Reports of Cases

JUDGMENT OF THE COURT (Grand Chamber)

17 November 2026 *

(Appeal – Law governing the institutions – Law enforcement cooperation – Regulation (EU) 2016/794 – Processing of personal data by the European Union Agency for Law Enforcement Cooperation (Europol) – European Data Protection Supervisor (EDPS) – Decision of the EDPS concerning the processing of data by Europol – Amendment of Regulation 2016/794 by Regulation (EU) 2022/991 – Transitional arrangements concerning that processing – Action for annulment brought by the EDPS in order to defend his independence – Admissibility – Principle of institutional balance – Fourth paragraph of Article 263 TFEU – Direct concern)

In Case C-698/23 P,

APPEAL under Article 56 of the Statute of the Court of Justice of the European Union, brought on 16 November 2023,

European Data Protection Supervisor (EDPS), represented initially by A. Buchta, F. Coudert, D. Nardi and T. Zerdick, acting as Agents, and subsequently by E. Chatziliasi, F. Coudert, D. Nardi and T. Zerdick, acting as Agents,

appellant,

the other parties to the proceedings being:

European Parliament, represented initially by I. Liukkonen, P. López-Carceller and R. van de Westelaken, acting as Agents, and subsequently by I. Liukkonen, P. López-Carceller, M. Migliorati and M. Pencheva, acting as Agents, and ultimately by I. Liukkonen, M. Migliorati and M. Pencheva, acting as Agents,

Council of the European Union, represented initially by J. Lotarski, R. Meyer and K. Pleśniak, acting as Agents, and subsequently by J. Lotarski and K. Pleśniak, acting as Agents,

defendants at first instance,

supported by:

Federal Republic of Germany, represented initially by J. Möller and P.-L. Krüger, acting as Agents, and subsequently by J. Möller, acting as Agent,

* Language of the case: English.

French Republic, represented initially by R. Bénard, B. Dourthe and B. Fodda, acting as Agents, and subsequently by R. Bénard, B. Dourthe, O. Duprat-Mazaré and B. Fodda, acting as Agents, and ultimately by B. Dourthe, acting as Agent,

European Commission, represented by A. Bouchagiar, H. Leupold and F. Tomat, acting as Agents,

interveners in the appeal,

THE COURT (Grand Chamber),

composed of K. Lenaerts, President, T. von Danwitz (Rapporteur), Vice-President, K. Jürimäe, C. Lycourgos, I. Jarukaitis, B. Smulders, S. Gervasoni and N. Fenger, Presidents of Chambers, S. Rodin, E. Regan, A. Kumin, N. Jääskinen, M. Condinanzi, F. Schalin and N. Piçarra, Judges,

Advocate General: M. Campos Sánchez-Bordona,

Registrar: C. Strömholm, Administrator,

having regard to the written procedure and further to the hearing on 11 March 2025,

after hearing the Opinion of the Advocate General at the sitting on 8 May 2025,

gives the following

Judgment

1 By his appeal, the European Data Protection Supervisor (EDPS) seeks the setting aside of the order of the General Court of the European Union of 6 September 2023, *EDPS* v *Parliament and Council* (T-578/22, 'the order under appeal', EU:T:2023:522), by which that court declared his action seeking the annulment of Articles 74a and 74b of Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ 2016 L 135, p. 53) ('the initial Europol regulation'), as amended by Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation (OJ 2022 L 169, p. 1) ('the amended Europol regulation') (together, 'the transitional provisions at issue') to be inadmissible.

Legal context

The EU Treaty

2 Article 13(1) TEU provides:

‘The [European] Union shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions.

The Union’s institutions shall be:

– the European Parliament,

– the European Council,

– the Council [of the European Union],

– the European Commission …,

– the Court of Justice of the European Union,

– the European Central Bank,

– the Court of Auditors.’

The FEU Treaty

3 Article 16(2) TFEU provides:

‘The … Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within the scope of Union law, and the rules relating to the free movement of such data. Compliance with these rules shall be subject to the control of independent authorities.

…’

4 Article 263 TFEU states:

‘The Court of Justice of the European Union shall review the legality of legislative acts, of acts of the Council, of the Commission and of the European Central Bank, other than recommendations and opinions, and of acts of the … Parliament and of the European Council intended to produce legal effects vis-à-vis third parties. It shall also review the legality of acts of bodies, offices or agencies of the Union intended to produce legal effects vis-à-vis third parties.

It shall for this purpose have jurisdiction in actions brought by a Member State, the … Parliament, the Council or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the Treaties or of any rule of law relating to their application, or misuse of powers.

The Court shall have jurisdiction under the same conditions in actions brought by the Court of Auditors, by the European Central Bank and by the Committee of the Regions for the purpose of protecting their prerogatives.

Any natural or legal person may, under the conditions laid down in the first and second paragraphs, institute proceedings against an act addressed to that person or which is of direct and individual concern to them, and against a regulatory act which is of direct concern to them and does not entail implementing measures.

…'

Regulation (EC) No 45/2001

5 Under Article 41(1) of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ 2001 L 8, p. 1), 'an independent supervisory authority is hereby established referred to as the [EDPS].'

Regulation (EU) 2018/1725

6 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation No 45/2001 and Decision No 1247/2002/EC (OJ 2018 L 295, p. 39), provides, in Article 1(3) thereof:

'The [EDPS] shall monitor the application of the provisions of this Regulation to all processing operations carried out by a Union institution or body.'

7 Chapter VI of that regulation is entitled 'European Data Protection Supervisor' and contains Articles 52 to 60 thereof. Article 52 of Regulation 2018/1725, which has the same title, provides:

'1. The [EDPS] is hereby established.

2. With respect to the processing of personal data, the [EDPS] shall be responsible for ensuring that the fundamental rights and freedoms of natural persons, and in particular their right to data protection, are respected by Union institutions and bodies.

3. The [EDPS] shall be responsible for monitoring and ensuring the application of the provisions of this Regulation and of any other Union act relating to the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data by a Union institution or body, and for advising Union institutions and bodies and data subjects on all matters concerning the processing of personal data. To those ends, the [EDPS] shall fulfil the tasks set out in Article 57 and exercise the powers granted in Article 58.

