

JUDGMENT OF THE GENERAL COURT (Grand Chamber)

9 September 2026 (*)

(Common foreign and security policy – European Peace Facility (EPF) – Decision of the EPF Committee on the allocation to the Ukrainian Armed Forces of the first instalment of the extraordinary revenues from frozen Russian assets – Lack of jurisdiction on the part of the EU judicature)

In Case T-457/24,

Hungary, represented by M.Z. Fehér and K. Szíjjártó, acting as Agents,

applicant

v

European Peace Facility (EPF)

and

Council of the European Union,

represented by B. Driessen, J.-B. Laignelot and E. Virág, acting as Agents,

defendants,

supported, for the Council and the EPF, by

Czech Republic, represented by K. Najmanová, M. Hedvábná, H. Pešková and J. Vlácil, acting as Agents,

by

Federal Republic of Germany, represented by J. Möller and N. Scheffel, acting as Agents,

by

Republic of Estonia, represented by H. Hirsik, acting as Agent,

by

French Republic, represented by B. Travard, F. du Couëdic and J.-L. Carré, acting as Agents,

by

Republic of Latvia, represented by K. Pommere, J. Davidoviča and S. Zellis, acting as Agents,

by

Kingdom of the Netherlands, represented by M. Bulterman, A. Hanje and J. Langer, acting as Agents,

by

Republic of Finland, represented by H. Leppo, acting as an Agent,

by

European Commission, represented by M. Carpus-Carcea, L. Mantl and A. Tokár, acting as Agents,

and by

High Representative of the Union for Foreign Affairs and Security Policy, represented by F. Hoffmeister, L. Havas, L. Szabó and M. De Almeida Veiga, acting as Agents,

and supported, for the Council, by

Kingdom of Belgium, represented by C. Jacob, M. Van Regemorter, C. Pochet and L. Jans, acting as Agents,

by

Kingdom of Denmark, represented by C. Maertens and M. Jespersen, acting as Agents,

and by

Kingdom of Sweden, represented by F.-L. Göransson, C. Meyer-Seitz, H. Eklinder, O. Åbrink and G. Ekman Hvalgren, acting as Agents,

interveners,

THE GENERAL COURT (Grand Chamber),

composed of M. van der Woude, President, S. Papasavvas, J. Svenningsen, M.J. Costeira, K. Kowalik-Bańczyk, P. Škvařilová-Pelzl, H. Kanninen, M. Sampol Pucurull, I. Nömm, G. Steinfatt, D. Kukovec (Rapporteur), S. Verschuur, S.L. Kalèda, L. Spangsberg Grønfeldt and H. Cassagnabère, Judges,

Registrar: A. Juhász-Tóth, Head of Unit,

having regard to the written part of the procedure, in particular:

- the plea alleging lack of jurisdiction and inadmissibility raised by the EPF and by the Council by separate document, lodged at the Court Registry on 20 November 2024,
- Hungary’s observations on the plea alleging lack of jurisdiction and inadmissibility, lodged at the Court Registry on 14 January 2025,
- the decision of 6 June 2025 reserving that plea until the Court rules on the substance of the case,
- the decision of 25 August 2025 not to grant the request made by the EPF and the Council to stay the proceedings pending the decision closing the proceedings in Case C-883/24, *Parliament v Council (Voting rules for designating the addressees of restrictive measures)*,
- the measure of organisation of procedure of 29 January 2026 requesting the parties to focus their oral argument on the question whether the EU judicature has jurisdiction to hear and determine the present action,

further to the hearing on 6 March 2026,

gives the following

Judgment

1 By its action based on Article 263 TFEU, brought, principally, against the European Peace Facility ('EPF') and, on a secondary basis, against the Council of the European Union, Hungary seeks, first, annulment of the decision of the European Peace Facility (EPF) Committee of 21 June 2024 on the allocation to assistance measures for the supply of military support to the Ukrainian Armed Forces of the amounts allocated through the EPF in accordance with the conditions specified in Council Decision (CFSP) 2024/1471 of 21 May 2024 on the allocation of the amounts of the financial contribution paid to [the EPF] pursuant to Decision (CFSP) 2024/1470 (OJ L, 2024/1471) ('the contested decision'), and, second, the partial annulment of the minutes of 25 June 2024, recording the adoption of that decision.

Background to the dispute

2 The present case arises in the context of measures adopted by the European Union in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

3 The EPF was created by Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528 (OJ 2021 L 102, p. 14), on the basis of Article 28(1), Article 41(2), Article 42(4) and Article 30(1) TEU, which concern the common security and defence policy (CSDP), within the framework of the common foreign and security policy (CFSP).

