



COURT OF JUSTICE
OF THE EUROPEAN UNION



Annual Report 2023

The Year in Review

The Court of Justice of the European Union, upholding European Union law.

The Court of Justice of the European Union is one of seven European institutions.

It is the judicial institution of the European Union and its task is to ensure compliance with EU law by overseeing the uniform interpretation and application of the Treaties and ensuring the lawfulness of measures adopted by the EU institutions, bodies, offices and agencies.

The Institution helps to preserve the values of the European Union and, through its case-law, works towards the building of Europe.

The Court of Justice of the European Union comprises two courts: the Court of Justice and the General Court.



Annual Report 2023

The Year in Review

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Koen Lenaerts

President of the Court of Justice
of the European Union

2023 was a turbulent year internationally, shaped by the ongoing war in Ukraine and the emergence of a new armed conflict in the Middle East. In a geopolitical context in which the ideal of peace is under ever greater threat, our institution stands as a beacon of stability in the performance of its mission to uphold justice, the rule of law, democratic values and fundamental rights. Through their case-law, the Court of Justice and the General Court have continued to work to protect those values and rights, underscoring that they are key to the Union's very identity as the common legal system of the Member States.

Over the past year, the Court has maintained the in-depth dialogue that it has with the national courts, and with the constitutional and supreme courts in particular, including within the framework of a number of meetings organised within the Institution itself. In September, the second in the series of 'EUUnited in Diversity' conferences also took place in The Hague, bringing together many representatives of those constitutional and supreme courts as well as Members of the European Court of Human Rights, with the involvement of Members of the Court of Justice, covering issues relating to the rule of law, the constitutional diversity of the Member States and the uniform application of EU law. As every year, the Meeting of National Judges provided an opportunity for fruitful discussions between Members of the Institution and members of the national courts, encouraging a better understanding of the special features of the national legal systems and of the EU legal order. It is within that framework which fosters such exchanges, and in a spirit of listening and open-mindedness, that we have been pursuing a dialogue with national courts that began over 70 years ago.

Umberto Eco was fond of saying that 'the language of Europe is translation'. Since its very beginning, our institution has demonstrated its deep commitment to multilingualism, which allows every individual to initiate proceedings in one of the 24 official languages of their choice and enables every citizen to access a large proportion of the Institution's judicial decisions in those different languages. In order to continue to promote such linguistic diversity and every citizen's access to justice in the Union in his or her own language, the Court has led

many programmes highlighting the importance of multilingualism in the building of Europe.

Lastly, our Institution has taken steps to usher in a new era, drawing up the blueprint for how the Courts of the European Union will operate going forward. 2023 marked the completion of in-depth consultations and discussions conducted by the European Union's two courts in recent years about the partial transfer of jurisdiction to give preliminary rulings from the Court of Justice to the General Court, an option afforded by the Treaty of Nice since 2003. Given the increase in proceedings brought before the Court of Justice, it is necessary to ensure a better distribution of the workload between the two courts, whilst at the same time providing the best service to individuals. A political agreement was struck on that reform project in late 2023 as part of the 'quadrilogue', which is a four-institution forum for discussion, bringing together representatives of the European Parliament, the Council of the European Union, the European Commission and

the Court. That agreement, the detailed rules and procedures for which remain to be implemented in the rules of procedure of both courts, is a sign of the confidence inspired by the General Court, the operational capacity of which has doubled in recent years. This marks a significant step forward on the road to reforming the architecture of the judicial system which began in 2016.

The dedication of the Members of the two courts and of all their staff has meant that the Institution has been able, on a day-to-day basis, to work towards strengthening the European integration project, which, in the course of 2024, will be at the heart of the events commemorating the 20th anniversary of the EU's major enlargement in 2004.

K. Lenaerts







2023
at a glance

| A The year in pictures

January



Assignment of a fictitious name to anonymised cases

Anonymised references for a preliminary ruling are assigned a fictitious name using a computerised automatic name generator. The goal of this initiative is to bolster the protection of personal data whilst making it easier to identify cases.



Solemn undertaking by six new Members of the European Court of Auditors

Appointed by the Council of the European Union, the new Members of the European Court of Auditors, Mr Jorg Kristijan Petrovič, Mr Stef Blok, Mr George Marius Hyzler, Mr Lefteris Christoforou, Ms Laima Liucija Andrikienė and Ms Keit Pentus-Rosimannus, give the solemn undertaking before the Court of Justice.

February



Visit to Riga by a delegation from the Court

A delegation composed of the Latvian Judges of the Court of Justice and the General Court, respectively Ms Ineta Ziemele and Ms Inga Reine, and members of the Court's senior management, travel to Riga (Latvia) as part of a working visit to strengthen communication, cooperation and the exchange of information between the Latvian institutions and the Court.

April



Amendment of the Rules of Procedure of the General Court

In order to promote a modern and efficient system of justice, the General Court [amends its Rules of Procedure](#). The purpose of these changes is to clarify and simplify judicial procedures, including the possibility of using videoconferencing for hearings, the electronic signature of decisions and the designation of pilot cases.



Presentation of a fresco from the National Archaeological Museum of Naples

Vittoria alata a fresco from Pompeii, is loaned by the National Archaeological Museum of Naples (MANN) to be exhibited at the Court. A symbol of peace and prosperity dating back to the 1st century AD, this fresco illustrates the connection between art and the judiciary.



Conference organised to mark the departure from office of Mr Emmanuel Coulon, Registrar of the General Court

To mark the departure from office of Mr Emmanuel Coulon, Registrar of the General Court from 2005 to 2023, a conference entitled '[Procedural law considerations](#)' is held in the General Court's Main Courtroom.

May



Final of the 'European Law Moot Court' competition

First organised in 1988, the European Law Moot Court is the world's top moot competition in the field of EU law. The University of Turin (Italy) is the winning team of the 2023 edition.



Europe Day

To mark the anniversary of the Schuman Declaration, the Court opens its doors to citizens to help them to learn more about its activities. Through guided tours, offered for the first time in a virtual format too, citizens learn about the role and the functioning of the two courts, the life of a case and the Institution's services.



Inauguration of the Garden of Multilingualism

The Garden of Multilingualism, located on the Institution's forecourt extension, is inaugurated on Europe Day. This new green space with extensive plant varieties celebrates unity in diversity through language and culture and represents the very essence of the Court.



Judgment in *Meta Platforms Ireland v Commission*

Taking into account the accompanying measures adopted by the Commission (in particular, the creation of a virtual data room), the General Court dismisses the action brought by Meta Platforms Ireland and holds that the Commission's request, made in the context of an investigation into anticompetitive behaviour, for documents containing certain search terms to be provided constitutes an appropriate measure for maintaining the system of competition intended by the Treaties ([T-451/20](#)).

June



50th anniversary of the accession of Denmark and Ireland

In 1973, Denmark and Ireland (as well as the United Kingdom) joined the European Union. Those two Member States celebrate the 50th anniversary of their accession and the first enlargement of the European Union.



Taking of the oath by Mr Vittorio Di Bucci, new Registrar of the General Court

Mr Vittorio Di Bucci is appointed Registrar of the General Court of the European Union by the Judges of that court for a term of six years. He succeeds Mr Emmanuel Coulon.



Adoption of the Artificial Intelligence Strategy

The Court adopts its [Artificial Intelligence Strategy](#). The document sets out the objectives and principles for the use of AI tools, gives an overview of the main risks and proposes a model for governance.

July



10th anniversary of Croatia's accession to the European Union

On 1 July 2013, Croatia became the most recent Member State to join the European Union. 10 years later, in January 2023, that State also adopts the euro and enters the Schengen area. To celebrate that historic milestone, a ceremony is held in the Main Courtroom of the Court of Justice.



Judgment in *Meta Platforms and Others*

Following a reference made by a German court, the Court of Justice rules that a national competition authority may find that there is an infringement of the General Data Protection Regulation (GDPR) in the context of an investigation into an abuse of a dominant position ([C-252/21](#)).

September



'EUnited in Diversity' conference in The Hague

For the second edition of the 'EUnited' conferences, a delegation from the Court of Justice meets in The Hague with judges of the national supreme and constitutional courts and of the European Court of Human Rights to discuss the rule of law and the need to preserve the constitutional diversity of the Member States.



Taking of the oath by two new Members of the General Court

Mr Saulius Lukas Kalėda (Lithuania) and Ms Louise Spangsberg Grønfeldt (Denmark) take the oath at a formal sitting on their entry into office as Judges of the General Court.



Multilingualism conference at the Court

Focusing on technological advances, the conference speakers and attendees discuss the use of new and effective tools for the work of specialists in the fields of legal translation and interpreting.

October



Presentation of works of art by the National Gallery of Slovenia

On a visit to the Court by the President of the Republic of Slovenia, Ms Nataša Pirc Musar, three works of art – *Poletje* (Summer) and *Zima* (Winter) by Tugo Šušnik and *Cheval Lipizzan* by Janez Boljka – are loaned by the National Gallery of Slovenia to be exhibited at the Court.

November



Meeting of Judges

Judges of the national courts meet with the Court to discuss various subjects, such as the preliminary ruling procedure, the concept of judicial independence in EU law, consumer protection and judicial cooperation in criminal matters.



Solemn undertaking by eight new Members of the European Public Prosecutor's Office

Mr José António Lopes Ranito, Mr Ignacio de Lucas Martín, Ms Miranda de Meijer, Mr Gedgaudas Norkūnas, Ms Anne Pantazi Lamprou, Mr Nikolaos Paschalis, Ms Ursula Schmudermayer and Mr Andrea Venegoni give the solemn undertaking before the Court on their entry into office at the European Public Prosecutor's Office.

December



Political agreement on the partial transfer to the General Court of jurisdiction to give preliminary rulings

At a meeting of the 'quadrilogue' between representatives of the European Parliament, the Council of the European Union, the European Commission and the Court, a political agreement is reached concerning the request made by the Court of Justice for a partial transfer of jurisdiction to give preliminary rulings to the General Court.



Judgment in *European Superleague Company*

In response to questions from a Spanish court, the Court of Justice holds that the regulatory and control powers and the power to impose sanctions enjoyed by FIFA and UEFA in connection with potentially competing interclub football competitions, such as the Super League, must be exercised in a transparent, objective, non-discriminatory and proportionate manner, failing which those powers infringe competition law and the freedom to provide services ([C-333/21](#)).



Disability Awareness Day at the Court

The Institution, which is fully committed to accessibility and inclusion, organises workshops and webinars to raise awareness amongst its staff about the rights of people with disabilities.

| B The year in figures

The Institution in 2023



81 judges from **27** Member States



Court of Justice



27 judges

General Court



54 judges



11 Advocates General



Budget: EUR **487** million



2 302
officials and other staff



60%
women



40%
men

The representation of women in positions of responsibility within the administration means that the Court exceeds the average for the European institutions.

Women hold:

55% of administration posts

43% of middle and senior management posts

The judicial year (Court of Justice and General Court)



2 092* cases brought

1 687 cases resolved

2 990* pending cases

Average duration of proceedings: **17.2** months

e-Curia

Percentage of procedural documents lodged via e-Curia:



89% Court of Justice



94% General Court

10 502 e-Curia accounts



e-Curia is an IT application enabling the representatives of the parties in cases brought before the Court of Justice and the General Court, and national courts in the context of requests for a preliminary ruling to the Court of Justice, to send and receive procedural documents to and from the Registries purely by electronic means.

e-Curia: An application for the exchange of legal documents with the Court



[Watch the video on YouTube](#)



* At the end of 2023, an exceptional set of 404 essentially identical cases were brought before the General Court concerning rights acquired or in the process of being acquired under the supplementary pension scheme for Members of the European Parliament. Those cases have been joined. If they are counted as a single case, the net figures are 1 689 cases brought and 2 587 pending cases.

The Linguistic Services

As a multilingual judicial institution, the Court must be able to deal with a case irrespective of the official language of the European Union in which it has been brought. It then ensures that its case-law is disseminated in all those languages.



24 languages of the case

552 language combinations



611 lawyer-linguists to translate written documents

1 290 000 pages to be translated

1 268 000 pages translated



647 hearings and meetings with simultaneous interpretation

70 interpreters for hearings and meetings

Multilingualism at the Court of Justice of the EU – Ensuring equal access to justice



[Watch the video on YouTube](#)



At the Court, translations are produced in accordance with mandatory language arrangements, which provide for the possibility to use any of the 24 official languages of the European Union. The documents to be translated are all highly technical legal texts. That is why the Court’s language service employs only **lawyer-linguists** who have completed their education in law and who have a thorough knowledge of at least two official languages other than their mother tongue.







2

Judicial activities

| A The Court of Justice in 2023



The Court of Justice deals mainly with:

- requests for a preliminary ruling

When a national court is uncertain as to the interpretation or validity of an EU rule, it stays the proceedings before it and refers the matter to the Court of Justice. When the matter has been clarified by the Court of Justice's decision, the national court is then in a position to settle the dispute before it. In cases calling for a response within a very short time (for example, in relation to asylum, border control, child abduction, and so forth), an **urgent preliminary ruling procedure ('PPU')** may be used;

- **direct actions**, which seek:
 - the annulment of an EU act ('**action for annulment**'), or
 - a declaration that a Member State is failing to comply with EU law ('**action for failure to fulfil obligations**'). If the Member State does not comply with the judgment finding that it has failed to fulfil its obligations, a second action, known as an action for '**twofold failure to fulfil obligations**', may result in the Court of Justice imposing a financial penalty on it;
- **appeals**, against decisions handed down by the General Court, on conclusion of which the Court of Justice may set aside the decision of the General Court;
- **requests for an opinion** on the compatibility with the Treaties of an agreement which the European Union envisages concluding with a non-member State or an international organisation (submitted by a Member State or by a European institution).

Activities and developments at the Court of Justice



Koen Lenaerts

President of the Court of Justice
of the European Union

The last months of 2023 were marked by the negotiations concerning the legislative request, made in November 2022 by the Court of Justice to the European Parliament and the Council, seeking, first, the transfer to the General Court of the Court of Justice's jurisdiction to give preliminary rulings in six specific areas (value added tax, excise duties, the Customs Code, the tariff classification of goods under the Combined Nomenclature, compensation and assistance of passengers and the greenhouse gas emission allowance trading system) and, second, the expansion of the scope of the mechanism, which came into force in May 2019, for the determination as to whether appeals against decisions of the General Court are allowed to proceed. The goal of that legislative request is to ensure, in the interest of delivering high-quality justice for individuals within reasonable time limits,



821

cases brought

518 preliminary ruling procedures, including **2** PPU's

Member States from which the most requests originate:

Germany:	94
Bulgaria:	51
Poland:	48
Italy:	43
Romania:	40

60 direct actions, including:
49 actions for failure to fulfil obligations and **3** actions for 'twofold failure to fulfil obligations'

231 appeals brought against decisions of the General Court

8 applications for legal aid

that the workload is better shared between the Court of Justice and the General Court; since July 2022, two Judges per Member State (54 in total) comprise the membership of the General Court.

The Court of Justice will thus be able to focus to a greater extent on the core tasks of the European Union's supreme and constitutional court. As in recent years, the proceedings brought before the Court, whether by the preliminary ruling route or via direct actions (in particular, actions for failure to fulfil obligations), stand out because they concern sensitive matters, which regularly see the involvement of the Grand Chamber, such as the protection of the values of the rule of law in the context of national judicial reforms, asylum and immigration policy, data protection and the application of competition rules in the digital era, the fight against discrimination or environmental, energy and climate issues.

The partial transfer to the General Court of jurisdiction to give preliminary rulings will be founded on two basic principles, dictated by considerations of legal certainty, swift justice and transparency: the 'one-stop shop' principle, according to which every request for a preliminary ruling will still be made to the Court, which will determine whether or not a reference for a preliminary ruling falls, exclusively, within the scope of one or more of the aforementioned specific areas, and the principle that all references for a preliminary ruling relating exclusively to one or other of those specific areas are to be transferred in their entirety. If, however, a case does not fall exclusively within those areas, in particular if it raises separate questions concerning the interpretation of primary law or of the Charter of Fundamental Rights of the European Union, it will be dealt with by the Court of Justice.

