

# Statistical information of the Court of Justice (1997) <sup>1</sup>

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<sup>1</sup>

A new computer-based system for the management of cases before the Court in 1996 has resulted in a change (since last year) in the presentation of the statistics appearing in this 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 1997** <sup>1</sup>

Completed cases	377	(456)
New cases	445	
Cases pending	623	(683)

## Cases decided

Table 2: **Nature of proceedings**

References for a preliminary ruling	235	(301)
Direct actions	105	(116)
Appeals	32	(34)
Opinions	-	-
Special forms of procedure <sup>2</sup>	5	(5)
Total	377	(456)

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<sup>1</sup> In this table and those which follow, the figures in brackets represent the total number of cases, *without* account being taken of cases joined on grounds of similarity. For the figure outside brackets, one series of joined cases is taken as one case.

<sup>2</sup> 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	Judgments	Non-interlocutory orders <sup>2</sup>	Interlocutory orders <sup>3</sup>	Other orders <sup>4</sup>	Opinions	Total
References for a preliminary ruling	168	1	-	66	-	235
Direct actions	57	1	1	47	-	106
Appeals	17	15	-	-	-	32
Subtotal	242	17	1	113	-	373
Opinions	-	-	-	-	-	-
Special forms of procedure	-	3	-	2	-	5
Subtotal	-	3	-	2	-	5
<b>TOTAL</b>	<b>242</b>	<b>20</b>	<b>1</b>	<b>115</b>	<b>-</b>	<b>378</b>

<sup>1</sup> Net figures.

<sup>2</sup> Orders terminating proceedings by judicial determination (inadmissibility, manifest inadmissibility).

<sup>3</sup> 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 the "Appeals" in the "Non-interlocutory orders" column.

<sup>4</sup> 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	42 (45)				42 (45)
Action partially founded	1 (1)				1 (1)
Action unfounded	14 (18)		12 (12)		26 (30)
Annulment and referred back			3 (4)		3 (4)
Partial annulment and not referred back			2 (2)		2 (2)
Preliminary ruling		168 (234)			168 (234)
<b>Total judgments</b>	<b>57 (64)</b>	<b>168 (234)</b>	<b>17 (18)</b>		<b>242 (316)</b>
<i>Orders</i>					
Action founded				1 (1)	1 (1)
Action partially founded				1 (1)	1 (1)
Action unfounded			3 (4)		3 (4)
Inadmissibility				1 (1)	1 (1)
Manifest inadmissibility		1 (1)			1 (1)
Appeal manifestly inadmissible			2 (2)		2 (2)
Action manifestly inadmissible	1 (1)				1 (1)
Appeal manifestly inadmissible and unfounded			6 (6)		6 (6)
Appeal manifestly unfounded			3 (3)		3 (3)
Annulment and referred back			1 (1)		1 (1)
<b>Subtotal</b>	<b>1 (1)</b>	<b>1 (1)</b>	<b>15 (16)</b>	<b>3 (3)</b>	<b>20 (21)</b>
Removal from the Register	43 (47)	66 (66)		2 (2)	111 (115)
No need to give a decision	1 (1)				1 (1)
Referred back to the Court of First Instance	3 (3)				3 (3)
<b>Subtotal</b>	<b>47 (51)</b>	<b>66 (66)</b>		<b>2 (2)</b>	<b>115 (119)</b>
<b>Total orders</b>	<b>48 (52)</b>	<b>67 (67)</b>	<b>15 (16)</b>	<b>5 (5)</b>	<b>135 (140)</b>
<i>Opinions</i>					
<b>TOTAL</b>	<b>105 (116)</b>	<b>235 (301)</b>	<b>32 (34)</b>	<b>5 (5)</b>	<b>377 (456)</b>

Table 5: **Bench hearing case**

Bench hearing case	Judgments	Orders <sup>1</sup>	Total
Full Court	22 (24)	1 (1)	23 (25)
Small plenum	30 (62)	- -	30 (62)
Chambers (3 judges)	42 (45)	13 (13)	55 (58)
Chambers (5 judges)	148 (185)	- -	148 (185)
President	- -	6 (7)	6 (7)
Total	242 (316)	20 (21)	262 (337)

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<sup>1</sup> Orders terminating proceedings by judicial determination (other than those removing cases from the Register, not to proceed to judgment or referring cases back to the Court of First Instance).