4 The EPF was established for the financing by Member States of Union actions under the CFSP to preserve peace, prevent conflicts and strengthen international security in accordance with Article 21(2)(c) TEU. The EPF may finance, inter alia, under Article 1(2)(b)(i) of Decision 2021/509, assistance measures consisting of Union actions to strengthen the capacities of third States relating to military and defence matters. In accordance with Article 10(1) of that decision, the EPF is to be managed under the authority and direction of the committee referred to in Article 11 of that decision. Under Article 11(1) of that decision, the EPF Committee is to be composed of a representative of each Member State.

5 On 25 February 2022, the Ukrainian Government made an urgent request to the European Union for assistance in the provision of military equipment.

6 In response to that request, several assistance measures were adopted under the EPF, including that established by Council Decision (CFSP) 2022/338 of 28 February 2022 on an assistance measure under the [EPF] for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force (OJ 2022 L 60, p. 1).

7 On the same day, the Council of the European Union adopted Decision (CFSP) 2022/335 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2022 L 57, p. 4), in order to prohibit any transactions related to the management of reserves as well as of assets of the Central Bank of Russia, including transactions with any legal person, entity or body acting on behalf of, or at the direction of, the Central Bank of Russia. That prohibition led to an extraordinary and unexpected accumulation of cash balances ('extraordinary revenues') on the balance sheets of central securities depositories, for the purposes of Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ 2014 L 257, p. 1).

8 On 21 May 2024, the Council adopted Decision (CFSP) 2024/1470 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L, 2024/1470), by which it laid down rules on how the net profits ensuing from the extraordinary revenues accruing to central securities depositories as a result of the implementation of the restrictive measures

should be directed to support Ukraine, its recovery and reconstruction as well as its self-defence against the Russian Federation's war of aggression.

- 9 On the same day, the Council adopted Decision (CFSP) 2024/1471 on the allocation of the amounts of the financial contribution paid to the [EPF] pursuant to Decision (CFSP) 2024/1470 (OJ L, 2024/1471). Articles 1 and 3 of that decision state, respectively, that 'the amounts allocated to the [EPF] pursuant to Decision ... 2024/1470 ... shall be allocated to assistance measures for the supply of military support to the Ukrainian Armed Forces, in addition to the voluntary contributions [of the Member States] referred to in Article 30 of Decision (CFSP) 2021/509', and that, 'in view of the evolving needs of the Ukrainian Armed Forces and in order to maximise the added value of the Union, the allocation of the received amounts between assistance measures shall be determined and periodically reviewed by the [EPF] Committee ... in accordance with a dedicated strategic orientation provided by the Political and Security Committee pursuant to Article 9(2) of that Decision'.
- 10 Although Hungary voted in favour of the decision referred to in paragraph 8 above, it did, by contrast, when adopting the decision referred to in paragraph 9 above, constructively abstain, for the purposes of the second subparagraph of Article 31(1) TEU, that is to say, it abstained from voting, without, however, preventing the adoption of that decision.
- 11 On 30 May 2024, the Political and Security Committee (PSC) held, in accordance with Article 9(2) of Decision 2021/509, a debate to provide strategic orientation on the transfer to Ukraine of the first instalment of the net profits ensuing from the extraordinary revenues, under Decision 2024/1470.
- 12 On 7 June 2024, the Ukrainian Ministry of Defence submitted an urgent request for the delivery of military equipment, and platforms, designed to deliver lethal force.
- 13 On 9 June 2024, the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') made a proposal for the adoption of a new assistance measure specifically aimed at the use, under the EPF, of the net profits ensuing from the extraordinary revenues. That proposal, which was discussed both in the PSC and at a meeting of the Working Party of Foreign Relations Counsellors (RELEX), did not receive Hungary's approval.
- 14 On 17 June 2024, the Presidency of the Council found that, given the urgency of the situation, there was no need to continue the discussions on the proposal of the High Representative referred to in paragraph 13 above, while proposing to continue work on the allocation of the net profits ensuing from the extraordinary revenues directly within the EPF Committee.
- 15 To that end, the European External Action Service (EEAS) submitted to the EPF Committee a proposal for a decision, bearing the reference WK 8729/2024, relating to the allocation to the Ukrainian Armed Forces of the first instalment of the net profits ensuing from the extraordinary revenues.
- 16 At the EPF Committee meeting of 20 June 2024, it was decided that the adoption of the proposal for a decision of the EEAS would be subject, in accordance with Article 11(16) of Decision 2021/509, to a written procedure to be concluded on 21 June 2024.
- 17 During that meeting, the matter relating to the right to vote of Member States that had constructively abstained, for the purposes of Article 31(1) TEU, when Decision 2024/1471 was adopted, was addressed, amongst other matters.
- 18 In that regard, it is apparent from the minutes of the meeting of the EPF Committee of 20 June 2024, bearing the reference WK 8888/2024 INIT, that that committee, after stating that military support under the EPF had to be provided in full respect of the security and defence policy of the Member States, ensuring transparency and traceability of support provided and taking into account the security and defence interests of all Member States, found that, in accordance with Article 3 of Decision 2024/1471 and Article 11(8)(a) and (b) of Decision 2021/509, the Member States which had abstained constructively when Decision

