

Statistics of judicial activity of the Court of Justice in 1999*

General proceedings of the Court

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A new computer-based system for the management of cases before the Court in 1996 has resulted in a change in the presentation of the statistics appearing in the Annual Report. This means that for certain tables and graphics comparison with statistics before 1995 is not possible.

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General proceedings of the Court

Table 1: **General proceedings in 1999** ¹

Completed cases	378	(395)
New cases	543	
Cases pending	801	(896)

Cases completed

Table 2: **Nature of proceedings**

References for a preliminary ruling	180	(192)
Direct actions	136	(141)
Appeals	57	(57)
Opinions		
Special forms of procedure ²	5	(5)
Total	378	(395)

¹ In this table and those which follow, the figures in brackets (*gross figures*) represent the total number of cases, *without* account being taken of cases joined on grounds of similarity (one case number = one case). For the figure outside brackets (*net figure*), one series of joined cases is taken as one case (a series of case numbers = one case).

² The following are considered to be 'special forms of procedure': taxation of costs (Article 74 of the Rules of Procedure); legal aid (Article 76 of the Rules of Procedure); application to set aside a judgment (Article 94 of the Rules of Procedure); third party proceedings (Article 97 of the Rules of Procedure); interpretation of a judgment (Article 102 of the Rules of Procedure); revision of a judgment (Article 98 of the Rules of Procedure); rectification of a judgment (Article 66 of the Rules of Procedure); attachment procedure (Protocol on Privileges and Immunities); cases concerning immunity (Protocol on Privileges and Immunities).

Table 3: Judgments, opinions, orders¹

Nature of proceedings	Judgments	Non-interlocutory orders ²	Interlocutory orders ³	Other orders ⁴	Opinions	Total
References for a preliminary ruling	136	9		35		180
Direct actions	72		1	64		137
Appeals	26	28	3	3		60
Subtotal	234	37	4	102		377
Opinions						
Special forms of procedure	1	4				5
Subtotal	1	4				5
TOTAL	235	41	4	102		382

¹ Net figures.

² Orders terminating proceedings by judicial determination (inadmissibility, manifest inadmissibility ...).

³ Orders made following an application on the basis of Article 185 or 186 of the EEC Treaty (now Articles 242 and 243 EC) or of the corresponding provisions of the EAEC and ECSC Treaties (orders made in respect of an appeal *against* an interim order or an order on an application for leave to intervene are included under "Appeals" in the "Non-interlocutory orders" column).

⁴ Orders terminating the case by removal from the Register, declaration that the case will not proceed to judgment, or referral to the Court of First Instance.

Table 4: Means by which terminated

Form of decision	Direct actions		References for a preliminary ruling		Appeals		Special forms of procedure		Total	
<i>Judgments</i>										
Action founded	46	(51)					1	(1)	47	(52)
Action partially founded	11	(11)							11	(11)
Action unfounded	14	(14)			18	(18)			32	(32)
Annulment and referred back					2	(2)			2	(2)
Annulment and not referred back					4	(4)			4	(4)
Partial annulment and not referred back					2	(2)			2	(2)
Inadmissible	1	(1)							1	(1)
Preliminary ruling			136	(146)					136	(146)
Total judgments	72	(77)	136	(146)	26	(26)	1	(1)	235	(250)
<i>Orders</i>										
Action unfounded							1	(1)	1	(1)
Action partially founded							2	(2)	2	(2)
Manifest lack of jurisdiction			3	(3)					3	(3)
Inadmissibility							1	(1)	1	(1)
Manifest inadmissibility			4	(5)					4	(5)
Appeal manifestly inadmissible					3	(3)			3	(3)
Appeal manifestly inadmissible and unfounded					15	(15)			15	(15)
Appeal unfounded					4	(4)			4	(4)
Appeal manifestly unfounded					6	(6)			6	(6)
Subtotal			7	(8)	28	(28)	4	(4)	39	(40)
Removal from the Register	64	(64)	35	(35)	3	(3)			102	(102)
Art. 104 (3) of the Rules of Procedure			2	(3)					2	(3)
Subtotal	64	(64)	37	(38)	3	(3)			104	(105)
Total orders	64	(64)	44	(46)	31	(31)	4	(4)	143	(145)
<i>Opinions</i>										
TOTAL	136	(146)	180	(192)	57	(57)	5	(5)	378	(395)

Table 5: Bench hearing case

Bench hearing case	Judgments		Orders ¹		Total	
Full Court	25	(29)	12	(14)	37	(43)

¹ Orders terminating proceedings by judicial determination (other than those removing cases from the Register, declaration that the case will not proceed to judgment or referring cases back to the Court of First Instance).

