account, as appropriate, the context in which it was adopted and the powers of the institution, body, office or agency which adopted it.

In the present case, the Court notes that the purpose of the second paragraph of Article 230 TFEU, inasmuch it provides that the Commission is to reply orally or in writing to questions put to it by the Parliament or by its Members, is to assist the elected representatives of EU citizens in exercising their democratic scrutiny of the Commission. It recalls that the Members of the Parliament have the right to put questions to the Commission and to obtain answers therefrom, to the extent that they are necessary for the exercise of parliamentary scrutiny.

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10 In accordance with Rule 144 of the Rules of Procedure of the European Parliament.

11 Bearing the reference number E-10-2025-001110.

The Court recalls that, in principle, the answer to a parliamentary question, by its very nature, does not express any decision and does not produce any legal effects, with the result that it cannot be the subject of an action for annulment. However, where a communication from the Commission, while taking the form of a response, in reality contains a total or partial refusal to answer a parliamentary question, that refusal produces legal effects on the author of that question and, therefore, may be the subject of an action for annulment.

In the second place, the Court examines whether the contested act can be regarded as a partial refusal to answer the applicant's parliamentary question, in the light in particular of the context in which it was adopted and its content.

It should be recalled that the applicant criticises the Commission for not having provided any information about telephone calls or tele- or videoconferences which may have taken place or emails that may have been sent between the President of the Commission and the defence contractors, and for having provided incomplete information about the correspondence exchanged between the President and those contractors.

Given the general and broad wording of the applicant's parliamentary question, the Court finds that, as regards the context in which the contested act was adopted, the wording of that act takes the form of an answer to the question and that the Commission provided an answer thereto which corresponded to the subject of the applicant's parliamentary question.

Therefore, first, it takes the view that, in view of the words 'what contacts' used by the applicant in his parliamentary question, a communication confined to providing information on the Commission President's contact with defence contractors during the relevant period constituted an answer to that question.

Second, also in relation to the wording of the applicant's parliamentary question, the Court finds that the lack of any details of telephone calls or videoconferences does not mean that the Commission refused to answer the applicant's parliamentary question in part. Indeed, the Court finds that there is no objective evidence in the file to show that there was any information about such telephone calls or videoconferences that the Commission refused to disclose in its answer to the parliamentary question.

The Court concludes that the contested act does not contain a partial refusal to answer the applicant's parliamentary question, and as a result the contested act cannot be the subject of an action for annulment under Article 263 TFEU. Therefore, it dismisses the action as inadmissible.

3. FAILURE TO ADJUDICATE

Order of the Court (Grand Chamber) of 6 October 2026, Khan v Council, C-111/24 P-OST

Link to the full text of the order

Article 155 of the Rules of Procedure of the Court – Failure to adjudicate – None

Hearing the application made under Article 155(1) of its Rules of Procedure, made applicable to appeal proceedings under Article 190(1), by Mr Khan seeking to have remedied two failures to adjudicate on its part in the judgment in *Pumpyanskiy and Others* v *Council,* [12] the Court of Justice

[12] Judgment of 26 March 2026, *Pumpyanskiy and Others* v *Council* (C-696/23 P, C-704/23 P, C-711/23 P, C-35/24 P and C-111/24 P, EU:C:2026:245).

dismisses that application as unfounded. By that judgment, the Court of Justice dismissed, inter alia, the applicant's appeal against the judgment in *Khan* v *Council*, [13] by which the General Court dismissed his action for annulment of several acts of the Council of the European Union which imposed and then maintained restrictive measures against him following the military aggression against Ukraine by the Russian Federation.

In support of his application, the applicant submits, in the first place, that, by dealing together with the complaints raised by another appellant in a separate appeal, with the first part of his fourth ground of appeal, alleging a breach of the principle of legal certainty by the General Court, the Court of Justice failed to rule on the head of claim seeking to have the judgment of the General Court set aside for breach of the principle of legal certainty. In the second place, the applicant submits that the Court of Justice did not address the second part of his eighth ground of appeal, according to which the General Court acted in breach of the principle of equality of arms.

In examining that application, the Court of Justice clarifies the scope of Article 155(1) in appeal proceedings.

Findings of the Court

The Court notes that, in accordance with Article 155(1) of its Rules of Procedure, a failure to adjudicate stems from the Court's breach of its obligation to adjudicate on all the heads of claim submitted to it, including those relating to costs. On the other hand, an application under that provision cannot be brought before the Court in order to allege that the Court failed to adjudicate on one or more arguments raised before it.

Despite the distinction that exists, in respect of an appeal, between the 'form of order sought' and the 'pleas in law and legal arguments relied on', the Court holds that, if the effectiveness of Article 155(1) of the Rules of Procedure is not to be excessively limited, a failure to adjudicate on a head of claim seeking to have set aside, in whole or in part, the decision of the General Court exists, within the meaning of that provision, where the Court of Justice fails to adjudicate on a plea in law that, had it been upheld, would have made it possible for that decision to be set aside.

In the light of that criterion, the Court declares the applicant's complaints admissible in so far as they criticise the Court of Justice for having failed to rule, on two occasions, on a part of a plea which, if upheld, would have made it possible to have the judgment of the General Court set aside. However, it observes, as regards the first complaint, that it did indeed respond, in *Pumpyanskiy and Others* v *Council*, to the first part of the applicant's fourth ground of appeal. As regards the second complaint, the Court considers that the response given to the eighth ground of appeal in that judgment enables the applicant to understand why all the admissible arguments underlying that ground of appeal, including those relating to breach of the principle of equality of arms, which constitute the second part of the eighth ground of appeal, were rejected. Accordingly, the Court dismisses the application made by the applicant in its entirety as unfounded.

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13 Judgment of the General Court of 29 November 2023, *Khan* v *Council* (T-333/22, EU:T:2023:758).

V. FREEDOM OF MOVEMENT: FREE MOVEMENT OF GOODS

Judgment of the General Court (Fifth Chamber, sitting with five Judges) of 7 October 2026, Prestige Rijwielen, T-529/25

Link to the full text of the judgment

Reference for a preliminary ruling – Customs union – Common Customs Tariff – Classification of goods – Combined Nomenclature – Article presented unassembled or disassembled – Rule 2(a) of the General Rules for the interpretation of the Combined Nomenclature – Parts intended to form, once assembled, electric bicycles – Presentation of items in staggered consignments – Classification as a complete article

Ruling on a request for a preliminary ruling from the hof van Beroep Antwerpen (Court of Appeal, Antwerp, Belgium) in the context of criminal proceedings and civil actions relating to imports of electric bicycle parts from China, the General Court clarifies the conditions under which parts imported under separate declarations at different times must be regarded, for the purposes of their tariff classification, as an electric bicycle presented in a disassembled or unassembled state within the meaning of Rule 2(a) of the General rules for the interpretation of the Combined Nomenclature. [14]

On 19 January 2019, implementing regulations of the European Commission came into force, imposing a definitive anti-dumping duty and a definitive countervailing duty on imports of electric bicycles originating in China. Those duties apply to electric bicycles falling within CN subheading 8711 60 10, but not to their parts and accessories, which fall within CN heading 8714.

Between 22 January 2019 and 27 April 2021, the representative of a Belgian company in Belgium had submitted 27 import declarations relating to frames, forks, motors and other parts for electric bicycles purchased by that company from two suppliers based in China. Those declarations, all lodged with the same customs office, stated that the Belgian company was the consignee of those parts and that they originated in China. The parts were declared as parts and accessories of electric bicycles falling under CN heading 8714.

Following an inspection, the Belgian customs authorities identified six groups of declarations, each corresponding to a set of frames, forks, motors and other parts which, when taken together, could be used to assemble complete electric bicycles.

The European Public Prosecutor's Office and the customs authorities have brought, respectively, criminal proceedings and civil actions against, amongst others, the consignee of those items and their representative for having declared the items in question as parts and accessories for electric bicycles, whereas, according to those authorities, they should have been declared as complete electric bicycles. That scheme is alleged to have enabled the parties to avoid paying the full amount of anti-dumping and countervailing duties, as well as part of the import duties due, totalling more than EUR 2.9 million.

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14 The Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1987 L 256, p. 1), as amended, successively, by Commission Implementing Regulation (EU) 2018/1602 of 11 October 2018 (OJ 2018 L 273, p. 1), Commission Implementing Regulation (EU) 2019/1776 of 9 October 2019 (OJ 2019 L 280, p. 1), and Commission Implementing Regulation (EU) 2020/1577 of 21 September 2020 (OJ 2020 L 361, p. 1) ('the NC').

In a judgement of 28 June 2024, the court of first instance hearing the case held that, in accordance with Rule 2(a) of the General rules for the interpretation of the CN, the goods in question should be classified as complete electric bicycles. [15]

Ruling on appeals against that judgment, the referring court raises a question concerning the application of Rule 2(a) of the CN to parts of an electric bicycle which, after being released for free circulation, are intended to be assembled into an electric bicycle and which are invoiced by two different suppliers, transported in different containers and declared separately at the same customs office by the same declarant, in the name and on behalf of the same consignee, over a period which may extend over several months. It asks, in essence, whether those parts should be classified as electric bicycles presented in a disassembled or unassembled state, and whether they therefore fall under a single tariff heading, in so far as objective evidence shows that they constitute a single unit and comprise all the essential components of those electric bicycles.

Findings of the Court

As a preliminary point, the Court notes that, in the context of a reference for a preliminary ruling on tariff classification, its role is to provide guidance to national courts on the criteria for correctly classifying the goods in question under the CN, rather than to carry out that classification itself. In that regard, the decisive criterion for the tariff classification of goods must, as a general rule, be sought in their objective characteristics and properties, which must be verifiable at the time of customs clearance. Furthermore, the intended use of the product may constitute an objective criterion for classification, provided that it is inherent in the good in question.

Next, the Court, having noted that, according to the referring court, there is sufficient objective evidence to show that the parts in question form a whole and are intended to be assembled at a later stage into complete electric bicycles, ruled on the question of whether Rule 2(a) of the General rules for the interpretation of the CN, should be applied to those parts where they have been the subject of separate declarations for release for free circulation spread over a period of up to several months.

In that regard, the Court notes, having regard in particular to the fact that the additional notes to the CN provide that the provisions of Rule 2(a) of the General rules for the interpretation of the CN apply to certain goods presented in instalments, that the simultaneous presentation of the goods is not, in all cases, an essential condition for the application of that rule.

Consequently, Rule 2(a) of the General rules for the interpretation of the CN must be applied where the separate parts of an article possess the essential characteristics of the complete article. That condition must be verifiable on the basis of objective factors at the time of customs clearance, which may be the case even where the separate parts are not presented simultaneously.

A different interpretation of the concept of 'an unassembled or disassembled article' would, in practice, allow importers to choose for themselves, by means of a relatively simple procedure – such as declaring the goods in separate declarations – the tariff classification of the goods in question, either as a whole or separately, whichever is most favourable to them.

It follows that Rule 2(a) of the General rules for the interpretation of the CN must be interpreted as meaning that parts of an electric bicycle which, after their release for free circulation, are intended to

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15 The General rules for the interpretation of the CN, which are set out in Part One, Section I(A), of the CN, provide as follows:

'Classification of goods in the Combined Nomenclature shall be governed by the following principles:

1. The titles of sections, chapters and sub-chapters are provided for ease of reference only; for legal purposes, classification shall be determined according to the terms of the headings and any relative section or chapter notes and, provided such headings or notes do not otherwise require, according to the following provisions.

2(a) Any reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as presented, the incomplete or unfinished article has the essential character of the complete or finished article. It shall also be taken to include a reference to that article complete or finished (or falling to be classified as complete or finished by virtue of this rule), presented unassembled or disassembled. …'

be assembled into an electric bicycle, which are invoiced by two different suppliers and transported in different containers, which are declared for the purposes of their release for free circulation at the same customs office by the same declarant, in the name and on behalf of the same consignee, by means of separate declarations for release for free circulation spread over a period of up to several months, and which, at the time of their release for free circulation, belong to the consignee, must be classified as electric bicycles presented in a disassembled or unassembled state, within the meaning of that same rule, and therefore fall under a single tariff heading, provided that objective evidence shows that those parts constitute a single unit and comprise all the essential components of those electric bicycles.

