



## FLASH NEWS

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# FOLLOW-UP DECISIONS

## OVERVIEW OF THE MONTHS FROM DECEMBER 2025 TO JANUARY 2026



### Sweden – Supreme Administrative Court

[Nestlé Sverige (Étiquetage des denrées alimentaires destinées à des fins médicales spéciales), [C-315/24](#)]

**Food safety – Foods for special medical purposes – Prohibition on repeating on the label information contained in the mandatory nutrition declaration**

Citing [C-315/24](#), the Supreme Administrative Court ruled that the inclusion on the front of the packaging of a foodstuff intended for special medical purposes – in particular, the energy value and the quantities of various nutrients – constituted a prohibited duplication of the information contained in the mandatory nutrition declaration. The fact that the information was phrased differently did not lead to a different assessment. Consequently, the high court ruled that the order issued by an environmental committee requiring Nestlé to remove this information from its packaging was legally valid. The latter's appeal was therefore dismissed.

Högsta förvaltningsdomstolen, [judgment of 15.12.2025, No 3025-22 \(SV\)](#)



### Portugal – Tax Arbitration Tribunal

[Santander Renta Variable España Pensiones, Fondo de Pensiones, [C-525/24](#)]

**Taxation – Corporation tax on dividends**

Citing the Court of Justice's judgment in Case [C-525/24](#), the Tax Arbitration Tribunal (Centre for Administrative Arbitration – CAAD) declared unlawful the national provisions which, in relation to the subsequent refund of tax withheld at source in Portugal on dividends received by non-resident pension funds, make the refund of that tax conditional upon the submission, as the sole means of proof, of a declaration issued by the supervisory authority of the fund's country of residence. The court added that the tax authority must also accept alternative forms of evidence and, where necessary, seek administrative cooperation.

Tribunal arbitral en matière fiscale (Centre for Administrative Arbitration – CAAD), [decision of 29.12.2025 No 1033/2023-T \(PT\)](#)



### Estonia – Supreme Court

[Voore Mets and Lemeks Põlva, [C-784/23](#)]

**Environment – Conservation of wild birds – Ban on felling trees during the bird breeding season**

The Supreme Court upheld the legality of the Environment Agency's orders suspending logging operations in order to protect the breeding of wild birds. Drawing on the interpretation of the 'Birds' Directive set out in the Court of Justice's judgment in Case [C-784/23](#), the high court ruled that the felling of trees could potentially breach the prohibitions laid down by the law, such as killing birds or intentionally damaging their nests and eggs. In this regard, in accordance with their duty of care, forest managers must comply with these legal prohibitions, regardless of whether or not the Environment Agency has issued a warning or an injunction to that effect. The negative consequences of logging must be acknowledged if it is reasonable to assume, based on scientific data and observations of individual birds, that 10 pairs of birds could nest per hectare. Such a density can be assumed, in particular, on the basis of the type and age of the forest, as well as on the basis of inspections.

Riigikohus, [judgment of 19.1.2026, No 3-21-1266/62 \(ET\)](#)



### Sweden – Supreme Administrative Court

[Polismyndigheten, [C-282/24](#)]

#### **Public procurement – Amendment to the remuneration model of a framework agreement**

One of the preliminary questions raised in this case was whether the contracting authority was right to amend the remuneration method set out in a framework agreement without carrying out a new procurement procedure. Relying on Case [C-282/24](#), the Supreme Administrative Court ruled that this amendment had not led to a fundamental alteration of the balance of the framework agreement, which meant that its overall nature had not changed within the meaning of Article 72(2) of Directive 2004/18/EC. Consequently, the Supreme Administrative Court referred the case back to the court of first instance.

Högsta förvaltningsdomstolen, [judgment of 21.1.2026, No 2752-23 \(SV\)](#)



### Belgium – Liège Labour Court

[Commune d'Ans, [C-148/22](#)]

#### **Social policy – Equal treatment in employment and occupation – Prohibition of discrimination on grounds of religion or belief – Public sector**

A local government employee in Belgium challenged the ban imposed on her regarding the wearing of a headscarf at work. In the context of the dispute giving rise to the reference for a preliminary ruling to the Court of Justice in Case [C-148/22](#), the Liège Labour Court, the referring court, had ordered the local authority to put an end to the discrimination created by its staff regulations, which prohibited its employees from wearing any religious symbols. On the basis of the preliminary ruling, the Liège Labour Court overturned that decision and upheld the appeal lodged against it by the local authority. The high court ruled that the ban on wearing religious symbols imposed by the local authority on an employee, on the basis of a workplace policy of strict neutrality, did not constitute either indirect discrimination or an unlawful restriction on freedom of worship and religion. This regulation, which prohibits any conspicuous display of ideological, philosophical or religious affiliation, had been applied uniformly and consistently to all employees by the local authority.

