



**Judgment of the Court (Grand Chamber) of 27 January 2026 – European Commission v Hungary**

(Case C-271/23) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations – Article 258 TFEU – Admissibility – Decision (EU) 2021/3 – Position to be taken, on behalf of the European Union, at the reconvened sixty-third session of the Commission on Narcotic Drugs, established by the United Nations Economic and Social Council, on the scheduling of cannabis and cannabis-related substances under the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, and the Convention on Psychotropic Substances of 1971 – Position and vote of a Member State, both being contrary to that position of the European Union – Article 4(3) TEU – Principle of sincere cooperation – Effects of the alleged conduct as at the date of expiry of the deadline laid down in the reasoned opinion – Ongoing effects on the unity and consistency of the European Union’s international action – Article 3(2) TFEU – Exclusive external competence – Effect on common rules or alteration of their scope – Plea of illegality raised in the defence – Inadmissibility)*

(C/2026/1556)

Language of the case: Hungarian

**Parties**

*Applicant:* European Commission (represented by: L. Baumgart, M. Carpus-Carcea and Zs. Teleki, acting as Agents)

*Defendant:* Hungary (represented by M.Z. Fehér and G. Koós, acting as Agents)

**Operative part of the judgment**

The Court:

1. [Rules that,] by failing to follow the European Union’s position at the reconvened sixty-third session of the Commission on Narcotic Drugs of the United Nations Economic and Social Council on the amendment of the scheduling of cannabis and cannabis-related substances, Hungary (i) failed to fulfil its obligations under Council Decision (EU) 2021/3 of 23 November 2020 on the position to be taken, on behalf of the European Union, at the reconvened sixty-third session of the Commission on Narcotic Drugs, on the scheduling of cannabis and cannabis-related substances under the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, and the Convention on Psychotropic Substances of 1971, which is binding on Hungary under Article 218(9) TFEU, read in conjunction with the fourth paragraph of Article 288 TFEU; (ii) infringed the European Union’s exclusive external competence provided for in Article 3(2) TFEU; and (iii) acted in breach of the principle of sincere cooperation enshrined in Article 4(3) TEU;
2. Orders Hungary to pay the costs.

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<sup>(1)</sup> OJ C 216, 19.6.2023.