

COURT OF JUSTICE
OF THE EUROPEAN COMMUNITIES

REPORT OF PROCEEDINGS

1992-1994

Synopsis of the work
of the Court of Justice
and of
the Court of First Instance
of the European Communities

Luxembourg 1995

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Foreword

This year, exceptionally, the Report of the Proceedings of the Court of Justice of the European Communities and of the Court of First Instance will replace the Annual Report of previous years.

Following delays at various stages of publication, and relying on the understanding of our readers, it has been decided to publish a version which, while retaining the usual content, relates to the proceedings of the Court of Justice and of the Court of First Instance over three years, namely 1992, 1993 and 1994.

As has been the case with publications for previous years, this report is intended for judges, lawyers and, in general, practitioners, teachers and students of Community law.

It is issued for information only, and obviously must not be cited as an official publication of the Court of Justice and the Court of First Instance, whose judgments are published officially in the *Reports of Cases before the Court of Justice and the Court of First Instance* and in the *Reports of European Community Staff Cases*.

The report is published in the official languages of the European Communities (Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish). It is obtainable free of charge on request (specifying the language required) from the Press and Information Office of the Court of Justice.

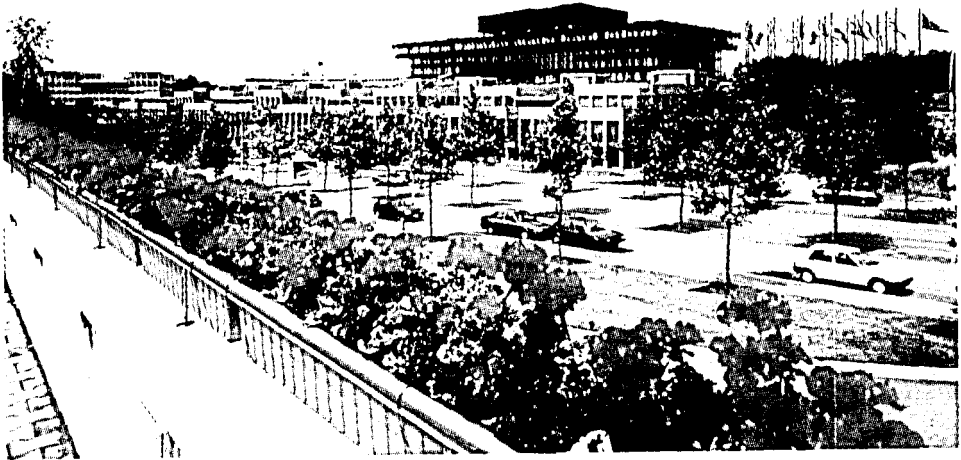
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*The Court of Justice
of the European Communities*



A – The Proceedings of the Court of Justice in 1992, 1993 and 1994

by President Rodríguez Iglesias

The developments which the Court has experienced during the last three years are admittedly modest compared with the event which the entry into force of the Treaty on European Union in November 1993 constituted for the Community as a whole, but they are none the less of great significance for the future of our institution.

Of those events, it is indispensable to point out the changes which took place in the composition of the Court during 1994, a year which was noteworthy because, in addition to the appointment of a new Registrar, there was a partial renewal which saw the departure of six Members, among them President O. Due.

However, despite the upheaval inherent in any renewal, the rate of work was not affected since some 300 cases were decided each year. Moreover, and this should be emphasized, the Court was able to reduce the average duration of proceedings so that it is now, in preliminary rulings, 18 months (20.4 months in 1993) and, in direct actions, 20.8 months (22.9 months in 1993).

The effort will, however, be continued for it would be presumptuous to be satisfied with those results. Proceedings which are too lengthy are likely to dissuade the courts of the Member States to refer to the Court questions of interpretation or validity and, thus, to jeopardize the uniform application of Community law and undermine the consistency of the system. It should, however, be noted that reduction of the duration of proceedings is limited by the requirement on the Court not to start examining a case until the pleadings and the observations lodged have been translated.

In order to expedite proceedings, the Council, on a proposal of the Court, by two decisions of 8 June 1993 and 7 March 1994, extended the jurisdiction transferred to the Court of First Instance to all actions brought by natural and legal persons. Likewise, the second paragraph of Article 165 of the EC Treaty now allows the Court to refer any case, where this is justified, including those brought by the Member States, to a Chamber. That possibility is, however, too recent for it to be possible to measure its beneficial effects.

That same concern to expedite proceedings has been incorporated at the level of publication of the case-law. In order to guarantee the availability of its judgments in all the official languages of the Union from the date of their delivery and to

ensure publication of the European Court Reports within no more than four or five months, the Court had to restrict the volume of documents to be translated and, in order to do so, decided to cease, from January 1994, publication in the Reports of the Report for the Hearing.

Faster and more regular publication of the Court Reports is not, however, the sole means of ensuring that Community law reaches the relevant professional circles, which alone can guarantee its application. That is why the Court regularly organizes visits to enable judges, lawyers, professors and students to familiarize themselves with Community law. The visits, which are of mutual benefit, enable the participant either to deepen his knowledge of Community law, or to put into context or, finally, to develop a constructive and critical approach to the case-law of the Court, depending on the participant's starting point. This demonstrates the importance which the Court attaches to those visits, which have become increasingly frequent as awareness of the importance of Community law has increased.

The Court also received numerous visits from members of the highest courts, in particular from constitutional courts, of the Member States.

This brief review of the work of the Court during this period would not be complete if one did not mention some especially significant judgments.

1. The *freedoms on which the internal market is based* are traditionally among the preferred fields of the case-law of the Court. The period from 1992 to 1994 was no exception to that tradition.

– As regards *the free movement of goods*, the most significant judgment of that period was, without doubt, the judgment in *Keck and Mithouard* (Joined Cases C-267/91 and C-268/91 [1993] ECR I-6097), in which the Court ruled that national provisions restricting or prohibiting certain selling arrangements do not constitute 'measures of equivalent effect', prohibited by Article 30 of the Treaty, so long as those provisions apply to all relevant traders operating within the national territory and so long as they affect in the same manner, in law and in fact, the marketing of domestic products and of those from other Member States. In this instance, the Court has changed the orientation of its case-law in order to take account of problems which too broad a definition of that concept could pose both for economic operators and for national authorities.

The Court also gave important explanations of the restrictions on that freedom justified on grounds of the protection of industrial and commercial property (Article 36 of the Treaty). It observed that such derogations could cover rules

laid down by the Member States for the purpose of ensuring the protection of designations indicating the geographical provenance of products which are not, however, generic (C-3/91 *Exportur* [1992] ECR I-5529) ¹ or the protection of designations consisting of numerals which are regarded, in the trade circles concerned, as sufficiently distinctive (C-317/91 *Deutsche Renault* [1993] ECR I-6227). ²

– As regards *freedom of movement for persons* (Articles 48 and 52 of the Treaty), the Court observed that this was a fundamental freedom of wide scope, capable of being relied upon as against national authorities by any Community national making or having made use of it. Thus, the Court accepted that a Community national could invoke it in order to obtain from its Member State of origin recognition of university qualifications acquired in another Member State and facilitating access to a profession, without nevertheless being a precondition therefor (C-19/92 *Kraus* [1993] ECR I-1663).

– Finally, it may be noted that the Court delivered several judgments concerning the role of the *freedom to provide services* (Articles 59 and 66 of the Treaty) in the sector of maritime transport between Member States, where that freedom has only recently been applied (C-18/93 *Corsica Ferries Italia* [1994] ECR I-1783; C-379/92 *Peralta* [1994] ECR I-3453; C-381/93 *Commission v France* [1994] ECR I-5145). The Court, in those judgments, indicated that the provisions of the Treaty concerning the freedom to provide services could be relied upon by undertakings providing services to nationals of other Member States, even against the Member States in which they were established. The Court explained that those provisions precluded the application of any national rules the effect of which was to render the provision of services between Member States more difficult than the provision of services purely within the Member State as a result, *inter alia*, of those rules being stricter.

2. Many questions were also referred to the Court on the constraints placed on national law by the *Community rules on competition* (Articles 85 to 94 of the Treaty).

– Questions were referred as to whether the rules laid down in Articles 85 and 86 of the Treaty (prohibition of agreements and concerted practices and of abuse of a dominant position), which the Member States must not undermine even

¹ Concerning the designations 'turrón de Alicante' and 'turrón de Jijona' protected by a Franco-Spanish Convention.

² Relating to the designation 'Quattro', reserved to the German motor vehicle manufacturer AUDI.

though they concern, primarily, only undertakings, generally precluded national rules capable of affecting competition between undertakings. The Court, in its judgments of 17 November 1993 in Cases C-2/91 *Meng* ECR I-5751, C-185/91 *Reiff* ECR I-5801 and C-245/91 *Ohra* ECR I-5851, ruled out that idea. It adhered to its earlier case-law to the effect that provisions which neither require or favour the adoption of unlawful concerted practices or reinforce anticompetitive agreements in the sectors which they cover and which do not delegate to private traders responsibility for taking decisions affecting the economic sphere are compatible with Articles 85 and 86 of the Treaty.

– *Article 90 of the Treaty*, which concerns public undertakings and undertakings with special or exclusive rights, gives rise to an ever-increasing number of cases.

The Court has, for example, been called upon to rule on the concept of ‘undertaking’ within the meaning of that provision. While observing that that concept encompassed ‘every entity engaged in an economic activity, regardless of the legal status of the entity and the way in which it is financed’, it pointed out that Article 90 of the Treaty did not apply to public social security schemes essentially based on the principle of solidarity (Joined Cases C-159/91 and C-160/91 *Poucet and Others v Assurances Générales de France and Others* [1993] ECR I-637) or to international organizations such as Eurocontrol, whose activities, taken as a whole, are connected with the pursuit of a task of general interest, such as the control and supervision of air space (C-364/92 *SAT v Eurocontrol* [1994] ECR I-43).

The judgments of 19 May 1993 in *Corbeau* (C-320/91 ECR I-2533) and of 27 April 1994 in *Municipality of Almelo* (C-393/92 ECR I-1477) are important in that the Court laid down in them the conditions under which the entities performing a task of ‘general economic interest’ may escape, totally or partially, the rules on competition by virtue of Article 90(2) of the Treaty. In those judgments concerning, in one case, the distribution of mail, and, in the other, the provision of electricity, the Court held that, in particular, undertakings entrusted with a service to all users throughout the territory of the Member State concerned, at uniform tariffs and on similar quality conditions, irrespective of the specific situations or the degree of economic profitability of each individual operation, benefited from that derogation. The Court accepts that competition may be excluded in certain sectors in order to allow the operator responsible to ensure the economic and financial equilibrium of his undertaking. None the less, the exclusion of competition is not justified where specific services, dissociable from the service of general interest, which meet the special needs of economic operators and call for certain additional services not offered by the public service, are at issue.

– As regards *State aid* (Articles 92 to 94 of the Treaty), which also gives rise to a steady flow of cases, of note are the judgments of 17 March 1993 in *Sloman Neptun* (C-72/91 and C-73/91 ECR I-887) and of 30 November 1993 in *Kirsammer-Hack* (C-189/91 ECR I-6185), in which the Court demonstrated its concern, as in other fields, not to go beyond its earlier case-law, noting that ‘only advantages granted directly or indirectly through State resources are to be considered as State aid’. That does not apply, in particular, to legislation the effect of which may be to reduce the fiscal or social charges for certain undertakings but whose intention is not to assist any particular one of them.

The Court also had occasion to define the distinction between existing and new aid, subject to different systems of review and supervision by the Commission (C-44/93 *Namur-Les Assurances du Crédit* [1994] ECR I-3829), the conditions under which the Commission must allow the parties a hearing in its examination of new aid (C-198/91 *Cook v Commission* [1993] ECR I-2487), the powers available to the Commission in monitoring aid (Joined Cases C-324/90 and C-342/90 *Germany and Pleuger Worthington v Commission* [1994] ECR I-1173, and C-47/91 *Italy v Commission* [1994] ECR I-4635) and the conditions under which Commission decisions may be contested by the Member States (C-312/90 *Spain v Commission* [1992] ECR I-4117 and C-47/91 *Italy v Commission* [1992] ECR I-4145).

3. The field of *equal treatment for men and women* also provided abundant litigation. The importance of the *Barber* judgment delivered on 17 May 1990 (C-262/88 ECR I-1889), which imposes strict equality in matters of benefits paid by pension schemes of undertakings, explains the number of questions referred by the national courts of Member States on the scope of that judgment and on that of the protocol on Article 119 of the Treaty, annexed to the Treaty on European Union, which followed it, in particular with regard to their temporal effect. In a series of judgments delivered in 1993 and 1994, among which may be cited the judgments of 6 October 1993 in *Ten Oever* (C-109/91 ECR I-4879) and of 28 September 1994 in *Coloroll* (C-200/91 ECR I-4389), the Court replied that the benefits which were subject to the principle of equal treatment were those payable in respect of periods of employment after the date of the judgment in *Barber* (17 May 1990) and that the protocol had merely reproduced that limitation and extended it to benefits other than those concerned by that judgment.

4. The Court is increasingly called upon to settle disputes between the Community institutions or between the Community and its Member States. In particular, the Parliament has made use, on several occasions, of the right, recognized in the case-law of the Court and enshrined in the Treaty on European Union, to bring actions for the purpose of protecting its prerogatives. The Court thus annulled,

on application by the Parliament, Council Directive 90/366/EEC of 28 June 1990 on the right of residence for students, which had not been adopted in cooperation with the Parliament (C-295/90 *Parliament v Council* [1992] ECR I-4193)¹ and Council Regulation (EEC) No 4059/89 of 21 December 1989 fixing the conditions for the admission of non-resident carriers to national road-haulage services, for failure to consult after substantially modifying the proposal for the Regulation (C-65/90 *Parliament v Council* [1992] ECR I-4593).²

As regards disputes between the Member States and the institutions, mention should be made of the action for annulment brought by the German Government against the regulation on the common organization of the market in bananas, dismissed by the Court (C-280/93 *Germany v Commission* [1994] ECR I-4973).