Cour du travail de Liège, [judgment of 27.1.2026, No 18/2025 \(FR\)](#)

## Previous decisions



### Greece – Council of State

[Emporiki Serron – Emporias kai Diathesis Agrotikon Proionton, [C-42/24](#)]

#### **The European Union's own resources – Protection of the Union's financial interests**

Following the Court of Justice's judgment in Case [C-42/24](#), the Council of State upheld the appellant company's appeal against the decision of the Athens Administrative Court of Appeal, which had upheld the decision of the Minister for Agriculture ordering the company to repay aid received under the EAGGF. As a reminder, the Court of Justice has held that, in accordance with Article 3(3) of Regulation (EC, EURATOM) No 2988/95, as well as the principles of legal certainty and proportionality, Member States are not permitted to derogate from the starting point of the limitation period laid down in Article 3(1) of that Regulation, which is fixed, as a matter of mandatory law, as the date on which the irregularity was committed. Endorsing the Court's reasoning, the high administrative court ruled that the ministerial decision had misapplied Regulation (EC, EURATOM) No 2988/95, in that the national legislation provided for a five-year limitation period starting from the date on which the competent authority established the irregularity, and not from the date on which it was committed. Consequently, the Greek Council of State quashed the decision of the Administrative Court of Appeal and ruled on the merits of the case.

Symvoulío tis Epikrateias, [judgment of 11.9.2025, No 1597/2025 \(EL\)](#) (available on request)



## Latvia – Regional Administrative Court

[TOODE, [C-653/23](#)]

### ***State aid – Economic support in the context of the COVID-19 pandemic – Expiry dates for aid schemes***

Following the Court’s judgment in Case [C-653/23](#), the Regional Administrative Court recognised that, despite the Commission’s Communication of 19 March 2020 on the Temporary Framework for State aid measures in the context of COVID-19, which set the deadline for granting aid at 30 June 2022, the granting of such aid after that date was permissible even if the tax authorities had refused, without valid reason, to grant it to an individual who had applied for it within the prescribed time limit. The Regional Administrative Court recognised that the applicant met the eligibility criteria for the grant and that she was therefore entitled to the grant received to boost her working capital.

*Administratīvā apgabaltiesa, judgment of [30.10.2025, No A420197921 \(AA43-0008-25/5\), ECLI:LV:ADAT:2025:1030.A420197921.11.S \(LV\)](#)*



## Romania – Bucharest Court of Appeal

[**Suppression d’une indemnité de départ à la retraite des juges**, [C-762/23](#)]

### ***Remuneration of judges – Payment of a retirement allowance to judges and prosecutors***

Citing the Court of Justice’s judgment in Case [C-762/23](#), the Bucharest Court of Appeal held that, even following the repeal of a legislative provision stipulating that judges and prosecutors with 20 consecutive years’ service in the judiciary are entitled, in particular upon retirement, to a specific allowance, the overall remuneration of magistrates remains appropriate in relation to the duties performed. In this regard, the Court of Justice clarified that Articles 2 and 19 TEU must be interpreted as not precluding such a repeal, on grounds relating to the reduction of an excessive budget deficit. It also pointed out that, since this allowance is not protected by a constitutional right, it may be abolished by the legislature without fear of violating the Constitution.

*Curtea de Apel București, decision of 24.11.2025, No 3735, (RO)  
[not yet available]*



## Spain – Supreme Court

[**Diamond Resorts Europe**, [C-815/24](#)]

### ***Judicial cooperation in civil matters – Jurisdiction – The concept of a dispute concerning the operation of a branch***

In a dispute between consumers resident in the United Kingdom and the Spanish branch of the parent company of the contracting firms, concerning an action seeking the annulment of timeshare contracts for property and the reimbursement of sums unduly paid in performance of those contracts, the Supreme Court ruled that this was not a case concerning the operations of that branch, given that it had not been involved in the conclusion of the contracts, had not been involved in the conduct of the relations between the parties to the contracts, and that there was therefore no close connection with the Spanish courts arising from those contracts. Thus, endorsing the arguments of the Court of Justice in its order in Case [C-815/24](#), the Supreme Court set aside the judgment of the Provincial Court of Santa Cruz de Tenerife on the grounds that the Spanish courts lacked jurisdiction, pursuant to Article 7(5) of Regulation (EU) No 1215/2012, whilst recognising the right of consumers to bring their claims before the competent court, in this case that of the United Kingdom.

*Tribunal Supremo, judgment of 26.11.2025, No 1725/2025 (ES)*