Recent Rulings from the CJEU and the ECtHR Impacting Media Services

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Institute of European Media Law
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Prenote: The present case summaries have been compiled by the EMR on the basis of press releases, opinion by the Advocate Generals, and judgments issued by the CJEU. Summaries relating to the case law of the ECtHR are primarily based on the bullet points prepared by the Court's Registry accompanying the respective judgments. The timeframe covered by this case overview extends from mid-June 2025 to April 2026.

CASE NO	DATE	TYPE	CONTENT
CJEU			
MEDIA LAW			
C-555/23 and C-556/23 – Makeleio, Zougla v ESR	26.6.25	Judgment	Two Greek internet news portals fined by the national AVMS authority for broadcasts that violate human dignity; Greek national law failed to transpose the AVMSD correctly, namely to include obligations on internet broadcasters not to violate human dignity. Art. 6(1) AVMSD precludes national legislation which, on pain of a penalty, requires all media service providers, with the exception of internet broadcasters, to respect the value of human dignity and to refrain from broadcasting content undermining that value. (if requirement does not apply to all media services providers, national legislation would not only disregard the scope *ratione personae* of the AVMSD and, in particular, of Art 6(1) thereof, but would also compromise the achievement of the objective of creating an internal market for AVMS pursued by the AVMSD and the objective of protecting human dignity in all audiovisual media services, referred to in Art 6(1)). The principle that offences and penalties must be defined by law (Art. 49(1) CFR) precludes national legislation that, on pain of a penalty, requires all media service providers, with the exception of internet broadcasters, to respect the value of human dignity and to refrain from broadcasting content undermining that value from being given, pursuant to the principle that national law must be interpreted in conformity with EU law, a broad interpretation so as to include within its scope that latter category of media service providers.
Case C-366/24 Amazon EU (Minimum charges for the delivery of books)	18.12.25	Judgment	CJEU rules that, in so far as the contested measure (obligation on retailers to invoice a minimum of €3 for the delivery of books of any order below €35) is intended to preserve cultural diversity, its compatibility with EU law cannot be examined in the light of either of the two directives at issue (ECD and Services Directive), only assessment with EU primary law (here: free movement of goods).

			national measure at issue cannot be regarded as relating to a 'selling arrangement' which would not be classified as a measure having equivalent effect; imposition of charges is more likely to affect traders from other Member States and is liable to further impede access to the market for books from other Member States and therefore constitutes a measure having equivalent effect.
C-92/23 European Commission v Hungary (Klubrádió)	26.2.26	Judgment	Refusal to renew commercial radio station Klubrádió's broadcasting contract for a frequency due to its failure to comply with obligations to communicate data on broadcasting quotas. In a new call for tenders, Klubrádió's application was considered invalid for procedural reasons, such as a discrepancy of five minutes in the indication of the duration of one programme. Commission initiated infringement proceedings for failure to fulfil obligations under regulatory framework for electronic communications networks and services, general principles of proportionality, non-discrimination, good administration, Art. 11 CFR and Art. 45 EECC. CJEU rules that by preventing Klubrádió from providing media services on a radio frequency, Hungary failed to fulfill its obligations: – under Art 5(3) Authorisation Directive and the principle of good administration, for adoption of that decision long after the expiry of the six-week period laid down in that provision – under Art 5(2) Authorisation Directive, and Article 45(1) EECC, by imposition of disproportionate conditions, failure to predefine allocation criteria, not allowing discretion to assess errors, and disregarding the minor nature of errors in Klubrádió's tender by Media Council – under Art 8(2)(d) and Art 9(1) Framework Directive and the principle of good administration, on account of the failure to organise a procedure to allocate the frequency 92.9 MHz in sufficient time to allow for the adoption of a decision before the expiry of Klubrádió's rights to use that radio frequency; – under Art 45(1) EECC and the principle of proportionality, on account of the adoption of Paragraph 65(11) of the Law on media services and mass media communications, which precludes media service providers whose right to use radio frequencies has not been renewed due to the commission of a repeated infringement from applying for temporary rights of use; and

			– under Art. 11 CFR, on account of the adoption of the relevant decisions and tender conditions affecting the use of the frequency concerned Re. Art. 11 CFR: national Law on Media Services goes beyond what is necessary in order to attain the objective of general interest (here: strengthening the national and cultural identity and ensuring competition on the media market and freedom of expression)
C-769/22 Commission v Hungary (Law of 2021)	21.4.26	Judgment (full court)	By 'Law No LXXIX of 2021 laying down stricter measures in respect of persons convicted of paedophilia and amending certain laws adopted in the interests of the protection of children', Hungary amended various national legislative acts with a view to protecting children. In essence, those amendments prohibit or restrict access to content, including in the AV or advertising sectors, which portrays or promotes deviation from the self-identity corresponding to the sex assigned at birth, gender reassignment, or homosexuality. Following an action for failure to fulfil obligations brought by the European Commission, the CJEU finds that Hungary has acted in breach of EU law on the primary and secondary law relating to services in the internal market, the CFR, Art. 2 TEU and the GDPR: - by introducing Para. 6/A into the Law No XXXI of 1997 Hungary has failed to fulfil its obligations under Art.3(2) ECD, Arts. 16 and 19 Services Directive, and Arts 1, 7, 11 and 21 CFR; - by introducing Para. 8(1a) into Law No XLVIII of 2008 laying down the basic requirements and certain restrictions applicable to commercial advertising activities, Hungary has failed to fulfil its obligations under Art. 9(1)(c)(ii) AVMSD, Arts. 16 and 19 Services Directive, and Arts. 1, 7, 11 and 21 CFR. - by introducing Para. 9(6) into the Law No CLXXXV of 2010 on media services and mass media communications, as well as by adopting Para. 32(4a) of that law, Hungary has failed to fulfil its obligations under Art. 6a(1) AVMSD, as well as Arts. 1, 7, 11 and 21 CFR; - by amending Para. 179(2) of Law No CLXXXV of 2010 on media services and mass media communications, Hungary has failed to fulfil its obligations under Art. 2 and Art. 3(1) AVMSD; By amending Para. 9(12) of the Law No CXC of 2011 on national public education, Hungary has failed to fulfil its obligations under Arts. 16 and 19 Services Directive, as well as Arts 1, 7, 11 and 21 CFR; - by adopting the provisions of the Law No LXXIX of 202, thereby making the legislative amendments referred to in points 1 to 5 of this operative part, Hungary has failed to fulfil its obligations under Art. 2 TEU;

