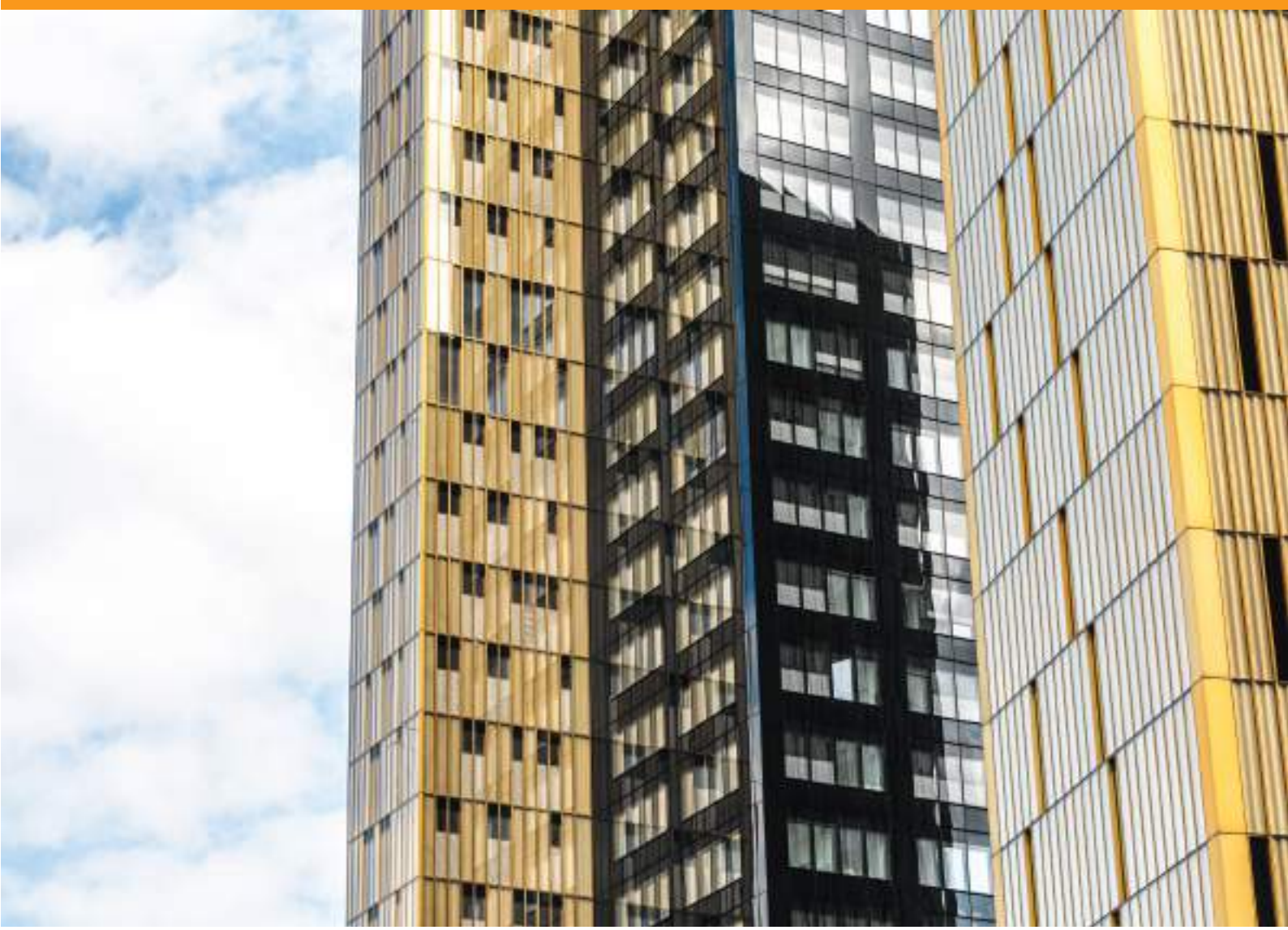
COURT OF JUSTICE
OF THE EUROPEAN UNION

THE YEAR IN REVIEW

ANNUAL REPORT 2019



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

THE YEAR
IN REVIEW

Annual report 2019

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

It is the judicial authority of the European Union and its task is to ensure compliance with EU law by overseeing the uniform interpretation and application of the Treaties.

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 is made up of two courts: the Court of Justice and the General Court.

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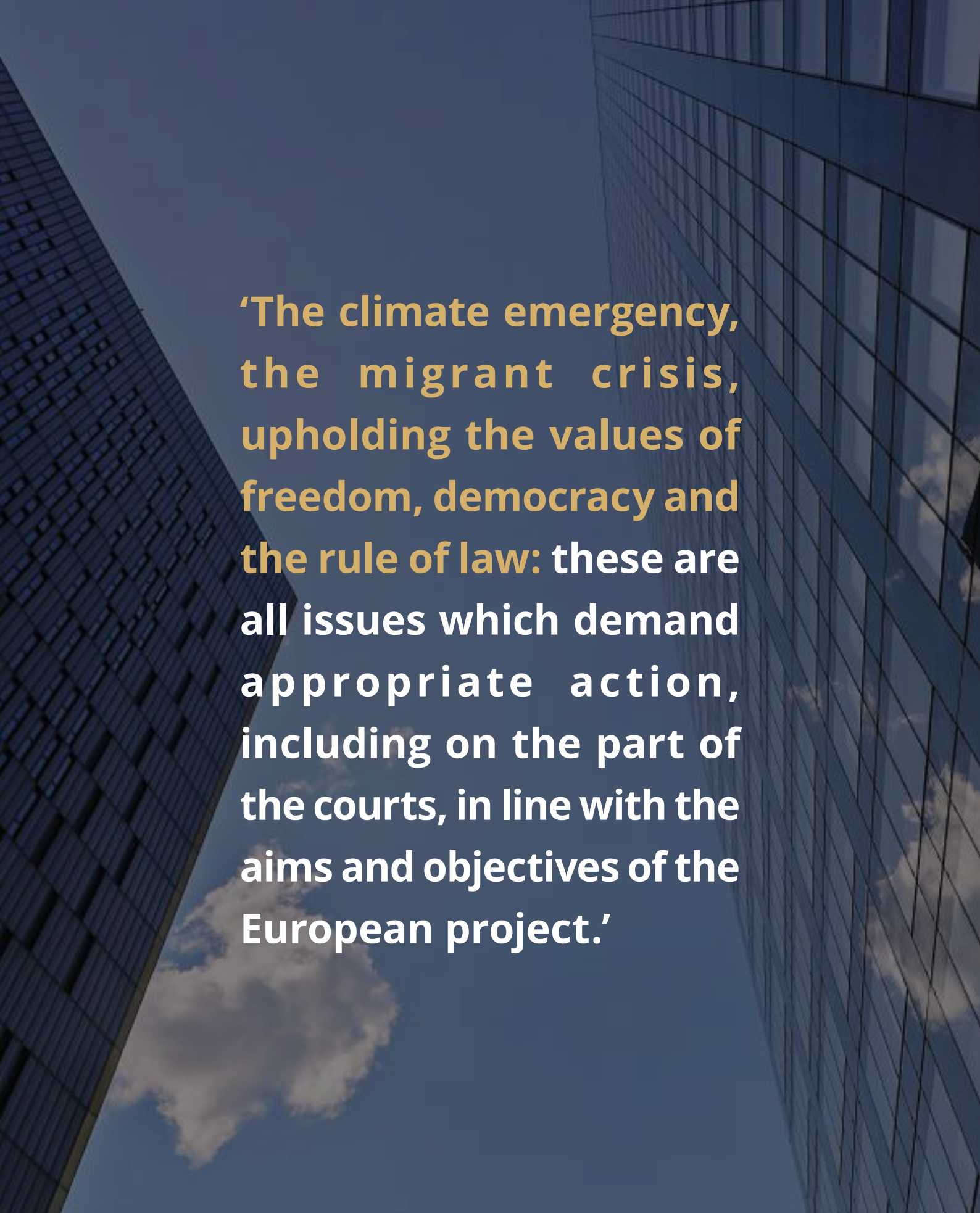

‘The climate emergency, the migrant crisis, upholding the values of freedom, democracy and the rule of law: these are all issues which demand appropriate action, including on the part of the courts, in line with the aims and objectives of the European project.’

Koen Lenaerts

President
of the Court of Justice
of the European Union

INTRODUCTION BY THE PRESIDENT

2019 was a year of anniversaries and significant new developments for the Court of Justice of the European Union. It marked the 10th anniversary of the entry into force of the Treaty of Lisbon, under which the Charter of Fundamental Rights of the European Union gained the status of primary law. It also marked the 15th anniversary of a significant enlargement of the European Union, the 30th anniversary of the establishment of the General Court and, most importantly, the completion of the reform of the judicial architecture of the European Union, following which two judges are now appointed to the General Court from each Member State.

Thursday 19 September 2019 saw the inauguration of the Court's third tower, which brought to completion the fifth expansion of the original Palais, making it possible to bring all the institution's staff under one roof for the first time in 20 years.

Public access to the institution has also been a source of satisfaction, as shown by the Court's Open Day, which met with unprecedented success. Also, the Judicial Network of the European Union has been strengthened and the Court's website has been further developed, so that requests for a preliminary ruling from the courts of the Member States are now available to the public in all the official languages, along with papers and studies compiled by the Research and Documentation Directorate.

Statistically, too, 2019 was an exceptional year in many respects. The number of cases decided by the Court of Justice and the General Court combined, 1 739 in all, was just shy of the record reached in 2018, while the Court of Justice exceeded its own individual record (865 in 2019, compared to 760 in 2018). The number of new cases brought, 1 905 in total, was in fact greater than ever. Among these, the record number of references for a preliminary ruling, 641, is a testament to the increasing confidence of national courts in the EU judicial system. On 1 May 2019, a new mechanism was introduced for determining whether certain appeals may proceed. That mechanism will enable the Court of Justice to make better use of its resources, in the interests of all.

I hope that this 2019 Year in Review will also make clear to the reader the efforts expended by the Court of Justice and the General Court to reduce the average time taken to dispose of a case (15.6 months in 2019, compared to 18 months in 2018), in their unstinting pursuit of an efficient, high-quality judicial system.

Finally, I would note that 2019 was quite a turbulent year for the European Union. The climate emergency, the migrant crisis, upholding the values of freedom, democracy and the rule of law: these are all issues which demand appropriate action, including on the part of the courts, in line with the aims and objectives of the European project. They will continue to have a direct impact on cases brought before the Court of Justice and the General Court.

All of this illustrates the pivotal role played by the Courts of the European Union in promoting a Union based on the rule of law and safeguarding the fundamental values on which it is built.

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2019
AT A GLANCE

A | THE YEAR IN PICTURES

January

Andreas Weitzmann/ shutterstock.com

22 JANUARY

Judgment in *Cresco Investigation*

The grant under Austrian law of a **paid public holiday** on Good Friday only to employees who are members of certain churches constitutes **discrimination on grounds of religion** prohibited by EU law (C-193/17).

(see p. 40)

February

6 FEBRUARY

EA new Advocate General takes office at the Court of Justice

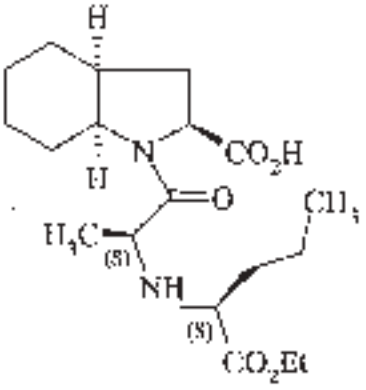
Priit Pikamäe (Estonia) is appointed Advocate General to replace Advocate General Nils Wahl (Sweden).

11 FEBRUARY

Award of the Puñetas de Plata prize

The Spanish legal press association ACIJUR awards the Court the Puñetas de Plata prize. The prize is awarded yearly to individuals or institutions that have distinguished themselves by their **work in the service of justice.**

March



7 MARCH

Judgment in *Tweedale*

The General Court annuls the decisions of the European Food Safety Authority (EFSA) refusing access to the toxicity and carcinogenicity studies on the active substance **glyphosate.** The public must have access to information on the consequences of the emission into the environment of an active substance which flow from the potentially toxic and carcinogenic nature of the substance **(T-716/14 and T-329/17)**.

20 MARCH

Two new judges take office

Andreas Kumin (Austria) is appointed judge at the Court of Justice to replace Maria Berger. As part of the reform of the General Court, **Ramona Frendo** (Malta) is appointed as judge at the General Court.

