

3. Statistics of judicial activity of the Court of First Instance

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Summary of the activity of the Court of First Instance

Table 1: General activity of the Court of First Instance in 1999, 2000 and 2001 ¹

	1999		2000		2001	
New cases	313	(384)	336	(398)	345	(345)
Cases dealt with	267	(659)	318	(344)	275	(340)
Cases pending	501	(732)	519	(786)	589	(792)

Table 1a: General activity of the Court of First Instance in 1999, 2000 and 2001 ²

	1999		2000		2001	
New cases		(384)		(398)		(345)
Cases dealt with	322	(659)	258	(344)	230	(340)
Cases pending	663	(732)	661	(786)	685	(792)

¹ In this table, the figures in brackets include large groups of identical or connected cases (milk quotas, customs agents, service-stations, aid in the region of Venice, regrading).

² In this table and those on the following pages, the figures in brackets represent the total number of cases, *without* account being taken of the joinder of cases; for the figures without brackets, each series of joined cases is counted as one case.

New cases

Table 2: **Nature of proceedings**^{1 2}

Nature of proceedings	1999	2000	2001
Other actions	254	242	180
Intellectual property	18	34	37
Staff cases	84	111	110
Special forms of procedure	28	11	18
Total	384 ³	398 ⁴	345

¹ The entry "other actions" in this table and those on the following pages refers to all actions brought by natural or legal persons other than actions brought by officials of the European Communities and intellectual property cases.

² The following are considered to be "special forms of procedure" (in this and the following tables): applications to set a judgment aside (Article 38 of the EC Statute; Article 122 of the Rules of Procedure of the Court of First Instance); third party proceedings (Article 39 of the EC Statute; Article 123 of the Rules of Procedure); revision of a judgment (Article 41 of the EC Statute; Article 125 of the Rules of Procedure); interpretation of a judgment (Article 40 of the EC Statute; Article 129 of the Rules of Procedure); taxation of costs (Article 92 of the Rules of Procedure); legal aid (Article 94 of the Rules of Procedure); rectification of a judgment (Article 84 of the Rules of Procedure).

³ Of which 71 cases concerned State aid in the Netherlands relating to service-stations.

⁴ Of which 3 cases concerned State aid in the Netherlands relating to service-stations and 59 concerned State aid in the region of Venice.

Table 3: Type of action

Type of action	1999	2000	2001
Action for annulment	220	220	134
Action for failure to act	15	6	17
Action for damages	19	17	21
Arbitration clause	1		8
Intellectual property	18	34	37
Staff cases	83	110	110
Total	356 ¹	387 ²	327
<i>Special forms of procedure</i>			
Legal aid	7	6	9
Taxation of costs	6	3	8
Application to set a judgment aside		1	
Rectification of a judgment	15	1	
Revision of a judgment			1
Total	28	11	18
OVERALL TOTAL	384	398	345

¹ Of which 71 cases concerned State aid in the Netherlands relating to service-stations.

² Of which 3 cases concerned State aid in the Netherlands relating to service-stations and 59 concerned State aid in the region of Venice.

Table 4: Basis of the action

Basis of the action	1999	2000	2001
Article 63 of Regulation (EC) No 40/94	18	34	37
Article 230 EC ¹	215	219	132
Article 232 EC	14	6	15
Article 235 EC	17	17	21
Article 238 EC	1		8
Total EC Treaty	265	276	213
Article 33 of the CS Treaty	5	1	2
Article 35 of the CS Treaty	1		2
Article 40 of the CS Treaty	1		
Total CS Treaty	7	1	4
Article 151 of the EA Treaty	1		
Total EA Treaty	1		
Staff Regulations	83	110	110
Total	356	387	327
Article 84 of the Rules of Procedure	15	1	
Article 92 of the Rules of Procedure	6	3	8
Article 94 of the Rules of Procedure	7	6	9
Article 122 of the Rules of Procedure		1	
Article 125 of the Rules of Procedure			1
Total special forms of procedure	28	11	18
OVERALL TOTAL	384	398	345

¹

Following the renumbering of articles by the Treaty of Amsterdam, the method of citation of Treaty articles has been substantially modified since 1 May 1999.