			- by amending Para. 67(1)(a) to (d) of the Law No XLVII of 2009 on the criminal records system, the registration of judgments handed down by the courts of the EU Member States against Hungarian citizens, and the registration of biometric data in criminal and law enforcement matters, Hungary has failed to fulfil its obligations under Art. 10 GDPR, as well as Art. 8(2) CFR;
C-829/24 European Commission v Hungary (Law on the Protection of National Sovereignty)	12.2.26	Opinion AG Kokott	Infringement procedures against Hungary alleging that the Law No LXXXVIII of 2023 on the Protection of National Sovereignty infringes inter alia EU values (Art 2 TEU), the principle of representative democracy (Art. 10 TEU), etc. That Law establishes a Sovereignty Protection Office, an independent body responsible for identifying organisations or persons that have activities carried out in the interest of other States and foreign actors, in particular using foreign support, which are liable to influence democratic processes and the will of voters and, therefore, to harm or jeopardise Hungary's sovereignty. The Office enjoys broad discretion and has powers of investigation that are not subject to any judicial review. It can request any information, including personal data, which it can forward to the competent national authorities so that other measures may be taken. It is empowered to publish the findings of its investigations and to publish annual reports. AG: Infringement of Art. 63 TFEU, Art. 3 ECD, Arts. 14, 16 and 19 Services' Directive, Arts. 7, 8, 11, 12 and 47 CFR, and Arts. 5, 6, 9 and 10 GDPR.
COPYRIGHT			
C-797/23 Meta Platforms Ireland (Fair Compensation)	10.7.25	Opinion AG Szpunar	Compatibility of the Italian legislation transposing the DSM-Directive; The Directive introduces a specific related right for press publishers for the online use of their publications by information society service providers ('ISSPs'), such as the company Meta Platforms Ireland Limited (Meta). AG finds that the rights which the EU legislature intended to confer on press publishers do not have the general nature of copyright or other related rights; purpose of the rights conferred is not merely to allow press publishers to oppose the use of their publications by ISSPs without any financial consideration, but rather, to establish the conditions under which those publications are actually used, while allowing publishers to receive a fair share of the revenues derived by ISSPs from that use. Member States have a margin of discretion to ensure the effectiveness of those rights.

			Measures such as the obligation for ISSPs to open negotiations, to provide certain information or not to reduce the visibility of publishers' content during those negotiations are not, in principle, contrary to the Directive, since they do not require a contract to be concluded or a payment to be made without actual or intended use. The powers conferred on AGCOM – including the definition of benchmark criteria for determining remuneration, the resolution of disagreements and the monitoring of the obligation to provide information – are permissible if they are limited to assistance and do not deprive the parties of their contractual freedom. Limitations introduced do not undermine the freedom to conduct a business protected by the CFR, inasmuch as they pursue a public interest objective recognised by the EU legislature: strengthening the economic viability of the press, a key pillar of democracy.
C-37/24, DADA Music and UPFR	10.7.25	Judgment	Rental Right Directive, Collective Management Directive and Art 17 CFR do not prevent national rules from removing minimum flat-rate remuneration for phonogram producers or repealing existing methods without immediately replacing them, as long as the system still ensures remuneration that is equitable, appropriate, and proportionate. It is for national courts to assess whether the remuneration set under such rules fairly balances the interests of rightholders and users. If it does not, the directives themselves cannot be used to disapply the national legislation, unless national law allows otherwise
C-182/24 SACD and Others	18.12.25	Judgment	EU law does not preclude a national rule which makes the admissibility of the action conditional on all of the co-holders of the copyright being called on to participate in the proceedings, provided that the procedure remains reasonable and does not undermine the principles of effectiveness and equivalence. If the national court finds that the requirement in question makes access to justice impossible or excessively difficult, it must ensure the full effectiveness of the right to an effective remedy and, where necessary, disapply the conflicting national provisions. CJEU recalls that the CFR guarantees the right to property and the right to an effective remedy: any national rule which de facto deprives a person of that right constitutes a breach of the principle of effectiveness. It adds, in that regard, that it is for the national court to examine, whether the French procedural rule does not result in an unnecessarily complicated or costly procedure. Procedural requirements that are impossible or very difficult to meet have the effect of neutralising the right to claim copyright protection, which runs counter to the principle of effectiveness.
C-840/24 VG Wort v TL	26.2.26	Opinion AG Szpunar	Arts. 11(4) and 12(4) Collective Management Directive, read in conjunction with Art. 5(2)(b) InfoSoc Directive and Art. 6(1) Rental and lending right Directive, must be interpreted as

			meaning that they do not preclude Member State legislation which permits a collective management organisation to allocate a part of the rights revenue derived from the right to fair compensation and from the right to remuneration, referred to in the two last-mentioned provisions, respectively, to cultural activities that may, where appropriate, benefit persons who are not copyright holders, provided that the rightholders receive, directly or indirectly, fair compensation and adequate remuneration.
C-590/23 Pelham (concept of Pastiche)	14.4.26	Judgment	>2 decades-running dispute regarding the reproduction of a sample from a track of the German band Kraftwerk, CJEU clarifies the scope of the exception for 'pastiche', which allows the use of elements of a work that are protected by copyright without the prior authorisation of rightholders. CJEU finds, inter alia, that that exception covers creations which evoke one or more existing works, while being noticeably different from them, and which use, including by means of sampling, some of those works' characteristic elements protected by copyright, in order to engage with those works in an artistic or creative dialogue that is recognisable as such. That dialogue can take different forms, in particular the form of an overt stylistic imitation of those works, of a tribute to them or of humorous or critical engagement with them. In order for a finding to be made that use is 'for the purpose' of pastiche, it is sufficient that the 'pastiche' nature be recognisable for a person who is familiar with the existing work from which the elements have been borrowed; not necessary to establish that the user intended to use the work for the purpose of pastiche
TELECOMMUNICATION			
Case C-514/24 Magyar Telekom	12.3.26	Judgment	A subscriber may terminate a contract for internet access, without costs, where modification is made in order to comply with a decision of the CJEU. The CJEU clarifies when telecom customers can cancel contracts for free after changes: general rule: Users have the right to terminate contracts without cost if providers change the terms; exception (interpreted narrowly): No free termination only when changes are directly required by new or amended EU or national legislation. This exception does not apply when changes result from: A CJEU interpretation (preliminary ruling), since it only clarifies existing law and does not create or amend it, BEREC guidelines, because they are non-binding, National authority decisions, as they merely apply existing law to specific cases and are not legislative acts.

