

Brussels, 6 October 2025  
(OR. en)

13591/25

LIMITE

JUR 640  
INDEF 110  
COPS 476  
POLMIL 289  
IND 403  
MAP 79  
COMPET 968  
FISC 264  
FIN 1160  
ECOFIN 1300  
UEM 478

#### INFORMATION NOTE

---

From: Legal Service

To: Permanent Representatives Committee (Part 2)

---

Subject: Case before the Court of justice of the European Union

- C-560/25 - Action for annulment - Security Action for Europe (SAFE)

---

**REDACTED DOCUMENT ACCESSIBLE TO THE PUBLIC (12.12.2025). ONLY  
MARGINAL PERSONAL DATA HAVE BEEN REDACTED.**

1. By an application notified to the Council on 28 August 2025, the European Parliament brought an action, pursuant to Article 263 TFEU, for annulment of Council Regulation (EU) 2025/1106 of 27 May 2025<sup>1</sup> establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument.
2. The Applicant invokes two pleas in law in support of its application.

---

<sup>1</sup> OJ L, 2025/1106, 28.05.2025.

3. By its first plea, the Parliament submits that the contested act is incorrectly based on Article 122 TFEU, since – in the light of its aim and content – it does not satisfy the conditions for relying upon that legal basis. The Parliament contends that that act pursues the objectives of the Union’s industrial policy in the field of defence and therefore should have been based on Article 173 TFEU.
  4. By its second plea, the Parliament submits that the Council has failed adequately to state grounds regarding the choice of legal basis retained for its adoption. By doing so, the Council, allegedly, has breached Article 296 TFEU.
  5. The Director-General of the Council Legal Service has appointed **DELETED**, **DELETED**, **DELETED** and **DELETED**, legal advisers in the Council Legal Service, as the Council's agents in Case C-560/25.
  6. The Council is to lodge the statement of defence by 7 November 2025.
-