Table 6: **Basis of the action**

Basis of the action	Judgments/Opinions		Orders <sup>1</sup>		Total	
Article 169 of the EC Treaty	43	(46)	-	-	43	(46)
Article 173 of the EC Treaty	11	(15)	-	-	11	(15)
Article 177 of the EC Treaty	161	(227)	1	(1)	162	(228)
Article 181 of the EC Treaty	1	(1)	1	(1)	2	(2)
Article 228 of the EC Treaty	-	-	-	-	-	-
Article 1 of the 1971 Protocol	6	(6)	-	-	6	(6)
Article 49 of the EC Statute	16	(17)	10	(10)	26	(27)
Article 50 of the EC Statute	-	-	3	(3)	3	(3)
<b>Total EC Treaty</b>	<b>238</b>	<b>(312)</b>	<b>15</b>	<b>(15)</b>	<b>253</b>	<b>(327)</b>
Article 38 of the ECSC Treaty	1	(1)	-	-	1	(1)
Article 41 of the ECSC Statute	1	(1)	-	-	1	(1)
Article 50 of the ECSC Statute	-	-	2	(3)	2	(3)
<b>Total EAEC Treaty</b>	<b>2</b>	<b>(2)</b>	<b>2</b>	<b>(3)</b>	<b>4</b>	<b>(5)</b>
Article 141 of the EAEC Treaty	1	(1)	-	-	1	(1)
Article 50 of the EAEC Treaty	1	(1)	-	-	1	(1)
<b>Total ECSC Treaty</b>	<b>2</b>	<b>(2)</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>(2)</b>
<b>TOTAL</b>	<b>242</b>	<b>(316)</b>	<b>17</b>	<b>(18)</b>	<b>259</b>	<b>(334)</b>
Article 74 of the Rules of Procedure	-	-	3	(3)	3	(3)
Article 98 of the Rules of Procedure	-	-	-	-	-	-
<b>OVERALL TOTAL</b>	<b>242</b>	<b>(316)</b>	<b>20</b>	<b>(21)</b>	<b>262</b>	<b>(337)</b>

<sup>1</sup> 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 <sup>1</sup>		Total	
Agriculture	34	(38)	2	(2)	36	(40)
State aid	6	(6)	2	(2)	8	(8)
Competition	8	(9)	3	(3)	11	(12)
Brussels Convention	6	(6)	-	-	6	(6)
Institutional measures	1	(1)	3	(3)	4	(4)
Social measures	17	(23)	-	-	17	(23)
Right of establishment	-	-	-	-	-	-
Energy	-	-	1	(1)	1	(1)
Environment	8	(11)	-	-	8	(11)
Taxation	28	(34)	-	-	28	(34)
European Social Fund	1	(1)	-	-	1	(1)
Freedom of establishment and to provide services	21	(33)	-	-	21	(33)
Free movement of capital	-	-	-	-	-	-
Free movement of goods	19	(48)	-	-	19	(48)
Free movement of services	-	-	-	-	-	-
Freedom of movement for workers	12	(14)	-	-	12	(14)
EC public procurement contracts	2	(2)	-	-	2	(2)
Commercial policy	8	(8)	1	(1)	9	(9)
Fisheries policy	-	-	-	-	-	-
Economic and monetary policy	-	-	-	-	-	-
Principles of Community law	3	(3)	-	-	3	(3)
Privileges and immunities	-	-	-	-	-	-
Approximation of laws	26	(29)	-	-	26	(29)
External relations	1	(1)	1	(1)	2	(2)
Trans-European Networks	-	-	-	-	-	-
Own resources	-	-	-	-	-	-
Social security for migrant workers migrants	16	(21)	-	-	16	(21)
Staff Regulations	6	(6)	5	(5)	11	(11)
Common Customs Tariff	10	(12)	-	-	10	(12)
Value added tax	-	-	-	-	-	-
Transport	3	(4)	-	-	3	(4)
Customs union	4	(4)	-	-	4	(4)
Total	240	(314)	18	(18)	258	(332)
ECSC Treaty	-	-	2	(3)	2	(3)
EAEC Treaty	2	(2)	-	-	2	(2)
OVERALL TOTAL	242	(316)	20	(21)	262	(337)