…'

8 Article 55 of that regulation, entitled ‘Independence’, reads as follows:

‘1. The [EDPS] shall act with complete independence in performing his or her tasks and exercising his or her powers in accordance with this Regulation.

2. The [EDPS] shall, in the performance of his or her tasks and exercise of his or her powers in accordance with this Regulation, remain free from external influence, whether direct or indirect, and shall neither seek nor take instructions from anybody.

3. The [EDPS] shall refrain from any action incompatible with his or her duties and shall not, during his or her term of office, engage in any other occupation, whether gainful or not.

4. After his or her term of office, the [EDPS] shall behave with integrity and discretion as regards the acceptance of appointments and benefits.’

9 Under Article 57(1)(a) of Regulation 2018/1725, relating to the ‘Tasks’ of the EDPS, ‘the [EDPS] shall … monitor and enforce the application of this Regulation by Union institutions and bodies, with the exception of the processing of personal data by the Court of Justice acting in its judicial capacity’.

10 Article 58 of that regulation, entitled ‘Powers’, states:

‘…

2. The [EDPS] shall have the following corrective powers:

(a) to issue warnings to a controller or processor that intended processing operations are likely to infringe provisions of this Regulation;

…

(e) to order the controller or processor to bring processing operations into compliance with the provisions of this Regulation, where appropriate, in a specified manner and within a specified period;

…

4. The [EDPS] shall have the power to refer the matter to the Court of Justice [of the European Union] under the conditions provided for in the Treaties and to intervene in actions brought before the Court of Justice [of the European Union].

…’

The initial Europol regulation

11 Article 18 of the initial Europol regulation, entitled 'Purposes of information processing activities', provided:

'1. In so far as is necessary for the achievement of its objectives as laid down in Article 3, Europol may process information, including personal data.

2. Personal data may be processed only for the purposes of:

…

(c) operational analyses;

…

3. Processing for the purpose of operational analyses as referred to in point (c) of paragraph 2 shall be performed by means of operational analysis projects, in respect of which the following specific safeguards shall apply:

(a) for every operational analysis project, the Executive Director shall define the specific purpose, categories of personal data and categories of data subjects, participants, duration of storage and conditions for access, transfer and use of the data concerned, and shall inform the Management Board and the EDPS thereof;

(b) personal data may only be collected and processed for the purpose of the specified operational analysis project. Where it becomes apparent that personal data may be relevant for another operational analysis project, further processing of that personal data shall only be permitted in so far as such further processing is necessary and proportionate and the personal data are compatible with the provisions set out in point (a) that apply to the other analysis project;

(c) only authorised staff may access and process the data of the relevant project.

…

5. Categories of personal data and categories of data subjects whose data may be collected and processed for each purpose referred to in paragraph 2 are listed in Annex II.

6. Europol may temporarily process data for the purpose of determining whether such data are relevant to its tasks and, if so, for which of the purposes referred to in paragraph 2. The Management Board, acting on a proposal from the Executive Director and after consulting the EDPS, shall further specify the conditions relating to the processing of such data, in particular with respect to access to and use of the data, as well as time limits for the storage and deletion of the data, which may not exceed six months, having due regard to the principles referred to in Article 28.'

12 Article 43 of the initial Europol regulation, entitled 'Supervision by the EDPS', provided:

'1. The EDPS shall be responsible for monitoring and ensuring the application of the provisions of this Regulation relating to the protection of fundamental rights and freedoms of natural persons

with regard to the processing of personal data by Europol, and for advising Europol and data subjects on all matters concerning the processing of personal data. To that end, he or she shall fulfil the duties set out in paragraph 2 and exercise the powers laid down in paragraph 3, while closely cooperating with the national supervisory authorities in accordance with Article 44.

2. The EDPS shall have the following duties:

…

(c) monitoring and ensuring the application of this Regulation and any other Union act relating to the protection of natural persons with regard to the processing of personal data by Europol;

…

3. The EDPS may pursuant to this Regulation:

…

(e) order Europol to carry out the rectification, restriction, erasure or destruction of personal data which have been processed in breach of the provisions governing the processing of personal data and to notify such actions to third parties to whom such data have been disclosed;

…

(h) refer a matter to the Court of Justice of the European Union under the conditions provided for in the [FEU Treaty];

…'

13 Annex II to the initial Europol regulation determines the categories of personal data and categories of data subjects whose data may be collected and processed for each of the purposes referred to in Article 18(2) of that regulation.

The amended Europol regulation

14 The initial Europol regulation was amended by Regulation 2022/991, which entered into force on 28 June 2022.

15 Article 18 of the amended Europol regulation provides, in paragraph 5 thereof:

'Without prejudice to Article 8(4), Article 18(2), point (e), Article 18a, and data processing pursuant to Article 26(6c), where Europol's infrastructure is used for bilateral exchanges of personal data and Europol has no access to the content of the data, categories of personal data and categories of data subjects whose data may be collected and processed for the purposes of paragraph 2 of this Article are listed in Annex II.'

16 Article 18a of the amended Europol regulation, entitled 'Processing of personal data in support of a criminal investigation', states, in paragraph 1 thereof:

'Where necessary for the support of an ongoing specific criminal investigation within the scope of Europol's objectives, Europol may process personal data that do not relate to the categories of data subjects listed in Annex II where:

(a) a Member State, the EPPO or Eurojust provides investigative data to Europol pursuant to Article 17(1), points (a) or (b), and requests Europol to support that investigation:
   (i) by way of operational analysis pursuant to Article 18(2), point (c); or
   (ii) in exceptional and duly justified cases, by way of cross-checking pursuant to Article 18(2), point (a);

(b) Europol assesses that it is not possible to carry out the operational analysis pursuant to Article 18(2), point (c), or the cross-checking pursuant to Article 18(2), point (a), in support of that investigation without processing personal data that do not comply with Article 18(5).

The results of the assessment referred to in the first subparagraph, point (b), shall be recorded and sent to the EDPS for information when Europol ceases to support the investigation referred to in the first subparagraph.'

