

The background of the entire slide is a conceptual image. It shows a hand from the right side, with the index finger pointing towards the center. At the tip of the finger is a bright, glowing point of light. From this point, numerous thin, blue lines radiate outwards, resembling data streams or fiber optics. The background is a deep blue, filled with out-of-focus, glowing blue and white circular spots, creating a bokeh effect that suggests a digital or data environment.

|||NOERR

European Data Legislation & Case Law Report 1/2026

February 2026



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In the past few years, the EU significantly expanded its regulatory framework for data economy and data protection. Together with the General Data Protection Regulation (GDPR), the Data Governance Act (DGA), the Data Act (DA) and the Artificial Intelligence Act (AIA), a series of further directly applicable regulations and numerous other legal acts form the highly complex new European data law. Case law of the European Court of Justice (ECJ) and European General Court (EGC) is continuously shaping and sharpening the regulatory landscape.

In May 2025, we launched our new interactive [European Data Legislation & Case Law Trackers](#). Our [Legislation Tracker](#) helps you stay up to date on relevant European legal acts – including proposals that are still in the legislative process. Our [Case Law Tracker](#) provides a comprehensive overview of ECJ and EGC case law – including pending cases.

Following major legislative milestones in 2024, 2025 was again a busy year in terms of data legislation: Applicability of the AIA and the DA, entry into force of the European Health Data Space Regulation (EHDSR) and adoption of the General Data Protection Regulation Enforcement Regulation (GDPRER). New proposals of the Commission for a Simplifying the Single Market Regulation (SSMR) and Digital Omnibus Regulation (DOR) aim to achieve a comprehensive simplification of European data law. It remains to be seen whether future legislation will significantly reshape the EU regulatory framework for data economy and data protection.

The number of data law cases pending before the European courts remains at a record high. In 2025, the ECJ and EGC handed down some landmark decisions. Looking at the number of pending cases, it is likely that we will see even more data law rulings in 2026.

This first Noerr European Data Legislation & Case Law Report 2026 summarizes essential data legislation and case law of the past year.

Our trackers and this report would not be possible without a fantastic team of many colleagues at Noerr. Our special thanks go to Jeremias Forssman for his invaluable "real-time" updates of our trackers and Korbinian Deutinger und Christina Krenzler for their support on the preparation of this report.



Sebastian Dienst

Legislation



Highlights

Artificial Intelligence Act (AIA): Applicability since February 2025:

The AIA lays down harmonised rules on artificial intelligence as the first-ever comprehensive legal framework on AI worldwide.

Further insights:

[Artificial intelligence under control: AI Act published in the Official Journal of the European Union](#)

[2 August 2025 – Another milestone towards the full applicability of the AI Act](#)

Data Act (DA): Applicability since September 2025:

The DA establishes a harmonized set of rules across the EU for data access and use, significantly impacting existing business models, technical infrastructures and contracts. Companies that offer connected products (e.g. IoT devices) and related services are particularly affected.

Further insights:

[The Data Act is coming – are you ready?](#)

[Data Act – Scope, Impact, Implementation](#)

European Health Data Space Regulation (EHDSR): Entry into force in March 2025:

The EHDSR establishes certain rights of natural persons whose health data are processed for the provision of healthcare, complementing data subject rights under GDPR, and regulates the secondary use of health data (e.g. for research purposes) as well as product compliance concerning electronic health record (EHR) systems.

Further insights:

[The European Health Data Space \(EHDS\) is on its way – an overview](#)

General Data Protection Regulation Enforcement Regulation (GDPRER): Adoption in November 2025:

The GDPRER lays down procedural rules for the handling of complaints and the conduct of investigations by supervisory authorities relating to cross-border data processing, aiming to ensure a consistent interpretation and application of the GDPR.

Simplifying the Single Market Regulation (SSMR): Proposed in May 2025:

The Commission's proposal for a SSMR is supposed to simplify rules and reduce bureaucracy and includes, inter alia, provisions exempting smaller enterprises and organisations from the obligation to maintain records of processing activities under Article 30 GDPR.