<sup>1</sup> 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*<sup>1</sup>

Table 8: **Nature of proceedings**

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

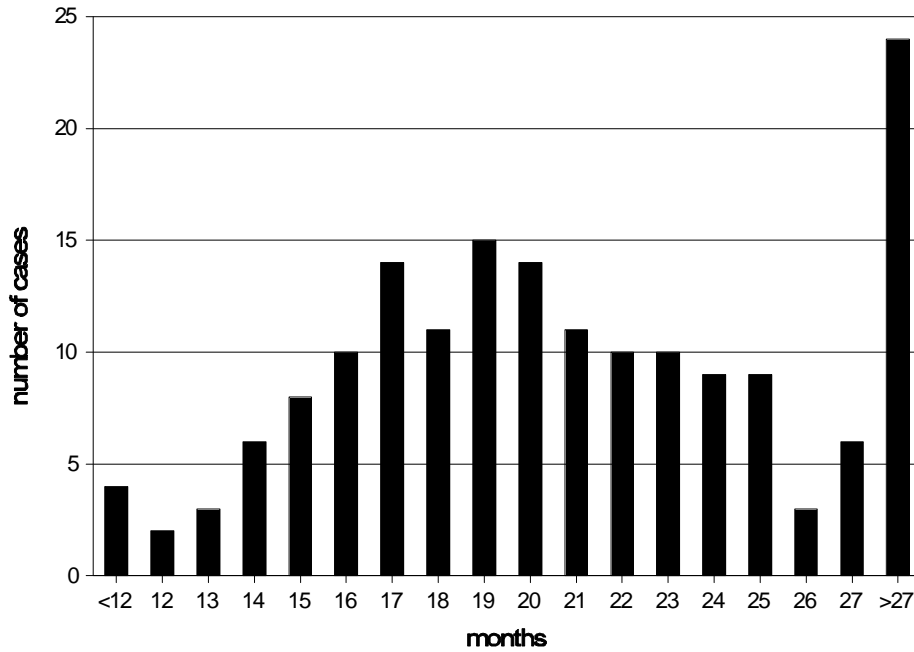
References for a preliminary ruling	1,4
Direct actions	19,7
Appeals	17,4

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<sup>1</sup> In this table and the graphics which follow, the length of proceedings is expressed in months and decimal months.

<sup>2</sup> 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.