17 Article 74a of the amended Europol regulation, entitled 'Transitional arrangements concerning the processing of personal data in support of an ongoing criminal investigation', is worded as follows:

'1. Where a Member State, the EPPO or Eurojust provided personal data that do not relate to the categories of data subjects listed in Annex II to Europol before 28 June 2022, Europol may process those personal data in accordance with Article 18a where:

(a) the Member State concerned, the EPPO or Eurojust informs Europol by 29 September 2022, that it is authorised to process those personal data, in accordance with procedural requirements and safeguards applicable under Union or national law, in the ongoing criminal investigation for which it requested Europol's support when it initially provided the data;

(b) the Member State concerned, the EPPO or Eurojust requests that Europol, by 29 September 2022, support the ongoing criminal investigation referred to in point (a); and

(c) Europol assesses, in accordance with Article 18a(1), point (b), that it is not possible to support the ongoing criminal investigation referred to in point (a) of this paragraph without processing personal data that do not comply with Article 18(5).

The assessment referred to in point (c) of this paragraph is recorded and sent to the EDPS for information when Europol ceases to support the related specific criminal investigation.

2. Where a Member State, the EPPO or Eurojust does not comply with one or more of the requirements set out in paragraph 1, points (a) and (b) of this Article, with regard to personal data that do not relate to the categories of data subjects listed in Annex II that it provided to Europol before 28 June 2022, or where a Member State, the EPPO or Eurojust does not comply with paragraph 1, point (c) of this Article, Europol shall not process those personal data in

accordance with Article 18a, but shall, without prejudice to Article 18(5) and Article 74b, delete those personal data by 29 October 2022.

3. Where a third country referred to in Article 18a(6) provided personal data that do not relate to the categories of data subjects listed in Annex II to Europol before 28 June 2022, Europol may process those personal data in accordance with Article 18a(6) where:

(a) the third country provided the personal data in support of a specific criminal investigation in one or more Member States that Europol supports;

(b) the third country obtained the data in the context of a criminal investigation in accordance with procedural requirements and safeguards applicable under its national criminal law;

(c) the third country informs Europol, by 29 September 2022, that it is authorised to process those personal data in the criminal investigation in the context of which it obtained the data;

(d) Europol assesses, in accordance with Article 18a(1), point (b), that it is not possible to support the specific criminal investigation referred to in point (a) of this paragraph without processing personal data that do not comply with Article 18(5) and that assessment is recorded and sent to the EDPS for information when Europol ceases to support the related specific criminal investigation; and

(e) Europol verifies, in accordance with Article 18a(6), that the amount of personal data is not manifestly disproportionate in relation to the specific criminal investigation referred to in point (a) of this paragraph in one or more Member States that Europol supports.

4. Where a third country does not comply with the requirement set out in paragraph 3, point (c) of this Article, with regard to personal data that do not relate to the categories of data subjects listed in Annex II that it provided to Europol before 28 June 2022, or where any of the other requirements set out in paragraph 3 of this Article are not complied with, Europol shall not process those personal data in accordance with Article 18a(6), but shall, without prejudice to Article 18(5) and Article 74b, delete those personal data by 29 October 2022.

5. Where a Member State, the EPPO or Eurojust provided personal data that do not relate to the categories of data subjects listed in Annex II to Europol before 28 June 2022, it may request Europol, by 29 September 2022, to store those data and the outcome of Europol's processing of those data where this is necessary for ensuring the veracity, reliability and traceability of the criminal intelligence process. Europol shall keep personal data that do not relate to the categories of data subjects listed in Annex II functionally separate from other data and shall only process such data for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process, and only for as long as the judicial proceedings concerning the criminal investigation for which those data were provided are ongoing.

6. Where Europol received personal data that do not relate to the categories of data subjects listed in Annex II before 28 June 2022, Europol shall not store those data for the purpose of ensuring the veracity, reliability and traceability of the criminal intelligence process unless so requested in accordance with paragraph 5. In the absence of such a request, Europol shall delete those personal data by 29 October 2022.'

18 Article 74b of the amended Europol regulation, entitled 'Transitional arrangements concerning the processing of personal data held by Europol', provides:

'Without prejudice to Article 74a, for personal data that Europol received before 28 June 2022, Europol may verify whether those personal data relate to one of the categories of data subjects set out in Annex II. To that end, Europol may carry out a pre-analysis of those personal data for a period of up to 18 months from the date the data were first received or, in justified cases and with the prior authorisation of the EDPS, for a longer period.

The maximum period of processing the data referred to in the first subparagraph shall be three years from the day of receipt of the data by Europol.'

Background to the dispute

19 The background to the dispute is set out in paragraphs 2 to 13 of the order under appeal. For the purposes of the present appeal, it can be summarised as follows.

The decision of the EDPS of 3 January 2022

20 On 3 January 2022, the EDPS adopted a decision in respect of Europol pursuant to Article 43(3)(e) of the initial Europol regulation ('the decision of 3 January 2022'). In paragraph 4.22 of that decision, he stated, first, that 'by providing for the continuous storage of datasets lacking a [Data Subject Categorisation], the Action Plan provided by Europol [did] not address the infringement identified in the admonishment decision of 17 September 2020' and, second, that 'the processing by Europol of datasets lacking a [Data Subject Categorisation] … for the sole purpose of extracting relevant information in compliance with [Article 18(3) and (5) of the initial Europol regulation], and Annex II.B [thereto], as well as the principles of data minimisation and storage limitation (Article 28(1)(c) and (e) [of the initial Europol regulation]), [could not] exceed a maximum period of six months as from the date of reception of the contribution'. In that regard, the EDPS specified, in paragraphs 4.18 and 4.19 of that decision, that, 'in the absence of an explicit legal provision laying down the retention period of personal data processed for this purpose, [it was] appropriate to make an interpretation by analogy of Article 18(6) [of the initial Europol regulation]' and to '[apply] by analogy the maximum time limit [of six months] foreseen in [that provision]'.

21 By the decision of 3 January 2022, the EDPS ordered Europol, in essence, for each contribution received as from 4 January 2022, to proceed to data subject categorisation, within the meaning of Article 18(5) of the initial Europol regulation, within 6 months as from the date of reception of that contribution, and to proceed to data subject categorisation within 12 months for all datasets existing as at 3 January 2022. After those periods, Europol was required to erase those data.