VI. BORDER CONTROLS, ASYLUM AND IMMIGRATION

1. ASYLUM POLICY

Judgment of the Court (Third Chamber) of 1 October 2026, Jilin, C-249/25

Link to the full text of the judgment

Reference for a preliminary ruling – Area of freedom, security and justice – Asylum policy – Directive 2001/55/EC – Minimum standards for giving temporary protection in the event of a mass influx of displaced persons and measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof – Article 17(2) – Directive 2013/32/EU – Common procedures for granting and withdrawing international protection – Granting of international protection to a person enjoying temporary protection under Directive 2001/55 – Article 31 – National administrative practice of suspending, during the temporary protection period, the running of the time limit for taking a decision on an application for international protection

Hearing a reference for a preliminary ruling from the Raad van State (Council of State, Netherlands), the Court of Justice clarifies the relationship between the temporary protection and international protection regimes, by holding that the fact that a third-country national enjoys temporary protection does not permit Member States automatically to suspend the examination of his or her application for international protection or the applicable time limits; it concedes though that, in exceptional circumstances, there may be a temporary postponement of the examination of certain applications where that is necessary in order to deal with an objective impossibility of strictly complying with those time limits, while avoiding inundating the national asylum system.

In March 2022, UB, a Chinese national of Uyghur origin, arrived in the Netherlands with his wife, a Ukrainian national, and their child. In April 2022, he lodged an application for international protection.

Having found that UB met the conditions for temporary protection under Directive 2001/55, [16] the competent authority suspended the examination of his application for international protection until the expiry of the period of temporary protection.

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16 Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ 2001 L 212, p. 12).

After the national first-instance court, hearing an action for failure to act brought by UB, ordered the competent authority to adjudicate on his application for international protection, that authority lodged an appeal before the referring court.

The referring court is uncertain as to the possibility, in the light of Article 17(2) of Directive 2001/55 and Article 31 of Directive 2013/32, [17] of suspending the examination of an application for international protection during the temporary protection period, and to the effect of that suspension on the time limits laid down in Article 31 of Directive 2013/32 for adopting a decision on an application for international protection.

Findings of the Court

In the first place, the Court finds that it is apparent from the context and origin of Article 17(2) of Directive 2001/55 that the EU legislature did not intend to establish a system in which the application of international protection procedures would be automatically disapplied or suspended during the period of application of temporary protection. On the contrary, the legislature envisaged that such procedures could be conducted during the period of application of temporary protection. [18] The preparatory documents for Directive 2001/55 show, moreover, that the possibility of suspending the examination of those applications during the period of temporary protection, initially envisaged by the European Commission, was not ultimately adopted by the Member States.

In the second place, the Court points out that Directives 2011/95 [19] and 2013/32 on procedures for international protection do not exclude persons enjoying temporary protection from their scope. The general rules relating to the examination of applications for international protection, in particular the time limits laid down in Article 31 of Directive 2013/32, are therefore applicable to them. Those time limits thus apply, in principle, when examining an application for international protection irrespective of whether temporary protection is enjoyed.

The Court notes in that regard that Article 31 of Directive 2013/32 already allows Member States, under certain conditions, to extend the period for examining applications for international protection, in particular in the event of an increase in pressure on their international protection system. The EU legislature has, therefore, taken into consideration the difficulties that may arise from a significant influx of applicants.

In the third place, the Court rejects the argument that a generalised and automatic suspension of the examination of applications for international protection during the period of temporary protection is necessary in order to ensure that the objectives of Directive 2001/55 are achieved. That directive is intended to ensure that third-country nationals and stateless persons enjoying temporary protection continue to have an opportunity to obtain international protection once their individual situation has been examined appropriately, while at the same time immediately ensuring that they enjoy protection on a lesser scale.

The Court accepts, however, that an exceptional situation may make it objectively impossible to comply with the time limits referred to in Article 31 of Directive 2013/32, in particular where, over a short period, a considerable number of applications for international protection are submitted by beneficiaries of temporary protection. In such a situation, the national authorities may adopt measures to deal with that situation, such as the phased examination of applications, and thus temporarily defer the examination of certain applications, without it being possible to ensure

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17 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ 2013 L 180, p. 60).

18 Article 17(1) of Directive 2001/55 guarantees persons enjoying temporary protection the possibility of lodging an application for asylum ‘at any time’.

19 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ 2011 L 337, p. 9).

systematically that each of those applications will be examined in strict compliance with the time limits laid down in Article 31 of Directive 2013/32.

It will then be for the national courts to ascertain that any failure to comply with the time limits is not the result of a generalised and automatic suspension of the examination of the applications for international protection lodged, but results only from measures necessary to deal with an objective impossibility of complying with those time limits, while avoiding inundating the national system of international protection.

2. IMMIGRATION POLICY

Judgment of the Court (Fourth Chamber) of 8 October 2026, Kreis Bergstraße, C-571/24

Link to the full text of the judgment

Reference for a preliminary ruling – Area of freedom, security and justice – Immigration policy – Right to family reunification – Directive 2003/86/EC – Article 10(3)(a) – Right of a refugee to family reunification with his or her parents – Concept of an 'unaccompanied minor' – Application for family reunification for parents with a minor refugee who reached the age of majority during the asylum procedure – Scope of the judgment of 12 April 2018, *A and S* (C-550/16, EU:C:2018:248) – Reasonable time limit for lodging that application – *Dies a quo* – Right to respect for private and family life – Best interests of the child – Articles 7 and 24 of the Charter of Fundamental Rights of the European Union

Ruling on a request for a preliminary ruling from the Oberverwaltungsgericht Berlin-Brandenburg (Higher Administrative Court, Berlin-Brandenburg, Germany), the Court clarifies the conditions for eligibility for family reunification, pursuant to Directive 2003/86, [20] for the parents of an unaccompanied minor who reached the age of majority during the asylum proceedings and whose refugee status was recognised prior to the delivery of the judgment in *A and S*. [21]

The son of the applicants in the main proceedings, a Syrian national who entered Germany as an unaccompanied minor, lodged an application for asylum at the age of 17 and was granted refugee status on 15 May 2017, at the age of 18 years and three months. No application for family reunification had been made at that time, as, according to German case-law and practice, such an application would have had no prospect of success.

In the judgment in *A and S*, the Court held that, in a situation where the sponsor – who was an unaccompanied minor at the time of lodging his or her asylum application – reached the age of majority during the proceedings relating to that application and was subsequently granted refugee status, an application for family reunification must be lodged within a 'reasonable period', that is to say, in principle, within three months of the date on which the minor concerned was granted refugee status.

It was only after becoming aware of that judgment that the applicants in the main proceedings applied for visas for the purposes of family reunification. As the rejection of those applications was upheld at first instance, the applicants in the main proceedings lodged an appeal with the referring court.

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20 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ 2003 L 251, p. 12).

21 Judgment of 12 April 2018, *A and S* (C-550/16, EU:C:2018:248).

Questioning how the applicants in the main proceedings could rely on the right to family reunification provided for in Article 10(3)(a) of Directive 2003/86 following the judgment in *A and S*, the referring court referred the matter to the Court of Justice for a preliminary ruling.

Findings of the Court

As a preliminary point, the Court of Justice notes that Directive 2003/86 does not expressly specify the deadline by which a minor refugee may apply to benefit from the right to family reunification provided for in Article 10(3)(a) thereof.

It is nevertheless clear from the judgment in *A and S*, first, that in a situation where the sponsor, who was an unaccompanied minor at the time of lodging his or her asylum application, reached the age of majority during the proceedings relating to that application, the application for family reunification must be lodged within a 'reasonable period', that is to say, in principle, within three months, and that the starting point for that period is the date on which refugee status was granted to the minor concerned. Secondly, that three-month period serves as a 'guideline' for determining what constitutes a reasonable timeframe, meaning that such an application must, 'in principle', be lodged within that three-month period. However, that does not preclude the adjustment of that time limit in specific situations, as the reasonableness of a time limit must be assessed on a case-by-case basis according to the specific circumstances of the case.

Consequently, given the importance of the interests at stake and in order to ensure that unaccompanied refugee minors are reunited with their parents, [22] the competent national authorities and the courts of the Member States called upon to rule on an application for family reunification are required to take into account all the circumstances specific to each case, in order to determine whether the time within which the application was lodged meets the requirement of being reasonable. In particular, they must assess whether an application, even if lodged after the expiry of the three-month time limit, may be deemed admissible in the light of all the specific circumstances relied on by the applicant and characterising the case before them, in particular the reasons for exceeding that time limit and the diligence shown by the sponsor or the members of his or her family.

In the present case, the Court states that the referring court must, in the first place, take into account the fact that the facts of the main proceedings predate the delivery of the judgment in *A and S*, in which the Court, for the first time, set a time limit for the submission of an application for family reunification in a situation such as that at issue in the main proceedings. Prior to the delivery of that judgment, neither the sponsor nor his parents could have been aware of the existence of such a time limit.

In the second place, it will be necessary to take into account the fact that the sponsor's parents did not submit an application for family reunification immediately after the sponsor was granted refugee status, on the grounds that he had been informed, in particular by the competent national authorities, that such an application concerning a minor who had reached the age of majority during the asylum proceedings had no prospect of success in the light of German case-law and practice, as further confirmed by the German Government during the proceedings before the Court.

In the third place, it will be for the referring court to take into account the fact that the son of the applicants in the main proceedings applied for a residence permit for his parents for the purposes of family reunification on 24 April 2018, just 12 days after the judgment in *A and S* was delivered. In the Court's view, such a circumstance is likely to constitute an indication of the diligence shown by those applicants in exercising their right to family reunification, as well as of their good faith.

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22 Under Article 10(3)(a) of Directive 2003/86, 'first-degree relatives in the direct ascending line'.

VII. JUDICIAL COOPERATION IN CRIMINAL MATTERS

1. EUROPEAN ARREST WARRANT

Judgment of the Court (Fifth Chamber) of 15 October 2026, Tsachkov, C-580/24

Link to the full text of the judgment

Reference for a preliminary ruling – Judicial cooperation in criminal matters – European arrest warrant – Framework Decision 2002/584/JHA – Article 12 – Keeping the requested person in detention – Article 23 – Time limit for the surrender of that person – National legislation which lays down an obligation to detain the requested person in a prison until his or her surrender to the issuing Member State – Article 6 of the Charter of Fundamental Rights of the European Union – Right to liberty and security

Ruling on a request for a preliminary ruling from the Sofiyski gradski sad (Sofia City Court, Bulgaria), the Court clarifies the conditions under which the executing judicial authority may order, when it adopts a decision to surrender the requested person in execution of the European arrest warrant ('the EAW'), that the person concerned be detained until his or her surrender to the issuing Member State.

In July 2024, after the Public Prosecutor's Office, Eisenstadt (Austria) issued an EAW against LY, a Bulgarian national, for the purposes of conducting a criminal prosecution for burglary, the Bulgarian executing judicial authority issued an arrest warrant which led to LY's arrest.

On 7 August 2024, the referring court decided to release LY on bail, in light of the fact that there was no risk of him absconding.

During the hearings which took place in August 2024, LY stated that he consented to his immediate surrender to the Austrian judicial authorities, while disputing that there was a need to detain him.

In those circumstances, the Court of Justice is asked about the interpretation of Article 12 and Article 23(5) of Framework Decision 2002/584, [23] specifically as to whether those provisions preclude national legislation which requires the executing judicial authority to order, as soon as the surrender decision is made and without being able to take into account the relevant factors of the case, that the requested person be detained in a prison until his or her surrender to the executing Member State.

Findings of the Court

In the first place, the Court recalls that the executing judicial authority has a broad discretion to decide on the continued detention of the requested person.

Under the first sentence of Article 12 of Framework Decision 2002/584, the Court points out that the person may be released provisionally 'at any time' in conformity with the domestic law of the executing Member State, provided that the competent authority of that Member State takes all the measures it deems necessary to prevent the person absconding. However, that possibility of release is precluded where national legislation requires, from the adoption of a decision to execute the EAW, the mandatory detention of the requested person.