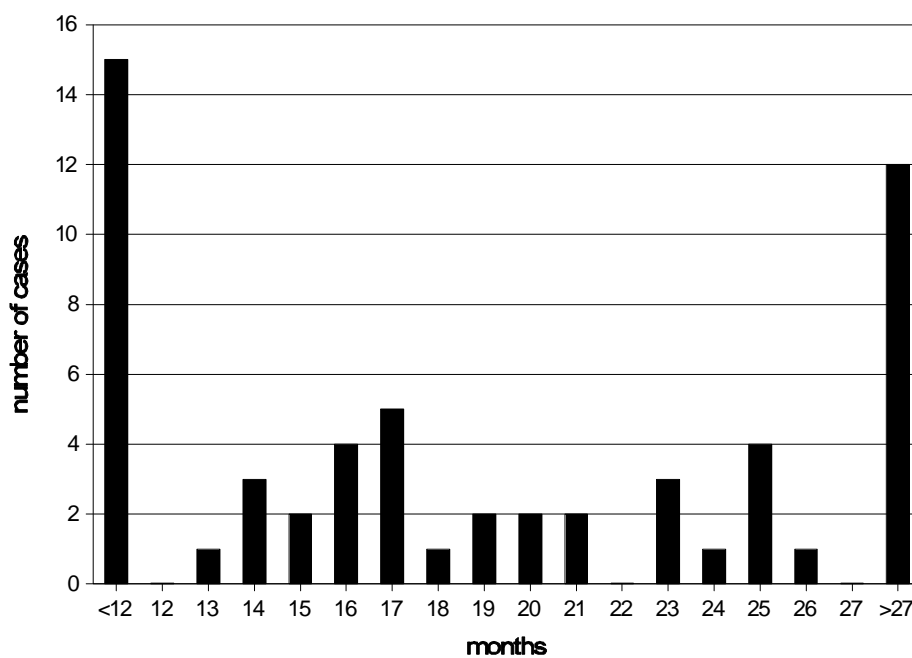
Figure I: Duration of proceedings in references for a preliminary ruling (judgments and orders<sup>1</sup>)



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	4	2	3	6	8	10	14	11	15	14	11	10	10	9	9	3	6	24

<sup>1</sup> 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.

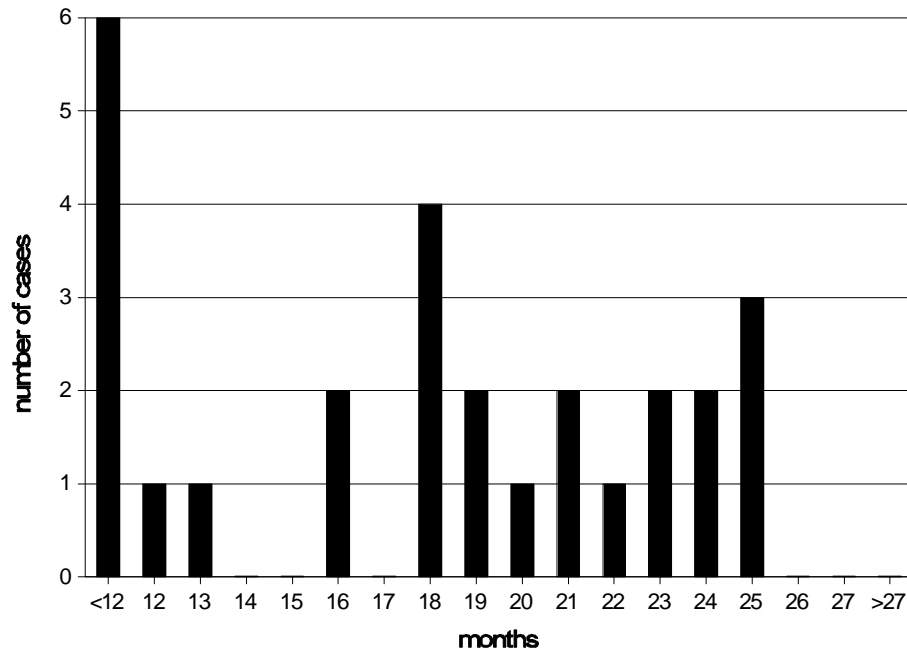
Figure II: Duration of proceedings in direct actions (judgments and orders<sup>1</sup>)



Cases/ Months	< 12	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	> 27
Direct actions	15	0	1	3	2	4	5	1	2	2	2	0	3	1	4	1	0	12

<sup>1</sup> 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 orders<sup>1</sup>)