Small plenum	33	(35)			33	(35)
Chambers (3 judges)	43	(46)	24	(24)	67	(70)
Chambers (5 judges)	134	(140)	1	(1)	135	(141)
President			4	(4)	4	(4)
Total	235	(250)	41	(43)	276	(293)

Table 6: **Basis of the action**¹

Basis of the action	Judgments/Opinions		Orders ²		Total	
Article 169 of the EC Treaty (now Article 226 EC)	46	(48)			46	(48)
Article 173 of the EC Treaty (now, after amendment, Article 230 EC)	22	(25)		(0)	22	(25)
Article 177 of the EC Treaty (now Article 234 EC)	130	(140)	9	(11)	139	(151)
Article 181 of the EC Treaty (now Article 238 EC)	4	(4)			4	(4)
Article 1 of the 1971 Protocol	6	(6)			6	(6)
Article 49 of the EC Statute	25	(25)	24	(24)	49	(49)
Article 50 of the EC Statute			4	(4)	4	(4)
Total EC Treaty	233	(248)	37	(39)	270	(287)
Article 50 EA	1	(1)			1	(1)
Total EA Treaty	1	(1)			1	(1)
Article 74 of the Rules of Procedure			4	(4)	4	(4)
Article 102 of the Rules of Procedure	1	(1)			1	(1)
Overall Total	235	(250)	41	(43)	276	(293)

¹ Pursuant to the renumbering of the articles by the Treaty of Amsterdam, since 1st May 1999, the method of citation of the articles of the treaties was substantially modified. A Note in relation to the renumbering is published at page ... of this Report.

² Orders terminating the case (other than by removal from the Register, declaration that the case will not proceed to judgment or referral to the Court of First Instance).

Table 7: Subject-matter of the action

Subject-matter of the action	Judgments/Opinions		Orders ¹		Total	
Agriculture	24	(26)	4	(4)	28	(30)
Approximation of laws	28	(31)	2	(2)	30	(33)
Brussels Convention	6	(6)			6	(6)
Commercial policy	3	(3)	2	(2)	5	(5)
Common Customs Tariff	1	(1)			1	(1)
Competition	18	(21)	7	(7)	25	(28)
Customs Union	4	(4)	2	(2)	6	(6)
Economic and social cohesion	3	(3)			3	(3)
EC public procurement contracts			1	(1)	1	(1)
Energy	4	(4)			4	(4)
Environment	21	(23)			23	(23)
European citizenship	1	(1)			1	(1)
European Social fund	1	(1)	1	(1)	2	(2)
External relations	2	(2)			2	(2)
Financial provisions			1	(1)	1	(1)
Fisheries policy	5	(5)			5	(5)
Freedom of establishment and to provide services	28	(29)	1	(1)	29	(30)
Freedom of movement for workers	4	(4)			4	(4)
Free movement of capital	2	(2)			2	(2)
Free movement of goods	13	(13)	2	(2)	15	(15)
Industrial policy	1	(1)			1	(1)
Institutional measures	1	(1)			1	(1)
Principles of Community law	2	(2)			2	(2)
Privileges and immunity	1	(1)			1	(1)
Social measures	17	(17)	3	3	20	(20)
Social security for migrant workers	9	(9)			9	(9)
Staff Regulations	8	(8)	8	(8)	16	(16)
State aid	6	(6)	1	(1)	7	(7)
Taxation	16	(18)	5	(7)	21	(25)
Transport	5	(7)	1	(1)	6	(8)
Total	234	(249)	41	(43)	275	(292)
CS Treaty						
EA Treaty	1	(1)			1	(1)
OVERALL TOTAL	235	(250)	41	(43)	276	(293)

¹ Orders terminating the case (other than by removal from the Register, declaration that the case will not proceed to judgment or referral to the Court of First Instance).