5. The Court has turned its attention to the *rights of individuals and undertakings* on several occasions. The Court ensures that those rights are protected in the context of both administrative procedures (see, with regard to the protection of information communicated by undertakings to the Commission in the context of competition cases, C-67/91 *Dirección General de Defensa de la Competencia v Asociación Española de Banca Privada and Others* [1992] ECR I-4785 and C-36/92 P *SEP v Commission* [1994] ECR I-1911; and, as regards the obligation to allow the parties a hearing in its examination of the compatibility of a State aid with the Treaty, see C-198/91 *Cook v Commission* [1993] ECR I-2487) and contentious proceedings, in particular by allowing actions to be brought against decisions of direct and individual concern (see, as regards the Commission's refusal to initiate the procedure for the examination of a State aid at the request of a competitor, C-313/90 *CIRFS and Others v Commission* [1993] ECR I-1125; and, for a Community regulation depriving an undertaking of the right to use a designation which it had registered and used for a long time, C-309/89 *Codorniu v Council* [1994] ECR I-1853).

On the other hand, the Court clearly ruled out, in *Faccini Dori* (C-91/92 [1994] ECR I-3325), the possibility for individuals to rely, as against other individuals, on the unconditional and sufficiently precise provisions of directives which have not been transposed or which have been incorrectly transposed (the direct 'horizontal' effect of directives), as certain Advocates General had suggested in earlier cases.

¹ The directive was none the less maintained provisionally until it was replaced by a new directive.

² This regulation was also provisionally maintained in force.

6. It would appear useful to mention also a series of judgments and orders (in particular the judgment in Joined Cases C-320/90, C-321/90 and C-322/90 *Telemarsicabruzzo and Others* [1993] ECR I-393), in which the Court, while reaffirming its concern to cooperate with the national courts in the context of references for a preliminary ruling, noted that it was necessary that the national court define the factual and legislative context of the dispute in order that it might give a useful reply to the questions referred.

7. Finally, the Court was particularly active pursuant to the consultative powers conferred upon it by Article 228 of the EC Treaty. Its opinion was sought on the compatibility with the Treaty of the Agreement relating to the creation of the European Economic Area (Opinion 1/92 of 10 April 1992, ECR I-2821) and of Convention No 170 of the International Labour Organization concerning safety in the use of chemicals at work (Opinion 2/91 of 19 March 1993, ECR I-1061). Finally, very recently, in Opinion 1/94 of 15 November 1994 (ECR I-5267) the Court gave an Opinion on the competence of the European Community to conclude the Agreement establishing the World Trade Organization and, in particular the General Agreement on Trade in Services (GATS) and the Agreement on Trade-Related Aspects of Intellectual Property Rights, including trade in counterfeit goods (TRIPS).

B – Composition of the Court of Justice



I – Order of precedence

Order of precedence of the Court of Justice (from 1 January 1992 to 10 March 1992)

O. Due, President of the Court of Justice
Sir Gordon Slynn, President of the First Chamber
R. Joliet, President of the Fifth Chamber
F.A. Schockweiler, President of the Second and Sixth Chambers
F. Grévisse, President of the Third Chamber
G. Tesauro, First Advocate General
P.J.G. Kapteyn, President of the Fourth Chamber
G.F. Mancini, Judge
C.N. Kakouris, Judge
C.O. Lenz, Advocate General
M. Darmon, Advocate General
J.C. Moitinho de Almeida, Judge
G.C. Rodríguez Iglesias, Judge
M. Díez de Velasco, Judge
M. Zuleeg, Judge
W. Van Gerven, Advocate General
F.G. Jacobs, Advocate General
C. Gulmann, Advocate General
J.L. Murray, Judge

Registrar J.-G. Giraud

**Order of precedence of the Court of Justice
(from 11 March 1992 to 6 October 1992)**

O. Due, President of the Court of Justice
R. Joliet, President of the First and Fifth Chambers
F.A. Schockweiler, President of the Second and Sixth Chambers
F. Grévisse, President of the Third Chamber
G. Tesauro, First Advocate General
P.J.G. Kapteyn, President of the Fourth Chamber
G.F. Mancini, Judge
C.N. Kakouris, Judge
C.O. Lenz, Advocate General
M. Darmon, Advocate General
J.C. Moitinho de Almeida, Judge
G.C. Rodríguez Iglesias, Judge
M. Díez de Velasco, Judge
M. Zuleeg, Judge
W. Van Gerven, Advocate General
F.G. Jacobs, Advocate General
C. Gulmann, Advocate General
J.L. Murray, Judge
D.A.O. Edward, Judge

Registrar J.-G. Giraud

**Order of precedence of the Court of Justice
(from 7 October 1992 to 6 October 1993)**

O. Due, President of the Court of Justice
C.N. Kakouris, President of the Fourth and Sixth Chambers
C.O. Lenz, First Advocate General
G.C. Rodríguez Iglesias, President of the First and Fifth Chambers
M. Zuleeg, President of the Third Chamber
J.L. Murray, President of the Second Chamber
G.F. Mancini, Judge
M. Darmon, Advocate General
R. Joliet, Judge
F.A. Schockweiler, Judge
J.C. Moitinho de Almeida, Judge
F. Grévisse, Judge
M. Diez de Velasco, Judge
W. Van Gerven, Advocate General
F.G. Jacobs, Advocate General
G. Tesouro, Advocate General
P.J.G. Kapteyn, Judge
C. Gulmann, Advocate General
D.A.O. Edward, Judge

Registrar J.-G. Giraud

**Order of precedence of the Court of Justice
(from 7 October 1993 to 9 February 1994)**

O. Due, President of the Court of Justice
G.F. Mancini, President of the Second and Sixth Chambers
M. Darmon, First Advocate General
J.C. Moitinho de Almeida, President of the Third and Fifth Chambers
M. Díez de Velasco, President of the Fourth Chamber
D.A.O. Edward, President of the First Chamber
C.N. Kakouris, Judge
C.O. Lenz, Advocate General
R. Joliet, Judge
F.A. Schockweiler, Judge
G.C. Rodríguez Iglesias, Judge
F. Grévisse, Judge
M. Zuleeg, Judge
W. Van Gerven, Advocate General
F.G. Jacobs, Advocate General
G. Tesauero, Advocate General
P.J.G. Kapteyn, Judge
C. Gulmann, Advocate General
J.L. Murray, Judge

Registrar J.-G. Giraud *

* On 9 February 1994 Mr J.-G. Giraud left the Court of Justice and Mr R. Grass entered into office as Registrar of the Court of Justice.

**Order of precedence of the Court of Justice
(from 10 February 1994 to 6 October 1994)**

O. Due, President of the Court of Justice
G.F. Mancini, President of the Second and Sixth Chambers
M. Darmon, First Advocate General
J.C. Moitinho de Almeida, President of the Third and Fifth Chambers
M. Díez de Velasco, President of the Fourth Chamber
D.A.O. Edward, President of the First Chamber
C.N. Kakouris, Judge
C.O. Lenz, Advocate General
R. Joliet, Judge
F.A. Schockweiler, Judge
G.C. Rodríguez Iglesias, Judge
F. Grévisse, Judge
M. Zuleeg, Judge
W. Van Gerven, Advocate General
F.G. Jacobs, Advocate General
G. Tesauero, Advocate General
P.J.G. Kapteyn, Judge
C. Gulmann, Advocate General
J.L. Murray, Judge

Registrar R. Grass

**Order of precedence of the Court of Justice
(from 7 October 1994)**

G.C. Rodríguez Iglesias, President of the Court of Justice
R. Joliet, President of the First and Fifth Chambers
F.A. Schockweiler, President of the Second and Sixth Chambers
F.G. Jacobs, First Advocate General
P.J.G. Kapteyn, President of the Fourth Chamber
C. Gulmann, President of the Third Chamber
G.F. Mancini, Judge
C.N. Kakouris, Judge
C.O. Lenz, Advocate General
J.C. Moitinho de Almeida, Judge
G. Tesauro, Advocate General
J.L. Murray, Judge
D.A.O. Edward, Judge
A.M. La Pergola, Judge
G. Cosmas, Advocate General
J.-P. Puissochet, Judge
P. Léger, Advocate General
G. Hirsch, Judge
M.B. Elmer, Advocate General

Registrar R. Grass

II – The Members of the Court of Justice from 1992 to 1994 (in order of their entry into office)



Ole Due

Born 1931; Director at the Ministry of Justice; Adviser *ad interim* to the Court of Appeal; Member of the Danish delegation to The Hague Conference on Private International Law; Judge at the Court of Justice since 7 October 1979, President of the Court of Justice from 7 October 1988 to 6 October 1994.



Sir Gordon Slynn

Born 1930; Barrister, Master of the Bench, later Treasurer, Gray's Inn; Queen's Counsel; Junior Counsel at the Labour Ministry, Junior and Leading Counsel at the Treasury; Recorder; Judge at the High Court (Queen's Bench Division); Chairman of the Employment Appeal Tribunal; Visiting Professor, University of Durham, Cornell (USA), Mercer (USA), King's College, London; Advocate General at the Court of Justice from 26 February 1981; Judge from 7 October 1988 to 10 March 1992.



Federico Mancini

Born 1927; Titular Professor of Labour Law (Urbino, Bologna, Rome) and Comparative Private Law (Bologna); Member of the Supreme Council of Magistrates (1976-1981); Advocate General at the Court of Justice since 8 July 1982; Judge since 7 October 1988.



Constantinos Kakouris

Born 1919; Lawyer (Athens); Junior Member and subsequently Member of the State Council; Senior Member of the State Council; President of the Special Court for actions against judges; Member of the Superior Special Court; General Inspector of Administrative Tribunals; Member of the Supreme Council of Magistrates; President of the Supreme Council of Magistrates of the Ministry of Foreign Affairs; Judge at the Court of Justice since 14 March 1983.



Carl Otto Lenz

Born 1930; Rechtsanwalt (lawyer); Notary; Secretary General of the Christian Democratic Group of the European Parliament; Member of the German Bundestag; Chairman of the Legal Committee and of the Committee on European Affairs at the Bundestag; 1990: Honorary Professor of European Law at the University of Saarland; Advocate General at the Court of Justice since 12 January 1984.



Marco Darmon

Born 1930; Magistrate in the Ministry of Justice; Lecturer in the Law Faculty in Paris (Paris I); Assistant Director at the Office of the *Garde des Sceaux* (Minister for Justice); President of Chamber at the Cour d'Appel, Paris; Head of the *Direction des Affaires Civiles et du Sceau*; Advocate General at the Court of Justice from 13 February 1984 to 6 October 1994.



René Joliet

Born 1938; Ordinary Professor (1974-1984) and Special Professor (since 1984), Faculté de Droit, Université de Liège (Chair of European Community Law); Holder of the Belgian Chair at the University of London, King's College (1977); Visiting Professor at the University of Nancy (1971-1978), the Europa Institute of the University of Amsterdam (1976-1985), the Catholic University of Louvain-la-Neuve (1980-1982) and Northwestern University, Chicago (1974 and 1983); Teacher of European Competition Law at the College of Europe, Bruges (1979-1984); Judge at the Court of Justice since 10 April 1984.



Fernand Schockweiler

Born 1935; Ministry of Justice; Senior Government Attaché; Government Adviser; Senior Government Adviser at the *Comité du Contentieux* of the *Conseil d'État*; Judge at the Court of Justice since 7 October 1985.



José Carlos de Carvalho Moitinho de Almeida

Born 1936; Public Prosecutor's Office, Court of Appeal, Lisbon; Chief executive Assistant to the Minister for Justice; Deputy Public Prosecutor; Head of the European Law Office; Professor of Community law (Lisbon); Judge at the Court of Justice since 31 January 1986.



Gil Carlos Rodríguez Iglesias

Born 1946; Assistant lecturer and subsequently Professor (Universities of Oviedo, Freiburg im Breisgau, Universidad Autónoma, Madrid, Universidad Complutense, Madrid and the University of Granada); Professor of Public International law (Granada); Judge at the Court of Justice since 31 January 1986; President of the Court of Justice since 7 October 1994.



Fernand Grévisse

Born 1924; Junior Member and Member of the French *Conseil d'État*; Head of the Private Office of the Minister for Justice; Director-General responsible for Forestry; Director-General of the general Secretariat of the Government; *Conseiller d'État*; President of the First Sub-Section of the Judicial Section of the *Conseil d'État*; Professor at the *Institut d'Études Politiques*, Paris; President of the Section for Public Works, *Conseil d'État*; Judge at the Court of Justice from 4 June 1981 to 6 October 1982 and from 7 October 1988 to 6 October 1994.



Manuel Díez de Velasco Vallejo

Born 1926; Former Professor of Public and Private International Law at the following universities: Granada, Barcelona and Universidad Autónoma, Madrid; First Professor of Public International Law at the Universidad Complutense, Madrid; Judge of the Spanish Constitutional Court (1980-1986); Member of the *Institut de Droit International*; Former elected member of the *Consejo de Estado*; Member of the *Real Academia de Jurisprudencia* (Madrid); Judge at the Court of Justice from 7 October 1988 to 6 October 1994.



Manfred Zuleeg

Born 1935; Academic Assistant at the Institute for European Community law of the University of Cologne; Professor of Public Law, Public International Law and European Law at the Universities of Bonn and Frankfurt; Judge at the Court of Justice from 7 October 1988 to 6 October 1994.