Feng Yu/ shutterstock.com

29 MARCH

Proceedings brought before the Court of Justice in *Constantin Film* v *YouTube and Google*

The German Federal Court of Justice (Bundesgerichtshof) asks whether YouTube (Google) may be required to disclose the **telephone numbers, email addresses and IP addresses** of individuals who upload videos **in breach of copyright** (**C-264/19**).

April

8 APRIL

The International Court of Justice visits the Court

A delegation from the International Court of Justice (ICJ), the principal judicial organ of the United Nations, is welcomed at the Court. Discussions centre on how **liability under international law** is apportioned between the European Union and the Member States in the fields covered by EU law.

30 APRIL

CETA opinion

The mechanism for the resolution of disputes between investors and States envisaged by the **free trade agreement between the EU and Canada** (CETA) is compatible with EU law (**Opinion 1/17**).

May

1 MAY

New procedure for determining whether appeals may proceed

In the interests of the proper administration of justice, appeals against judgments of the General Court in cases that have already been **considered initially by an independent board of appeal** will be subject to an initial procedure determining whether they are allowed to proceed.

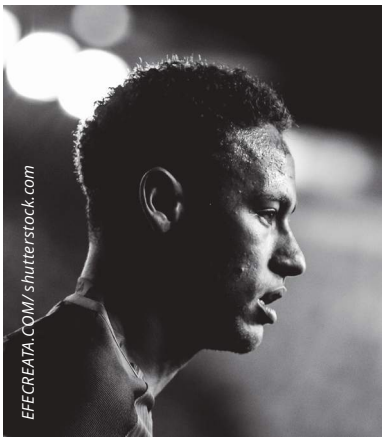
(see p. 5)

14 MAY

Judgment in *CCOO*

Member States must require employers to set up an objective, reliable and accessible system enabling **the duration of time worked each day** by each worker **to be measured** (C-55/18).

(see p. 41)



14 MAY

Judgment in *Neymar*

An individual's registration of the trade mark NEYMAR is invalid because the trade mark applicant acted in bad faith by filing the application for registration even though he was aware of the Brazilian player, a rising star in football whose talent was recognised internationally (T-795/17).

(see p. 45)

23 MAY

Judgment in *Frank Steinhoff and Others* v *ECB*

The General Court dismisses an **action for compensation brought against the European Central Bank (ECB)** by private investors who suffered losses as a result of the restructuring of the Greek public debt in 2012 by way of the exchange of bonds issued or guaranteed by the Greek State for new bonds. That restructuring was not a disproportionate and intolerable infringement of the right to property of those investors, even if they had not consented to that measure (T-107/17).

June

14 JUNE

‘The Courts and Competition law’ round table

The discussions, organised by the General Court, focused on an evaluation of the various **judicial review procedures** in competition law.

(see p. 63)

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19 JUNE

Judgment in *adidas*

The **EU trade mark** registered by the company adidas and consisting in three parallel stripes applied in any direction is **invalid** because the mark has not acquired, throughout the territory of the EU, distinctive character through use (T-307/17).

(see p. 46)

Volha Stasevich/ shutterstock.com

24 JUNE

Judgment in *Commission* v *Poland*

The Polish legislation concerning the lowering of the **retirement age of judges of the Supreme Court** is contrary to the principle of the rule of law and breaches the principles of the irremovability of judges and judicial independence (C-619/18).

(see p. 36)

July


Marian Weyo/ shutterstock.com

8 JULY

Judgment in *Commission* v *Belgium*

Belgium is ordered to pay a penalty of € 5 000 per day because it failed to notify the measures transposing the directive on high-speed electronic communications networks to the Commission. It is the first time that a financial penalty is imposed for **failure to notify measures transposing** a directive into national law (**C-543/17**).


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9 JULY

Request for an opinion concerning the *Istanbul Convention*

The European Parliament asks whether the proposals for **the accession by the European Union** to the Council of Europe **Convention on preventing and combating violence against women and domestic violence** are compatible with the Treaties (**Opinion 1/19**).

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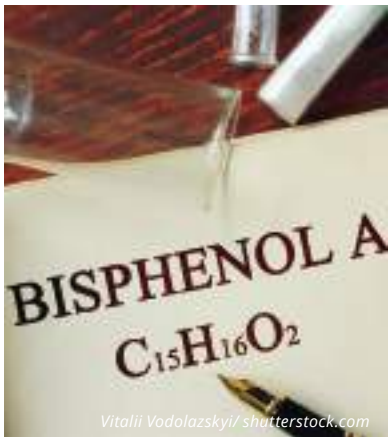
10 JULY

Judgment in *Amazon*

Amazon is obliged to provide consumers with a **means of communication allowing them to contact it** quickly and to communicate with it efficiently (**C-649/17**).

(see p. 43)



Vitalii Vodolazskyi/ shutterstock.com

11 JULY

Bisphenol A judgment

The inclusion in the REACH regulation of Bisphenol A as a **substance of very high concern** on account of its properties as a substance toxic for reproduction is confirmed. The REACH regulation was adopted by the European Union to better protect human health and the environment from the risks posed by chemical substances (T-185/17).

(see p. 33)

September

19 SEPTEMBER

Inauguration of the third tower

The new tower is inaugurated by President Koen Lenaerts in the presence of His Royal Highness Grand Duke Henri of Luxembourg and Xavier Bettel, Prime Minister of Luxembourg. Standing some 115 metres tall, it is the **tallest building** in Luxembourg.

(see p. 64)

watch the video on YouTube


little star/ shutterstock.com

24 SEPTEMBER

Starbucks and *Fiat Chrysler* judgments *('Tax rulings')*

The General Court annuls the Commission's decision declaring State aid in the form of tax measures implemented by **the Netherlands** in favour of **Starbucks** to be unlawful (T-760/15 and T-636/16).

By contrast, the cases brought against the Commission's decision finding the aid measure implemented by **Luxembourg** in favour of **Fiat Chrysler Finance Europe** to be unlawful, is rejected. (T-755/15 andT-759/15).

(see p. 48)

25 SEPTEMBER

Symposium on the theme ‘The General Court of the European Union in the Digital Age’

A commemorative symposium was held at the Court to celebrate the 30th anniversary of the establishment of the General Court.

(see p. 65)

A **commemorative film** of the anniversary, showing interviews with the first Members of the General Court, and the **documents from the symposium** can be found on the CURIA website.

watch the video on YouTube

26 SEPTEMBER

Partial renewal of the General Court and arrival of new judges

The composition of the General Court is changed in the context of **its partial renewal and the entry into office of new Members.** The new appointees are Tuula Pynnä (Finland), Gerhard Hesse (Austria), Mirela Stancu (Romania), Iko Nõmm (Estonia), Laurent Truchot (France), Johannes Christoph Laitenberger (Germany), Roberto Mastroianni (Italy), José Martín y Pérez de Nanclares (Spain), Ornella Porchia (Italy), Miguel Sampol Pucurull (Spain), Petra Škvařilová-Pelzl (Czech Republic), Gabriele Steinfatt (Germany), Rimvydas Norkus (Lithuania) and Tamara Perišin (Croatia), bringing the number of judges of the General Court to **52**.

26 SEPTEMBER

Election of the President and Vice-President of the General Court

Following the partial renewal of the Members of the General Court, **Marc van der Woude** (Netherlands), Vice-President of the General Court since 2016, is elected by his peers to serve as President for three years. **Savvas Papasavvas** (Cyprus), Judge at the General Court since 2004, is elected Vice President, also for a term of three years.

October

Song_about_summer/shutterstock.com

1 OCTOBER

Judgment in *Planet49*

In the interests of protecting personal data, the storage of **cookies**, the purpose of which is to collect information about internet users, is not permitted without the user's express, active **consent** (C-673/17).

(see p. 38)

7 OCTOBER

Two new judges take office at the Court of Justice

At a formal sitting of the Court of Justice of the European Union, Judges **Niilo Jääskinen** (Finland), replacing Allan Rosas, and **Nils Wahl** (Sweden), replacing Carl Gustav Fernlund, take the oath and enter into office.

19 OCTOBER

Open Day

The 2019 Open Day meets with unprecedented success, attracting some **4 825 visitors**.

(see p. 65)

21 OCTOBER

Proceedings brought before the General Court in *Wagenknecht* v *European Council*

A member of the Czech Senate accuses the European Council of failing to take into consideration the **conflict of interests** of the Czech Prime Minister with regard to the granting of **EU subsidies** (T-715/19).

24 OCTOBER

Rubik's cube judgment

The General Court declares **invalid the trade mark of the shape** of the famous cube on the ground that the shape of the cube is dictated solely by its technical function (T-601/17).

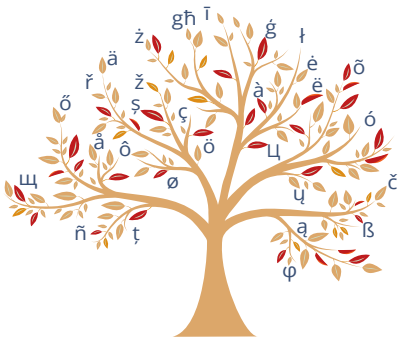
(see p. 46)

November

8 NOVEMBER

Proceedings in *Commission* v *Hungary* brought before the Court of Justice

The Commission contests the Hungarian legislation known as the '**Stop Soros' Law**, which entails the automatic rejection of asylum applications made by individuals who have arrived in Hungary via a safe third country and the criminalisation of **assistance given to asylum seekers** whose applications cannot be granted (C-821/19).



13 AND 14 NOVEMBER

Seminar on the protection of multilingualism and what multilingualism entails

The Court invites leading figures from fields as diverse as philosophy, law and the sciences to a presentation of the day-to-day functioning of a multilingual court, laying the foundations for future cooperation in **promoting the values which multilingualism seeks to uphold.**

(see p. 66)

14 NOVEMBER

Two new Members of the Court of Auditors take the oath

Following the partial renewal of the Court of Auditors, **Ivana Maletić** (Croatia) and **Viorel Ştefan** (Romania) take office as Members of the Court of Auditors, giving the Court their solemn undertaking to perform their duties in complete independence in the general interests of the European Union.

18 AND 19 NOVEMBER

Meeting of Judges

This annual meeting brings together senior national judges from all the Member States and the Members of the Court in order to **exchange views** on various topics of EU law.

(see p. 67)

19 NOVEMBER

Development of the Judicial Network of the European Union (JNEU)

The Court makes JNEU procedural and doctrinal documents **freely accessible** on its website.

(see p. 75)

December

1 DECEMBER

10th anniversary of the Treaty of Lisbon

The conferral of full legal effect on th**e Charter of Fundamental Rights of the European Union** was one of the major contributions of the Treaty of Lisbon. It entailed a series of changes for the Court, for example, altering the way in which Members are appointed and improving access to justice for individuals. In addition, in the context of **actions for failure to fulfil obligations**, financial penalties may now be imposed on the Member States even in the first judgment establishing a failure to fulfil obligations.

3 DECEMBER

Seminar on the theme ‘EU and UN Sanctions: an EU perspective’

The General Court hosted a seminar organised by the Finnish Presidency of the Council of the European Union, the European Commission’s Service for Foreign Policy Instruments and the European External Action Service, with the participation of a **delegation from the United Nations Ombudsman.**

19 DECEMBER

Judgment in *Airbnb*

France cannot require Airbnb to hold an estate agent's professional licence as it did not notify the Commission of that requirement in accordance with the **Directive on electronic commerce** (C-390/18).

19 DECEMBER

Judgment in *Niki Luftfahrt*

An airline is liable for **the harm caused to a passenger by a spilt cup of hot coffee.** It is not necessary for that accident to relate to a hazard typically associated with flight (C-532/18).

19 DECEMBER

Judgment in *Junqueras Vies*

A **person elected to the European Parliament** acquires the status of Member of that institution at the time of the official declaration of the results and enjoys, from that moment onwards, the **immunities attached to that status** (in particular the immunity as regards travel which allows a new Member to travel to the European Parliament and take part in the inaugural session). If a national court considers that a measure of detention imposed on the Member should be maintained, it must request the Parliament to waive that immunity (C-502/19).

Georgios GRYLLOS/© Union européenne, 2019

B | THE YEAR IN FIGURES

The institution in 2019

Statistically, 2019 was an exceptional year in two respects.

The total number of cases decided by the Court of Justice and the General Court combined was just shy of the record reached the previous year (1 739 cases, compared to 1 769 in 2018).

The total number of new cases brought before the Court of Justice and the General Court was greater than ever, that is, 1 905 cases (compared to 1 683 in 2018 and 1 656 in 2017).