C-354/24 Elisa Eesti AS	19.3.26	Opinion AG Ćapeta	MS may exclude hardware and software from 2G-4G and 5G telecommunications infrastructure on the basis that the manufacturer of that equipment poses a risk to national security. Security-based exclusions are allowed, but only if they are justified, proportionate, and based on concrete risk analysis—not broad assumptions. Here: Huawei In 2022, Elisa Eesti AS, an Estonian telecommunications provider, applied for authorisation from the Estonian authorities to use hardware and software from Huawei for use in its 2G-4G and 5G telecommunications networks. The competent Estonian authorities considered that hardware and software to pose a risk to Estonia's national security on the basis of the 'high-risk' nature of Huawei. Decision was challenged before the Administrative Court, Tallinn, which requested a preliminary ruling. AG: EECC applies to a national legislative package which, in order to ensure the security of the national electronic communications network and its services, requires that an operator to obtain authorisation for the use of hardware and software in its communications network The requirement to obtain authorization constitutes a restriction to the freedom to provide a public or publicly available electronic communication networks or services Failure to notify to the Commission a limitation does not result in non-applicability of the non-notified rules No blanket bans: Decisions cannot rely on general suspicion about a company; they must be based on a specific, evidence-based risk assessment of the equipment and its use. Property rights: Restricting the use of such equipment is seen as a limitation on property, not a deprivation
PLATFORMS			
T-348/23 Zalando v Commission	3.9.25	Judgment	DSA: Appeal against Commission decision designating online shop Zalando as VLOP to assess whether Zalando qualifies as VLOP, the Commission examined its number of active users, including those potentially exposed to third-party seller content via the Partner Programme. Because Zalando could not distinguish which of its 83+ million users were actually exposed to such content, the Commission counted all of them, rather than the ~30 million Zalando claimed. GC upheld this approach and rejected claims that the DSA breaches legal certainty, equal treatment, or proportionality, noting that large marketplaces can expose millions of users to potentially harmful or illegal products

T-55/24 Meta Platforms Ireland v Commission and T-58/24 TikTok Technology v Commission	10.9.25	Judgments	DSA: GC annuls the Commission's implementing decisions setting the supervisory fee for 2023 applicable to Facebook, Instagram and TikTok while maintaining their effects for a provisional period. Commission calculated the number of average monthly active recipients of the services concerned on the basis of a common methodology based on data provided by third-party operators and annexed to each implementing decision. However, since that methodology is an essential and indispensable element of the determination of the supervisory fee, it should have been adopted not in the context of implementing decisions but in a delegated act, in accordance with the rules laid down in the DSA. Nevertheless, since it did not find any error affecting the obligation of the companies concerned to pay the supervisory fee for 2023, the General Court temporarily maintains the effects of the annulled decisions. That measure seeks to enable the Commission to establish the methodology for calculating the number of average monthly active recipients in a manner that complies with the DSA and to adopt new implementing decisions. duration of provisional arrangement may not exceed 12 months from the date on which judgments delivered become final.
T-367/23 Amazon EU Sàrl v. European Commission (Amazon Store designation as VLOP)	19.11.25	Judgment	Commission designated, pursuant to Art. 33(4) DSA the platform Amazon Store as VLOP within the meaning of Art. 33(1) DSA; Amazon sought annulment of the decision Court held as regards freedom to conduct a business, that DSA obligations interfere with that freedom, but interference is provided by law and does not affect the essence of the freedom; as regards the right to property, obligations imposed by the DSA mainly constitute administrative burdens which do not deprive VLOP providers of ownership – even if interference could be established, it would be justified by the objectives of preventing systemic risks pursued by EU legislature; As regards principle of equality, EU legislature has broad discretion to treat VLOPs in a uniform manner – distinction made in the DSA based on user numbers is neither arbitrary nor manifestly inappropriate for the objective of preventing such risks; with regard to freedom of expression and information, obligation imposed on VLOPs to off recommender system option which is not based on profiling is a justified interference (does not affect essence of the right and pursues legitimate aim of consumer protection); As regards the right to private life and the protection of confidential information, advertising transparency obligations and researcher access to data constitute interference but