*Length of proceedings*¹

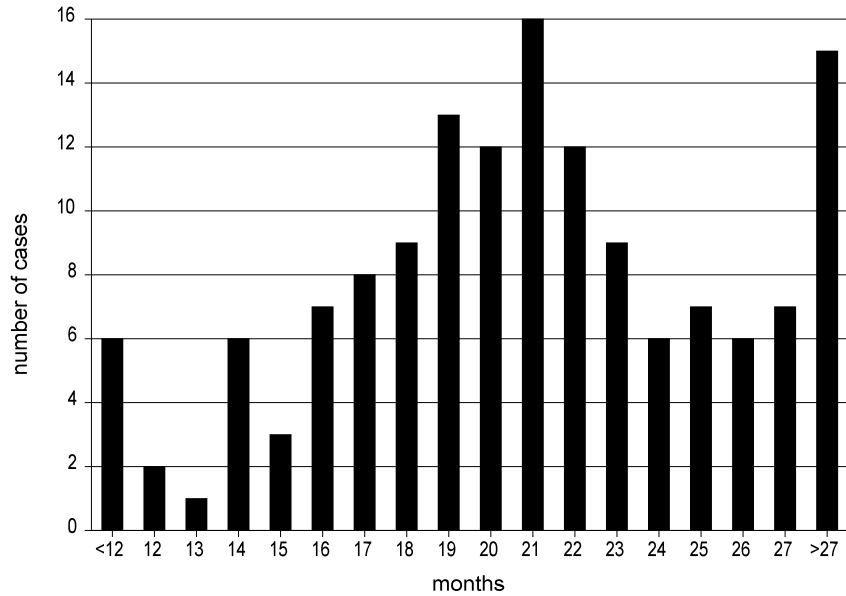
Table 8: Nature of proceedings
(Decisions by way of judgments and orders²)

References for a preliminary ruling	21,2
Direct actions	23,0
Appeals	23,0

¹ The following types of cases are excluded from the calculation of the length of proceedings: cases with an interlocutory judgment or a measure of inquiry; opinions and deliberations; special forms of procedure (e.g.: taxation of costs, legal aid, application to set aside a judgment, third party proceedings, interpretation of a judgment, revision of a judgment, rectification of a judgment, attachment procedure, cases concerning immunity); cases completed by an order of removal from the Register, declaration that the case will not proceed to judgment, referring cases back or transferring cases to the Court of First Instance; procedures for interim measures and appeals on interim measures and on leave to intervene. In this table and the graphics which follow, the length of proceedings is expressed in months and decimal months.

² Other than orders terminating a case by removal from the Register, declaration that the case will not proceed to judgment or referral to the Court of First Instance.

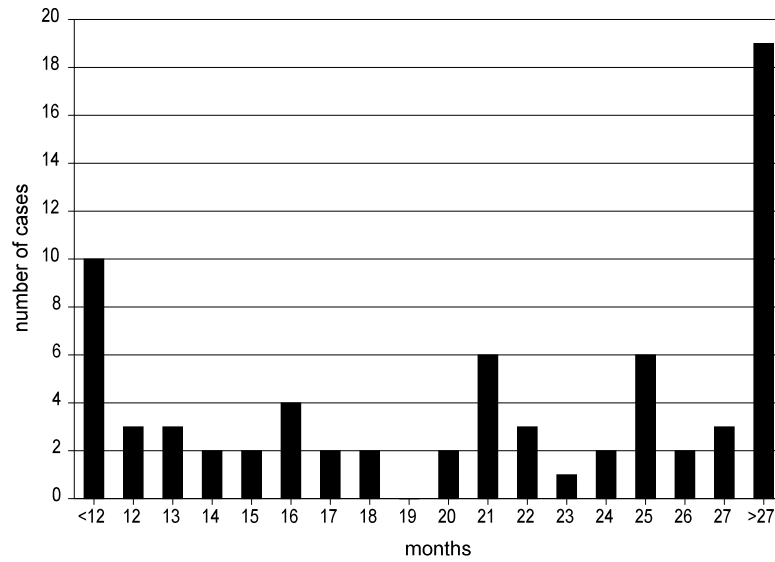
Figure I: Duration of proceedings in references for a preliminary ruling (judgments and orders¹)