Table 5: Subject-matter of the action ¹

Subject-matter of the action	1999	2000	2001
Agriculture	42	23	17
Approximation of laws			2
Arbitration clause			2
Association of the Overseas Countries and Territories	4	6	6
Commercial policy	5	8	4
Common Customs Tariff			2
Company law	2	4	6
Competition	34	36	39
Culture		2	1
Customs Union			2
Energy			2
Environment and consumers	5	14	2
European citizenship		2	
External relations	1	8	14
Fisheries policy			6
Foreign and security policy	2	1	3
Free movement of goods	10	17	1
Freedom to provide services	1		
Freedom of establishment			1
Freedom of movement for persons	2	8	3
Intellectual property	18	34	37
Justice and home affairs			1
Law governing the institutions	19	29	12
Regional policy	2		1
Research, information, education and statistics	1	1	3
Social policy	12	7	1
Staff Regulations			1
State aid	100	80	42
Transport	2		2
Total EC Treaty	262	280	213
Competition			
Iron and steel	1		2
State aid	6	1	2
Total CS Treaty	7	1	4
Law governing the institutions	1		
Total EA Treaty	1		
Staff Regulations	86	106	110
OVERALL TOTAL	356	387	327

¹

Special forms of procedure are not taken into account in this table.

Cases dealt with

Table 6: Nature of proceedings ¹

Nature of proceedings	1999		2000		2001	
Other actions	227	(544) ²	136	(219) ³	112	(162) ⁴
Intellectual property	2	(2)	7	(7)	29	(30)
Staff cases	79	(88)	98	(101)	75	(133) ⁵
Special forms of procedure	14	(25)	17	(17)	14	(15)
Total	322	(659)	258	(344)	230	(340)

¹ In this table and those on the following pages, the figures in brackets represent the total number of cases, without account being taken of the joinder of cases; for the figures without brackets, each series of joined cases is counted as one case.

² Of which 102 were milk quota cases and 284 concerned customs agents.

³ Of which 8 were milk quota cases and 13 concerned customs agents.

⁴ Of which 14 were milk quota cases.

⁵ Of which 51 concerned the regrading of officials on their appointment.

Table 7: Results of cases

Result of case	Other actions	Intellectual property	Staff cases	Special forms of procedure	Total
<i>Judgments</i>					
Action inadmissible	5 (21)		1 (1)		6 (22)
Action unfounded	28 (34)	13 (14)	19 (22)		60 (70)
Action partially founded	9 (10)	6 (6)	8 (12)		23 (28)
Action founded	13 (27)	5 (5)	9 (9)		27 (41)
No need to give a decision			1 (1)		1 (1)
Total judgments	55 (92)	24 (25)	38 (45)		117 (162)
<i>Orders</i>					
Removal from the register	20 (31)	3 (3)	19 (69)		42 (103)
Action inadmissible	19 (21)	1 (1)	11 (11)		31 (33)
No need to give a decision	5 (5)	1 (1)	3 (3)		9 (9)
Action founded					
Action partially founded				5 (6)	5 (6)
Action unfounded	5 (5)		1 (1)	9 (9)	15 (15)
Action manifestly unfounded	2 (2)		3 (4)		5 (6)
Disclaimer of jurisdiction					
Lack of jurisdiction	6 (6)				6 (6)
Total orders	57 (70)	37 (88)	5 (5)	14 (15)	113 (178)
Total	112 (162)	75 (133)	29 (30)	14 (15)	230 (340)

Table 8: Basis of the action

Basis of the action	Judgments		Orders		Total	
Article 63 of Regulation (EC) No 40/94	24	(25)	5	(5)	29	(30)
Article 230 EC	39	(74)	41	(43)	80	(117)
Article 232 EC			7	(7)	7	(7)
Article 235 EC	7	(7)	8	(19)	15	(26)
Article 238 EC	1	(1)			1	(1)
Total EC Treaty	71	(107)	61	(74)	132	(181)
Article 33 of the CS Treaty	7	(9)			7	(9)
Article 40 of the CS Treaty	1	(1)			1	(1)
Total CS Treaty	8	(10)			8	(10)
Article 151 of the EA Treaty			1	(1)	1	(1)
Total EA Treaty			1	(1)	1	(1)
Staff Regulations	38	(45)	37	(88)	75	(133)
Total	117	(162)	99	(163)	216	(325)
Article 92 of the Rules of Procedure			5	(6)	5	(6)
Article 94 of the Rules of Procedure			9	(9)	9	(9)
Total special forms of procedure			14	(15)	14	(15)
OVERALL TOTAL	117	(162)	113	(178)	230	(340)