			justified by an objective of general interest (i.e. prevention of systemic risk, and high level of consumer protection).
COMPETITION			
C-738/22 P Google and Alphabet v Commission	19.6.25	Opinion AG Kokott	On 18.7.2018 Commission fined Google € 4,343 billion for abuse of dominant position (Manufacturers could obtain a licence for Google's app store 'Play Store' only if they pre-installed Google's general search app 'Google Search' and Google's 'Chrome' browser ('bundle'). In addition, in order to obtain a licence for Play Store and Google Search, they had to undertake not to sell devices equipped with versions of the Android operating system not authorised by Google ('anti fragmentation'). Lastly, Google made the grant of a share of Google's advertising revenue to manufacturers and network operators subject to the condition that they did not pre-install another general search service on any device within an agreed portfolio ('revenue sharing'); AG Kokott proposes to dismiss Google's appeal and, therefore, uphold the GC judgment
C-34/24 Stichting Right to Consumer Justice and Stichting App Stores Claims	2.12.25	Judgment	Dutch courts have jurisdiction to hear a representative action concerning the alleged anticompetitive conduct of Apple in relation to its App Store aimed at the Netherlands market
T-1129/23 Intel Corporation v Commission	10.12.26	Judgment	In a 2009 decision, Commission found that Intel had abused its dominant position by seeking to exclude its competitor AMD from the x86 microprocessor market. It therefore imposed a fine of € 1.06 billion on Intel. In proceedings following a referral-back, that decision was annulled in part by the General Court, which was subsequently upheld by the Court of Justice. On 22.9.2023, the Commission adopted a new decision ('the 2023 decision'), limited to the practices not annulled by the General Court, namely the so-called 'naked' restrictions imposed on HP, Acer and Lenovo concerning the use of AMD processors. It thereby set a new fine of € 376,358,000 as regards Intel. Intel then sought to have that decision annulled in full or in part and to have the fine cancelled or reduced. General court in essence upholds the 2023 decision but reduces the fine imposed to € 237,105,540
C-496/23 P and C-497/23 P Meta Platforms Ireland Ltd, formerly Facebook Ireland Ltd v. European Commission	26.2.26	Opinion AG Rantos	AG Rantos proposes the dismissal of the appeals by Meta Platforms Ireland relating to an investigation into abuse of a dominant position concerning the use of Facebook Data and the Facebook Marketplace service. AG emphasizes the broad investigative powers of the Commission which can request any information necessary for competition investigations and does not need to justify in detail the relevance of each document at an early stage. It is sufficient for the Commission to explain the subject and suspected infringement, without a

			full legal analysis. The use of search terms was lawful, even if it produced some irrelevant documents, since they could still help investigate suspected breaches. Necessity and proportionality have been respected since these are not judged purely by volume; the Commission has discretion in how it conducts investigations. Existing procedural protections for handling requested information provided sufficient safeguards. The Commission may access documents containing both personal and non-personal data without special procedures, as long as safeguards are in place and no disproportionate interference with privacy occurs.
DATA PROTECTION			
T-553/23 Latombe v Commission	3.9.25		Action for annulment of new EU-US Data Privacy Framework: the appointment of judges to the US Data Protection Review Court (DPRC), and the DPRC's functioning are accompanied by sufficient safeguards and conditions to ensure the independence of its members, which was challenged by the claimant. Further, the bulk collection of personal data by intelligence agencies in the US does not necessarily have to be subject to prior authorization issued by an independent authority as claimed by Mr Latombe; instead, only the possibility of ex post judicial review must be ensured.
C-413/23 P EDPS v SRB	4.9.25	Judgment	CJEU affirmed besides other points that pseudonymization can render data no longer 'personal data' for the recipient. This applies under the condition that the recipient has no means reasonably likely to be used for re-identification, whereby the CJEU confirmed the relative approach to identifiability established in earlier case law. CJEU set a high threshold for re-identification excluding identifiability where the risk of identification is 'insignificant,' such as when legally prohibited or practically impossible due to disproportionate effort
C-474/24 NADA Austria and Others	25.9.25	Opinion AG Spielmann	The publication on the internet of the name of any professional athlete who has infringed the anti-doping rules is contrary to EU law: - disclosing the name of the athlete concerned, the duration of his or her suspension and the grounds for that suspension does not constitute processing of data concerning health, within the meaning of Art. 9(1) GDPR, unless those grounds include the name of the prohibited substance or substances found to be present in the body of the athlete in question, where that indication is capable of revealing, even indirectly, information on the health status, including the future health status, of the athlete concerned, a matter which it is for the referring court to ascertain - Art. 5(1)(a) and (c) and Art. 6(3) GDPR preclude an obligation imposed on national anti-doping bodies to publish personal data where, given the specific circumstances of the

			case, the requirement for proportionality is not or is no longer met, in particular as regards the scope and duration of the publication, - Arts. 5 and 6 GDPR require case-by-case balancing of the interests involved - Art. 10 GDPR applies to processing of personal data relating to convictions or offences under anti-doping regulations where the convictions have a punitive purpose.…
Joined Cases C-258/23 Imagens Médicas Integradas; C-259/23 Synlabhealth II and C-260/23 SIBS – Sociedade Gestora de Participacoes Sociais and Others	23.10.25	Opinion AG Medina	As part of an investigation into infringements of competition law, the Portuguese Competition Authority seized emails exchanged between employees of the companies under investigation. Those companies objected, arguing that their right to secrecy of correspondence had been infringed and that it was up to the investigating judge, rather than the Public Prosecutor's Office, to authorise such seizures. Opinion of October 2025 was requested in order to supplement first opinion. AG Medina takes the view that the Situation is not comparable to Bezirkshauptmannschaft Landeck. The seizures carried out by the national competition authorities are intended to uncover anticompetitive practices in the internal market and relate to business information concerning legal persons and not individuals who are, in principle, affected by such seizures in an ancillary manner. Furthermore, access to the emails of an undertaking does not allow full and uncontrolled access to all the data stored in a single place, which is likely to provide a very detailed and in-depth picture of the private life of the data subject, as opposed to the specific case of a mobile telephone. As regards the interference with the right to the protection of personal data, principle of proportionality is complied with provided that certain procedural safeguards (incl. GDPR) are ensured.
C-654/23 Inteligo Media SA v ANSPDCP	13.11.25	Judgment	'Pay or consent': not all data-driven access or monetisation models require consent. Case concerned a freemium access model, where users upon the voluntary provision of their email addresses received a related service. The essence of the case the CJEU had to decide about concerned in what way the ePrivacy Directive, especially Article 13(2), which foresees an exception to the requirement of consent for direct marketing, interacts with the GDPR. The case arose from a dispute over newsletter emails sent by Inteligo Media, a Romanian online news platform. Users registered free accounts by providing their email addresses to access a limited number of articles; the platform then sent them daily newsletters summarizing new legislation discussed in those articles, including hyperlinks to those articles and the right to access, for a fee, additional articles and analyses. Romania's data protection authority fined Inteligo for sending these newsletters without explicit consent under Article 6 GDPR. The CJEU clarified that such a newsletter