A decision on the continued detention of the person arrested on the basis of an EAW is adopted in accordance with the conditions and procedures laid down by the law of the executing Member State.

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23 Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1), as amended by Council Framework Decision 2009/299/JHA of 26 February 2009 (OJ 2009 L 81, p. 24) ('Framework Decision 2002/584').

That said, that framework decision cannot be interpreted as conferring on Member States the discretion to provide, in their domestic law, for mandatory detention solely because that authority has decided to execute the EAW.

In addition, the Court notes, in the light of the case-law on the continued detention of the requested person, [24] that it follows from the general scheme of Chapter 2, entitled 'Surrender procedure', of that framework decision that Article 12 covers the entire course of the surrender procedure and not a specific stage of that procedure.

As regards the phase of the procedure before the execution of the EAW, the executing judicial authority must assess whether the total duration of the detention is excessive, by taking into account the possible failure to act on the part of the authorities concerned, any contribution of the requested person to that duration, the sentence incurred and the risk of that person absconding. Similarly, during the execution phase of the EAW and if the time limit for surrender is exceeded, that authority is required to take into account the relevant factors of the situation in question to verify that the duration of the detention of the requested person is not excessive and thus to ensure that the extension of that detention is compatible with Article 6 of the Charter of Fundamental Rights of the European Union ('the Charter').

The Court therefore concludes that, in accordance with Article 12 of Framework Decision 2002/584, it is for the competent authority, where it adopts a decision to execute an EAW, to decide on the continued detention of the requested person by taking into account the relevant factors of the situation in question.

That interpretation is compatible with the objectives pursued by that framework decision, including to facilitate and accelerate judicial cooperation with a view to contributing to the objective set for the European Union to become an area of freedom, security and justice, founded on the high level of confidence between the Member States.

In that regard, the Court states, however, that, in accordance with Article 1(3) of that framework decision, the latter is not to have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles enshrined in Article 6 TEU and, inter alia, the right to liberty, set out in Article 6 of the Charter.

As regards, in the second place, the fact that the requested person will be, according to the national legislation at issue, held in a prison while awaiting surrender to the issuing Member State, the Court recalls that it has previously held, as regards the different terms used in Framework Decision 2002/584, that the terms 'detention' and 'deprivation of liberty' in Article 26(1), correspond to similar concepts and are used interchangeably, evoking a situation of confinement or imprisonment and not merely a restriction of the freedom of movement.

In accordance with Article 2(1) of that framework decision, an EAW may be issued only for criminal offences of a certain gravity or for sentences of a certain duration.

Consequently, the Court finds that neither the wording of that framework decision, nor the criminal status of persons who are the subject of an EAW supports a finding that detention in a prison for the purposes of executing the EAW would be contrary to the requirements of that framework decision.

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24 Judgments of 25 January 2017, *Vilkas*, C-640/15, EU:C:2017:39, paragraphs 42 and 43, and of 8 December 2022, *CJ (Decision to postpone surrender due to criminal prosecution)*, C-492/22 PPU, EU:C:2022:964, paragraphs 60 and 73).

2. COMMON RULES ON CRIMINAL PROCEDURE

Judgment of the Court (Fourth Chamber) of 22 October 2026, Commission v Czech Republic (Délai imposé pour bénéficier de l'accès à un avocat), C-681/24

Failure of a Member State to fulfil obligations – Article 258 TFEU – Area of freedom, security and justice – Judicial cooperation in criminal matters – Directive 2013/48/EU – Right of access to a lawyer in criminal proceedings – Article 3(3) – Right of suspects and accused persons to the presence and effective participation of their lawyer in questioning – Concepts of 'presence' and 'effective participation' – Article 3(6) – Temporary derogation from the right of access to a lawyer – National legislation allowing questioning of suspects without their lawyer if the lawyer cannot be reached within a specified period – Incorrect transposition

Hearing an action for failure to fulfil obligations, the Court of Justice holds that, by failing to adopt the necessary measures to comply with Article 3(6) of Directive 2013/48, [25] read in conjunction with Article 3(3) thereof, the Czech Republic has failed to fulfil its obligations under that directive. The Court takes the opportunity to clarify the scope of the right of access to a lawyer during questioning and rules on the conditions under which Member States may derogate on a temporary basis from that right.

Paragraph 76(6) of the Czech Code of Criminal Procedure [26] allows a person taken into police custody to be questioned by the police authorities in the context of the pre-trial proceedings without having access to a lawyer if that lawyer cannot be reached within 48 hours of the person having been taken into police custody.

Considering that that provision is contrary to Article 3(6) of Directive 2013/48, the European Commission brought an action for failure to fulfil obligations before the Court under Article 258 TFEU. It argues, inter alia, that the fact that a lawyer cannot be reached does not constitute a compelling reason for conducting questioning in the absence of that lawyer for the purposes of Article 3(6).

Findings of the Court

As a preliminary point, following a literal, contextual and teleological interpretation, the Court finds that the concept of 'presence' within the meaning of Article 3(3)(b) of Directive 2013/48 means that suspects and accused persons have the right to the presence, in principle physical, of their lawyer when questioned and that that right must be exercised practically and effectively. [27]

Article 3(6) of Directive 2013/48, does, however, authorise Member States, in exceptional circumstances and during the pre-trial stage only, to derogate on a temporary basis from the application of the rights provided for in Article 3(3) of that directive, in so far as that derogation is

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25 Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ 2013 L 294, p. 1).

26 Zákon č.141/1961 Sb., o trestním řízení soudním (trestní řád) (Law No 141/1961 on criminal procedure (Code of Criminal Procedure)), in the version applicable to the present action.

27 See also, in that connection, the judgments of the European Court of Human Rights, 9 November 2018, *Beuze v. Belgium* (CE:ECHR:2018:1109JUD007140910, § 134); 23 May 2019, *Doyle v. Ireland* (CE:ECHR:2019:0523JUD005197917, § 74); 4 June 2019, *Farrugia v. Malta* (CE:ECHR:2019:0604JUD006304113, § 97); and 18 January 2022, *Atristain Gorosabel v. Spain* (CE:ECHR:2022:0118JUD001550815, § 49).

justified, in the light of the particular circumstances of the case, on the basis of at least one of the two compelling reasons referred to in Article 3(6)(a) and (b). [28]

In the present case, the Court observes that the Czech legislation merely provides for the possibility for a person taken into police custody to choose a lawyer who may be present at questioning, without guaranteeing that that lawyer is effectively present if he or she is not available within 48 hours of the person having been taken into police custody. That legislation does not therefore fulfil the requirements flowing from Article 3(3)(b) of Directive 2013/48, which requires the lawyer to be present and to participate effectively in the questioning.

Moreover, the justification submitted by the Czech Republic, based on a risk of obstruction of criminal proceedings, does not correspond to any of the compelling reasons laid down in Article 3(6) of Directive 2013/48.

In that regard, the Court notes that the temporary derogations from the right of access to a lawyer are set out exhaustively in Article 3(5) and (6) of Directive 2013/48. [29] In addition, in so far as Article 3(6) of that directive constitutes a derogation from the principles established in Article 3(1) to (3) of the Directive, it must be interpreted strictly. Accordingly, any interpretation allowing Member States to provide for other derogations would run counter to the objectives of that directive, that is to say, to enhance mutual trust among Member States and to ensure a common level of fair trial rights, and would render the right of access to a lawyer redundant.

In those circumstances, the Court holds that national legislation which generally allows for suspects taken into police custody to be questioned without the presence of a lawyer if he or she could not be reached or does not attend questioning within 48 hours of the person being taken into police custody, is not covered by the grounds for a temporary derogation from that right and therefore infringes the obligation laid down in Article 3(6) of that directive, read in conjunction with Article 3(3) thereof.

Last, the Court sets out several options that comply with Directive 2013/48 to counter the risk of obstruction of criminal proceedings. First, investigating authorities may question a person without a lawyer being present in the exceptional circumstances referred to in Article 3(6) of the directive. Second, if those conditions are not met, they may appoint an available lawyer automatically. In that regard, contrary to the Czech Republic's submissions, such a measure is not tantamount to assigning a court-appointed lawyer to the suspect taken into police custody as legal aid. Third, questioning may also take place without a lawyer being present where the suspect or accused person waives his or her right of access to a lawyer under the conditions laid down in Article 9 of that directive.

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28 The first of those reasons is connected to the existence of 'an urgent need to avert serious adverse consequences for the life, liberty or physical integrity of a person'. The second reason may arise 'where immediate action by the investigating authorities is imperative to prevent substantial jeopardy to criminal proceedings'..

29 Paragraph 5 of that article concerns where a suspect or accused person is geographically remote.

VIII. JUDICIAL COOPERATION IN CIVIL MATTERS: REGULATION NO 650/2012 ON THE CREATION OF A EUROPEAN CERTIFICATE OF SUCCESSION

Judgment of the Court (Fourth Chamber) of 22 October 2026, Marwanak, C-873/24

Link to the full text of the judgment

Reference for a preliminary ruling – Judicial cooperation in civil matters – European Certificate of Succession – Regulation (EU) No 650/2012 – Article 68(l) – Contents of the European Certificate of Succession – Succession including immovable property located in a Member State other than the one where the certificate was issued – Certificate sought for the purposes of recording the ownership of that property in the land register of the first Member State – Obligation for the issuing authority to identify that property in the European Certificate of Succession – National legislation refusing registration in the land register on the sole basis of a European Certificate of Succession which does not include information relating to the property concerned as required by that legislation – Rules on 'universal succession' laid down by the law applicable to the succession – National legislation of the Member State in which the land register is kept making provision for the possibility of submitting, for the purposes of that registration, a document intended to supplement the European Certificate of Succession where it does not identify the property concerned – Possible effect of the application of those rules and the existence of that legislation in the light of the obligation for the issuing authority to identify the property concerned in that certificate

Hearing a request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany), the Court of Justice rules on the obligation, in the light of Regulation No 650/2012, [30] for an authority issuing a European Certificate of Succession to include in that certificate information permitting the identification of immovable succession property located in a Member State other than the one in which the certificate was issued, where that information is required in order to be able to register the ownership of the property in the land register of that other Member State.

The referring court is hearing an appeal brought by a number of heirs against the decision confirming the dismissal of their application for the issue of a certificate identifying immovable succession property located in the Czech Republic. The referring court has doubts as to whether the authority issuing the certificate is under an obligation to identify such property in that certificate where, in the absence of such identification, the law of the Member State where that property is located precludes registration in the land register of that Member State solely on the basis of that certificate. It also raises the question of the effect, in that context, of the fact that (i) the law applicable to the succession makes that succession subject to the rules on 'universal succession' and (ii) the law of the Member State where the property is situated makes provision for an alternative means of obtaining an entry in the land register by submitting, together with that certificate, a supplementary document containing such identification.

Findings of the Court

The Court points out that Regulation No 650/2012 determines the contents of the European Certificate of Succession and provides that it is to contain certain information, including the share for

30 Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ 2012 L 201, p. 107), and in particular Article 68 of that regulation.

each heir and, if applicable, the list of rights and/or assets for any given heir, to the extent that that information is required for the purpose for which the certificate is issued. [31]

In the first place, as regards the obligation for an issuing authority to include in the certificate information permitting the identification of immovable succession property located in another Member State, the Court finds, first of all, that it is clear from the wording and the context of Article 68 of Regulation No 650/2012 that that provision establishes a direct link between the purpose of the application for the certificate and its contents. Thus, the fact that the information at issue is required for the purpose pursued by the applicant is a decisive factor in establishing the elements which such a certificate must contain. Accordingly, the list of assets forming part of the succession must be included in that certificate not systematically, but only where it is necessary for the purpose for which it is issued. Such a need exists where the designation of immovable succession property is required in order to obtain an entry in the land register of the Member State in which that property is located.

Next, the Court finds that the direct link between the purpose of the application for a certificate and the contents of that certificate is supported by the objectives pursued by Regulation No 650/2012, namely, inter alia, to help heirs assert their rights effectively in the context of a succession having cross-border implications. However, the incomplete nature of the certificate may preclude its use for the purpose for which it was sought, in the present case, to attest to the acquisition of ownership of the property concerned.