2024/1471 was adopted could not take part in the vote with a view to the adoption, by the EPF Committee, of the decision proposal referred to in paragraph 15 above.

19 On 21 June 2024, the EPF Committee, on the basis of Article 3 of Decision 2024/1471 referred to in paragraph 9 above, adopted the contested decision.

20 It is apparent, in essence, from paragraph 1 of the contested decision, read in the light of the first and final paragraphs of its preamble, that, in view of the urgent needs of the Ukrainian Armed Forces, the first transfer of funds to the EPF under Decision 2024/1470 will be allocated to the assistance measure set out in Decision 2022/338, which provides a framework to mobilise efficiently the first instalment of the net profits ensuing from the extraordinary revenues.

21 Paragraph 2 of the contested decision provides that the transfer of funds will finance immediate purchases and, if necessary, short-term procurement of three types of military equipment, namely ammunition and artillery systems, air defence missiles and systems, and military equipment from the Ukrainian defence industry. It also specifies the indicative percentages of those three types of equipment and the place where they may be purchased. Paragraph 3 of the contested decision indicates the delivery schedule. In accordance with that paragraph, the purchase orders or contracts for the procurement of the military equipment referred to above should be concluded in the fastest way possible, in order to enable its delivery to the Ukrainian Armed Forces by 31 December 2024. Paragraph 4 of that decision determines the actors responsible for supplying each category of military equipment concerned. Lastly, paragraph 5 of that decision provides, in essence, that deliveries of that military equipment are to be made in accordance with the rules and the legal framework established by the assistance measure laid down by Decision 2022/338.

22 The adoption of the contested decision was recorded in the minutes of 25 June 2024, bearing the reference WK 9007/2024 INIT, from which it is clear, inter alia, as follows:

‘The [EPF] Committee was informed that no Member State among those with voting rights, according to document WK 8888/2024 INIT, casted a negative vote in the written procedure on [the adoption of the contested decision] launched at the EPF Committee meeting of Thursday 20 June 2024 (WK 8888/2024 INIT).

Therefore, the above-mentioned decision is deemed to have been approved on Friday 21 June 2024. In accordance with Article 3 of [Decision 2024/1471], and Article 11.8(a) and 11.8(b) of [Decision 2021/509], Member States that have abstained in a vote and made a formal declaration in accordance with the second subparagraph of Article 31(1) TEU in the adoption of [Decision 2024/1471] did not take part in the vote [during the procedure preceding the adoption of the contested decision].’

Forms of order sought

23 Hungary claims that the Court should:

- annul the contested decision and the minutes of 25 June 2024 recording the adoption of that decision;
- order the EPF and the Council to pay the costs.

24 The EPF and the intervener contend that the Court should:

- dismiss the action as having been brought before a court which has no jurisdiction to hear and determine it or as inadmissible;
- in the alternative, dismiss the action as unfounded;
- order Hungary to pay the costs.

- 25 In its observations on the plea alleging lack of jurisdiction and inadmissibility, Hungary contends, in essence, that the Court should reject that plea.
- 26 The Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the French Republic, the Republic of Latvia, the Kingdom of the Netherlands, the Republic of Finland and the Kingdom of Sweden contend that the action should be dismissed.
- 27 The European Commission contends that the action should be dismissed as unfounded and that Hungary should be ordered to pay the costs.
- 28 The High Representative contends that the action should be dismissed in its entirety.

