#### Statistical information of the Court of Justice (1998)

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Figure I: Duration of proceedings in references for a preliminary ruling

(judgments and orders)

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

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Table 13: Basis of the action

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.

#### Cases pending as at 31 December 1998

Table 14: Nature of proceedings Table 15: Bench hearing case

## General trend in the work of the Court up to 31 December 1998

Table 16: New cases and judgments

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

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

tribunal)

#### General proceedings of the Court

Table 1: General proceedings in 1998 1

Completed cases	374	(420)
New cases	485	
Cases pending	664	(748)

#### Cases decided

**Table 2: Nature of proceedings** 

References for a preliminary ruling	204	(246)
Direct actions	132	(136)
Appeals	36	(36)
Opinions	_	-
Special forms of procedure <sup>2</sup>	2	(2)
Total	374	(420)

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).

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); objection lodged against 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, orders**<sup>1</sup>

Nature of proceedings	Judgm ents	Non- interlocutory orders <sup>2</sup>	Interlocutory orders <sup>3</sup>	Other orders <sup>4</sup>	Opinions	Total
References for a preliminary ruling	157	9	-	38	-	204
Direct actions	76	2	-	54	=	132
Appeals	20	15	2	1	=	38
Subtotal	253	26	2	93	-	374
Opinions	-	-	ı	-	-	-
Special forms of procedure	ı	1	1	-	-	2
Subtotal	1	1	-	1	1	2
TOTAL	254	27	2	93	_	376

Net figures.

3

4

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

Orders made following an application on the basis of Article 185 or 186 of the EEC Treaty 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).

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	Direc	t actions	preli	nces for a minary iling	Ap	peals	Special of proc		Total			
Judgments												
Action founded	58	(61)							58	(61)		
Action partially founded	2	(2)							2	(2)		
Action unfounded	13	(13)			13	(13)			26	(26)		
Action partially inadmissible and founded	1	(1)							1	(1)		
Action partially inadmissible and unfounded	1	(1)							1	(1)		
Annulment and referred back					5	(5)			5	(5)		
Partial annulment and referred back					1	(1)			1	(1)		
Partial annulment and not referred back					1	(1)			1	(1)		
Inadmissible	1	(1)					1	(1)	2	(2)		
Preliminary ruling	1	(1)	157	(193)					157	(193)		
Total judgments	76	(79)	157	(193)	20	(20)	1	(1)	254	(293)		
Orders												
Action unfounded					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					1	(1)			1	(1)		
Action manifestly inadmissible	2	(2)							2	(2)		
Appeal manifestly inadmissible and unfounded					9	(9)			9	(9)		
Appeal manifestly unfounded					1	(1)			1	(1)		
Annulment and referred back					2	(2)			2	(2)		
Subtotal	2	(2)	7	(8)	15	(15)	1	(1)	25	(26)		
Removal from the Register	51	(52)	38	(39)	1	(1)			90	(92)		
Referred back to the Court of First Instance	3	(3)							3	(3)		
Art. 104 (3) of the Rules of Procedure			2	(6)					2	(6)		
Subtotal	54	(55)	40	(45)	1	(1)			95	(101)		
Total orders	56	(57)	47	(53)	16	(16)	1	(1)	120	(127)		
Opinions												
	i	· ·				_						

Table 5: Bench hearing case

Bench hearing case		Judgm	nents	Orde	ers <sup>1</sup>	Т	otal
Full Court		32	(45)	5	(9)	37	(54)
Small plenum		32	(37)	-	-	32	(37)
Chambers (3 judges)		40	(44)	16	(16)	56	(60)
Chambers (5 judges)		150	(167)	2	(3)	152	(170)
President		-	_	4	(4)	4	(4)
	Total	254	(293)	27	(32)	281	(325)

Table 6: Basis of the action

Basis of the action	Judgmer	nts/Opinions	Orc	lers1	To	otal
Article 169 of the EC Treaty	54	(56)	_	_	54	(56)
Article 173 of the EC Treaty	21	(22)	1	(1)	22	(23)
Article 177 of the EC Treaty	154	(190)	9	(14)	163	(204)
Article 181 of the EC Treaty	1	(1)	1	(1)	2	(2)
Article 1 of the 1971 Protocol	3	3	-	_	3	(3)
Article 49 of the EC Statute	20	(20)	11	(11)	31	(31)
Article 50 of the EC Statute	-	-	4	(4)	4	(4)
Total EC Treaty	253	(292)	26	(31)	279	(323)
Article 98 of the Rules of Procedure	1	(1)	1	(1)	2	(2)
OVERALL TOTAL	254	(293)	27	(32)	281	(325)