Cases/ Months	< 12	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	> 27
References for a preliminary ruling	6	2	1	6	3	7	8	9	13	12	16	12	9	6	7	6	7	15

¹ Other than orders disposing of a case by removal from the Register or not to proceed to judgment.

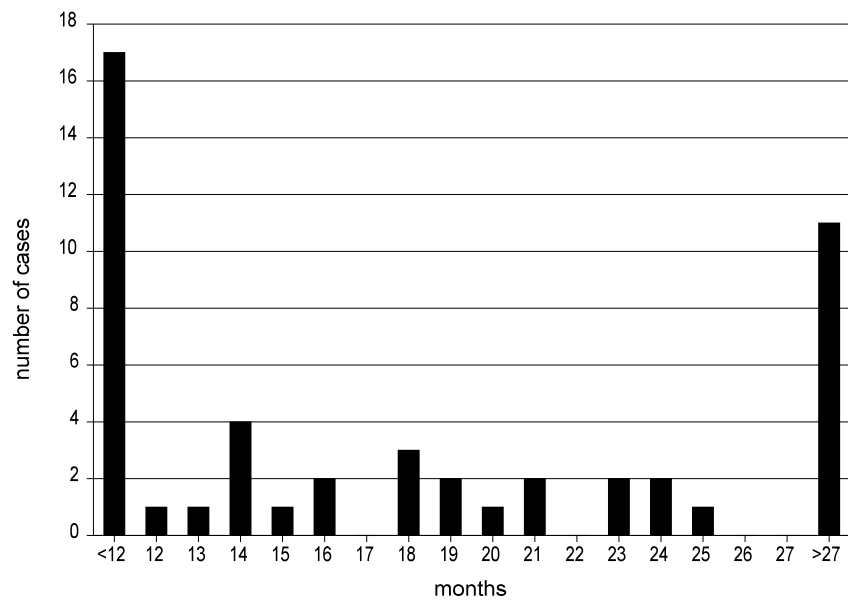
Figure II: Duration of proceedings in direct actions (judgments and orders¹)



Cases/ Months	< 12	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	> 27
Direct actions	10	3	3	2	2	4	2	2	0	2	6	3	1	2	6	2	3	19

¹ Other than orders disposing of a case by removal from the Register, not to proceed to judgment or referring a case back to the Court of First Instance.

Figure III: Duration of proceedings in appeals (judgments and orders¹)



Cases/ Months	< 12	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	> 27
Appeals	17	1	1	4	1	2	0	3	2	1	2	0	2	2	1	0	0	11

¹ Other than orders disposing of a case by removal from the Register, not to proceed to judgment or referring a case back to the Court of First Instance.

*New cases*¹

Table 9: Nature of proceedings

References for a preliminary ruling	255
Direct actions	214
Appeals	72
Opinions/Deliberations	
Special forms of procedure	2
Total	543

Table 10: Type of action

References for a preliminary ruling	255
Direct actions	214
of which:	
– for annulment of measures	46
– for failure to act	
– for damages	
– for failure to fulfil obligations	162
– on arbitration clauses	5
- others	1
Appeals	72
Opinions/Deliberations	
Total	541
Special forms of procedure	2
of which:	
– Legal aid	
– Taxation of costs	1
– Revision of a judgment/order	
– Application for an attachment procedure	
– Third party proceedings	
– Interpretation of a judgment	
– Application to set aside a judgment	
Total	2
Applications for interim measures	4

¹ Gross figures.