Nevertheless, the transfer of a reference for a preliminary ruling to the General Court will always be without prejudice both to the option available to the General Court to refer the case to the Court of Justice if it considers that that case requires a decision of principle and to the possibility of the Court of Justice,



A party who is unable to meet the costs of the proceedings may apply for legal aid..

exceptionally, reviewing the decision of the General Court where there is a serious risk of the unity or consistency of EU law being affected.

After several months of consideration and negotiations, a political agreement was reached on that legislative request in December 2023. Under that agreement, provision was made, *inter alia*, that the pleadings or written observations submitted by a party which participated in the preliminary ruling procedure will be published on the Court's website within a reasonable period following the closure of the case, unless that party objects to such publication.

The exact timeline for the formal adoption of the amendments to the Statute of the Court of Justice of the European Union and the date on which those amendments will enter into force are not yet known definitively at the time of writing and some work still remains to be completed, in particular as regards the amendment of the Rules of Procedure of the Court of Justice and of the General Court required in order to implement that reform. However, the approval in principle opens the door to the arrangements for redefining the operation of the Courts of the European Union for the years ahead.

In terms of the Court's composition there was one development in 2023, connected with the departure of Advocate General Pitruzzella following his appointment as a judge of the Italian Constitutional Court.

Turning to the statistics for the past year, they once again show the continuation of the pattern of the Court of Justice's activities witnessed in recent years. In 2023, 821 cases were brought before the Court of Justice, a slight increase on 2022, and 783 cases were closed, a fairly similar number to that in the past three years. The average duration of proceedings, all manner of cases combined, stood at 16.1 months, and there were 1 149 pending cases as of 31 December 2023.









783

cases resolved

532 preliminary ruling procedures,
including **4** PPUs

36 direct actions, including **18** failures to fulfil
obligations found against **13** Member States

3 judgments finding ‘twofold failures
to fulfil obligations’

201 appeals against decisions of
the General Court, including
37 in which the decision adopted by
the General Court was set aside

Average duration of proceedings:

16.1 months

Average duration of urgent preliminary ruling
proceedings: **4.3 months**



1 149

cases pending as of 31 December 2023

Principal matters dealt with:

State aid and competition **143**

Area of Freedom, Security and Justice **118**

Approximation of laws **88**

Taxation **83**

Consumer protection **76**

Transport **63**

Environment **51**

Principles of EU law **50**

Social policy **47**

Intellectual property **47**

[\(+ See detailed statistics for
the Court of Justice](#)



Members of the Court of Justice


The Court of Justice is composed of 27 Judges and 11 Advocates General.

The Judges and Advocates General are appointed by common accord of the governments of the Member States after consultation with a panel responsible for providing an opinion on prospective candidates' suitability to perform the duties concerned. Judges are appointed for a term of office of six years, which is renewable.

They are chosen from among individuals whose independence is beyond doubt and who possess the qualifications required for appointment, in their respective countries, to the highest judicial offices, or who are of recognised competence.

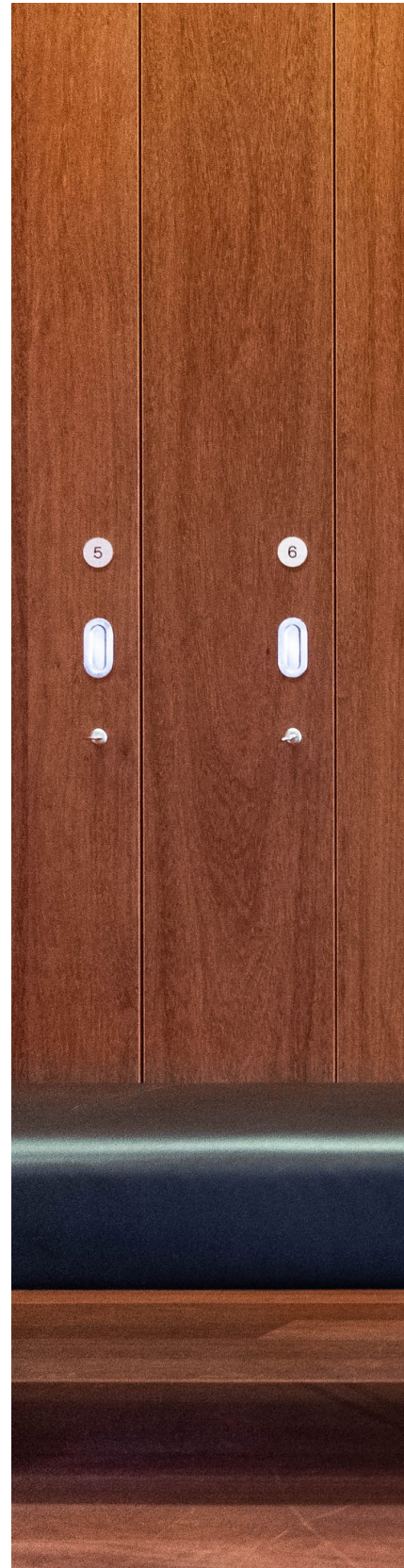
The Judges perform their duties in a totally impartial and independent manner.

The Judges of the Court of Justice appoint, from amongst themselves, the President and Vice-President. The Judges and Advocates General appoint the Registrar for a term of office of six years.



The Advocates General are responsible for delivering, with complete impartiality and independence, an 'opinion' in the cases assigned to them. This opinion is not binding, but allows for an additional view to be provided on the subject matter of the dispute.

In 2023, no new Members were appointed to the Court of Justice.







K. Lenaerts
President



L. Bay Larsen
Vice-President



A. Arabadjiev
President of the First
Chamber



A. Prechal
President of the
Second Chamber



K. Jürimäe
President of the Third
Chamber



C. Lycourgos
President of the
Fourth Chamber



E. Regan
President of the Fifth
Chamber



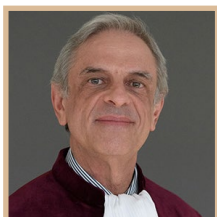
M. Szpunar
First Advocate General



T. von Danwitz
President of the Sixth
Chamber



F. Biltgen
President of the
Seventh Chamber



**N.J. Cardoso da Silva
Piçarra**
President of the Eighth
Chamber



Z. Csehi
President of the Tenth
Chamber



**O. Spineanu-
Matei**
President of the Ninth
Chamber



J. Kokott
Advocate General



M. Ilešič
Judge



J.-C. Bonichot
Judge



M. Safjan
Judge



S. Rodin
Judge



**M. Campos Sánchez-
Bordona**
Advocate General



P.G. Xuereb
Judge



L.S. Rossi
Judge



I. Jarukaitis
Judge



P. Pikamäe
Advocate General



A. Kumin
Judge



N. Jääskinen
Judge



N. Wahl
Judge



**J. Richard
de la Tour**
Advocate General



A. Rantos
Advocate General



I. Ziemele
Judge



J. Passer
Judge



D. Gratsias
Judge



M.L. Arastey Sahún
Judge



A.M. Collins
Advocate General



M. Gavalec
Judge



N. Emiliou
Advocate General



T. Čápetá
Advocate General



L. Medina
Advocate General



A. Calot Escobar
Registrar

Order of Precedence as from 15 November 2023

| B The General Court in 2023



Proceedings may primarily be brought before the General Court, at first instance, in **direct actions** brought by natural or legal persons (individuals, companies, associations, and so forth), where they are **directly and individually concerned**, and by Member States against acts of the institutions, bodies, offices or agencies of the European Union, and in direct actions seeking compensation for damage caused by the institutions or their staff.

A large part of the litigation before it is **economic in nature**: intellectual property (EU trade marks and designs), competition, State aid, and banking and financial supervision.

The General Court also has jurisdiction to adjudicate in civil service disputes between the European Union and its staff.

The **decisions** of the General Court **may be the subject of an appeal**, limited to points of law, before the Court of Justice. In cases which have already been considered twice (by an independent board of appeal and then by the General Court), the Court of Justice will allow an appeal to proceed only if it raises an issue that is significant with respect to the unity, consistency or development of EU law.



Marc van der Woude

President of the General Court

Activities and developments at the General Court

In the course of 2023, the reform of the General Court which saw the number of its Judges double ([Regulation \(EU, Euratom\) 2015/2422](#)) came fully into effect, as can be seen from the Court's judicial statistics. The General Court closed 904 cases and 868 new cases were brought (excluding 404 identical cases brought at the end of the year), thereby reducing the number of pending cases. Moreover, the average duration of proceedings was kept at a satisfactory level: 18.2 months on average, an indication that cases are being managed effectively.

At the same time, the General Court consolidated its practice of referring more cases before extended compositions of its Chambers. In 2023, 13.6% of cases were closed by extended compositions of the Chambers and no fewer than 120 cases were referred to them. In certain cases of exceptional importance, the General Court automatically refers them to its Grand Chamber, which consists of 15 Judges. In particular, it was as the Grand Chamber that the General Court gave judgment in the case of *Venezuela v Council* concerning restrictive measures adopted by the Council of the European Union against Venezuelan undertakings and nationals ([T-65/18 RENV](#), see 'A look back at the most important judgments of the year'). Four cases brought by four European organisations of judges



1 271*

cases brought

1 148

direct actions, including:

Intellectual and
industrial property **309**

EU civil service **75**

State aid and
competition **23**

13

actions brought by
Member States

65

applications for legal aid



A party who is unable to meet the costs of proceedings may apply for legal aid.

concerning the Polish national recovery and resilience plan (T-530/22 to T-533/22) and two cases related to restrictive measures imposed by the European Union on Russia on account of the war in Ukraine (Cases T-635/22 and T-644/22) were also referred to the Grand Chamber.

These satisfying results are due in part to the stability of the Court's composition. Only two Judges left office in 2023, namely Judge Frimodt Nielsen and Judge Valančius, who were replaced respectively by Judge Spangsberg Grønfeldt and Judge Kalėda. I would like to thank the departing Judges for their contribution to the proper administration of justice within the European Union. 2023 also saw the departure of Mr Coulon, Registrar at the General Court, after 18 years of commendable and loyal service, and the arrival of his successor, Mr Di Bucci.

A [conference on EU procedural law](#), which saw tributes paid and speeches made by senior figures, was organised to mark Mr Coulon's departure.

Throughout 2023, the General Court continued its process of modernisation, seeking, inter alia, to improve the treatment of the biggest and most complex cases. Such cases, which are generally in the field of economic and financial law, call for a proactive and tailored approach both in terms of resource allocation and work scheduling. This approach, in which the parties' representatives will be involved, will allow the duration of proceedings to be reduced and the parties' expectations to be met through more targeted delivery.

In addition, looking ahead to the partial transfer of jurisdiction to give preliminary rulings in certain specific areas and the extension of the mechanism to determine whether appeals may proceed, and with a view to fully satisfying the legitimate expectations of individuals, the General Court has been working throughout 2023 on the developments needed in its organisational arrangements and on its future procedural rules.

* At the end of 2023, an exceptional set of 404 essentially identical cases were brought before the General Court concerning rights acquired or in the process of being acquired under the supplementary pension scheme for Members of the European Parliament. Those cases have been joined. If they are counted as a single case, the net figures are 868 cases brought (745 direct actions) and 1 438 pending cases.



Savvas S. Papasavvas

Vice-President of the General Court

Innovations in case-law

The nature of the litigation before the General Court is constantly evolving. Spurred on by the actions brought by individuals, every judgment adds a new brick to the wall of case-law. 2023 was no exception and saw the General Court tackling new issues in traditional fields as well as laying the groundwork in developing areas of litigation. It also provided the opportunity for the Grand Chamber to meet to consider a singular issue of common foreign and security policy.

Since its establishment, reviewing the application of competition rules has fallen within the purview of the General Court. It therefore has special expertise in that field. However, since the legal environment is in constant flux, in that area as in others, new issues arise continually for its consideration. This was the case in particular with the judgment of 24 May 2023, *Meta Platforms Ireland v Commission* ([T-451/20](#)), in which the General Court examined, for the first time, the legality both of a request for information by search terms made pursuant to [Regulation No 1/2003](#) and of a virtual data room procedure to handle documents containing sensitive personal data. This involved the General Court ensuring that the Commission had limited its request solely to

the information needed to verify the suspected infringements which justified the Commission conducting its investigation (see the 'Focus' article).

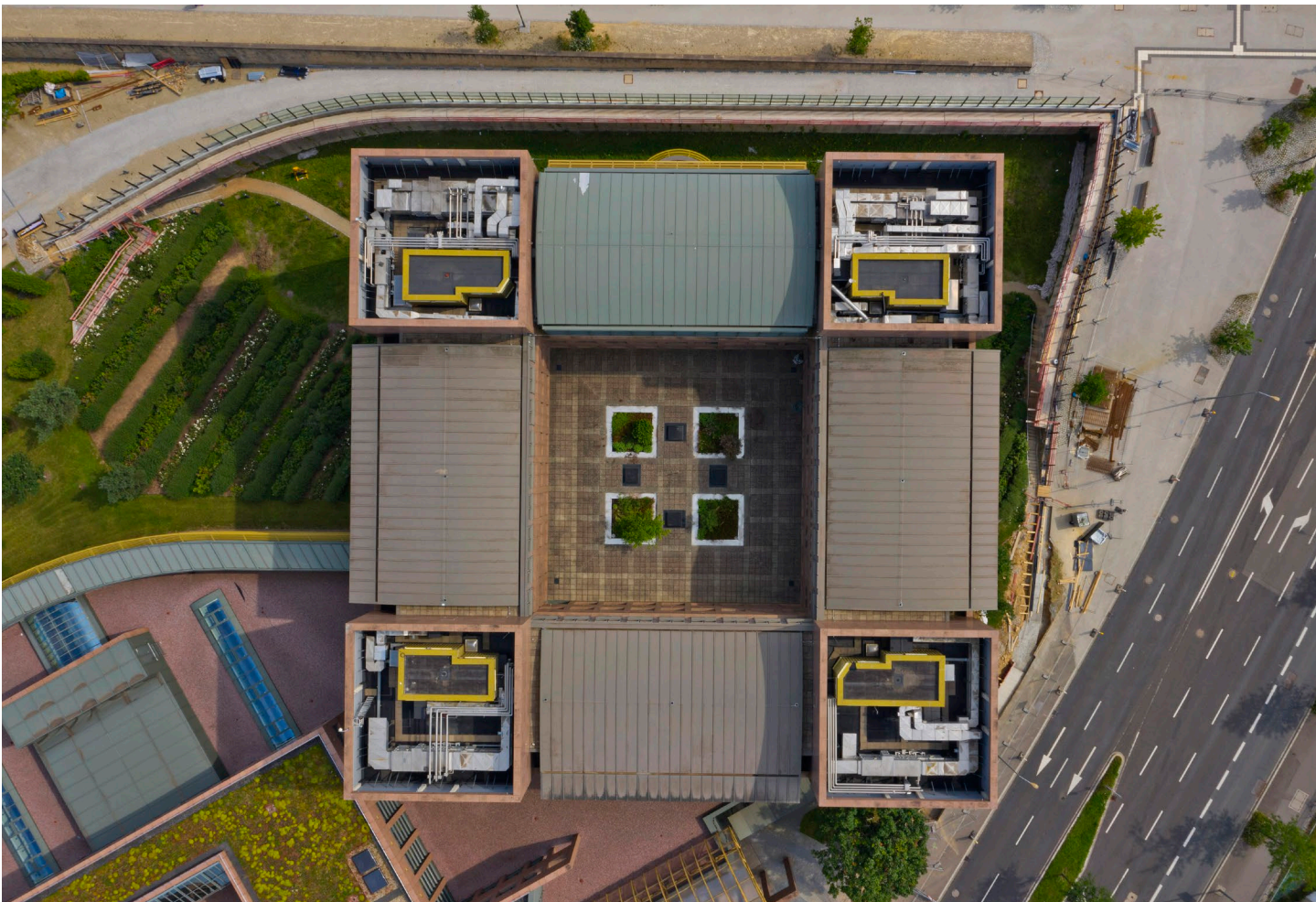
Similarly, as familiar and circumscribed as they are, the rules governing the non-contractual liability of the European Union prompted interesting and hitherto unexamined questions. An action was brought before the General Court seeking damages for the material and non-material losses allegedly suffered by International Management Group (IMG) further to the leak to the press of an investigation report by the European Anti-Fraud Office (OLAF) into IMG's legal status. The applicant alleged that the Commission, with which it had concluded a number of agreements, and OLAF had engaged in unlawful conduct. In response, in its judgment of 28 June 2023, *IMG v Commission* ([T-752/20](#)), the General Court provided clarification on the conditions which must be met in order to establish a sufficiently serious breach of a rule of law which confers rights on individuals.