Further insights:

[European Commission: Proposal for simplification of GDPR record-keeping obligations of organisations with fewer than 750 employees](#)

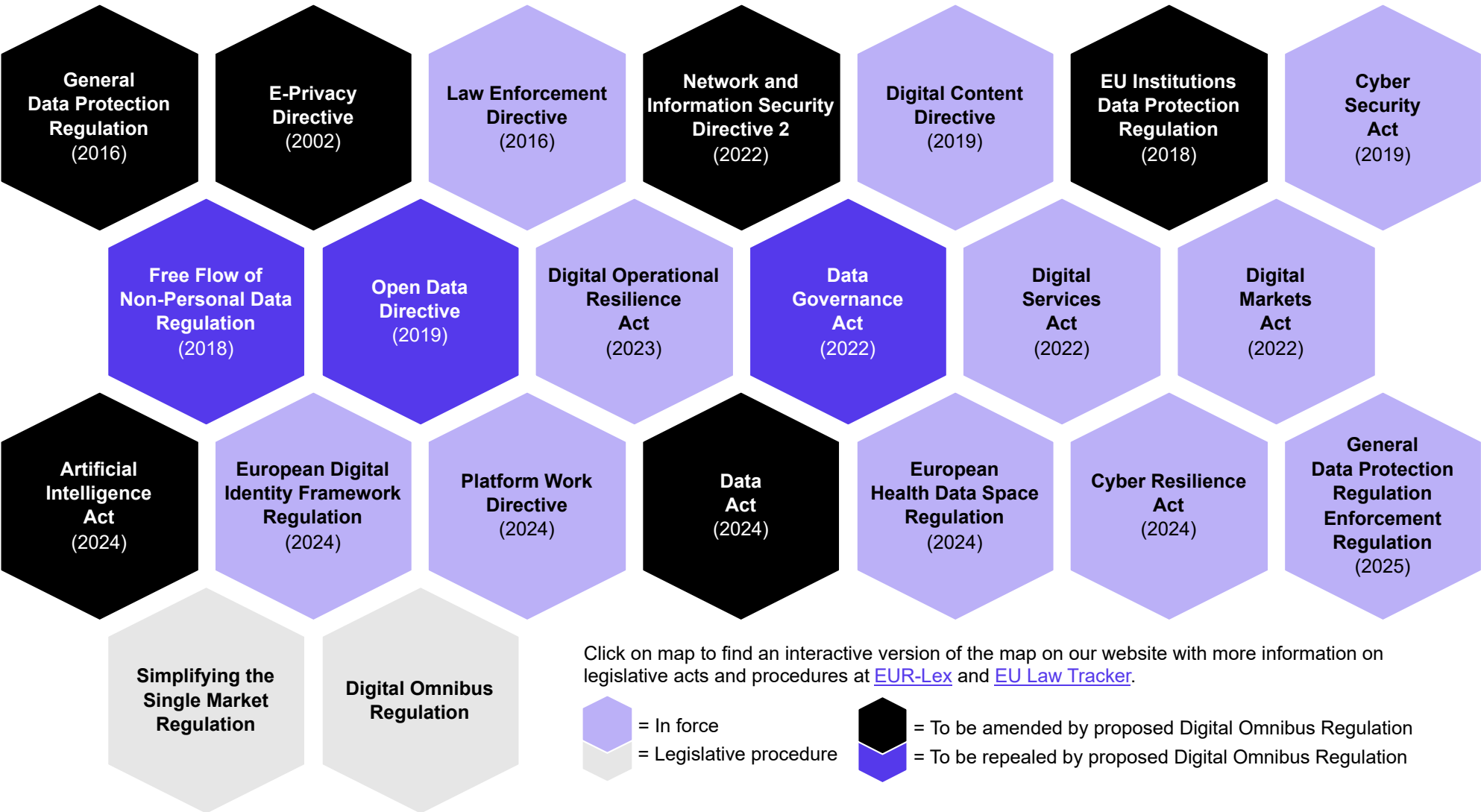
Digital Omnibus Regulation (DOR): Proposed in November 2025:

The Commission's proposal for a DOR is intended to optimise and streamline EU digital law to boost the competitiveness of EU businesses. It includes numerous amendments to the GDPR and the AIA as well as a consolidation of the DA, DGA and other acts of data legislation into a more comprehensive Data Act. The proposal would significantly reshape the current map of European data law.