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	Ord	ers <sup>1</sup>	To	otal
Agriculture	37	(41)	2	(3)	39	(44)
State aid	5	(7)	1	(1)	6	(8)
Community citizenship	1	(1)	-	-	1	(1)
Economic and social cohesion	-	-	1	(1)	1	(1)
Competition	13	(14)	1	(1)	14	(15)
Brussels Convention	3	(3)	-	-	3	(3)
Institutional measures	1	(1)	-	(-)	1	(1)
Social measures	20	(30)	_	-	20	(30)
Energy	2	(2)	1	(1)	3	(3)
Environment	26	27	-	-	26	(27)
Taxation	25	(28)	2	(5)	27	(33)
Home Affairs and Justice	1	(1)	-	-	1	(1)
Freedom of establishment and to provide services	15	(18)	1	(1)	16	(19)
Free movement of goods	7	(7)	2	(3)	9	(10)
Freedom of movement for workers	11	(11)	=	=	11	(11)
Commercial policy	6	(6)	-	-	6	(6)
Industrial policy	1	(1)	_	-	1	(1)
Fisheries policy	2	(2)	_	-	2	(2)
Principles of Community law	5	(19)	3	(3)	8	(22)
Approximation of laws	27	(27)	1	(1)	28	(28)
External relations	6	(6)	3	(3)	9	(9)
Own resources	3	(3)	=	=	3	(3)
Social security for migrant workers	13	(13)	=	=	13	(13)
Staff Regulations	5	(5)	7	(7)	12	(12)
Common Customs Tariff	5	(5)	_	-	5	(5)
Transport	9	(10)	2	(2)	11	(12)
Customs Union	5	(5)		-	5	(5)
Total	254	(293)	27	(32)	281	(325)
ECSC Treaty	-	-	-	-	-	-
EAEC Treaty	-	-	=	=	-	
OVERALL TOTAL	254	(293)	27	(32)	281	(325)

## Length of proceedings<sup>1</sup>

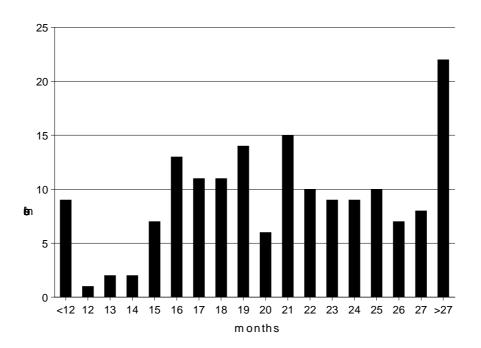
## Table 8: Nature of proceedings

(Decisions by way of judgments and orders<sup>2</sup>)

References for a preliminary ruling	21.4
Direct actions	21.0
Appeals	20.3

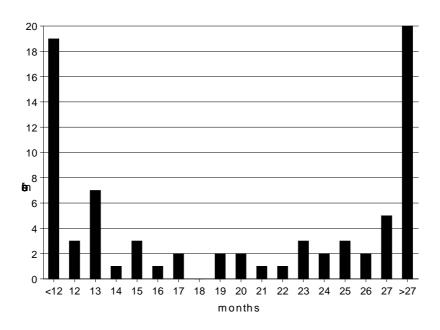
In this table and the graphics which follow, the length of proceedings is expressed in months and decimal months.

 $Figure\ I:\ \textbf{Duration of proceedings in references for a preliminary ruling (judgments \ and \ orders^1)}$ 



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	9	1	2	2	7	13	11	11	14	6	15	10	9	9	10	7	8	22

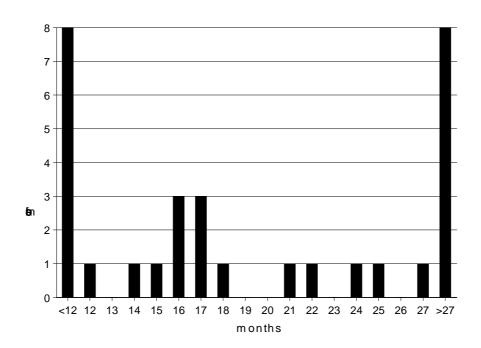
 $Figure \ II: \textbf{Duration of proceedings in direct actions (judgments \ and \ orders^{1})}$ 



Cases/ Months	< 12	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	> 27
Direct actions	19	3	7	1	3	1	2	0	2	2	1	1	3	2	3	2	5	20

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	8	1	0	1	1	3	3	1	0	0	1	1	0	1	1	0	1	8

#### New cases 1

Table 9: Nature of proceedings

References for a preliminary ruling	264
Direct actions	147
Appeals	70
Opinions/Deliberations	-
Special forms of procedure	4
Total	485