This workload was reflected in the activity of the administrative departments, which provide support services to the Courts on a daily basis.

RESOURCES

429 **MILLION EURO** for the 2019 budget

COURT OF JUSTICE

1 **JUDGE** PER MEMBER STATE

11 **ADVOCATES GENERAL**

GENERAL COURT

2 **JUDGES** PER MEMBER STATE (AS OF SEPTEMBER 2019)

2 256 **OFFICIALS AND OTHER STAFF**

♀ **1 367** = 61%

♂ **889** = 39%

The **representation of women** in **positions of responsibility** within the administration places the Court above the average for the European institutions.

♀ **54%** of administrator posts are occupied by women

39% of middle and senior management posts are occupied by women

THE JUDICIAL YEAR

(ALL COURTS COMBINED)

1 905
CASES BROUGHT

1 739
CASES COMPLETED

2 500
CASES PENDING

168 286
PROCEDURAL DOCUMENTS ENTERED IN THE REGISTERS OF THE REGISTRIES

AVERAGE LENGTH OF PROCEEDINGS:

approximately 15.6 months

Court of Justice: 14.4 months
General Court: 16.9 months

3 199 **judicial notices** published in the *Official Journal of the European Union*

PERCENTAGE OF PROCEDURAL DOCUMENTS LODGED VIA E-CURIA:

Court of Justice 80%
General Court 93%
Number of e-Curia accounts **6 588**

e-Curia is an application of the Court of Justice of the European Union. It enables 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 of the Court of Justice, to send and receive procedural documents to and from the Registries purely by electronic means.

watch the video on YouTube

THE LANGUAGE DEPARTMENTS

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 POSSIBLE LANGUAGE COMBINATIONS

600 LAWYER-LINGUISTS TO TRANSLATE WRITTEN DOCUMENTS

At the Court, translations are produced in accordance with mandatory language arrangements covering all combinations 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 languages other than their mother tongue.

Workload (number of pages to be translated): **1 245 000 pages**

Pages produced by the legal translation service: **1 265 000**

Economy measures adopted by the Courts to reduce translation requirements: **580 000 pages**

71 INTERPRETERS FOR HEARINGS AND MEETINGS

617 HEARINGS AND MEETINGS WITH SIMULTANEOUS INTERPRETATION

watch the video on YouTube

OPENNESS TO PROFESSIONALS AND CITIZENS

2 824

JUDGES RECEIVED AT THE COURT IN THE CONTEXT OF SEMINARS, TRAINING COURSES, VISITS AND TRAINEESHIPS

AROUND

23 000 VISITORS

- **PROFESSIONALS**
- **JOURNALISTS**
- **STUDENTS**
- **CITIZENS**

JUDICIAL ACTIVITY

2

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A | A LOOK BACK AT THE MOST IMPORTANT JUDGMENTS OF THE YEAR

Health and the environment

Air pollution, soil pollution and water pollution, along with the risks associated with dangerous substances, pose challenges of global proportions. The Member States of the European Union have joined together to combat environmental degradation by establishing strict EU rules, including common limit values.

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In answer to the questions referred by a Belgian court before which several residents of the **Région de Bruxelles-Capitale** (Brussels-Capital Region) had brought an action, the Court of Justice clarified that citizens who are directly affected can have the courts review the choice of location of **air quality measuring stations** and obtain all necessary measures in respect of the authority concerned. Moreover, the Court of Justice held that appropriate measures to re-establish good air quality must be taken as soon as a limit value is exceeded at any single sampling point in any given zone.

Judgment of 26 June 2019, *Craeynest and Others*, C-723/17

As regards, more specifically, the **limit values for nitrogen dioxide** that have been in force since 2010, the Court of Justice held, in an action brought by the Commission, that France had systematically and persistently exceeded those values in numerous areas and cities, inter alia **Paris, Lyon, Marseille and Strasbourg**. Furthermore, France should have taken the necessary measures to ensure that the exceedance period is as short as possible.

Judgment of 24 October 2019, *Commission* v *France*, C-636/18

In 1999, an EU directive on the landfill of waste was adopted with the aim of preventing or reducing as far as possible the adverse effects of the landfill of waste on the environment and on human health. To that end, the Member States were required, by 2009 at the latest, to bring landfills on their territory into line with the strict technical requirements of the directive, or to close them. By 2015, **Italy** had still not taken the necessary measures in respect of **44 landfill sites** and, on an application by the Commission, the Court of Justice found that Italy had failed to fulfil its obligations under EU law.

Judgment of 21 March 2019, *Commission* v *Italy*, C-498/17

On the issue of the **nitrate** pollution of groundwater from agricultural sources, the Court of Justice held that, where nitrate levels exceed or risk exceeding the limit value of 50 mg/l at one or more measuring points, **individuals and bodies that are directly concerned** should be in a position to require the competent authorities to adopt the necessary measures (provided that the discharge of nitrogen compounds of agricultural origin significantly contributes to the pollution of the groundwaters in question).

Judgment of 3 October 2019, *Wasserleitungsverband Nördliches Burgenland and Others*, C-197/18

According to EU law, before consent may be given for any project likely to have significant effects on the environment, the proposed project must undergo an **impact assessment**. In 2008, the Court of Justice had held, in an action brought by the Commission, that **Ireland** had failed to fulfil that obligation in that consent was given for the construction of a **wind farm** without any prior impact assessment being carried out. In order to remedy such an omission, an assessment must be carried out subsequently, if necessary after the plant has entered into operation. That assessment may result in the amendment, or even the withdrawal, of the consent. In 2018, the Commission brought a further action against Ireland, which had still not carried out the requisite assessment. The Court of Justice consequently ordered Ireland to make a lump sum payment of 5 million euros and to pay a periodic penalty of 15 000 euros a day from the date of delivery of its second judgment to the date of compliance with the judgment delivered in 2008.

Judgment of 12 November 2019, *Commission* v *Ireland*, C-261/18

In January 2017, the European Chemicals Agency (ECHA) entered **Bisphenol A** in the candidate list of substances of very high concern to be subject to authorisation, on the ground that it was toxic for reproduction. The inclusion of Bisphenol A in that list triggered legal obligations for suppliers of products containing the substance and, more specifically, obligations to provide information to actors in the supply chain and to consumers. In July 2017, Bisphenol A was further classified as a substance of very high concern for human health because of its endocrine disrupting properties. Dismissing two actions brought by an association representing European plastics manufacturers, including four companies active in placing Bisphenol A on the market, the General Court confirmed the inclusion of Bisphenol A in the 'candidate list' of substances, even where it is used as an isolated intermediate.

Judgment of 11 July 2019, *PlasticsEurope* v *ECHA*, T-185/17

Judgment of 20 September 2019, *PlasticsEurope* v *ECHA*, T-636/17

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ArtWell/ shutterstock.com

Rights and obligations of migrants

The migrant crisis in Europe continues to raise numerous questions. On several occasions, the Court of Justice has had occasion to examine cases relating to asylum applications and the way in which they are processed. EU law establishes the conditions which third-country nationals and stateless persons must satisfy in order to qualify for international protection ('the Refugee Directive'). It also lays down rules relating to common standards and procedures in the Member States for returning illegally staying third-country nationals ('the Returns Directive') and rules on how responsibility for examining asylum applications is shared among the Member States ('the Dublin III Regulation').

In **France**, during the period of temporary reintroduction of **border control at internal borders** on account of a serious threat to public policy and internal security, Mr Arib, a Moroccan national suspected of entering French territory illegally, was checked in the vicinity of the Spanish border. Asked by the French Court of Cassation whether France was entitled to decide not to apply the procedure under the Returns Directive to Mr Arib, the Court of Justice ruled that **an internal border of a Member State at which border control has been reintroduced cannot be equated with an external border.**

Judgment of 19 March 2019, *Arib and Others*, C-444/17

In another case, three individuals, who either had or had applied for refugee status, which status either had been revoked or had been refused on grounds connected with the **protection of the security** or the community of the host Member State. The Court of Justice ruled that, as long as a third-country national or a stateless person has a **well-founded fear of persecution in his or her country of origin**, he or she must be classified as a 'refugee' **for the purposes of the Refugee Directive and the Geneva Convention**, regardless of whether he or she has formally been granted refugee status.

Judgment of 14 May 2019, *M and Others*, C-391/16 and others

The Dublin III Regulation establishes the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in a Member State by a third-country national or a stateless person. Against the background of Brexit, the Court of Justice held that a **Member State that has given notice of its intention to withdraw from the European Union remains the responsible State for the purposes of the Dublin III Regulation.** Nevertheless, it is for each Member State to determine the circumstances in which it wishes to agree that it will itself examine an application for international protection for which it is not responsible.

Judgment of 23 January 2019, *M.A. and Others*, C-661/17

Lastly, asked by a German court about the application of the Dublin III Regulation, the Court of Justice ruled that an asylum seeker may be transferred to the Member State that is normally responsible for processing his or her application, **unless the expected living conditions in that Member State would expose him or her to a situation of extreme material poverty, contrary to the prohibition of inhuman or degrading treatment**. In other words, a Member State may refuse to transfer an asylum seeker to the Member State responsible for processing his or her application if there are systemic deficiencies in the asylum procedure in that Member State.

Judgment of 19 March 2019, *Jawo*, C-163/17 and others

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Alexander Supertramp/ shutterstock.com

Rule of law

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The rule of law is one of the values common to the Member States of the European Union on which the Union is founded (Article 2 TEU). It is based on the premiss that no one is above the law, and its essential corollaries are legality, equality before the law, legal certainty, the prohibition of arbitrariness, access to justice before an independent and impartial court, and respect for human rights, which are principles guaranteed under the Charter of Fundamental Rights of the European Union.

In 2019, the Court of Justice gave a number of rulings on the concept of the rule of law, particularly as regards the independence of the judiciary from the executive and the legislature. For its part, the General Court had occasion to review the lawfulness of acts of the EU institutions from the standpoint of respect for fundamental rights.

In two actions for failure to fulfil obligations brought by the Commission, the Court of Justice held that the 2017 **reform of the Polish courts**, regarding **the retirement age** for judges and public prosecutors, and the Polish law of 2018 that lowered the retirement age for Supreme Court judges, while allowing them to **continue to carry out their duties beyond that age on obtaining the discretionary authorisation of the President of the Republic**, undermined the independence of the judiciary.

Judgment of 5 November 2019, *Commission* v *Poland*, C-192/18

Judgment of 24 June 2019, *Commission* v *Poland*, C-619/18

The Court of Justice also held that the **new Disciplinary Chamber of the Polish Supreme Court,** created in 2017, must satisfy the requirement that courts be independent. If it does not, it may not exercise its jurisdiction in disputes concerning the retirement of Supreme Court judges.

Judgment of 19 November 2019, *A. K. and Others*, C-585/18 and others

The Court of Justice also found that **German public prosecutor's offices, by contrast with the Prosecutor General of Lithuania and public prosecutors in France, did not provide a sufficient guarantee of independence** to be able to issue European arrest warrants.

Judgment of 27 May 2019, *OG and PI*, C-508/18 and others

Judgment of 12 December 2019, *JR and YC*, C-566/19 PPU and others

The Court of Justice did, however, acknowledge the **validity of European arrest warrants** issued by public prosecutor's offices which are exposed to the risk of being subject, directly or indirectly, to directions from a minister, and even of European arrest warrants issued by administrative authorities, **provided that they are reviewed by an independent court before or after issue**. It also recognised the validity of warrants issued **for the purposes of executing a sentence in respect of which a judgment has already been delivered**, even if the issuing authority is not a court, including where there is no provision for an appeal to be brought against that authority's decision.

Judgment of 9 October 2019, *NJ*, C-489/19 PPU

Judgment of 12 December 2019, XD, C-625/19 PPU

Judgment of 12 December 2019, *ZB*, C-627/19 PPU

In a series of judgments, the General Court annulled the Council decisions **to freeze the funds** of seven Ukrainian individuals, including Viktor Yanukovych, former President of Ukraine, who were subject to criminal proceedings in Ukraine for the misappropriation of State funds. The General Court took particular issue with the Council for failing to verify that the defendants' fundamental rights of the defence and the right to effective judicial protection had been observed by the Ukrainian authorities in those criminal proceedings.

