

(English version)

**Priority question for written answer P-001545/25
to the Commission
Fidias Panayiotou (NI)
(16 April 2025)**

Subject: Cyprus's Supreme Constitutional Court avoided the Court of Justice of the European Union (CJEU) over transparency law

Cyprus's Supreme Constitutional Court decided on 11 April 2025 that a law enhancing transparency violates Regulation (EU) No 2016/679 on the protection of personal data.

The law, adopted in September 2024, requires the names of donors of more than EUR 5 000 to the Independent Social Support Body to be published. Cypriot President Nikos Christodoulides refused to sign the law and sent it to the Supreme Constitutional Court.

Cyprus's Parliament had adopted the transparency law as a response to increased public demand for scrutiny of the Independent Social Support Body, a fund that, in 2023, reportedly raised EUR 2.2 million in private contributions and is managed by Cypriot First Lady Philippa Karsera Christodoulides.

Given that, according to Article 267 of the Treaty on the Functioning of the European Union (TFEU), supreme national courts are obliged to refer a question to the CJEU when a case before them raises a question of interpretation of Union law:

1. Does the Commission confirm that the Supreme Constitutional Court of Cyprus should have made a preliminary reference to the CJEU under Article 267 TFEU in this case?
2. What are the effects of a low level of transparency regarding the rule of law and the anti-corruption mechanism, from the Commission's perspective?
3. Will the Commission include this case in its next Rule of Law report and make recommendations for Cyprus?

Submitted: 16.4.2025

**Answer given by Mr McGrath on behalf of the European Commission
(12 June 2025)**

In line with the ruling in Case C-283/81 *Cilfit v Ministero della Sanità* ⁽¹⁾, national supreme courts are not required to request a preliminary ruling if the EU legislation in question has already been the subject of interpretation by the Court of Justice of the European Union or if the issue of the correct application of EU law leaves no scope for any reasonable doubt as to the manner in which the question will be resolved.

The Commission does not, in principle, initiate infringement proceedings under Article 258 of the Treaty on the Functioning of the European Union (TFEU) if the infringement of obligations under Article 267(3) TFEU constitutes an isolated case.

The Commission monitors significant developments concerning the rule of law in Member States, including on the anti-corruption framework in the context of the annual Rule of Law Report.

The Commission follows closely developments in this area and will provide an up-to-date assessment in its 2025 Rule of Law Report, planned to be published in July 2025.

⁽¹⁾ ECLI:EU:C:1982:335.