			constitutes the use of electronic mail 'for the purposes of direct marketing' for 'similar products or services' within the meaning of Article 13(1) and (2) ePrivacy Directive. The lawfulness of the processing of personal data carried out in the context of a communication falling within the scope of Article 13(2) may be established on the basis of that provision, and does not require an assessment of the conditions laid down in Article 6(1)(a) to (f) GDPR. In other words, where users voluntarily provide their email address in connection with a service (including a freemium model), and the newsletter relates to that service, the conditions of Art. 13(2) ePrivacy Directive can permit sending direct-marketing emails without separate consent under the GDPR. Ruling clarifies that the GDPR does not add additional requirements where the ePrivacy Directive lays down specific rules for the same purpose
C-492/23 Russmedia Digital and Inform Media Press	2.12.25	Judgment	Russmedia published an advertisement by an unverified third party containing offensive content concerning the complainant, including photographs. Russmedia deactivated the ad as soon as it discovered a potential infringement. Online marketplace operator qualifies of data controller (Art. 4(7) GDPR) for personal data in published ads and cannot avoid GDPR compliance by relying on Art. 14(1) ECD. Before publishing ads, controller must, through appropriate TOMs, identify ads containing sensitive data (Art 9(1) GDPR), and verify whether the user advertiser is the data subject, and, if not, refuse publication unless the user advertiser can demonstrate that the data subject has given his/her explicit consent (Art. 9(2)(a) GDPR) to the publication on that online marketplace, or that another exception (Art. 9(2)(b)-(j) GDPR) applies. Although the untrue and harmful advertisement was removed from the marketplace, its continued availability elsewhere indicates a loss of control originating in the unlawful initial publication. Under Art. 32 GDPR, online marketplace operators must implement appropriate security measures to prevent content containing sensitive data from being copied and unlawfully republished on other websites
T-318/24 and T-362/24 WS v. Commission	3.12.25	Judgment	Applicant sought annulment, respectively, of a decision of EPSO, by which EPSO rejected in part the request for access to personal data concerning him pursuant to Article 17 EUDPR and 'the contested decision of 15 April 2024', and 'the contested decision of 3 May 2024'. Action dismissed
C-422/24 Integritetsskyddsmyndighete	18.12.25	Judgment	Arts. 13 and 14 GDPR must be interpreted as meaning that in a situation in which personal data are collected by means of body cameras worn by ticket inspectors on public

n v AB Storstockholms Lokaltrafik			transport, the provision of information to the data subjects is governed by Art. 13 GDPR and not Art. 14 GDPR
C-97/23 P WhatsApp Ireland Ltd v EDPB	10.02.26	Judgment [GC]	Action brought by WhatsApp against EDPB Binding decision 1/2021 is admissible: binding decision settling a dispute between several national supervisory authorities concerning whether a data controller has infringed the GDPR and, if that is the case, as appropriate, to amend the corrective measures envisaged against that controller constitutes an act open to challenge before the EU Courts. CJEU found: EDPB decision is intended to produce legal effects vis-à-vis third parties. The decision at issue is of direct concern to WhatsApp Ireland. CJEU sets aside the order under appeal and refers the case back to the General Court (in line with AG Opinion)
C-804/25 Autorité de protection des données (FACTA)	Pending	Reference for preliminary ruling	Complainants base their request on the unlawfulness of the transfer of personal data to the IRS under the FATCA agreement (infringing Arts. 45, 46 and 49 GDPR), failure to comply with the principles of purpose limitation (Art. 5(1)(b) GDPR), proportionality and data minimisation (Art. 5(1)(c) GDPR) and storage limitation (Art. 5(1)(e) GDPR), failure to comply with the principle of transparency (Arts. 12 to 14 GDPR) and failure to comply with the obligation to carry out a DPIA (Art. 35 GDPR).
C-526/24 Brillen Rottler	19.3.26	Judgment	The request for access to one's own personal data may be considered abusive and refused if it is made for the sole purpose of subsequently claiming compensation for an alleged GDPR violation. Repeated patterns of similar requests pursuant to Art. 15 GDPR can indicate abuse of access rights to artificially create grounds for compensation claims. However, the Court held in the *Brillen Rottler* case that a first access request may also be regarded as 'excessive' within the meaning of Art. 12(5) GDPR, where the controller demonstrates, in light of the relevant circumstances of the case, that the request was made by the data subject concerned not for the purpose of being aware of the processing of the data and verifying the lawfulness of said processing, but 'with an abusive intention, such as that of artificially creating the conditions laid down for obtaining an advantage' under the GDPR. The Court recognised that while individuals have a right to compensation for GDPR violations, they must prove actual damage, and no compensation is available where the conduct of the data subject was the determining cause of the damage.
CASES CONTEXT CRIMINAL PROCEEDINGS			
C-57/23 JH v Policejní prezidium	20.11.25	Judgment	The police of a Member State may decide, on the basis of internal rules, whether it is necessary to store the biometric and genetic data of a person accused or suspected of a

			criminal offence: Art. 6 and Article 4(1)(c) LED of Directive in conjunction with Art 10 LED does not preclude national legislation which permits the indiscriminate collection of biometric and genetic data of any person accused or suspected of having committed an intentional criminal offence, in so far as, first, the purposes of that collection do not require a distinction to be made between those two categories of persons and, second, the controllers are required, in accordance with national law, including the case-law of the national courts, to comply with all of the principles and specific requirements laid down in Arts 4 and 10 LED. Art 4(1)(e) LED does not preclude national legislation under which the need for the continued storage of biometric and genetic data is assessed by the police on the basis of internal rules, without that legislation laying down a maximum period for storage, in so far as that legislation sets appropriate time limits for a periodic review of the need to store those data and, at the time of that review, the strict necessity of extending their storage is assessed.
Case C-371/24 Comdribus	19.3.26	Judgment	A police authority may, in a criminal investigation, collect biometric data solely on the ground that that collection is strictly necessary. Authorities cannot systematically collect data from all suspects. Each case must be individually assessed. Police must provide clear, case-specific reasons for collecting such data, so the person can understand and challenge the decision. Any law allowing indiscriminate or generalized collection without individual assessment violates EU law. A person can be penalized for refusing to provide biometric data only if the collection itself was lawful, necessary, and proportionate.
NON-MATERIAL DAMAGE			
C-655/23 IP v Quirin Privatbank	4.9.25	Judgment	GDPR does not provide, for the data subject concerned by the unlawful processing of personal data, in the event that that data subject does not request that his or her data be erased, a judicial remedy enabling him or her to obtain, as a preventive measure, an order that the controller refrain from carrying out further unlawful processing in the future. However, those provisions do not prevent Member States from providing for such a remedy in their respective legal systems. The concept of ‘non-material damage’ in Art. 82(1) GDPR encompasses negative feelings experienced by the data subject as a result of an unauthorised transmission of his or her personal data to a third party, such as fear or annoyance, which are caused by a loss of control over those data, by a potential misuse of those data or by harm to his or her