Law

- 29 In support of its action, Hungary raises a single plea in law, alleging, in essence, infringement of Article 31(1) TEU and of Article 11(8) and (14) of Decision 2021/509 and failure to observe certain constitutional principles and certain fundamental values of the European Union, as enshrined in Article 2 and Article 4(2) TEU.
- 30 More specifically, Hungary criticises the EPF for having found that, since that Member State had constructively abstained when Decision 2024/1471 was adopted, it could no longer take part in the voting necessary for the adoption of the contested decision. According to Hungary, in so doing, the EPF disregarded the applicable voting rules and, thereby, the fundamental values and the constitutional principles of the European Union relating to the rule of law, the equality of the Member States and the democratic functioning of the European Union.
- 31 Hungary states, furthermore, that since the contested decision was not published in the *Official Journal*, the present action seeks, in addition to the annulment of that decision, the partial annulment of the minutes referred to in paragraph 22 above, in so far as they record the adoption of that decision.
- 32 In support of the plea alleging lack of jurisdiction and inadmissibility, the EPF and the Council submit, in essence, that, since the contested decision is an act adopted in the context of the CFSP, the EU judicature does not have jurisdiction to hear and determine the present action.
- 33 According to the EPF and the Council, should the EU judicature consider that it does have jurisdiction (*quod non*), the present action should, in any event, be dismissed as inadmissible, on the ground that the EPF and the Council do not have the status of defendants.

The jurisdiction of the General Court in the light of the first subparagraph of Article 256(1) TFEU

- 34 Under the first subparagraph of Article 256(1) TFEU, the General Court has jurisdiction to hear and determine at first instance actions or proceedings referred to in Articles 263, 265, 268, 270 and 272 TFEU, with the exception of those assigned to a specialised court set up under Article 257 TFEU and those reserved in the Statute of the Court of Justice of the European Union for the Court of Justice.
- 35 Article 51 of the Statute of the Court of Justice of the European Union lists the categories of actions which, by way of derogation from the rule laid down in Article 256(1) TFEU, are reserved to the Court of Justice. Article 51(a) of that statute refers, *inter alia*, to the actions referred to in Article 263 TFEU which are brought by a Member State and are directed against certain acts of the Council.
- 36 In the present case, first, it should be stated that the contested decision was adopted by the EPF Committee and not by the Council.

- 37 Second, it must be borne in mind that, according to Article 3(1) of Decision 2021/509, '[the EPF] shall have legal capacity, in particular to hold bank accounts, acquire, hold or dispose of assets, supplies and services, employ staff, enter into contracts, agreements and administrative arrangements, discharge its liabilities and be a party to legal proceedings, as required in order to implement this Decision'.
- 38 It follows that the EPF has legal capacity, with the result that the acts adopted by its Committee cannot be attributed to the Council.
- 39 The fact that the EPF has legal capacity is borne out, moreover, by the case-law on the provisions governing the activity of another entity coming within the CFSP, the European Union Rule of Law Mission in Kosovo (Eulex Kosovo), which are drafted in terms similar to those of the provision reproduced in paragraph 37 above, by which the Court held that the legal capacity of that entity under those provisions included that of being a party to court proceedings concerning the implementation of the mission entrusted to it (see, to that effect, judgment of 24 February 2022, *Eulex Kosovo*, C-283/20, EU:C:2022:126, paragraphs 44 to 47).
- 40 Since the present action, based on Article 263 TFEU, is directed against an act adopted by the EFF Committee, it is not part of the categories of actions reserved for the Court of Justice under the first subparagraph of Article 256(1) TFEU and must therefore be examined by the General Court.
- 41 It is irrelevant in that regard that the present action is not formally directed against the EPF but against its Committee, since that committee, as a governing body thereof, is undeniably part of the EPF.
- 42 In the context of that examination, it is necessary to determine whether the EU judicature has jurisdiction to hear and determine the action even though the contested decision is an act adopted in the context of the CFSP.