Banking and financial cases rank highly in the list of developing areas of litigation. Specifically, the General Court is being called on to hear and adjudicate in a growing number of actions arising from the establishment of the Single Resolution Mechanism in 2014. That mechanism provides a framework to manage banking crises in connection with the resolution of the major banks in certain Member States. It relies in particular on the Single Resolution Board, which has the task of preparing for and carrying out the resolution of banks whose failure is likely or established. More specifically, by a series of judgments given on 22 November 2023, the General Court ruled for the first time on an application for annulment of a decision of the Single Resolution Board concerning the potential compensation of the shareholders and creditors affected following the resolution of a bank ([Joined Cases](#) [T-302/20](#), [T-303/20](#) and [T-307/20 Del](#)

Valle Ruíz and Others v SRB, and Cases T-304/20 Molina Fernández v SRB, T-330/20 ACOMO and Others v SRB and T-340/20 Galván Fernández-Guillén v SRB).

Lastly, how could I fail to mention, when considering the innovations in case-law which shaped the past year, the judgment of 13 September 2023, *Venezuela v Council* ([T-65/18 RENV](#), see 'A look back at the most important judgments of the year'). Sitting as the Grand Chamber, the General Court ruled on the legality of restrictive measures imposed on a non-member State (here: Venezuela), on account of the continuing deterioration of democracy, the rule of law and human rights in that country. In so doing, the General Court was required to consider delicate issues connected with that non-member State's right to be heard and the alleged violations of international law upon which that State relied.

L. Mancoske







904

cases resolved

786

direct actions, including:

Intellectual and industrial property **278**

State aid and competition **163**

EU civil service **66**

14 direct actions brought by Member States

Average duration of proceedings:

18.2 months

Proportion of decisions subject to an appeal
before the Court of Justice: **31%**



1 841

pending cases (as of 31 December 2023)

Principal matters dealt with:

Institutional law **543**

Intellectual and industrial property **330**

Economic and monetary policy **238**

State aid and competition **176**

Restrictive measures **116**

EU civil service **111**

Access to documents **35**

Public health **32**

Agriculture **30**

Commercial policy **29**



[See detailed statistics for
the General Court](#)



Members of the General Court

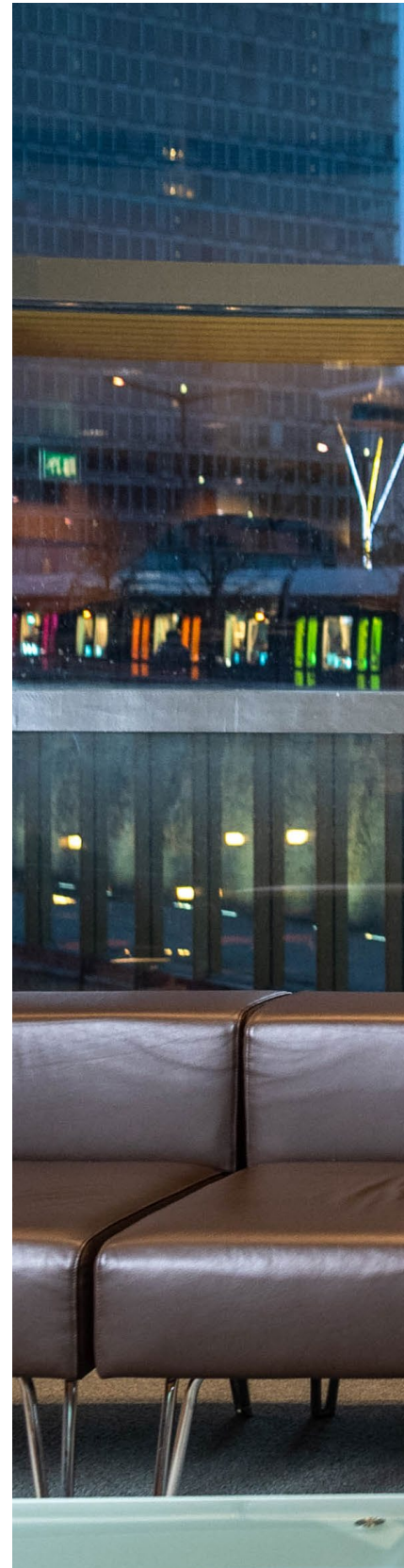
The General Court is composed of two Judges from each Member State.

The Judges are chosen from among individuals whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices. They are appointed by common accord of the governments of the Member States after consultation with a panel responsible for giving an opinion on candidates' suitability. They are appointed for a term of office of six years, which is renewable. They appoint, from amongst themselves, the President and Vice-President for a period of three years, and appoint the Registrar for a term of office of six years.

The Judges perform their duties in a totally impartial and independent manner.

In June 2023, Mr Vittorio Di Bucci was appointed Registrar of the General Court.

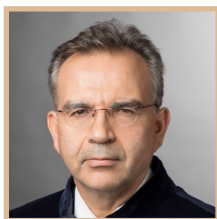
In September 2023, two Judges entered into office at the General Court: Mr Saulius Lukas Kalėda (Lithuania) and Ms Louise Spangsberg Grønfeldt (Denmark).







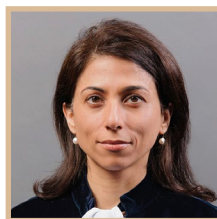
M. van der Woude
President



S.S. Papasavvas
Vice-President



D. Spielmann
President of the First
Chamber



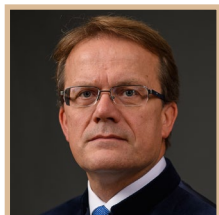
A. Marcoulli
President of the
Second Chamber



F. Schalin
President of the Third
Chamber



**R. da Silva
Passos**
President of the
Fourth Chamber



J. Svenningsen
President of the Fifth
Chamber



M.J. Costeira
President of the Sixth
Chamber



**K. Kowalik-
Bańczyk**
President of the
Seventh Chamber



A. Kornezov
President of the
Eighth Chamber



L. Truchot
President of the Ninth
Chamber



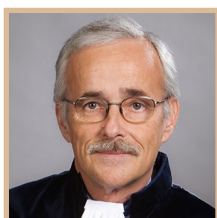
O. Porchia
President of the Tenth
Chamber



M. Jaeger
Judge



H. Kanninen
Judge



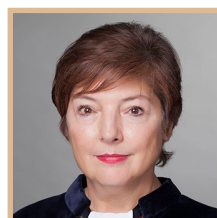
J. Schwarcz
Judge



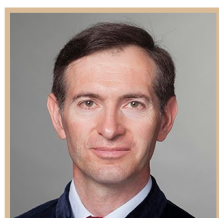
M. Kancheva
Judge



E. Buttigieg
Judge



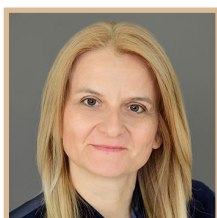
V. Tomljenović
Judge



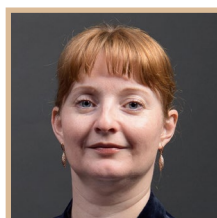
S. Gervasoni
Judge



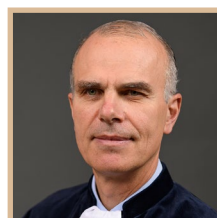
L. Madise
Judge



N. Półtorak
Judge



I. Reine
Judge



P. Nihoul
Judge



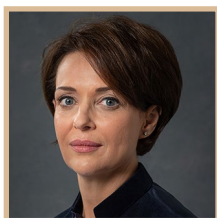
U. Öberg
Judge



C. Mac Eochaidh
Judge



G. De Baere
Judge



R. Frendo
Judge



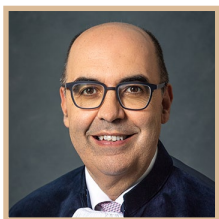
T.R. Pynnä
Judge



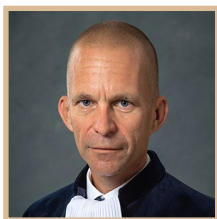
J.C. Laitenberger
Judge



R. Mastroianni
Judge



J. Martín y Pérez de Nanclares
Judge



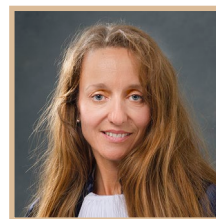
G. Hesse
Judge



M. Sampol Pucurull
Judge



M. Stancu
Judge



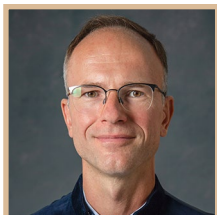
P. Škvařilová-Pelzl
Judge



I. Nõmm
Judge



G. Steinfatt
Judge



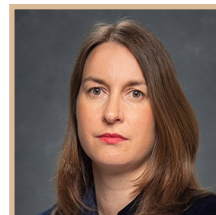
R. Norkus
Judge



T. Perišin
Judge



D. Petrlík
Judge



M. Brkan
Judge



P. Zilgalvis
Judge



K. Kecsmár
Judge



I. Gâlea
Judge



I. Dimitrakopoulos
Judge



D. Kukovec
Judge



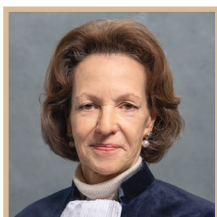
S. Kingston
Judge



T. Tóth
Judge



B. Ricziová
Judge



E. Tichy-Fisslberger
Judge



W. Valasidis
Judge



S. Verschuur
Judge



S. Lukas Kalėda
Judge



L. Spangsberg Grønfeldt
Judge



V. Di Bucci
Registrar

Order of Precedence as from 27 September 2023

| C Case-law in 2023

Focus Interaction between personal data protection and competition law

Judgment in *Meta Platforms and Others* of 4 July 2023 ([C-252/21](#))

The German Federal Cartel Office prohibited the companies in the Meta group from making the use of the social network Facebook by its users in Germany subject to the processing of their 'off-Facebook' data without their consent. It took the view that the processing of the data at issue was inconsistent with the General Data Protection Regulation (GDPR) and therefore constituted an abuse by the Meta group of its dominant position.

After the matter was referred to it by a German court in the context of proceedings brought by the Meta group against that prohibition, the Court of Justice held that a competition authority of a Member State is entitled to find there to be an infringement of the GDPR in the context of an investigation into an abuse of a dominant position. It is, however, required to cooperate sincerely with the specific supervisory authorities established by that regulation. If the conduct examined has already been the subject of a decision by those authorities or by the Court, the competition authority is bound by their assessments relating to the GDPR.

The Court also ruled on the question of whether the processing of 'sensitive' data, which is in principle prohibited by the GDPR, may exceptionally be permitted in cases in which those data were manifestly made public by the data subject. It held that the mere fact that a user visits websites or apps which may reveal sensitive data, such as racial or ethnic origin, political opinions, religious beliefs or sexual orientation, does not mean that that user manifestly makes public his or her data within the meaning of the GDPR. The same applies where a user enters information



GDPR

The General Data Protection Regulation (GDPR) standardises and establishes a framework under EU law for the protection of personal data under a single system.

The GDPR imposes obligations on any body, whether public or private, where it collects personal data in the territory of the European Union. Bodies which fail to comply with the GDPR obligations open themselves up to different types of penalties.

In the digital age, through the GDPR the European Union enshrines many rights for individuals, such as the right to information, the right to be forgotten and the right to access personal data collected or to have those data deleted, which contribute to strengthening the protection of their privacy. Those rules are regarded as being the strictest in the world in the field of data protection.

or clicks or taps on integrated buttons, unless he or she has explicitly made the choice beforehand to make those data publicly accessible to an unlimited number of persons.

The fact that the network operator holds a dominant position does not prevent the user from being able validly and freely to consent to the processing of his or her data. However, since that dominant position may affect users' freedom of choice, it is an important factor in determining whether that consent was in fact validly given. The Court adds that it is for the operator to prove that such consent exists.



'Off-Facebook' data

Meta Platforms Ireland operates the online social network Facebook within the European Union. By registering with Facebook, its users accept the general terms drawn up by that company, which contain the data and cookies policies. According to those policies, Meta Platforms Ireland collects data about user activities on and off the social network and links the data with the Facebook accounts of the users concerned. Those data, also known as 'off-Facebook' data, concern, inter alia, visits to third-party web pages and apps as well as the use of other online services belonging to the Meta group (including Instagram and WhatsApp). The collection of those data allows the advertising messages intended for Facebook users to be personalised.





Focus FIFA's and UEFA's regulatory powers and EU law

Judgment in *European Superleague Company* of 21 December 2023 ([C-333/21](#))



FIFA and UEFA are international football federations which provide the framework for professional football in Europe. They adopted rules which confer on them the power to authorise European interclub football competitions and to exploit the various related media rights. UEFA also organises competitions between European clubs such as, for example, the Champions League.

Twelve European football clubs wanted to set up a new football competition project: the 'Super League'. That project is liable to affect the conduct of UEFA's interclub competitions and the exploitation of the related media rights. FIFA and UEFA opposed the project and threatened to impose sanctions on any clubs and players which decided to participate in it.

The undertaking responsible for the project, European Superleague Company, challenged the FIFA and UEFA rules before a Madrid court, which submitted questions to the Court of Justice about the compatibility of those rules with EU law, which prohibits barriers to free competition and to the freedom to provide services.

In line with its 'Bosman' case-law, the Court observed that the organisation of sporting competitions and the exploitation of the related media rights constitute economic activities which come within the scope of EU law.

It held that the regulatory and control powers and the power to impose sanctions enjoyed by FIFA and UEFA in connection with the organisation of potentially competing football competitions, such as the Super League project, must be exercised in a transparent, objective, non-discriminatory and proportionate manner, failing which those powers infringe EU competition law and the freedom to provide services.



Furthermore, the Court took the view that the FIFA and UEFA rules on the exploitation of media rights could run counter to EU competition law if they do not benefit the different stakeholders in football, for example, by ensuring a ‘solidarity redistribution’ of the income generated. The Court found that those rules were likely to be detrimental to European football clubs, to undertakings operating on the media markets and to both consumers and television viewers by preventing them from benefiting from potentially innovative and interesting new competitions.

The ‘Bosman’ case-law

In its historic judgment in *Bosman* of 15 December 1995 ([C-415/93](#)), the Court held that sport is, as a general rule, an economic activity falling within the scope of EU law. It also took the view that the free movement of workers precludes:

- nationality clauses adopted by sporting federations under which sports clubs may field only a limited number of professional players who are nationals of other Member States; and
- transfer clauses laid down by those federations under which a professional player who is a national of one Member State may not, on the expiry of his contract with a club, be employed by a club of another Member State unless the latter club has paid a fee to the former club.



The Court and sport

Since the judgment in *Bosman*, the Court has had the opportunity on several occasions to rule on the conditions governing sport in the light of the economic law of the European Union:

- the nationality clauses at issue in the judgment in *Bosman* relating to sportsmen and -women who are nationals of the Member States likewise cannot be applied to sportsmen and -women from a State with which the European Union has concluded an association agreement or a partnership agreement (judgments in *Deutscher Handballbund* of 8 May 2003 ([C-438/00](#)), and in *Simutenkov* of 12 April 2005 ([C-265/03](#)));
- the International Olympic Committee’s anti-doping rules fall within the scope of EU competition law but are not contrary to it because they are necessary in order to ensure that sporting competitions are conducted properly (judgment in *Meca-Medina and Majcen v Commission* of 18 July 2006 ([C-519/04 P](#)));
- football clubs may require payment of a commensurate training fee for the young players which they have trained if those players wish to sign their first professional contract with a club in another Member State (judgment in *Olympique Lyonnais* of 16 March 2010 ([C-325/08](#))).

Focus Personal data protection and combatting offences relating to competition between undertakings

Judgment in *Meta Platforms Ireland v Commission* of 24 May 2023 ([T-451/20](#))

In 2020, in the context of an investigation into suspected anticompetitive behaviour by the Facebook group in its use of personal data and in the management of its social network platform, the Commission required Meta Platforms Ireland to provide it with all documents prepared or received by three of its executives containing one or more specific terms.