Further insights:

[European Commission: Proposal for a Digital Omnibus Regulation](#)

European Data Law Map



Click on map to find an interactive version of the map on our website with more information on legislative acts and procedures at [EUR-Lex](#) and [EU Law Tracker](#).

Highlights

T-354/22, Bindi v Commission (June 3, 2025):

The EGC granted compensation for non-material damage sustained as a result of unlawful transfer of personal data to the US. Furthermore, the court dismissed an action for non-material damages based on a delayed reply to an information request.

T-553/23, Latombe v Commission (September 3, 2025):

The EGC dismissed an action for annulment of the Commission's 2023 adequacy decision on the EU-US Data Privacy Framework under Article 45 GDPR.

C-413/23 P, EDPS v SRB (September 4, 2025):

The ECJ clarified under which circumstances pseudonymised data qualify as personal data under the GDPR.

C-655/23, Quirin Privatbank (September 4, 2025):

The ECJ ruled that the GDPR does not provide for a judicial remedy to obtain an order that a controller refrain from carrying out unlawful processing in the future, whilst not preventing Member States from providing for such a remedy under national law. The court also clarified essential questions on assessing claims for non-material damages.

C-654/23, Inteligo Media SA (November 13, 2025):

The ECJ ruled that the conditions for lawful processing under Article 6(1) GDPR are not applicable if an email address is used to send an unsolicited communication in accordance with Article 13(2) ePrivacy Directive, clarifying essential questions on the interplay between this Directive and the GDPR.

C-492/23, Russmedia Digital and Inform Media Press (December 2, 2025):

The ECJ clarified obligations of the operator of an online marketplace with respect to advertisements that are published by user advertisers and contain personal data, classifying operator and user advertiser as joint controllers.



Overview

Judgments
In 2025, the ECJ and EGC handed down numerous decisions on data law:

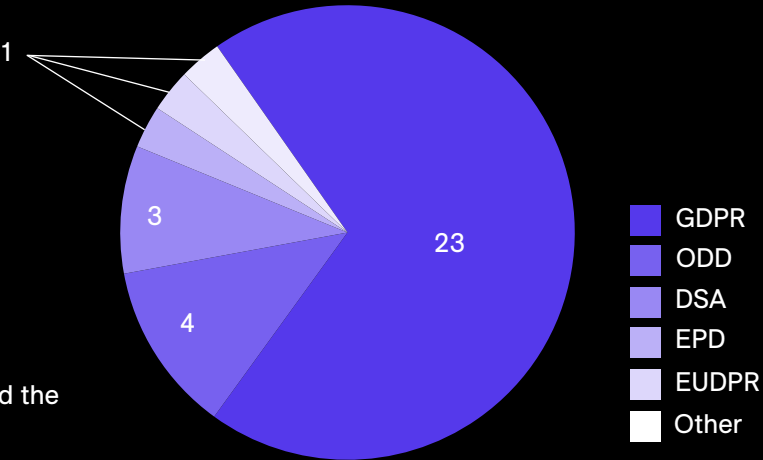
Legal Act(s)	Case	Stage	Origin country	Relevant articles	Date of lodging	Date of judgment
EUDPR	T-557/20 RENV	Order	/	/	04.09.2025	19.12.2025
GDPR	C-422/24	Judgment	Sweden	13 GDPR, 14 GDPR	17.06.2024	18.12.2025
GDPR	T-362/24	Judgment	/	15 GDPR	16.07.2024	03.12.2025
GDPR	T-318/24	Judgment	/	15 GDPR	25.06.2024	03.12.2025
GDPR	C-492/23	Judgment	Romania	2 GDPR, 4 GDPR, 5 GDPR, 6 GDPR, 7 GDPR, 24 GDPR, 25 GDPR, 26 GDPR	03.08.2023	02.12.2025
GDPR; EDP	C-654/23	Judgment	Romania	6 GDPR, 83 GDPR, 95 GDPR, 2 EPD, 13 EPD	02.11.2023	13.11.2025
Other	C-114/25	Dismissed	Bulgaria	/	03.02.2025	06.10.2025
GDPR	C-40/25	Dismissed	Austria	17 GDPR	21.03.2025	30.09.2025
GDPR	C-655/23	Judgment	Germany	17 GDPR, 18 GDPR, 79 GDPR, 82 GDPR, 84 GDPR	07.11.2023	04.09.2025
EUDPR	C-413/23 P	Judgment	/	3 EUDPR, 4 EUDPR, 26 EUDPR	05.07.2023	04.09.2025
GDPR	T-553/23	Judgment	France	45 GDPR	06.09.2023	03.09.2025
DSA	T-348/23	Judgment	Germany	24 DSA, 33 DSA	27.06.2023	03.09.2025
DSA	C-47/25	Order	Belgium	6 DSA	11.04.2025	11.08.2025
GDPR	T-183/23	Judgment	Austria	65 GDPR	09.06.2023	16.07.2025
GDPR	C-332/23	Judgment	Bulgaria	2 GDPR, 4 GDPR, 32 GDPR, 33 GDPR, 51 GDPR, 57 GDPR, 79 GDPR	25.05.2023	06.06.2025
GDPR	C-316/23	Judgment	Bulgaria	2 GDPR, 4 GDPR, 32 GDPR, 33 GDPR, 51 GDPR, 57 GDPR, 79 GDPR	23.05.2023	06.06.2025
GDPR	C-541/24	Judgment	Bulgaria	6 GDPR	09.08.2024	05.06.2025
EUDPR	T-354/22	Order	/	64 EUDPR	03.02.2025	03.06.2025
GDPR	C-563/23	Judgment	Bulgaria	4 GDPR, 32 GDPR, 51 GDPR, 57 GDPR	12.09.2023	26.05.2025
ODD	C-237/23	Judgment	/	17 ODD	14.04.2023	22.05.2025
ODD	C-238/23	Judgment	/	17 ODD	14.04.2023	22.05.2025