			reputation, provided that the data subject demonstrates that he or she has such feelings, with their negative consequences, on account of the infringement of that regulation. Under Art. 82(1) GDPR, compensation for non-material damage cannot be reduced based on the controller's degree of fault nor can it be limited or replaced because the data subject has obtained an injunction preventing further infringement.
ECtHR			
App no 8019/16 and others Ukraine and the Netherlands v. Russia	9.7.25	Judgment (GC)	Violation of Art. 10: case arises from events which began in the spring of 2014 with the occupation and annexation by Russia of Crimea. The first three applications (nos. 8019/16, 43800/14 and 28525/20) concern complaints related to the conflict in eastern Ukraine involving the separatists from spring 2014. In its two applications, the Ukrainian Government pleaded an administrative practice by Russia of numerous Convention violations. Court found violation of Art 10 ECHR when from 2014 to 2022, Russian and separatist authorities systematically suppressed freedom of expression in occupied eastern Ukraine by targeting independent journalists, controlling reporting under threat, detaining critics, restricting accreditation, and blocking Ukrainian and foreign media. Journalists faced intimidation, prosecution, and severe penalties, while local populations were largely limited to Russian-controlled information. ECtHR found these practices created a chilling effect and involved unlawful detention, ill-treatment, and even killings, which could not be justified under Article 10. The measures lacked a valid legal basis, failed to meet standards of legality and safeguards, and were neither lawful nor necessary in a democratic society.
App no 49917/22 case of Arvanitis and Phileleftheros Public Company Ltd v. Cyprus	3.7.25	judgment	Violation of Art. 10: Civil sanctioning of journalist and newspaper publisher for publishing defamatory article on well-known lawyer in the context of general-interest issue of restitution of looted art; Exaggerated expressions, in reaction to lawyer's own article, not overstepping the boundaries permissible to free press. The domestic courts' approach was found overly restrictive and not in conformity with Art. 10 principles: Civil sanction placed significant pecuniary burden on applicants and had chilling effect on open discussion on matters of public concern; not relevant and sufficient reasons, disproportionate interference was not "necessary in a democratic society"
App no. 28473/22 Charki v France	11.9.25	Judgment	No violation of Article 8: The publication in a newspaper of transcripts of telephone conversations between the applicant and her father, a former Minister of the Interior, recorded during judicial proceedings against him were a matter of general interest. A

			proper balancing of the competing interests carried out by the domestic courts; relevant and sufficient reasons were given.
App no. 8761/23 Hessenthaler v Austria	18.9.25	Inadmissability decision	Case concerned the conviction of Mr Hessenthaler for drug trafficking and for the possession and use of forged official documents. He alleged that his criminal prosecution had been politically motivated as he had been one of the key figures who had triggered the "Ibiza affair" which had led to the collapse of the Austrian governing coalition in May 2019 and the calling of an early election. The Court found that there was no indication that the criminal proceedings against Mr Hessenthaler had been unfair or arbitrary, nor initiated in reaction to his involvement in the Ibiza affair. His complaints were clearly ill-founded.
App no. 37027/22 Google LLC and others v. Russia	8.7.25	Judgment	Violation of Art 10: 1. The imposition of substantial fines on Google LLC for failure to comply with take-down requests concerning user-generated content hosted on YouTube combined with threat of further sanctions, exerted considerable pressure to censor content. Impugned measures were applied indiscriminately to a broad range of content, incl. political expression, criticism of the Government, reporting on Russia's invasion of Ukraine by independent news outlets and support for LGBTQ rights. The content concerned a matter of significant public interest, particularly in the context of an armed conflict with profound implications for European and global security. The domestic courts failed to assess the content's truthfulness, the risks it posed, its impact or reach and harm it had caused or was likely to cause. The impugned measure struck at the very heart of the Internet's function as a means for the free exchange of ideas and information. The disproportionate nature and scale of fines have "chilling effect" and the interference was not "necessary in a democratic society". 2. The imposition of penalties on Google LLC for failing to comply with domestic courts' order to restore television channel's YouTube account violated Art. 10. The suspension was made due to sanctions imposed on television channel's owner for providing material and public support for Russia's annexation of Crimea. The penalties imposed were held manifestly disproportionate and bore no relationship to any harm suffered. Domestic authorities' determination to continue the recovery of funds even after compliance with the obligation to restore access; expansion of the requirements of original court order, based on expert evidence commissioned without adversarial input, incompatible with legal certainty and enforcement proceedings conducted in bad faith, Violation of Art 6 § 1.