Those terms included, inter alia, 'big question', 'for free', 'not good for us' and 'shut* down'.

If it failed to communicate that information, Meta would be subject to a potential penalty payment of EUR 8 million per day.

Before the General Court of the European Union, Meta challenged the legality of the request for information made by the European Commission. According to Meta, such search terms were manifestly too vague and too general and were indicative of a wide-scale 'fishing expedition'.

At the same time, Meta submitted an application for interim measures seeking the suspension of the Commission's request pending the General Court's judgment on the substance of the case.

The Commission's powers of investigation

The European Union's competition rules prohibit agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which could prevent, restrict or distort competition within the internal market (Article 101 of the Treaty on the Functioning of the EU (TFEU)). They also prohibit undertakings holding a dominant position on a market from abusing that position, for example by applying unfair prices, limiting production or refusing to innovate to the detriment of consumers (Article 102 TFEU).

EU Regulation No 1/2003 plays a crucial role in the implementation of competition rules. It entrusts the European Commission with broad powers of investigation. The Commission may, inter alia, carry out inspections and question any person who may have useful information..



On 29 October 2020, the President of the General Court ruled on the application for interim relief. He ordered the suspension of the European Commission's decision until a specific procedure was put in place for the production of the documents requested which were unconnected with Meta's commercial activities and which contained sensitive personal data ('the protected documents'). Subsequent to that order, the Commission put in place a virtual data room procedure in respect of those protected documents. Under that procedure, the documents could be placed on the file only after having been examined in that virtual room by a limited number of members of the team responsible for the investigation and Meta's lawyers.

On 24 May 2023, the General Court ruled on the substance of the case. It dismissed Meta's action in its entirety.

In its judgment, the General Court pointed to the broad powers of investigation of the European Commission to review whether undertakings comply with competition rules. In that context, the use of specific search terms may prove useful.

In response to Meta's argument that an investigation using search terms constituted interference with the privacy of the employees concerned, the General Court considered that it was an appropriate measure for achieving objectives of general interest, namely the maintenance of the system of competition intended by the Treaties of the European Union.



META

Meta is a multinational technology company which has its registered office in the United States. Alongside Instagram and WhatsApp, one of its flagship products is its social network Facebook, which allows registered users to create profiles, upload photos and videos, send messages and keep in contact with other people. Meta also offers an online classified advertisement service, called Facebook Marketplace, which enables users to buy and sell goods.



Interim relief

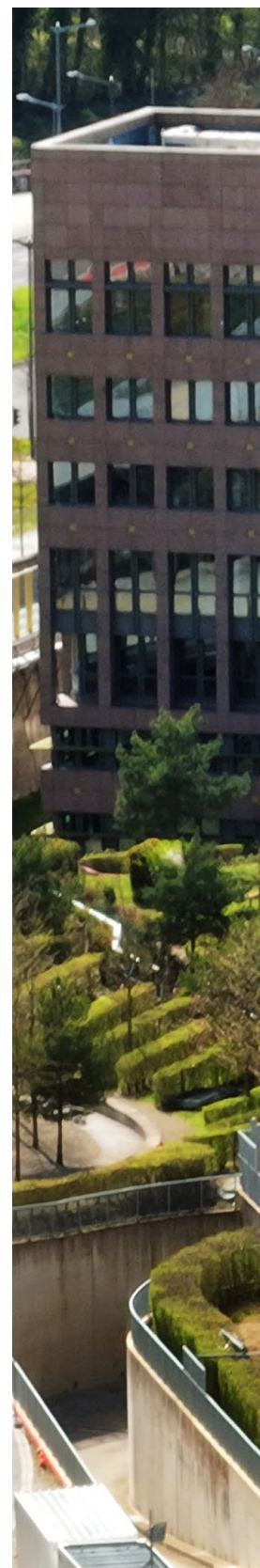
The purpose of an application for interim measures is to obtain the immediate suspension of the operation of an act of an institution, pending the handling of the action and the final judgment. In order for such an interim measure to be ordered by the President of the General Court, the action must not appear, at first sight, to be without reasonable substance. The applicant must also show that, if operation were not suspended, it would suffer serious and irreparable harm. Finally, the decision must strike a balance between the applicant's interest, on the one hand, and the interests of the other parties and the public interest, on the other.

The General Court pointed in that regard to the accompanying measures which had been adopted. The protected documents had to be transmitted to the Commission on a separate electronic medium and placed in a virtual data room. That room was accessible only to a limited number of members of the team responsible for the investigation. The documents to be placed on the file were selected in the presence of Meta's lawyers. In the event of continuing disagreement as to the classification of a document, arbitration took place.

Case T-452/20

On the same date the Commission adopted, in respect of Meta Platforms Ireland, a request for information in the context of its parallel investigation into certain practices relating to the Facebook Marketplace platform. The action for annulment brought by Meta Platforms Ireland against that decision was dismissed by the General Court in its judgment of the same day in Case [T-452/20](#).

Meta has lodged appeals before the Court of Justice against the judgments in Cases T-451/20 and T-452/20 of the General Court (pending Cases C-497/23 P and C-496/23 P).







Focus Protection of European undertakings against US extraterritorial sanctions



Judgment in *IFIC Holding v Commission* of 12 July 2023 ([T-8/21](#))

In 2018, the United States withdrew from the Iran nuclear deal, the aim of which was to control the Iranian nuclear programme in return for the lifting of economic sanctions against Iran. As a result of that withdrawal, the United States reimposed sanctions on Iran and on a list of persons whose assets had been frozen. It was also, once again, prohibited from trading with any person or entity included on the list drawn up by the US authorities. That prohibition likewise applied to undertakings outside the United States, including European undertakings.

The extraterritorial effect of laws adopted by third States

Legislation is extraterritorial where its effect extends beyond the borders of the State which adopted it. The European Union's Blocking Statute ([Council Regulation \(EC\) No 2271/96](#)) protects EU traders against the extraterritorial application of the laws of third countries. The European Union adopted that statute in 1996 in order to protect European undertakings whose commercial activities with Cuba, Iran or Libya were targeted by the United States.

In 2018, in response to the United States' withdrawal from the Iran nuclear deal, the European Union updated its Blocking Statute to include in it the newly reimposed extraterritorial US sanctions. That step was taken in the context of the EU's support for the continued and full implementation of the Iran nuclear deal, in particular by supporting the commercial and economic ties between the European Union and Iran.

In response to that reintroduction of sanctions, the European Union updated its 'Blocking' Statute in order to protect the interests of EU undertakings. Thus, to protect European undertakings against the effects of the extraterritorial application of the US sanctions, those undertakings were prohibited from complying with those sanctions unless authorised by the European Commission. It should be noted that such authorisation may be granted where non-compliance with the foreign sanctions could seriously damage the interests of the undertaking concerned or those of the European Union.

IFIC Holding AG is a German company owned indirectly by the Iranian State, which was added to the list in 2018. Following that listing, Clearstream Banking AG, the only securities deposit bank authorised in Germany, interrupted payment to IFIC of the dividends due the latter from various German undertakings in which it holds stakes, and blocked them on a separate account.

Further, Clearstream requested that the Commission authorise it to comply with the US sanctions concerning IFIC's securities or funds. Initially, the Commission granted that authorisation, in April 2020, for 12 months, and then

renewed it in 2021 and 2022. IFIC contested those decisions by bringing an action for annulment before the General Court.

The General Court dismissed IFIC's action, thus authorising Clearstream Banking AG to comply with the US sanctions imposed on Iran. The General Court took the view that, while the Commission was required to take into consideration the interests of the undertaking requesting the authorisation (Clearstream), it was not obliged to take account of the interests of the listed undertaking (IFIC) or to explore other less onerous alternatives for it. It also considered that the objectives pursued by the European Union in the context of extraterritorial sanctions imposed by a third country justified the limitation of IFIC's right to be heard in the course of the decision-making process prior to the Commission granting its authorisation.

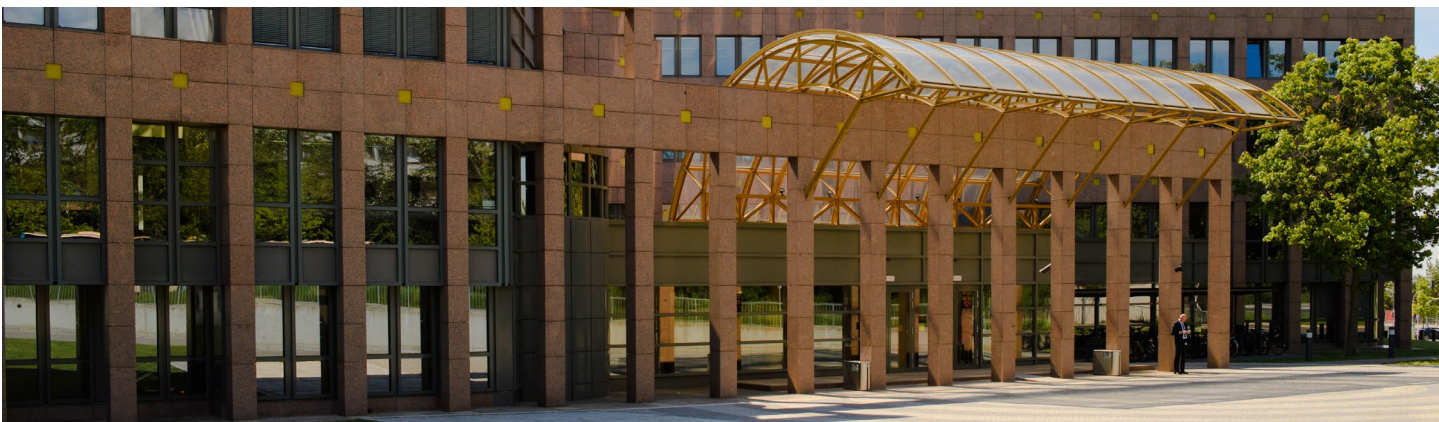


Action for annulment

An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to EU law. The Member States, the EU institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must then fill any legal vacuum created by the annulment of the act.

Bank Melli Iran (C-124/20)

In another case, BMI, a bank owned by the Iranian state, relied on the Blocking Statute before the German courts to contest the application of US sanctions in Germany. The Court of Justice, in the first case referred to it in connection with the European Union's Blocking Statute, held that the prohibition laid down in EU law on complying with sanctions imposed by the United States against Iran could be relied on before national courts in the context of civil proceedings.





A look back at the most important judgments of the year

Consumers

EU consumer policy seeks to protect the health, safety and economic and legal interests of consumers, wherever they live, travel to or buy from within the European Union.



The Court of Justice: Guaranteeing the Rights of EU Consumers

[Watch the video on YouTube](#)



An individual brought proceedings against Mercedes-Benz Group, claiming that the group caused damage to him by equipping his vehicle with software (a 'defeat device') that reduces exhaust gas recirculation rates in cold weather. In his view, that software has harmful environmental effects and is contrary to EU law. In German law, in a case of ordinary negligence, a right to compensation may be afforded where a law intended to protect others has been infringed. A German court thus asked the Court of Justice whether EU law protects the specific interests of the individual purchaser of such a vehicle. The Court held that EU law establishes a direct link between the car manufacturer and the individual purchaser of a motor vehicle. Accordingly, **the purchaser of a motor vehicle equipped with a prohibited defeat device has a right to compensation** from the manufacturer where that device has caused damage to that purchaser.

[Judgment in Mercedes-Benz Group of 21 March 2023 \(C-100/21\)](#)



A Spanish court referred a case to the Court of Justice concerning the compatibility with EU law of local legislation on private-hire vehicle (PHV) services in the Barcelona conurbation. Under that legislation, undertakings already authorised to provide those services nationally must obtain an additional licence to be able to operate in the Barcelona conurbation. The legislation also limits the number of PHV service licences to one thirtieth of the taxi service licences granted for that conurbation. The Court of Justice held that it may prove necessary to obtain an additional licence to that provided for at the national level for reasons of sound transport management, but that **limiting the number of PHV service licences constitutes an unjustified restriction on the freedom of establishment and is, therefore, contrary to EU law.**

⊕ Judgment in *Prestige and Limousine* of 8 June 2023 ([C-50/21](#))



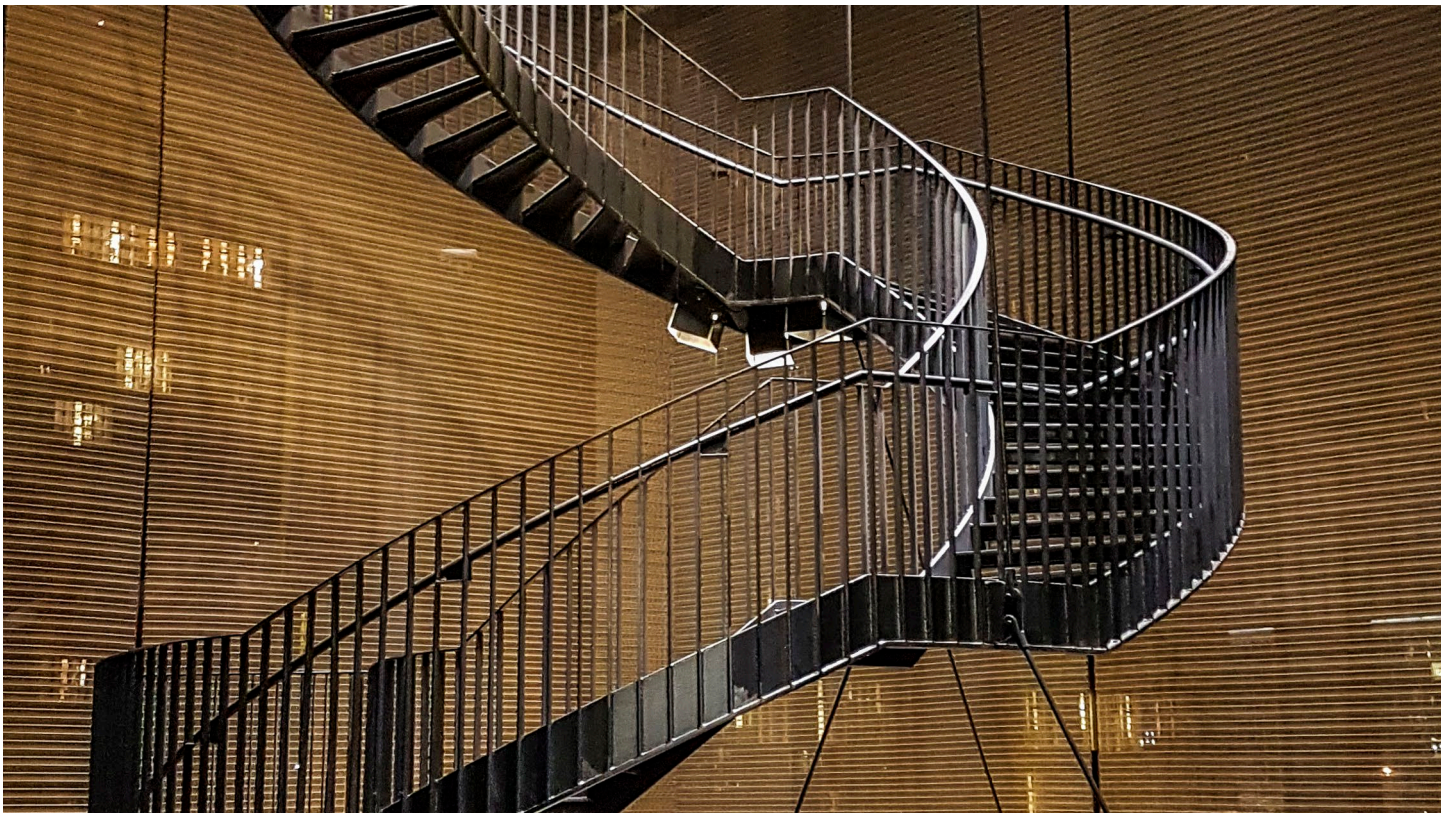
A cyclist riding an electric bicycle on a public road near Bruges (Belgium) was struck by a car and died several months later. In the course of the judicial proceedings to establish a right to compensation, a dispute arose as to whether an electric bicycle should be classified as a 'vehicle'. That classification (which is dependent on the interpretation of a European directive) is crucial to determining whether the victim was the driver of a 'motor vehicle' or whether she was entitled to claim automatic compensation as a 'vulnerable road user' in accordance with Belgian law. In its judgment, the Court of Justice found that **an electric bicycle was not covered by the obligation to insure motor vehicles**, because it was not propelled exclusively by mechanical power. Devices which are not propelled exclusively by mechanical power, such as an electric bicycle which may accelerate up to 20 km/h following an initial input of muscular power, do not appear to be capable of causing bodily or material damage comparable to that which may be caused by motorcycles, cars, trucks or other vehicles propelled exclusively by mechanical power, as the latter can reach significantly higher speeds.