The adoption of the amended Europol regulation

22 On 9 December 2020, the Commission adopted a proposal for a regulation of the European Parliament and of the Council amending Regulation 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role on research and innovation (COM(2020) 796 final).

23 In Document No 5370/22 of the Council of 24 January 2022 concerning the preparation of the interinstitutional trilogue, it is specified that 'the recent decision of the [EDPS], which could have operational consequences for Europol's action, confirms the need for a rapid adoption of the [amended Europol] regulation', that 'the Presidency proposed to the delegations to introduce a new Article 74[a into the amended Europol regulation] which would aim at further clarifying the situation of data currently in the possession of Europol, in particular in the context of [the decision of 3 January 2022]' and that 'many delegations welcomed the principles of that proposal at the meeting of 19 January [2022], but approval by the [Permanent Representatives Committee] is necessary in view of its recent presentation and the stakes that that subject represents following the decision of the EDPS'.

24 On 1 February 2022, following the latest negotiations in the context of the interinstitutional trilogue between the Parliament, the Council and the Commission, two new provisions were added to the proposal for an amending regulation, namely the transitional provisions at issue, concerning the processing of personal data in support of an ongoing criminal investigation and the processing of personal data held by Europol, respectively.

25 On 8 June 2022, the Parliament and the Council adopted the amended Europol regulation. The wording of the transitional provisions at issue derived from the interinstitutional trilogue was used in that regulation.

The exchanges initiated by the EDPS following the adoption of the amended Europol regulation

26 On 15 June 2022, the EDPS, being of the view that the transitional provisions at issue affected the scope of the decision of 3 January 2022, requested, in essence, that the Parliament, the Council and the Commission provide him with documents relating to the legislative procedure which had led to the adoption of those provisions. The Parliament and the Council replied to that request by letters of 12 July 2022 and 25 July 2022, respectively.

27 By a letter of 15 July 2022, the EDPS asked Europol whether, in the light of the transitional provisions at issue, the decision of 3 January 2022 continued to be implemented or whether Europol considered that those provisions had replaced or altered the scope of that decision.

28 By a letter of 22 August 2022, Europol replied to the EDPS, stating, in essence, that it continued to implement certain points of the decision of 3 January 2022, but that it was not in a position to comment at that stage on the situation as at 3 January 2023.

The action before the General Court and the order under appeal

29 By application lodged at the Registry of the General Court on 16 September 2022, the EDPS requested that the transitional provisions at issue be annulled.

30 In support of that request, the EDPS relied on a single plea in law, alleging infringement of the independence and powers of the EDPS as a supervisory authority, as a consequence of the infringement of the principle of legal certainty and of the principle of non-retroactivity of legal acts. According to the EDPS, the transitional provisions at issue retroactively legalised the personal data retention practices of Europol in question and de facto annulled the decision of 3 January 2022.

31 Concerning the admissibility of his action, the EDPS argued, in essence, first, that he had standing to bring an action for annulment in order to defend his prerogatives, in particular his independence, in accordance with the case-law of the Court of Justice derived from the judgment of 22 May 1990, *Parliament* v *Council* (C-70/88, 'the judgment in *Parliament* v *Council*', EU:C:1990:217), which it was appropriate to apply in the case at hand by analogy. Second, the EDPS maintained, in the alternative, that he was directly and individually concerned, within the meaning of the fourth paragraph of Article 263 TFEU, by the transitional provisions at issue and that he had a clear and actual interest in those provisions being annulled.

32 By a separate document lodged at the Court Registry on 12 December 2022, the Council raised a plea of inadmissibility in respect of that action under Article 130(1) of the Rules of Procedure of the General Court. In that regard, the Council contended that the action was inadmissible on the ground that the EDPS was not referred to in the second and third paragraphs of Article 263 TFEU; nor was the EDPS referred to in the judgment in *Parliament* v *Council*. In addition, the EDPS was not directly and individually concerned by the transitional provisions at issue within the meaning of the fourth paragraph of Article 263 TFEU.

33 In the order under appeal, the General Court verified, as a preliminary point, in paragraphs 26 to 35 of that order, whether it had jurisdiction to hear and determine the action brought by the EDPS, having regard to the fact that, although the EDPS was not among the applicants referred to in the second and third paragraphs of Article 263 TFEU whose actions are reserved for the Court of Justice, he was claiming specific standing in order to protect his prerogatives. In paragraphs 35 and 36 of that order, the General Court concluded that the EDPS, although an EU body with a particular status, was neither an institution nor one of the applicants referred to in those provisions, with the result that it regarded itself as having jurisdiction to rule on that action.

34 As regards the plea of inadmissibility raised by the Council, the General Court, in the first place, in paragraphs 41 to 55 of the order under appeal, examined the line of argument put forward by the EDPS based on the case-law derived from the judgment in *Parliament* v *Council*, according to which he had standing to bring proceedings to defend his prerogatives, irrespective of the conditions laid down in the fourth paragraph of Article 263 TFEU. In paragraph 56 of that order, the General Court held that that case-law could not be applied by analogy to the case at hand and that the EDPS could not therefore be recognised as having standing to bring proceedings in accordance with that case-law.

35 In the second place, the General Court verified whether the EDPS had standing to bring an action under the conditions laid down in the fourth paragraph of Article 263 TFEU. In paragraphs 65 and 66 of the order under appeal, the General Court found that the EDPS had, as a 'legal person' within the meaning of that provision, standing to bring an action for annulment in respect of the transitional provisions at issue, provided that he was directly and individually concerned by those provisions. After having examined the first of those conditions, the General Court concluded, in paragraph 84 of that order, that the transitional provisions at issue did not directly affect the legal situation of the EDPS.

36 Having regard to the cumulative nature of the conditions referred to in the preceding paragraph of the present judgment, the General Court upheld the plea of inadmissibility raised by the Council, without examining whether the EDPS was individually concerned by the transitional provisions at issue.

Forms of order sought and procedure before the Court of Justice

37 The EDPS claims that the Court should:

– set aside the order under appeal and declare his action admissible;

– annul the transitional provisions at issue; and

– order the defendants at first instance to pay the costs of the proceedings.

38 The Parliament and the Council contend that the Court should:

– dismiss the appeal in its entirety; and

– order the EDPS to pay the costs.