Click on case number
for more information at
InfoCuria.

Legal Act(s)	Case	Stage	Origin country	Relevant articles	Date of lodging	Date of judgment
ODD	C-213/23	Judgment	Netherlands	17 ODD	31.03.2023	22.05.2025
ODD	C-215/23	Judgment	/	17 ODD	31.03.2023	22.05.2025
GDPR	C-313/23	Judgment	Bulgaria	2 GDPR, 4 GDPR, 32 GDPR, 33 GDPR, 51 GDPR, 57 GDPR, 79 GDPR	22.05.2023	30.04.2025
GDPR	C-710/23	Judgment	Czech Republic	4 GDPR, 6 GDPR	22.11.2023	03.04.2025
GDPR	C-247/23	Judgment	Hungary	5 GDPR, 16 GDPR	18.04.2023	13.03.2025
GDPR	C-638/23	Judgment	Austria	4 GDPR	24.10.2023	27.02.2025
GDPR	C-203/22	Judgment	Germany	15 GDPR, 22 GDPR	16.03.2022	27.02.2025
DSA	T-486/24	Order	Czech Republic	39 DSA	20.09.2024	13.02.2025
GDPR	C-383/23	Judgment	Denmark	83 GDPR	21.06.2023	13.02.2025
GDPR	T-70/23	Judgment	Ireland	4 GDPR, 60 GDPR, 65 GDPR	14.02.2023	29.01.2025
GDPR	C-416/23	Judgment	Austria	57 GDPR, 77 GDPR	06.07.2023	09.01.2025
GDPR	C-394/23	Judgment	France	5 GDPR, 6 GDPR, 21 GDPR	28.06.2023	09.01.2025



The judgments in 2025 concerned the following legal acts:



New proceedings in 2025

Several new proceedings have been initiated at the ECJ and EGC in 2025:

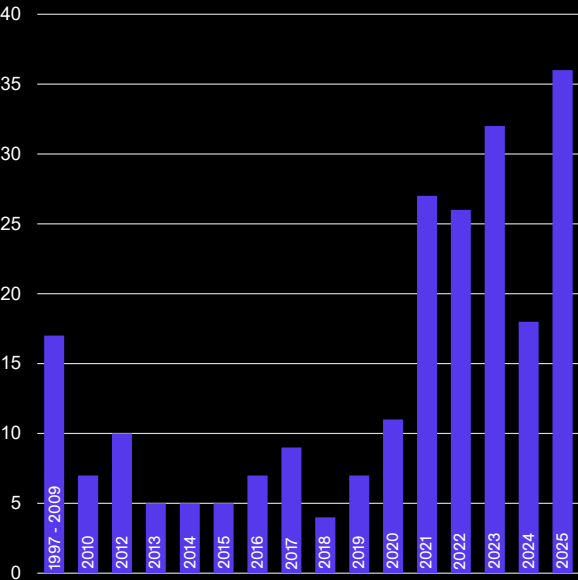
Legal Act(s)	Case	Stage	Origin country	Relevant articles	Date of lodging
?	C-846/25	Pending question	Belgium	?	17.12.2025
?	C-804/25	Pending question	Belgium	?	10.12.2025
EPD	C-741/25	Pending question	Poland	15 EPD	20.11.2025
GDPR	C-730/25	Pending question	Lithuania	5 GDPR, 6 GDPR, 12 GDPR, 13 GDPR, 14 GDPR, 24 GDPR, 57 GDPR, 58 GDPR	17.11.2025
GDPR	C-703/25 P	Proceedings initiated	France	45 GDPR,	31.10.2025
GDPR	C-676/25	Pending question	Bulgaria	5 GDPR, 12 GDPR, 15 GDPR, 20 GDPR, 79 GDPR	22.10.2025
GDPR	C-654/25	Pending question	Germany	4 GDPR, 82 GDPR	06.10.2025
?	C-647/25	Pending question	Bulgaria	?	02.10.2025
GDPR	C-627/25 P	Proceedings initiated	Austria	65 GDPR	22.09.2025
GDPR	C-594/25	Proceedings initiated	Germany	6 GDPR, 82 GDPR	09.09.2025
EUDPR	T-557/20	Order	/	?	04.09.2025
GDPR	C-568/25	Proceedings initiated	Austria	22 GDPR	27.08.2025
DSA	C-534/25	Pending question	Germany	5 DSA	06.08.2025
EPD	C-528/25	Proceedings initiated	Germany	13 EPD	05.08.2025
GDPR	C-523/25	Proceedings initiated	Netherlands	77 GDPR, 78 GDPR, 79 GDPR, 80 GDPR, 82 GDPR	01.08.2025
DSA	C-474/25	Pending question	Germany	27 DSA	16.07.2025
GDPR	C-458/25	Pending question	Belgium	83 GDPR	11.07.2025
GDPR	C-454/25 P	Proceedings initiated	Ireland	64 GDPR, 65 GDPR	10.07.2025
EPD	C-427/25	Pending question	Italy	15 EPD	26.06.2025
GDPR, LED	C-416/25	Pending question	Germany	2 GDPR, 15 GDPR, 82 GDPR, 1 LED, 2 LED, 14 LED, 56 LED	25.06.2025
DMA	T-354/25	Proceedings initiated	Ireland	6 GDPR	30.05.2025

Click on case number for more information at InfoCuria.

? = Information not yet available at InfoCuria and/or EUR-Lex

Legal Act(s)	Case	Stage	Origin country	Relevant articles	Date of lodging
DMA	T-359/25	Proceedings initiated	Ireland	6 DMA	30.05.2025
GDPR	C-317/25	Pending question	France	7 GDPR	06.05.2025
DSA	C-47/25	Order	Belgium	6 DSA	11.04.2025
GDPR	C-273/25	Pending question	Germany	82 GDPR	08.04.2025
EUDPR	T-144/25	Proceedings initiated	/	52 EUDPR, 57 EUDPR	04.04.2025
GDPR	C-40/25	Dismissed	Austria	17 GDPR	21.03.2025
GDPR	C-222/25	Pending question	Estland	2 GDPR, 23 GDPR	21.03.2025
GDPR	C-40/25	Dismissed	Austria	17GDPR	21.03.2025
GDPR	C-214/25	Pending question	Italy	5 GDPR, 6 GDPR	19.03.2025
EUDPR	C-211/25 P	Proceedings initiated	/	17 EUDPR	18.03.2025
EUDPR	C-206/25 P	Proceedings initiated	/	46 EUDPR, 65 EUDPR	17.03.2025
GDPR	C-205/25	Pending question	Germany	4 GDPR, 15 GDPR, 23 GDPR, 77 GDPR	17.03.2025
GDPR	C-185/25	Pending question	Austria	4 GDPR, 15 GDPR, 82 GDPR	07.03.2025
AIA	C-159/25	Pending question	Poland	2 TEU, 19 TEU, Rec. 61 AIA	26.02.2025
EUDPR	T-354/22	Order	/	64 EUDPR	03.02.2025
Other	C-114/25	Dismissed	Bulgaria	/	03.02.2025
GDPR	C-12/25	Pending question	Belgium	17 GDPR	09.01.2025
LED	C-5/25	Pending question	Bulgaria	4 LED, 8 LED, 10 LED	07.01.2025