⊕ Judgment in *KBC Verzekeringen* of 12 October 2023 ([C-286/22](#))

The COVID-19 pandemic prompted a number of Member States, including Slovakia, to adopt measures related to the reimbursement, by travel agencies, of trips cancelled on health grounds. That national legislation allows vouchers with an 18-month validity period to be issued, which are refundable only after that period has expired. The risks of insolvency and the difficulties facing travel organisers were cited as reasons justifying such initiatives. The Court of Justice held that **Member States could not rely on force majeure to derogate from the obligation to provide a full refund laid down in the 'Package Travel' Directive**. It found that the value of the travel must be reimbursed in the form of money: travel agencies cannot offer vouchers unless the traveller voluntarily agrees to that arrangement. In adopting a legislative amendment which temporarily denies travellers their right to terminate a package travel contract without paying any fees and to receive a full refund, Slovakia thus failed to fulfil its obligation under EU law.



⊕ Judgments in *UFC – Que Choisir and CLCV* ([C-407/21](#)) and *Commission v Slovakia* of 8 June 2023 (C-540/21)



Environment

The European Union is committed to preserving and improving the quality of the environment and to protecting human health. Its policies are based on the precautionary and preventive principles and on the 'polluter pays' principle.



The Court of Justice and the Environment



[Watch the video on YouTube](#)



In 2018, the Court held that Romania was under an obligation to put an end to the illegal dumping of waste and to close down 68 non-authorised landfills. In 2022, taking the view that Romania had still not complied with the 2018 judgment, the Commission brought a further action for failure to fulfil obligations. The Court noted that Romania still maintains 31 unauthorised sites. **Romania is therefore ordered to pay** EUR 1.5 million and EUR 600 per day of delay for each unauthorised landfill. In fixing the penalty payment, **the Court took into account the seriousness of the infringement, its duration and Romania's ability to pay.** The failure to comply with the 2018 judgment entails a significant risk of pollution and serious consequences for human health due to the release of harmful chemicals into soil, air and water.

⊕ Judgment in *Commission v Romania* of 14 December 2023 (C-109/22)

Personal data

The European Union has set out rules forming a solid and coherent foundation for the protection of personal data. In order to be lawful, the processing and storage of such data must satisfy the conditions laid down in legislation, and in particular be limited to what is strictly necessary and not disproportionately undermine the right to privacy.



The Court of Justice in the Digital World

[Watch the video on YouTube](#)

Relying on the GDPR, a citizen requested Österreichische Post, the principal operator of postal and logistics services in Austria, to disclose to him the identity of the recipients to whom that operator had disclosed his personal data. The Austrian Supreme Court asked the Court of Justice whether the GDPR gives the data subject the right to know the specific identity of the data recipients. In answer to that question, the Court of Justice found that, **where personal data have been or will be disclosed to recipients, there is an obligation on the part of the controller to provide the data subject, on request, with the actual identity of those recipients.** It is only where it is not (yet) possible to identify those recipients that the controller may indicate only the categories of recipients in question. That is also the case where the controller demonstrates that the request is manifestly unfounded or excessive.



[Judgment in Österreichische Post of 12 January 2023 \(C-154/21\)](#)



In 2014, an employee of the bank Pankki S, who was, at the same time, a customer of that bank, learnt that his personal data had been consulted by other members of the bank's staff on several occasions. Since he had doubts as to the lawfulness of those consultations, that employee, who had in the meantime been dismissed by Pankki S, asked the bank to inform him of the identity of the persons who had consulted his customer data and the exact dates of and reasons for the consultations. Pankki S refused to disclose the identity of the employees on the ground that that information constituted personal data of those employees. In response to questions from a Finnish court, the Court of Justice held that **every person has the right to know the date of and the reasons for the consultation of his or her personal data** and that the fact that the controller is engaged in the business of banking has no effect on the scope of that right.

⊕ Judgment in *Pankki S* of 22 June 2023 ([C-579/21](#))



In response to a question referred by the Supreme Administrative Court of Lithuania, the Court of Justice held that the ‘Privacy and Electronic Communications’ Directive precludes the use, in connection with investigations into corruption in the public service, of data from electronic communications which have been retained by providers of electronic communications services and subsequently made available to the authorities for the purpose of combatting serious crime. In addition, traffic and location data retained by providers for the purpose of combatting serious crime and made available to the authorities **cannot subsequently be transmitted to other authorities to combat corruption-related misconduct in office.**



⊕ Judgment in *Lietuvos Respublikos generalinė prokuratūra* of 7 September 2023 ([C-162/22](#))

A patient asked his dentist to provide him with a copy of his medical records free of charge, but the dentist asked that the patient cover the costs connected with providing the copy of those records. Taking the view that he is entitled to a free copy, the patient brought proceedings before the German courts. In response to the question referred to it for a preliminary ruling, the Court of Justice recalled that the GDPR enshrines the right of the patient to obtain a first copy of his or her medical records without this entailing, in principle, costs, and that the controller could charge a fee only for further copies. Thus, a dentist is obliged to **provide a first copy of the records free of charge** to the patient without that patient having to give reasons for his or her request.



⊕ Judgment in *FT (Copies of medical records)* of 26 October 2023 ([C-307/22](#))

Equal treatment and labour law

There are more than 240 million workers in the European Union. A large number of citizens therefore benefit directly from the provisions of European labour law, which sets minimum standards for working and employment conditions and thus supplements the policies of the Member States.



The Court of Justice: guaranteeing equal treatment and protecting minority rights

[Watch the video on YouTube](#)



The Court of Justice in the Workplace – protecting the rights of workers

[Watch the video on YouTube](#)



In response to a question from a Polish court, the Court of Justice recalled that **the protection against discrimination**, afforded by Directive 2000/78 on equal treatment in employment and occupation, **applies to any occupational activity** which is genuine and pursued in the context of a stable legal relationship. It likewise applies to a self-employed person working on the basis of a contract for specific work. The decision to terminate and not to renew such a contract places a self-employed person in a position comparable to that of an employed worker who has been dismissed. Furthermore, the Court of Justice pointed out that **freedom of contract cannot justify a refusal to contract with a person on the ground of that person's sexual orientation**.

[Judgment in TP \(Audiovisual editor for public television\)](#) of 12 January 2023 (C-356/21)

A German pilot worked on a part-time basis for an airline and his employment contract stipulated that he was to receive basic remuneration according to flight duty time. He could also receive additional remuneration if, in one month, he performed a certain number of flight duty hours and exceeded certain thresholds laid down in his contract. Those thresholds were identical for full-time and part-time pilots. A German court asked the Court of Justice whether national rules requiring a part-time worker to complete the same number of working hours as a full-time worker in order to receive additional remuneration constituted discrimination which is prohibited under EU law. The Court of Justice answered in the affirmative, observing that **the payment of increased remuneration for exceeding a certain number of working hours cannot operate to the disadvantage of part-time workers.**



⊕ Judgment in *Lufthansa CityLine* of 19 October 2023 ([C-660/20](#))

A train driver employed by MÁV-START, the Hungarian national railway company, challenged his employer's decision not to grant him a daily rest period of at least 11 consecutive hours. Under the Working Time Directive, that rest period must be granted to workers during each 24-hour period, when that period precedes or follows a weekly rest period or a period of leave. The Court of Justice noted that daily and weekly rest periods constituted two autonomous rights which pursued different objectives. **The daily rest period does not form part of the weekly rest period but is additional to it, even if the daily rest period directly precedes the latter.** Consequently, workers must be guaranteed the actual enjoyment of each of those rights.



⊕ Judgment in *MÁV-START* of 2 March 2023 ([C-477/21](#))

EU citizenship

Anyone who is a national of an EU Member State is automatically a citizen of the European Union. Citizenship of the European Union is in addition to and does not replace national citizenship. Citizens of the European Union enjoy specific rights guaranteed by the EU Treaties.



The daughter of a Danish mother and an American father, who held dual Danish and American nationality since her birth in the United States, applied in Denmark, at the age of 22, to retain her Danish nationality; that application was refused under the applicable Danish legislation. In response to a question submitted by a Danish court on the compatibility of that legislation with EU law, the Court of Justice held that Denmark may, in principle, provide that its nationals born abroad who have never lived on its territory lose Danish nationality at the age of 22 years. However, that measure must have due regard to the principle of proportionality when it also entails the loss of EU citizenship. This is the case if the person concerned does not hold the nationality of another Member State. Thus, **EU law precludes the permanent loss of Danish nationality, and therefore of EU citizenship, without the person concerned having been notified or informed of this, or having had the opportunity to request an individual examination of the consequences of that loss.**

⊕ Judgment in *Udlændinge- og Integrationsministeriet* of 5 September 2023 ([C-689/21](#))

Migration

The European Union has adopted a body of rules in order to establish an effective, humanitarian and safe European migration policy. The Common European Asylum System lays down minimum standards applicable to the treatment of all asylum seekers and to the processing of their applications throughout the European Union.

Two Syrian nationals, Ms X and Mr Y, were married in 2016 in Syria and had two children. In 2019, Mr Y left Syria to travel to Belgium, while Ms X and their two children remained in Syria. In 2022, the Belgian authorities recognised Mr Y as a refugee in Belgium. The lawyer for Ms X and the children submitted, via email, an application for family reunification so that they could join Mr Y in Belgium, explaining that the exceptional circumstances in north-west Syria prevented them from travelling to a Belgian diplomatic post in order to submit the application there. The Immigration Office replied that, under Belgian law, it was not possible to apply by email and invited Ms X and her children to contact the Belgian Embassy. In response to a question submitted by a Belgian court, the Court of Justice held that **the Belgian legislation laying down the requirement to appear in person at a diplomatic post in the case of an application for family reunification was contrary to EU law**. The legislation may nevertheless provide for the possibility of requiring the applicant(s) to appear in person at a later stage.



⊕ Judgment in *Afrin* of 18 April 2023 ([C-1/23 PPU](#))



Hungary introduced a law requiring third-country nationals or stateless persons present in its territory or presenting themselves at its borders to travel first to one of its embassies abroad, in Serbia or Ukraine, in order to submit a declaration there and obtain permission to enter Hungarian territory, before being able to apply for international protection in Hungary. The Court of Justice held that **Hungary had created unreasonable barriers for asylum seekers, contrary to the fundamental principles of the European Union, by making the asylum application process excessively complex.** That measure may not be justified by the fight against contagious diseases in the context of the COVID-19 pandemic because it is disproportionate in the light of the objective pursued.

⊕ Judgment in *Commission v Hungary* of 22 June 2023 ([C-823/21](#))



Rule of law

The Charter of Fundamental Rights of the European Union, like the Treaty on European Union, refers expressly to the rule of law, which is one of the values common to the Member States. The independence and impartiality of courts is a key aspect of the rule of law.



Upholding the rule of law in the EU

 [Watch the video on YouTube](#)

The Commission challenged the Polish justice reform of December 2019 before the Court of Justice. The Court upheld the Commission's action, recalling that **Member States are required to ensure that, in the light of the value of the rule of law, any regression of their laws on the organisation of justice is prevented.** The Court of Justice found it to be incompatible with EU law that national judges, who are themselves called upon to apply EU law, risk matters relating to their status and the performance of their duties being decided on by a court which does not satisfy the requirement of independence and impartiality. In addition, national courts cannot be prevented from assessing whether a court or a judge meets the requirements of effective judicial protection under EU law, where appropriate, by referring questions to the Court of Justice for a preliminary ruling. Finally, national provisions requiring judges to reveal whether they are members of an association, non-profit foundation or political party, and which provide that that information be placed online, are contrary to the protection of personal data and respect for private life.



 Judgment in *Commission v Poland* of 5 June 2023 ([C-204/21](#))

Intellectual property

The rules adopted by the European Union to protect intellectual property (copyright) and industrial property (trade mark law, protection of designs) improve the competitiveness of undertakings by fostering an environment conducive to creativity and innovation.



La propriété intellectuelle et le Tribunal de l'Union européenne

[+ Voir la vidéo sur YouTube](#)



The application for international registration of the word sign 'EMMENTALER' was rejected by the European Union Intellectual Property Office (EUIPO). *Emmentaler Switzerland* challenged that decision, which was reconfirmed by EUIPO on account of the descriptive character of the trade mark. In its judgment, the General Court dismissed the action brought by *Emmentaler Switzerland*, finding that the German public immediately understands the EMMENTALER sign as designating a type of cheese, thus making it a descriptive mark. **In order for the registration of a sign to be refused, it is sufficient that the sign has a descriptive character in part of the European Union.** The term 'EMMENTALER' cannot therefore be protected as an EU trade mark for cheeses.

[+ Judgment in *Emmentaler Switzerland v EUIPO \(EMMENTALER\)* of 24 May 2023 \(T-2/21\)](#)



The registration of the Batman logo as an EU trade mark was challenged before the General Court by an Italian manufacturer of carnival clothing. The General Court held that the evidence produced by that manufacturer was insufficient to show that that trade mark, representing a bat in an oval surround, lacked distinctive character. **That distinctiveness makes it possible for the public to associate the goods covered by the trade mark with the publisher of Batman, DC Comics, and to distinguish them from those of other undertakings.**

[+ Judgment in *Aprile and Commerciale Italiana v EUIPO – DC Comics* of 7 June 2023 \(T-735/21\)](#)

In the context of a dispute between Romanian copyright management bodies and an air carrier, the Court of Justice held that the broadcasting in passenger transportation of a musical work as background music constitutes a communication to the public within the meaning of EU law. However, the mere installation, on board a means of transport, of sound equipment and, where appropriate, of software enabling the broadcasting of background music does not constitute such communication. Accordingly, **EU law precludes national legislation which establishes a presumption that musical works are communicated to the public based solely on the presence of sound systems in a means of transport.**

⊕ Judgment in *Blue Air Aviation and UPFR* of 20 April 2023 (Joined Cases [C-775/21](#) and C-826/21)



Further to a dispute before the European Union Intellectual Property Office (EUIPO) concerning the registration of a three-dimensional sign of a 'Vespa' scooter, Piaggio brought an appeal before the General Court. Piaggio presented to EUIPO several relevant pieces of evidence, such as opinion polls, data relating to sales volume, as well as the presence of the 'Vespa' at the Museum of Modern Art in New York, the use of 'Vespa' scooters in world-famous films such as 'Roman Holiday' or the presence of 'Vespa' clubs in numerous Member States. According to Piaggio, these elements indicate the iconic character of the 'Vespa' and therefore its general recognition throughout the European Union. **The General Court agreed with Piaggio, stating that the evidence demonstrated the distinctive nature acquired through use of the mark throughout the European Union.**

⊕ Judgment in *Piaggio & C. v EUIPO – Zhejiang Zhongneng Industry Group* of 29 November 2023 ([T-19/22](#))



Restrictive measures and foreign policy

Restrictive measures or ‘sanctions’ are an essential tool in the European Union’s common foreign and security policy in order to protect its values, fundamental interests and security. The purpose of sanctions is to encourage a change of policy or conduct on the part of the persons or entities concerned.



Belaeronavigatsia, a Belarussian State-owned undertaking responsible for regulating airspace, was included on the Council of the European Union’s lists of sanctions on account of its responsibility for diverting flight FR4978 to Minsk airport on 23 May 2021, which led to the arrest of two opponents of the regime who were on board (Raman Pratasevich and Sofia Sapega). **Interpreting for the first time the concept of ‘person responsible for the repression’, the General Court dismissed the action brought by Belaeronavigatsia**, finding that the State-owned undertaking could not have been unaware that that flight’s diversion contributed to the repression of civil society and democratic opposition in Belarus.