Judgment of 11 July 2019, *Yanukovych* v *Council*, T-244/16 and others

Alexander Supertramp/ shutterstock.com

Protection
of personal data and the internet

The aim of the EU rules on the protection of personal data is to create a solid, coherent framework for data protection regardless of the context in which that data is collected (online shopping, bank loans, job searches and so on). The rules apply equally to businesses and public and private organisations, whether established within or outside of the EU, that offer goods or services, such as Facebook and Amazon, whenever they request or re-use the personal data of EU citizens. In 2019, the Court of Justice gave a number of rulings on the liability stemming from the collection and processing of personal data, in particular online data.

Watch the video on YouTube

In a case concerning an individual who had requested the deletion of a **comment** that was harmful to her reputation, which a user had posted **on Facebook**, the Court of Justice held that EU law did not preclude a host provider such as Facebook from being ordered to remove or block access to any content identical or, under certain conditions, equivalent to the content of information previously declared unlawful by a court. Such an injunction could even have worldwide effect, pursuant to the applicable international law, of which the Member States have to take account.

Judgment of 3 October 2019,
***Eva Glawischnig-Piesczek* v *Facebook Ireland Limited*, C-18/18**

EU law also aims to protect users from any interference with their private life and, in particular, against the risk that hidden identifiers or other similar devices enter their computer equipment without their knowledge. From that perspective, the Court of Justice put an end to the debate about the giving of consent to the storing of information and the use of **'cookies'**. It took the view that the consent that a website user must give to the storage of and access to cookies on his or her computer equipment must be specific and is not validly given by means of a pre-checked checkbox which the user must deselect to refuse his or her consent.

Judgment of 1 October 2019, *Planet49*, C-673/17

In the field of **sensitive data,** questions referred by the French Council of State for a preliminary ruling led the Court of Justice to refine its case-law. It ruled that the prohibition on processing certain categories of sensitive personal data applied also to search engine operators, like Google. When a search engine operator receives a **request for de-referencing** in respect of a link to a web page on which sensitive data is published, it must seek to strike a balance between the fundamental rights of the person requesting the de-referencing and the rights of internet users potentially interested in that information.

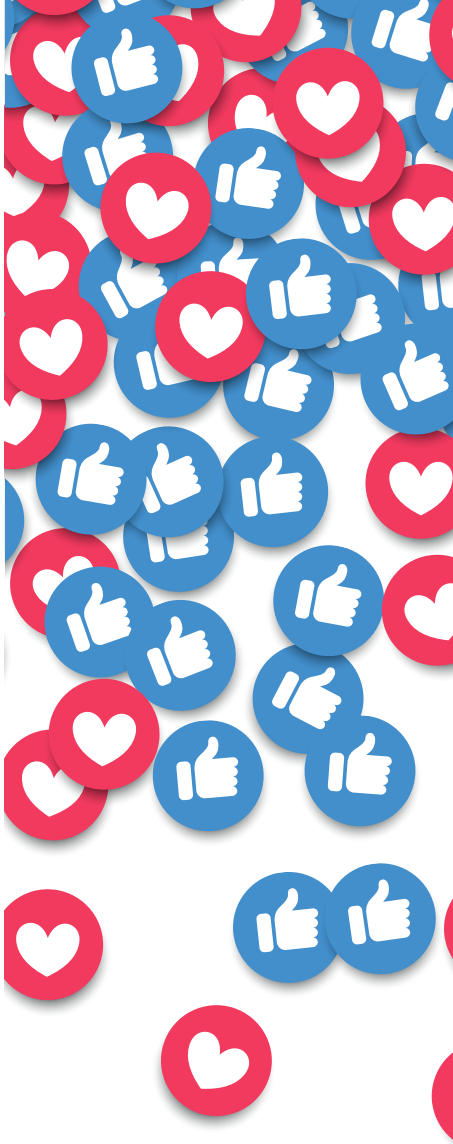
Judgment of 24 September 2019, *GC and Others*, C-136/17

In another case concerning Google and **a request for de-referencing**, the Court of Justice held that EU law does not require search engine operators to carry out de-referencing on all versions of their search engines. They are, however, required to carry out **de-referencing on all versions of their search engines corresponding to the EU Member States** and to take measures which prevent or seriously discourage internet users conducting a search from one of the Member States on the basis of a data subject's name from gaining access, via the list of results obtained using a version of that search engine 'outside the EU', to the links which are the subject of the request for de-referencing.

Judgment of 24 September 2019, *Google*, C-507/17

Lastly, in a case concerning an online clothing retailer that had embedded **Facebook's 'Like' button** on its website, the Court of Justice held that the website operator could be a controller jointly with Facebook in respect of the collection and transmission to Facebook of the personal data of visitors to its website. By contrast, the website operator is not, in principle, a controller in respect of the subsequent processing of those data by Facebook.

Judgment of 29 July 2019, *Fashion ID*, C-40/17



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Protection
of workers' rights

EU law protects workers' rights in a number of ways. It ensures the application of the principle of equal treatment in the field of employment, prohibiting discrimination based, inter alia, on religion, and establishing rules on equal pay for men and women. It organises the coordination of social security systems, at the same time seeking to ensure that the principle of equal treatment of men and women is implemented in the employment field. EU law also establishes numerous rules governing the performance of employment contracts, such as rules on the organisation of working time, and the improvement of the safety and health of workers. Lastly, it also ensures mobility within the EU for those engaged in the liberal professions.

Watch the video on YouTube

In **Austria, Good Friday** is a **paid** public holiday only for members of the Evangelical Churches of the Augsburg and Helvetic Confessions, the Old Catholic Church and the United Methodist Church: a member of one of those churches who works on that day is entitled to additional pay in respect of that public holiday. An employee of Cresco Investigation, who was not a member of any of the churches in question, brought an action against his employer. The Court of Justice held that granting a paid public holiday on Good Friday only to employees belonging to certain churches constituted **discrimination on grounds of religion prohibited under EU law.**

Judgment of 22 January 2019, *Cresco Investigation*, C-193/17

In **Spain**, when calculating a retired woman's pension, the Instituto Nacional de la Seguridad Social (National Institute of Social Security) took account of the fact that she had worked **part-time** for a significant part of her working life. The Court of Justice held that the Spanish legislation had effects that placed part-time workers at a disadvantage as compared with full-time workers, which constituted **indirect discrimination, placing workers who are women at a particular disadvantage.**

Judgment of 8 May 2019, *Villar Láiz*, C-161/18

In France, an employee challenged the method for calculating compensation for dismissal and for the redeployment leave allowance that her employer had paid her in the context of her dismissal, which happened while she was on part-time parental leave. In answer to the questions referred by the French Court of Cassation, the Court of Justice ruled that, since a far greater number of women take **part-time parental leave** than men, **French law did not comply with the principle of equal pay for male and female workers.**

Judgment of 8 May 2019, *Praxair MRC*, C-486/18

In another case, a Romanian national living in Ireland, Mr Bogatu, had submitted a claim for **Irish family benefits** in respect of his children living in Romania. His application had been refused on the ground that he did not fulfil any of the conditions needing to be satisfied in order to be entitled to family benefits, since he was neither pursuing activity as an employed person in Ireland nor receiving a contributory benefit there. However, in light of the regulation on **the coordination of social security systems**, the Court of Justice clarified that under EU law it is not necessary that a person pursue an activity as an employed person in order to be entitled to family benefits in respect of his or her children living in another Member State.

Judgment of 7 February 2019, *Bogatu*, C-322/17

In answer to questions referred by the Audiencia Nacional (National High Court, Spain), the Court of Justice ruled that Member States must require employers to set up **a system enabling the duration of daily working time to be measured**. That system must be objective, reliable and accessible. That guarantees the effectiveness of the rights conferred by the Charter and the Working Time Directive, the objective of which is to ensure better protection of the safety and health of workers.

Judgment of 14 May 2019, *CCOO*, C-55/18

In a case originating in Greece, the **Athens Bar Association** refused an application by a **monk who had qualified as a lawyer** in Cyprus to be entered on the special register so that he could practise as a lawyer, on the ground that his status as a monk was incompatible with the profession of lawyer. The Court of Justice ruled that the Establishment of Lawyers Directive **precluded the prohibition resulting from the Greek legislation that established such incompatibility.** The fact that rules of professional conduct have not been harmonised **did not justify failure to comply with EU law**, in particular the principle of proportionality.

Judgment of 7 May 2019, *Monachos Eirinaios*, C-431/17

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Lalocracio/ istockphoto.com

Consumers

The protection of consumers is one of the long-standing concerns of the European Union, which oversees the application of the rules protecting them to ensure their safety and increase awareness of their rights. In 2019, the Court of Justice had a number of occasions to clarify the scope of consumer rights in a number of different contexts. The rights of air passengers, for example, were strengthened in 2019.

Watch the video on YouTube

In the case of a connecting flight that is the subject of a single reservation departing from a Member State to a non-Member State via another non-Member State, the Court of Justice ruled that the **air carrier that performed the first flight** is obliged to **pay compensation** to passengers who suffered a long delay in the arrival of the second flight performed by an air carrier established outside the European Union. It held that passengers who suffered a delay of three hours or more in reaching their final destination, the **cause of which was attributable to the second flight**, operated under a code-share agreement by a carrier established in a non-Member State, could claim compensation under EU law from the EU air carrier that operated the first flight.

Judgment of 11 July 2019, *České aerolinie*, C-502/18

Similarly, the Court of Justice held that an air carrier is required to **compensate** passengers for a delay of three hours or more even if the delay results from damage to a tyre caused by a screw lying on the runway. However, the carrier is only required to pay compensation **where it is proved that it failed to deploy all means at its disposal for limiting the delay of the flight.**

Judgment of 4 April 2019, *Germanwings*, C-501/17

In a case involving **e-commerce**, the Court of Justice found that a platform such as Amazon is not obliged in all cases to make a telephone number available to consumers before the conclusion of a contract. However, EU law does require such a platform to **provide those consumers with a means of communication** allowing them to contact it quickly and to communicate with it efficiently (such as an electronic contact form, instant messaging or telephone call-back).

Judgment of 10 July 2019, *Amazon EU*, C-649/17

In another case concerning online shopping, the Court of Justice held that the **consumer's right of withdrawal** also applies to the purchase of a **mattress**, even once its protective film has been removed after delivery. As in the case of garments, it may be presumed that the trader is in a position to make the mattress, by means of cleaning or disinfection, suitable for resale, without prejudice to the requirements of health protection or hygiene. The consumer is, however, liable for any diminished value of the goods resulting from handling other than that necessary in order to establish the nature, characteristics and functioning of the goods.

Judgment of 27 March 2019, *slewo*, C-681/17

In a case concerning **payment for train tickets by direct debit**, the Court of Justice found to be contrary to EU law a contractual clause included in the general conditions of carriage of the German rail transport company Deutsche Bahn, according to which users could avail themselves of the SEPA direct debit scheme only if they were resident in Germany. The condition of residence in the national territory indirectly amounts to indicating the Member State in which the payment account must be situated, which the payee is expressly prohibited from doing.

Judgment of 5 September 2019, *Verein für Konsumenteninformation*, C-28/18

From 2015, **Germany** has put in place a legal framework for the introduction of a **charge for the use** by passenger vehicles **of federal roads**, including motorways. Every owner of a vehicle registered in Germany would have to pay that charge, in the form of an annual vignette. For vehicles registered abroad, the charge would have to be paid only if motorways were used. In parallel, Germany provided that owners of vehicles registered in Germany would qualify for relief from the tax to an amount that is at least equivalent to the amount of the charge paid. The Court of Justice concluded that the economic burden of the charge would fall, de facto, solely on the owners and drivers of vehicles registered in other Member States. It therefore considered that the charge was discriminatory and thus contrary to EU law.

Judgment of 18 June 2019, *Austria v Germany*, C-591/17

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Lastly, in a case regarding the consistency with EU law of the use of the **European 'organic farming' label** in relation to products derived from animals which have been **slaughtered in accordance with religious rites without first being stunned**, the Court of Justice held that that practice fails to observe the highest animal welfare standards. It therefore held that rules of EU law did not authorise the placing of the organic production logo of the European Union on products derived from animals slaughtered in that fashion.

Judgment of 26 February 2019, *Œuvre d'assistance aux bêtes d'abattoirs*, C-497/17

Feng Yu/ shutterstock.com

Intellectual property

The European Union has established a highly effective system for the protection of intellectual property rights which provides the necessary means to protect and subsequently defend trade marks, patents and designs, as well as literary and artistic works. That body of rules contributes to competitiveness, job creation, research funding and innovation. In 2019, the General Court and the Court of Justice intervened in this field on numerous occasions, inter alia through judgments clarifying the circumstances in which an EU trade mark may be registered and what constitutes the counterfeiting of a design or the infringement of protected geographical indications.