Walter Van Gerven

Born 1935; Professor at the Catholic University of Leuven (KUL), at the University of Chicago and the University of Amsterdam (UvA); Vice-Rector and Member of the Academic Council and Organizing Authority of the Catholic University of Leuven; Advocate (Dendermonde, Leuven, Brussels); Chairman of the Commission on Banking; Advocate General at the Court of Justice from 7 October 1988 to 6 October 1988.



Francis Jacobs QC

Born 1939; Barrister; Official in the Secretariat of the European Commission of Human Rights; Legal Secretary to Advocate General J.-P. Warner; Professor of European Law (King's College, London); Author of several works on European law; Advocate General at the Court of Justice since 7 October 1988.



Giuseppe Tesaurò

Born 1942; Titular Professor of International Law (Messina, Naples, Rome); Director of the Institute of International Law in the Faculty of Economics and Commerce at the University of Rome; Director of the Scuola di Specializzazione sulle Comunità Europee at the University of Rome; (Advocate) before the Corte di Cassazione; Member of the Council for Contentious Diplomatic Affairs at the Ministry of Foreign Affairs; Advocate General at the Court of Justice since 7 October 1988.



Paul J.G. Kapteyn

Born 1928; Official at the Ministry of Foreign Affairs; Professor, Law of International Organizations (Utrecht and Leiden); Member of the *Raad van State*; President of the Chamber for the Administration of Justice at the *Raad van State*; Member of the Royal Academy of Science; Member of the Administrative Council of the Academy of International Law, The Hague; Judge at the Court of Justice since 1 April 1990.



Claus Christian Gulmann

Born 1942; official at the Ministry of Justice; Legal Secretary of Judge Max Sørensen; Professor of Public International Law and Dean of the Law School of the University of Copenhagen; in private practice; chairman and member of arbitral tribunals; Member of Administrative Appeal Tribunal; Advocate General at the Court of Justice since 7 October 1991; Judge at the Court of Justice since 7 October 1994.



John Loyola Murray

Born 1943; President of the Union of Students in Ireland; Barrister, later Senior Counsel called to the Inner Bar of the Supreme Court; Attorney General; former Member of the Council of State; former member of the Bar Council of Ireland; Bencher of the Honourable Society of King's Inns; Judge at the Court of Justice since 7 October 1991.



David Alexander Ogilvy Edward

Born 1934; Advocate (Scotland); Queen's Counsel (Scotland); Clerk, and subsequently Treasurer, of the Faculty of Advocates; President of the Consultative Committee of the Bars and Law Societies of the EC; Salvesen Professor of European Institutions and Director of the Europa Institute, University of Edinburgh; Special Adviser to the House of Lords Select Committee on the European Communities; Judge at the Court of First Instance from 1 September 1989 to 10 March 1992, Judge at the Court of Justice since 10 March 1992.

Antonio Mario La Pergola



Born 1931; Professor of Constitutional Law and General and Comparative Public Law at the Universities of Padua, Bologna and Rome; Member of the High Council of the Judiciary (1976-1978); Member of the Constitutional Court and President of the Constitutional Court (1986-1987); Minister for Community Policy (1987-1989); elected to the European Parliament (1989-1994); Judge at the Court of Justice since 7 October 1994.

Georgios Cosmas



Born 1932; appointed to the Athens Bar; Junior Member of the Greek State Council in 1963; Member of the Greek State Council in 1973 and State Counsellor (1982-1994); member of the special Court which hears actions against judges; Member of the Special Supreme Court which, in accordance with the Greek Constitution, is competent to harmonize the case-law of the three supreme courts of the country and ensures judicial review of the validity of both legislative and European elections; Advocate General at the Court of Justice since 7 October 1994.

Jean-Pierre Puissochet



Born 1936; State Counsellor (France); Director, subsequently Director-General of the Service of the Council of the European Communities (1968-1973); Director-General of the Agence Nationale pour l'Emploi (1973-1975); Director of General Administration, Ministry of Industry (1977-1979); Director of Legal Affairs in the OECD (1979-1985); Director of the *Institut International d'Administration Publique* (1985-1987); Jurisconsult, Director of Legal Affairs in the Ministry of Foreign Affairs (1987-1994); Judge at the Court of Justice since 7 October 1994.

Philippe Léger



Born 1938; A member of the judiciary serving at the Ministry of Justice (1966-1970); Head of, and subsequently Technical Adviser at, the Private Office of the Minister for Living Standards in 1976; Technical Adviser at the Private Office of the *Garde des Sceaux* (1976-1978); Deputy Director of Criminal Affairs and Reprieves at the Ministry of Justice (1978-1983); Senior Member of the Paris Court of Appeal (1983-1986); Deputy Director of the Private Office of the *Garde des Sceaux*, Minister for Justice (1986); President of the Regional Court at Bobigny (1986-1993); Head of the Private Office of the *Ministre d'État*, the *Garde des Sceaux* and the Minister for Justice and Advocate General at the Paris Court of Appeal (1993-1994); Associate professor at René Descartes University (Paris V) (1988-1993); Advocate General at the Court of Justice since 7 October 1994.



Günter Hirsch

Born 1943; Director at the Ministry of Justice of Bavaria; President of the Constitutional Court of Saxony and the Court of Appeal of Dresden (1992-1994); Judge at the Court of Justice since 7 October 1994.



Michael Bendik Elmer

Born 1949; Official at the Ministry of Justice in Copenhagen since 1973; Head of Department at the Ministry of Justice (1982-1987 and 1988-1991); Judge at the Østre Landsret (1987-1988); Minister in the Ministry of Justice responsible for Community law and Human Rights (1991-1994); Advocate General at the Court of Justice since 7 October 1994.



Jean-Guy Giraud

Born 1944; Administrator in the General Secretariat of the European Parliament; Principal Administrator in the Secretariat of the Committee on Budgets; Head of the Secretariat division of the Committee on Institutional Affairs and the Committee on Budgets; Adviser and subsequently Director in the Private Office of the President of the European Parliament (institutional, legal and budgetary matters); Director *ad interim* of the Directorate-General for Committees; Registrar of the Court of Justice since 10 February 1988 to 9 February 1994.



Roger Grass

Born 1948; Graduate of the *Institut d'Études Politiques, Paris*, and of *Études Supérieures de Droit Public*; Deputy *Procureur de la République* attached to the *Tribunal de grande Instance, Versailles*; Principal Administrator at the Court of Justice; Secretary General of the *Ministère Public* attached to the *Cour d'Appel, Paris*; Private Office of the *Garde des Sceaux*, Minister for Justice; Legal Secretary to the President of the Court of Justice; Registrar at the Court of Justice since 10 February 1994.

III – Changes in the composition of the Court of Justice from 1992 to 1994

Between 1992 and 1994 the composition of the Court of Justice underwent the following changes:

Mr David A.O. Edward took up office as judge on 10 March 1992. He replaced Sir Gordon Slynn.

On 9 February 1994, Mr J.-G. Giraud departed from office as Registrar. He was replaced by Mr R. Grass.

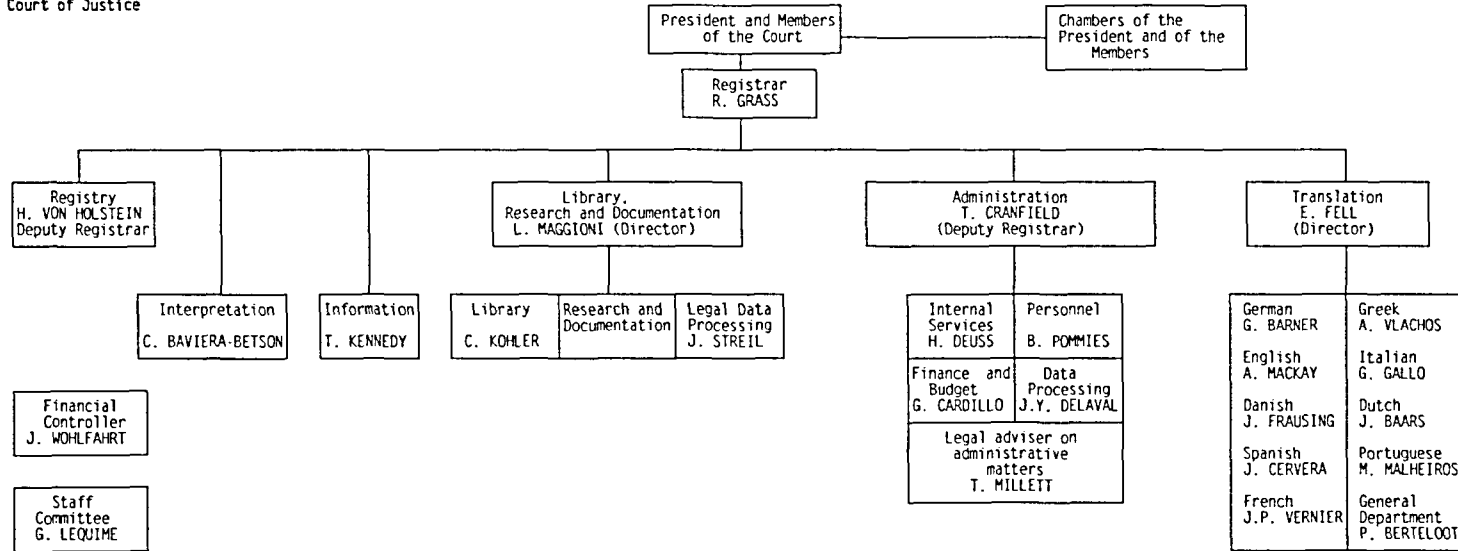
On 6 October 1994, upon the expiry of their terms of office, Messrs O. Due, M. Darmon, M. Diez de Velasco, F. Grévisse, M. Zuleeg and W. Van Gerven left the Court of Justice. They were replaced by Mr A. La Pergola, judge, Advocate General G. Cosmas, Mr J.-P. Puissochet, judge, Advocate General P. Léger, Mr G. Hirsch, judge, and Advocate General M. Elmer.

On 7 October 1994, the judges elected Mr G. C. Rodríguez Iglesias President of the Court of Justice.

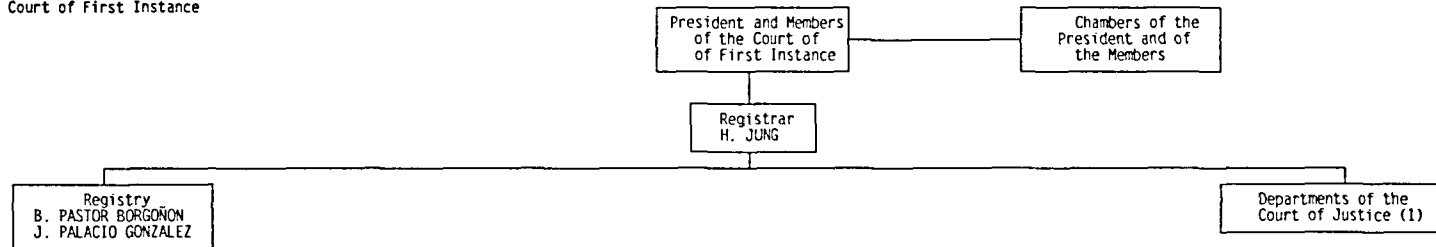
For further details, please refer to the section headed 'Formal Sitings', p. 89.

IV - Abridged organization chart of the Court of Justice and of the Court of First Instance

Court of Justice



Court of First Instance



(1) Pursuant to the new Article 45 of the Protocol on the Statute of the Court of Justice, "officials and other servants attached to the Court of Justice shall render their services to the Court of First Instance to enable it to function".

*The Court of First Instance
of the European Communities*

A – The Proceedings of the Court of First Instance in 1992, 1993 and 1994

by President Cruz Vilaça

Proceedings of the Court

1992

1. For the Court of First Instance, 1992 was marked, essentially, by two developments: the first changes in its composition and the significant increase in the number of actions brought before it. Coming barely three years after the creation of the Court of First Instance, those two elements give an image of a court which has fully entered its normal operational phase as an institution; in other words, one which has reached 'cruising speed' following the period necessary for the setting up of any new structure.

In that respect, it should be noted that the number of cases lodged during 1992 (116) increased by 25% over 1991 (93), and more than doubled by comparison with 1990 (55). It is interesting, moreover, to note that that development was the result of a major increase in the number of competition cases, which, from 10 in 1990 and 11 in 1991, went up to 37 in 1992, to account for a third of all cases brought during the year.

Despite the appreciable increase in the workload of the Court of First Instance arising from that development, the number of cases pending at the end of the year (166) was still slightly below that of the preceding year (169), thanks to an appreciable increase in the number of judgments delivered (41 in 1991 and 60 in 1992) and of cases decided (67 in 1991 and 119 in 1992). Most of the 166 cases which are pending are staff cases (97), the number of competition cases pending having fallen slightly (from 70 in 1991 to 67 in 1992).

Of the 119 cases decided during 1992, 40 concerned the application of the rules on competition of the EEC Treaty, again a significant increase over the preceding years (9 in 1990 and 17 in 1991).

At the same time, the number of decisions of the Court of First Instance against which an appeal was brought before the Court of Justice in 1992 (25 appeals out of a total of 93 decisions for which the time-limit for bringing an appeal had expired or against which an appeal had been brought) remained at the same level as in preceding years (approximately 25%). On 31 December 1992, of the 23

appeals decided by the Court of Justice since the Court of First Instance took up its duties, 4 were totally or partially upheld, 2 of which were referred back to the Court of First Instance.

It should also be noted that in 1992 the President of the Court of First Instance made 7 orders for interim measures, of which 6 were in competition cases, and that Opinions were delivered by a Judge acting as Advocate General in two competition cases referred to the Court of First Instance sitting in plenary session.