Therefore, the authority issuing a certificate is required to include in that certificate information permitting the identification of immovable succession property transferred to one or more heirs where that information is necessary for the purpose of registration, on that basis alone, in the land register of the Member State in which that property is located.

Lastly, the Court states, in that regard, that that obligation may involve carrying out checks, where appropriate. Thus, the issuing authority is required to verify the information provided by the applicant and to issue the certificate only where the elements to be certified have been established under the law applicable to those elements. The Court points out that that authority must refuse to issue the certificate where there are challenges relating to the elements to be ascertained. Moreover, given that the issue whether a given asset actually belonged to the deceased does not fall within the scope of Regulation No 650/2012, the issuing authority is not obliged to certify that element.

In the second place, as regards the effect, on the obligation to mention the identification information at issue, of the fact that, under the law applicable to the succession, the transfer of the deceased's estate is subject to the rules on 'universal succession', according to which the estate is transferred to the heirs in its entirety, the Court states that that fact does not exempt the issuing authority from that obligation. Regulation No 650/2012 does not refer to any specific set of succession rules and does not provide that such rules may affect the contents of the certificate. Accordingly, the contents of the certificate must be determined in the light of the criterion laid down by that regulation that the information is required for the purpose for which the certificate is issued, and cannot depend on the particularities of the national legal systems relating to succession.

In the third place, as regards the effect of the possibility of obtaining an entry in the land register on the basis of a supplementary document submitted together with a certificate and containing the identification information necessary for that entry, the Court states that such a possibility does not exempt the authority issuing the certificate from its obligation to include that identification information in the certificate. Indeed, where the heirs seek the issue of a certificate for the purposes of exercising their rights, that certificate must contain all the necessary information in that regard and they cannot be required, because the certificate is incomplete, to submit a supplementary document.

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31 Article 68(l) of Regulation No 650/2012.

IX. COMPETITION

1. RULES APPLYING TO UNDERTAKINGS

Judgment of the Court (Third Chamber) of 1 October 2026, Silgan Holdings and Others v Commission, C-845/24 P

Link to the full text of the judgment

Judgment of the Court (Third Chamber) of 1 October 2026, Crown Holdings and Crown Cork & Seal Deutschland Holdings v Commission, C-855/24 P

Link to the full text of the judgment

Appeal – Competition – Agreements, decisions and concerted practices – Regulation (EC) No 1/2003 – Article 11(6) – European Commission initiating proceedings in a case on which a national competition authority is already acting – Request from that national authority for the Commission to relieve it of competence – Principle of subsidiarity – Article 41 of the Charter of Fundamental Rights of the European Union – Principle of good administration – Reasonable time period for dealing with a case – Commission Notice on Cooperation within the Network of Competition Authorities – That institution itself deciding to limit its discretion – Obligation to state reasons

The Court of Justice upholds two judgments of the General Court [32] by which that court dismissed the appeals by a number of companies against the European Commission decision imposing fines on them on account of their having participated in an unlawful cartel in the metal packaging sector. [33] On this occasion, the Court clarifies, first, the conditions for initiation by the Commission of proceedings for the adoption of a decision pursuant to Article 101 TFEU where that initiation has the effect of relieving of its competence a national authority which is already investigating the suspected infringement and, second, the scope of the obligation to state reasons where such a re-allocation takes place.

In 2015, a number of companies in the Silgan Group and in the Crown Group ('the appellants'), active in the metal packaging sector, were the subject of an investigation in relation to anticompetitive practices conducted by the Bundeskartellamt (Federal Cartel Office, Germany). In 2018, finding that the restructuring of those groups would cause difficulties for the effective application of the EU competition rules, the Federal Cartel Office requested that its investigation be re-allocated to the Commission, which initiated proceedings under Article 101 TFEU. [34]

In 2022, the Commission adopted a decision, by which it found that the appellants had participated in a single and continuous infringement of Article 101 TFEU in the sector of metal packaging in Germany from 2011 to 2014 and imposed a fine on them in that respect ('the decision at issue'). Since the General Court dismissed the appellants' actions against the decision at issue, they brought appeals before the Court of Justice.

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32 Judgments of 2 October 2024, *Silgan Holdings and Others* v *Commission* (T-589/22, EU:T:2024:662) and *Crown Holdings and Crown Cork & Seal Deutschland* v *Commission* (T-587/22, EU:T:2024:661).

33 European Commission Decision C(2022) 4761 final of 12 July 2022 relating to a proceeding under Article 101 TFEU (Case AT.40522 – Metal packaging).

34 Decision C(2018) 2466 final in Case AT. 40522 – Pandora ('the decision to initiate proceedings').

Findings of the Court

As regards the conditions for the investigation to be re-allocated to the Commission, the Court of Justice rejects the grounds of appeal whereby the General Court erred in finding that, by undertaking that re-allocation after the two month period laid down in the Commission Notice on cooperation within the Network of Competition Authorities [35] had expired, the Commission had not departed from that notice.

In that regard, the Court of Justice begins by recalling that, pursuant to the first sentence of Article 11(6) of Regulation No 1/2003, [36] the initiation by the Commission of proceedings for the adoption of a decision for the purposes of applying Article 101 TFEU or Article 102 TFEU has the effect of relieving the national competition authority already examining the case of its competence to apply those articles. That provision requires only that the Commission consult that authority in order to ascertain its opinion on a possible re-allocation of the case. In the present case, that requirement had been complied with in so far as, since the Federal Cartel Office had itself requested the Commission to relieve it of competence, it had, by that request, expressed its opinion on a possible re-allocation of the case.

That said, the compatibility with EU law of the initiation of such proceedings cannot depend solely on compliance with that consultation requirement. The Commission is also required to comply with, inter alia, Article 41 of the Charter of Fundamental Rights of the European Union, which enshrines the right to good administration, which implies, inter alia, that the case must be dealt with within a reasonable time.

That requirement is, in essence, recalled in Regulation No 1/2003 and in the cooperation notice, which requires that a re-allocation takes place as soon as possible and that the re-allocation issues should, in principle, be resolved within an indicative time period of two months starting from the date of the first information sent to the network of competition authorities.

The Court then notes that although, by publishing the cooperation notice, the Commission imposed a limit on the exercise of its discretion and cannot, as a general rule, depart from the rule of conduct constituted by the indicative time period of two months referred to above, the fact remains that that notice lists five exceptions to the application of that time period.

In that regard, the Court of Justice considers that the General Court did not err in law in finding that the re-allocation of the case by the Federal Cartel Office against companies in the Silgan group [37] was capable of falling within the exception referred to in paragraph 54(d) of that notice, according to which the Commission may apply Article 11(6) of Regulation No 1/2003, notwithstanding the two month period referred to above having expired where that is necessary to ensure the effective application of the EU competition rules.

In order to assess compliance with that criterion, the General Court did not have to require that the Commission demonstrate that it had become impossible for the Federal Cartel Office to impose an effective penalty. The finding that the Commission had information that the restructuring of the Silgan Group during the proceedings before the Federal Cartel Office was likely to reduce that national authority's ability to ensure effective application of those rules was sufficient to hold that that institution could take the view that it was better placed to act on the case and that it was entitled to initiate proceedings for the adoption of a decision.

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35 The Commission Notice on cooperation within the Network of Competition Authorities (OJ 2004 C 101, p.43; 'the cooperation notice').

36 Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1). Those Articles 81 and 82 of the EC Treaty are now Articles 101 and 102 TFEU.

37 Judgment of 2 October 2024, Silgan Holdings and Others v Commission (T-589/22, EU:T:2024:662).

Similarly, as regards the Crown Group, [38] the Court of Justice finds that a restructuring of undertakings in the course of proceedings before the national competition authority may, for the purposes of applying the rules on the imposition of penalties, constitute a material change in the facts known about the case and may, depending on the circumstances, mean that the Commission is better placed to adopt a decision.

As regards the scope of the obligation to state reasons in the event of a re-allocation to the Commission of an investigation already being undertaken by a national competition authority, the Court of Justice rejects the grounds of appeal alleging that the General Court failed to have regard to the Commission's obligation to state reasons since it was not clear from the decision to initiate proceedings why the Commission accepted the Federal Cartel Office's re-allocation request.

On that point, the Court of Justice notes that, in order for the application of Article 11(6) of Regulation No 1/2003 to be sufficiently reasoned, the decision to initiate proceedings must specify the alleged infringement to which that decision relates. However, the Commission cannot be expected to set out in that decision the reasons why it takes the view that the requirements on which the lawfulness of its action depends, including the reasons relating to the application of the rules of conduct set out in the cooperation notice, are met.

The decision at issue, must, for its part, enable the persons concerned to ascertain the justifications for the measure and enable the court which is competent to exercise its power of review. In that respect, it is essential that the reasons why the case was re-allocated to the Commission after the two month period mentioned above had expired are ascertained. In view of the context which was already known to the appellants, the statement in the contested decision that the procedure had been initiated at the request of the Federal Cartel Office was sufficient to satisfy that requirement to state reasons.

Having also rejected all of the appellants' other arguments and grounds of appeal, the Court of Justice dismisses their appeals in their entirety.

X. FISCAL PROVISIONS: COMMON SYSTEM OF TAXATION APPLICABLE IN THE CASE OF COMPANIES OF DIFFERENT MEMBER STATES

Judgment of the Court (Fourth Chamber) of 15 October2026, Neo Group, C-203/25

Link to the full text of the judgment

Reference for a preliminary ruling – Taxation – Directive 2011/96/EU – Common system of taxation applicable in the case of parent companies and subsidiaries of different Member States – Exemption from withholding tax on dividends distributed by a resident subsidiary to a non-resident parent company – Article 1(2) and (3) – Anti-abuse provision – Non-genuine arrangement – Steps of an arrangement – Chain of transactions – Objective analysis of all relevant facts and circumstances – Beneficial owner of dividends – Tax advantage – Lack of relevance of the Member State or of the stage where that advantage is obtained – Subjective element – Proof of its existence with regard to one of the participants in the chain

38 Judgment of 2 October 2024, *Crown Holdings and Crown Cork & Seal Deutschland* v *Commission* (T-587/22, EU:T:2024:661).

of transactions concerned – Principle of proportionality – Bilateral convention for the avoidance of double taxation

Hearing a request for a preliminary ruling from the Mokestinių ginčų komisija prie Lietuvos Respublikos Vyriausybės (Tax Disputes Commission under the Government of the Republic of Lithuania), the Court provides clarification concerning the application of the anti-abuse provision in Article 1(2) and (3) of the Parent-Subsidiary Directive [39].

In 2016 and 2017, the companies incorporated under Lithuanian law 'NEO GROUP' UAB ('NEO') and 'Retal Lithuania' UAB distributed dividends to their parent company Retal Industries Limited ('Retal'). NEO took the view that that distribution of dividends was exempt from withholding tax under the Lithuanian Law on corporate income tax [40].

However, following a tax inspection, the Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos (State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania) ('the Inspectorate') found that as a result of the creation of a chain of transactions, PG, a natural person resident in Cyprus, was the 'ultimate beneficiary' of those dividends. In the Inspectorate's view, that chain of transactions constituted a non-genuine arrangement falling with the scope of the Lithuanian anti-abuse provision transposing the anti-abuse provision of the Parent-Subsidiary Directive [41]. Accordingly, the Inspectorate adopted a decision imposing a corporate tax adjustment against NEO.

NEO challenged that decision before the referring court, which referred questions to the Court of Justice for a preliminary ruling on the interpretation of Article 1(2) and (3) of the Parent-Subsidiary Directive and the principle of proportionality.

Findings of the Court

In the first place, the Court rules that the anti-abuse provision of the Parent-Subsidiary Directive may apply where the parent company receiving the dividends participates in a chain of transactions, all or some of which are not genuine, even though that parent company actually carries on an economic activity and is therefore not a 'conduit company'.

Rendering a literal, contextual and teleological interpretation of that provision, the Court notes that, as regards the classification of a chain of transactions as a 'non-genuine arrangement', the referring court must take into account all the relevant facts and circumstances in order to establish whether one or more steps of that arrangement are non-genuine. It follows that that provision applies across the board to any type of non-genuine arrangement, and not solely to arrangements with specific configurations.