The jurisdiction of the EU judicature

- 43 The EPF submits, in essence, that, since the contested decision is an act adopted in the context of the CFSP, the EU judicature does not have jurisdiction to hear and determine the present action, in the light of the provisions contained in Article 24(1) TEU and the first paragraph of Article 275 TFEU.
- 44 According to the EPF, nor can the jurisdiction of the EU judicature be established in the light of the case-law arising from the judgment of 10 September 2024, *KS and Others v Council and Others* (C-29/22 P and C-44/22 P, EU:C:2024:725), since the contested decision is directly related to the political or strategic choices made by the EU institutions, bodies, offices and agencies in the context of the CFSP.
- 45 Hungary contests that line of argument.
- 46 In the first place, Hungary submits that the limitation on jurisdiction under the provisions referred to in paragraph 43 above should be interpreted in a consistent manner that is in keeping with both the scheme of the Treaties and the existing case-law on the matter. According to that Member State, it is apparent from the judgments of 19 July 2016, *H v Council and Others* (C-455/14 P, EU:C:2016:569), of 28 March 2017, *Rosneft* (C-72/15, EU:C:2017:236), and of 6 October 2020, *Bank Refah Kargaran v Council* (C-134/19 P, EU:C:2020:793), that the EU judicature gave a broad interpretation to those provisions and, therefore, to its own jurisdiction, in order to ensure that the fundamental principles of the EU legal order, such as the principles of an effective judicial remedy and of equal treatment, were duly observed, including in the field of the CFSP.
- 47 In the second place, Hungary disputes the relevance in the present case of the judgment of 10 September 2024, *KS and Others v Council and Others* (C-29/22 P and C-44/22 P, EU:C:2024:725), stating that that judgment concerns facts which are fundamentally different from those underlying the present action. Whilst acknowledging that, in view of the principle of the separation of powers, the EU judicature does not have the prerogative to substitute its own judgement for the political and strategic choices made by the

competent political institutions, Hungary states that the subject matter of its action does not concern the content of the contested decision as such, but rather the legality of the procedure that led to its adoption.

- 48 In that regard, Hungary claims that the serious defect vitiating the procedure which led to the adoption of the contested decision, in so far as that procedure was conducted in breach of its right to vote, amounts to a failure to observe the fundamental values and constitutional principles of the EU legal order referred to in Article 2 and Article 4(2) TEU, relating to the rule of law, the equality of the Member States and the democratic functioning of the European Union. According to Hungary, those provisions are applicable horizontally, in all fields governed by the Treaties, including the CFSP, with the result that the EU judicature has jurisdiction to assess whether they are duly complied with, without that jurisdiction being dependent on the question of knowing under which EU policy the act in question has been adopted.
- 49 Hungary submits, moreover, that, although the EU judicature has not yet been called upon to interpret the specific matter underlying the single plea in law in the present action, there are, nevertheless, precedents in the case-law capable of reinforcing its jurisdiction to adopt a position on such a matter. According to that Member State, in particular, it is apparent from the judgment of 24 June 2014, *Parliament v Council* (C-658/11, EU:C:2014:2025), that the Court of Justice declared that it had jurisdiction to assess procedural matters, similar in essence to those in the present case, even though they concerned the adoption of an act falling within the field of the CFSP.
- 50 In the third and last place, Hungary submits that if the General Court were to declare that it did not have jurisdiction to rule on the present action, that Member State would be deprived of the fundamental right to an effective remedy, in disregard of the settled case-law arising, inter alia, from the judgment of 23 April 1986, *Les Verts v Parliament* (294/83, EU:C:1986:166, paragraph 23). Furthermore, such an approach would amount to precluding any judicial review of procedural defects arising from non-compliance with voting rules, even though the effective participation of Member States in the European Union's decision-making process is one of the most fundamental principles of its democratic functioning.
- 51 It must be borne in mind that, in accordance with the last sentence of the second subparagraph of Article 24(1) TEU and the first paragraph of Article 275 TFEU, the Court of Justice of the European Union does not, in principle, have jurisdiction with respect to the provisions relating to the CFSP or with respect to acts adopted on the basis of those provisions.
- 52 Nevertheless, the last sentence of the second subparagraph of Article 24(1) TEU and the second paragraph of Article 275 TFEU expressly lay down two exceptions to that principle, namely, the jurisdiction of the Court of Justice of the European Union, first, to monitor compliance with Article 40 TEU and, second, to give rulings on actions brought subject to the conditions laid down in the fourth paragraph of Article 263 TFEU, concerning the review of the legality of Council decisions adopted on the basis of provisions relating to the CFSP, which provide for restrictive measures against natural or legal persons (see judgment of 10 September 2024, *KS and Others v Council and Others*, C-29/22 P and C-44/22 P, EU:C:2024:725, paragraph 63 and the case-law cited).
- 53 Thus, in examining the jurisdiction of the Court of Justice of the European Union to hear and determine an action concerning acts or omissions falling within the scope of the CFSP, it is necessary to ascertain, first, whether the situation at issue falls within one of the situations provided for in the last sentence of the second subparagraph of Article 24(1) TEU and the second paragraph of Article 275 TFEU, in which that jurisdiction is expressly allowed (see judgment of 10 September 2024, *KS and Others v Council and Others*, C-29/22 P and C-44/22 P, EU:C:2024:725, paragraph 115 and the case-law cited).
- 54 If that is not the case, it is necessary, second, to assess whether the jurisdiction of the Court of Justice of the European Union may be based on the fact that the acts and omissions at issue are not directly related to the political or strategic choices made by the EU institutions, bodies, offices and agencies in the context of the CFSP, and in particular the CSDP (see judgment of 10 September 2024, *KS and Others v Council and Others*, C-29/22 P and C-44/22 P, EU:C:2024:725, paragraph 116 and the case-law cited).