The number of proceedings lodged each year



Outlook

Considering the high number of pending cases, it is likely that we will see even more data law rulings in 2026. We have highlighted cases that we recommend you follow closely:

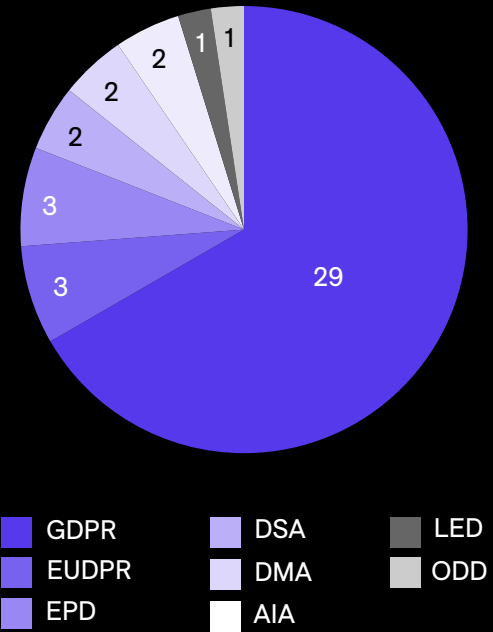
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?	C-804/25	Pending question	Belgium	?	10.12.2025
EPD	C-741/25	Pending question	Poland	15 EPD	20.11.2025
GDPR	C-730/25	Pending question	Lithuania	5 GDPR, 6 GDPR, 12 GDPR, 13 GDPR, 14 GDPR, 24 GDPR, 57 GDPR, 58 GDPR	17.11.2025
GDPR	C-703/25 P	Proceedings initiated	France	45 GDPR	31.10.2025
GDPR	C-676/25	Pending question	Bulgaria	5 GDPR, 12 GDPR, 15 GDPR, 20 GDPR, 79 GDPR	22.10.2025
GDPR	C-654/25	Pending question	Germany	4 GDPR, 82 GDPR	06.10.2025
?	C-647/25	Pending question	Bulgaria	?	02.10.2025
GDPR	C-627/25 P	Proceedings initiated	Austria	65 GDPR	22.09.2025
GDPR	C-594/25	Proceedings initiated	Germany	6 GDPR, 82 GDPR	09.09.2025
GDPR	C-568/25	Proceedings initiated	Austria	22 GDPR	27.08.2025
DSA	C-534/25	Pending question	Germany	5 DSA	06.08.2025
EPD	C-528/25	Proceedings initiated	Germany	13 EPD	05.08.2025
GDPR	C-523/25	Proceedings initiated	Netherlands	77 GDPR, 78 GDPR, 79 GDPR, 80 GDPR, 82 GDPR	01.08.2025
DSA	C-474/25	Pending question	Germany	27 DSA	16.07.2025
GDPR	C-458/25	Pending question	Belgium	83 GDPR	11.07.2025
GDPR	C-454/25 P	Proceedings initiated	Ireland	64 GDPR, 65 GDPR	10.07.2025
EPD	C-427/25	Pending question	Italy	15 EPD	26.06.2025
GDPR, LED	C-416/25	Pending question	Germany	2 GDPR, 15 GDPR, 82 GDPR, 1 LED, 2 LED, 14 LED, 56 LED	25.06.2025
DMA	T-354/25	Proceedings initiated	Ireland	6 GDPR	30.05.2025
DMA	T-359/25	Proceedings initiated	Ireland	6 DMA	30.05.2025