In 1992 there were no cases referred to the Court sitting in plenary session or to a Chamber composed of a different number of judges in accordance with the procedure provided for in Articles 14 and 51 of the Rules of Procedure (4 in 1990 and 2 in 1991) or in which an Advocate General was designated (16 in 1990 and 2 in 1991).

2. Although the increasing volume of litigation before the Court of First Instance places growing requirements within the present context of the jurisdiction conferred upon it, it must also now begin to prepare for the further jurisdiction which may, following the request of the Court of Justice to the Council, be granted to it with effect from 1993. It should be emphasized that the request of the Court of Justice – to the effect that the Court of First Instance should be granted jurisdiction in all actions brought by natural or legal persons – would mean, were the transfer of jurisdiction to take place now, the referral to the Court of First Instance of more than 300 cases at present pending before the Court of Justice.

At the same time, the new wording of Article 168a of the EEC Treaty and of the corresponding articles of the EAEC and Euratom Treaties, inserted in the Treaty on European Union, provides for the possibility of conferring, in due course, jurisdiction on the Court of First Instance in all actions and proceedings, with the sole exception of references for a preliminary ruling. Such an almost complete acceptance of the principle of a two-tier judicial system is in fact a step towards the maturity of the Community's judicature.

1993

1. 1993 was of significance for the Court of First Instance because its jurisdiction was enlarged for the first time. By Council Decision of 8 June 1993,¹ the Council, following the request to that effect from the Court of Justice, conferred on the Court of First Instance jurisdiction to hear and determine at first instance all actions for damages and all proceedings instituted by individuals against an act of the Communities with the sole exception of actions concerning antidumping measures.

The granting of new jurisdiction represents, above all, the extension of the scope of the principle of a two-tier court system. That principle is thus gradually becoming the rule in relations between the Communities and the individual and now constitutes a prominent characteristic of the court system of the Community.

The granting of that jurisdiction by the Council is also an important step on the road to full maturity of that system.

Such a development has had immediate consequences on the workload. Following the decision of the Council, the Court of Justice referred to the Court of First Instance 451 pending cases, concerning a wide variety of subject-matters, but many of which related to milk quotas.

Since those cases were referred on 27 September 1993 they should be treated separately from those brought under the original jurisdiction in order to obtain a clear view of the work of the Court of First Instance during that year. In fact, although the Court of First Instance was able to decide a large number of cases referred by the Court of Justice, competition and staff cases constituted the main part of its work during 1993.

Furthermore, during that year, 145 new cases were lodged, an increase of 26% over 1992. That was the same rate of increase as had already been recorded in 1992 by comparison with 1991 so that, in two years, the number of new cases has increased by half.

An analysis of the subject-matter of the actions brought shows that there have been fewer competition cases by comparison with the preceding year; only 26 new competition cases were lodged, as against 37 in 1992. On the other hand, staff cases have been more numerous (83 compared with 79).

¹ Council Decision of 8 June 1993 amending Council Decision 88/591/ECSC, EEC, Euratom establishing a Court of First Instance of the European Communities (OJ 1993 L 144, p. 21).

2. During 1993 the Court of First Instance delivered 54 judgments and disposed of 105 cases, of which 20 were competition cases. As in the preceding year, there were no cases referred to the plenary session nor was there any need to designate an Advocate General.

Mention must be made of the appreciable increase in the number of orders made by the President in applications for interim measures, which rose from 7 in 1992 to 12 in 1993, of which 7 concerned competition law.

There has been a fall in the number of appeals brought before the Court of Justice against decisions of the Court of First Instance, from 25 to 16. The percentage of appeals, in relation to the number of decisions for which the time-limit expired during 1993, remained at the same level as in previous years (25%).

As a result of the transfer of new cases in 1993, the number of cases pending at the end of the year grew appreciably, from 166 to 657. Even though the Court of First Instance was already able in 1993 to decide some of the transferred cases, it is evident that the absorption of that sudden increment in the workload – together with the announced creation of the Community trade mark – will take much time and will lead to important changes in the organization of the Court.

3. No synopsis of the work of the Court of First Instance during 1993 would be complete without mention of the conference on judicial review in matters of competition law and concentrations, which took place on 22 and 23 November 1993. The object of that meeting was to promote a dialogue and an exchange of experiences among the highest ranking officials of judicial and administrative review bodies in the field of competition and concentrations, both at Community and Member State level and at EFTA State level. The work of the conference, to be published shortly, bears witness to that objective having been attained.

1994

1. In 1994 the first stage of enlargement of the jurisdiction of the Court of First Instance was completed. There was only one exception in the jurisdiction, granted by the decision of the Council of 8 June 1993, to hear and determine actions for damages and proceedings instituted by individuals against acts of the Communities, namely that of actions directed against measures to protect trade in cases of dumping and State aids. By a new decision of 7 March 1994,¹ the Council abolished that exception and this Court thenceforth became the court of first instance with jurisdiction to hear and determine all disputes between individuals and the Communities. It may thus be seen that the development which was set in motion with the creation of the Court of First Instance in 1989 has been brought to a conclusion so far as concerns the protection of the rights of the individual and that the two-tier court structure, in the context of direct actions, has become an essential characteristic in the Community legal system.

It has been possible in 1994 to evaluate, for the first time, the effect of all the new jurisdiction on the number of cases brought before the Court during a judicial year. 409 cases were brought, a figure which must be compared with the 116 of 1992, the last year in which the Court of First Instance exercised its original jurisdiction. The volume of new business has therefore more than tripled. Even if from those figures are excluded the 173 cases concerning milk quota disputes, which are not typical, the increase in the number of cases remains very great and, as will be seen below, it has meant that the Court of First Instance has already had to make several changes in its organization and in its Rules of Procedure.

An analysis of the subject-matter of the cases brought reveals that, after decreasing in 1993, the number of competition cases has increased appreciably (51 cases as against 21 the preceding year). The number of staff cases, on the other hand, has remained at the same level (81).

As regards the new powers, the transfer of jurisdiction in matters of protection of trade has entailed the transfer of 15 cases from the Court of Justice to the Court of First Instance. In other fields, the most numerous actions are those which have been brought against Community acts of general application (14 cases) and in matters of State aid (13 cases).

¹ Council Decision 94/149/ECSC, EC of 7 March 1994 amending Decision 93/350/Euratom, ECSC, EEC amending Decision 88/591/ECSC, EEC, Euratom establishing a Court of First Instance of the European Communities (OJ 1994 L 66, p. 29).

2. The increase in the volume of work of the Court of First Instance which those figures represent will have inevitable consequences on its working methods and organization. The first step in adapting to the new requirements was the amendment of the Rules of Procedure, decided on 15 September 1994 and published in the *Official Journal of the European Communities*. Under the most important of those amendments, the Court of First Instance may lay down, by decision published in the Official Journal, the criteria for allocating cases between the Chambers of three and five judges. The first of those decisions, covering the period running from 15 September 1994 until 31 August 1995, was published on 29 October 1994. For actions brought under the EC Treaty, it restricts, in principle, the jurisdiction of the Chambers of five judges to disputes concerning competition and concentrations, State aid and trade protection measures. Actions brought under the ECSC and Euratom Treaties also fall within the jurisdiction of those Chambers.

At the same time, the Court of First Instance adopted a new internal organization with the creation of four Chambers of three judges, each with an extended composition of five judges.

As regards the staff available to the Court, a second post of legal secretary was created in each Member's Chambers, an important increase to their working capacity.

Even though they have not been in force for very long, the first results of the application of those measures show that they have enabled the Court to respond better to the new demands made of it.

The Court of First Instance also took the first steps to implement the jurisdiction conferred upon it by Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark. To that end, a proposal for the amendment of the Rules of Procedure was submitted to the Council on 22 September 1994. At the same time, work is already in hand with a view to adapting the Rules of Procedure following the publication of Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights.

3. During 1994 the Court of First Instance delivered 60 judgments, more than in the preceding year. The number of cases disposed of was also much greater – 442 as against 106. The majority of those cases were actions concerning milk quotas in which, following the Order of the President of the Court of First Instance of 1 February 1994 in Joined Cases T-278/93 R, T-555/93 R, T-280/93 R and T-541/93 R, actions for interim measures, the parties withdrew their applications.

The number of cases decided in the field of competition was similar to that for 1993. As in the two preceding years, no case was referred to the full Court or gave rise to the designation of an Advocate General.

The trend, noted in previous years, for the number of procedures for interim relief to increase has continued, since 61 applications for interim measures were brought, giving rise to 35 orders of the President.

As in the preceding year, the number of appeals brought before the Court of Justice against decisions of the Court of First Instance has fallen, both in absolute terms (13, as against 16) and in percentage of the decisions for which the corresponding time-limit had expired during 1994 (14%).

The above data show that the Court of First Instance has reacted positively to the increase in the work-load arising from the new heads of jurisdiction and the most obvious evidence has been the increase in the number of cases pending following the transfer of cases from the Court of Justice in 1993. At the end of 1994, 433 cases were pending (as against 657 in 1993). That figure is the result of the increase in the number of cases decided, referred to above, and of the first measures adopted to rationalize the milk quota litigation by means, in particular, of joining a large number of those cases (if the joined cases were not taken into account, the number of cases pending would be 628).

4. Maintaining its contacts with other courts, in particular those responsible for the application of competition law, the Court of First Instance visited on 30 September 1994 the EFTA Court in Geneva. On 8 December, in its turn, that court visited the Court of Justice and the Court of First Instance.

Trends in the case-law

1992

In the field of competition, the Court of First Instance gave a judgment in January 1992 on an application for annulment submitted by La Cinq (T-44/90), a French television channel which today no longer exists, concerning a decision of the Commission rejecting an application for interim measures giving the applicant access to the Eurovision network. The application was upheld on the ground that the Commission, first, committed errors of law in the interpretation of the conditions required for it to exercise its power to order the grant of interim

measures and, secondly, omitted to take into account all the relevant facts when adopting its decision.

In the 'PVC' cases (Joined Cases T-79/89, T-84/89, T-85/89, T-86/89, T-89/89, T-91/89, T-92/89, T-94/89, T-96/89, T-98/89, T-102/89 and T-104/89 *BASF and Others v Commission*), the undertakings concerned, which are major manufacturers of chemical products, and in particular, of polyvinylchloride (PVC), applied for the annulment of a decision by which the Commission had declared that they had infringed the rules on competition of the Treaty by participating in an anticompetitive agreement, and had imposed a fine on them. The Court of First Instance found that there were discrepancies between the measures notified and published in the *Official Journal of the European Communities* and the decisions as adopted by the Commission, that the decisions, in some of the authentic languages, had been adopted solely by the Commissioner responsible for competition matters and that any possible signature by that Commissioner of the measures concerned must clearly have been added after his mandate had expired. On those grounds, the Court declared the alleged decision to be non-existent. Ruling in an appeal brought by the Commission, the Court of Justice, by a judgment of 15 June 1994 (Case C-137/92 P), set aside the judgment of the Court of First Instance and, giving final judgment on the main action, also annulled the contested decision of the Commission.

A series of noteworthy judgments were given in the 'Polypropylene' cases. In those cases (T-9/89 to T-15/89 *Hüls and Others v Commission*), the Court of First Instance was called upon to examine the validity of a Commission decision declaring that certain undertakings, which, like the undertakings in the PVC cases, are major manufacturers of chemical products, had participated in an infringement of Article 85 of the EEC Treaty, and imposing a fine on them. The Court considered that the applicants, as a result of having participated in periodic meetings of polypropylene producers, the purpose of which was to set price targets and sale volumes and to monitor compliance therewith by producers, had for years taken part in an integrated body of arrangements which constituted a single infringement of the competition rules. In each of the cases, the Court dismissed the application, although in some of them it reduced the fine imposed on the ground that the duration of the infringement which it had been found the applicant had committed was shorter than that specified in the decision. Appeals are at present pending before the Court of Justice.

In the 'Flat-glass' cases (T-68/89, T-77/89 and T-78/89 *Società Italiana Vetro v Commission*), the Court of First Instance annulled in large part a Commission decision concerning agreements and concerted practices in the Italian flat-glass market. The Court found that the Commission had not carried out an adequate

analysis of the way the market in question functioned and that the documentary evidence relied upon by the Commission was not sufficient to prove that its allegations were well founded. The Court also decided that two or more undertakings may hold a dominant position where, although they constitute independent economic entities, they are, on a specific market, united by such economic links that, by virtue of that fact, they together hold a dominant position vis-à-vis the other operators on that market.

In the *Publishers Association* case (T-66/89), the Court of First Instance dismissed the action brought by an association of publishers against a decision of the Commission requiring them to take all the measures necessary to bring to an end agreements providing for standard conditions of sale of net books. Following an appeal brought by the Publishers Association, the Court of Justice, by a judgment of 17 January 1995, set aside the judgment of the Court of First Instance and, giving final judgment on the main action, also annulled the decision of the Commission on the ground that it infringed procedural requirements.

The Court of First Instance was also called on in 1992 to settle disputes concerning the parallel importation of motor vehicles. In Case T-24/90 *Automec v Commission*, the Court dismissed an action brought by a parallel importer of BMW motor vehicles against the refusal of the Commission to order that manufacturer to supply it and to enable it to use its trade marks. In the *Asia Motor France* case (T-28/90), several parallel importers into France of Japanese motor vehicles had lodged a complaint with the Commission, which had initially taken no action. The applicants made an application to the Court under the third paragraph of Article 175 of the EEC Treaty for a declaration that the Commission had failed to adopt a decision in regard to them and for compensation for the damage which they considered to have suffered. The Commission, following the bringing of the action, adopted a decision rejecting the complaint lodged. On that ground, the Court held that the heads of claim based on Article 175 had become devoid of purpose and also dismissed the claims for damages.