⊕ Judgment in *Belaeronavigatsia v Council* of 15 February 2023 ([T-536/21](#))



In response to the illegal annexation of Crimea and the city of Sevastopol by Russia in March 2014, on 17 March 2014 the Council of the European Union adopted a series of restrictive measures. Following Russia’s launch of large-scale warfare against Ukraine in February 2022, the Council added to the lists of persons and entities subject to the restrictive measures members of the government, banks, businesspersons and Members of the Federal Assembly (State Duma). Specifically, the Council added the name of Ms Violetta Prigozhina, the mother of Mr Yevgeniy Prigozhin, responsible for the deployment of Wagner Group mercenaries fighting for Russia in Ukraine. The General Court granted the request for annulment of the Council’s acts directed against Ms Prigozhina, **finding that her inclusion on the lists was based solely on her family relationship with her son**, which is not sufficient to justify such measures.

⊕ Judgment in *Prigozhina v Council* of 8 March 2023 ([T-212/22](#))

Given the worsening of the situation as regards human rights, the rule of law and democracy in Venezuela, in 2017 the Council of the European Union adopted restrictive measures in view of the situation in that State. In 2019, the General Court dismissed an action brought by Venezuela against those measures, because Venezuela's legal situation was not directly affected by the measures at issue. Hearing an appeal, the Court of Justice set aside that judgment of the General Court in 2021 and referred the case back to the General Court for re-examination. By its judgment of 2023, the General Court **dismissed all the pleas put forward by Venezuela seeking the annulment of the restrictive measures.**



⊕ Judgment in *Venezuela v Council* of 13 September 2023 ([T-65/18 RENV](#))

Mr Roman Arkadyevich Abramovich is a businessman with Russian, Israeli and Portuguese nationalities. He is the majority shareholder in the parent company Evraz, one of the leading Russian groups in the steel and mining sector and one of Russia's largest taxpayers. Following the attack launched by Russia against Ukraine, the Council froze the funds of, and prohibited entry into or transit through the European Union to, leading businesspersons who engage in activities in economic sectors which provide a substantial source of revenue to the Government of Russia. Mr Abramovich challenged, before the General Court, his inclusion and maintenance on the list of restrictive measures aiming to increase the pressure on Russia. **The General Court dismissed the action brought by Mr Abramovich, thereby upholding the restrictive measures taken against him.**



⊕ Judgment in *Abramovich v Council* of 20 December 2023 ([T-313/22](#))

Trade policy

Trade policy is an exclusive EU competence. The European Union legislates on trade matters and concludes international trade agreements. By acting together with one voice on the global stage, the EU puts itself in a strong position when it comes to international trade.



In 2020, the United States increased the customs duties on imports of certain European aluminium and steel products. In response, the Commission adopted a regulation that imposed additional custom duties on imports into the European Union of certain products originating in the United States. Zippo Manufacturing Co., an American manufacturer of lighters affected by this increase, challenged that measure before the General Court, which annulled the regulation. According to the General Court, **the Commission disregarded Zippo's right to be heard and, accordingly, the principle of good administration.** The Commission should have heard Zippo before imposing those increases since it knew, before adopting them, that the additional customs duties mainly concerned Zippo lighters.

⊕ Judgment *Zippo Manufacturing and Others v Commission* of 18 October 2023 ([T-402/20](#))

Tax rulings

Direct taxes fall, in principle, within the competence of the Member States. Nevertheless, such taxes must comply with basic EU rules, such as the prohibition on State aid. Thus, the legality of tax rulings issued in Member States under which undertakings benefit from special tax treatment is scrutinised by the European Union.

By a tax ruling of 2003, the Luxembourg authorities accepted the Amazon group's proposal concerning the corporate income tax treatment of a subsidiary established in Luxembourg. The Commission found that that tax ruling constituted State aid that was incompatible with the internal market. Following legal actions brought by Luxembourg and Amazon, the General Court annulled the Commission's decision, finding that it had not demonstrated that the Amazon subsidiary had benefited from an undue reduction in its tax burden. **The Court of Justice rejected the appeal brought by the Commission against the judgment of the General Court, finding that the Commission had incorrectly defined the 'reference system'** in order to assess the existence of such aid.

⊕ Judgment in *Commission v Amazon.com and Others* of 14 December 2023 ([C-457/21 P](#)):



In 2018, the Commission noted that the Luxembourg tax authorities had agreed tax rulings with the Engie group which, according to the Commission, would have enabled it to avoid taxation on the profits made by its subsidiaries established in Luxembourg. The Commission considered that those tax rulings constituted State aid that was incompatible with the internal market. After the General Court dismissed their actions, Engie and Luxembourg brought an appeal before the Court of Justice, which found that **the Commission had erred in determining the 'reference system' for assessing the selectivity of those tax measures and, therefore, in classifying them as prohibited State aid.**

⊕ Judgement in *Luxembourg v Commission and Engie Global LNG Holding and Others v Commission* (Joined Cases [C-451/21 P](#) and [C-454/21 P](#))



Competition

The European Union applies rules to protect free competition. Practices which have as their object or effect the prevention, restriction or distortion of competition within the internal market are prohibited and may be sanctioned by fines.



The Commission investigated the geo-blocking of certain PC video games on the Steam platform. It found that the operator of that platform, Valve and five games publishers (Bandai, Capcom, Focus Home, Koch Media and ZeniMax), had infringed EU competition law. The Commission accused Valve and the five publishers of having participated in a series of anticompetitive agreements or concerted practices intended to restrict cross-border sales by putting in place territorial control functionalities, in particular in the Baltic countries and certain countries in central and Eastern Europe. Valve challenged the Commission's decision before the General Court. The General Court dismissed the action, finding **that the Commission had correctly established the existence of an agreement between Valve and each of the five publishers intended to restrict parallel imports** through the geo-blocking of activation keys for the video games at issue on the Steam platform. That geo-blocking sought to prevent the video games, distributed in certain countries at low prices, from being purchased by distributors or users located in other countries where prices are significantly higher.

⊕ Judgment in *Valve Corporation v Commission* of 27 September 2023
([T-172/21](#))

Access to documents

Transparency in public life is a key principle of the European Union. Any EU citizen or legal person may, in principle, access the documents of the institutions. However, in certain cases, that access may be refused where such a refusal is justified.

Mr Emilio De Capitani requested access to certain documents exchanged within the Council of the European Union's 'Company Law' working group relating to the legislative procedure for amendment of Directive 2013/34 on annual financial statements. The Council refused access on the ground that their disclosure would seriously undermine its decision-making process, whilst also considering that the nature of the information was too sensitive and too technical for it to be disclosed. Mr De Capitani contested that decision before the General Court. The General Court examined, in the context of the legislative procedures of the European Union, the relationship between, on the one hand, the principles of publicity and transparency and, on the other hand, the exception to the disclosure of documents in order to protect the decision-making process. The General Court found that, in a system based on the principle of democratic legitimacy, the legislature must be answerable for its actions to the public. **If citizens are to be able to exercise their democratic rights, they must be in a position to follow in detail the decision-making process within the institutions** taking part in the legislative procedures. The General Court therefore annulled the Council's decision refusing access to the working documents on the directive.

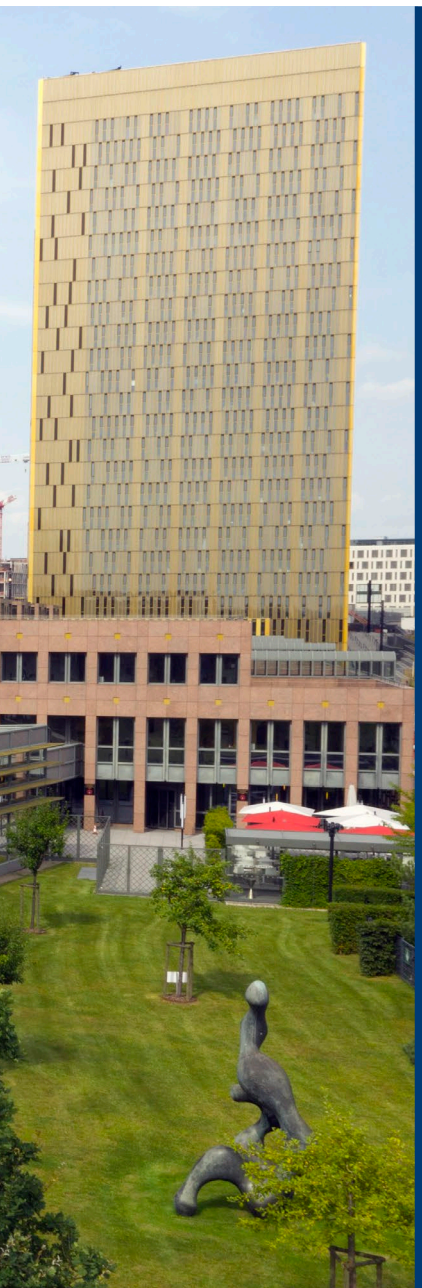


⊕ Judgment in *De Capitani v Council* of 25 January 2023 ([T-163/21](#))



The Research and Documentation Directorate offers legal professionals, as part of its Collection of Summaries, a '[Yearly selection of major judgments](#)' and a '[Monthly Case-Law Digest](#)' of the Court of Justice and the General Court.





3

Administration
in the service of justice

| A Introduction by the Registrar



Alfredo Calot Escobar

Registrar of the Court of Justice

The Registrar of the Court of Justice, the Secretary-General of the Institution, oversees the administrative departments under the authority of the President.

Throughout the year 2023, the Court of Justice of the European Union has resolutely pursued a path of transformation, not only to prepare for future challenges, but also to seize all the opportunities that lie ahead.

In the judicial sphere, the legislative procedure on the partial transfer of preliminary rulings to the General Court took place throughout the year, with the political agreement being reached in December. In parallel, we have been working actively to ensure a smooth and seamless implementation of the reform when the time comes. This will be a defining moment in the history of our dialogue with national courts and an important step in our efforts to enhance further the efficiency of the judicial work at the Court.

Alongside the preparations for the transfer, the Court has focused its efforts on the effective and orderly integration of new technologies. As part of this process, we became the first EU institution to develop an artificial intelligence integration strategy, which included the establishment of an AI Management Board tasked with overseeing the ethical aspects of AI use within the Institution and setting clear boundaries for its application. The Board, composed of Members of the Court of Justice and the General Court, ensures that the technological choices made by the institution to integrate AI-based tools are both ethically sound and in line with the Court's principles. To promote a culture of responsible and secure use of AI tools, one of the first steps taken by the Board was to issue staff guidelines on the use of AI.

In addition, AI tools are ready to be incorporated into our future case management system. This will not only enable the institution to make the most of cutting-edge technologies, but also set the stage for the creation of a horizontal and fully integrated system, designed to streamline our workflows and automate a wide range of repetitive actions. This holistic approach will further support, develop and harness the remarkable diversity of expertise within our staff, allowing us to devote more time to intellectually stimulating and value-adding tasks.

However, the past year has not been solely focused on laying the foundations for the future; it has also demonstrated our commitment to upholding the values upon which the Court was founded. And one of these values, ingrained in our institution since its inception, is that of diversity – diversity of cultures, languages and legal traditions.

Designed to celebrate the vibrant linguistic mosaic of our institution, the Garden of Multilingualism is now a symbol of the Court's commitment to diversity and equality. However, the *conditio sine qua non* for achieving this diversity is the institution's capability to attract talent from all Member States.

To this end, discussions at the interinstitutional level, focused on increasing the attractiveness of Luxembourg as a place to work, proceeded with great determination in 2023. Within this framework, the College of the Secretaries-General and Heads of Administration of the EU institutions and bodies based in Luxembourg adopted a series of pragmatic measures aimed at promoting Luxembourg as a place to work, facilitating the integration of newcomers and trainees and removing obstacles that might discourage citizens of all Member States from joining the EU institutions based in the Grand Duchy.

In its constant endeavour to achieve a fair geographical representation, the Court decided to launch pilot projects to raise awareness of the importance of geographical balance and to promote careers directly in the Member States. An excellent example of this was a visit to Latvia, where a delegation of Members and senior managers held productive discussions with representatives of, inter alia, the judiciary, government, academia and the media. The aim was to present the mission of the Court, promote career opportunities and support legal and linguistic training of relevance to the work of our institution.

2023 has therefore been marked by a strong adherence to the Court's commitment to public service, while at the same time reimagining our potential. We have embarked on a journey to redefine not only how we operate, but also how we envision our future. A future in which our institution not only adapts to change, but drives it, with the same spirit of excellence, diversity, progress and dedication that has always been our hallmark.



| B Key events of the year

Celebrating multilingualism at the Court of Justice of the European Union

Multilingualism is a core value of the European project, as is enshrined in the Treaties. It is both the essential prerequisite for the transparency of the actions of the EU institutions and the applicability of EU law, and a sign of deep respect for national cultures and identities.



As a key component of proceedings before the Court of Justice of the European Union, multilingualism fulfils two fundamental democratic needs: it provides equal access to the Courts of the European Union and makes case-law accessible to all European citizens. The Institution's language service translates documents and provides interpreting at hearings; as a result, the Court can work in the 24 official languages of the European Union and manage up to 552 language combinations on a daily basis. Those fully multilingual language arrangements are without parallel in any other court in the world. Implementing them is a constant operational challenge, and one which can be met only through the rigorous and effective management of the human and technical resources deployed.

A few years ago, the Court launched broad-based discussions to consider how to explain and promote multilingualism as it is practised within the Institution. This prompted a number of initiatives intended to raise awareness of the importance of multilingualism, especially in legal and academic spheres.

In 2023, 9 May (Europe Day) was the date chosen to inaugurate the **Garden of Multilingualism**, built on a parcel of land freed up by the demolition of a former administrative complex of the European Commission and located on the periphery of the Court's grounds. Developed in partnership with the Luxembourg authorities, this new green space is dedicated to multilingualism. It is open to the public and intended to host cultural events. It also contributes to preserving biodiversity in urban environments by allowing biotopes to flourish, thanks to the diversity of the species to which it is home. Planted on the Kirchberg Plateau, the seat of many European institutions, the garden pays tribute to the linguistic diversity of the European Union, to its host State (Luxembourg) and to its time-honoured multilingualism.

This year also saw the publication of a **three-volume work**, translated into all the official EU languages, dedicated to multilingualism at the Court and throughout the European Union. The work explores the various aspects of the Institution's language arrangements and how multilingualism is put into practice, with the help of the Court's interpreting and legal translation services. Part two of the work, entitled 'Multilingual postcards', is a collection of contributions by well-known figures from the 27 Member States who are recognised individuals in their fields – judges, philosophers, philologists and politicians. Written in all the languages of the European Union, these postcards invite the reader to learn about the concepts and the challenges of multilingualism across Europe as a whole. Available to the general public from 2024, the publication is intended to be a basis for reflection and a source of inspiration for anyone interested in languages and the multilingual workings of the European Union. A **conference** then brought together the contributors to this work alongside members of the senior management at the Court and the other European institutions for a joint discussion on the subject of 'High-quality multilingualism against the backdrop of accelerating technological progress'.



Accessibility and inclusion: a shared responsibility

The rights of people with disabilities and the prohibition on any form of discrimination are laid down in the Charter of Fundamental Rights of the European Union, the Treaties, the European Pillar of Social Rights and the United Nations Convention on the Rights of Persons with Disabilities, to which the European Union acceded in 2010 and which forms an integral component of EU law.

Respect for the principles of equality and non-discrimination have always been part of the Court's values as an institution. However, some work still remains to make accessibility for and the inclusion of people with disabilities a truly 'shared responsibility'. The Court thus launched an **ambitious inter-departmental project**, so that every individual could make a greater contribution to building an inclusive environment.

The measures taken and those planned for the future cover a very wide range of areas: the recruitment of and support for colleagues with disabilities and their helpers, the accessibility of the premises and digital and IT accessibility, as well as communications, awareness raising and training.

Most significantly, a clear framework has been established at the Court to provide its current staff and job applicants who have disabilities with the **adjustments to make it easier for them to work and access employment** within the Institution. Those adjustments may include, among other things, technical solutions, alterations to the working environment, support measures or the reorganisation of duties and working hours.