39 By documents lodged at the Registry of the Court of Justice on 2 February 2024, 7 February 2024 and 16 February 2024 respectively, the Federal Republic of Germany, the French Republic and the Commission applied for leave to intervene in support of the form of order sought by the Parliament and the Council. By decisions of the President of the Court of Justice of 29 February 2024, 4 March 2024 and 14 March 2024 respectively, those applications to intervene were granted.

The appeal

40 In support of his appeal, the EDPS relies on two grounds of appeal. The first ground of appeal alleges breach of the principle of institutional balance, as interpreted by the Court of Justice in the judgment in *Parliament* v *Council*. By his second ground of appeal, the EDPS claims that the General Court erred in law in its interpretation of the condition relating to direct concern laid down in the fourth paragraph of Article 263 TFEU.

Admissibility

41 The Council pleads that both of the grounds of appeal are inadmissible, on the ground that the EDPS confines himself, in essence, to repeating arguments already put forward at first instance and expressing his disagreement with the solution adopted by the General Court, without, however, clearly identifying the errors of law allegedly made by that Court in the order under appeal. On the same grounds, the Parliament contends that the criticism set out in the second ground of appeal regarding paragraphs 72 to 77 of the order under appeal is inadmissible.

42 In that regard, it follows from Article 256 TFEU, the first paragraph of Article 58 of the Statute of the Court of Justice of the European Union, Article 168(1)(d) of the Rules of Procedure of the Court of Justice and Article 169 of those rules that an appeal must indicate precisely the contested elements of the decision which the person bringing the appeal seeks to have set aside and also the legal arguments specifically advanced in support of that appeal. According to settled case-law, that requirement is not satisfied by an appeal which, without even including an argument specifically identifying the error of law allegedly vitiating the decision of the General Court, merely reproduces the pleas in law and arguments already submitted to that Court. Such an appeal amounts in reality to no more than a request for re-examination of the application submitted to the General Court, which the Court of Justice does not have jurisdiction to

undertake (judgments of 12 September 2006, *Reynolds Tobacco and Others* v *Commission*, C-131/03 P, EU:C:2006:541, paragraph 50, and of 11 June 2024, *Commission* v *Deutsche Telekom*, C-221/22 P, EU:C:2024:488, paragraph 27).

43 However, provided that an appellant challenges the interpretation or application of EU law by the General Court, the points of law examined at first instance may be discussed again in an appeal. Indeed, if an appellant could not thus base his or her appeal on pleas in law and arguments already relied on before the General Court, an appeal would be deprived of part of its purpose (judgments of 12 September 2006, *Reynolds Tobacco and Others* v *Commission*, C-131/03 P, EU:C:2006:541, paragraph 51, and of 10 September 2024, *Google and Alphabet* v *Commission (Google Shopping)*, C-48/22 P, EU:C:2024:726, paragraph 207 and the case-law cited).

44 In the present case, the arguments put forward by the EDPS in support of his two grounds of appeal identify, in a manner that is sufficiently precise, the aspects of the order under appeal which are criticised, as well as the reasons why that order is, in his view, vitiated by errors of law, and thus are not limited, contrary to the Parliament's and the Council's assertions, to merely repeating or reproducing the arguments submitted to the General Court.

45 It follows that the appeal is admissible.

Substance

The first ground of appeal

– *Arguments of the parties*

46 By his first ground of appeal, the EDPS submits that the General Court acted in breach of the principle of institutional balance, as interpreted by the Court of Justice in the judgment in *Parliament* v *Council*, by ruling, in paragraphs 38 to 57 of the order under appeal, that he did not have, as an independent supervisory authority for the purposes of Article 8(3) of the Charter of Fundamental Rights of the European Union, standing to bring an action for the annulment of the transitional provisions at issue in order to protect his main prerogative, relating to his independence, without being subject to the conditions for admissibility laid down in the fourth paragraph of Article 263 TFEU.

47 In the first place, the EDPS argues that, in paragraphs 42 and 43 of that order, the General Court was incorrect to disregard the relevance of the case-law derived from the judgment in *Parliament* v *Council*, on the ground that, unlike the Parliament at the time that judgment was delivered, he has legal personality and may, therefore, bring an action for annulment under the conditions laid down in the fourth paragraph of Article 263 TFEU.

48 In the second place, the EDPS submits, in essence, that the considerations set out in paragraphs 48 to 55 of the order under appeal confer a greater scope on the alleged right to bring proceedings than that relied on by the EDPS before the General Court.

49 In his action at first instance, the EDPS in no way relied on a 'privileged' right to bring proceedings enabling him to contest any legislation concerning the processing of personal data. Similarly, he did not submit, generally, that the independence of supervisory authorities should take

precedence over the legislative function. Nor did he call in question the competence of the Parliament and the Council to determine the content of a legislative act; instead he merely sought to have his right to defend his prerogative of independence recognised. The EDPS thus argues that he has defined with precision the specific circumstances in which the EU legislature, in the present case, has exercised undue influence over the exercise of his powers; powers which he has exercised with the sole aim of defending his prerogatives, that is to say, protecting his independence.

50 The Parliament and the Council, supported by the French Republic and the Commission, argue that the first ground of appeal must be rejected as unfounded.

– *Findings of the Court*

51 Under the second paragraph of Article 263 TFEU, a Member State, the Parliament, the Council or the Commission may bring an action for annulment, in respect of any act intended to produce binding legal effects vis-à-vis third parties which has been adopted by one or more of the institutions referred to in the first paragraph of that article or by one or more of the bodies, offices or agencies of the Union, on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the Treaties or of any rule of law relating to their application, or misuse of powers. In addition, according to the third paragraph of that article, the Court of Auditors, the European Central Bank and the Committee of the Regions may, under the same conditions, bring actions for annulment for the purpose of protecting their prerogatives. As regards the fourth paragraph of Article 263 TFEU, that paragraph provides that any natural or legal person may, under the conditions laid down in the first and second paragraphs of that article, institute proceedings against an act addressed to that person or which is of direct and individual concern to them, and against a regulatory act which is of direct concern to them and does not entail implementing measures.