- 55 Thus, if the acts and omissions at issue are not directly related to those political or strategic choices, the Court of Justice of the European Union has jurisdiction to assess the legality of those acts or omissions or to interpret them. By contrast, if those acts or omissions are directly related to those political or strategic choices, that institution must declare that it lacks jurisdiction (judgment of 10 September 2024, *KS and Others v Council and Others*, C-29/22 P and C-44/22 P, EU:C:2024:725, paragraph 117).
- 56 It follows that, pursuant to the last sentence of the second subparagraph of Article 24(1) TEU and the first paragraph of Article 275 TFEU, the Court of Justice of the European Union does not have jurisdiction to assess the legality of, or interpret, acts or omissions directly related to the conduct, definition or implementation of the CFSP, and especially the CSDP, that is to say, in particular the identification of the European Union's strategic interests and the definition of both the actions to be taken and the positions to be adopted by the European Union as well as of the general guidelines of the CFSP, within the meaning of Articles 24 to 26, 28, 29, 37, 38, 42 and 43 TEU (judgment of 10 September 2024, *KS and Others v Council and Others*, C-29/22 P and C-44/22 P, EU:C:2024:725, paragraph 118).
- 57 In that regard, the Court has previously held that the resources coming within the scope of a CFSP mission, and in particular within the scope of a CSDP mission, on the basis of the first subparagraph of Article 28(1) TEU, were directly related to the political or strategic choices made within the framework of the CFSP (judgment of 10 September 2024, *KS and Others v Council and Others*, C-29/22 P and C-44/22 P, EU:C:2024:725, paragraph 126).
- 58 In the present case, in the first place, it must be noted that the contested decision does not constitute an act imposing a restrictive measure on natural or legal persons adopted by the Council on the basis of Chapter 2 of Title V of the EU Treaty (see, to that effect, order of 14 December 2017, *KS v Council and Others*, T-840/16, not published, EU:T:2017:938, paragraph 12). Furthermore, nor does the action concern compliance with Article 40 TEU. It follows that the EU judicature does not have jurisdiction to hear and determine the present case under either of the two exceptions provided for in the last sentence of the second subparagraph of Article 24(1) TEU and the second paragraph of Article 275 TFEU.
- 59 In the second place, in so far as the contested decision determined the allocation and specific distribution of the funds corresponding to the first instalment of the net profits ensuing from the extraordinary revenues to the financing of the acquisition of equipment 'of a military nature' intended for the Ukrainian Armed Forces and, moreover, chose the assistance measure to which those funds would be allocated, that is to say, that established by Decision 2022/338, the contested decision made political or strategic choices, within the meaning of the case-law cited in paragraphs 54 and 55 above.
- 60 That finding is confirmed, first, by the fact that, as is clear from a combined reading of paragraphs 11, 14, 15 and 19 above, the contested decision was adopted on the basis of Article 3 of Decision 2024/1471, in accordance with specific strategic orientation provided by the PSC, and on the basis of a decision proposal that had been submitted to the EPF Committee by the EEAS.
- 61 Second, by deciding on the allocation of the funds corresponding to the first instalment of the net profits ensuing from the extraordinary revenues, the contested decision 'implemented' Decision 2024/1471, for the purposes of the case-law cited in paragraph 56 above. By Decision 2024/1471, the Council stated that the amounts corresponding to the net profits ensuing from the extraordinary revenues were intended to finance EU support to the Ukrainian Armed Forces in the face of the Russian aggression and defined the arrangements for allocating those revenues, thereby identifying strategic interests of the European Union in the field of the CFSP and defining actions to be taken in that field, within the meaning of the case-law cited in paragraph 56 above.
- 62 Third, it should be borne in mind that Decision 2024/1471 and Decision 2022/338, which the contested decision implemented at the same time, were adopted on the basis, inter alia, of Article 28(1) TEU. As noted in paragraph 57 above, the Court previously held that the resources coming within the scope of a CFSP or a CSDP mission on the basis of that provision were directly related to the political or strategic choices made within the framework of the CFSP.