As regards the registration of an EU trade mark, the General Court clarified that bad faith in an application for registration of a trade mark must result in a declaration of invalidity. The trade mark in question consisted in the first name of the footballer Neymar Da Silva Santos Júnior. The footballer obtained a declaration of the trade mark's invalidity from the General Court, which found that it was inconceivable that the applicant had not been informed of the footballer's existence at the time when he filed the application for registration of the mark **'NEYMAR'.** The General Court also found that there was no explanation for the application for registration of the contested mark other than the desire to 'free-ride' on the footballer's reputation.

Judgment of 14 May 2019, *Moreira* v *EUIPO — Da Silva Santos Júnior*, T-795/17

In a case concerning a trade mark registered by the company **adidas** consisting of three parallel equidistant stripes of identical width, applied on the product in any direction, the General Court confirmed the invalidity of the mark on grounds of non-use, since adidas had not proved that that mark in particular had been used throughout the territory of the European Union and that it had acquired, in the whole of that territory, distinctive character following the use which had been made of it.

Judgment of 19 June 2019, *adidas* v *EUIPO — Shoe Branding Europe*, T-307/17

Another concept of trade mark law on which the General Court was called upon to rule is that of a shape whose essential characteristics are necessary to obtain a technical result. The mark which the General Court was asked to consider was the figurative mark representing the **Rubik's Cube**. Registration of the mark was cancelled, the General Court finding that its essential characteristic, consisting of the black lines which intersect, horizontally and vertically, on each of the faces of the cube, dividing each of them into nine small cubes of equal size divided into rows of 3 × 3, was necessary to obtain the intended technical result.

Judgment of 24 October 2019, *Rubik's Brand* v *EUIPO — Simba Toys*, T-601/17

In trade mark law, an application for registration may be opposed on the ground that there is a likelihood of confusion between the sign for which registration is sought and an earlier mark. In this case, the proprietor of the **trade mark 'CHIARA'** opposed registration of a sign composed of the two word elements CHIARA FERRAGNI in black capital letters, with the letters 'I' in bold, and a figurative element, positioned above the word elements, consisting of a drawing representing an eye with long black lashes. The General Court found that there was a low degree of visual and phonetic similarity between the two signs and that they were conceptually different. In addition, as the goods in question (bags and clothing) were generally sold in self-service stores where decisions to purchase are mainly based on visual criteria, the differences between the two marks meant that consumers would not think that the goods had the same origin.

Judgment of 8 February 2019, *Serendipity and Morgese* v *EUIPO — CKL Holdings*, T-647/17

The General Court was also called upon to address a question of design law in relation to a scooter design. The General Court had to determine whether the Community design of a **scooter** of which a Chinese company was the proprietor copied the characteristics of the **Vespa LX** design made by the Italian company Piaggio. The General Court compared the two designs and concluded that the two scooters produced different overall impressions and that the Chinese scooter had an individual character compared to the Italian scooter. While the Chinese company's scooter was dominated by substantially angular lines, the Vespa LX scooter favoured rounded lines. The General Court therefore dismissed Piaggio's action, thus allowing the registration of the Chinese scooter to stand.

Judgment of 24 September 2019, *Piaggio & C. v EUIPO — Zhejiang Zhongneng Industry Group*, T-219/18


OvuOng/ shutterstock.com

On the subject of indications of origin, the Court of Justice held that protection of the name 'Aceto Balsamico di Modena' (balsamic vinegar from Modena), registered in 2009 in the register of protected designations of origin (PDO) and protected geographical indications (PGI), did not extend to the use of the non-geographical terms of the name, that is to say, 'aceto' and 'balsamico'. The German producer was therefore free to use the terms **'balsamico'** and **'deutscher balsamico'** for its products.

Judgment of 4 December 2019, *Consorzio Tutela Aceto Balsamico di Modena*, C-432/18

Lastly, the Court of Justice was asked to settle the question of **sampling** and the possible infringement of a phonogram producer's rights. In a case concerning the German group **Kraftwerk**, it held that the non-authorised inclusion of a sound sample in a phonogram by means of sampling from another phonogram may constitute an infringement of the rights of the producer who has not given authorisation. However, the use of a sound sample taken from a phonogram in a modified form unrecognisable to the ear does not infringe those rights, even without such authorisation.

Judgment of 29 July 2019, *Pelham and Others*, C-476/17

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Anikin Denis/ shutterstock.com

State aid

In the interests of the proper functioning of the internal market, the European Union ensures compliance with the rules of free competition. Among those rules are those which prohibit the Member States from granting economic operators subsidies to which their competitors have no access. In 2019, the Court of Justice and the General Court resolved a number of State aid cases in a variety of fields, including renewable energies, football and Formula 1. Judgments were delivered in a number of taxation disputes, particularly in connection with 'tax rulings' issued in certain Member States under which multinational corporations benefited from special tax treatment which the Commission regarded as incompatible with the internal market.

In connection with one national **'tax ruling',** the General Court confirmed the Commission's decision on an aid measure granted by **Luxembourg** to **Fiat Chrysler Finance Europe (FFT)**, an undertaking in the Fiat group that provided financial services the group's companies established in Europe. The General Court held that the remuneration for those services was not determined under market conditions and that that practice, approved by the Luxembourg authorities, had enabled FFT to reduce its tax liability, to the detriment of its competitors, which were subject to the normal rules of Luxembourg tax law.

Judgment of 24 September 2019, *Luxembourg and Fiat Chrysler Finance Europe* v *Commission*, T-755/15 and others

By contrast, in another **'tax ruling'** case, the General Court annulled the Commission's decision on State aid granted by the **Netherlands** to **Starbucks.** According to the General Court, the Commission was unable to demonstrate that Starbucks had derived any competitive advantage from the Netherlands authorities' tax treatment of intra-group transactions within the Starbucks group.

Judgment of 24 September 2019, *Netherlands and Others* v *Commission*, T-760/15 and others

In two other cases in which the General Court was called upon to assess tax measures adopted by Member States in the light of the EU rules on competition, the General Court held that **the Polish tax on the retail sector** and **the Hungarian advertisement tax** were compatible with those rules. The General Court found that those taxes, which were not levied on companies with a low turnover and were levied at progressive rates on companies with a high turnover, did not confer a competitive advantage on the former merely as a result of the progressive rates. Those tax rules were consistent with their objective, which was to produce revenue for the general budget in such a way that larger companies that are able to achieve various economies of scale should pay proportionately more tax than smaller companies.

Judgment of 16 May 2019, *Poland* v *Commission*, T-836/16 and others

Judgment of 27 June 2019, *Hungary* v *Commission*, T-20/17

The General Court also annulled the Commission's decision that support measures adopted by a **consortium of Italian banks governed by private law** for the benefit of one of its members constituted State aid. The measures were voluntary, aiming to offer a member in financial difficulties a more beneficial solution than recourse to the mandatory intervention laid down by Italian law for the reimbursement of the bank's depositors. According to the General Court, the Commission failed to establish that the Italian State was involved in the adoption of the measures or that Italian public funds had been used, with the result that those measures cannot be classified as State aid.

Judgment of 19 March 2019, *Italy and Others* v *Commission*, T-98/16 and others

In the field of sport, the General Court annulled a Commission decision classifying the tax regime of the **Spanish football clubs Barcelona, Real Madrid, Athletic Bilbao and Atlético Osasuna** as State aid. Unlike other Spanish sports clubs, which were required to convert to sports public limited companies, the four clubs in question continued to operate as non-profit organisations. That, in the Commission's view, enabled them to benefit from a lower nominal tax rate. However, according to the General Court, the Commission failed to check whether the ceiling on tax deductions associated with the purchase of new players set at a lower level for the four clubs than for other clubs offset that tax advantage.

Judgment of 26 February 2019, *Athletic Club* v *Commission*, T-679/16 and others

Again in the field of sport, the General Court upheld the Commission's decision finding that the new owner of the **Nürburgring race track,** whose previous owners had benefited from State aid incompatible with the internal market, could not be ordered to repay the aid to the German authorities. The tendering process whereby the right to operate the race track had been sold had been conducted in an open, transparent and non-discriminatory manner and had resulted in a sale price consistent with the market, and there was no economic continuity between the former owners and the new owner.

Judgment of 19 June 2019, *NeXovation* v *Commission*, T-353/15 and others


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For its part, the Court of Justice annulled on appeal the Commission's decision stating that the German law on renewable energy involved State aid in that, first, it guaranteed undertakings producing electricity from renewable sources a price higher than the market price and, secondly, it reduced the contribution of electricity-intensive undertakings in the manufacturing sector to the financing of that higher price. The Commission failed to establish that the advantages provided for by the law involved State resources and therefore constituted State aid.

Judgment of 28 March 2019, *Germany v Commission*, C-405/16 P

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B | KEY FIGURES CONCERNING JUDICIAL ACTIVITY

COURT OF JUSTICE

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 act adopted by the European Union. The national court stays the proceedings before it and refers the matter to the Court of Justice, which gives a ruling on the interpretation or the validity of the provisions in question. 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;
- **appeals** against decisions made by the General Court, a remedy enabling the Court of Justice to set aside the decision of the General Court;
- **direct actions**, which mainly seek:
  - annulment of an EU act **('action for annulment')** or
  - a declaration that a Member State has failed to fulfil its obligations under 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 imposing a financial penalty on it;
- 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. The request may be submitted by a Member State or by a European institution (Parliament, Council or Commission).

966 CASES BROUGHT

641 PRELIMINARY RULING PROCEEDINGS

including **20** PPU

41 DIRECT ACTIONS

including

35 actions for failure to fulfil obligations and
2 actions for 'twofold failure' to fulfil obligations

Member States from which the most requests originate:

GERMANY	**114**	SPAIN	**64**	POLAND	**39**
ITALY	**70**	ROMANIA	**49**		

APPEALS AGAINST DECISIONS OF THE GENERAL COURT

266

OPINION

1

APPLICATIONS FOR LEGAL AID

7

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

865 CASES COMPLETED

601 PRELIMINARY RULING PROCEEDINGS

including **10** PPU Cases

42 DIRECT ACTIONS

including **25** failures to fulfil obligations found against **15** Member States

including **1** judgment on a 'twofold failure' to fulfil obligations

210 APPEALS AGAINST DECISIONS OF THE GENERAL COURT

including **28** in which the decision adopted by the General Court was set aside

1 OPINION

AVERAGE DURATION OF PROCEEDINGS **14.4** months

URGENT PRELIMINARY RULING PROCEDURES **3.1** months

1 102 PENDING CASES AS OF 31 DECEMBER 2019

PRINCIPAL MATTERS

Agriculture	**33**
Area of freedom, security and justice	**113**
Competition and State aid	**123**
Consumer protection	**81**
Customs Union	**22**
Environment	**60**
Freedoms of movement and establishment, and internal market	**94**
Intellectual and industrial property	**62**
Social law	**55**
Taxation	**94**
Transport	**42**

GENERAL COURT

Proceedings may be brought before the General Court, at first instance, in direct actions brought **by natural or legal persons (companies, associations, and so forth)** 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.

939 CASES BROUGHT

848 DIRECT ACTIONS including

- **157** State aid and competition (including 3 actions brought by the Member States)
- **270** Intellectual and industrial property
- **87** EU civil service
- **334** other direct actions (including 12 actions brought by the Member States)

APPLICATIONS FOR LEGAL AID:

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

874 CASES COMPLETED

787 DIRECT ACTIONS including

- **102** State aid and competition
- **318** Intellectual and industrial property
- **107** EU civil service
- **260** other direct actions

AVERAGE DURATION OF PROCEEDINGS **16.9** **months**

DECISIONS AGAINST WHICH AN APPEAL WAS BROUGHT BEFORE THE COURT OF JUSTICE **30%**

1 398 **PENDING CASES** AS OF 31 DECEMBER 2019

PRINCIPAL MATTERS

Access to documents	**30**
Agriculture	**22**
Competition	**64**
Economic and monetary policy	**138**
Environment	**12**
Intellectual and industrial property	**274**
Public procurement	**15**
Restrictive measures	**72**
Staff Regulations	**141**
State aid	**278**

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A YEAR OF OPENNESS AND EXCHANGES

A | IMPORTANT EVENTS

The dialogue which the Court of Justice of the European Union maintains with national courts and Union citizens is not confined to judicial proceedings, but is sustained each year by many exchanges.

In that regard, 2019 saw a large number of events, meetings and discussions, which help to disseminate and promote understanding of the law and case-law of the European Union.