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Legal Act(s)	Case	Stage	Origin country	Relevant articles	Date of lodging
GDPR	C-317/25	Pending question	France	7 GDPR	06.05.2025
GDPR	C-273/25	Pending question	Germany	82 GDPR	08.04.2025
EUDPR	T-144/25	Proceedings initiated	/	52 EUDPR, 57 EUDPR	04.04.2025
GDPR	C-222/25	Pending question	Estland	2 GDPR, 23 GDPR	21.03.2025
GDPR	C-214/25	Pending question	Italy	5 GDPR, 6 GDPR	19.03.2025
EUDPR	C-211/25 P	Proceedings initiated	/	17 EUDPR	18.03.2025
GDPR	C-205/25	Pending question	Germany	4 GDPR, 15 GDPR, 23 GDPR, 77 GDPR	17.03.2025
EUDPR	C-206/25 P	Proceedings initiated	/	46 EUDPR, 65 EUDPR	17.03.2025
GDPR	C-185/25	Pending question	Austria	4 GDPR, 15 GDPR, 82 GDPR	07.03.2025
AIA	C-159/25	Pending question	Poland	2 TEU, 19 TEU, Rec. 61 AIA	26.02.2025
GDPR	C-12/25	Pending question	Belgium	17 GDPR	09.01.2025
LED	C-5/25	Pending question	Bulgaria	4 LED, 8 LED, 10 LED	07.01.2025
GDPR	C-829/24	Proceedings initiated	Hungary	5 GDPR, 6 GDPR, 9 GDPR, 10 GDPR	04.12.2024
AIA	C-806/24	Pending question	Bulgaria	86 AIA, 95 AIA	25.11.2024
GDPR	C-798/24	Pending question	Lettland	5 GDPR	19.11.2024
ODD	C-575/24	Pending question	Czech Republic	2 ODD	28.08.2024
GDPR	C-526/24	Pending question	Germany	4 GDPR, 12 GDPR, 15 GDPR, 82 GDPR	31.07.2024
GDPR	C-484/24	Pending question	Germany	3 GDPR, 5 GDPR, 6 GDPR, 9 GDPR, 13 GDPR, 17 GDPR	10.07.2024
GDPR	C-474/24	Pending question	Austria	5 GDPR, 6 GDPR, 10 GDPR, 17 GDPR, 77 GDPR	04.07.2024
GDPR	C-468/24	Pending question	Austria	5 GDPR, 13 GDPR, 32 GDPR	03.07.2024
GDPR	C-414/24	Pending question	Austria	77 GDPR, 79 GDPR	13.06.2024
GDPR	C-312/24	Pending question	Bulgaria	2 GDPR, 9 GDPR	29.04.2024
GDPR	C-199/24	Pending question	Sweden	85 GDPR	13.03.2024
GDPR	C-209/23	Pending question	Germany	6 GDPR	31.03.2023
GDPR	C-97/23 P	Judgment	/	60 GDPR, 65 GDPR, 68 GDPR	17.03.2023

The pending cases concern the following legal acts.



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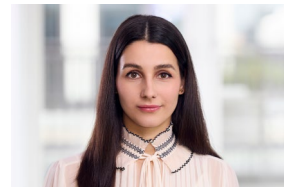
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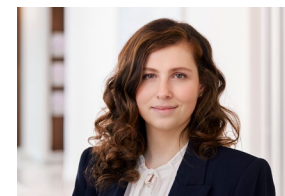
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About Noerr

We live partnership – and have done so for 75 years. We are passionate about our clients' success and are fully committed to delivering outstanding results with innovative spirit. Based in Germany and highly respected around the world, we not only guide our clients through their most important strategic challenges, but also develop innovative and viable solutions with them when they explore uncharted territories.

Our teams blend legal excellence with a profound understanding of industry-specific needs and entrepreneurial ideas. We advise corporations, investors, governments and startups in the most complex and challenging national and international projects. Our fervent dedication and collaborative approach establish a strong foundation for partnership aimed at consistently creating exceptional value for our clients.

Noerr partners with top law firms worldwide and is the exclusive member firm in Germany for Lex Mundi, the world's leading network of independent law firms with in-depth experience in 125+ countries.