Table 11: Subject-matter of the action¹

Subject-matter of the action	Direct actions	References for a preliminary ruling	Appeals	Total	Special forms of procedure
Agriculture	49	18	13	80	
Approximation of laws	26	16		42	
Association of the Overseas countries and territories			1	1	
Brussels Convention		2		2	
Commercial policy		11		11	
Community own resources		1		1	
Company law	1	9		10	
Competition	9	7	13	29	
Energy	2			2	
Environment and consumers	34	7		41	
European citizenship		2		2	
External relations		10	2	12	
Freedom of movement for persons	11	57	1	69	
Freedom to provide services	14	9		23	
Free movement of capital		3		3	
Free movement of goods	6	15	2	23	
Industrial policy	4	1		5	
Intellectual property		1	1	2	
Law governing the institutions	7		4	11	1
Principles of Community law		4		4	
Procedure		1		1	
Regional policy	2			2	
Social policy	11	19	3	33	
State aid	13	1	1	15	
Taxation	6	55		61	
Transport	16	5	1	22	
Total EC Treaty	211	254	42	507	1
Law governing the institutions	1			1	
Total EA Treaty	1			1	
Competition			1	1	
Iron and steel	1		8	9	
State aid	1		6	7	
Total CS Treaty	2		15	17	
Law governing the institutions (Rules of procedure)					1
Staff Regulations		1	15	16	
Total		1	15	16	1
OVERALL TOTAL	214	255	72	541	2

¹ Taking no account of applications for interim measures (4).

Table 12: **Actions for failure to fulfil obligations**¹

Brought against	1999	From 1953 to 1999
Belgium	13	238
Denmark	1	22
Germany	9	131
Greece	12	172
Spain	7	67 ²
France	35	220 ³
Ireland	13	97
Italy	29	384
Luxembourg	14	100
Netherlands	1	60
Austria	8	13
Portugal	13	54
Finland		1
Sweden	1	2
United Kingdom	6	47 ⁴
Total	162	1 608

¹ Articles 169, 170, 171, 225 of the EC Treaty (now Articles 226 EC, 227 EC, 228 EC, 298 EC), Articles 141, 142, 143 EA and Article 88 CS.

² Including one action under Article 170 of the EC Treaty (now Article 227 EC), brought by the Kingdom of Belgium.

³ Including one action under Article 170 of the EC Treaty (now Article 227 EC), brought by Ireland.

⁴ Including two actions under Article 170 of the EC Treaty (now Article 227 EC), brought by the French Republic and the Kingdom of Spain respectively.

Table 13: Basis of the action

Basis of the action	1999
Article 157 of the EC Treaty (now Article 213 EC)	1
Article 169 of the EC Treaty (now Article 226 EC)	161
Article 170 of the EC Treaty (now Article 227 EC)	
Article 171 of the EC Treaty (now Article 228 EC)	1
Article 173 of the EC Treaty (now, after amendment, Article 230 EC)	43
Article 175 of the EC Treaty (now Article 232 EC)	
Article 177 of the EC Treaty (now Article 234 EC)	253
Article 178 of the EC Treaty (now Article 235 EC)	
Article 181 of the EC Treaty (now Article 238 EC)	5
Article 225 of the EC Treaty (now Article 298 EC)	—
Article 228 of the EC Treaty (now, after amendment, Article 300 EC)	
Article 1 of the 1971 Protocol	2
Article 49 of the EC Statute	53
Article 50 of the EC Statute	4
Total EC Treaty	523
Article 33 CS	2
Article 49 CS	15
Total CS Treaty	17
Article 146 EA	1
Total EA Treaty	1
Total	541
Article 74 of the Rules of Procedure	1
Article 94 of the Rules of Procedure	1
Total special forms of procedure	2
OVERALL TOTAL	543

Cases pending as at 31 December 1999

Table 14: Nature of proceedings

References for a preliminary ruling	394	(476)
Direct actions	303	(309)
Appeals	103	(110)
Special forms of procedure	1	(1)
Opinions/Deliberations		
Total	801	(896)