52 As the General Court ruled in paragraph 35 of the order under appeal, pursuant to the reasoning set out in paragraphs 26 to 34 of that order, the EDPS is not included among the applicants referred to in the second and third paragraphs of Article 263 TFEU.

53 As regards the question whether, notwithstanding that finding, it follows from the principle of institutional balance, as interpreted by the Court of Justice in the judgment in *Parliament* v *Council*, that the EDPS must be recognised as having the right to bring an action for annulment, irrespective of the conditions for admissibility laid down in the fourth paragraph of that article, to defend his independence, it should be borne in mind that, when that judgment was delivered, although the Parliament was one of the institutions of the European Communities, Article 173 of the EEC Treaty (now, following amendments, Article 263 TFEU) did not confer on that institution the right to bring such an action.

54 In that regard, as the General Court, in essence, noted in paragraphs 44 and 45 of the order under appeal, the Court of Justice, in paragraphs 21 to 25 of the judgment in *Parliament* v *Council*, emphasised, inter alia, that the prerogatives of the Parliament constituted one of the elements of the institutional balance created by the Treaties, which set up a system for distributing powers among the different institutions, assigning to each institution its own role in the institutional structure of the Community and the accomplishment of the tasks entrusted to it. In addition, in view of its own task of ensuring that in the interpretation and application of the Treaties the law is observed, the Court of Justice held that it had to be able to ensure that the institutional balance

was maintained and, consequently, ensure judicial review of whether the prerogatives of the Parliament had been observed when called upon to do so by that institution, by means of a legal remedy suited to the objective pursued.

55 In those circumstances, considering that the absence in the Treaties in force at the time of any provision giving the Parliament the right to bring an action for annulment could not prevail over the fundamental interest in the maintenance and observance of the institutional balance laid down in those Treaties, the Court of Justice ruled that it was admissible for the Parliament to bring an action for annulment, in respect of an act of the other institutions, seeking to safeguard its prerogatives under the same conditions as those laid down by the Treaties in respect of actions for annulment brought by the other institutions (see, to that effect, the judgment in *Parliament* v *Council*, paragraphs 26 and 27).

56 However, as the General Court noted, in essence, in paragraphs 27 and 46 of the order under appeal, the EDPS cannot be regarded as an institution of the Union.

57 The EDPS is not included as one of the institutions of the Union referred to in Article 13(1) TEU; in accordance with that provision, the concept of 'institutions' refers to a precise list of entities which does not include the bodies, offices and agencies of the Union. The definition of that concept, as well as the clear distinction made by the EU Treaty between the institutions of the Union, on the one hand, and the bodies, offices and agencies of the Union, on the other, must apply uniformly and transversely in both that treaty and the FEU Treaty (see, to that effect, judgment of 14 July 2022, *Italy and Comune di Milano* v *Council and Parliament (Seat of the European Medicines Agency)*, C-106/19 and C-232/19, EU:C:2022:568, paragraphs 113 and 116).

58 In addition, while the EDPS constitutes an independent authority for the purposes of Article 16(2) TFEU, that authority was established not by that provision, but by the EU legislature acting on the basis thereof. The EU legislature also specified, inter alia in Article 58 of Regulation 2018/1725, the supervisory powers of the EDPS which concern, as is apparent from Article 57 of that regulation, the observance by the institutions, bodies, offices and agencies of the Union of the rules relating to the protection of natural persons with regard to the processing of personal data.

59 In accordance with the case-law derived from the judgment in *Parliament* v *Council* referred to in paragraph 54 of the present judgment, the principle of institutional balance is intended to ensure compliance with the system, established by the Treaties, for distributing powers among the different institutions, assigning to each institution its own role in the institutional structure of the Union and the accomplishment of the tasks entrusted to it. That principle does not, therefore, apply to bodies, offices and agencies of the Union other than the institutions.

60 Thus, the General Court correctly ruled, in paragraphs 42 to 56 of the order under appeal, that the case-law derived from the judgment in *Parliament* v *Council* could not be applied by analogy to the action brought by the EDPS, having regard to the particular features which distinguished his situation from that of the Parliament on the date when that judgment was handed down.

61 Accordingly, the General Court also did not err in law in ruling, in paragraph 57 of that order, that the EDPS had to be regarded as being an applicant who had to satisfy the conditions laid down in the fourth paragraph of Article 263 TFEU.

62 Regarding the line of argument, relied on by the EDPS, according to which those conditions disproportionately limit his right to bring an action for annulment, it should be borne in mind that the application of those conditions to the EDPS is the inevitable consequence of the decision, taken upon the adoption of the Treaty of Lisbon, not to include all the bodies, offices or agencies of the Union, such as the EDPS, among the applicants who may bring, as of that date, irrespective of those conditions, an action for annulment under the second and third paragraphs of Article 263 TFEU.

63 With the exception of the Member States and the Committee of the Regions, all the applicants referred to in the second and third paragraphs of Article 263 TFEU are included in the list of entities which, according to the wording of Article 13(1) TEU, are institutions of the Union. The right to bring an action conferred on them by virtue of the provisions of Article 263 TFEU is, like the right to bring an action enjoyed by the Member States, in particular, not subject to their demonstrating that they have standing to bring proceedings. That right to bring an action reflects the particular significance of the role of the institutions and their contribution to defending their powers and prerogatives in the observance of the principle of institutional balance, or indeed to promoting the general interest of the Union.

64 By contrast, regarding the bodies, offices or agencies of the Union, it should be noted that the Treaty of Lisbon, while it specified that the acts of those entities constitute acts open to challenge under the first paragraph of Article 263 TFEU, reserved to the Committee of the Regions alone the right to defend its prerogatives under the third paragraph of that article. The standing of the other bodies, offices or agencies of the Union to bring an action for annulment is thus governed by the fourth paragraph of Article 263 TFEU.

65 This is all the more the case for the EDPS, who, as has been noted in paragraph 56 of the present judgment, cannot be regarded as an institution of the Union and was established by Article 41(1) of Regulation No 45/2001 before the entry into force of the Treaty of Lisbon. It thus appears, as the General Court held, in essence, in paragraph 32 of the order under appeal, that, although the Member States, in adopting the Treaty of Lisbon, also took into consideration, in the context of drawing up Article 263 TFEU, entities other than the institutions, they chose not to include the EDPS in the list of entities entitled to defend their prerogatives under the third paragraph of that article. As the Advocate General correctly noted in point 41 of his Opinion, this was therefore, as regards the EDPS specifically, a deliberate decision on the part of the Member States as the authors of the Treaty of Lisbon.