Table 10: **Type of action** 

References for a preliminary ruling		264
Direct actions		147
of which:		
- for annulment of measures		25
- for failure to act		-
- for damages		-
- for failure to fulfil obligations		118
- on arbitration clauses		4
Appeals		70
Opinions/Deliberations		-
	Total	481
Special forms of procedure	Total	481
Special forms of procedure of which:	Total	
	Total	
of which:	Total	
of which:  - Legal aid	Total	4
of which: - Legal aid - Taxation of costs	Total	4 - 2
of which:  - Legal aid  - Taxation of costs  - Revision of a judgment/order	Total	4 - 2
of which:  - Legal aid  - Taxation of costs  - Revision of a judgment/order  - Application for a garnishee order	Total	4 - 2
of which:  - Legal aid  - Taxation of costs  - Revision of a judgment/order  - Application for a garnishee order  - Third-party proceedings	Total	4 - 2 1 -

Gross figures.

Table 11: Subject-matter of the action<sup>1</sup>

Subject-matter of the action	Direct actions	References for a preliminary ruling	Appeals	Total	Special forms of procedure
Accession of new Member States	1	-	-	1	-
Agriculture	14	16	8	38	-
State aid	8	2	3	13	=
Overseas countries and territories	-	1	3	4	-
Competition	1	13	14	28	-
Brussels Convention	-	4	4	-	-
Culture	-	-	1	1	-
Company law	7	12	-	19	-
Law governing the institutions	5	-	8	13	_
Environment and consumers	10	20	-	30	-
Taxation	9	64	-	73	_
Free movement of capital	3	3	-	6	-
Free movement of goods	3	26	3	32	=
Freedom of movement for persons	14	22	-	36	_
Freedom to provide services	9	25	-	34	_
Commercial policy	2	1	4	7	_
Social policy	10	19	4	33	_
Principles of Community law	1	3	-	4	_
Privileges and Immunities	-	1	-	1	-
Approximation of laws	25	18	-	43	_
External relations	1	9	1	11	_
Transport	23	4	-	27	_
Total EC Treaty	146	263	49	458	=
Law governing the institutions	1	=	=	1	=
Total EAEC Treaty	1	=	-	1	-
State aid	-	1	1	2	-
Iron and steel	-	=	1	1	=
Total ECSC Treaty	-	1	2	3	-
Law governing the institutions	-	-	-	-	4
Staff Regulations	-	-	19	19	-
Total	-		19	19	4
OVERALL TOTAL	147	264	70	481	4

Table 12: Actions for failure to fulfil obligations<sup>1</sup>

Brought against	1998	From 1953 to 1998
Belgium	22	225
Denmark	1	21
Germany	5	122
Greece	17	160
Spain	6	$60^{2}$
France	22	185 <sup>3</sup>
Ireland	10	84
Italy	12	355
Luxembourg	8	86
Netherlands	3	59
Austria	4	5
Portugal	5	41
Finland	1	1
Sweden	1	1
United Kingdom	1	414
Total	118	1 446

Articles 169, 170, 171, 225 of the EC Treaty, Articles 141, 142, 143 of the EAEC Treaty and Article 88 of the ECSC Treaty.

Including one action under Article 170 of the EC Treaty, brought by the Kingdom of Belgium.

Including one action under Article 170 of the EC Treaty, brought by Ireland.

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

Table 13: **Basis of the action** 

Basis of the action	1998
Article 169 of the EC Treaty	116
Article 170 of the EC Treaty	_
Article 171 of the EC Treaty	2
Article 173 of the EC Treaty	25
Article 175 of the EC Treaty	_
Article 177 of the EC Treaty	261
Article 178 of the EC Treaty	_
Article 181 of the EC Treaty	3
Article 225 of the EC Treaty	_
Article 228 of the EC Treaty	_
Article 1 of the 1971 Protocol	2
Article 49 of the EC Statute	64
Article 50 of the EC Statute	4
Total EC Treaty	477
Article 41 of the ECSC Treaty	1
Article 49 of the ECSC Treaty	2
Total ECSC Treaty	3
Article 153 of the EAEC Treaty	1
Total EAEC Treaty	1
Total	481
Article 74 of the Rules of Procedure	2
Article 98 of the Rules of Procedure	1
Article 102 of the Rules of Procedure	1
Protocol on Privileges and Immunities	-
Total special forms of procedure	4
OVERALL TOTAL	485

## Cases pending as at 31 December 1998

Table 14: Nature of proceedings

References for a preliminary ruling	339	(413)
Direct actions	230	(236)
Appeals	91	(95)
Special forms of procedure	4	(4)
Opinions/Deliberations	_	
Total	664	(748)