- 63 In that regard, as the French Republic and the Czech Republic correctly submit, the fact that, in the present case, it is not a CFSP or a CSDP mission that is at issue is irrelevant, since Article 28(1) TEU relates to situations in which operational action by the European Union is required, which corresponds to the circumstances of the adoption by the Council of Decision 2024/1471, and, subsequently, of the adoption by the EPF Committee of the contested decision.
- 64 Fourth, the political or strategic nature of the contested decision is corroborated by the fact that that decision was adopted in response to an urgent request from the Ukrainian Government for the supply of military equipment, and platforms, designed to deliver lethal force, as is clear from paragraphs 12 and 20 above. Moreover, as stated in paragraph 21 above, by means of that decision, military equipment, such as ammunition and artillery systems, air defence missiles and systems, and military equipment from the Ukrainian defence industry were made available to the Ukrainian Armed Forces.
- 65 It is clear from the information set out in paragraphs 59 to 64 above that the contested decision is an act directly related to the political or strategic choices made in the context of the CFSP, within the meaning of the judgment of 10 September 2024, *KS and Others v Council and Others* (C-29/22 P and C-44/22 P, EU:C:2024:725, paragraphs 116 and 117), with the result that the EU judicature does not have jurisdiction to hear and determine the action, in accordance with that case-law.
- 66 It follows that the present action does not fall within the jurisdiction of the EU judicature and must therefore be dismissed on that ground.
- 67 That conclusion cannot be called into question by Hungary's line of argument set out in paragraph 46 above. Contrary to what that Member State claims, the circumstances of the present case are not comparable to those in cases that fall within the CFSP context but concern provisions whose application is subject to review by the EU judicature.
- 68 In particular, the present case is not comparable to a situation such as that at issue in the case which gave rise to the judgment of 19 July 2016, *H v Council and Others* (C-455/14 P, EU:C:2016:569), in which the person concerned, seconded to an entity established in the context of the CFSP, fell under the authority of the EU judicature as regards the operational management of the staff of the entity in question. The present case does not have its origin in acts or conduct which are purely personnel management matters, with the result that it is not akin to disputes between an EU institution, body, office or agency covered by the CFSP and one of its officials or other servants, which may be brought before the EU judicature under Article 263 TFEU (see, to that effect, judgment of 25 October 2018, *KF v SatCen*, T-286/15, EU:T:2018:718, paragraph 95, and order of 10 July 2020, *KF v SatCen*, T-619/19, not published, EU:T:2020:337, paragraphs 23 to 28 and the case-law cited).
- 69 Furthermore, as is clear from paragraph 58 above, nor does the present case relate to a challenge of restrictive measures or to a review for the purposes of Article 40 TEU, with the result that the case-law arising from the judgment of 28 March 2017, *Rosneft* (C-72/15, EU:C:2017:236), cannot be relevant.
- 70 Moreover, contrary to what Hungary submits, the situation in the present case is different from that which gave rise to the judgment of 6 October 2020, *Bank Refah Kargaran v Council* (C-134/19 P, EU:C:2020:793). In paragraph 39 of that judgment, the Court held that the EU judicature had jurisdiction 'in those circumstances', that is to say, in the specific situation where restrictive measures against persons and entities were adopted by the Council in the context of the CFSP. Thus, the Court merely held that the EU judicature had jurisdiction to rule on actions for damages, under Article 268 and the second paragraph of Article 340 TFEU, resulting from restrictive measures provided for by acts falling within the CFSP, as a consequence of its jurisdiction to review the legality of restrictive measures under Article 263 TFEU.
- 71 Nor can the conclusion set out in paragraph 66 above be called into question by the applicant's line of argument referred to in paragraphs 47 to 49 above.