In the 'Cement' cases (Joined Cases T-10/92, T-11/92, T-12/92 and T-15/92 *Cimenteries CBR and Others v Commission*), the Court of First Instance dismissed the application as inadmissible on the ground that Commission measures refusing access to the file produced in principle only limited effects, characteristic of a preparatory measure forming part of a preliminary administrative procedure. Only measures immediately and irreversibly affecting the legal situation of the undertakings concerned would be of such a nature as to justify, before completion of the administrative procedure, the admissibility of an action for annulment.

Significant staff cases include *Speybrouck* (T-45/90), in which a member of the temporary staff of the European Parliament, who was pregnant, challenged the institution's right to dismiss her on any ground, whether or not related to her pregnancy, when it was aware of her condition. In that case, the Court of First Instance held that only an employee who has been dismissed on the ground of pregnancy may invoke the protection deriving from the fundamental principle of equal treatment for men and women in matters of employment. In *Brazzelli Lualdi* (T-17/89, T-21/89 and T-25/89), the Court ordered the Commission to pay to a large number of its staff compensatory interest for the harm which they had suffered as a result of the delay in the payment of arrears of their remuneration and the loss of purchasing power resulting therefrom following the 1981 five-yearly verification of the weighting applicable to their remuneration. In its judgment of 1 June 1994 (Case C-136/92 P), the Court of Justice dismissed the appeal brought by the Commission against the judgment of the Court of First Instance. In *X v Commission* (Cases T-121/89 and T-13/90), the Court of First Instance dismissed the actions brought against the Commission by a candidate for a post on the temporary staff who, following a refusal to recruit him on grounds of physical unfitness, alleged that the medical service had, without his being aware, carried out an Aids screening test. Although the Court dismissed the application, it emphasized that the taking of blood for the purposes of such a test constitutes an affront to the physical integrity of a candidate and can be carried out only with his informed consent. On appeal, the Court of Justice, by judgment of 5 October 1994 (Case C-404/92 P), set aside the judgment of the Court of First Instance and, giving final judgment on the main action, annulled the decision of the Commission. Finally, in *Diaz Garcia* (T-43/90), the applicant, an official of the European Parliament, contested the refusal of his institution to treat the children of his cohabitee as his dependent children. The Court of First Instance dismissed the application noting that, notwithstanding the changes in morals that might have taken place since the Staff Regulations were drawn up in 1962, it had no jurisdiction to extend the legal interpretation of the provisions in question.

1993

1. In the field of disputes concerning the application of the rules of competition, the Court of First Instance, in its judgment of 22 April 1993 in Case T-9/92, *Automobiles Peugeot and Peugeot v Commission* ('Peugeot II'), ruled on an action brought by a French motor vehicle manufacturer against a Commission decision prohibiting, as contrary to Article 85(1) of the Treaty, the refusal by Belgian and Luxembourg agents for that manufacturer to deliver vehicles to parallel importers pursuant to their business as dealers acting, upon written authority, in the name and on behalf of final consumers resident in France. After recalling the general

principle prohibiting anti-competitive agreements, laid down in Article 84(1) of the EEC Treaty, and the need to interpret strictly any provisions which derogate from that prohibition, the Court confirmed the legality of the Commission's decision and, consequently, of the interpretation it had given to Article 3 of Commission Regulation (EEC) No 123/85 of 12 December 1984 on the application of Article 85(3) of the Treaty to certain categories of motor vehicle distribution and servicing agreements (OJ 1985 L 15, p. 16).

In Case T-7/92 *Asia Motor France v Commission* ('Asia Motor II'), the Court of First Instance was called upon to examine the validity of a decision of the Commission dismissing a complaint lodged by parallel importers of Japanese motor vehicles that there had been an infringement of Article 85 of the Treaty. The decision was annulled on the ground that it was vitiated, first, by a manifest error in the assessment of the facts, since the Commission had not taken into account all the evidence submitted by the complainants and, secondly, by errors of law, since the Commission wrongly considered that there was no link between the interest of the complainants and the application of Article 85 to the situation in the present case. The Court pointed out, moreover, that the fact that anticompetitive conduct may have been encouraged by the authorities of a Member State has no bearing on the applicability of Article 85 of the Treaty.

In Case T-65/89 *BPB Industries & British Gypsum v Commission*, the applicants requested the Court of First Instance to annul a decision of the Commission to impose a fine on them for infringing Article 86 of the EEC Treaty. In annulling the decision in part, the Court specified the constraints arising for an undertaking from the fact that it finds itself in a dominant position, in particular so far as concerns the criteria for according priority in meeting orders and the abusive nature of practices implemented in order to retain the customers' loyalty. The Court again confirmed the objective nature of the concept of abuse of a dominant position and laid down the conditions in which the conduct of a subsidiary may be imputed to its parent company.

Case T-83/92 (*Zunis Holding and Others v Commission* [1993]) raised, for the first time, a problem over the interpretation of Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings (OJ 1990 L 257, p. 14). The Court of First Instance dismissed as inadmissible the action for annulment brought by the shareholders of one of the companies involved in the concentration against the decision of the Commission which considered that that operation did not fall within the scope of that regulation. The Court of First Instance held that the applicants were not directly and individually concerned by the effects of that decision. Moreover, the Court, considering that a request for the reopening of proceedings on the ground of the

discovery of an allegedly new fact had not been submitted within a reasonable period, emphasized the importance which, in the field of application of the regulation on the control of concentrations, was to be attached to short time-limits and to the interests of the parties to the operation.

2. Again in the field of application of the rules on competition, the President of the Court of First Instance made an order on 19 February 1993 on the applications submitted by Langnese-Iglo and Schöller Lebensmittel for suspension of the operation of a decision of the Commission finding, *inter alia*, that the exclusive purchasing agreements concluded by the two companies with the distributors of their ice-cream in Germany constituted infringements of Article 85(1) of the EEC Treaty (Cases T-7/93 R and T-9/93 R). Those applications were upheld in part, in so far as the applicants were authorized to enforce as against each other the exclusive agreements which were the subject-matter of the contested decision.

The application of the abovementioned regulation on the control of concentrations also gave rise to applications for interim measures in the context of actions brought by employees' representative, in Case T-12/93 *CCE Vittel and Others v Commission*. By order of 2 April 1993 the President of the Court of First Instance initially ordered the suspension of the operation of the decision of the Commission authorizing the concentration consisting of the acquisition of Perrier by Nestlé, on condition that the former transfer part of its assets to a third party. In order to avoid creating an irreversible situation, the President ordered that the Commission should inform the Court, as soon as it was in possession of the relevant information, that all the conditions relating to the transfer of assets provided for in the Decision had been met and in particular that any obstacles to the transfer of operating rights in certain mineral springs had been removed. Following the communication of that information, the applications were dismissed by further order of 6 July 1993 on the ground that the harm alleged by the applicants, even if it was certain, could not arise directly from the contested decision. In that respect, the decision of the President confirmed the ruling in an earlier case concerning the same concentration (order in Case T-96/92 R *CCE Grandes Sources v Commission* [1992] ECR II-2579).

Again in matters of competition law, mention should be made of Case T-543/93 R (*Gestevisión Telecinco*, order of the President of 14 December 1993). That application for interim measures raised the question of the limits of the jurisdiction of the judge hearing an application for interim relief in ordering provisional measures. The application was dismissed as inadmissible inasmuch as it sought a provisional decision which did not fall within the framework of the final decision which could be taken in the main proceedings.

Finally, in the field of competition law, in Case T-29/92 *SPO and Others v Commission* the Court of First Instance, by order of 12 January 1993, upheld the application for leave to intervene made by an undertaking which, although it had not participated in the procedure before the Commission, had been a party to a dispute brought before a national court. Even though that latter case had, in the meantime, been removed from the register upon application of the other party, the fact that the decision of the Court of First Instance in the case before it affected the settlement of the dispute before the national court justified granting leave for that company to intervene in support of the defendant.

3. In the field of Community staff law, a number of judgments are also worthy of note. In Case T-45/91 *McAvoy v Parliament*, judgment of 18 February 1993, an official of the Parliament contested the decision appointing an official to the post who did not fulfil the criteria set out in the vacancy notice. The Court of First Instance upheld the application on the ground that, in view of the fact that neither the appointed official nor the applicant satisfied the criteria of the competition notice, the applicant should have the possibility of having her ability for the post in question evaluated in the context of a procedure intended to fill that vacancy in accordance with other procedures. The Court went on to note that the institutions are bound by the vacancy notices which they publish whenever vacant posts are to be filled.

By its judgment of 3 March 1993 in Case T-58/91 *Booss and Fischer v Commission*, the Court of First Instance annulled a decision to exclude the applicants from the promotions procedure for a post of director, contrary to the conditions set forth in the vacancy notice. The Court held that those notices bind the institutions, even in the context of promotions procedures for the highest posts, which are therefore subject to the rule laid down in the third paragraph of Article 27 of the Staff Regulations. According to that rule, no posts are to be reserved for nationals of any specific Member State.

In Case T-21/93 R (*Peixoto v Commission*, order of the President of 5 April 1993), an order was made suspending the operation of a disciplinary measure. The fact that the fault imputed to the official had been committed more than five years before the opening of the disciplinary procedure and was known to the appointing authority more than four years before that date was decisive when balancing the interests of the official against that of the institution.

Finally, in Case T-20/89 RV *Möritz v Commission*, the Court of First Instance, following the annulment by the Court of Justice of a judgment previously delivered at first instance, ordered the Commission to pay compensation for the

harm suffered as a result of the fact that a staff report had been established with undue delay.

4. As pointed out above, the Court of First Instance was able to decide some cases which, in pursuance of the new jurisdiction conferred upon it, were referred to it by the Court of Justice. In all those cases, the relevant actions were dismissed as inadmissible. Such was the case in Joined Cases T-492/93 and T-492/93 R *Nutral v Commission*, decided by order of 21 October 1993, in which the Court of First Instance ruled inadmissible an action directed against a communication addressed to the authorities of a Member State, on the ground that it was not a measure against which an action for annulment could be brought within the meaning of Article 173 of the Treaty. In its order of 28 October 1993 (Case T-476/93 *FRSEA and Others v Council*), the Court also held to be inadmissible an application for the annulment of a Council regulation, since the applicants were not individually concerned by that act. In Case T-463/93 *GUNA v Council*, the Court dismissed as inadmissible, on the same grounds, an action against a directive.

Finally, in Case T-460/93 *Tête and Others v EIB*, the Court of First Instance, by an order of 26 November 1993, held inadmissible an action brought by natural and legal persons against a deliberation of the Board of Directors of the European Investment Bank, on the ground that Article 180 of the Treaty enables actions against such decisions to be brought only by the Member States and the Commission. The Court therefore found that the judicial protection of natural and legal persons was ensured by the jurisdiction of the Community judicature to hear and determine actions concerning the non-contractual liability of the EIB under Article 178 of the Treaty.

1994

1. Among cases concerning the application of the rules on competition, the Court of First Instance, in its judgment of 23 February 1994 (Joined Cases T-39/92 and T-40/92 *CB and Europay v Commission*), ruled on the action brought by two associations participating in the Eurocheque system against a decision of the Commission which had declared an agreement of the acceptance in France of Eurocheques drawn on foreign banks to be contrary to Article 85 of the EC Treaty. That agreement required its members to charge traders a commission on the collection of foreign Eurocheques, distinct from that received by them from the drawee bank. Following the analysis of the Commission in that regard, the Court of First Instance found that such an obligation deprived the signatories of the agreement of the freedom to content themselves with the amount paid by the

drawee bank, that it constituted an agreement on the principle of the charging of a commission and, consequently, that it was restrictive of competition. The Court also found that that obligation constituted a restriction on competition that is not indispensable and that therefore it could not benefit from an exemption under Article 85(3) of the Treaty. In its judgment, the Court also stated that the fact that the Commission takes into account the turnover of the members of an association of undertakings in order to determine the upper limit of the fine imposed for an infringement which it has committed does not infringe the principle of the individual nature of penalties, since the taking into account of the turnover of the members does not mean that a fine has been imposed on them or that the association in question is under an obligation to pass the fine on to its members.

In Case T-3/93 *Air France v Commission*, the Court of First Instance was called upon to examine the validity of a Commission decision in the field of the control of concentrations. Since the decision in question took the form of a statement by the spokesman for the Commission, the Court first considered the question of the admissibility of the action and held that, account being taken of the fact that it produced binding legal effects, such a statement was capable of being challenged. The Court found that the fact that several legal remedies were available to the applicant – who could, for example, have given the Commission formal notice to adopt a formal measure – did not render inadmissible an action against such a decision. On the substance of the case, the Court ruled, in particular, that, as regards the question whether the Commission can accept the undertaking made by one of the participants in the concentration to discontinue part of its activities, instead of imposing, by means of Article 8(2) of Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings, the discontinuance of such activities, it was not for the Court, in the context of the annulment proceedings, to substitute its own appraisal for that of the Commission. Moreover, the Court also held that, in the absence of provisions imposing such an obligation, the Commission was not required to go through a consultation procedure, which would be an unnecessary formality and might delay the decision-taking procedure.

Remaining in the field of control of concentrations, the Court of First Instance, in Case T-2/93 *Air France v Commission*, held admissible the action brought by an undertaking which was not the addressee of a decision declaring a concentration to be compatible with the common market but which had submitted observations during the administrative procedure and which had previously been obliged to give up its interest in one of the undertakings which was a party to the concentration, on the ground that it was individually affected by the decision in question. With regard to the substance of the case, the Court confirmed the

decision of the Commission, which was favourable to the concentration at issue, observing that the fact that the undertaking in which one of the parties to the transaction had acquired a substantial part of the capital was controlled jointly with a third undertaking, making the intervention of the latter necessary when taking major decisions. Accordingly, the transaction was compatible with the common market.