66 Thus, the judicial protection of the EDPS must be guaranteed within the framework laid down by the fourth paragraph of Article 263 TFEU.

67 In addition, it should be borne in mind that the conditions for admissibility laid down in that provision must be interpreted in the light of the principle of effective judicial protection, but such an interpretation cannot have the effect of setting aside the conditions expressly laid down by that Treaty (see, to that effect, judgments of 3 October 2013, *Inuit Tapiriit Kanatami and Others* v *Parliament and Council*, C-583/11 P, EU:C:2013:625, paragraph 98, and of 28 April 2015, *T & L Sugars and Sidul Açúcares* v *Commission*, C-456/13 P, EU:C:2015:284, paragraph 44 and the case-law cited).

68 As regards, lastly, the line of argument summarised in paragraphs 48 and 49 of the present judgment, according to which the General Court incorrectly interpreted the scope of the right to bring an action relied on, it must be found that, in view of the foregoing considerations, that line of

argument is ineffective. Irrespective of the question relating to the scope of the right to bring an action envisaged by the General Court in paragraphs 48 to 55 of the order under appeal, it follows from the foregoing considerations that the General Court was correct to rule that the EDPS may not rely on a right to bring an action for annulment unless the conditions for admissibility laid down in the fourth paragraph of Article 263 TFEU are satisfied.

69 In those circumstances, the first ground of appeal must be rejected.

The second ground of appeal

– *Arguments of the parties*

70 By his second ground of appeal, the EDPS submits that, in paragraphs 67 to 84 of the order under appeal, the General Court incorrectly held that he did not satisfy the condition relating to direct concern set out in the fourth paragraph of Article 263 TFEU and thus did not have standing to bring proceedings in respect of the transitional provisions at issue.

71 Regarding, in the first place, paragraphs 72 to 77 of that order, the EDPS notes that the finding made by the General Court in paragraph 76 thereof, according to which the decision of 3 January 2022 cannot affect legislative acts, is irrelevant for the purpose of determining whether the transitional provisions at issue directly concern him.

72 In addition, the EDPS submits that the amendment, by the EU legislature, of the rules in force as applied by the EDPS entails a risk of 'prior compliance' which is, in his view, capable of directly affecting his independence. In that context, the EDPS emphasises the particular nature of the situation at issue, which was characterised by the fact, first, that a legislative proposal had been submitted to the EU legislature at the same time as the EDPS was acting in relation to that situation and, second, that the EU legislature had inserted new provisions which had the effect of retroactively eliminating the infringement by Europol, as found by the EDPS in the decision of 3 January 2022, of the provisions of the initial Europol regulation.

73 In the second place, in paragraphs 78 to 83 of the order under appeal, the General Court incorrectly considered that the transitional provisions at issue left their addressees a certain degree of discretion. According to those provisions, the personal datasets in Europol's possession could, by law, be stored beyond the deadlines fixed by the EDPS under the rules previously applicable.

74 In addition, contrary to what was stated by the General Court in paragraph 83 of that order, those provisions would prevent the EDPS from exercising his own powers. Although the transitional provisions at issue left it to the Member States or to Europol to decide whether or not to authorise the processing of personal data in Europol's possession, the EDPS nevertheless decided, on 3 January 2022, no longer to authorise the continued processing of those personal data without the required categorisation. In view of the way in which they alter the legal framework applicable to the personal data concerned, the transitional provisions at issue affect the legal situation of the EDPS and/or the way in which he has exercised his powers. Those alterations also affect his capacity to exercise his powers independently in the future.

75 In the third place, although the General Court confined its examination of the admissibility of the action solely to the condition relating to direct concern, the EDPS submits that the transitional provisions at issue also concern him individually and that he has an interest in bringing proceedings in respect of those provisions.

76 The Parliament and the Council, supported by the French Republic and the Commission, argue that the second ground of appeal is unfounded.

– *Findings of the Court*

77 By his second ground of appeal, which concerns paragraphs 67 to 84 of the order under appeal, the EDPS submits that the General Court erred in law by ruling that the transitional provisions at issue did not directly concern him for the purposes of the fourth paragraph of Article 263 TFEU and that his action was, consequently, inadmissible.

78 In that regard, it should be borne in mind that the admissibility of an action brought by a natural or legal person against an act which is not addressed to that person, in accordance with the fourth paragraph of Article 263 TFEU, is subject, inter alia, to the condition that that act is of direct and individual concern to that person (judgment of 10 February 2026, *WhatsApp Ireland* v *European Data Protection Board*, C-97/23 P, EU:C:2026:81, paragraph 92 and the case-law cited).

79 In the present case, it should be noted that Article 58(4) of Regulation 2018/1725 explicitly confers the power on the EDPS to refer a matter to the Court of Justice under the conditions provided for in the Treaties, as does Article 43(3)(h) of the initial Europol regulation.

80 In that regard, it must be pointed out that, while those provisions, inasmuch as they explicitly refer to the power of the EDPS to refer a matter to the Court of Justice, confirm the capacity of the EDPS to bring proceedings before the EU judicature, it follows from the very wording thereof that, in addition, an action brought by the EDPS must respect the conditions laid down by the Treaties.

81 Accordingly, as the General Court noted, in essence, in paragraphs 59 to 66 of the order under appeal, the EDPS must be recognised as having standing to bring proceedings as a 'legal person' for the purposes of the fourth paragraph of Article 263 TFEU, provided that the other conditions laid down by that provision are satisfied.

82 As the EDPS is not the addressee of the transitional provisions at issue, it is necessary to verify whether he is directly concerned by those provisions. In that regard, it is settled case-law, as the General Court noted, in essence, in paragraph 70 of the order under appeal, that the condition that a natural or legal person must be directly concerned by the decision which that person is contesting requires that two cumulative conditions be satisfied, namely that the measure being contested, first, directly affects the legal situation of that person and, second, leaves no discretion to the addressees who are entrusted with the task of implementing it, such implementation being purely automatic and resulting solely from EU provisions without the application of other intermediate rules (judgment of 10 February 2026, *WhatsApp Ireland* v *European Data Protection Board*, C-97/23 P, EU:C:2026:81, paragraph 94 and the case-law cited).