Table 9: Subject-matter of the action ¹

Subject-matter of the action	Judgments		Orders		Total	
Agriculture	10	(26)	9	(21)	19	(47)
Association of the Overseas Countries and Territories	2	(2)			2	(2)
Commercial policy	3	(3)	2	(2)	5	(5)
Common Customs Tariff	1	(2)	1	(1)	2	(3)
Company law			4	(4)	4	(4)
Competition	12	(15)	7	(7)	19	(22)
Customs Union	2	(15)			2	(15)
European citizenship			1	(1)	1	(1)
External relations	1	(1)	1	(1)	2	(2)
Fisheries policy	4	(4)	2	(3)	6	(7)
Foreign and security policy			3	(3)	3	(3)
Freedom of movement for persons			2	(2)	2	(2)
Freedom of establishment			4	(4)	4	(4)
Intellectual property	24	(25)	5	(5)	29	(30)
Law governing the institutions	5	(7)	12	(12)	17	(19)
Social policy	1	(1)	1	(1)	2	(2)
Staff Regulations	1	(1)			1	(1)
State aid	4	(4)	7	(7)	11	(11)
Total EC Treaty	70	(106)	61	(74)	131	(180)
Competition	5	(6)			5	(6)
Iron and steel	1	(1)			1	(1)
State aid	2	(3)			2	(3)
Total CS Treaty	8	(10)			8	(10)
Law governing the institutions			1	(1)	1	(1)
Total EA Treaty			1	(1)	1	(1)
Staff Regulations	39	(46)	37	(88)	76	(134)
OVERALL TOTAL	117	(162)	99	(163)	216	(325)

¹

Special forms of procedure are not taken into account in this table.

Table 10: Bench hearing case (judgments and orders)

Bench hearing case	Total
Chambers (3 judges)	280
Chambers (5 judges)	42
Single judge	12
Cases not assigned	6
Total	340

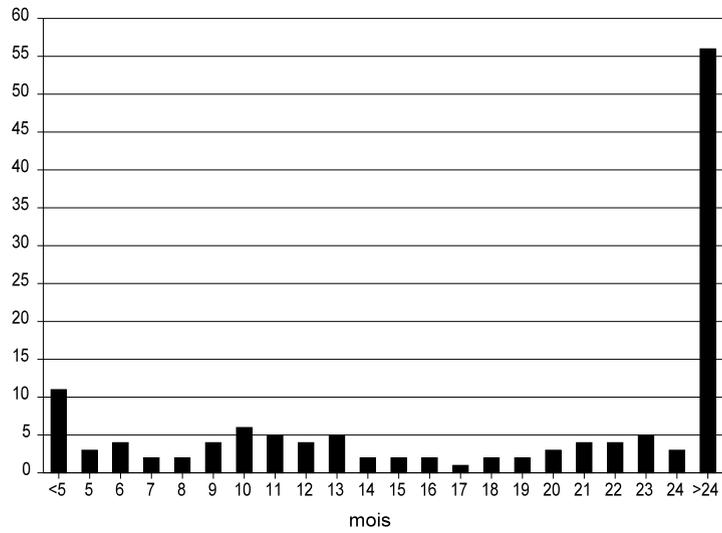
Table 11: Length of proceedings ¹ (judgments and orders)

	Judgments/Orders
Other actions	20.7
Intellectual property	16.4
Staff cases	18.7

¹

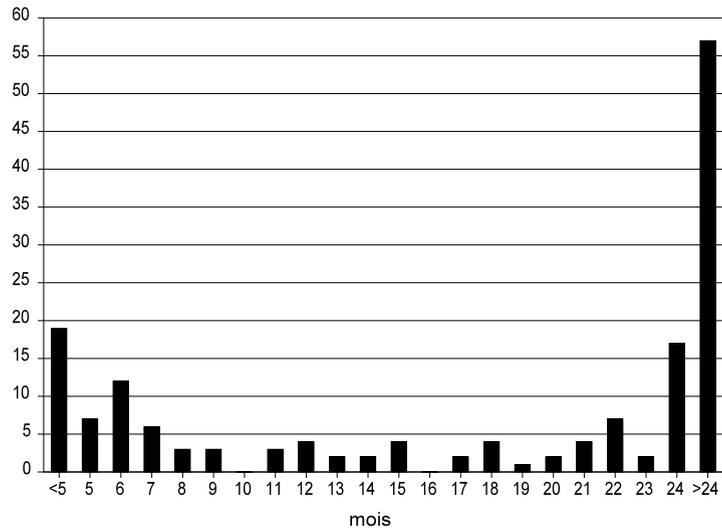
In this table, the length of proceedings is expressed in months and tenths of months.

Figure I: Length of proceedings in staff cases (judgments and orders)



Cases/ Months	<5	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	>24
Staff Cases	11	3	4	2	2	4	6	5	4	5	2	2	2	1	2	2	3	4	4	5	3	56

Figure II: Length of proceedings in other actions (judgments and orders)



Cases/ Months	<5	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	>24
Other actions	19	7	12	6	3	3	0	3	4	2	2	4	0	2	4	1	2	4	7	2	17	57

Cases pending
(as at 31 December each year)

Table 12: Nature of proceedings

Nature of proceedings	1999		2000		2001	
Other actions	471	(538) ¹	445	(561) ²	485	(579) ³
Intellectual property	17	(17)	44	(44)	51	(51)
Staff cases	167	(169)	170	(179)	143	(156)
Special forms of procedure	8	(8)	2	(2)	6	(6)
Total	663	(732)	661	(786)	685	(792)

¹ Of which 88 were milk quota cases, 13 were cases concerning customs agents and 71 were cases concerning service-stations.

² Of which 80 were milk quota cases, 74 were cases concerning State aid in the Netherlands relating to service-stations and 59 were cases concerning State aid in the region of Venice.

³ Of which 67 were milk quota cases, 74 were cases concerning State aid in the Netherlands relating to service-stations and 59 were cases concerning State aid in the region of Venice.

Table 13: Basis of the action

Basis of the action	1999		2000		2001	
Article 63 of Regulation (EC) No 40/94	17	(17)	44	(44)	51	(51)
Article 230 EC	360	(383)	360	(436)	385	(451)
Article 232 EC	14	(14)	4	(4)	12	(12)
Article 235 EC	80	(123)	68	(107)	74	(102)
Article 238 EC	1	(2)	1	(1)	8	(8)
Total EC Treaty	472	(539)	477	(592)	530	(624)
Article 33 of the CS Treaty	14	(14)	12	(13)	6	(6)
Article 35 of the CS Treaty	1	(1)			2	(2)
Article 40 of the CS Treaty	1	(1)	1	(1)		
Total CS Treaty	16	(16)	13	(14)	8	(8)
Article 151 of the EA Treaty	1	(1)	1	(1)		
Total EA Treaty	1	(1)	1	(1)		
Staff Regulations	166	(168)	168	(177)	141	(154)
Total	655	(724)	659	(784)	679	(786)
Article 84 of the Rules of Procedure	2	(2)				
Article 92 of the Rules of Procedure	5	(5)			3	(3)
Article 94 of the Rules of Procedure	1	(1)	1	(1)	1	(1)
Article 122 of the Rules of Procedure			1	(1)	1	(1)
Article 125 of the Rules of Procedure					1	(1)
Total special forms of procedure	8	(8)	2	(2)	6	(6)
OVERALL TOTAL	663	(732)	661	(786)	685	(792)

Table 14: Subject-matter of the action

Subject-matter of the action	1999		2000		2001	
Agriculture	86	(140)	89	(144)	83	(114)
Approximation of laws					2	(2)
Arbitration clause	1	(2)			2	(2)
Association of the Overseas Countries and Territories	6	(6)	11	(11)	15	(15)
Commercial policy	24	(25)	16	(16)	15	(15)
Common Customs Tariff	2	(2)	2	(3)	2	(2)
Company law	4	(4)	4	(4)	6	(6)
Competition	101	(104)	74	(79)	92	(96)
Culture			2	(2)	3	(3)
Customs Union	24	(24)	20	(33)	20	(20)
Energy					2	(2)
Environment and consumers	8	(8)	15	(15)	10	(17)
European citizenship			1	(1)		
External relations	7	(7)	9	(9)	21	(21)
Fisheries policy	4	(4)	8	(8)	7	(7)
Foreign and security policy	2	(2)	3	(3)	3	(3)
Free movement of goods			2	(2)	3	(3)
Freedom of movement for persons					1	(1)
Freedom of establishment	1	(1)	5	(5)	2	(2)
Intellectual property	17	(17)	44	(44)	51	(51)
Justice and home affairs					1	(1)
Law governing the institutions	33	(34)	27	(27)	18	(20)
Regional policy	4	(5)			1	(1)
Research, information, education and statistics	1	(1)	1	(1)	4	(4)
Social policy	15	(15)	4	(4)	3	(3)
Staff Regulations			2	(2)	2	(2)
State aid	114	(131)	135	(176)	157	(207)
Transport	3	(3)	1	(1)	3	(3)
Total EC Treaty	458	(536)	475	(590)	529	(623)
Competition	6	(6)	6	(6)		
Iron and steel	1	(1)	1	(1)	2	(2)
State aid	9	(9)	6	(7)	6	(6)
Total CS Treaty	16	(16)	13	(14)	8	(8)
Law governing the institutions	1	(1)	1	(1)		
Total EA Treaty	1	(1)	1	(1)		
Staff Regulations	169	(171)	170	(179)	142	(155)
Total	644	(724)	659	(784)	679	(786)