The Court specifies that it is for the tax authorities of the Member State which seeks to refuse to grant the exemption from withholding tax to prove the existence of elements constituting such an abusive practice, without, however, being required to furnish evidence that would be impossible for them to provide. In the context of that overall examination, the fact that the parent company carries on an actual economic activity does not, in itself, support the conclusion that there is no abusive practice.

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39 Council Directive 2011/96/EU of 30 November 2011 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States, as amended by Council Directive (EU) 2015/121 of 27 January 2015 ('the Parent-Subsidiary Directive').

40 Article 34(2) of the Lietuvos Respublikos pelno mokesčio įstatymas no IX-675 (Law of the Republic of Lithuania on corporate income tax No IX-675) of 20 December 2001, in the version applicable to the facts in the main proceedings ('the Law on corporate income tax').

41 Article 32(6) of the Law on corporate income tax ('the Lithuanian anti-abuse provision').

As regards the application of the tax relief provided for by the tax convention concluded between Lithuania and Cyprus where the recipient of the dividends is the 'beneficial owner' [42], the Court notes that the commentaries relating to that convention specify that no relief must be granted in cases of abuse. In any event, it recalls that the provisions of such a convention cannot, even where it has been concluded on the basis of the Model Tax Convention of the Organisation for Economic Cooperation and Development (OECD), be relied upon to achieve a result contrary to EU law.

In the second place, the fact that the amounts of dividends received by the parent company are similar, or even identical, to the amounts transferred, as a result of the creation of the chain of transactions concerned, to the natural or legal person controlling the companies involved in such a chain, constitutes a relevant indication for the purposes of establishing the existence of a non-genuine arrangement. That evidence may not however give rise to a general presumption of abuse. The fact that such transfers took place not in a short period of time after the distribution of those dividends, but on a continuous basis over a certain period, also constitutes a relevant indication. Thus, the tax authority cannot limit its examination to a short period, but must include in its investigation all the transactions that contribute to the possible abuse.

In the third place, that examination includes transactions carried out by natural or legal persons not resident in the Member State in which the subsidiary is resident, including the person who benefits from a tax advantage as a result of the creation of all the transactions concerned, and irrespective of the stage in the chain of transactions at which that tax advantage is obtained. Such an interpretation of the anti-abuse provision is appropriate for attaining the objective of preventing fraud and abuse of the rights conferred by the Parent-Subsidiary Directive. It is, moreover, essential in order to combat arrangements the abusive nature of which can be established only following such an examination.

Furthermore, in view of the general principle prohibiting abuse of rights, the benefit of the freedom of establishment cannot be claimed in order to call into question national legislation where it is established that its application makes it possible to avoid such abuse.

In the fourth and last place, the authorities do not have to prove that the subsidiary was or could have been aware of the fact that a distribution of dividends was part of a chain of transactions put into place with the main purpose or one of its main purposes being that of obtaining a tax advantage that defeats the object or purpose of the Parent-Subsidiary Directive, provided that it is demonstrated that at least one of the companies in the group participating in that chain of transactions or the natural person who, as a result of the creation of that chain of transactions, benefits from that advantage, was or could have been aware of the existence of that chain of transactions.

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42 Article 10(2) of the Convention between the Government of the Republic of Lithuania and the Government of the Republic of Cyprus for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income of 21 June 2013.

XI. APPROXIMATION OF LAWS

1. COPYRIGHT

Judgment of the Court (Fifth Chamber) of 22 October2026, VG Wort (Bénéficiaire des services fournis par une société de gestion collective), C-840/24

Link to the full text of the judgment

Reference for a preliminary ruling – Copyright and related rights – Directive 2014/26/EU – Collecting society – Article 3(h) – Rights revenue, including compensation for private copying and remuneration for public lending – Article 11(4) – Use of that revenue for purposes other than distribution to rightholders – Funding of social, cultural or educational services – Article 12(4) – Deductions made by the collecting society – Article 13(4) and (6) – Amounts deemed non-distributable – National legislation providing for the promotion of works of cultural importance

Hearing a request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany), the Court of Justice rules on whether, and, if so, to what extent, the Directive on collective management of copyright and related rights [43] allows a collective management organisation (CMO) of copyright to use part of the revenue from the exploitation of the rights which it manages, in order to fund social, cultural or educational services which may benefit persons who are not copyright holders.

Verwertungsgesellschaft Wort (VG Wort) is a CMO responsible for the management of copyright in literary works in Germany. Since CMOs are called upon, under German law, to promote works of cultural importance, VG Wort's articles of association provided for the payment of a subsidy to the Förderungsfonds Wissenschaft (FFW), a fund for the promotion of science and research. That subsidy was financed by deductions from revenue collected as compensation for private copying and as remuneration for public lending.

TL and OS, authors of literary works who had entered into management agreements with VG Wort, challenged that financing of the FFW. They sought, inter alia, a declaration that VG Wort is not entitled, in order to fund the FFW, to deduct sums from the revenue intended for rightholders. The Regional Court granted that application. The appeal court upheld it in part.

Hearing an appeal on a point of law, the referring court, in essence, asked the Court of Justice, first, whether the aforementioned directive [44] precludes, on the basis of national legislation under which CMOs are called upon to promote works of cultural importance, the articles of association of a CMO from providing that part of the rights revenue [45] from copyright be allocated to the funding of social, cultural or educational services for the benefit of persons other than copyright holders and, second, whether those services can benefit only rightholders who have a present right to remuneration or are linked by a management agreement with a CMO.

Findings of the Court

In the first place, the Court notes that, as regards deductions from rights revenue, which are made before the allocation to rightholders, Article 12(4) of Directive 2014/26 expressly provides for the funding, by means of deductions from that revenue, of social, cultural and educational services. That

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43 Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (OJ 2014 L 84, p. 72).

44 In particular, Article 11(4) and Article 12(4) of Directive 2014/26.

45 As defined in Article 3(h) of Directive 2014/26.

said, it follows from Article 12, read in conjunction with paragraph 2 thereof and recital 28 of that directive, that those services must exclusively benefit rightholders.

That interpretation is supported by the Court's case-law on compensation for private copying and on remuneration for public lending, which form part of 'rights revenue', as is apparent from the definition thereof in Article 3(h) of Directive 2014/26. An interpretation to the contrary would, however, result in depriving the rightholders of part of that revenue.

In the second place, Article 11(4) of Directive 2014/26 allows CMOs to use rights revenue for purposes other than their distribution to rightholders, provided that such use is authorised by the general assembly of members of the CMO. Thus, in accordance with Article 8(5) of that directive, that assembly is to decide, inter alia, on the use of non-distributable amounts, that is, the amounts due to rightholders which cannot be distributed, even though the CMO has taken all necessary measures to identify and locate those rightholders. [46] In addition, according to Article 13(6) of that directive, Member States may limit or determine the permitted uses of non-distributable amounts in order to fund social, cultural and educational services for the benefit of rightholders. It follows that, in the absence of intervention by the Member State concerned to the contrary, the general assembly of members of a CMO may authorise the use of non-distributable amounts for those services benefiting persons other than rightholders.

Consequently, Article 11(4), read in conjunction with Article 12(4) and Article 13(4) and (6) of Directive 2014/26, precludes part of the rights revenue from copyright being allocated to the funding of social, cultural or educational services for the benefit of persons other than rightholders, where that funding is provided by means of deductions made from that revenue, but does not preclude such an allocation where that funding is provided by means of non-distributable amounts.

In the third place, as regards the rights which the rightholder must have in order to receive services funded by deductions from 'rights revenue', within the meaning of Article 3(h) of Directive 2014/26, the Court notes that the concept of 'rightholder' defined in Article 3(c) of that directive designates any person or entity, other than a CMO, that holds a copyright or related right or, under an agreement for the exploitation of rights or by law, is entitled to a share of the rights revenue, without any additional condition being required. It follows that such a rightholder does not have to establish that he or she has a present right to remuneration in order to benefit from those services.

In the fourth place, as regards the need for an agreement between the CMO and the rightholder, the Court points out that Article 12(2) and (4) of Directive 2014/26 refers to social, cultural or educational services provided by a CMO to rightholders, and does not contain any further details as regards those rightholders. In addition, it notes that rightholders are to be understood as those whose rights management falls within the scope of the activity of the CMO concerned, without that management being formalised by a direct contractual relationship with that CMO. It follows that a management agreement between the CMO and the rightholder, allowing the latter to benefit from those services is not required, provided that, directly or indirectly, the management of the rights on behalf of that rightholder falls within the scope of the activity of the CMO concerned.

46 Article 13(4) of Directive 2014/26.

2. EUROPEAN UNION TRADEMARK

Judgment of the General Court (Seventh Chamber) of 14 October 2026, Mega Pop v EUIPO – Apple (FIND MY CAR), T-451/25

Link to the full text of the judgment

EU trade mark – Revocation proceedings – International registration designating the European Union – Word mark FIND MY CAR – Declaration of revocation – Admissibility of the appeal before the Board of Appeal – Late filing of the statement setting out the grounds of appeal – Extension of the time limit – Application for *restitutio in integrum*

Hearing an action for annulment, which it dismisses, the General Court clarifies that a party to proceedings before the European Union Intellectual Property Office (EUIPO), which is entered in its register as the new proprietor of an international registration designating the European Union after the time limit laid down in Article 68(1) of Regulation 2017/1001, [47] but before the expiry of the extended time limit provided for in Decision EX-24-5, [48] cannot rely on that extension.

The applicant, Mega Pop podjetje za oglaševanje na prostem d.o.o., is the proprietor of the international registration designating the European Union for the word mark FIND MY CAR. In 2023, the intervener, Apple Inc., filed an application for revocation of the mark on the ground that it had not been put to genuine use within a continuous period of five years. The Cancellation Division of EUIPO upheld the application in its entirety.

The applicant subsequently filed a notice of appeal with EUIPO against that decision. On 30 August 2024, the four-month time limit laid down in Article 68(1) of Regulation 2017/1001 for the filing of the statement setting out the grounds of appeal brought before the Board of Appeal ('the four-month time limit') lapsed. EUIPO subsequently informed the applicant that its appeal could be deemed inadmissible and invited it to explain that omission.

On 13 September 2024, the applicant and the company SOLAR MARKET LLC, established in Kyiv (Ukraine), informed EUIPO that the trade mark had been transferred to that company on 1 July 2024 and sought the application of Decision EX-24-5 in order to benefit from the extension of the time limit for filing until 16 September 2024 ('the extended time limit'). [49] On the same day, they filed a statement setting out the grounds of appeal.

Taking the view that SOLAR MARKET could not benefit from the extended time limit and that the four-month time limit had therefore lapsed, the Board of Appeal dismissed the appeal as inadmissible.

The applicant brought an action for annulment against that decision before the Court, alleging that the Board of Appeal had incorrectly applied Decision EX-24-5 by making the extension of the time limit conditional on the registration of the transfer of the mark before the expiry of the four-month time limit.

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47 Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ 2017 L 154, p. 1).

48 Decision EX-24-5 of the Executive Director of EUIPO of 11 June 2024 concerning the extension of time limits for parties having their residence or registered office in Ukraine ('Decision EX-24-5').

49 Pursuant to Article 1(1) of Decision EX-24-5, all time limits expiring between 16 June 2024 and 15 September 2024 inclusive that affect parties in proceedings before the EUIPO having their residence or registered office in Ukraine are extended until 16 September 2024.

Findings of the Court

First of all, the Court recalls that, pursuant to Article 20(1), (4) and (11) of Regulation 2017/1001, the transfer of an EU trade mark must be entered in EUIPO's register and the new proprietor may rely on the rights to the mark only from the time of that entry. Moreover, such registration does not have retroactive effect. In the present case, since the transfer of the mark at issue was entered in the register on 13 September 2024, SOLAR MARKET became a party to the proceedings before the Board of Appeal as of that date. On that date, the four-month time limit for filing the statement setting out the grounds of appeal had already lapsed.

