

WHY CASE C-265/26 MAY BE RELEVANT FOR ESTONIA

Court of Justice of the European Union

Case C-265/26

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Background

On 26 March 2026, the German Federal Court of Justice (Bundesgerichtshof) referred a preliminary ruling request to the Court of Justice of the European Union (CJEU).

The case concerns the compatibility of national restrictions on advertising for telemedical services with the freedom to provide services under Article 56 TFEU.

The referring court asks, in essence, whether a Member State may prohibit the advertising of telemedical services provided by physicians established in another Member State where those services do not correspond to the medical standards recognised in the destination Member State.

Why Estonia May Have an Interest

Estonia is internationally recognised as one of Europe's leading digital societies and a pioneer in digital public services and digital innovation.

The country has consistently promoted digital transformation, cross-border digital services and innovation-driven public policy. As a result, the case is not merely a German healthcare matter. It raises broader questions regarding the conditions under which digital healthcare services may be offered and promoted across borders within the European Union.

Potential Relevance for Estonian Interests

1. Cross-Border Digital Healthcare Services

The case concerns the extent to which telemedical services lawfully provided from one Member State may be restricted by another Member State.

The Court's decision may therefore have implications for Estonian healthcare providers and digital-health companies operating across borders.

2. Legal Certainty for Digital Service Providers

The proceedings may provide guidance on how Article 56 TFEU applies to telemedicine and digital healthcare services.

This may be relevant for Estonian providers seeking legal certainty when offering services across multiple Member States.

3. Functioning of the European Single Market

The case raises broader questions concerning the relationship between:

- the standards applicable in the provider's Member State of establishment; and
- the standards applied by the Member State where patients are located.

The outcome may therefore be relevant to the future development of cross-border digital healthcare services within the European Union.

4. Innovation and Digital Transformation

Estonia has consistently supported digital innovation and the development of digital public services.

The Court's decision may influence the regulatory environment under which innovative healthcare services are developed and scaled across European markets.

Timing

According to the notification issued by the Court of Justice, written observations may be submitted by Member States within a non-extendable period of two months and ten days following notification of the request for a preliminary ruling.

The notification in Case C-265/26 is dated 5 May 2026. Accordingly, the relevant deadline appears to be 15 July 2026.

Any assessment of potential Estonian interests in the proceedings would therefore need to take place within this timeframe.

Questions Potentially Relevant to Estonia

- To what extent may Member States restrict the promotion of telemedical services lawfully provided from another Member State?
- How should Article 56 TFEU be applied in the context of modern telemedicine?
- How can patient protection and the free movement of services be balanced in the digital-health sector?
- What level of legal certainty is required for healthcare providers operating across borders within the European Union?

Procedural Status

Case Number:

C-265/26

Court:

Court of Justice of the European Union

Procedure:

Preliminary ruling under Article 267 TFEU

Member States may submit written observations pursuant to Article 23 of the Statute of the Court of Justice of the European Union.

This note is provided solely for informational purposes and does not advocate any particular legal position in the proceedings.