Case T-37/92 *BEUC and NCC v Commission* raised the problem of review of the reasons for a decision to reject a complaint lodged by a number of consumers' associations that there had been an infringement of the competition rules. Observing that the Commission is not under a duty to carry out an investigation when a complaint is submitted to it, the Court of First Instance explained that mere mention of there being no Community interest in the complaint does not constitute a sufficient statement of reasons and that it must be coupled with the legal and factual considerations substantiating that finding. The Court also held that the Commission could not rely on the fact that the practice complained of – restriction by agreement between economic operators on imports into a Member State of products from a non-member State – is known to the national authorities and permitted by them for reasons of commercial policy when justifying rejecting the complaint.

In Case T-83/91 *Tetra Pak v Commission*, the Court of First Instance dismissed an action brought against a decision of the Commission finding certain practices of the applicant company constituted an abuse of a dominant position. The Court held, in particular, that some of those practices, even if they had been carried out on a market in which the dominant position of Tetra Pak was not established, may be caught by Article 86 of the EEC Treaty in so far as the leading position of the undertaking in question on closely linked markets granted it a freedom of conduct such as to justify its responsibility under Article 86. The Court, rejecting the applicant's argument that the restrictions implemented were justified on grounds of the protection of public health and the protection of its reputation, found the practices at issue to be an abuse of a dominant position.

A further two noteworthy judgments were delivered in cases concerning the agricultural tractor market in the United Kingdom (T-34/92 *Fiatagri v Commission* and T-35/92 *John Deere v Commission*), in which the Court of First Instance dismissed the applications directed against a Commission decision refusing to grant an exemption to an information exchange system between importers and the manufacturers of those vehicles. The Court decided that, even if it was restricted to the exchange of information, the system in question was likely to restrict competition on the market in question, which is already very

concentrated, in so far as it discloses the market share and the respective strategies of competitors.

Finally, in several cases (T-43/92 *Dunlop Slazenger v Commission* and T-77/92 *Parker Pen v Commission* among others), the Court of First Instance, recalling the settled case-law of the Court of Justice on prohibitions on exportation in the context of exclusive distribution systems, ruled that such prohibitions constitute, by their very nature, a restriction on competition, irrespective of whether they are adopted on the initiative of the producer or of his customer. The Court of First Instance also emphasized that the fact that such a contractual provision was not actually implemented is not of a nature to eliminate the infringement committed by its stipulation.

As regards disputes relating to State aid, mention must be made of Case T-17/93 *Matra Hachette v Commission* concerning the declaration of compatibility with the common market of aid to an industrial project in Portugal. The Court of First Instance held that, in a situation where the investigation of a case involves the application both of the rules on State aid and of the competition provisions, the Commission is legally entitled, without prejudice to any decision that it may take regarding the grant of an exemption, to give a decision on the compatibility of the planned aid with Article 92 of the EEC Treaty, provided that it has formed the conviction, with sufficient probability, that the planned operations are capable of falling within the scope of Article 85(3) of the Treaty. If the operation did not ultimately benefit from the exemption measure initially envisaged, the only result would be that the aid granted on the basis of the decisions adopted under Article 92 of the Treaty would have to be repaid. The Court also stated that, in principle, no anti-competitive practice can exist which, whatever the extent of its effects on a given market, cannot be exempted, provided that all the conditions laid down in Article 85(3) of the Treaty are satisfied.

2. As regards Community officials, certain cases of general interest should be mentioned. In Joined Cases T-18/92 and T-68/92 *Coussios v Commission*, the Court of First Instance dismissed an action directed against the institution's decision not to accept the applicant's candidature for the purpose of filling a vacant post by way of promotion. Although the Court considered that the decision was unlawful because the statement of reasons was lacking, it none the less held that, in such a case, the annulment of the decision and, therefore, of the consequent decisions – in particular the decision to hold an external competition – would constitute an excessive penalty for the unlawful act committed. In those circumstances, taking into account both the applicant's interests and the requirements of the service, the Court of First Instance, pursuant to the principle

of proportionality, awarded the applicant compensation for the non-material damage suffered.

In Case T-10/93 *A v Commission*, the Court of First Instance dismissed an action brought against a decision refusing to recruit taken following an opinion given by the medical officer of the institution and confirmed by the appellate medical committee. The Court held that the fact that the doctor who had expressed the initial opinion declaring the applicant unfit did not sit on the appellate medical committee and that the applicant was able to submit to the committee all the documents which he believed relevant represented a sufficient guarantee for the protection of his rights. The Court also ruled that the mandatory pre-recruitment medical examination provided for in the Staff Regulations is not contrary to Article 8 of the European Convention for the Protection of Human Rights. Moreover, the fact that the applicant showed pathological symptoms associated with Aids enabled the Court to conclude that the Commission had not infringed the Conclusions of the Council of 15 December 1988 concerning Aids.

3. Among applications for interim relief, mention should be made of Case T-88/94 *Société Commerciale des Potasses v Commission*, in which the applicant sought the suspension of the operation of a Commission decision concerning the control of concentrations. That decision declared a concentration to be compatible with the common market on condition, in particular, that one of the parties to the transaction should sell its shares in a company in which the applicant also held shares. Such a withdrawal would have as its consequence the dissolution of that company, which was likely to prevent the applicant from gaining access to certain export markets. In his order, the President of the Court of First Instance held that, in those circumstances, the applicant could suffer serious and irreparable harm and, accordingly, suspended the application of the condition at issue until the end of the proceedings in the main action.

The applications for interim relief in Cases T-278/93 R, T-555/93 R, T-280/93 R and T-541/93 R, concerning milk quota disputes, should also be mentioned. In those cases, the applicants sought the suspension of the operation of Council Regulation (EEC) No 2187/93 of 22 July 1993 providing for an offer of compensation to certain producers of milk and milk products temporarily prevented from carrying on their trade. Acceptance of the offer was subject to the producers' relinquishing any claim against the Community. After having obtained during the hearing a statement from the institutions on the consequences, for the producers who had accepted the offer in the meantime, should the regulation be annulled, in which the institutions stated that, in such a case, the milk producers would suffer no harm, the President dismissed the application for

interim measures. Following that order, the applicants withdrew their applications in a large number of cases concerning milk quota disputes.

B – Composition of the Court of First Instance



I – Order of precedence of the Court of First Instance

Order of precedence of the Court of First Instance (from 1 September 1991 to 10 March 1992)

J.L. da Cruz Vilaça, President of the Court of First Instance
D.A.O. Edward, President of the First Chamber
B. Vesterdorf, President of the Third Chamber
R. Garcia-Valdecasas y Fernandez, President of the Fourth Chamber
K. Lenaerts, President of the Fifth Chamber
D.P.M. Barrington, Judge
A. Saggio, Judge
H. Kirschner, Judge
C. Yeraris, Judge
R. Schintgen, Judge
C.P. Briët, Judge
J. Biancarelli, Judge

Registrar H. Jung

**Order of precedence of the Court of First Instance
(from 11 March 1992 to 18 September 1992)**

J.L. da Cruz Vilaça, President of the Court of First Instance
H. Kirschner, President of the First Chamber
B. Vesterdorf, President of the Third Chamber
R. Garcia-Valdecasas y Fernandez, President of the Fourth Chamber
K. Lenaerts, President of the Fifth Chamber
D.P.M. Barrington, Judge
A. Saggio, Judge
C. Yeraris, Judge
R. Schintgen, Judge
C.P. Briët, Judge
J. Biancarelli, Judge
C.W. Bellamy, Judge

Registrar H. Jung

**Order of precedence of the Court of First Instance
(from 19 September 1992 to 31 August 1993)**

J.L. da Cruz Vilaça, President of the Court of First Instance
D.P.M. Barrington, President of the Fifth Chamber
H. Kirschner, President of the First Chamber
J. Biancarelli, President of the Third Chamber
C.W. Bellamy, President of the Fourth Chamber
A. Saggio, Judge
R. Schintgen, Judge
C.P. Briët, Judge
B. Vesterdorf, Judge
R. Garcia-Valdecasas y Fernandez, Judge
K. Lenaerts, Judge
A. Kalogeropoulos, Judge

Registrar H. Jung

**Order of precedence of the Court of First Instance
(from 1 September 1993 to 31 August 1994)**

J.L. da Cruz Vilaça, President of the Court of First Instance
R. Schintgen, President of the First Chamber
C.P. Briët, President of the Fourth Chamber
R. Garcia-Valdecasas y Fernandez, President of the Third Chamber
A. Kalogeropoulos, President of the Fifth Chamber
D.P.M. Barrington, Judge
A. Saggio, Judge
H. Kirschner, Judge
B. Vesterdorf, Judge
J. Biancarelli, Judge
K. Lenaerts, Judge
C.W. Bellamy, Judge

Registrar H. Jung

**Order of precedence of the Court of First Instance
(from 1 September 1994)**

J.L. da Cruz Vilaça, President of the Court of First Instance
B. Vesterdorf, President of the Second Chamber and the Second Chamber,
Extended Composition
J. Biancarelli, President of the Third Chamber and the Third Chamber, Extended
Composition
K. Lenaerts, President of the Fourth Chamber and the Fourth Chamber, Extended
Composition
D.P.M. Barrington, Judge
A. Saggio, Judge
H. Kirschner, Judge
R. Schintgen, Judge
C.P. Briët, Judge
R. Garcia-Valdecasas y Fernandez, Judge
C.W. Bellamy, Judge
A. Kalogeropoulos, Judge

Registrar H. Jung

II – The Members of the Court of First Instance from 1992 to 1994 (in order of their entry into office)



José Luís da Cruz Vilaça

Born 1944; Professor of Revenue Law (Coimbra), and of Community law (Lisbon); Founder and Director of the Institute of European Studies (Lisbon); Co-founder of the Centre for European Studies (Coimbra); State Secretary (at the Ministry of Interior, to the President of the Council and Member of the Committee on European Integration); Member of the Portuguese Parliament; Vice-President of the Christian Democratic Group; Advocate General at the Court of Justice; President of the Court of First Instance since 1 September 1989.



Donal Patrick Michael Barrington

Born 1928; Barrister; Senior Counsel; Specialist in constitutional and commercial law; Judge of the High Court; Chairman of the General Council of the Bar of Ireland; Bencher of King's Inns; Chairman of the Educational Committee Council of King's Inns; Judge at the Court of First Instance since 1 September 1989.



Antonio Saggio

Born 1934; Judge of the Court of Naples; Adviser to the Court of Appeal, Rome, and subsequently the Court of Cassation; attached to the *Ufficio Legislativo del Ministero di Grazia e Giustizia*; Chairman of the General Committee in the Diplomatic Conference which adopted the Lugano Convention; Legal Secretary to the Italian Advocate General at the Court of Justice; Professor at the Scuola Superiore della Pubblica Amministrazione, Rome; Judge at the Court of First Instance since 1 September 1989.



David Alexander Ogilvy Edward

Born 1934; Advocate (Scotland); Queen's Counsel (Scotland); Clerk, and subsequently *Treasurer*, of the Faculty of Advocates; President of the Consultative Committee of the Bars and Law Societies of the EC; *Salvesen Professor of European Institutions* and *Director of the Europa Institute*, University of Edinburgh; Special Adviser to the House of Lords Select Committee on the European Communities; Judge at the Court of First Instance from 1 September 1989 to 10 March 1992, Judge at the Court of Justice since 10 March 1992.



Heinrich Kirschner

Born 1938; Magistrate, Land Nordrhein-Westfalen, Official at the Ministry of Justice (Department of Community Law and Human Rights); Assistant in the office of the Danish member of the Commission and subsequently in DG III (internal market); Head of the department dealing with supplementary penalties in the Federal Ministry of Justice; Principal of the Minister's Office, final post; Director (Ministerialdirigent) of an under-department dealing with criminal law; Judge at the Court of First Instance since 1 September 1989.



Christos G. Yeraris

Born 13 September 1938; Member of the *Simvoulia Epikratias* (Council of State), and subsequently State Counsellor; Member of the *Anotato Idiko Dikastirio* (Superior Special Court) and of the *Dikastiria Simaton* (Trade Mark Courts); Adviser to the Government on the application of Community law; Professor of Community Law at the National School of Public Administration and the Adult Education Institute. Judge at the Court of First Instance from 1 September 1989 to 18 September 1992.



Romain Schintgen

Born 1939; avocat-avoué; General Administrator at the Ministry of Labour and Social Security; President of the Economic and Social Council; Director, *inter alia*, of the *Société Nationale de Crédit et d'Investissement* and of the *Société Européenne des Satellites*; Government Representative on the European Social Fund Committee, the Consultative Committee on the free movement of workers and the Board of Directors of the European Foundation for the improvement of living and working conditions; Judge at the Court of First Instance since 1 September 1989.



Cornelis Paulus Briët

Born 1944; Executive Secretary, D. Hudig & Co., Insurance Broker, and subsequently Executive Secretary with Granaria B.V.; Judge, Arrondissementsrechtbank (District Court), Rotterdam; Member of the Court of Justice of the Dutch Antilles; Cantonal Judge, Rotterdam; Vice-President, Arrondissementsrechtbank Rotterdam; Judge at the Court of First Instance since 1 September 1989.



Bo Vesterdorf

Born 1945; Lawyer-linguist at the Court of Justice; Administrator in the Ministry of Justice; Examining Magistrate; Legal Attaché in the Permanent Representation of Denmark to the European Communities; Temporary Judge at the Østre Landsret; Head of the Administrative Law Division in the Ministry of Justice; Head of Division in the Ministry of Justice; University Lecturer; Member of the Steering Committee on Human Rights at the Council of Europe (CDDH), and subsequently Member of the Bureau of the CDDH; Judge at the Court of First Instance since 1 September 1989.