Next, several steps have been taken to optimise **physical access** to the Court's premises – whether for the Institution's staff, lawyers and agents, freelance interpreters and, more broadly, all visitors. The entrances to the Institution's buildings have been remodelled and the evacuation procedure has been improved. Specific arrangements for the courtrooms are being reassessed. A longer-term action plan seeks to ensure that the buildings comply with the latest accessibility standards.

Enhanced **digital and IT accessibility** are for the benefit of both in-house staff and external users. The CVRIA website is being improved, in terms of its structure, functionalities and content, and accessibility for people with disabilities has been integrated by design – from its inception – into the future digital working environment at the Court. Lastly, the European Court Reports have been compliant with accessibility recommendations since 2021 and can be consulted using assistive technologies.





Finally, **awareness-raising, information and training campaigns** are regularly undertaken to promote not only inclusion, mutual respect and cooperation, but also support for people with disabilities and their helpers.



Katia Vermeire

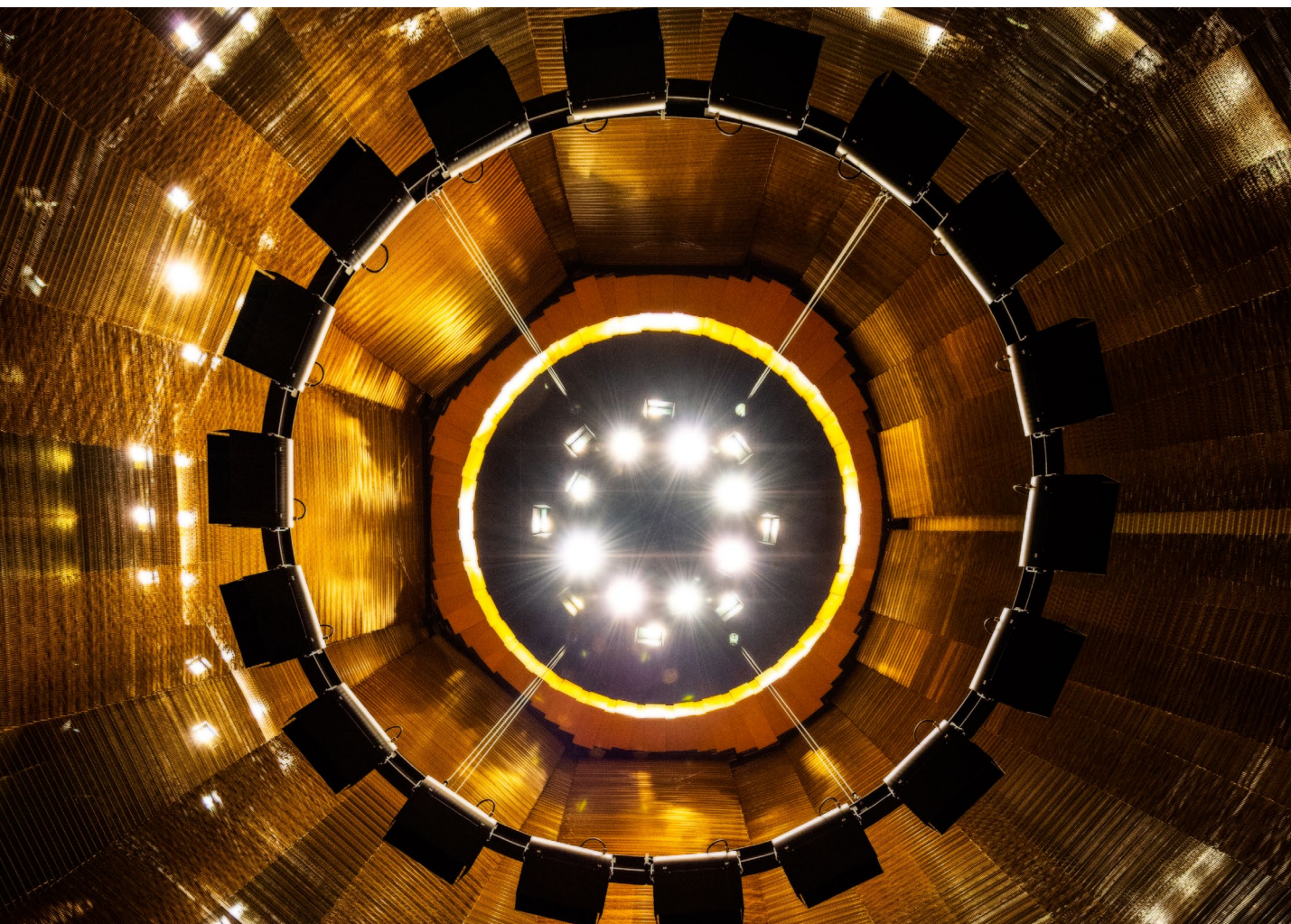
Assistant in the Research and Documentation Directorate

'From the launch of the Court's drive to improve accessibility for people with disabilities and promote their inclusion, I volunteered to help out with the project because disabilities are still not given sufficient recognition in our homogenised world. This project is especially close to my heart. As a person with disabilities myself, I would like to share my lived experiences in order to help people in similar circumstances.'

It is important to raise awareness amongst our fellow citizens and colleagues. Before becoming a person with reduced mobility myself, I had no idea of the struggles faced by people with disabilities and their helpers.

Let's support each other! If we each play our part, we can build not only an accessible working environment but a fair one too.'





Artificial Intelligence: the strategy adopted for its use at the Court

For some years now, the Court has been tracking developments in the fields of artificial intelligence and emerging technologies with a view to identifying those technologies which could improve the efficiency of the Institution's operations.

Since 2019, the **Innovation Lab** within the Information Technology Directorate has been supporting the Court in its digital transformation. In conjunction with the relevant departments, the Innovation Lab identifies, analyses and tests the functionalities and features of various tools. Going forward, those tools will be used in accordance with requirements of confidentiality, security and data protection. Since the Innovation Lab was established, some 30 ideas have been put forward, around 20 have been tested and some are already in place or in development.

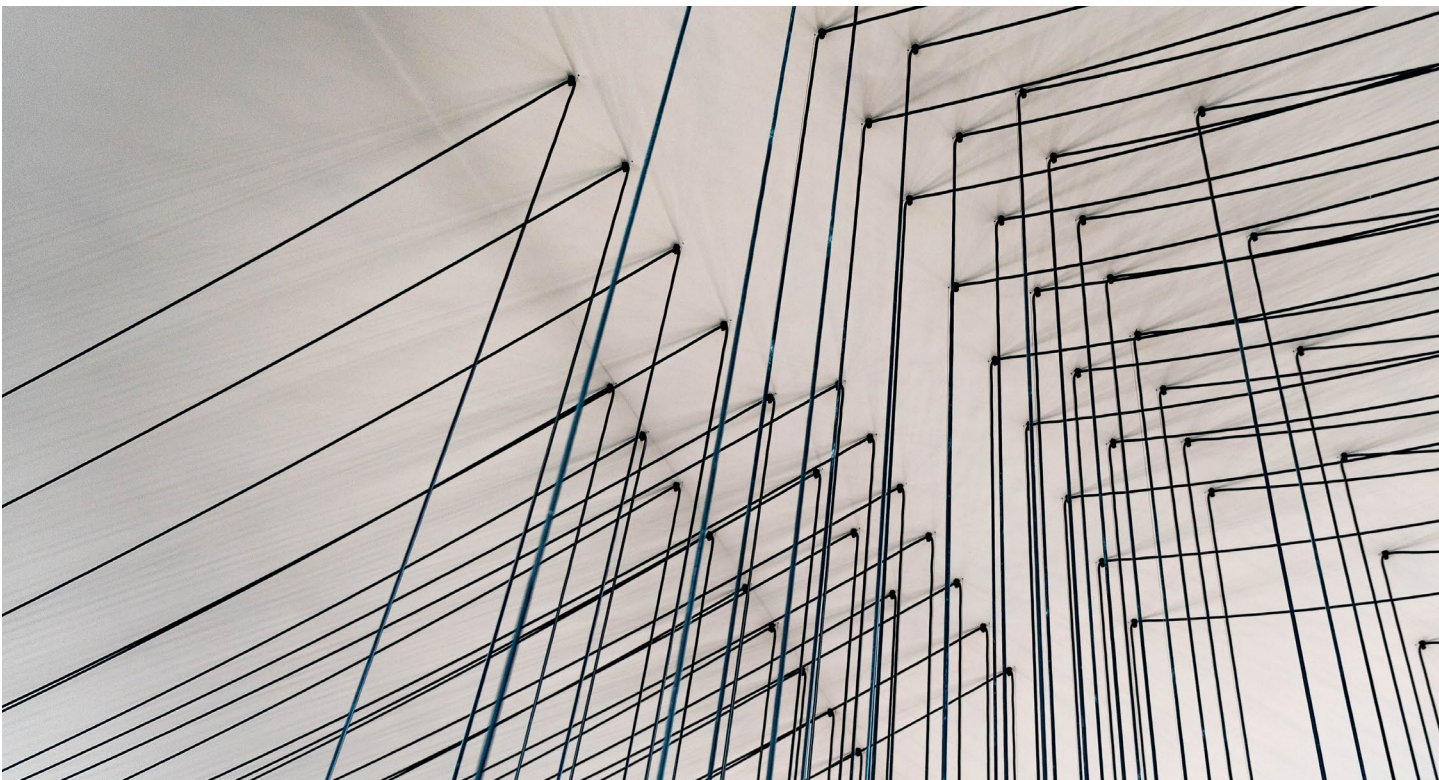
In order to be able to exploit fully the promising functionalities offered by emerging technologies and to make preparations for their integration, in June 2023 the Court adopted its '[Artificial Intelligence Strategy](#)' of the Court of Justice of the European Union'. When put to use, those tools must not only enable data to be controlled but also must ensure that fundamental rights and ethical principles are respected.

As the first of the European institutions to adopt such a strategy, and well in advance of the adoption of the proposal for European legislation on artificial intelligence (the 'AI Act'), the Court has identified three main objectives:

- improving the efficiency and the effectiveness of administrative and judicial processes;
- improving the quality and the consistency of judicial decisions; and
- improving access to justice and transparency for European citizens.

An ethics board, called the '**A.I. Management Board** (AIMB)', has been set up and given the primary task of drawing up guidance for and establishing limits on the use of AI-based tools. The AIMB oversees the acquisition, development and use of such tools in keeping with the principles laid down in the strategy. Those principles include fairness, impartiality and non-discrimination, transparency, traceability, confidentiality of information, respect for privacy and personal data, human surveillance and continuous improvement.

Within that framework, the Court adopted guidelines for the use of AI-based tools in 2023.



Strengthening European judicial cooperation: the partnership with the European Judicial Training Network



Dialogue and cooperation with the national courts are at the heart of the Court's mission. A concrete example of this cooperation is the relationship that has been established with the European Judicial Training Network ([EJTN](#)) for over 15 years. Founded in 2000 to support the creation of a European area of justice announced by the Tampere European Council (Finland), the Network is a key stakeholder in the training of professionals within the justice system, in particular national judges and public prosecutors. The Network brings together all of the European judicial training centres. To mark its commitment to its partnership with the Network, in 2023 the Court adopted a **declaration** entitled 'Supporting the European Judicial Training Network' to shape a sustainable European judicial culture'.

Supporting the European Judicial Training Network (EJTN) to shape a sustainable European judicial culture

For the past 70 years, the Court of Justice of the European Union (CJEU) has been committed to dialogue with national courts.

As an expression of this commitment, we have established a strong partnership with the EJTN. The latter is the main platform among the European judiciary for knowledge exchange in a wide range of areas, in particular EU law. The EJTN has been organising cross-border training activities for national justice professionals for over two decades, thus helping to improve knowledge of EU law.

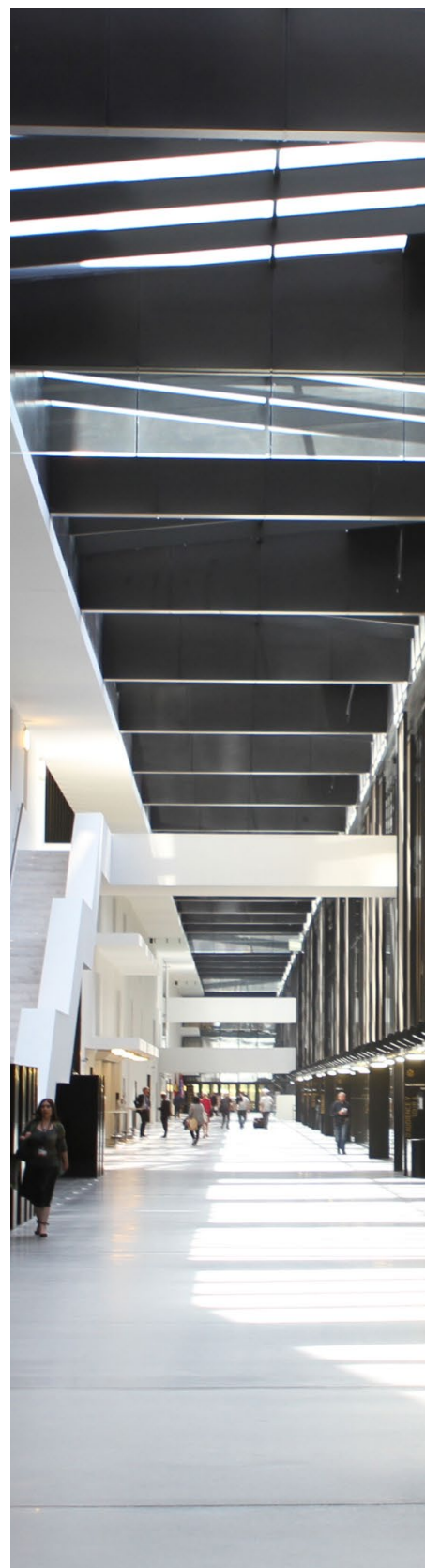
Annual seminars, study visits, forums and the exchange of training material are part of the well-established cooperation between the EJTN and the CJEU. Since 2007, the EJTN and the CJEU have also been organising long-term training for national judges and prosecutors, who are invited to participate for 6 or 12 months in the judicial work of the cabinets of the Judges and Advocates General. This opportunity gives them a unique insight into the working methods of the CJEU and helps them significantly to broaden their knowledge of EU law and procedures.

This successful and long-standing partnership brings benefits on at least three different levels. At the national level, it helps justice professionals to carry out their national duties when they return to their home countries, with a much better understanding of their role in the application of EU law. Within the Court, the presence of national judges and prosecutors enriches the diversity of legal cultures, which has always been of paramount importance to the Institution. In a broader context, this type of cooperation helps to promote dialogue between European and national judges, thus ensuring the uniform application of EU law throughout Europe.

In order to strengthen this cooperation further, the CJEU will continue to count on the strong support of the European Parliament and the Council, in the framework of [Regulation \(EU\) 2021/693](#) establishing the Justice Programme. It also counts on the support of the European Commission, which is in charge of implementing the Justice Programme through its Work Programme and has recognised the EJTJ's 'unique role' in judicial training in the EU in its European judicial training strategy for 2021-2024 ([Communication COM\(2020\) 713](#)).

Moreover, the CJEU attaches much importance to geographical balance in the organisation of long-term training for national judges and prosecutors and to the representation of all national legal cultures in that context. Therefore, it endeavours to support awareness-raising initiatives in all Member States and to reinforce its communication on long-term training at the CJEU. Those efforts, combined with those of the Member States and of the EJTJ, should help to promote cooperation between the European and national judiciaries, highlighting the benefits it brings to all of them.

Maintaining a close relationship with national judges has been one of the hallmarks of the CJEU since its inception and its cooperation with the EJTJ contributes significantly to this important mission. Strengthening this partnership is essential because its impact goes far beyond achieving better proficiency in EU law – it contributes to the development of a genuine European judicial culture and to a healthy esprit de corps among European judges, at both EU and national level.





The Court and the Network have therefore chosen to launch **new projects** to strengthen their cooperation, in particular by increasing the number of national judges who can undertake a long-term internship at the Court. To that end, two series of measures are planned. The aim of the first is to raise awareness amongst professionals within the justice systems of the Member States about the possibility of long-term internships at the Court to attract more applicants. The goal of the second is to overcome any language barriers to those internships, by providing the EJTN with the language training expertise and teaching materials developed by the Court.



