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COURT OF JUSTICE: STATISTICS CONCERNING JUDICIAL ACTIVITY IN 2005 CONSOLIDATION AND CONTINUATION OF THE PROGRESS RECORDED IN 2004

The measures adopted to improve the effectiveness of the Court of Justice's working methods and the arrival of new judges following enlargement continued, in 2005, to have a significant impact on the statistics of the Court of Justice and the Court of First Instance.

The Court of Justice

The statistics concerning the Court of Justice's judicial activity in 2005 show, first of all, a reduction in the number of pending cases of approximately 12% compared with the previous year and of 24% over two years. In 2005 the Court completed 574 cases, corresponding to 68.3% of the number of cases pending as at 31 December 2004. In parallel, the number of cases brought before the Court decreased: 474 cases compared with 531 in 2004. The fact that the Court, for the second year in succession, completed more cases than it received explains the reduction in the number of cases pending, which came to 740 at the end of 2005, whereas it had reached 840 at the close of 2004 and 974 at the close of 2003.

This noteworthy reduction in the number of cases pending was accompanied by an improvement in the duration of proceedings, a phenomenon already observed in 2004. The duration of proceedings concerning references for a preliminary ruling again decreased significantly, amounting now to 20.4 months compared with 23.5 months in 2004 and 25.5 months in 2003. The average length of time taken for dealing with direct actions and appeals remained at approximately 21 months, whereas in 2003 it had reached 24.7 months for direct actions and 28.7 months for appeals.

The Court made use of the instruments available to it to speed up its handling of certain cases. In particular it frequently availed itself of the possibility of deciding a case without an Advocate General's Opinion where the case raises no new point of law. 35% of the judgments in 2005 were delivered without an Advocate General's Opinion, compared with 30% in 2004.

The progress achieved in 2005 is due both to the measures adopted in 2004 to improve the effectiveness of the Court's working methods and to the arrival of the new judges following

the most recent enlargement. It may therefore be envisaged that further progress will be achieved in the coming years.

The Court of First Instance

The statistics concerning judicial activity in 2005 reveal, first of all, a very appreciable increase in the number of cases closed. In 2005 the Court of First Instance completed 610 cases compared with 361 in 2004. This very large increase must be qualified, because 117 cases completed by the Court in 2005 were in fact brought to a close by way of transfer to the European Union Civil Service Tribunal. Nevertheless, if the transfer of those cases is left out of account, the number of cases disposed of comes to 493 and is still significantly (37%) higher than in 2004.

This increase in the number of cases disposed of, which is very largely attributable to the arrival of 10 new judges in 2004, was accompanied by a decrease in the number of cases lodged in 2005: 469 cases, as against 536 in 2004. However, this decrease should be qualified inasmuch as a score of cases were referred by the Court of Justice to the Court of First Instance in 2004 on account of the transfer of jurisdiction enabling the Court of First Instance to decide direct actions brought by Member States. The number of cases lodged in 2005 in fact returned to a level comparable to that in 2003 (namely 466 cases).

In short, at the end of 2005 the number of cases pending came to 1 033, which amounts to a decrease of 141 cases, that is to say 12%, compared with the previous year.

While the statistics concerning judicial activity in 2005 thus reveal very encouraging case flows, the average duration of proceedings nevertheless increased in 2005 since, excluding staff cases (19.2 months) and intellectual property cases (21.1 months), it comes to 25.6 months (compared with 22.6 months in 2004). This rise can be explained in particular by the legal and factual complexity of several large sets of cases completed by the Court in the course of 2005.

It should also be noted that, by using the expedited procedure, the Court was able in 2005 to dispose of several cases in seven months or less.

The Civil Service Tribunal

When analysing the year's statistics it must also be borne in mind that the creation of the European Union Civil Service Tribunal will, from 2006, have a significant effect on the volume and overall profile of cases before the Court of First Instance, enabling it to concentrate more directly on certain fields of commercial litigation.

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Languages available: all

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