Table 15: Bench hearing case

Bench hearing case	Direc	et actions	prel	ences for a iminary uling	Aŗ	peals	Othe procedu		Total	
Grand plenum	176	(180)	236	(301)	65	(67)	1	(1)	478	(54 9)
Small plenum	5	(5)	29	(31)					34	(36)
Subtotal	181	(185)	265	(332)	65	(67)	1	(1)	512	(58 5)
President of the Court										
Subtotal										
First chamber	4	(4)	5	(5)	1	(1)			10	(10)
Second chamber	2	(2)	7	(7)			1	(1)	10	(10)
Third chamber	6	(6)	1	(1)	1	(1)	1	(1)	9	(9)
Fourth chamber	3	(3)	2	(2)	1	(1)	1	(1)	7	(7)
Fifth chamber	13	(14)	36	(40)	7	(9)			56	(63)
Sixth chamber	21	(22)	23	(26)	16	(16)			60	(64)
Subtotal	49	(51)	74	(81)	26	(28)	3	(3)	152	(16 3)
TOTAL	230	(236)	339	(413)	91	(95)	4	(4)	664	(74 8)

## General trend in the work of the Court up to 31 December 1998

Table 16: New cases and judgments

	New cases <sup>1</sup>												
Year	Direct actions <sup>3</sup>	References for a preliminary ruling	Appeals	Total	Applications for interim measures	Judgments <sup>2</sup>							
1953	4	-		4	-1	Ü							
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 <sup>4</sup>	222	141	16	379	12	193							
1990	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							
1995	132	251	48 28	408	4	172							
1997	169	239	35	443	1	242							
1998	147	264	70	481	2	254							
Total	6 223 5	3 902	266	10 391	313	4 761							

Gross figures; special forms of procedure are not included.

Net figures.

Including Opinions of the Court.

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

<sup>5</sup> Up to 31 December 1989, 2 388 are staff cases.

Table 17: **New references for a preliminary ruling**<sup>1</sup> (by Member State per year)

Year	В	DK	D	EL	Е	F	IRL	ī	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	1	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
Total	397	78	1 113	53	121	594	37	581	42	493	59	31	11	23	269	3 902

Articles 177 of the EC Treaty, 41 of the ECSC Treaty, 150 of the EAEC Treaty, 1971 Protocol.

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

			Italy	
Belgium			Corte suprema di Cassazione	63
Cour de cassation	50		Consiglio di Stato	28
Cour d'arbitrage	1		Other courts or tribunals	490
Conseil d'État		19	Total	581
Other courts or tribut		327	Total	501
	Total	397	Luxembourg	
			Cour supérieure de justice	10
Denmark			Conseil d'État	13
Højesteret	14		Other courts or tribunals	19
Other courts or tribut		64	Total	42
	Total	<b>78</b>	Total	72
			Netherlands	
Germany			Raad van State	32
Bundesgerichtshof	66		Hoge Raad der Nederlanden	86
Bundesarbeitsgericht	4		ě	38
Bundesverwaltungsg	ericht45		Centrale Raad van Beroep	30
Bundesfinanzhof	167		College van Beroep voor het Bedrijfsleven	95
Bundessozialgericht	52		Tariefcommissie	34
Staatsgerichtshof	1		Other courts or tribunals	
Other courts or tribut	nals	778	Other courts or tribunals  Total	208 <b>493</b>
	Total	1 113	Total	493
			Austria	
Greece				15
Cour de cassation	2		Oberster Gerichtshof	15
Conseil d'État		7	Bundesvergabeamt	7 2
Other courts or tribut	nals	44	Verwaltungsgerichtshof	
	Total	53	Other courts or tribunals  Total	25 <b>59</b>
			Total	39
Spain			Portugal	
Tribunal Supremo	2		<u> </u>	10
Tribunales Superiore	S		Supremo Tribunal Administrativo	18
de justicia	28		Other courts or tribunals  Total	13 <b>31</b>
Audiencia Nacional	1		Total	31
Juzgado Central de lo	Penal	7	Finland	
Other courts or tribut	nals	83	Korkein hallinto-oikeus	2
	Total	121		2
			Other courts or tribunals <b>Total</b>	9 <b>11</b>
France			Total	11
Cour de cassation	57		Sweden	
Conseil d'État		15		1
Other courts or tribut	nals	522	Högsta Domstolen	1
	Total	594	Marknadsdomstolen	3
			Regeringsrätten	3 16
Ireland			Other courts or tribunals	
Supreme Court		10	Total	23
High Court		15	United Kingdom	
Other courts or tribut		12	House of Lords	22
	Total	37		23
			Court of Appeal Other courts or tribunals	10
			Other courts or tribunals  Total	236 <b>269</b>
			Total	209
			OVERALL TOTAL 3	3 902
			OVERALL IUIAL 3	702