



PRESS RELEASE No 84/26

Luxembourg, 11 June 2026

Judgment of the Court in Case C-81/24 | [Jenec] ¹

Banking services: inclusion on a United States sanctions list is not sufficient, on its own, for a refusal to open an account

Such a refusal is possible only following an individual assessment, carried out by the bank, of the risk of money laundering and terrorist financing

In 2022, a Slovenian bank refused to open a payment account with basic features ² for a consumer on account of his inclusion on a sanctions list of the US Office of Foreign Assets Control (OFAC). ³ The Bank, in so doing, intended to fulfil the obligations laid down by the Slovenian legislation on the prevention of money laundering and terrorist financing.

However, that consumer has never been convicted of the criminal offence giving rise to his inclusion on the OFAC list. He is likewise not subject to any sanction imposed by the United Nations, the European Union or Slovenia. He therefore brought an action before the Slovenian courts to compel the bank to open such an account for him.

The Slovenian court made a reference to the Court of Justice. It wishes to know, *inter alia*, whether the bank's refusal was justified under EU law. ⁴

In response, the Court states, first of all, that any **consumer residing legally in the European Union has the right to open and use a payment account with basic features. However, that right is subject to compliance with the rules relating to the prevention of money laundering and the countering of terrorism.**

The mere inclusion of a customer's name on the OFAC list, or on any other list of that type drawn up by a third country, **does not automatically prohibit a bank from establishing a business relationship with that customer.** That inclusion may nevertheless constitute one of the relevant factors which the bank is required to take into account during an **individual assessment** of the risk of money laundering and terrorist financing.

Even though the limited uses of a payment account with basic features reduce that risk, it cannot be ruled out that, following a specific assessment, the bank may find that it is unable to manage effectively, through measures proportionate to its nature and size, the risk of money laundering or terrorist financing connected with a business relationship with a person included on such a list.

Only in such a case could the refusal to open such an account be justified under EU law.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

Stay Connected!



¹ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

² According to [Directive 2014/92/EU](#) of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features, this is an account with a credit institution which enables a consumer who is legally resident in the European Union to carry out basic payment transactions, in particular deposits, withdrawals, credit transfers, direct debits and card payments.

³ The OFAC (Office of Foreign Assets Control), which is connected to the United States Department of the Treasury, administers and enforces economic and trade sanctions based on the foreign policy and national security objectives of the United States.

⁴ Directive 2014/92 and [Directive \(EU\) 2015/849](#) of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing.