



## PRESS RELEASE No 59/24

Luxembourg, 22 March 2024

### Judicial statistics 2023: confirmation of the structural increase in litigation before the Court of Justice

*The partial transfer of preliminary ruling jurisdiction from the Court of Justice to the General Court (whose capacity has been doubled in recent years) will ensure a better balance in the workload between the two courts*

#### Court of Justice

- **Increase in the number of direct actions** (actions for annulment and actions for failure to fulfil obligations, in particular in the field of the environment) brought before the Court of Justice.
- The questions referred to the Court for a preliminary ruling in 2023 were the most numerous in the area of freedom, security and justice (concerning in particular the **right to asylum**).
- Geographical origin of the requests for a preliminary ruling:
  - The courts of all Member States, without exception, referred questions to the Court of Justice over the past year, bearing witness to the vitality of the dialogue “between one court and another”;
  - Increase in the number of requests from the courts of **Bulgaria, Poland and Romania**.

#### General Court

- The **threshold of the 20 000 cases brought before the General Court since its creation** has been reached <sup>1</sup>.
- In particular, there is an increase in cases brought in the fields of **intellectual property** and economic and monetary policy (in particular **banking law**).
- **Increase in the number of completed cases** and keeping the **length of proceedings at a satisfactory level** (18.2 months on average) through efficient handling of cases and the effects of doubling the number of judges.
- **Increase in the number of cases closed by extended formations** of five judges (123 cases, i.e. + 23%).

In 2023, for the first time in the institution's history, the number of cases brought before the two courts passed the symbolic threshold of 2 000. However, this total includes a series of 404 cases brought before the General Court in October 2023, which are essentially identical <sup>2</sup>. If those cases are not taken into account, the number of cases brought is nevertheless still very high, but close to that of previous years (1 710 in 2022 and 1 720 in 2021).

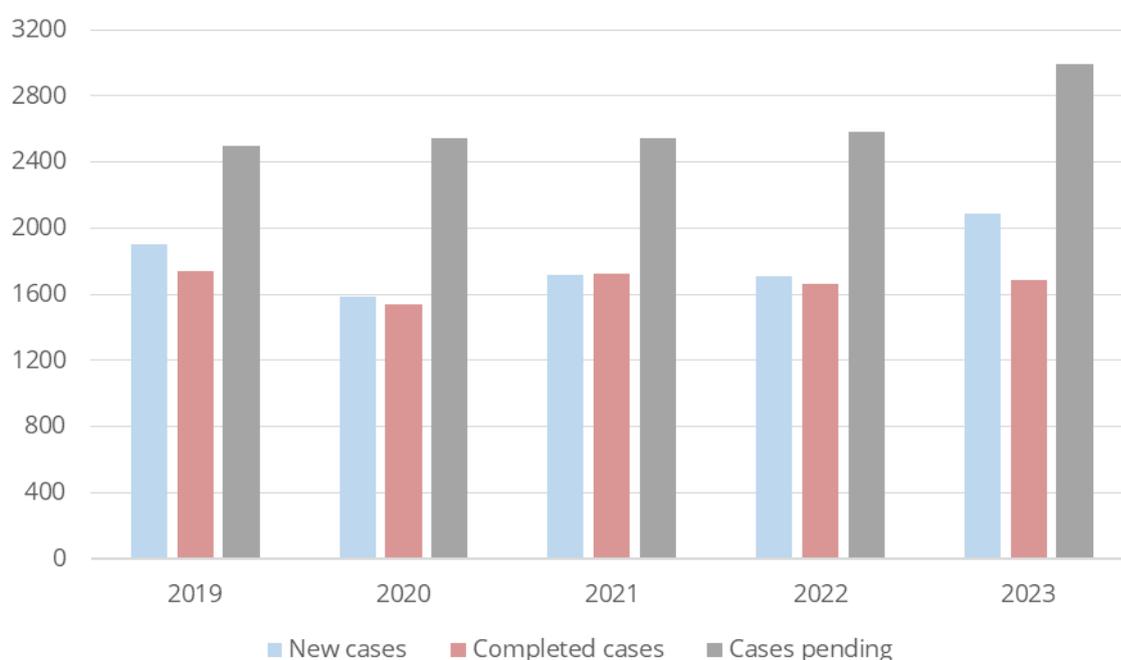
**These figures therefore confirm the upward trend in the number of cases brought over the last decade. This increase is structural, in particular before the Court of Justice.**

Thus, between 2014 and 2018, the Court of Justice received on average 723 cases per year, while this average was 833 between 2019 and 2023, an average increase of 15% (110 cases annually).

As regards the number of cases dealt with, the Court of Justice and the General Court have been able to complete a total of 1 687 cases in 2023, which is slightly higher than the average in recent years (1 667 cases per year between 2019 and 2022).

The number of cases pending remained stable in relation to previous years (disregarding the 404 identical cases brought before the General Court, already mentioned).

### General development of the institution's judicial activity 2019-2023



General Overview	2019	2020	2021	2022	2023
New cases	1905	1584	1720	1710	2092
Completed cases closed	1739	1540	1723	1666	1687
Cases pending	2500	2544	2541	2585	2990

### Court of Justice

The statistics for the past year again reflect the **sustained nature of the activities of the Court of Justice in recent years**. In 2023, 821 cases were brought before the Court of Justice, a few more than in 2022, and 783 cases were completed, a number fairly similar to that for the previous three years. The average length of proceedings, all types of cases taken together, amounted to 16.1 months and the number of cases pending on 31 December 2023 was 1 149.

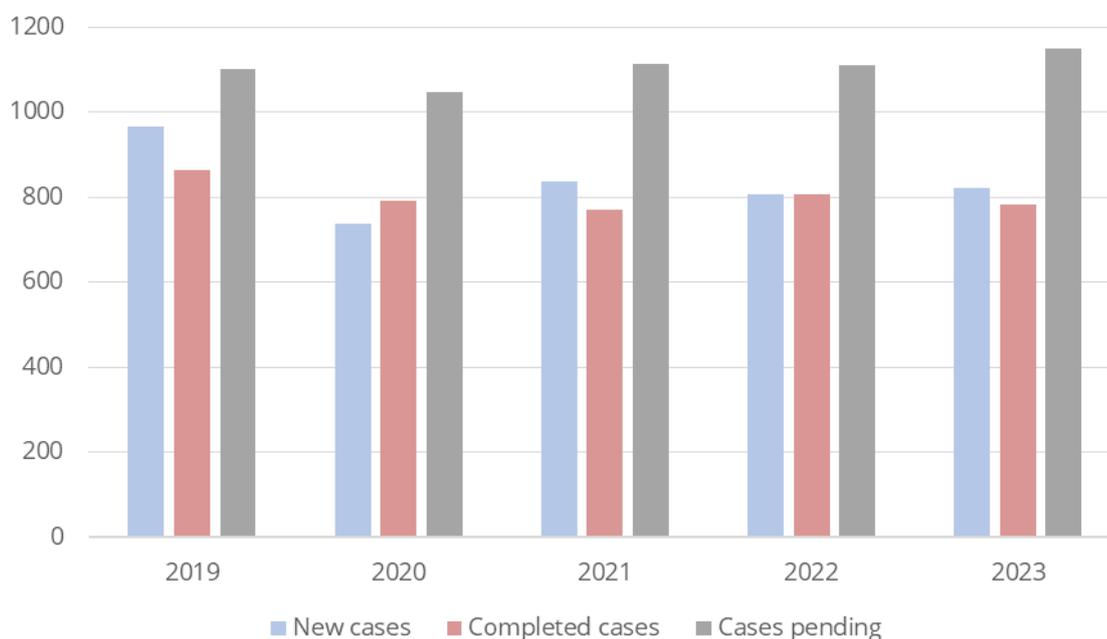
The breakdown of litigation by type of case is also broadly similar to that of previous years, with references for a preliminary ruling and appeals alone still accounting for over 90% of all cases brought before the Court of Justice. **A significant development is the increase in the number of direct actions.** While this number had reached an historical low in 2021, with just 29 new cases, it rose to 60 by 2023, more than doubling. This increase is due both to the increase in the number of actions for annulment (eight actions brought in 2023 as compared with only two in 2022), with one Member State (Poland) alone lodging seven actions last year against acts adopted by the EU legislature (in the fields of environmental protection and energy efficiency) and by the increase in the number of actions for failure to fulfil obligations brought by a Member State: the Commission decided in 2023 to initiate a number of parallel infringement proceedings against certain Member States, in particular in the field of **the environment.**

The largest number of questions referred to the Court of Justice for preliminary rulings in 2023 concerned the area of freedom, security and justice (82), and most of those concerned the interpretation of the rules on the right of asylum and the system of international protection. As in 2022, many questions referred for a preliminary ruling concerned the areas of taxation, (53) consumer protection (52) and transport (40).

The last months of 2023 were marked by the negotiations on the legislative request, made in November 2022 by the Court of Justice to the European Parliament and the Council, with a view, first, **to transferring to the General Court the jurisdiction of the Court of Justice to give preliminary rulings on six specific matters (value added tax (VAT), excise duties, the Customs Code, the tariff classification of goods in the Combined Nomenclature, compensation and assistance to passengers in the event of denied boarding or of delay or cancellation of transport services, and the scheme for greenhouse gas emission allowance trading)** and, secondly, to extend the scope of the mechanism, which entered into force in May 2019, whereby the Court determines whether an appeal against a decision of the General Court should be allowed to proceed.

As pointed out by Mr Koen Lenaerts, the President of the Court of Justice of the European Union, *"The Court of Justice will therefore be able to concentrate more on its core tasks as the constitutional and supreme court of the Union. As in recent years, the litigation brought before the Court is notable for its sensitive issues such as the preservation of the values of the rule of law in the context of national judicial reforms, asylum and immigration policy, the protection of personal data and the application of competition rules in the digital age, the fight against discrimination, and environmental, energy and climate issues."*

## General activity of the Court of Justice: new, completed and pending cases (2019-2023)



General Overview	2019	2020	2021	2022	2023
New cases	966	737	838	806	821
Completed cases	865	792	772	808	783
Cases pending	1102	1047	1113	1111	1149

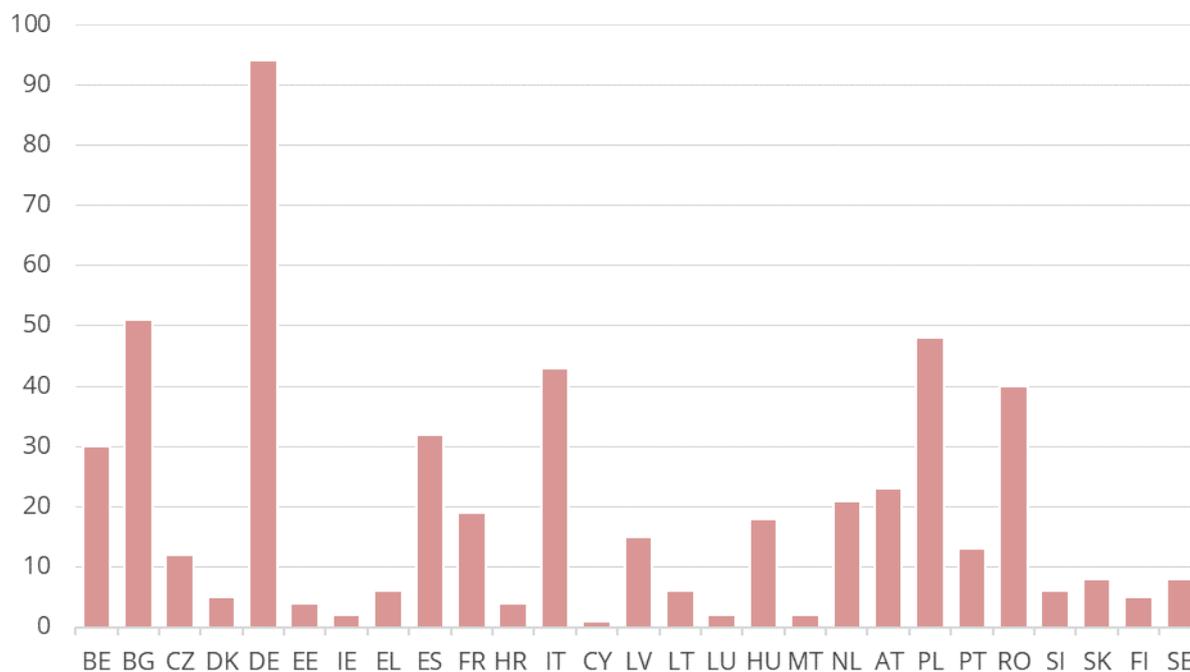
As regards the geographical origin of the requests for a preliminary ruling received at the Court of Justice in 2023, it will be noted that the courts and tribunals of **all the Member States, without exception, have referred cases to the Court** of Justice over the past year, which bears witness to the vitality of the dialogue “between one court and another” established by the Treaties.

In 2023, the highest number of requests for preliminary rulings came from the courts of **Germany (94), Bulgaria (51), Poland (48), Italy (43), Romania (40), Spain (32) and Belgium (30)**.

As regards Poland, the number of references for a preliminary ruling made in 2023 is the highest since that State’s accession to the European Union 20 years ago, while the number of references made by Bulgarian courts in 2023 is close to the record number of references made by those courts in 2021 (58 requests).

A similar finding may be made in relation to requests for a preliminary ruling originating in Romania. With no fewer than 40 requests submitted to the Court of Justice in 2023, the Romanian courts have in fact made a large number of references, which is also reminiscent of the peak reached in 2019, when 49 requests were submitted to the Court of Justice.

## References for a preliminary ruling to the Court of Justice from the courts of the Member States (2023)



BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	Total
30	51	12	5	94	4	2	6	32	19	4	43	1	15	6	2	18	2	21	23	48	13	40	6	8	5	8	518

### The General Court

In 2023, the reform of the General Court providing for the doubling of the number of its judges (Regulation No 2015/2422) took full effect. The court's judicial statistics are testimony to this. The General Court completed 904 cases out of 1 271 cases brought (868, not including from 404 identical cases brought at the end of the year, already mentioned). Furthermore, the average length of proceedings was kept at a satisfactory level: 18.2 months on average, which is an indicator of effective case management.

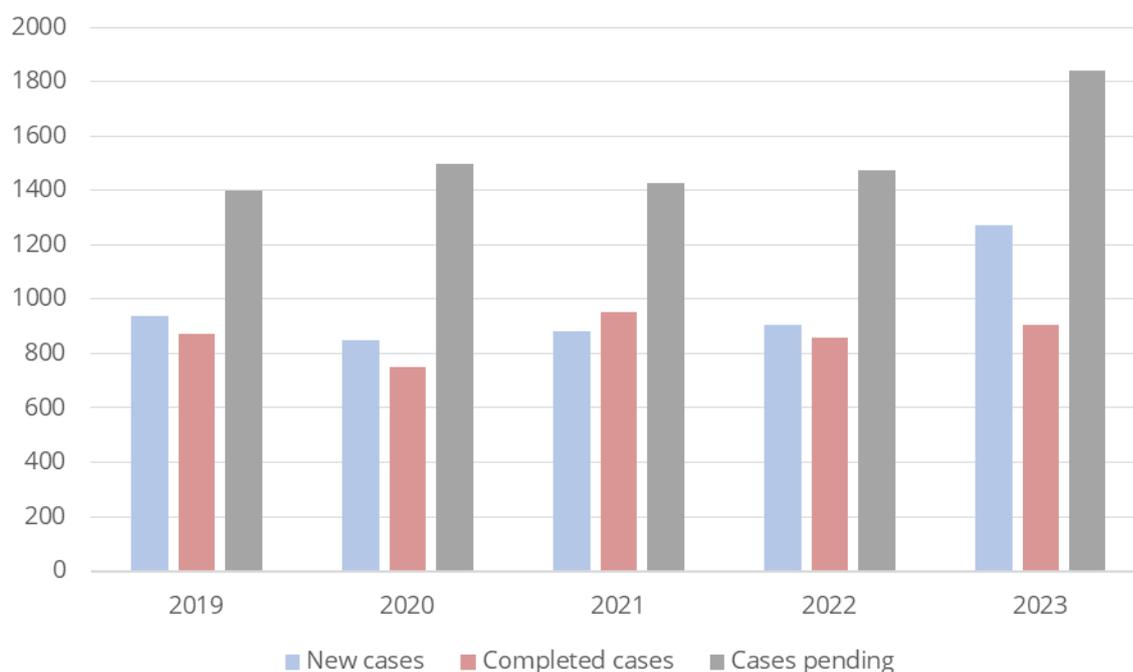
As Mr Marc van der Woude, the President of the General Court, points out, *'throughout 2023, the General Court continued its modernisation process, in particular to improve the handling of the most lengthy and complex cases. Those cases, usually in the area of economic and financial law, merit a proactive, tailored approach in terms of both resource allocation and planning of work. This approach, in which the parties' representatives will be involved, will make it possible to reduce the length of proceedings and respond in a more targeted way to the parties' expectations.'*

As regards the litigation before the General Court, an increase may be noted, in particular, in the field of **intellectual property** (310 as compared with 270 in 2022) and economic and monetary policy, which includes **banking law** (56 new cases brought in 2023). Furthermore, litigation concerning **restrictive measures** continued to be a major source of the General Court's activity, but to a lesser extent than in 2022: 63 cases brought in 2023 as compared to 103 in 2022. The vast majority of new cases in this area (41 cases out of 63) concern the series of restrictive measures adopted by the European Union in 2022 in respect of natural persons and entities in the context of the conflict between Russia and Ukraine. It is also noted that a new dispute concerning the regulation of digital markets and services arose in 2023 <sup>3</sup>.

Moreover, the trend towards increasing the number of cases completed by extended formations of five judges is borne out, with 123 cases (+ 23% compared with 2022), representing almost 14% of all completed cases. It should also be noted that one case (T-65/18 RENV, *Venezuela v Council*, concerning restrictive measures in view of the situation in Venezuela) was completed by the General Court sitting as the Grand Chamber (15 Judges).

In addition, with a view to a partial transfer of the jurisdiction to give preliminary rulings in certain specific matters and the extension of the mechanism whereby the Court determines whether an appeal should be allowed to proceed, the General Court worked throughout 2023 on the necessary changes in its organisational arrangements and on its future procedural rules.

### General activity of the General Court: new, completed and pending cases (2019-2023)



General Overview	2019	2020	2021	2022	2023
New cases	939	847	882	904	1271
Completed cases	874	748	951	858	904
Cases pending	1398	1497	1428	1474	1841

Unofficial document for media use, not binding on the Court of Justice.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

#### Stay Connected!



<sup>1</sup> With the registration of Case T-1148/23, *PAN Europe v Commission*, filed on 8 December 2023.

<sup>2</sup> These actions (T-620/23 to T-1023/23) concern changes to the voluntary supplementary pension scheme for Members of the European Parliament.

<sup>3</sup> Three applicants have already brought four actions before the General Court challenging decisions taken as part of the procedure for designating a gatekeeper: Cases [T-1077/23](#), *Bytedance v Commission* (see also press release [No 28/24](#)), [T-1078/23](#), *Meta v Commission* and [T-1079/23](#) and [T-1080/23](#), *Apple v Commission*.