Ingrid Derveaux

EJTN Secretary General

‘The EJTN is committed to promoting the crucial dialogue between the Court and the national courts, which are also ‘ordinary courts of the European Union’. We are pleased that the Court is supporting those efforts by launching a number of projects intended to encourage judges in the EU Member States to sign up for the internship programme at the Court. We hope that 2024 will be another year in which this essential and fruitful cooperation is strengthened!’



Diana-Daniela Popel

Judge interning in the Chambers of Judge Ineta Ziemele

‘The internship at the Court has been a fantastic opportunity for me to learn more about how the Institution functions, to consolidate my knowledge of EU law by giving me the chance to get involved in the day-to-day work of the Court, and to get to know some extraordinary legal professionals. In view – in particular – of the special role played by the national courts in the implementation of EU law, I can only strongly recommend this internship to any judge working in the national courts and tribunals of the Member States who are keen to have an extremely fulfilling experience, both professionally and personally. I would like to thank all the members of the Chambers for their very warm welcome and their support, not forgetting the EJTN team!’



| C Public relations



16 819 visitors including

4 555 legal professionals

virtual visitors: **8%**



2 095 visitors on the Open Day

Remote visits – an educational programme

The aim of this [educational programme](#) of the Court is to introduce secondary school students aged between 15 and 18 years to the work of the European Union's judicial institutions and to explain the impact of the case-law of the Court on the daily lives of European citizens. The programme seeks to raise awareness amongst the young students and their teachers about democratic values and current legal issues.

In 2023, around **900 students** had the opportunity to visit the Court as part of this programme.





The Communications Directorate's press officers, who are lawyers by training, have the task of explaining judgments, orders and legal opinions, as well as ongoing cases, to journalists in all the Member States and to their various correspondents. They draft press releases in real time to inform journalists and legal practitioners about the decisions of the Court of Justice and the General Court. They send out newsletters covering important procedural and institutional events to those who have requested them from the Court's [press office](#), as well as 'info-rapid' bulletins on cases for which there are no press releases. In addition, they deal with emails and calls from citizens



2 814 press releases

625 information letters

547 'info-rapid' bulletins

14 000 requests for information
from citizens (telephone calls and
emails)



The Court maintains an active presence on social media via its two X accounts (one in [French](#), the other in [English](#)), [LinkedIn](#) and [Mastodon](#). The number of followers is constantly increasing, demonstrating the public's interest in and engagement with the activity of the Court. The Court also has a [YouTube](#) channel providing access in the 24 official languages to a variety of audio-visual content, including videos aimed at the general public to explain how the case-law of the Court affects the daily lives of citizens.



159 000 X followers
+9% from 2022



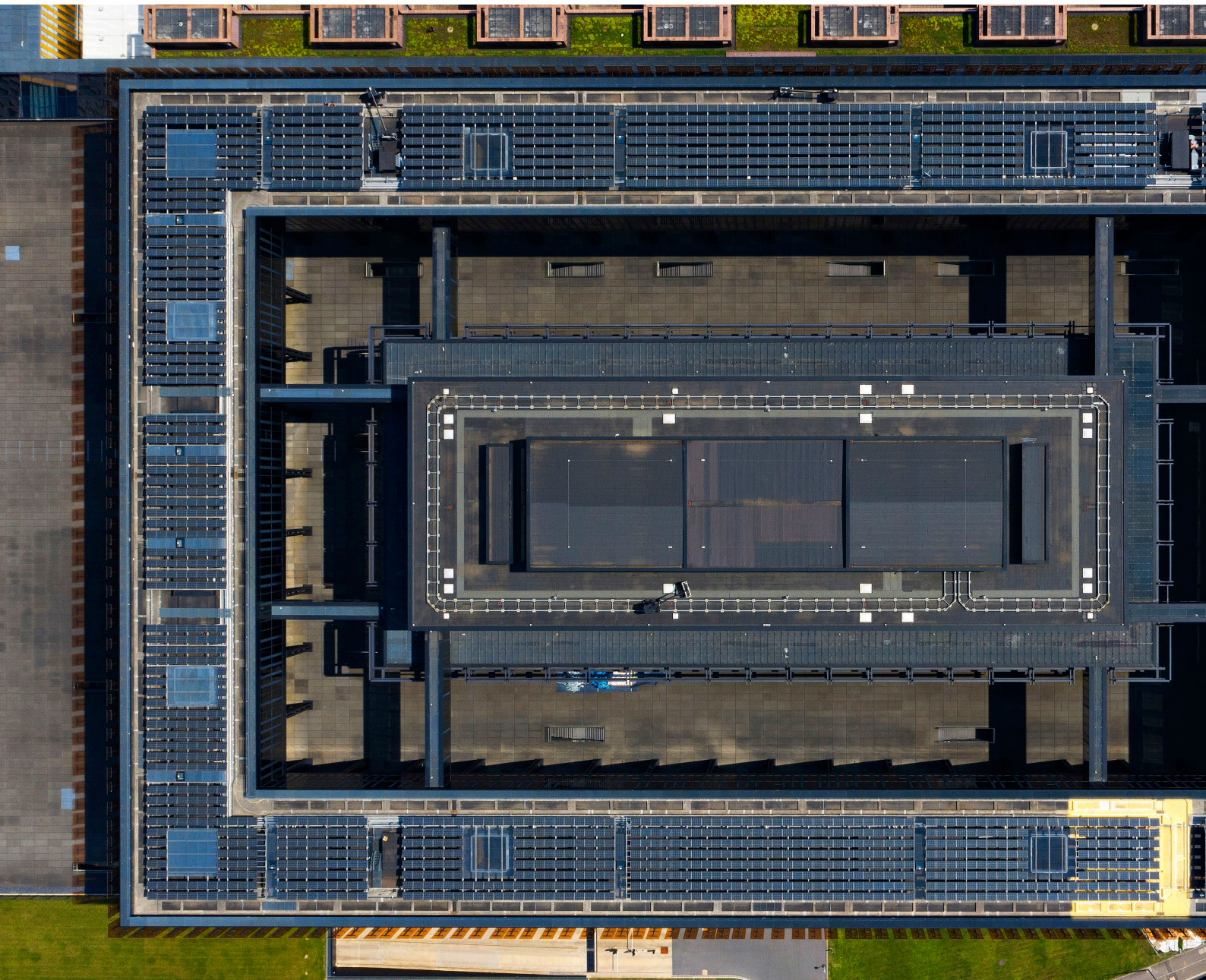
3 600 Mastodon followers



234 810 LinkedIn followers
+32% from 2022



21 000 followers and
253 000 views on YouTube





4

An environmentally friendly
institution



For many years, the Court has been committed to a strong environmental policy targeting the highest standards of sustainable development and respect for natural resources. The Institution's commitment to environmentally friendly practices has been evident since 2016 through its **EMAS** (Eco-Management and Audit Scheme) registration. That certification, which is regulated by the European Union, is granted to organisations that satisfy strict conditions relating to their environmental policies, their efforts in connection with the protection of the environment and their sustainable working methods.

In 2023, the Court pressed ahead with its efforts to end the use of plastic water bottles on its premises. The new catering contract has banned the sale of plastic water bottles. In addition, the Court continued to distribute **reusable bottles** to its staff to promote the use of the **water fountains** installed in 2022.

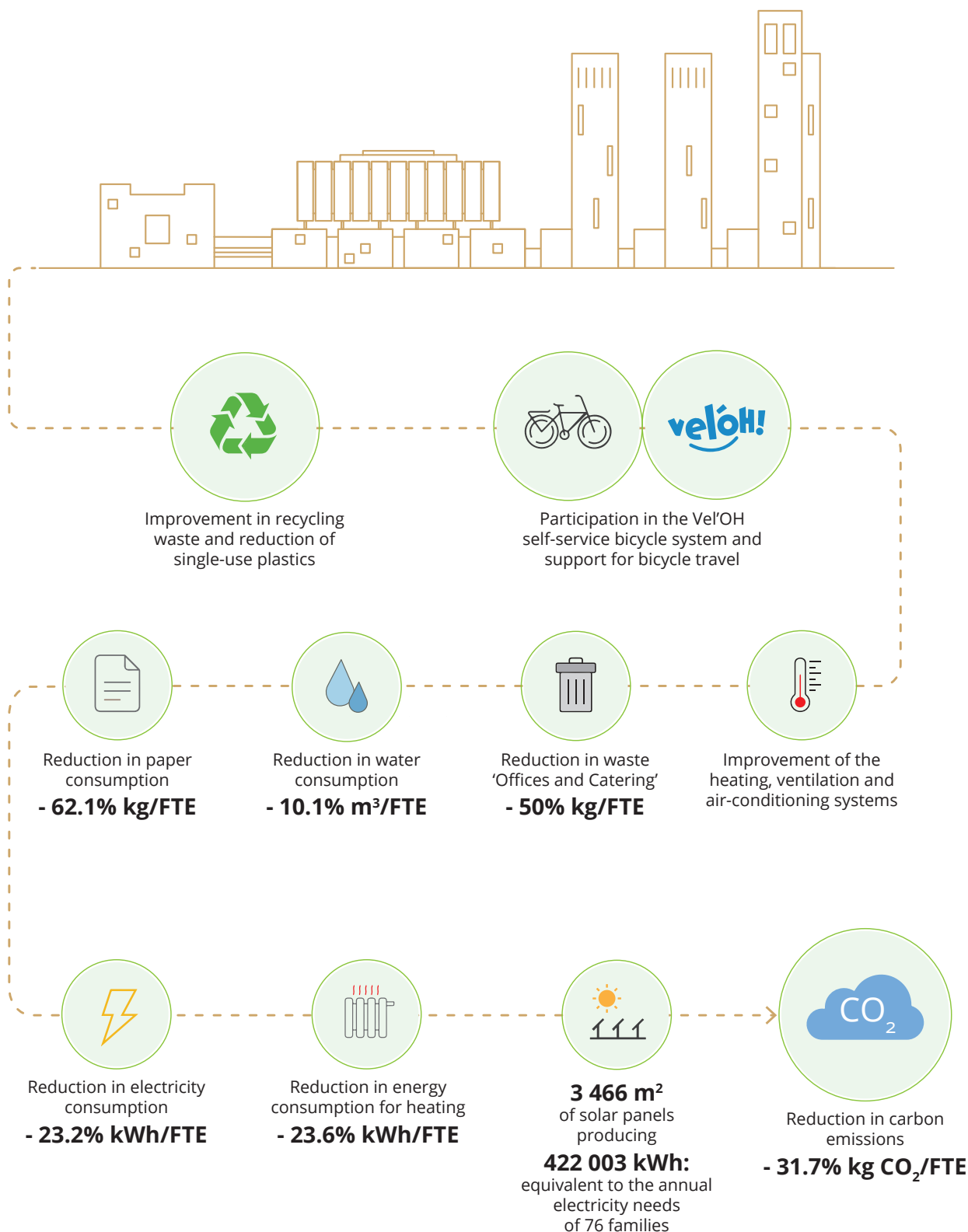
Energy consumption is now continuing on its pre-pandemic downward trajectory. This has been achieved by dropping the special ventilation measures required as a result of the COVID crisis and installing more effective air filters. In conjunction with the extraordinary energy-saving measures adopted in connection with the war in Ukraine, the Court recorded a significant reduction in its energy consumption for electricity and heating.

For the 2022-2023 period, the Court set quantitative targets for **paper consumption**. In 2022, the use of office paper (excluding outsourced publications) fell by 54.1% as compared with its pre-pandemic level in 2019. This trend continued in 2023 thanks to changes in behaviour and the continued digitisation of processes and documents. In addition, in September 2023, the Court decided to limit the number of personal printers to a strict minimum, in order to save energy, consumables and paper and, in so doing, to reduce its carbon footprint.

Full Time Equivalent (FTE) is a unit of measurement of occupational activity independent of the disparities in the number of hours worked each week by staff members resulting from their different working arrangements.

The environmental indicators for water, waste, paper, heating and electricity match those for 2022. Changes are quantified by reference to 2015, the reference year for the EMAS scheme.









5

Looking ahead

In 2004, **10 new Member States joined the European Union**. Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia expressed their confidence in the building of Europe. Two decades later, we will stand together with those Member States as we celebrate the **20th anniversary of their accession**. The European Union's biggest enlargement, in terms of population and the number of countries, broadened our horizon. It gave the common area of justice within the European Union a new look, and one enriched by new cultural and intellectual diversity. It was a major challenge for the European Union, given the degree of integration it had achieved in 2004, on the one hand, and the economic, historic and linguistic diversity brought by the 10 new Member States, on the other. The accession required significant efforts on the Member States' part and an unfailing commitment to implementing the necessary political, economic and legal reforms. From the Court's perspective, welcoming 10 new Member States at the same time spelled profound and lasting changes for its working arrangements.

To mark the anniversary of that significant event, in May 2024 the Court is organising a conference entitled 'The Court celebrates 20 years since the accession of 10 Member States to the European Union: a new constitutional era for Europe', with the goal of evaluating the lessons learned from the enlargement and from the consolidation of European integration. The conference will focus on the impact of the 2004 enlargement, in political, legal and economic terms, both for the European Union itself and for the 10 new Member States. More specifically, the conference will consider the contribution of the 10 new Member States to the development of the European Union as a 'union of values', based on common values such as democracy, the rule of law, fundamental rights and respect for minorities.

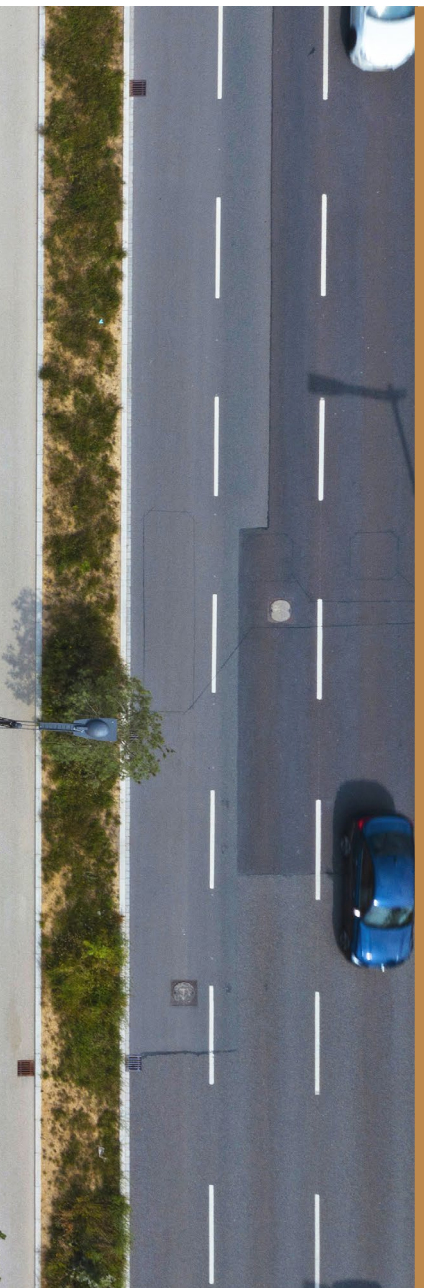
2024 will also be the year of the implementation of the political agreement reached in 2023 concerning the **partial transfer of jurisdiction to give preliminary rulings** from the Court of Justice to the General Court. This will involve, inter alia, the amendment of the Rules of Procedure of the Court of Justice and of the General Court, as well as various adjustments to the working arrangements of the two courts and in the day-to-day functioning of the Institution, such as the adaptation of IT systems.

In addition, whilst pushing ahead with its **digital transformation**, the Institution is also adapting to new challenges and future opportunities, primarily in the fields of artificial intelligence and cybersecurity. New tools are being developed and investigated, in particular those based on AI technologies, with a view to helping the two courts to perform their mission effectively and to optimise judicial processes as a result. When put to use, those tools must not only enable data to be controlled but also ensure that fundamental rights and ethical principles are respected. Moreover, [Regulation No 2023/2841](#), which is intended to ensure a high common level of cybersecurity at all the institutions of the European Union, has a direct impact on the Court and means, in particular, that an internal cybersecurity risk-management framework must be established and that the effectiveness of those measures must be assessed regularly, in the light of changing risks.









6

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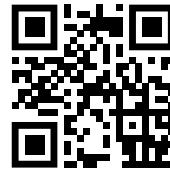
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