- 72 First, the jurisdiction of the EU judicature cannot be based on an alleged failure to observe the fundamental values and constitutional principles of the European Union, since arguments relating exclusively to the substance of the action, irrespective of their merit or the importance of the questions which they raise, cannot in themselves suffice to call into question the lack of jurisdiction of the EU judicature to hear and determine that action (see, to that effect, judgment of 20 December 2023, *Islentyeva v Council*, T-233/22, EU:T:2023:828, paragraph 29 and the case-law cited).
- 73 Second, Hungary's line of argument alleging that, unlike the facts at issue in the judgment of 24 June 2014, *Parliament v Council* (C-658/11, EU:C:2014:2025), the subject matter of the present action is purely procedural in nature, inasmuch as it relates not to the contested decision as such, but to the procedure that led to its adoption, cannot succeed.
- 74 In paragraph 118 of the judgment of 10 September 2024, *KS and Others v Council and Others* (C-29/22 P and C-44/22 P, EU:C:2024:725), the Court of Justice stated that the EU judicature did not have jurisdiction to assess the legality of, or interpret, acts or omissions directly related to the conduct, definition or implementation of the CFSP, which includes the external legality of those acts.
- 75 Furthermore, in the judgment of 24 June 2014, *Parliament v Council* (C-658/11, EU:C:2014:2025), what was at issue was not a procedural provision falling within the CFSP, but Article 218 TFEU, relating to the negotiation and conclusion of international agreements. In that regard, the Court held that it retained jurisdiction to interpret and apply provisions that did not fall within the CFSP. In the present case, Hungary has not raised any plea in law relating to the interpretation or application of a provision that does not fall within the CFSP, since the single plea in law concerns Article 31(1) TEU and Article 11(8) and (14) of Decision 2021/509.
- 76 Article 31 TEU is contained in Chapter 2 of Title V of the EU Treaty, relating to 'Specific provisions on the [CFSP]'. In that regard, it is clear from the wording of the second subparagraph of Article 24(1) TEU that the Court of Justice of the European Union does not have jurisdiction with respect to such provisions, except for the purpose of, first, monitoring compliance with Article 40 TEU and, second, reviewing the legality of certain decisions as provided for by the second paragraph of Article 275 TFEU. In addition, it should be noted that the second subparagraph of Article 24(1) TEU states that the CFSP is subject to specific rules and procedures.
- 77 Moreover, Hungary is not justified in claiming that the lack of jurisdiction on the part of the EU judicature to hear and determine the present action deprives that Member State of the right to an effective remedy.
- 78 According to the case-law, the absence of other judicial remedies cannot, as such, give rise to jurisdiction on the part of the EU judicature, without exceeding the jurisdiction conferred on the EU judicature under the Treaties as they currently stand (see, to that effect, judgments of 25 July 2002, *Unión de Pequeños Agricultores v Council*, C-50/00 P, EU:C:2002:462, paragraphs 44 and 45; of 3 October 2013, *Inuit Tapiriit Kanatami and Others v Parliament and Council*, C-583/11 P, EU:C:2013:625, paragraph 81, and order of 7 June 2004, *Segi and Others v Council*, T-338/02, EU:T:2004:171, paragraph 38).
- 79 If the EU judicature were to recognise, in particular on grounds relating to Hungary's effective judicial protection, jurisdiction on its part to examine the legality of the contested decision, it would go beyond the powers laid down in Article 24(1) TEU and the first paragraph of Article 275 TFEU, as interpreted by the Court of Justice in the case-law referred to in paragraphs 51 to 57 above.
- 80 Accordingly, as EU law currently stands, the claims directed against the contested decision must be rejected on the ground that the EU judicature does not have jurisdiction to hear and determine them.
- 81 The same must apply to the claims directed against the minutes of 25 June 2024, which merely record the adoption of the contested decision.
- 82 In the light of the foregoing, the action must be dismissed in its entirety.

Costs

- 83 Under Article 134(1) of the Rules of Procedure of the General Court, the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings. As Hungary has been unsuccessful, it must be ordered to bear its own costs and to pay those incurred by the EPF and the Council, in accordance with the forms of order sought by those parties.
- 84 According to Article 138(1) of the Rules of Procedure, the Member States and the institutions which have intervened in the proceedings are to bear their own costs. Consequently, the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the French Republic, the Republic of Latvia, the Kingdom of the Netherlands, the Republic of Finland, the Kingdom of Sweden and the Commission must bear their own costs.
- 85 Under Article 138(3) of the Rules of Procedure, the Court may order an intervener other than those referred to in paragraphs 1 and 2 of that article to bear its own costs. In the present case, the High Representative must be ordered to bear their own costs.

On those grounds,

THE GENERAL COURT (Grand Chamber)

hereby:

1. **Dismisses the action;**
2. **Orders Hungary to bear its own costs and to pay those incurred by the European Peace Facility (EPF) and by the Council of the European Union;**
3. **Orders the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the French Republic, the Republic of Latvia, the Kingdom of the Netherlands, the Republic of Finland, the Kingdom of Sweden, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to bear their own costs.**

van der Woude

Papasavvas

Svenningsen

Costeira

Kowalik-Bańczyk

Škvařilová-Pelzl

Kanninen

Sampol Pucurull

Nõmm

Steinfatt

Kukovec

Verschuur

Kalèda

Spangsberg Grønfeldt

Cassagnabère

Delivered in open court in Luxembourg on 9 September 2026.

[Signatures]

* Language of the case: Hungarian.