



C/2025/5233

25.9.2025

JUDGMENT OF THE COURT

of 5 June 2025

in Case E-25/24

**Dartride AS v the Norwegian State, represented by the Ministry of Justice and Public Security
(Staten v/Justis- og beredskapsdepartementet),**

**(State liability – Infringements attributable to a national court – Notion of court adjudicating at last
instance – Effective judicial protection – Homogeneity)**

(C/2025/5233)

In Case E-25/24, Dartride AS v the Norwegian State, represented by the Ministry of Justice and Public Security (Staten v/Justis- og beredskapsdepartementet) – REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by Eidsivating Court of Appeal (*Eidsivating lagmannsrett*), concerning the existence of and conditions for State liability for the actions of national courts, the Court, composed of Páll Hreinsson, President (Judge-Rapporteur), Bernd Hammermann and Ola Mestad (ad hoc), Judges, gave judgment on 5 June 2025, the operative part of which is as follows:

1. The principle according to which EEA States are liable to afford reparation for damage caused to individuals and economic operators as a result of infringements of EEA law for which they are responsible is also applicable where the alleged infringement stems from a decision of a national court adjudicating at last instance.
State liability for an infringement of EEA law by a decision of a national court adjudicating at last instance can be incurred only in the exceptional case where the court has manifestly infringed the applicable EEA law.
In circumstances such as those of the main proceedings, where all domestic remedies against a judicial decision which is alleged to have infringed EEA law have been exhausted, the condition that a decision was rendered by a national court adjudicating at last instance must be considered to be satisfied.
2. EEA law precludes national legislation which excludes State liability, in a general manner, for damage caused to individuals or economic operators by an infringement of EEA law attributable to a court adjudicating at last instance by imposing additional conditions such as that (i) a decision must be quashed or amended, (ii) a decision must have lapsed with the effect that timely appeal against it could not be heard or adjudicated upon, or (iii) a public official is convicted of a criminal offence in relation to the decision.