Table 15: Bench hearing case

Bench hearing case	Direct actions		References for a preliminary ruling		Appeals		Other procedures ¹		Total	
Grand plenum	248	(252)	276	(306)	69	(73)			593	(631)
Small plenum	14	(14)	30	(76)	4	(5)			48	(95)
Subtotal	262	(266)	306	(382)	73	(78)			641	(726)
President of the Court										
Subtotal										
First chamber	2	(2)	8	(8)					10	(10)
Second chamber	2	(2)	5	(5)	2	(2)			9	(9)
Third chamber	3	(3)	2	(2)			1	(1)	6	(6)
Fourth chamber	2	(2)	2	(2)	1	(1)			5	(5)
Fifth chamber	15	(15)	34	(38)	21	(23)			70	(76)
Sixth chamber	17	(19)	37	(39)	6	(6)			60	(64)
Subtotal	41	(43)	88	(94)	30	(32)	1	(1)	160	(170)
TOTAL	303	(309)	394	(476)	103	(110)	1	(1)	801	(896)

¹ Including special forms of procedure and opinions of the Court.

General trend in the work of the Court up to 31 December 1999

Table 16: New cases and judgments

Year	New cases ¹					Judgments ²
	Direct actions ³	References for a preliminary ruling	Appeals	Total	Applications for interim measures	
1953	4	-		4	-	-
1954	10	-		10	-	2
1955	9	-		9	2	4
1956	11	-		11	2	6
1957	19	-		19	2	4
1958	43	-		43	-	10
1959	47	-		47	5	13
1960	23	-		23	2	18
1961	25	1		26	1	11
1962	30	5		35	2	20
1963	99	6		105	7	17
1964	49	6		55	4	31
1965	55	7		62	4	52
1966	30	1		31	2	24
1967	14	23		37	-	24
1968	24	9		33	1	27
1969	60	17		77	2	30
1970	47	32		79	-	64
1971	59	37		96	1	60
1972	42	40		82	2	61
1973	131	61		192	6	80
1974	63	39		102	8	63
1975	61	69		130	5	78
1976	51	75		126	6	88
1977	74	84		158	6	100
1978	145	123		268	7	97
1979	1 216	106		1 322	6	138
1980	180	99		279	14	132
1981	214	108		322	17	128
1982	216	129		345	16	185
1983	199	98		297	11	151
1984	183	129		312	17	165
1985	294	139		433	22	211
1986	238	91		329	23	174
1987	251	144		395	21	208
1988	194	179		373	17	238
1989	246	139		385	20	188
1990 ⁴	222	141	16	379	12	193
1991	142	186	14	342	9	204
1992	253	162	25	440	4	210
1993	265	204	17	486	13	203
1994	128	203	13	344	4	188
1995	109	251	48	408	3	172
1996	132	256	28	416	4	193
1997	169	239	35	443	1	242
1998	147	264	70	481	2	254
1999	214	255	72	541	4	235
Total	6 437 ⁵	4 157	338	10 932	317	4 996

**Table 17: New references for a preliminary ruling⁶
(by Member State per year)**

¹ Gross figures; special forms of procedure are not included.

² Net figures.

³ Including opinions of the Court.

⁴ Since 1990 staff cases have been brought before the Court of First Instance.

⁵ Up to 31 December 1989, 2 388 of them are staff cases.

⁶ Articles 177 of the EC Treaty (now Article 234 EC), 41 CS, 150 EA, 1971 Protocol.