5 April

30 years of the European Law Moot Court competition

The Court welcomed the teams competing in the final of the European Law Moot Court, an international mock trial competition that tests knowledge of EU law. 2019 marked the 30th annual competition. Regarded as the most prestigious EU law moot court, the aim of the competition is to promote practical knowledge of EU law among law students. Around 80 teams from universities both within and outside of the European Union participate. The case for the 2018-2019 competition concerned the independence of national courts, the European arrest warrant and the question of when national courts not ruling at last instance may refer questions to the Court of Justice for a preliminary ruling. After the **regional finals**, which were held during the course of the year in **Ljubljana, Madrid, Florence and Athens**, the winning teams were invited to the final, which is traditionally held at the Court. After deliberation, the jury, composed of Members of the Court of Justice and the General Court, declared the team from the **Katholieke Universiteit Leuven** (Belgium) the winner of the 2019 competition. The prize for 'best Advocate General' was given to Laura Tribess, from the **University of Geneva** (Switzerland) and the prize for 'best Commission Agent' went to Demi van den Berg, from the **University of Nijmegen** (Netherlands). The prize for 'best written observations' was given to the **University of Osnabrück** (Germany).

3 and 4 May

Final of the Central and Eastern European Moot Court competition

The final of the 25th Central and Eastern European Moot Court competition was also held at the Court in 2019. Teams from 16 central and eastern European universities presented argument on a variety of subjects, including migration, the General Data Protection Regulation, the rule of law and State liability, before a panel of judges from the Court of Justice and the General Court presided over by Advocate General Eleanor Sharpston. The winning team for 2019 was from the **University of Zagreb** (Croatia), which beat the team from the National University of Kyiv-Mohyla Academy (Ukraine) in the final. Julia Jeleńska, from the **University of Warsaw** (Poland) and Anna Yatsyshyn, from the **National University of Kyiv-Mohyla Academy** each won the prize for 'best speaker'. The prize for 'best written pleadings' went to the team from **Charles University in Prague** (Czech Republic).

14 June

'The Courts and Competition Law' round table

The round table, organised by the General Court, focused on an evaluation of the various judicial review procedures in competition law, fines, the admission by the courts of complex technical and economic arguments and the digitalisation of economies. The aim of the round table was to **share experience and best practices** among courts having jurisdiction in matters of economic law. The prestigious panel was composed of Giovanni Pitruzzella, Advocate General at the Court of Justice, Stéphane Gervasoni, Judge at the General Court, Douglas H. Ginsburg, Senior Judge of the United States Court of Appeals for the District of Columbia Circuit and professor at George Mason University's Scalia Law School, and professor Dr Jürgen Kühnen, Judge of the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany).

18 September

Conference " Un Palais dans la Cité "

On the eve of the inauguration of the third tower, a **conference** was held to discuss the architectural challenges posed by the construction of building complexes for court use. Following an introduction by François Biltgen (Luxembourg), Judge at the Court of Justice and chair of the buildings committee, the conference was led by Antoine Garapon, Secretary-General of the *Institut des Hautes Etudes* sur la Justice (France). Dominique Perrault, the French architect who designed the fourth and now this fifth expansion of the *Palais*, and the architect Bernard Plattner were also present. Accompanying the inauguration, an **exhibition** entitled *'Esprit des lois, génie des lieux : le temps d'une œuvre. Construire un Palais de justice pour l'Union européenne'*, offered a retrospective of the construction of the Court's various buildings, from the old *Palais*, inaugurated in 1973, to the present day.

Inauguration of the third tower

The new tower was inaugurated by President Koen Lenaerts in the presence of His Royal Highness Grand Duke Henri of Luxembourg and Xavier Bettel, Prime Minister of Luxembourg. Standing some 115 metres tall, it is the **tallest building** in Luxembourg.

19 September

25 September

Symposium to mark the 30th anniversary of the establishment of the General Court

In 2019, the General Court celebrated its 30th anniversary. It was on 25 September 1989 that the first Members of the General Court, established by Council decision of 24 October 1988, took office. To mark the occasion, a symposium on the theme 'The General Court of the European Union in the Digital Age' was held in the main courtroom of the *Palais*, at which the topics **'Accessible justice'** and **'Efficient and quality justice'** were discussed. Numerous representatives of European, national and international institutions participated, along with law professors, judges and lawyers from all the Member States. Also attending was Samantha Tanson, Luxembourg Minister for Culture, for Housing and for Justice.

19 October

Open Day

Like every year, the Court opened its doors to the public. This year the event was organised in October, following the inauguration of the third tower of the Court's building complex, so as to enable the public also to see this unique edifice. **More than 4 800** people passed through the forecourt of the *Palais* to visit the institution, the highest number of visitors ever. **Guided tours** in all the languages were put on to explain to the public the duties and modus operandi of the Courts and their departments. Stands manned by staff from the departments stationed along the route of the tour (Registry of the General Court, Directorate-General for Multilingualism, Human Resources, Research and Documentation, Library, Buildings and Security, Eco-Management and Audit Scheme (EMAS)) greeted visitors curious to know more about the Court's activities. Visitors were also able to access the **27th floor of the third tower** to enjoy the exceptional panoramic view of the region. The Court was the only EU institution to hold an Open Day in Luxembourg in 2019.

13 and 14 November

Seminar on the protection of multilingualism and what multilingualism entails

In 2018, which marked the 60th anniversary of the regulation establishing the language regime of the European Union, the Court implemented the 'Multilingualism Strategy' consisting in various initiatives to improve the understanding and appreciation of multilingualism in legal matters.

In 2019, a seminar on the protection of multilingualism and what it entails was organised at the Court, on 13 and 14 November.

Among the participants at the seminar were Mireille Delmas-Marty, honorary professor at the Collège de France, Michèle Gendreau-Massaloux, Advisor to the Permanent Secretary of the French Academy of Sciences, Jürgen Trabant, Member of the Berlin-Brandenburg Academy of Sciences and Humanities, and Barbara Cassin.

Barbara Cassin is a French philologist, Hellenist and philosopher and is emeritus research director at the National Centre for Scientific Research (CNRS) in Paris. She became a member of the *Académie française* in 2018. She writes:

«At the invitation of the Court of Justice of the European Union, I had the opportunity in November of last year to discover this institution in the company of Mireille Delmas-Marty, Michèle Gendreau-Massaloux, and Jürgen Trabant. The visit, which enabled me to meet key figures, the President and the Registrar, as well as other essential members of staff, such as interpreters and the heads of various departments, not only impressed me, it also moved me. While my experience at the Commission in Brussels, where for a time I was an "expert à haut niveau" (as they say, in such poor Franglais) within the High Level Group on Multilingualism — while it still existed — had left me somewhat concerned, my visit to Luxembourg boosted my confidence in Europe.

The language of Europe is translation, wrote Umberto Eco. The Court is a case in point: it speaks myriad languages and translates incessantly.

While French, the inheritor of Roman law, serves as a common language for the Court's ***deliberations,*** *all the languages of the Union are used in practice, thanks to the lawyer-linguists and interpreters. An action may be brought in any one of the 24 languages (the* ***language of the case****). Consequently, the judgment in that case will be delivered in that language and then made available, generally the same day, in the 23 other languages. However, between the culture and world view conveyed by the English of common law and the culture and world view conveyed by the French of Roman law (not to mention those conveyed by the laws of all the other Member States) lies a sea of the "untranslatable": "right" means something like "droit" and "law" means something like "loi". What I find most remarkable is how the necessity of translating these untranslatable expressions on a case-by-case basis gives rise to inventiveness: the Court creates autonomous concepts, which become part of EU law. This is true, for example, of the French words "travailleur", "époux" and* ***"infraction"****, which are given a new semantic mantle by and for EU law and which consequently describe things that are broader and more complex than those described by French terminology.*

It is a supranational arena from which springs a Europeanness that is anchored in the world, a Europeanness that stands in stark contrast to the simplifying Globish that has become common currency in Brussels.

Armed with these twin weapons of translation as an exercise in sensitivity to differences in meaning and terminological inventiveness capable of crystallising such differences in a new, complex dialect, the Court of Justice of the European Union can, in my view, serve as a paradigm for a Europe that is united in diversity.

The next step could be to feed the mass of language documents housed at the Court into some advanced Deep Learning computer-assisted translation tool, albeit while preserving the documents' confidentiality. This could provide direct access to the treasures garnered by the lawyer-linguists. Might this be a new path for Europe to explore?'

Barbara Cassin

The judges deliberate on the basis of a draft judgment drawn up by the Judge-Rapporteur in French, without the assistance of translators or interpreters.

Every case proceeds in a single language, known simply as the "language of the case. In references for a preliminary ruling, it will be the language of the national court making the reference to the Court of Justice. In direct actions, it will be the language used in the application.

The European Commission, as guardian of the Treaties, may bring infringement proceedings against a Member State which fails to comply with its obligations. If the infringement continues, the Commission may bring an action for failure to fulfil obligations against the Member State concerned.

18 and 19 November

Meeting of Judges

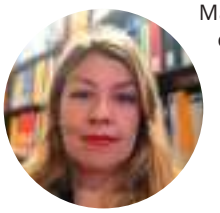
Given the variety of legal traditions and legal systems in the European Union, the close relationship between the Court of Justice and national courts is a cornerstone of the EU's legal system. Constant dialogue is essential in order to uphold the rule of law on which the EU is founded and to promote understanding of the laws and systems of the Member States. Among the many measures which it takes to promote this dialogue, the Court has organised a Meeting of Judges every year since 1968. These meetings are an opportunity to strengthen cooperation and trust not only between the Court of Justice and national courts, but also among the national courts themselves.

In 2019, the 51st Meeting of Judges brought together for two days **159 senior constitutional and supreme court judges from the 28 Member States and Members of the Court**. In his welcome speech, President Koen Lenaerts emphasised the importance to the Court of its 'relationships with national courts', stressing that 'this meeting is intended to be interactive, to enable mutual exchanges to take place, so that Members of our institution too can better understand the particular features of the national legal systems'.

The two plenary working meetings this year were dedicated to recent case-law on the procedural aspects of preliminary ruling proceedings (led by Thomas Bull, Judge at the Swedish Supreme Administrative Court) and the recent case-law developments in the field of judicial independence (led by Goran Selanec, Judge at the Croatian Constitutional Court). Furthermore, three workshops were organised on the subject of the case-law relating to the Charter of Fundamental Rights of the European Union to mark its 10th anniversary as a source of primary law.

Aca-Europe exchange programmes

The Court organises work-exchange programmes with ACA-Europe (Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union) in order to enable judges from the supreme administrative courts of each EU Member State to gain a better understanding of EU law.



Maria Bakavou, Judge at the Greek Council of State, who attended a work-exchange programme at the Court of Justice, reflects on that experience:

'This programme was an enriching and extremely beneficial experience: it can teach those interested in the inner workings of the Court much more than years of theoretical studies. Moreover, it is a testament to the Court's perennial role as the guardian of common European values. Contact with the Members of the Court is the pinnacle of this programme and it must be expanded, saluted and encouraged. I firmly believe that this experience would greatly benefit all constitutional and supreme court judges from all Member States.'

Maria Bakavou

OFFICIAL VISITS
TO THE COURT

To promote inter-institutional exchanges, the Court of Justice maintains a regular dialogue with the other EU institutions, international courts and the institutions and courts of the EU Member States.

True to the spirit of these inter-institutional exchanges, in 2019, the Court welcomed Mario Draghi, President of the European Central Bank (ECB), Laura Codruța Kövesi, European Chief Prosecutor at the new European Public Prosecutor's Office, Bente Angell-Hansen, President of the European Free Trade Association (EFTA) Surveillance Authority, and Kees Sterk, President of the European Network of Councils for the Judiciary.

A delegation from the International Court of Justice (ICJ) in The Hague also visited the Court in 2019.

The Court also welcomed delegations from national courts, including the Spanish Constitutional Court (photo), the Bulgarian Supreme Court of Cassation, the Supreme Court (Tax Law Chamber) of the Netherlands (photo) and the Benelux Court of Justice, as well as Stephan Harbath, Vice-President of the German Federal Constitutional Court.

The Court was also visited by a number of leading figures from the Member States, including H.E. Mr Leo Varadkar, Taoiseach of Ireland, H.E. Mr Andrej Babiš, Prime Minister of the Czech Republic, Mr Luis Marco Aguiriano Nalda, Secretary of State for the European Union of the Spanish Ministry of Foreign Affairs, Mr Raivo Aeg, Minister for Justice of the Republic of Estonia, Mr László Trócsányi, Minister for Justice of Hungary, Mr Jānis Bordāns, Deputy Prime Minister and Minister for Justice of Latvia, Mr François Bausch, Minister for Mobility and Public Works of Luxembourg, Mr David Gauke, Secretary of State for Justice of the United Kingdom, and Mr Hans Dahlgren, Secretary of State for EU Affairs of Sweden.

