

Court of Justice of the European Union: jurisdiction over infringements of personality rights following the dissemination of content across several member states

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On 18 June 2026, the Second Chamber of the Court of Justice of the European Union (CJEU) delivered its judgment in Case C-232/25, which shed light on a doctrine supplementing the Court's case law with regard to the jurisdiction of courts of the state in which a harmful event violating personality rights occurred, as established under Article 7(2) of the Brussels I-bis Regulation.

In the case at hand, a former Polish soldier (Z.R.) and a Polish association of veterans (*Światowy Związek Żołnierzy AK*) sued two German co-producers, ZDF and UFA Fiction, following the broadcast of a series on television, first in Germany, in 2013, and then in several other member states, including Poland. The series was also made available online. According to Z.R., certain scenes portrayed AK soldiers as antisemitic, nationalistic and complicit in the Holocaust, which constituted an infringement of personality rights, namely dignity, reputation and memory of the military unit, and also of historical truth. Before the Polish Circuit Court in Kraków, the claimants sought compensation for non-material damage and non-pecuniary remedies. The first instance decision was overturned by the Court of Appeal in Kraków and brought to the Polish Supreme Court, which then referred the case to the CJEU for a preliminary ruling in relation to the criteria of jurisdiction. Notably, the Polish Supreme Court questioned whether Polish courts could exercise jurisdiction over alleged damage resulting from the broadcast of the series in several member states, or, conversely, whether they could exercise jurisdiction over damage allegedly suffered in Poland, including non-pecuniary remedies.

The CJEU judgment clarified the criteria for jurisdiction in defamation cases involving dissemination across multiple member states. The CJEU stated that natural or legal persons who believe that their rights have been breached by television broadcasts cannot bring proceedings before the courts of the member state in which their centre of interest is located to obtain compensation for the entirety of the alleged damage. They can bring action before the courts of the member states in which the programme was broadcast and where they believe their reputation has been harmed. The jurisdiction of those courts is limited to actions for compensation for the damage caused solely in the member state concerned. Compensation for the entire damage may be sought before the courts

of the member state in which the defendant is domiciled or in which the producer has been established.

However, the CJEU distinguishes between television and Internet broadcasts. When it comes to Internet broadcasts, the courts of the member state in which the centre of interests of the natural or legal person who has allegedly suffered damage is located may examine an action for compensation for the entire alleged damage only if the content broadcast allows the identification, whether by direct or indirect means, of that person as an individual. In this case, the former soldier cannot be identified as an individual but the association, according to the Court, may bring proceedings before the courts of the member state in which its centre of interests is located to seek compensation for the entire alleged damage, provided that the audiovisual content broadcast online specifically targeted that organisation and permitted its direct identification.

Therefore, the CJEU continues to accept the possibility of fragmentation of disputes and the existence of parallel proceedings in different member states.

The Court made clear that the courts of a member state with jurisdiction to rule only on the damage suffered in their territory as a result of an alleged infringement of personality rights by broadcasts of a series on television may examine both actions for pecuniary remedy of non-material damages and actions intended to eliminate and prevent the effects of such an infringement. However, those courts do not have jurisdiction to examine an action against the producer seeking a non-pecuniary remedy in the form of rectification of the information in a series published online.

The *Idziski* ruling confirms the territorial allocation of damage pursuant to the mosaic theory and reserves actions for general rectification to courts having jurisdiction over the entirety of the harm.

In the context of the case at hand, Polish courts may adjudicate claims brought by legal persons whose personality rights have been infringed, including cases involving historical matters.

CJEU judgment, Idziski, C-232/25, 18 June 2026

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