Next, the Court finds that it is true that, on that date, the extended period had not yet lapsed. However, the registration of SOLAR MARKET as the new proprietor of the mark allowed it only to resume the proceedings before EUIPO as they were on the date on which the transfer was entered in the register, without conferring on it any additional procedural rights. Accordingly, Decision EX-24-5 could not extend a time limit which had already lapsed by the date on which the party to the proceedings that was required to comply with it – the applicant – fell outside the scope of that decision, since it did not have its registered office in Ukraine.

Furthermore, the interpretation according to which SOLAR MARKET could not rely on the extended time limit is, according to the Court, supported by the fact that the principles of legal certainty, non-discrimination and equal treatment require a strict application of the rules on procedural time limits. Therefore, since the extended time limit is an exception to the four-month time limit, it must be interpreted restrictively.

Lastly, the Court supports that finding, first, by stating that it is true that the objective of Decision EX-24-5 is to facilitate compliance with the obligations for companies with their registered office in Ukraine. However, the fact that such an objective is taken into account is not in itself sufficient to justify an interpretation which is contrary, on the one hand, to the interpretation that emerges from a combined reading of Article 20 of Regulation 2017/1001 and Decision EX-24-5 and, on the other hand, to the principle according to which exceptions to the rules concerning procedural time limits must be interpreted restrictively. Secondly, it notes that neither Article 68(1) of Regulation 2017/1001 nor Decision EX-24-5 can be interpreted as meaning that a transfer during the proceedings allows time limits that have already lapsed to be resumed.

In the light of the foregoing, the Court concludes that the Board of Appeal correctly held that SOLAR MARKET could not benefit from the extended time limit provided for in Decision EX-24-5 and that the statement filed on 13 September 2024 had therefore been lodged out of time.

3. REGULATION OF DIGITAL MARKETS (DMA)

Judgment of the General Court (Seventh Chamber, sitting with five Judges) of 14 October 2026, Technius v Commission, T-134/24

Link to the full text of the judgment

Digital services – Regulation (EU) 2022/2065 – Designation as a very large online platform – Continued interest in bringing proceedings – No finding that there is no need to adjudicate – Plea of illegality – Article 33(1) and (4) of Regulation 2022/2065 – Legal certainty – Equal treatment – Obligation to state reasons – Principle of good administration – Right to be heard – Article 41(2) of the Charter of Fundamental Rights

The General Court dismisses the action for annulment of the decision of the European Commission [50] designating Stripchat as a very large online platform and rules, on that occasion, on the calculation of the average monthly number of active recipients in the European Union ('the AMAR'), within the meaning of Regulation 2022/2065. [51]

The applicant, Technius LTD, makes Stripchat, a platform for live-streaming pornographic webcam performances, available to the public. In 2023, it had published an AMAR of 31.8 million, based on data provided by the marketing analytics service Similarweb. In that regard, it had applied a three-step methodology consisting of determining the average monthly number of visitors, 'deduplicating' visitors that had accessed Stripchat in a month from both desktop and mobile devices, and, last, excluding from the number of unique visitors resulting from deduplication those who had made only a 'bounced visit', namely by logging in without being exposed to any content on Stripchat.

In the contested decision, the Commission considered that the Similarweb data were sufficiently reliable, but that the third step was inappropriate. Retaining the number of 62 221 379 unique monthly visitors following deduplication, it designated Stripchat as a very large online platform, since the threshold of 45 million had been exceeded.

Findings of the Court

As regards compliance with the obligation to state reasons, the Court considers that the contested decision indicates, clearly and with sufficient precision, both the shortcomings in the applicant's methodology and the material on which the finding in that decision is based.

Regarding the data used, the Court notes that the data the reliability of which is challenged by the applicant are those on which it relied to determine the AMAR and that it did not expressly challenge them in response to the preliminary findings. Therefore, the Commission was entitled to rely on those data without having to set out the reasons why it considered them to be reliable.

As for the corrected data, which were submitted for the first time before the Court and were derived from a methodology revised by Similarweb Ltd after the contested decision had been adopted, besides the fact that they post-dated that decision, those data did not, on the date on which that decision was adopted, fall within any of the categories of sources on which the Commission could base its decision. In addition, taking them into account retroactively would create legal uncertainty as to classification as a very large online platform.

As regards the applicant's methodology for determining the AMAR, the Court considers that the Commission was entitled to reject it for lack of reliability. By deducting the number of visitors who made a bounced visit solely from the number of unique visitors following deduplication, the applicant artificially reduced the actual number of active recipients. As the Commission pointed out, the number of unique visitors estimated by Similarweb included only visitors with a minimum number of visits during the month concerned, so as to avoid including inactive users. The bounce rate is calculated on the basis of 'visits', which is distinct from the 'unique visitor' datum, which already involves a filtering process that eliminates a significant number of bounced visits. Therefore, the change made by the applicant was not compatible with the essential characteristics of Similarweb's methodology and was not capable of producing a reliable result. Next, since there was no technical means of stating the bounce rate in relation to unique visitors with sufficient precision, the Commission was also not required to carry out additional analyses or assessments, on its own initiative or at the proposal of the applicant during the administrative procedure. Last, the Commission was not required to examine generally accessible sources, such as the number of searches on Google Search, a comparison with competing websites or studies by other undertakings,

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50 Commission Decision C(2023) 8844 final of 20 December 2023 ('the contested decision').

51 Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ 2022 L 277, p. 1).

on which the applicant had not relied during the administrative procedure, particularly since they were not relevant for the purpose of assessing the reliability of Similarweb's methodology.

Regarding the observance of the right to be heard, the Court states that the period of 10 working days [52] cannot, in principle, be regarded as insufficient for the provider concerned to submit its views in a useful and effective way, since that provider should already have calculated the AMAR of its platform. In the present case, the Court holds that the existence of specific circumstances capable of establishing such insufficiency has not been demonstrated, especially since the Commission did not adopt a new method or base its assessment on its own data, but refused to accept the last step of the methodology applied by the applicant itself. The applicant had, moreover, 15 working days in total to respond to the preliminary findings and, in its response, did not raise any objections or express any reservations.

As regards the observance of the principle of legal certainty, what matters is whether the measure in question displays such ambiguity as to make it difficult to resolve with sufficient certainty any doubts as to its scope or meaning. Furthermore, the fact that a provision does not prescribe any specific method or procedure does not mean that it infringes that principle, since it is for the operators concerned to choose a reliable method. In the present case, the concept of 'active recipient of an online platform' must be regarded as sufficiently precise and, therefore, foreseeable in its application. In addition, platforms have some degree of discretion in choosing a method, since they are best placed to collect and analyse the relevant data. Last, the possibility of adopting a delegated act cannot suffice to establish that, in the absence of such an act, the ambiguity of the regulation would be such that its application would infringe that principle.

XII. SOCIAL POLICY: EQUAL TREATMENT IN EMPLOYMENT AND SOCIAL SECURITY

Judgment of the Court (First Chamber) of 8 October 2026, Şcoala gimnazială "Mihai Eminescu", C-706/23

Link to the full text of the judgment

Reference for a preliminary ruling – Social policy – Directive 2003/88/EC – Right to paid annual leave – Article 7(1) – Article 31(2) of the Charter of Fundamental Rights of the European Union – Framework agreement on part-time work concluded by UNICE, CEEP and the ETUC – Clause 4.1 – Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP – Clause 4.1 – Principle of non-discrimination – Principle pro rata temporis – Accumulation of separate contracts of employment – Teaching staff hired on the basis of a full-time employment contract of indefinite duration and a part-time fixed-term employment contract – Remuneration payable in respect of paid annual leave calculated solely on the basis of the full-time employment contract of indefinite duration – Meal allowance granted solely in relation to the actual working time completed in performing the full-time employment contract of indefinite duration

52 In accordance with Article 33(4) of the Digital Services Act.

Hearing a request for a preliminary ruling from the Curtea de Apel Iaşi (Court of Appeal, Iaşi, Romania), the Court of Justice, examining a difference in treatment with regard to remuneration, provides clarification regarding the comparability of the situations of persons employed under a full-time employment contract of indefinite duration ('CID') and those of persons accumulating two separate contracts of employment, namely a full-time CID and a part-time fixed-term employment contract ('FTC').

Between 2019 and 2022, the 'Mihai Eminescu' secondary school ('the employer') concluded part-time FTCs, paid by the hour, with teaching staff ('the employees concerned'). Those contracts were accumulated with full-time CIDs. For each of those contracts, the pecuniary entitlements relating to the periods of annual leave taken and the meal allowance were calculated exclusively on the basis of the full-time CID, without taking into consideration activity carried on in connection with the FTC.

At first instance, the action of the employees concerned, seeking payment from the employer of the paid annual leave and meal allowances deriving from their FTC, was upheld.

Hearing an appeal brought by the employer, the referring court decided to put questions to the Court of Justice regarding the compatibility of the national legislation at issue – which provides, in the event of the accumulation, by an employee, of a CID and an FTC, that the paid annual leave and meal allowances are to be calculated solely on the basis of the CID – with Article 7(1) of Directive 2003/88, [53] Article 31(2) of the Charter of Fundamental Rights of the European Union, and the principle of non-discrimination set out in the respective fourth clauses of the framework agreement on part-time work [54] and the framework agreement on fixed-term work. [55]

Findings of the Court

In the first place, the Court examines the right to paid annual leave and recalls that that right constitutes an essential principle of EU social law from which there may be no derogations and whose implementation by the competent national authorities must be confined within the limits expressly laid down by Directive 2003/88.

In addition, the concept of 'paid annual leave' used in Article 7(1) of that directive means that, for the minimum duration of four weeks of 'annual leave', workers must receive their normal remuneration for that period of rest, calculated by reference to the periods of actual work completed under the employment contract. In that regard, the Court has indicated that the purpose of that requirement is to put the worker, when he or she exercises his or her right to paid annual leave, in a position which is, as regards salary, comparable to periods of work.

Consequently, Article 7(1) of Directive 2003/88 precludes a piece of national legislation which does not permit account to be taken, for the purpose of calculating remuneration in respect of paid annual leave, of income corresponding to the actual working time completed by employees in connection with their part-time FTC. The fact that a worker with an FTC is also bound to an employer under a CID has no bearing on the application of that provision.

In the second place, the Court examines the applicability of the framework agreements to that situation involving the accumulation of two employment contracts by the same employees. In respect of employment conditions, the respective first paragraphs of the fourth clauses of those framework agreements prohibit fixed-term workers or part-time workers from being treated in a less favourable

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53 Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p. 9).

54 Framework agreement on part-time work, concluded on 6 June 1997, which is set out in the annex to Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC (OJ 1998 L 14, p. 9).

55 Framework agreement on fixed-term work, concluded on 18 March 1999, which is set out in the annex to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43).

manner than permanent workers or full-time workers who are in a comparable situation, unless different treatment is justified on objective grounds.

In order to determine whether the employees concerned have been subject to treatment in breach of those clauses, the Court finds, first, that those provisions are applicable *ratione personae* in the present case. Second, the Court concludes that the situations at issue in the main proceedings also fall within the scope *ratione materiae* of those clauses, given that the remuneration payable in respect of paid annual leave is covered by the concept of 'employment conditions' for the purposes of the respective fourth clauses of both framework agreements. Third, the criterion relating to the comparability of the situations is also fulfilled. In the present case, the employees concerned were taking over, through the conclusion of part-time FTCs, posts vacated by other teachers with full-time CIDs, while performing identical duties. Fourth, subject to verification by the referring court, the Court considers that, in the present case, the employees concerned are subject to less favourable treatment as regards the calculation of the remuneration payable in respect of paid annual leave. That difference in treatment is not justified on objective grounds in connection with, inter alia, the objective of ensuring the continuity of teaching activity.

For similar reasons to those set out above and subject to verification by the referring court, the Court also concludes that the employees concerned are subject to less favourable treatment as regards the calculation of the meal allowance as a component of remuneration for actual work. In that regard, it indicates, inter alia, that the principle pro rata temporis set out in the respective second paragraphs of the fourth clauses of both framework agreements has not been applied correctly.

Consequently, EU law precludes a piece of national legislation which provides that, in the event of the accumulation, by an employee, of a full-time CID and a part-time FTC, the remuneration payable to that employee in respect of paid annual leave and meal allowances is to be based solely on the full-time CID.