Lastly, the Court paid an official visit to the European Court of Human Rights (ECHR) in Strasbourg in 2019.

Esther NAVARRO ALVAREZ © Union européenne, 2019

A CONTINUOUS DIALOGUE WITH LEGAL PROFESSIONALS

→ Maintaining the judicial dialogue with national judges

2 824
NATIONAL JUDGES MET

- national judges received in the context of the annual Meeting of Judges or of a 6- or 10-month placement in the chambers of a Member
- seminars held at the Court
- contributions intended for national judges in the context of European judicial associations or networks
- participation at the formal reopenings of national supreme and higher courts, and meetings with the Presidents or Vice-Presidents of European supreme courts

→ Promoting the application and understanding of EU law on the part of legal professionals

753 **GROUPS OF VISITORS** who receive presentations on the hearings they attend or on the operation of the Courts

including **223** groups of legal professionals

that is to say

4 560 **INDIVIDUALS** **272** **TRAINEE LAWYERS RECEIVED**

267 **EXTERNAL USERS** students, researchers and teachers who have carried out research in the institution's library

AN ENHANCED DIALOGUE
WITH EUROPEAN CITIZENS

22 924 VISITORS

including **4 825** at the Open Day

165 PRESS RELEASES

(a total of **1 953** language versions)

Each press release is translated into several languages depending on the media and public interest in the Member States. Those press releases are available on the website curia.europa.eu.

416 TWEETS SENT VIA THE COURT'S TWITTER ACCOUNTS

with over **80 000** FOLLOWERS

108 REQUESTS FOR ACCESS TO ADMINISTRATIVE DOCUMENTS AND TO THE HISTORICAL ARCHIVES OF THE INSTITUTION

Around **28 000** REQUESTS FOR INFORMATION PER YEAR

A REGULAR OFFICIAL
AND INSTITUTIONAL DIALOGUE

6 FORMAL SITTINGS

AN ADMINISTRATION AT THE SERVICE OF EUROPEAN JUSTICE

4

Ilya DZHONGAROV © Union européenne, 2019

A | THE CONSTANT PURSUIT OF EFFICIENCY

The Registrar of the Court of Justice, the Secretary-General of the institution, oversees the administrative departments under the authority of the President. He attests to the departments' commitment to supporting the institution's judicial activities.

AN ADMINISTRATION AT THE SERVICE OF EUROPEAN JUSTICE

A court is, first and foremost, a kind of **architecture** — in the literal and figurative senses — and 2019 gave notable expression to that idea. It saw the conclusion of the final stage in the construction of the *Palais* of the Court of Justice of the European Union and of the reform of the judicial architecture of the Union resulting from Regulation 2015/2422.

As for its buildings, on 19 September 2019, the **institution celebrated the inauguration of its third tower**, the highest in the Grand-Duchy, which was completed on time and within the budget initially allocated, and to the highest environmental standards. The tower has made it possible to bring together all the departments of the Directorate-General for Multilingualism, which had hitherto been somewhat scattered, and to house all of the Court's personnel at a single site — for the first time in 20 years. Now the more than 2 200 members of staff can work under the same roof and mingle in the same Gallery. In addition to the day-to-day gains in efficiency thus achieved, this unification symbolises the cohesiveness of the institution's staff in the performance of their duties in the service of justice in the European Union.

In terms of **institutional structure**, the General Court of the European Union, in the third and final stage of its reform, welcomed its last eight judges, bringing the total to two per Member State. The institution's departments all assisted the General Court in its reorganisation and in integrating its newest Members. The results are already tangible, with a significant shortening of the duration of proceedings (see p. 59). This was a timely achievement, the completion of the reform coinciding with the General Court's 30th anniversary, celebrated on 25 September 2019 (the first 12 Members having taken office on 25 September 1989). To mark the occasion, a symposium was held on the theme 'The General Court of the European Union in the Digital Age' (see p. 65).

However, a judicial institution is also an **administration**, staffed by men and women who provide support services to the Courts on a daily basis.

It is the goal of this administration continually to improve the services it provides, in the interests of **quality and efficiency**, so as to assist the Courts in meeting the challenge of increasing and ever more diverse litigation. In 2019, a number of projects were implemented to this end, introducing both technological and organisational developments.

The Research and Documentation Directorate, for example, has increased its efforts in the preliminary processing of cases, in particular with regard to requests for a preliminary ruling and the mechanism whereby the Court of Justice determines whether an appeal should be allowed to proceed. As a result, it has achieved synergies with the Communications Directorate in the drawing up of press releases and the annual report of judicial activity. The Library Directorate has made available a new legal research tool and has diversified its catalogue as it continues its transformation into a knowledge-management documentation centre. For its part, the Information Technology Directorate has carried out an assessment of the needs of the cabinets and departments and has continued its efforts to implement an integrated case management system, the call for tenders for which was published in August 2019. It also launched a large scale programme to replace the hardware used by the staff of the institution in the interests of greater mobility. In parallel, the potential for making use of artificial intelligence to meet the institution's specific needs is being closely monitored. Some of this potential has already been exploited by the Directorate-General for Multilingualism, with the introduction of a tool which uses 'neural' translation. Such technological aids will enable the Directorate-General to cope with an increasing workload while at the same time safeguarding the two essential principles of multilingualism: ensuring that every individual can bring his or her case before the Court in his or her language of choice and ensuring that the Court's case-law is published in each of the 24 official languages of the European Union.

In the implementation of these various projects, all the departments have benefited from support from the Directorate for Human Resources and, in particular, the directorate's efforts in the fields of professional training and wellbeing in the workplace. In 2019, there were initiatives in job shadowing, which promotes the exchange of best practices and decompartmentalisation. A programme of management training was also implemented for middle and senior management and a scheme was introduced for occasional teleworking, reflecting the tendency toward the modernisation of and flexibility in working arrangements.

Lastly, a judicial institution of its time is also an **institution that is open** to the public and promotes **access to information** and **knowledge sharing**.

In November 2019, the Court of Justice and the supreme courts that participate in the **Judicial Network of the European Union (JNEU)** decided to make available to the public, in all languages, on the Curia website, national orders for reference for a preliminary ruling made since 1 July 2018, along with decisions of national courts involving EU law and various documents of a scientific or pedagogic nature compiled by the courts participating in the JNEU in the languages in which they chose to share them. Judges, lawyers and legal researchers throughout the world can now draw upon an incomparable wealth of documents relating to EU law and its application in the Member States.

As part of its **digital strategy**, the Court of Justice, already active on Twitter and YouTube, has diversified its communication channels by running a LinkedIn account from November 2019 onwards. Within a few weeks it had attracted some 30 000 followers, enabling the Court to share judicial and institutional news in an arena highly visible to the professional community, and thus to improve access for observers (lawyers, journalists, citizens) to various topics pertinent to their own activities (case updates, press releases, events).

Lastly, aware of the importance of face-to-face meetings, in addition to the possibilities offered by information technology, the Court continues to value its annual **Meeting of Judges** (a three-day seminar attracting more than 150 national judges) and **Open Day**, which had a record attendance in 2019 of close to 5 000 visitors, attesting to the interest aroused among the general public.

I hope this brief overview of 2019's activities gives some idea of the willingness of the Court of Justice of the European Union — the judicial institution which ensures a Union based on law and respect for democratic values — to pursue with determination, as an institution and an administration, its programme of modernisation in the interests of quality, efficiency and multilingual openness to the world.

Alfredo Calot Escobar
Registrar

B | THE COURT BROADENS ITS PRESENCE ON SOCIAL NETWORKS

For a public institution, informing citizens is a democratic duty. More than that, effective communication is no longer a one-way street. Social networks have become essential media for a modern civil service that wishes to communicate effectively with the public. Through the use of these new means of communication, the Court of Justice of the European Union now speaks not only to journalists and protagonists in the legal sphere, but also, and most importantly, to citizens. All social media users can now acquaint themselves with the cases before the Court of Justice and the General Court, judgments and Opinions, events organised within the institution, job offers and even publications for specialists or of general interest.

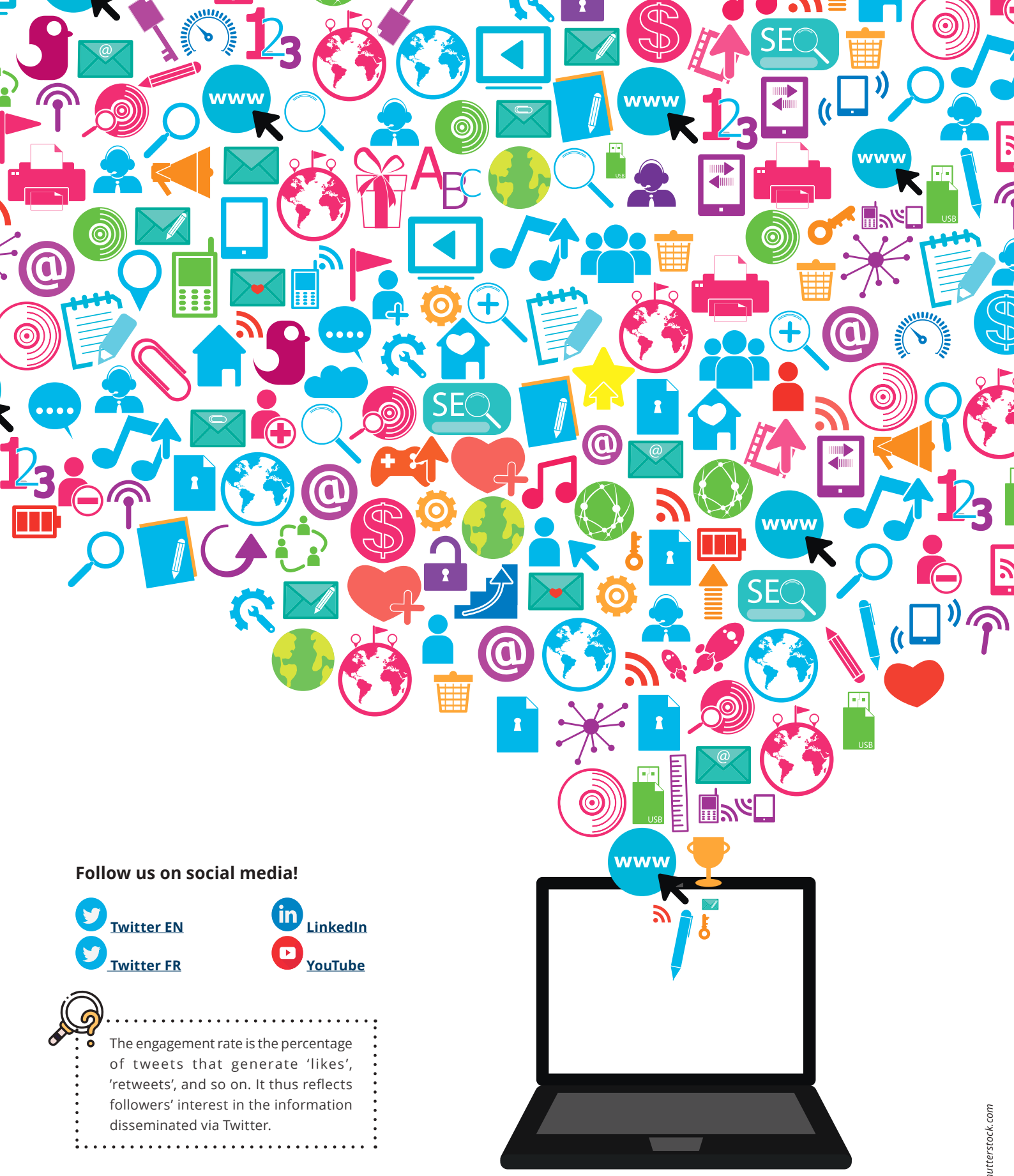
Already highly active and experiencing great success on **Twitter** (with two accounts, in French and English, being operated since 2013) and YouTube (where it has operated a channel since 2017), the institution is seeking further to improve the dissemination of legal information. This is all part of the development of its digital strategy.

Thus, since 2019, the institution has had an account on the professional social network **LinkedIn**. With ever more followers (over 22 000 in November 2019 and over 30 000 on 31 December 2019, representing an increase of 34% in two months), the results achieved with this platform have exceeded all expectations. The average **engagement rate** registered for the Court's account — 5.95% in December — is significantly higher than the average engagement rate for the whole of the LinkedIn network (0.054%) and every item published on the institution's account reaches more than 10 000 users.