Year	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
1961	-		-			-		-	-	1						1
1962	-		-			-		-	-	5						5
1963	-		-			-		-	1	5						6
1964	-		-			-		2	-	4						6
1965	-		4			2		-	-	1						7
1966	-		-			-		-	-	1						1
1967	5		11			3		-	1	3						23
1968	1		4			1		1	-	2						9
1969	4		11			1		-	1	-						17
1970	4		21			2		2	-	3						32
1971	1		18			6		5	1	6						37
1972	5		20			1		4	-	10						40
1973	8	-	37			4	-	5	1	6					-	61
1974	5	-	15			6	-	5	-	7					1	39
1975	7	1	26			15	-	14	1	4					1	69
1976	11	-	28			8	1	12	-	14					1	75
1977	16	1	30			14	2	7	-	9					5	84
1978	7	3	46			12	1	11	-	38					5	123
1979	13	1	33			18	2	19	1	11					8	106
1980	14	2	24			14	3	19	-	17					6	99
1981	12	1	41	-		17	-	12	4	17					5	109
1982	10	1	36	-		39	-	18	-	21					4	129
1983	9	4	36	-		15	2	7	-	19					6	98
1984	13	2	38	-		34	1	10	-	22					9	129
1985	13	-	40	-		45	2	11	6	14					8	139
1986	13	4	18	2	1	19	4	5	1	16		-			8	91
1987	15	5	32	17	1	36	2	5	3	19		-			9	144
1988	30	4	34	-	1	38	-	28	2	26		-			16	179
1989	13	2	47	2	2	28	1	10	1	18		1			14	139
1990	17	5	34	2	6	21	4	25	4	9		2			12	141
1991	19	2	54	3	5	29	2	36	2	17		3			14	186
1992	16	3	62	1	5	15	-	22	1	18		1			18	162
1993	22	7	57	5	7	22	1	24	1	43		3			12	204
1994	19	4	44	-	13	36	2	46	1	13		1			24	203
1995	14	8	51	10	10	43	3	58	2	19	2	5	-	6	20	251
1996	30	4	66	4	6	24	-	70	2	10	6	6	3	4	21	256
1997	19	7	46	2	9	10	1	50	3	24	35	2	6	7	18	239
1998	12	7	49	5	55	16	3	39	2	21	16	7	2	6	24	264
1999	13	3	49	3	4	17	2	43	4	23	56	7	4	5	22	255
Total	410	81	1 162	56	125	611	39	624	46	516	115	38	15	28	291	4 157

Table 18: New references for a preliminary ruling
(by Member State and by court or tribunal)

Belgium					
Cour de cassation	50				
Cour d'arbitrage	1				
Conseil d'État	20				
Other courts or tribunals	339				
Total	410				
Denmark					
Højesteret	15				
Other courts or tribunals	66				
Total	81				
Germany					
Bundesgerichtshof	68				
Bundesarbeitsgericht	4				
Bundesverwaltungsgericht	46				
Bundesfinanzhof	171				
Bundessozialgericht	61				
Staatsgerichtshof	1				
Other courts or tribunals	811				
Total	1162				
Greece					
Cour de cassation	2				
Conseil d'État	7				
Other courts or tribunals	47				
Total	56				
Spain					
Tribunal Supremo	4				
Audiencia Nacional	1				
Juzgado Central de lo Penal	7				
Other courts or tribunals	113				
Total	125				
France					
Cour de cassation	58				
Conseil d'État	19				
Other courts or tribunals	534				
Total	611				
Ireland					
Supreme Court	11				
High Court	15				
Other courts or tribunals	13				
Total	39				
Italy					
Corte suprema di Cassazione	63				
Con siglio di Stato	30				
Other courts or tribunals	531				
Total	624				
Luxembourg					
Cour supérieure de justice	10				
Conseil d'État	13				
Cour administrative	1				
Other courts or tribunals	22				
Total	46				
Netherlands					
Raad van State	35				
Hoge Raad der Nederlanden	94				
Centrale Raad van Beroep	41				
College van Beroep voor het Bedrijfsleven	98				
Tariefcommissie	34				
Other courts or tribunals	214				
Total	516				
Austria					
Oberster Gerichtshof	20				
Bundesvergabeamt	8				
Verwaltungsgerichtshof	19				
Vergabekontrollsenat	1				
Other courts or tribunals	67				
Total	115				
Portugal					
Supremo Tribunal Administrativo	22				
Other courts or tribunals	16				
Total	38				
Finland					
Korkein hallinto-oikeus	3				
Korkein oikeus	1				
Other courts or tribunals	11				
Total	15				
Sweden					
Högsta Domstolen	2				
Marknadsdomstolen	3				
Regeringsrätten	6				
Other courts or tribunals	17				
Total	28				
United Kingdom					
House of Lords	24				
Court of Appeal	12				
Other courts or tribunals	255				
Total	291				
OVERALL TOTAL	4 157				