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

<sup>1</sup> 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*<sup>1</sup>

**Table 9: Nature of proceedings**

References for a preliminary ruling	239
Direct actions	169
Appeals	35
Opinions/Deliberations	-
Special forms of procedure	2
<b>Total</b>	<b>445</b>

**Table 10: Type of action**

References for a preliminary ruling	239
Direct actions	169
of which:	
- for annulment of measures	37
- for failure to act	-
- for damages	1
- for failure to fulfil obligations	124
- on arbitration clauses	7
Appeals	35
Opinions/Deliberations	-
<b>Total</b>	<b>443</b>
Special forms of procedure	2
of which:	
- Legal aid	-
- Taxation of costs	2
- Revision of a judgment/order	-
- Application for a garnishee order	-
- Third-party proceedings	-
<b>Total</b>	<b>2</b>
Application for interim measures	1

<sup>1</sup> 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	5	-	6	-
Agriculture	38	23	3	64	-
State aid	8	8	2	18	-
Overseas countries and territories	-	1	-	1	-
Community citizenship	1	-	-	1	-
Economic and social cohesion	1	-	-	1	-
Competition	1	14	9	24	-
Brussels Convention	-	6	-	6	-
Company law	4	12	1	17	-
Law governing the institutions	10	-	-	10	-
Energy	2	-	-	2	-
Environment and consumers	34	8	-	42	-
Taxation	9	27	-	36	-
Free movement of capital	-	2	-	2	-
Free movement of goods	4	24	-	28	-
Freedom of movement for persons	8	42	-	50	-
Commercial policy	2	-	-	2	-
Regional policy	2	-	-	2	-
Social policy	9	16	1	26	-
Principles of Community law	-	25	-	25	-
Approximation of laws	21	17	-	38	-
External relations	1	7	-	8	-
Staff Regulations	-	1	-	1	-
Transport	8	1	-	9	-
<b>Total Ec Treaty</b>	<b>164</b>	<b>239</b>	<b>16</b>	<b>419</b>	<b>-</b>
Supply	-	-	1	1	-
Protection of the general public	2	-	-	2	-
Law governing the institutions	1	-	-	1	-
<b>Total EAEC Treaty</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>4</b>	<b>-</b>
State aid	-	-	1	1	-
Competition	-	-	2	2	-
Investments and aid	1	-	-	1	-
Iron and steel	1	-	1	2	-
<b>Total ECSC Treaty</b>	<b>2</b>	<b>-</b>	<b>4</b>	<b>6</b>	<b>-</b>
Law governing the institutions	-	-	1	1	2
Staff Regulations	-	-	13	13	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>14</b>	<b>14</b>	<b>2</b>
<b>OVERALL TOTAL</b>	<b>169</b>	<b>239</b>	<b>35</b>	<b>443</b>	<b>2</b>

<sup>1</sup> Taking no account of applications for interim measures (3).

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

Brought against	1997	From 1953 to 1997
Belgium	19	203
Denmark	-	20
Germany	20	117
Greece	10	143
Spain	7	54 <sup>2</sup>
France	15	163 <sup>3</sup>
Ireland	6	74
Italy	20	343
Luxembourg	8	78
Netherlands	3	56
Austria	-	1
Portugal	15	36
Finland	-	-
Sweden	-	-
United Kingdom	1	40 <sup>4</sup>
Total	124	1 328

<sup>1</sup> Articles 169, 170, 171, 225 of the EC Treaty, Articles 141, 142, 143 of the EAEC Treaty and Article 88 of the ECSC Treaty.

<sup>2</sup> Including an action under Article 170 of the EC Treaty, brought by the Kingdom of Belgium.

<sup>3</sup> Including one action under Article 170 of the EC Treaty, brought by Ireland.

<sup>4</sup> Including two actions under Article 170 of the EC Treaty, brought by the French Republic and the Kingdom of Spain.