Miscellaneous

Table 15: General trend

Year	New cases ¹	Cases pending as at 31 December	Cases decided	Judgments delivered ²	Number of decisions of the Court of First Instance which have been the subject of an appeal ³
1989	169	164 (168)	1 (1)		
1990	59	123 (145)	79 (82)	59 (61)	16 (46)
1991	95	152 (173)	64 (67)	41 (43)	13 (62)
1992	123	152 (171)	104 (125)	60 (77)	24 (86)
1993	596	638 (661)	95 (106)	47 (54)	16 (66)
1994	409	432 (628)	412 (442)	60 (70)	12 (105)
1995	253	427 (616)	197 (265)	98 (128)	47 (142)
1996	229	476 (659)	172 (186)	107 (118)	27 (133)
1997	644	640 (1117)	179 (186)	95 (99)	35 (139)
1998	238	569 (1007)	279 (348)	130 (151)	67 (214)
1999	384	663 (732)	322 (659)	115 (150)	60 ⁴ (177)
2000	398	661 (786)	258 (344)	117 (191)	69 (217)
2001	345	685 (792)	230 (340)	120 (162)	69 (213)
Total	3942		2392 (3151)	1049 (1304)	455 (1600)

¹ Including special forms of procedure.

² The figures in brackets indicate the number of cases decided by judgment.

³ The italicised figures in brackets indicate the total number of decisions which could have been the subject of a challenge judgments, and orders relating to admissibility, concerning interim measures, declaring that it is not necessary to proceed to judgment or refusing leave to intervene in respect of which the deadline for bringing an appeal expired or against which an appeal was brought.

⁴ This figure does not include the appeal brought against the order of inquiry of 14 September 1999 in Case T-145/98. This appeal was declared inadmissible by the Court since the challenged decision was not open to appeal.

Table 16: Results of appeals (judgments and orders)

		Unfounded	Appeal manifestly unfounded	Appeal manifestly inadmissible	Inadmissible and unfounded	Appeal manifestly inadmissible and unfounded	Set aside and referred	Set aside and not referred back	Partially set aside and referred	Partially set aside and not referred back	referred back Removal from the register	No need to adjudicate	TOTAL
Agriculture	2	1		3							1		7
Commercial policy	2						1						3
Company law				1									1
Competition	5	1		2	1						1		10
Environment and consumers								8				2	10
Fisheries policy			3										3
Freedom of establishment		1											1
Intellectual property													1
Laws governing the institutions	2		1										3
Regional policy			1										1
Social policy			8	1									9
Staff Regulations	7	4	1	3				2					17
State aid	3			1									4
Total	21	7	10	15	1	1	10			1	2	2	70

Table 17: Decisions in proceedings for interim measures: ¹ outcome

Subject-matter of the action	Number of applications for interim measures	Outcome	
		Refused	Granted
Agriculture	6	6	0
Association of the Overseas Countries and Territories	1	1	0
Commercial policy	2	1	1
Competition	8	7	1
Energy	1	1	0
Environment and consumers	2	2	0
Freedom of establishment	6	6	0
Law governing the institutions	3	2	1
State aid	3	3	0
Total EC Treaty	32	29	3
Staff Regulations	7	7	0
OVERALL TOTAL	39	36	3

¹

Applications for interim measures brought to a conclusion by removal from the register are not counted in this table.