XIII. ENERGY

Judgment of the Court (Fourth Chamber) of 15 October 2026, Fluvius Halle-Vilvoorde and Others, C-199/25

Reference for a preliminary ruling – Internal market for electricity – Regulation (EU) 2019/943 – Article 18(1) – Directive (EU) 2019/944 – Article 9, Article 57(4) and (5), and Article 59(1)(a) – Charges for access to networks, use of networks and reinforcement – Unrelated costs supporting unrelated policy objectives – National legislation under which account is to be taken in network tariffs of costs relating to public service obligations imposed on distribution system operators – Independence of the national regulatory authority in the exercise of its duties and powers – Tariff methodology for the distribution of electricity using a historical cost trend method

Seised of a case which came by way of a reference for a preliminary ruling from the Hof van beroep te Brussel (Court of Appeal, Brussels, Belgium), the Court of Justice specifies the conditions under which national legislation may provide for the taking into account, in electricity distribution tariffs ('network tariffs'), of costs associated with public service obligations ('PSOs') imposed on electricity distribution system operators ('DSOs') and the conditions under which the tariff methodology for the distribution of electricity may use a historical cost trend method.

On 21 June 2024, the Flemish Electricity and Gas Regulator adopted a decision setting out the tariff methodology applicable to the recovery, by the DSOs from the users, of the costs incurred in operating electricity distribution networks for the period 2025 to 2028 ('the contested decision').

Ten Flemish DSOs contested that decision before the referring court, alleging in particular that that methodology is contrary to the principle of tariffs reflecting costs as laid down in Article 18 of Regulation 2019/943. [56] The Flemish regulator, for its part, acknowledged that the contested decision may be contrary to the second sentence of the first subparagraph of Article 18(1) of Regulation 2019/943, in that, in accordance with national legislation, [57] a part of the costs incurred by the DSOs in implementing PSOs aimed at promoting renewable sources of energy is passed on through network tariffs.

In those circumstances, the Court is asked to consider whether a tariff methodology for the distribution of electricity which, first, includes costs associated with PSOs and, second, uses a method based on the trend in historical costs incurred by the DSOs is compatible with Article 18(1) of Regulation 2019/943.

Findings of the Court

As regards, in the first place, the taking into account of costs associated with PSOs in the tariff methodology, it is clear from the wording of the first subparagraph of Article 18(1) of Regulation 2019/943 that the charges for access to the network must reflect the costs of operating it and cannot include unrelated costs supporting unrelated policy objectives.

In the absence of a definition of the concepts of 'charges for access to networks', 'unrelated costs' and 'unrelated policy objectives' resulting from the wording of that provision, the Court focuses on the context of that provision. It examines, first, Article 18 of Regulation 2019/943 as a whole, which encompasses tariffs and tariff methodologies, but does not provide for the possibility that those tariffs and methodologies may include costs associated with PSOs.

The Court focuses, next, on the broader legislative framework established by Directive 2019/944, [58] Article 9 of which grants Member States discretion in defining types of PSOs and the arrangements for their financing. Those obligations may, inter alia, relate to energy produced from renewable energy sources and be imposed as a counterpart to a form of compensation or exclusive rights, granted in a non-discriminatory and transparent manner.

Moreover, in accordance with point 3 of Annex I to that directive, the price invoiced to the final customer corresponds to the sum of three main components, entitled 'energy and supply', 'network' and 'taxes, levies, fees and charges'. Those components are defined in Annex II to Regulation 2016/1952, [59] which provides that the third component may include charges relating to the promotion of renewable energy sources.

Accordingly, 'charges' within the meaning of Article 18(1) of Regulation 2019/943 constitute only the second of those three components, while costs relating to PSOs form, in principle, part of the third component of the final customer's price, thus falling outside the scope of that article.

Furthermore, the Member States remain free to define their national energy policy, subject to observance of the duties and powers devolved to the regulatory authorities and of their independence.

The passing on of costs relating to PSOs in support of renewable energies is part of an energy policy choice. Therefore, the fixing of charges passing on such costs, which are unrelated to access to the

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56 Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ 2019 L 158, p. 54).

57 The decreet van 8 mei 2009 houdende algemene bepalingen betreffende het energiebeleid (Energiedecreet) (Decree of 8 May 2009 laying down general provisions on energy policy (Energy Decree)) (*Belgisch Staatsblad*, 7 July 2009, p. 46145).

58 Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ 2019 L 158, p. 125).

59 Regulation (EU) 2016/1952 of the European Parliament and of the Council of 26 October 2016 on European statistics on natural gas and electricity prices and repealing Directive 2008/92/EC (OJ 2016 L 311, p. 1).

network or its use and therefore fall outside the scope of Article 18(1) of Regulation 2019/943, falls outside the competence of those authorities, even though they have an impact on electricity distribution prices for the final customer. The fact remains that no provision of EU law precludes the Member States from authorising those authorities to regulate tariffs relating to PSOs.

Last, the Court states that the objectives of Regulation 2019/943 do not call into question that interpretation of that provision.

However, the first subparagraph of Article 18(1) of Regulation 2019/943 does not preclude national legislation which provides for account to be taken in the network tariffs of costs associated with PSOs imposed on DSOs by that legislation where those costs are not otherwise financed, provided that those costs are not incorporated into the methodology for calculating and fixing charges falling within the competence of the national regulatory authority and are clearly distinguished from those charges.

As regards, in the second place, the compatibility with Article 18 of Regulation 2019/943 of a tariff methodology for distribution of electricity using a historical cost trend method, the Court finds that that provision does not prescribe any particular tariff methodology for the distribution of electricity but lays down the requirements that must be fulfilled by that methodology. It is therefore for the national regulatory authority, which has a broad discretion in that regard, to determine that methodology, which it must be able to adjust according to various parameters, subject to compliance with that provision.

The mere fact that the methodology adopted is based on the costs incurred by a DSO in the last five financial years available, used as a starting point for the assessment of future costs, cannot render it incompatible with that Article 18, provided that it complies, overall, with the requirements laid down in that article and contains, in particular, mechanisms suitable for ensuring that the costs taken into account reasonably correspond to those of an efficient and structurally comparable DSO.

XIV. COMMON FOREIGN AND SECURITY POLICY: RESTRICTIVE MEASURES

Judgment of the Court (First Chamber) of 8 October 2026, Global 8 Airlines v Commission, C-482/24 P

Link to the full text of the judgment

Appeal – Common foreign and security policy – Restrictive measures taken in view of the military aggression against Ukraine – Regulation (EU) 2022/334 amending Regulation (EU) No 833/2014 – Articles 3d and 3e – Prohibition for any non-Russian-registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body, to land in, take off from or overfly the territory of the Union – Rejection of a flight plan – Action for annulment – Admissibility – Act amenable to review

On appeal, the Court of Justice sets aside the order of the General Court [60] dismissing as inadmissible Global 8 Airlines' action for annulment of the decision of the European Commission on the inclusion of two aircraft on a list of aircraft subject to the prohibition to land in, take off from or overfly the

60 Order of 29 April 2024, *Global 8 Airlines* v *Commission*, T-277/23, not published, EU:T:2024:285.

territory of the Union, pursuant to Regulation No 833/2014 61 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine. In its judgment, the Court of Justice recalls the distinction to be drawn between, on the one hand, the conditions for the admissibility of an action for annulment and, on the other, the examination of acts against which such an action may be brought, while specifying the factors which make it possible to determine whether they are open to challenge.

The appellant, a commercial airline company incorporated under Kyrgyz law, purchased an aircraft from a Russian company in 2022 and, subsequently, another aircraft in 2023. After the flight plan for one of those aircraft was rejected by the European Organisation for the Safety of Air Navigation (Eurocontrol), the appellant sought clarification of that decision. Eurocontrol then informed it that the aircraft had been included on a list of aircraft, provided by the Commission, which are subject to a flight ban under Article 3d of Regulation No 833/2014. In those circumstances, the appellant requested the Commission to review its situation. However, the view was taken that there were no grounds for lifting the flight ban.

The appellant therefore brought an action for annulment against the inclusion of the aircraft on that list. Since that action was dismissed by the General Court as inadmissible, the appellant lodged an appeal with the Court of Justice.

Findings of the Court

As a preliminary point, the Court recalls that the action for annulment provided for in Article 263 TFEU is available for all measures of the institutions, whatever their form, which are intended to have binding legal effects. In order to determine whether an act produces binding legal effects, it is necessary to examine the substance of the contested act in the light of objective criteria, namely its content, the context in which it was adopted and the powers of the institution which adopted it.

As regards, first, the content of the act, the Court of Justice holds that the General Court erred in law by failing to carry out a specific analysis of that content in order to determine whether the act is open to challenge. A measure of organisation of procedure ordering that the decision at issue be placed on the file should have been adopted to enable that analysis, which is central and indispensable in order to determine whether the act is amenable to review.

As regards, second, the legal context of the decision at issue, the Court of Justice notes that neither the general application of provisions nor the finding that they may entail implementing measures adopted by the national authorities makes it possible to rule out the possibility that an act may be the subject of an action for annulment. The Court then finds that Article 3e(1) of Regulation No 833/2014 refers to the fact that the Commission is required to assume certain responsibilities in the context of the implementation of Article 3d, which are linked to the tasks entrusted to Eurocontrol, including in particular the rejection of the flight plans filed. Accordingly, the General Court could not legitimately classify the decision at issue, on the basis of its legal context, as an act against which an action for annulment may not be brought. The Court of Justice also states that Article 215 TFEU does not preclude a regulation, adopted on the basis thereof, from conferring implementing powers on the Commission for the purposes of drawing up implementing rules or of applying rules to specific cases, in the field of restrictive measures, under the conditions laid down in Article 291(2) TFEU.

As regards, third, the powers of the institution, the finding that the Commission was not empowered to impose a flight ban on aircraft to which Article 3d of Regulation No 833/2014 applies does not make it possible to rule out that an act having the binding legal effect of imposing that flight ban on aircraft of individual aircraft operators was taken by the Commission or on its behalf. That approach would result in acts of EU law that are vitiated by a ground of illegality that alleges a lack of

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61 Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 229, p. 1), as amended by Council Regulation (EU) 2022/334 of 28 February 2022 amending Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2022 L 57, p. 1).

competence on the part of the institution which adopted them not being subject to review by the Courts of the European Union.

As regards, fourth, the factual context, the Court of Justice notes that the inclusion of aircraft on the list at issue, which definitively establishes the position of the Commission, to which the inclusion is attributable, binds Eurocontrol in the context of the processing of flight plans and has binding legal effects at least vis-à-vis that organisation. The identification of the aircraft operators covered by a flight ban is substantive in its own right and produces direct legal effects vis-à-vis third parties. Therefore, the General Court erred in law by giving precedence to the fact that the Commission did not have the powers necessary to adopt an act relating specifically to the aircraft flight ban over the body of evidence produced by the appellant, even though the Commission had taken a decision with binding effects vis-à-vis third parties as regards the inclusion of the aircraft on the list at issue.

The Court of Justice recalls that, in order to establish whether an act has binding legal effects, it is not necessary to ascertain whether those effects are capable of affecting the applicant's legal position. That verification is relevant only in the context of the examination of compliance with the conditions of admissibility laid down in the fourth paragraph of Article 263 TFEU, where that provision applies. Whether an act is open to challenge must therefore be assessed objectively, on the basis of its substance, and not by reference to the applicant. The General Court therefore erred in law by confusing the requirements resulting from the first and fourth paragraphs of Article 263 TFEU, respectively. Accordingly, it is necessary to reject the grounds of inadmissibility alleging that the decision was not an act against which an action for annulment may be brought, that that decision did not exist and, in any event, could not be identified, and that its effects were not attributable to the Commission but to the Member States.