Table 13: **Basis of the action**

Basis of the action	97
Article 169 of the EC Treaty	119
Article 170 of the EC Treaty	-
Article 171 of the EC Treaty	3
Article 173 of the EC Treaty	36
Article 175 of the EC Treaty	-
Article 177 of the EC Treaty	233
Article 178 of the EC Treaty	-
Article 181 of the EC Treaty	6
Article 225 of the EC Treaty	-
Article 228 of the EC Treaty	-
Article 1 of the 1971 Protocol	6
Article 49 of the EC Statute	28
Article 50 of the EC Statute	2
Total EC Treaty	433
Article 33 of the ECSC Treaty	1
Article 42 of the ECSC Treaty	1
Article 49 of the ECSC Treaty	1
Article 50 of the ECSC Treaty	3
Total ECSC Treaty	6
Article 141 of the EAEC Treaty	2
Article 151 of the EAEC Treaty	1
Article 50 of the EAEC Statute	1
Total EAEC Treaty	4
Total	443
Article 74 of the Rules of Procedure	2
Article 97 of the Rules of Procedure	-
Article 98 of the Rules of Procedure	-
Protocol on Privileges and Immunities	-
Total special forms of procedure	2
OVERALL TOTAL	445



*Cases pending as at 31 December 1997*

**Table 14: Nature of proceedings**

References for a preliminary ruling	344	(395)
Direct actions	218	(225)
Appeals	59	(61)
Special forms of procedure	2	(2)
Opinions/Deliberations	-	-
<b>Total</b>	<b>623</b>	<b>(683)</b>

**Table 15: Bench hearing case**

Bench hearing case	Direct actions	References for a preliminary ruling	Appeals	Other procedures <sup>1</sup>	Total
Grand plenum	174 (178)	237 (269)	36 (37)		447 (484)
Small plenum	6 (6)	26 (30)	2 (2)		34 (38)
<b>Subtotal</b>	<b>180 (184)</b>	<b>263 (299)</b>	<b>38 (39)</b>		<b>481 (522)</b>
President of the Court					
<b>Subtotal</b>					
First chamber		6 (6)	1 (1)		7 (7)
Second chamber		7 (9)		1 (1)	8 (10)
Third chamber		3 (3)	1 (1)		4 (4)
Fourth chamber		3 (5)	3 (3)		6 (8)
Fifth chamber	16 (17)	34 (37)	6 (7)		56 (61)
Sixth chamber	22 (24)	28 (36)	10 (10)	1 (1)	61 (71)
<b>Subtotal</b>	<b>38 (41)</b>	<b>81 (96)</b>	<b>21 (22)</b>	<b>2 (2)</b>	<b>142 (161)</b>
<b>TOTAL</b>	<b>218 (225)</b>	<b>344 (395)</b>	<b>59 (61)</b>	<b>2 (2)</b>	<b>623 (683)</b>

<sup>1</sup> Including special forms of procedure and opinions of the Court.

*General trend in the work of the Court up to 31 December 1997*

**Table 16: New cases and judgments**

Year	New cases <sup>1</sup>					Judgments <sup>2</sup>
	Direct actions <sup>3</sup>	References for a preliminary ruling	Appeals	Total	Application 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	109		323	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
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
Total	6 076 <sup>5</sup>	3 639	196	9 911	311	4 507

<sup>1</sup> Gross figures; special forms of procedure are not included.

<sup>2</sup> Net figures.

<sup>3</sup> including Opinions of the Court.

<sup>4</sup> 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	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
<b>Total</b>	<b>385</b>	<b>71</b>	<b>1 064</b>	<b>48</b>	<b>66</b>	<b>578</b>	<b>34</b>	<b>543</b>	<b>40</b>	<b>472</b>	<b>43</b>	<b>24</b>	<b>9</b>	<b>17</b>	<b>245</b>	<b>3 639</b>

<sup>1</sup> Articles 177 of the EC Treaty, 41 of the ECSC Treaty, 150 of the EAEC Treaty, 1971 Protocol.