Rafael García-Valdecasas y Fernández

Born 1946; Abogado del Estado (at Jaén and Granada); Registrar to the Economic and Administrative Court of Jaén, and subsequently of Cordova; Member of the Bar (Jaén and Granada); Head of the Spanish State Legal Service for cases before the Court of Justice of the European Communities; Head of the Spanish Delegation in the working group created at the Council of the European Communities with a view to establishing the Court of First Instance of the European Communities; Judge at the Court of First Instance since 1 September 1989.



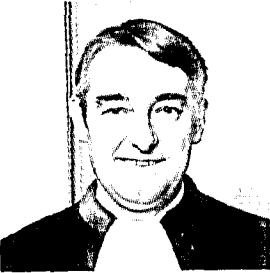
Jacques Biancarelli

Born 1948; Inspector at the Treasury; Junior Member and subsequently Member of the Conseil d'Etat; Legal Adviser to several ministers; Lecturer in a number of French professional colleges and institutes of higher education; Legal Secretary at the Court of Justice; Head of Legal Department, Crédit Lyonnais; President of the Association Européenne pour le Droit Bancaire et Financier (AEDBF); Judge at the Court of First Instance since 1 September 1989.



Koenraad Lenaerts

Born 1954; Professor at the Katholieke Universiteit Leuven; Visiting Professor at the universities of Burundi, Strasbourg and Harvard; Professor at the *College of Europe, Bruges*; Legal Secretary at the Court of Justice; Member of the Brussels Bar; Member of the International Relations Council of the Katholieke Universiteit Leuven; Judge at the Court of First Instance since 1 September 1989.



Christopher W. Bellamy

Born 1946; Barrister, Middle Temple; Queen's Counsel, specialising in Commercial law, European law and public law; co-author of the three first editions of *Bellamy & Child, Common Market Law of Competition*; Judge at the Court of First Instance since 10 March 1992.



Andreas Kalogeropoulos

Born 1944; lawyer (Athens); legal secretary to judges Chloros and Kakouris at the Court of Justice; professor of public and Community law (Athens); legal adviser; senior attaché at the Court of Auditors; Judge at the Court of First Instance since 18 September 1992.



Hans Jung

Born 1944; Assistant, and subsequently Assistant Lecturer at the Faculty of Law (Berlin); Rechtsanwalt (Frankfurt am Main); Lawyer-linguist at the Court of Justice; Legal Secretary at the Court of Justice in the Chambers of President Kutscher and subsequently in the Chambers of the German judge at the Court of Justice; Deputy Registrar at the Court of Justice; Registrar of the Court of First Instance.

III – Changes in the composition of the Court of First Instance from 1992 to 1994

Mr Christopher Bellamy entered into office as judge on 10 March 1992. He replaced Mr David Edward.

Mr Andreas Kalogeropoulos entered into office as judge on 18 September 1992. He replaced Mr Christos Yeraris.

Following the formal sitting of 18 September 1992 on the occasion of the entry into office of Mr Kalogeropoulos, Judge José Luís da Cruz Vilaça was reelected as President by the new composition of the Court of First Instance for a term of three years.

For further details, please refer to the section headed 'Formal Sittings', p. 89.

The Activity of the institution

A – Meetings and visits

The Court of Justice of the European Communities is far from being an institution isolated in its own field of specialized activity. In addition to its judicial duties, the Court maintains close links with the national judiciaries of the various Member States, Government bodies and legal and academic circles with an interest in its work. Obviously, the various national bar associations as well as the Consultative Committee of the Bars and Law Societies of the European Community (CCBE) often come to the Court as do, from time to time, various bodies from the other Community institutions, in order to discuss questions of common interest.

The Court also receives numerous official visits. Although no Head of State was received in 1992, numerous ministers and ambassadors from both Member and non-member States visited the Court.

The growing interest of the EFTA Member States is of particular note. Members of the Swedish Supreme Court visited the Court twice in 1992, as did the Preparatory Committee of the EFTA Court. The Court was also visited by the Austrian constitutional court.

As regards the institution itself, all the Members of the Court of Justice and of the Court of First Instance often travel to their own and other countries to take part in numerous congresses, conferences and colloquia on various subjects concerning Community law and its application.

Particularly worthy of note is the participation of numerous members of the Court of Justice and of the Court of First Instance, together with a large group of officials of the institution, at the 15th Congress of the International Federation for European Law (FIDE) which took place in Lisbon from 23 to 26 September. In the context of that participation Advocate General Tesauro was general rapporteur on the second topic, 'The Penalties for Infringements of Community Law'.

Apart from those official visits, the Court maintained in 1992 its programme of study visits organized principally for the benefit of national judges called upon to apply Community law and to collaborate with the Court of Justice in the context of the preliminary ruling procedure provided for in Article 177 of the EEC Treaty, of lawyers practising in various Member States and of law students who will be increasingly called upon to work in the Community law framework in the future. In that context, the Court held its traditional meeting of senior judges of

the Member States on 18 and 19 May 1992 and the Judicial Study Visit for other members of the judiciary of the Member States took place from 12 to 14 October 1992. The Court of First Instance organized a lawyers' conference on 23 and 24 November 1992.

Finally, the Court of Justice held four formal sittings in 1992.

Changes in membership occur, for one reason or another, in the life of every institution. Sir Gordon Slynn, appointed Advocate General in 1981 and Judge in 1988, left the Court in 1992 to sit in the House of Lords. To mark his departure and that of Judge David A. O. Edward, who left the Court of First Instance to succeed Sir Gordon Slynn as Judge at the Court of Justice, and in order to welcome Judge Edward to the Court and Judge Christopher W. Bellamy to the Court of First Instance, the Court of Justice held a formal sitting on 10 March 1992.

It again held a formal sitting on 18 September 1992 in order to mark the departure from the Court of First Instance of Judge Christos Yeraris and the entry into office of Judge Andreas Kalogeropoulos.

The speeches delivered on those occasions appear on p. 90.

On 26 October 1992, the Court held a formal sitting following the death on 24 August 1992 of Andreas Donner, Judge at the Court from 1958 to 1979 and President from 1958 to 1964. The President of the Court, Ole Due, delivered a funeral oration in memory of Mr Donner.

Finally, a formal sitting was held on 4 December 1992 to mark the 40th anniversary of the establishment of the Court at Luxembourg. At that sitting, which was held in the presence of His Royal Highness the Grand Duke of Luxembourg, speeches were delivered by Egon Klepsch, President of the European Parliament, Lord Mackay of Clashfern, Lord Chancellor of the United Kingdom, on behalf of the Presidency of the Council of Ministers, Jacques Delors, President of the Commission, Jacques Santer, Prime Minister of the Grand Duchy of Luxembourg, Lord Keith of Kinkel, Lord of Appeal in Ordinary, on behalf of the judiciary of the Member States, and Ole Due, President of the Court of Justice.

During 1993 the Court of Justice had the honour of receiving visits from President O.L. Scalfaro of the Italian Republic, President T. Klestil of the Austrian Republic, and numerous ministers and ambassadors from the Member States and non-member States.

The Spanish Constitutional Court, a delegation from the International Court of Justice at The Hague and a delegation from the EFTA Court also visited the Court.

In the context of the study visits for national judges, besides the usual meeting of Supreme Court judges from the Member States (3 and 4 May) and the judicial study visit (4 to 6 October), a special judicial visit was organized by the Court for the judges from the new *Länder* of the Federal Republic of Germany. On 22 and 23 November the Court of First Instance organized a seminar on competition law and the papers presented were published by the Information Service in 1994.

On 26 October 1993, a formal sitting was held in memory of Hans Kutscher, Judge at the Court of Justice from 1970 to 1980 and President from 1976. President Ole Due delivered a funeral oration in his memory.

That address appears on page 117.

Furthermore, on 19 February 1993 the Thomas More building was officially opened in the presence of several high-ranking personalities by Mr R. Goebbels, the Luxembourg Minister for Public Works.

During 1994 the spiritual head of the Greek Orthodox Church, His Holiness Bartholomeos I, Ecumenical Patriarch of Constantinople, was received at the Court on 15 November.

A large number of Members and officials of the Court of Justice and the Court of First Instance participated in the 16th Congress of the International Federation for European Law (FIDE), held in Rome from 12 to 15 October. Judge D.A.O. Edward was general rapporteur on the third topic ('Competition Law: Implications of Deregulation and Privatization').

In the context of study visits, the court held the traditional judicial meeting (6 and 7 June) and study visit (17 to 19 October) and a seminar for judges from the EFTA countries (21 and 22 November).

In 1994 the Court held two formal sittings: the first (9 February) on the occasion of the departure of Mr J.-G. Giraud, Registrar of the Court of Justice from 1988, and of the entry into office of Mr R. Grass. On that occasion, President Due delivered a farewell speech for Mr Giraud and a welcoming speech for Mr Grass, the new Registrar.

The second formal sitting took place on 6 October by reason of the partial renewal of Judges and Advocates General at the Court of Justice which takes place every three years. Those who left the Court were President Ole Due, First Advocate General Darmon, Judges F. Grévisse, M. Diez de Velasco and M. Zuleeg and Advocate General W. Van Gerven, while Judge A.M. La Pergola, Advocate General Cosmas, Judge J.-P. Puissechet, Advocate General P. Léger, Judge G. Hirsch and Advocate General M.B. Elmer entered into office.

All the speeches delivered on those occasions appear on page 133.

Finally, on 15 September Jacques Santer, Prime Minister of the Grand Duchy of Luxembourg, officially opened Annex C in the presence of several high-ranking personalities, of Mr Ole Due, President of the Court of Justice and of Mr J.L. da Cruz Vilaça, President of the Court of First Instance.

Finally, the hearings of the Court of Justice and of the Court of First Instance drew crowds of visitors of all kinds: lawyers, university professors of Community law leading lively groups of students eager to learn, as well as non-specialists interested in the impact of the Court on the process of European integration who, thanks to the good offices of the Information Service, receive a vivid impression of the administration of European justice.

Official Visits and Functions at the Court of Justice and the Court of First Instance in 1992, 1993 and 1994

1992

20 January	HE Mr Jean-Jacques Kasel, Permanent Representative of Luxembourg to the European Union
24 January	Lord Mackay of Clashfern, Lord Chancellor
31 January	The Swedish Working Committee on the Constitution
3 February	Mr Rodolfo Barra, Vice-President of the Supreme Court of Argentina
7 February	Mr Pekka Hallberg, Member of the Supreme Administrative Court, Finland
13 February	Mr Henri Nallet, <i>Garde des Sceaux</i> , Ministry of Justice
18 February	Mr Egon Klepsch, President the European Parliament
21 February	HE Mr James F. Dobbins, Ambassador of the United States to the European Union
10 March	Formal sitting: departure of Sir Gordon Slynn, entry into office as judge at the Court of Justice of Mr David Alexander Ogilvy Edward and entry into office as judge at the Court of First Instance of Mr Christopher Bellamy
11 March	Joint Committee of Ireland on the Secondary Legislation of the EC
10-11 March	Sir Brian Hutton, Lord Chief Justice of Northern Ireland
17-18 March	Mr Frank Poulsen, President of the Sø- og Handelsretten
23 March	Ms Marie-Claude Vayssade, Vice-President of the Judicial Committee of the European Parliament

25-26 March	Swedish Supreme Court (Court of Justice and Court of First Instance)
30 March	Ms Marie-Claude Vayssade, Vice-President of the Judicial Committee of the European Parliament (Court of First Instance)
31 March	Mr Jacob Söderman, Ombudsman of the Finnish Parliament
4 May	Senior officials of the Portuguese Ministry of Industry
7 May	Dr Johann Legtmann, Austrian Ambassador to Luxembourg
8 May	Mr István Balsai, Minister for Justice of Hungary
14 May	Mr Richard C. Breeden, Chairman of the US Securities and Exchange Commission
15 May	International Fiscal Association
18-19 May	Meeting of Judges from the Member States
21 May	HE Mr Mordechai Drory, Head of Israeli Mission to the European Communities at Brussels
1 June	EFTA Court Preparatory Committee
15 June	EFTA Court Preparatory Committee
16 June	IVth Congress of the <i>Association Internationale des Hautes Juridictions Administratives</i> (AIHJA – International Association of Superior Administrative Courts)
18 June	Presidents of the Greek Supreme Courts
6 July	Mr Jean-Claude Pasty, Rapporteur to the Committee on Budgets of the European Parliament
9 July	HE Mr Leopoldo Formichella, Italian Ambassador to Luxembourg
17 September	Mr Hans Engell, Minister for Justice of Denmark

- 18 September Formal sitting: departure of Mr Christos Yeraris, entry into office of Mr Andreas Kalogeropoulos
- 29 September European Parliament Office
- 6 October HE Mr Jagvaralyn Hanibal, Ambassador of Mongolia
- 6 October HE Mr Neil Peter van Heerden, Ambassador of South Africa
- 12-14 October Member States' Judges study visit
- 15 October HE Dr Johann Legtmann, Austrian Ambassador to Luxembourg
- 22 October Mr Ibrahim Sylla, Minister for Foreign Affairs of the Republic of Guinea
- 26 October Formal sitting in memory of President Andreas Mathias Donner
- 27 October Spanish Council of State
- 19-20 November Verfassungsgerichtshof Wien
- 23-24 November Conference for lawyers (Court of First Instance)
- 25-26 November Swedish Supreme Court (Court of Justice and Court of First Instance)
- 30 November Mr Horst Günther, State Secretary in the Federal Ministry of Labour and Social Security
- 4 December Formal sitting on the occasion of the 40th anniversary of the Court of Justice