83 Regarding whether the first of those conditions is satisfied, it is necessary to assess, as the General Court recalled, in essence, in paragraph 70 of the order under appeal, whether the act being contested is the source of a distinct change in the legal position of the natural or legal person in

question, by examining the substance of that act and by assessing its 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 (judgment of 10 February 2026, *WhatsApp Ireland* v *European Data Protection Board*, C-97/23 P, EU:C:2026:81, paragraph 97 and the case-law cited).

84 In particular, as the General Court correctly noted in paragraph 72 of the order under appeal, an act of EU law that prevents a public legal person from exercising its own powers as it sees fit has a direct effect on the legal position of that legal person, with the result that the act in question must be regarded as being of direct concern to that legal person, within the meaning of the fourth paragraph of Article 263 TFEU (judgment of 13 January 2022, *Germany – Ville de Paris and Others* v *Commission*, C-177/19 P to C-179/19 P, EU:C:2022:10, paragraph 73 and the case-law cited).

85 In the present case, first, it is common ground that the transitional provisions at issue are intended to amend, as from 28 June 2022, the legal rules applicable to the datasets which were, at that date, in Europol's possession. To that end, Article 74b of the amended Europol regulation fixes the period within which that agency must verify whether those data relate to one of the categories of data subjects set out in Annex II thereto. In addition, Article 74a of that regulation specifies the conditions under which those data may be used in the context of an ongoing criminal investigation where there is no such categorisation.

86 By contrast, those provisions have no effect on the nature or the scope of the tasks entrusted to the EDPS by EU legislation. As the General Court noted, in essence, in paragraphs 74 and 75 of the order under appeal, the transitional provisions at issue have not altered the rights, obligations or powers of the EDPS. Under Article 1(3) of Regulation 2018/1725, the EDPS is responsible for monitoring the application, by the institutions, bodies, offices and agencies of the Union, of the provisions of that regulation relating to the protection of personal data. In addition, it follows from Article 43(1) of the initial Europol regulation, as well as Article 43(2)(c) thereof, that the EDPS is responsible for monitoring and ensuring the application of the provisions of that regulation and of any other Union act relating to the protection of natural persons with regard to the processing of personal data by Europol. The transitional provisions at issue merely amend the legal rules the application of which is monitored by the EDPS, without altering the tasks with which the EDPS is entrusted under those provisions.

87 In addition, the transitional provisions at issue have in no way amended the rules laid down in Article 55 of Regulation 2018/1725, which guarantee that the EDPS acts with complete independence in performing his or her tasks and exercising his or her powers in accordance with that regulation.

88 As can be seen from a combined reading of the provisions referred to in paragraphs 86 and 87 of the present judgment, the completely independent supervisory role conferred on the EDPS concerns the application of the rules relating to the protection of personal data, including those laid down by the EU legislature. Those provisions constitute an extension of Article 16(2) TFEU, which provides that the Parliament and the Council are to lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, while specifying that compliance with those rules is to be subject to the control of independent authorities.

89 As regards, second, the alleged effects of the transitional provisions at issue on the decision of 3 January 2022, it should be noted that those provisions govern, as from 28 June 2022, the processing of sets of personal data which were, on that date, in Europol's possession, without annulling that decision of the EDPS.

90 Moreover, the procedure which led to the adoption of the transitional provisions at issue does not bring to light any elements that would be such as to affect the independent exercise by the EDPS of his powers.

91 Accordingly, the General Court was correct to rule, in paragraph 77 of the order under appeal, that, although the transitional provisions at issue amend the applicable legal framework compliance with which the EDPS is tasked with monitoring, and although they do not have the same scope as the requirements derived from the decision of 3 January 2022, they are not such as to affect the legal situation of the EDPS.

92 Consequently, the first condition referred to in paragraph 82 of the present judgment, relating to the effects on the appellant's legal situation, is not satisfied.

93 In view of the cumulative nature of the two conditions referred to in paragraph 82 of the present judgment, there is no need to examine whether the General Court erred in law in considering, in its examination concerning the second of those conditions set out in paragraphs 77 to 83 of the order under appeal, that the transitional provisions at issue leave their addressee a degree of discretion.

94 Therefore, the General Court did not err in law in ruling, in paragraph 84 of that order, that those provisions did not directly affect the legal situation of the EDPS.

95 It follows from all of the foregoing that, as neither of the grounds of appeal put forward by the EDPS has been upheld, the appeal must be dismissed in its entirety.

Costs

96 Under Article 184(2) of the Rules of Procedure of the Court of Justice, where the appeal is unfounded, the Court is to make a decision as to the costs.

97 Under Article 138(1) of those rules, which applies to appeal proceedings by virtue of Article 184(1) thereof, the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings. Pursuant to Article 140(1) of the Rules of Procedure, which also applies to appeal proceedings by virtue of Article 184(1) of those rules, the Member States and institutions which have intervened in the proceedings are to bear their own costs.

98 Since the Parliament and the Council have applied for costs against the EDPS and the EDPS has been unsuccessful, he must be ordered to bear his own costs and to pay those incurred by the Parliament and the Council in relation to the appeal.

99 The Federal Republic of Germany, the French Republic and the European Commission are to bear their own costs as interveners.

On those grounds, the Court (Grand Chamber) hereby:

1. **Dismisses the appeal;**

2. **Orders the European Data Protection Supervisor (EDPS) to bear his own costs and to pay those incurred by the European Parliament and the Council of the European Union;**

3. **Declares that the Federal Republic of Germany, the French Republic and the European Commission are to bear their own costs.**

Lenaerts	von Danwitz	Jürimäe
Lycourgos	Jarukaitis	Smulders
Gervasoni	Fenger	Rodin
Regan	Kumin	Jääskinen
Condinanzi	Schalin	Piçarra

Delivered in open court in Luxembourg on 17 November 2026.

V. Di Bucci	K. Lenaerts
Registrar	President