



C/2026/1988

13.4.2026

**Judgment of the Court (Grand Chamber) of 10 February 2026 – WhatsApp Ireland v European Data Protection Board**

**(Case C-97/23 P) <sup>(1)</sup>**

***(Appeal – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Article 63 – Consistency mechanism – Article 65 – Dispute resolution by the European Data Protection Board – Binding decision – Action for annulment – First paragraph of Article 263 TFEU – Act open to challenge – Fourth paragraph of Article 263 TFEU – Condition that the measure against which the action has been brought must be of direct concern to the applicant)***

(C/2026/1988)

Language of the case: English

**Parties**

*Appellant:* WhatsApp Ireland (represented by: E. Egan McGrath, Senior Counsel, C. Geoghegan, Senior Counsel, D. McGrath, Senior Counsel, P. Sreenan, Senior Counsel, B. Johnston, C. Monaghan and P. Nolan, Solicitors, H.-G. Kamann, Rechtsanwalt, F. Louis and A. Vallery, avocats)

*Other party to the proceedings:* European Data Protection Board (represented by: C. Foglia, M. Gufflet, G. Le Grand and I. Vereecken, acting as Agents, and G. Haumont, E. de Lophem, P. Vernet, avocats, and G. Ryelandt, advocaat)

*Intervener in support of the other party:* Federal Republic of Germany (represented initially by J. Möller and P.-L. Krüger, and subsequently by J. Möller, acting as Agents)

**Operative part of the judgment**

The Court:

1. Sets aside the order of the General Court of the European Union of 7 December 2022, *WhatsApp Ireland v European Data Protection Board* (T-709/21, EU:T:2022:783);
2. Refers the case back to the General Court of the European Union;
3. Reserves the costs.

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<sup>(1)</sup> OJ C 121, 3.4.2023.