App no. 40899/22, 41621/22 and 42956/22 Ludes and others v. France	3.7.25	Judgment	No violation of Art. 10: case concerned the criminal conviction of the applicants, environmental activists, and their sentencing to suspended fines, for theft committed as a joint enterprise, after they had taken down the official portrait of the French President in several town halls and refused to return it. They had been seeking to draw attention to the State's inaction with regard to its COP21 climate-summit commitments and the fight against climate change more generally small fine was proportionate
App no 6033/19 AR v UK	1.7.25	Judgment	Violation of Art. 8: Disclosure by the police, in the context of enhanced employment vetting, of information that the applicant had been charged with rape and acquitted at trial, with a description of the circumstances of the alleged offence; No statutory guidance to assist chief police officers when exercising their discretion; Applicant could not reasonably foresee impugned measure. The eensitivity of such disclosure required comprehensive general guidance indicating scope of discretion and manner of exercise. There was no guidance at the relevant time to assist employers in how to approach disclosed information of such nature and no possibility of independent review of disclosure. The excessively broad discretion for the authorities in application of statutory disclosure provisions in force at the relevant time as well as insufficient safeguards to afford adequate legal protection against arbitrary exercise of that discretion.
App no 26519/16 Yakymchuk v.Ukraine	11.12.25	Judgment	Violation of Art. 8 (& 6(1)); Covert video-recording by security service officers of a former judge in her office used as evidence in criminal proceedings to convict her of bribery. The Court of Appeal failed to consider, after the termination of the secret surveillance measures, whether there were any compelling reasons to keep the relevant court decisions and documents classified denying the applicant access thereto. The Court also failed to examine the lawfulness and proportionality of the impugned interference in a manner providing sufficient safeguards against the unjustified encroachment on the applicant's Art 8 rights. No prior court authorisation for the covert audio-recording of a conversation between the applicant and a complainant in criminal proceedings by the latter on an audio recorder provided by a security service officer; impugned interference not in accordance with applicable domestic law
24729/17 Ilareva and others v Bulgaria	9.9.2025	Judgment	Violation of Art. 8: Ineffective investigation into complaints of death threats, incitement to violence and hate speech, made on Facebook by private individuals against the applicants in connection with their work for the protection of the rights of migrants and minorities. The

			domestic authorities failed to make credible attempts to investigate, the scope of investigation was unreasonably and artificially restricted. The applicants were not effectively involved, as victims, in the investigation. The gravity of events was downplayed. However, the legal provisions were not objectively capable of preventing authorities from complying with their Convention responsibilities; States have human rights obligations to act in order to protect fundamental rights that apply as much online as they do offline. Failure to specifically engage with the prejudice at the origin of the threats meant that applicants were not provided with the required protection of their right to personal integrity. Manner in which criminal law mechanisms were implemented was deficient.
23236/22 Baena Salamanca v Spain	6.11.25	Judgment	No violation of Art. 8: Dismissal of civil defamation action of a forensic doctor of the *Audiencia National* against a newspaper in respect of an article alleging she "had ignored" a court order to examine an ETA member in relation to his conditional release. As a civil servant acting carrying out official duties, the applicant was subject to wider limits of acceptable criticism than a private individual. A fair balance was struck by domestic courts between competing Art. 8 and Art. 10 interests in conformity with criteria laid down in the Court's case-law; the margin of appreciation was not exceeded-
37639/19 AV v. Switzerland	6.11.25	Judgment	No violation of Art. 8: Monitoring by a prison of the applicant's incoming and outgoing non-privileged correspondence, except for exchanges with her lawyer and certain public authorities was in accordance with the relevant legislation. The monitoring was not in itself considered unreasonable or arbitrary in light of the normal requirements of imprisonment.
62/20 Imanov v azerbaijan	7.10.25	Judgment	Violation of Arts. 10 and 8: Disproportionate disbarment of a lawyer on account of statements made to the press about the alleged ill-treatment of his client in prison. The comments were directly targeted the prison staff, calling into question their professionalism and integrity. They concerned a matter of public interest and were not *a priori* baseless or devoid of any substance. State has a narrow margin of appreciation; the impugned sanction was capable of having a chilling effect on the performance by lawyers of their duties as defence counsel; and lack of sufficient reasons. As concerns the violation of Art. 8: the applicant's disbarment was not supported by relevant and sufficient reasons and constituted a disproportionate sanction.
2623/16 und 2299/16 Rodina and Borisova v. Latvia	10.7.25	Judgment	No violation of Art. 11 read in light of Art 10: Domestic authorities' refusal to authorise demonstrations and march sought by an association and a private person for security and safety concerns in the context of a tense situation in Latvia in 2014

16756/24 Mortensen v. Denmark	21.10.25	Judgment	Violation of Art. 10: applicant's criminal conviction of defamation for posting on another private individual's social media account that a named controversial leader of a right-wing national and anti-Islam political party "is allowed to be a Nazi". The domestic courts' failed to conduct a proper balancing exercise of competing interests. The post concerned the administration of justice in Denmark and the limits of freedom of speech and did not appear irrelevant to the debate at issue. Accordingly, a cumulative sanction of a criminal conviction and payment of a fine and a significant amount of compensation was disproportionality severe and the interference not "necessary in a democratic society".
64356/19 Europa Way S.r.l. v. Italy	27.11.25	Judgment	Violation of Art. 10: The suspension by ministerial decree and subsequent annulment by legislation of a bidding procedure for the allocation of frequencies for digital terrestrial television broadcasting which were set out in regulations by the appropriate regulatory authority. The annulment of procedure and replacement by a substantially different one constitutes an interference with the applicant's ability to obtain use rights over digital terrestrial frequencies. The legal ground of interference found by the national courts was held incompatible with both domestic and EU law, following the CJEU's preliminary ruling. The ECtHR emphasised the important role of NRAs in upholding and promoting freedom and pluralism of the media, the interference with the exercise of the AGCOM's functions undermined its important independence. The relevant legal framework was not foreseeable and not providing sufficient safeguards against arbitrariness, thus interference did not meet lawfulness nor "quality of law" requirements.
60943/15 Roşca v. the Republic of Moldova	11.12.25	Judgment	Violation of Art. 8: Dismissal of defamation action brought by a former judge against the then President of the Superior Council of Magistrates for public accusations of professional misconduct made in the presence of the press and outside official proceedings. The statements overstepped the limit of acceptable comments and reasons advanced by the domestic courts were not sufficient.
50756/17 Stanev and Bulgarian Helsinki Committee v. Bulgaria	18.11.20 25	Judgment	Violation of Art. 10: case concerns the denial of access to information of public interest held by the public prosecutor's office and alleged breaches of due process guarantees. the applicants complain that authorities denied access to information they were seeking from the Chief Public Prosecutor's Office in order to ascertain whether criminal investigations had been opened following press reports of migrant deaths in Bulgaria.
12708/13 Azadliq Newspaper v Azerbaijan	25.11.25	Judgment	Violation of Art. 10: Imposition of monetary sanction on a newspaper for publishing an article found to be defamatory in respect of a public figure. The domestic courts failed to conduct a balancing exercise between competing rights in conformity with criteria laid