In 2019 the Court created a **Facebook Event** page dedicated to promoting its Open Day *prior to the event* (with filmed interviews of volunteers, a countdown and a plethora of practical information) and *during* the event (with brief, hourly updates on how the day was proceeding). The page reached almost 70 000 individuals. The unprecedented number of visitors at the Open Day (over 4 800) is a testament to the success of the campaign led by the Court on this social network.

The Court's two **Twitter** accounts met with continuing success in 2019, with more than 81 000 followers on 31 December 2019 and an average engagement rate varying between 2% and 3% (far higher than the average engagement rate for the whole of Twitter, which stands at 0.03%).

Spurred by its success on **YouTube**, in 2019 the Court added three new videos explaining the work of the Court and the impact of its case-law on citizens' lives. The themes addressed are the Court's case-law in the fields of sport, digital technology and the environment. The series now has 13 videos in 23 of the official languages of the European Union. The number of views the channel garnered increased, from 2018 to 2019, by 50%.



Follow us on social media!

Twitter EN

Twitter FR

LinkedIn

YouTube

The engagement rate is the percentage of tweets that generate 'likes', 'retweets', and so on. It thus reflects followers' interest in the information disseminated via Twitter.

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C | AN ENVIRONMENTALLY FRIENDLY INSTITUTION

The Court of Justice of the European Union has for several years been pursuing an ambitious environmental policy, designed to meet the highest standards of sustainable development and environmental conservation.

Underpinning the management of the institution's building projects, and the day-to-day management of the resources and tools at its disposal, is the constant commitment to respecting the environment, as shown by the Court's **EMAS** (Eco-Management and Audit Scheme) **registration** since 2016.

The **EMAS certification,** established by an EU regulation and granted to organisations that satisfy strict conditions relating to their environmental policies and their efforts in relation to the protection of the environment and sustainable development, is therefore a clear recognition of the Court's ecological commitment and of the high environmental performance achieved.

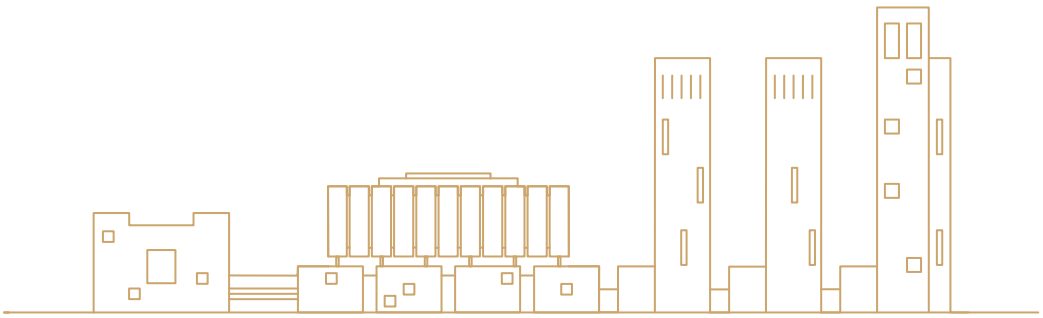
In its annual Environmental statement, the Court presented a detailed account of its environmental performance and of current and future ecological projects within the institution.

By means of an **online training module**, the Court informs all new arrivals of the environmental aspects associated with their daily work, proposing good habits to adopt in connection with information and office technology, energy use, water and waste processing, and also in their own personal transport choices.

In one specific initiative, the Court set itself the objective of reducing the proportion of **recoverable waste** in the unsorted waste category by 10% over the period 2016 to 2018. Achieving an actual reduction of 24.5%, it amply surpassed its initial objective.

The **e-Curia application** (see p. 26) for exchanging judicial documents between the parties' representatives and the Courts has a positive environmental impact. For example, if all the pages of procedural documents submitted to the Court of Justice and the General Court by e-Curia in 2019 (nearly 1 million pages) had been lodged in paper form, with all their mandatory copies, more than 5 million pages of documents would have been generated, corresponding to more than 12.5 tonnes of paper, which, moreover, would have had to be physically transported to Luxembourg.

EMAS
VERIFIED ENVIRONMENTAL MANAGEMENT



Collection of soft plastic bottle tops

Reduction in the use of single-use plastics

More spaces for bicycles

'Mam vëlo op d'Schaff' ('Cycling to Work')

The Court was awarded second prize in the 'Golden Gear Award' challenge.

Since 2016, the staff involved have travelled more than 132 000 km, which amounts to savings of 20 tonnes of CO2 emissions.

Participation in the European Mobility Week campaign

Reduction of water consumption

-2.1%

m³/FTE

in 2018

Reduction of unsorted household waste

-24.5%

kg/FTE

in 2018

Collection of organic waste for the production of biogas

Reduction of paper consumption

-15.5%

kg/FTE

in 2018

Reduction of electricity consumption

-8.3%

kWh/FTE

in 2018

2 888 m²

of photovoltaic cells

producing around

368 500

kWh

in 2018

Equivalent to the annual electricity needs of 67 families

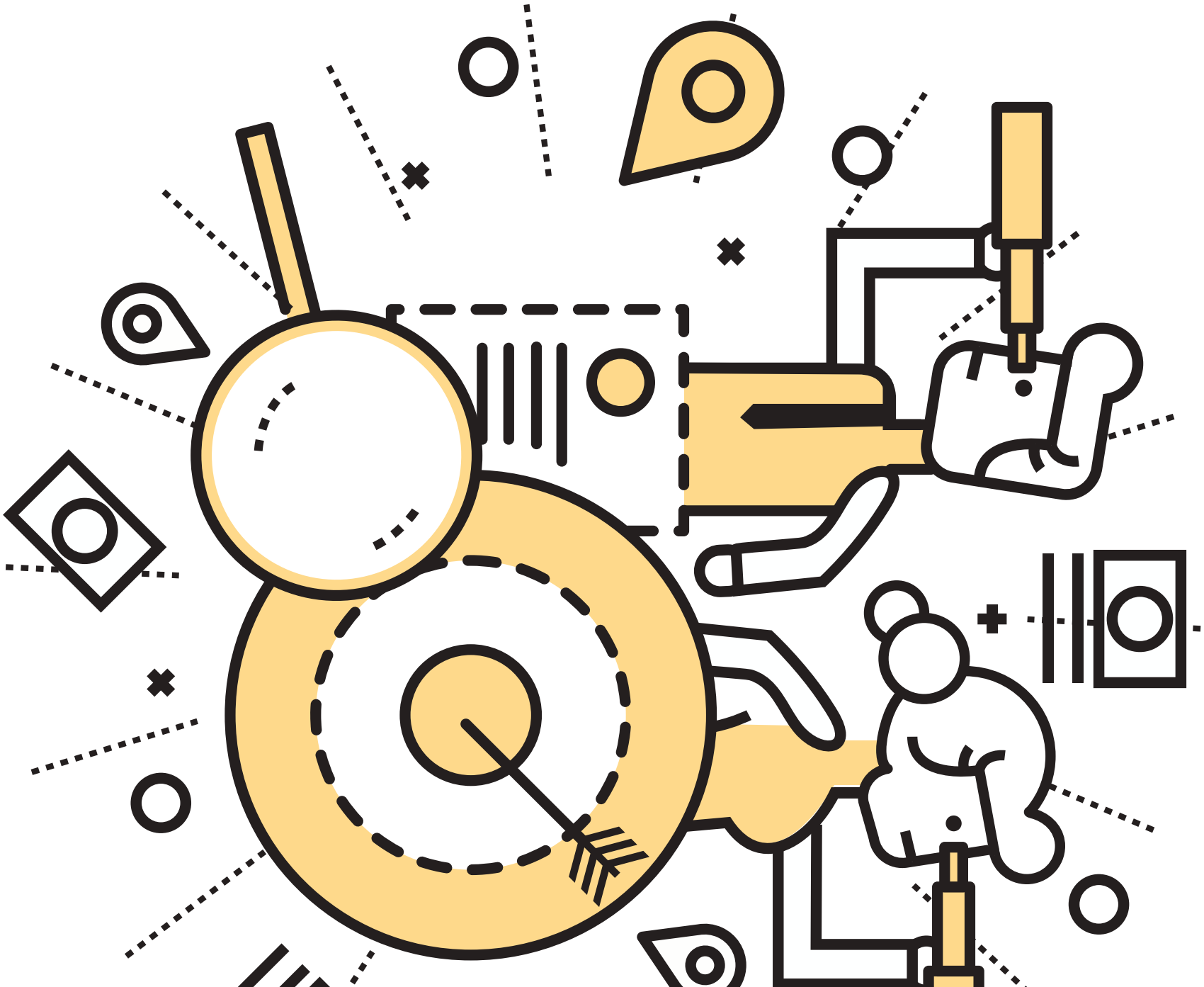
-CO2

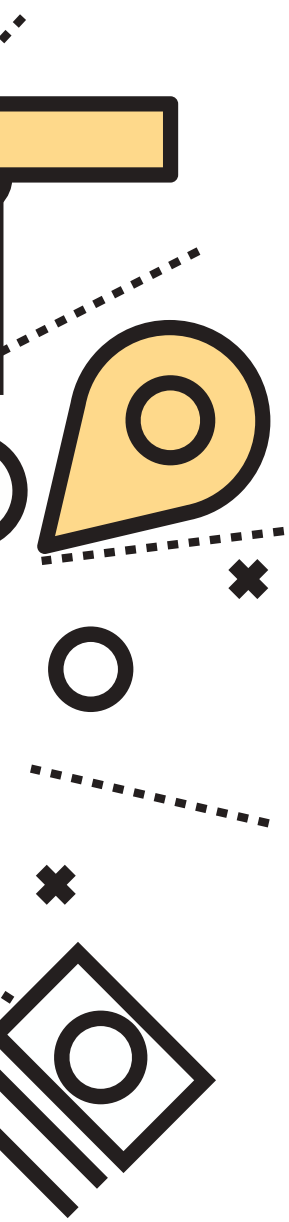
Reduction of carbon emissions

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 and electricity match those for 2018**. Variations are quantified by reference to 2015, the reference year.

mangsaabguru/ shutterstock.com





LOOKING AHEAD

5

MEETING THE CHALLENGES OF THE NEW DECADE

2020 marks the beginning of a new decade. It will be a pivotal year for the Court of Justice of the European Union in a number of respects.

In terms of litigation, the record number of cases brought before the Court of Justice and the General Court in 2019 gives an indication of the challenges awaiting the institution in 2020: it must increase productivity while at the same time maintaining the same levels of efficiency and quality. The upward trend in the volume of litigation brought before the Courts of the European Union seems to continue year after year and a further increase is to be expected as a result of, inter alia, the consequences of Brexit, the creation of the European Public Prosecutor's Office, an increase in banking and financial disputes and possible environmental litigation following the launch of the 'European Green Deal'.

In anticipation of these developments, the Court is already seeking modern, effective solutions. The possibilities offered by artificial intelligence will be important to the institution's policies, especially in relation to its applications in the fields of legal translation, legal research and case-law analysis.

In accordance with the regulation adopting the reform of the judicial architecture of the Union (Regulation 2015/2422), 2020 is also the year in which the Court of Justice will submit its report on the functioning of the General Court to the European Parliament, the Council and the Commission.

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curia.europa.eu

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- subscribing to the Court's **RSS feed**: curia.europa.eu/jcms/RSS
- following the institution's Twitter account **@CourUEPresse** or **@EUCourtPress**
- following the institution's account on **LinkedIn**
- downloading the CVRIA App for smartphones and tablets

To learn more about the activity of the institution

- consult the webpage for the 2019 Annual Report: curia.europa.eu/jcms/AnnualReport
  - **The year in review**
  - **Report on judicial activity**
  - **Management report**
- watch the videos on **YouTube**

Access the documents of the institution

- historical archives: curia.europa.eu/jcms/archive
- administrative documents: curia.europa.eu/jcms/documents

Visit the seat of the Court of Justice of the European Union

- The institution offers visit programmes specially tailored to the interests of each group (attend a hearing, guided tours of the buildings or of the works of art, study visit): curia.europa.eu/jcms/visits
- The virtual tour offers a bird's eye view of the building complex and allows you entry from the comfort of your own home: curia.europa.eu/visit360

For any information concerning the institution

- write to us via the contact form**:** curia.europa.eu/jcms/contact

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The Court on the internet: curia.europa.eu

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