Judgment of the Court (Fifth Chamber) of 15 October 2026, DNO Yemen, C-842/24

Link to the full text of the judgment

Reference for a preliminary ruling – Common foreign and security policy – Regulation (EU) No 1352/2014 – Restrictive measures in view of the situation in Yemen – Article 2(2) – Prohibition on making funds indirectly available to persons, entities or bodies targeted by those measures – Making funds available to public entities which are not targeted – Influence of the persons who are targeted competing with that of the legitimate government which is not targeted – Presumption of control – None – No cooperation by the legitimate government with the persons who are targeted – Relevance – Reasonable risk that the persons who are targeted will benefit from all or part of the funds

Hearing a request for a preliminary ruling from the Cour de cassation (Court of Cassation, France), the Court of Justice gives a ruling regarding, first, the scope of the prohibition, laid down in Article 2(2) of Regulation No 1352/2014 concerning restrictive measures in view of the situation in Yemen, [62] on making funds or economic resources available, directly or indirectly, to persons, entities or bodies listed in Annex I to that regulation and, second, the level of proof required in order for that prohibition to apply, as well as the allocation of the burden of proof in that regard. That annex includes, inter alia, persons belonging to the Houthi Movement or associated therewith.

62 Council Regulation (EU) No 1352/2014 of 18 December 2014 concerning restrictive measures in view of the situation in Yemen (OJ 2014 L 365, p. 60), as amended by Council Implementing Regulation (EU) 2021/397 of 5 March 2021 (OJ 2021 L 77 I, p. 1) ('Regulation No 1352/2014').

Three companies entered into oil and gas exploitation agreements with the Ministry of Oil and Minerals (of the Republic of Yemen) ('the Ministry of Oil and Minerals') and with Yemen Oil & Gas Corporation/The Yemen Company ('YOGC'), a State-owned company which the Houthi Movement claims to control.

Following the withdrawal of those companies from those agreements, the Ministry of Oil and Minerals and YOGC initiated arbitration proceedings against the companies concerned, who were ordered to pay them damages. Being of the view that the enforcement of the arbitration award could cause funds to be made indirectly available to the Houthi Movement, those three companies brought an action for annulment in respect of that award. That action having been dismissed, two of those companies have brought appeals before the referring court, which has then raised questions regarding, in essence, the criteria which permit a finding of indirect making available of funds for the purposes of Article 2(2) of Regulation No 1352/2014 where persons, entities or bodies listed in Annex I to that regulation, without exercising the power to instruct the public entity to which the funds have been made available, claim to have such control.

Findings of the Court

First of all, the Court notes that the situation in which the beneficiary of funds or economic resources is not listed in Annex I to Regulation No 1352/2014 may correspond to an 'indirect' making available of funds or economic resources to a person, entity or body included in that list, inter alia where the beneficiary has acted on behalf, under the control, or on the instructions of that person, entity or body and intended to use the assets concerned for the benefit of that person, entity or body. This may also be the case where those funds or economic resources are capable of being passed on to such a person, entity or body or where that person, entity or body has the ability to dispose of those funds or economic resources.

However, the fact that those circumstances are not present cannot be sufficient to rule out the existence of such an 'indirect making available'.

In the present case, it does not appear that it can be excluded that, although not having powers to control or instruct the Ministry of Oil and Minerals of the legitimate government or to control or instruct YOGC, certain persons, entities or bodies listed in Annex I to Regulation No 1352/2014 may actually obtain the power to dispose of funds intended for that company. The Houthi Movement has established, in the part of the territory of Yemen controlled by that movement, parallel governance structures, and claims control of the Ministry of Oil and Minerals and of YOGC. Thus, persons mandated by that movement could potentially obtain the funds intended for that company by presenting themselves as being empowered by a legitimate authority to receive those funds. It will however be for the referring court to verify whether that movement or its main leaders actually have the capacity to obtain those funds.

Next, the Court specifies that the prohibition set out in Article 2(2) of Regulation No 1352/2014 may not be justified by a purely hypothetical risk that funds will be diverted for the benefit of persons, entities or bodies listed in Annex I to that regulation.

It follows that the risk that persons, entities or bodies designated in Annex I to Regulation No 1352/2014 may benefit from all or part of the funds intended for an entity not listed in that annex must be apparent from objective material evidence concerning the means which those persons, entities or bodies have at their disposal for obtaining those funds, so that the probability of that risk materialising must be sufficiently significant to justify the prohibition laid down in Article 2(2) of that regulation. In addition, the assessment of that risk requires that account be taken of all the circumstances of the particular case, including relevant factors capable of impeding actions by those persons, entities or bodies to obtain those funds.

Lastly, regarding the allocation of the burden of proof, the Court holds that it is for the party which is arguing that the obligation to pay sums due in order to enforce a court decision is in breach of Article 2(2) of Regulation No 1352/2014 to establish that those allegations are well founded. The evidence produced by that party must therefore constitute a sufficiently specific, precise and consistent set of indicia indicating, prima facie, that there is a non-negligible likelihood that the risk of funds being made indirectly available will materialise. In such a situation, the beneficiaries of those

sums will be required to produce evidence permitting that risk to be excluded to the requisite legal standard.

Furthermore, if the elements of law and fact in the file before the competent court give rise to serious doubts as regards compliance with that provision, without it being possible to make a definitive assessment in that regard, then it is for that court to take investigative measures by asking the parties, in observance of the principle *audi alteram partem*, to provide it with the clarifications or documents necessary for that purpose.

Similarly, the competent national court must be able, as far as possible, in the context of the rules of procedure to which it is subject and in observance of the principle *audi alteram partem*, to determine whether the facts alleged are made out. In that context, the lack of cooperation by the legitimate Government of the Republic of Yemen with persons, entities or bodies listed in Annex I to that regulation constitutes a relevant piece of evidence to be taken into account in order to assess the risk that the sums paid in order to enforce the award concerned will benefit those persons, entities or bodies. However, it cannot be sufficient, in itself, to exclude such a risk, if it is shown that that legitimate government has not taken specific measures which are actually capable of preventing that risk from materialising.

XV. JUDGEMENT PREVIOUSLY DELIVERED

Judgment of the General Court (Fourth Chamber) of 30 September 2026, Avetisyan v Council, T-323/25

Common foreign and security policy – Restrictive measures taken in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine – Freezing of funds – List of persons, entities and bodies subject to the freezing of funds and economic resources – Maintenance of the applicant's name on the list – Article 2(1)(f) of Decision 2014/145/CFSP – Article 3(1)(f) of Regulation (EU) No 269/2014 – Error of assessment – Non-contractual liability

By its judgment, the General Court upholds the action for annulment brought by the applicant against the acts by which his name was maintained by the Council of the European Union on the lists of persons and entities subject to restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. The present case allows the Court to clarify, in the context of a listing based on the criterion laid down in Article 2(1)(f) of Decision 2014/145, [63] as amended by Decision 2022/329, [64] the scope of the obligation on the Council to carry out a review in the case of both requests for reconsideration and periodic reviews, in particular as regards the Council's burden of proof.

63 Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2014 L 78, p. 16).

64 Council Decision (CFSP) 2022/329 of 25 February 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 50, p. 1).

In June 2024, [65] the applicant's name was included on the lists at issue on account of his position as general director and founder of the company LLC RBA-Management, which manages, inter alia, JCS Compel, which supplies strategically important microelectronics components to Russian industry. The applicant's name was maintained on the lists on the basis of the same reason in September 2024, [66] and again in March 2025. [67] In September 2025, [68] the wording of the reason was amended to take into account the applicant's former positions, the applicant having informed the Council of the change in his situation with effect from October 2024.

Findings of the Court

In the first place, as regards the maintenance of the applicant's name on the lists at issue in the March 2025 acts, the Court notes that, in order to establish that he was no longer the general director or founder of RBA-Management, the applicant produced documents within the time limits set for lodging a request for reconsideration. The Council could not therefore argue that it did not have the necessary time to review whether the reason for listing was well founded in the light of those documents, on pain of rendering requests for reconsideration ineffective.

The Court recalls, moreover, that it is the task of the Council to establish, in the event of challenge, that the reason relied on against the applicant is well founded and to adduce supporting evidence, and not the task of the applicant to adduce evidence of the negative, that that reason is not well founded. Thus, to require the applicant to demonstrate that he no longer carries out activities or to adduce evidence of his new activity would amount to reversing the burden of proof.

Moreover, the Council discharges the burden of proof borne by it if it presents to the EU Courts a sufficiently specific, precise and consistent body of evidence to establish that the applicant satisfied the conditions of the (f) criterion on the date of adoption of the acts. To argue that the evidence relating to the applicant's past career renders his withdrawal from his post at RBA-Management entirely implausible amounts to freezing the applicant's situation and depriving the exercise of the periodic review provided for, in particular, in the third paragraph of Article 6 of Decision 2014/145 of any useful effect. In the circumstances of the present case, if the Council considered that the evidence produced by the applicant established only an apparent withdrawal from his post, it was required to adduce evidence of the applicant's actual links with the company in question. If it considered that the applicant satisfied the conditions of the (f) criterion for a reason other than that set out in the March 2025 acts, the Council was required to amend the reason and adduce evidence thereof. The documents produced by the applicant, which the Council did not establish as being devoid of probative value, constitute prima facie evidence and the Council could not limit itself to relying solely on the evidence supporting the reason used, which predated those documents by several months. The Council was therefore wrong to disregard those documents by not considering them to be sufficiently probative to establish the change in the applicant's situation. Accordingly, by failing to

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65 Council Decision (CFSP) 2024/1738 of 24 June 2024 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2024/1738), and Council Implementing Regulation (EU) 2024/1746 of 24 June 2024 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2024/1746).

66 Council Decision (CFSP) 2024/2456 of 12 September 2024 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2024/2456), and Council Implementing Regulation (EU) 2024/2455 of 12 September 2024 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2024/2455).

67 Council Decision (CFSP) 2025/528 of 14 March 2025 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2025/528), and Council Implementing Regulation (EU) 2025/527 of 14 March 2025 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2025/527) (together, 'the March 2025 acts').

68 Council Decision (CFSP) 2025/1895 of 12 September 2025 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L, 2025/1895) (together, 'the September 2025 acts').

carry out an updated assessment of his situation, the Council failed to establish that the reason for maintaining the applicant's name on the lists at issue was well founded on the date of adoption of the March 2025 acts and made an error of assessment.

In the second place, as regards the maintenance of the applicant's name on the lists at issue in the September 2025 acts, the Court notes that the wording of the reason as amended relies exclusively on the applicant's past positions and considers that the Council therefore took into account the information provided by the applicant establishing an actual change in his individual situation. The Court recalls, moreover, that the (f) criterion is clearly worded in the present tense and that a person's former positions, taken in isolation, cannot justify his or her inclusion on the lists at issue, since the Council must put forward sound and consistent evidence from which it could be inferred that that person maintains links with the structure in which he or she held those positions. Maintaining the applicant's name on the lists in the absence of such evidence has the effect of freezing his situation and depriving the exercise of the periodic review of its effectiveness. Whilst the Council may rely on the evidence that supported the previous maintenance of the applicant's name on the lists at issue, in order to discharge the burden of proof, it must ensure that the reasons remain unchanged and that the context has not changed in such a way that that evidence is now out of date, which is not the case here. By arguing that the applicant has not adduced sufficient evidence to establish convincingly that he had ceased all activities, the Council is reversing the burden of proof, since it is for the Council to adduce evidence of the alleged activities and to amend the reason for listing accordingly. The Council thus made an error of assessment by referring, in the reasons for the September 2025 acts, only to the applicant's former positions.

Nota bene:

The résumés of the following cases are currently being finalised and will be published in a future issue of the Monthly Case-Law Digest :

- Judgment of the Court (Third Chamber) of 24 September 2026, Steizer, C-176/25
- Judgment of the Court (First Chamber) of 22 October 2026, Canal Sea Services and Others, C-117/25
- Judgment of the Court (Fourth Chamber) of 22 October 2026, Dryade, C-548/25
- Judgment of the General Court (Seventh Chamber) of 1 July 2026, Veikkaus v EUIPO (FOR BETTER GAMING – VEIKKAUS), T-615/25
- Judgment of the General Court (Eighth Chamber, sitting with five Judges) of 15 July 2026, Beloglazov v Council, T-492/24
- Judgment of the General Court (First Chamber) of 9 September 2026, Abramovich v Council, T-358/25