			down in the Court's case-law. The domestic courts failed to provide relevant and sufficient reasoning for the severity of the monetary sanction which did not appear proportionate. The interference was not "necessary in a democratic society".
5497/17 Khaghaghutyan Yerkkhosutyun v. Armenia	4.12.25	judgment	Violation of Art. 10: domestic authorities refused to provide the applicant NGO with information concerning fatalities in Armenian armed forces between 1994 and 2014 on national security grounds despite the information requested concerning a matter of public interest. The domestic courts failed to engage in any proportionality analysis and to adduce relevant and sufficient reasons justifying the impugned interference.
16915/21 Danileţ v. Romania	15.12.25	Judgment (GC)	Violation of Art. 10: Disciplinary sanction imposed on judge by National Judicial and Legal Service Commission for posting two messages on his Facebook page. The GC consolidated case-law principles with regard to freedom of expression of judges and prosecutors on internet and social media, with certain clarifications and definition of set of criteria that take into account limits imposed on such freedom by duty of discretion inherent in their office. The ECtHR weighed up of various interests at stake and taking account of content and form of each of applicant's two messages, the context in which they were posted, their consequences, capacity in which applicant posted them, nature and severity of sanction imposed on him and chilling effect on profession as a whole, and procedural safeguards afforded to him. The remarks made by applicant on matters of public interest, whether or not directly related to functioning of justice system and the remarks were not such as to upset requisite reasonable balance between, on the one hand, degree to which applicant, as judge, could be involved in society to defend constitutional order and State institutions and, on the other, need for him to be and be seen as independent and impartial in his duties. The reasons were neither relevant nor sufficient and the interference did not meet a "pressing social need".
79083/17 Artur Volodymyrovych BOYAROV against Ukraine	3.2.26	Decision	Inadmissible Alleged impossibility to access certain Russian websites following the Ukrainian authorities' decision to sanction the legal entities managing those websites restrictions were aimed not at users, but at legal entities — the owners of the platforms, which were used as a tool of information influence. Moreover, the Court emphasized that there are numerous global services on the market that are functionally analogous to the blocked ones, and users had the technical ability to access resources via VPN without the risk of legal liability in Ukraine.

43388/17 Mladina d.d. Ljubljana v. Slovenia	13.1.26	Judgment	Violation of Art. 10: Civil sanctioning of a publisher for publishing a photo of a well-known politician and his family alongside a photo of the family of the German Nazi politician Joseph Goebbels in the satirical section of a weekly magazine. The domestic courts called upon to balance the publisher's rights against those of the politician, and not against those of his family members, who obtained compensation in separate domestic proceedings. The domestic courts did not sufficiently take into account the broader context in which the impugned publication was made, its limited effect on the audience of the magazine and its publication in the highly satirical section thereof. The interference was not "necessary in a democratic society".
13505/20 and 138 others Anti-Corruption Foundation (FBK) and Others v. Russia	16.12.25	Judgment	Violation of Art. 8, 1, 11 read in light of Art. 10: The designation of one applicant organisation as "foreign agent" despite the absence of any evidence suggesting it was under foreign influence, control or direction or acting in the interests of a foreign entity was unjustified. The rigid and formalistic application of "foreign agent" legislation resulted in a disproportionate punitive fine capable of producing a chilling effect on civil society and public discourse. As regards the freedom of association, the designation of the applicant organisations as "extremist" and ensuing dissolution or prohibition of their activities was the result of applying vague and overly broad notions of "extremism" and "extremist activity" extending to ordinary political, associational and expressive activities. There was a lack of foreseeability and judicial review did not provide adequate and effective safeguards. ECtHR found a chilling effect of expansive and punitive operation of the "extremism" framework on political expression and association; the interference was not "prescribed by law".
2746/21 Sociedade Independente de Comunicação, S.A. v. Portugal (No. 2)	13.1.26	judgment	No violation of Art. 10: applicant television company ordered by Supreme Court to pay damages to two private individuals for broadcasting a prior recording of them at a stand-up comedy show for promotional purposes without their express consent. There was no public interest in depicting the individuals and the nature of the individuals' tacit consent was doubtful. The use of the individuals' images and voices were embarrassing and capable of tarnishing or causing prejudice to their reputation with possible adverse effects on both their professional and personal lives. The applicant company failed to take steps to minimise such effects. The nature and severity of damages was not excessive in these circumstances, and the injunction was appropriate and capable of preventing any additional inappropriate disclosure or exposure of the individuals' images and voices. Wide

			margin of appreciation was not overstepped and interference held “necessary in a democratic society”.
71556/16 and 74112/17 Ismayilova v Azerbaijan	27.1.26	Judgment	Violation of Arts. 7, 6§1, 10, 18: Applicant’s conviction for illegal entrepreneurship for her work as a freelance journalist with foreign media without accreditation with the Ministry of Foreign Affairs not shown that the criminal proceedings against the applicant and convictions bore no relation to her journalistic activities; the impugned interference was unlawful, grossly arbitrary, incompatible with rule of law principle and did not pursue any legitimate aim.
53075/18 Jehovas Zeugen in Deutschland and others v Russia	26.3.26	judgment	Violation of Art. 10: The banning of Jehovah’s Witnesses’ religious publications as “extremist” material in Russia constitutes a violation of Art. 10, read in the light of Art. 9. The ECtHR, following the leading judgment in Taganrog LRO and Others v. Russia (2022), held that the classification of non-violent religious publications as “extremist” and their consequent distribution ban was not “prescribed by law”, owing to the overly broad definition of “extremism activities” in Russian legislation, nor “necessary in a democratic society”.
4100/24 Ramishvili v. Georgia	3.2.26	Judgment	Violation of Art. 8: Unsuccessful civil defamation claim in respect of statements made by a prominent clergyman, during a live televised interview, accusing a publicly known defence counsel in high-profile criminal cases of being an informer and provocateur who fed information to the State Security Services. The impugned statements were capable of damaging the applicant’s professional reputation and fomenting prejudice against him in both his professional and social environments. The domestic courts failed to establish a factual basis for the accusations; the unattainable burden of proof imposed on the applicant to rebut the accusations meant that there was a failure to strike fair balance between competing interests.