

AG: Associations Can Bring Annulment Actions against RRF Approval

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News

Thomas Wahl

In her Opinion of 16 April 2026 in [Case C-555/24 P \(*Medel and Others v Council*\)](#), Advocate General (AG) *Tamara Čapeta* proposed that associations representing judges have standing to bring actions for annulment against the Council's decision approving justice system milestones concerning Poland under the EU Recovery and Resilience Facility (RRF).

Background to the case

The General Court (GC) dismissed actions brought by four associations active in defending judicial independence, which sought annulment of the Council implementing decision approving Poland's recovery and resilience plan ([Joined Cases T-530/22 to T-533/22](#)). They argued that the conditions for the disbursement of funds did not comply with EU law, whereby three milestones concerned the Polish justice system. [The GC found](#) that the applicant organisations are not entitled to bring proceedings either in their own name or on behalf of the judges whose interests they defend. Neither did the RRF Regulation grant that procedural right nor are the judges/associations directly concerned by the Council decision.

The Advocate General's Opinion

AG *Čapeta* believes that the GC erred in law with regard to two aspects:

- Milestones F2G and F3G, which specifically obliged Poland to introduce review proceedings for disciplinary sanctions imposed on judges by the Disciplinary Chamber of the Polish Supreme Court, directly concern at least those judges who were affected by the disciplinary decisions;
- In the light of the principle of effective judicial protection, associations may challenge EU acts affecting their own interests.

With regard to the latter context, AG *Čapeta* discusses the broader issue of when associations acting in their own name may be directly and individually concerned within the meaning of Art. 263(4) TFEU. In the case of an association acting in its own interest, she suggests that "*direct concern*" should be understood as requiring that "the challenged act is a direct source of the effects on the collective interests that the association defends." The condition of "*individual concern*" should relate to whether the association's "core interests and activities differentiate it from other associations and from its members in relation to the challenged measure". The AG clarifies that, "in that respect, it does not matter that the association at issue is not the

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

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only one protecting the collective interests; it only needs to be identifiable through the collective interests that are involved in a case."

Applying these definitions, the AG considers that the applicant organisations whose purpose is to safeguard the independence of the judiciary in Poland, have standing in their own name for the purposes of bringing actions for annulment to challenge milestone F1G. This milestone requires measures to strengthen the independence of the Polish judiciary.

In conclusion, AG *Ćapeta* considers that a part of the grounds of appeal are well-founded, and thus the actions for annulment in the present case are admissible. She proposes that the case be referred back to the GC for a decision on the merits.

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