1993

- 15 January Formal sitting: oath taken by new Members of the Court of Auditors
- 19 January Mr Thomas Klestil, President of Austria
- 27 January Swedish Supreme Administrative Court
- 28 January HE Mr Leonidas Evangelidis, Permanent Representative of the Hellenic Republic to the EC
- 29 January Mr Jean-Claude Piris, Director General of the Council Legal Service
- 5 February Mr Willi Rothley, Member of the European Parliament (Court of First Instance)
- 8-10 February Study visit for judges of the new *Länder* of the Federal Republic of Germany
- 9 February Law Committee of the Swedish Parliament
- 16 February Formal sitting: oath taken by the new Members of the Commission
- 18 February Mr David Durie, Deputy Permanent Representative of the United Kingdom
- 19 February Inauguration of the Thomas More building by Mr Robert Goebbels, Minister for Public Works
- 3 March Mr Hirsch Ballin, Netherlands Justice Minister
- 5 March Mgr. Giovanni Moretti, Apostolic Nuncio to the EC
- 8 March HE Mr Alonso Álvarez de Toledo, Spanish Ambassador to Luxembourg
- 15 March Ms Paola Napolitano, European Parliament Rapporteur on the budget

16 March	Presentation of 'bretzels' by the <i>Fédération des Patrons Boulangers</i>
16 March	Lord Howe of Aberavon
18 March	Oberbürgermeister and Commune Council of Trier
18 March	Mme Karin Hökborg, EFTA Court Registrar Designate
18 March	European Lawyers' Federation (Court of First Instance)
22 March	HE Mr Leopoldo Formichella, Italian Ambassador to Luxembourg
22 March	Nordisk Råd Law Commission
24 March	Swedish Supreme Administrative Court
1 April	Netherlands Council of State
1 April	Chinese judges
3-4 May	Meeting of judges from the Member States
7 May	Mr John Tefft, Director, North European Affairs of the US State Department
10 May	HE Mr Kagechika Matano, Japanese Ambassador and Commissioner of the 'Fair Trade Commission'
12 May	Mr Dieter Wolf, President of the Bundeskartellamt
25 May	Reception for former Court of Justice officials
27 May	Sir Gerard Brennan, Justice of the High Court of Australia
3 June	Members of the Austrian Parliament
7 June	Delegation from the International Court of Justice at The Hague
14-16 June	Finnish judges

- 16 June Mr Antonio Barbosa de Melo, President of the Portuguese National Assembly (Court of First Instance)
- 21 June Mr Leopoldo Maderthaner, President of the Austrian Federal Economic Chamber
- 28 June HE Mr Dietrich von Kyaw, Permanent Representative of the Federal Republic of Germany to the EC
- 28 June Delegation from the EFTA Court (Court of Justice)
- 29 June Delegation from the EFTA Court (Court of First Instance)
- 9 July Professor Roger Goebel
- 15 September US Senator John Kelly
- 20 September Committee on Civil Liberties and Internal Affairs to the Council
- 20-22 September Mr James Comerford, Registrar of the Supreme Court of Ireland and Mr J. C. Delahunty, Chief Registrar of the High Court of Ireland
- 23 September Mr Melchior Wathelet, Belgian Deputy Prime Minister and Minister for Justice
- 27 September The Master of the Rolls, Sir Thomas Bingham
- 1 October Former officials of the Court of Justice
- 4 October Mr Muhammad Chabane, Egyptian Ambassador
- 4-6 October Judicial study visit for judges from the Member States
- 15 October Spanish Constitutional Court
- 26 October Formal sitting: funeral oration in memory of President Hans Kutscher
- 27 October Mr Walter Odersky, President of the Bundesgerichtshof

- 17 November Mr Oscar Luigi Scalfaro, President of the Italian Republic
- 22-23 November Seminar on Competition law (Court of First Instance)
- 26 November Mr Roberto Salazar Manrique, President of the Andean Pact Court of Justice
- 29 November Dr Elias Jassan, State Secretary at the Ministry of Justice, Republic of Argentina

1994

- 27 January HE Mr Alexei P. Lautenberg, Swiss Ambassador to the European Union
- 31 January HE Mr Rolf-Eberhard Jung, Ambassador of the Federal Republic of Germany to Luxembourg
- 9 February Formal sitting: departure of Mr Jean-Guy Giraud, Registrar, and entry into office of Mr Roger Grass as Registrar
- 22 February Mr Milan Uhde, President of the Chamber of Deputies of the Czech Republic
- 23 February Formal sitting: oath taken by the new Members of the Court of Auditors
- 10 March HE Mr Franz Cede, Ambassador, Austrian Ministry of Foreign Affairs
- 14 March HE Mr Jacques Humann, French Ambassador to Luxembourg
- 21 March Mr Georges Kouvelakis, Minister for Justice of the Hellenic Republic
- 12-13 April Sir Derek Spencer QC MP, Solicitor General
- 26 April HE Mr Stuart E. Eizenstat, US Ambassador to Brussels

- 28 April Mr Aitaka Oshima, Japanese chargé d'affaires in Luxembourg
- 5 May HE Mr Alexei Gloukhov, Russian Ambassador to Luxembourg
- 19 May Oath taken by Mr M. Oreja Aguirre, Member of the Commission
- 6-7 June Judicial meeting
- 20 June Dinner with the Permanent Representatives of the Member States to the European Union
- 21 June Mr Robert Raymond, Director-General of the European Monetary Institute
- 21 June Mr Arnold Koller, Swiss Federal Counsellor
- 5 July Professor Roger Goebel
- 15 September Inauguration of Annex C
- 22 September Professor Christian Dominicé, Secretary General of the Institute of International Law at Geneva
- 6 October Formal sitting: oath taken by the new Members of the Court of Justice
- 17-19 October Judicial study visit
- 15 November His Holiness Bartholomew I, Ecumenical Patriarch of Constantinople
- 15 November Mr Shelom Levin, Member of the Supreme Court of Israel
- 21-22 November Seminar for EFTA country judges
- 24 November EC Bishops' Conference
- 25 November HE Mr Clay Constantinou, US Ambassador to Luxembourg
- 9 December EFTA Court judges

STUDY VISITS TO THE COURT OF JUSTICE AND THE COURT OF FIRST INSTANCE
1992

Description	D	B	DK	E	F	GR	IRL	I	L	NL	P	UK	Non-member countries	Mixed groups	TOTAL
National judges	293	42		22	102	5		1			63	18	56	295	897
Lawyers, legal advisers, trainees	398		59	1	159	105		42	40		2	76	132	236	1 250
Professors in Community Law, teachers ¹	9		80	8	5	1		13			2	2	20		140
Diplomats, Parliamentarians, political groups, national civil servants	161	35		44	78		279	26				149	60		832
Students, EEC/EP trainees	955	671	254	96	513	143	72	219		537	191	1 531	841	135	6 158
Members of professional assocs		30	55	35					25				25		170
Others	294	12	80	57		35	10	2					127	127	744
TOTAL	2 110	790	528	263	857	289	361	303	65	537	258	1 776	1 261	793	10 191

¹ Not including teachers accompanying student groups.

STUDY VISITS TO THE COURT OF JUSTICE AND THE COURT OF FIRST INSTANCE
1992

(Number of groups)

Description	D	B	DK	E	F	GR	IRL	I	L	NL	P	UK	Non-member countries	Mixed groups	TOTAL
National judges	11	3		2	5	1		1			5	2	9	2	41
Lawyers, legal advisers, trainees	20		3	1	7	6		3	1		2	7	8	5	63
Professors in Community law, teachers	1		2	1	1	1		13			2	2			23
Diplomats, Parliamentarians, political groups, national civil servants	8	2		4	3		8	3				6	5		39
Students, EEC/EP trainees	29	20	5	8	17	7	4	15	1	17	8	42	36	3	212
Members of professional assoc's		1	2	1		1		1					1		7
Others	9	3	3	2		1	3	2					7	3	33
TOTAL	78	29	15	19	33	17	15	38	2	17	17	59	66	13	418

STUDY VISITS TO THE COURT OF JUSTICE AND THE COURT OF FIRST INSTANCE
1993

Description	D	B	DK	E	F	GR	IRL	I	L	NL	P	UK	Non-member countries	Mixed groups	TOTAL
National judges ¹	171		8		7		2		35	19	8	12	52	224	537
Lawyers, legal advisers, trainees	248	10	88	10	194	98	6	137	60			44	154	15	1 064
Professors in Community law, ² teachers ³	58	70	34	31	26	11		13			4	5	206	78	537
Diplomats, Parliamentarians, political groups, national civil servants	522	18	183	55	145		317	41		70		304	545	42	2 242
Students, EEC/EP trainees	820	301	249	144	678	48	112	198		505	56	1 086	974	294	5 465
Members of professional assoc's	284		65	9	108							22	15	100	603
Others	72		40		114							30	130	60	446
TOTAL	2 175	399	667	249	1 272	157	437	389	95	594	68	1 503	2 076	813	10 894

¹ The 'Mixed Group' column includes the total number of judges from all the Member States who took part in the Judges' Meetings and the Judicial Study Visits arranged by the Court of Justice. In 1993 the figures were as follows:

Germany : 26	Spain : 26	Ireland : 9	Netherlands: 9
Belgium : 10	France : 26	Italy : 26	Portugal : 9
Denmark : 9	Greece : 9	Luxembourg : 4	United Kingdom: 26

² Not including teachers accompanying student groups.

³ The 'Mixed Groups' column includes participants in the conference organized by the Court of First Instance and in the seminar on the new German Länder.

Study visits to the Court of Justice and the Court of First Instance
1993

(Number of groups)

Description	D	B	DK	E	F	GR	IRL	I	L	NL	P	UK	Non-member countries	Mixed groups	TOTAL
National judges	9		1		1		1		1	1	2	2	4	3	25
Lawyers, legal advisers, trainees	7	1	3	1	10	3	2	5	1			3	10	1	47
Professors in Community law, teachers	3	2	3	1	2	1		2			1	1	10	* 3	29
Diplomats, Parliamentarians, political groups, national civil servants	20	2	5	3	7		6	3		3		14	31	2	96
Students, EEC/EP trainees	29	9	7	6	21	3	6	7		16	2	32	36	5	179
Members of professional assoc.	10		3	1	3							2	1	1	21
Others	3		1		5							1	9	3	22
TOTAL	81	14	23	12	49	7	15	17	2	26	5	55	101	18	419

Study visits to the Court of Justice and the Court of First Instance
1994

Description	D	B	DK	E	F	GR	IRL	I	L	NL	P	UK	Non-member countries	Mixed groups	TOTAL
National judges	311	23	23	26	46	42	9	26	4	88	12	58	71		739
Lawyers, legal advisers, trainees	411	2	84	79	168	8	29	21	5		51	124	382	59	1 423
Professors in Community law, ¹ teachers	29				40	2		13				4	82		170
Diplomats, Parliamentarians, political groups, national civil servants	138		93	36	79				13			80	316		755
Students, EEC/EP trainees	735	422	192	226	762	127	67	164	20	253	18	1 205	721	552	5 464
Members of professional assoc's	163		42		53		9	78			50	20	400		815
Others	218	40	163	58	66	30		50	17			95	343		1 080
TOTAL	2 005	487	597	425	1 214	209	114	352	59	341	131	1 586	2 315	611	10 446

¹ Not including teachers accompanying student groups.

Study visits to the Court of Justice and the Court of First Instance
1994

(Number of groups)

Description	D	B	DK	E	F	GR	IRL	I	L	NL	P	UK	Non-member countries	Mixed groups	TOTAL
National judges	11	3	3	2	3	5	2	2	2	5	3	4	7		52
Lawyers, legal advisers, trainees	15	1	3	5	11	1	3	2	1		2	9	27	3	83
Professors in Community law, teachers	1				2	1		1				1	8		14
Diplomats, Parliamentarians, political groups, national civil servants	4		3	1	4				1			6	19		38
Students, EEC/EP trainees	26	13	6	6	26	5	3	7	1	7	2	33	28	14	177
Members of professional assocs	5		2		3		1	2			1	1	11		26
Others	10	1	8	2	2	1		1	1			4	22		52
TOTAL	72	18	25	16	51	13	9	15	6	12	8	58	122	17	442

Study visits to the Court of Justice and the Court of First Instance
1994

(Number of groups)

Description	D	B	DK	E	F	GR	IRL	I	L	NL	P	UK	Non-member countries	Mixed groups	TOTAL
National judges	11	3	3	2	3	5	2	2	2	5	3	4	7		52
Lawyers, legal advisers, trainees	15	1	3	5	11	1	3	2	1		2	9	27	3	83
Professors in Community law, teachers	1				2	1		1				1	8		14
Diplomats, Parliamentarians, political groups, national civil servants	4		3	1	4				1			6	19		38
Students, EEC/EP trainees	26	13	6	6	26	5	3	7	1	7	2	33	28	14	177
Members of professional assoc's	5		2		3		1	2			1	1	11		26
Others	10	1	8	2	2	1		1	1			4	22		52
TOTAL	72	18	25	16	51	13	9	15	6	12	8	58	122	17	442

B – Formal Sittings

Formal sitting of the Court of Justice of 10 March 1992

on the occasion of the departure from the Court of Justice of Judge Sir Gordon Slynn and of the entry into office of Judge Edward, and on the occasion of the departure from the Court of First Instance of Judge Edward and of the entry into office of Judge Bellamy as Judge at the Court of First Instance

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- Address by Judge Sir Gordon Slynn on the occasion of his departure 92
- Address by Ole Due, President of the Court of Justice, on the occasion of the entry into office of Judge Edward as Judge at the Court of Justice 97
- Address by José Luís da Cruz Vilaça, President of the Court of First Instance, on the occasion of the departure of Judge Edward from the Court of First Instance and of the entry into office of Mr Bellamy as Judge at the Court of First Instance 99

Address by Ole Due, President of the Court of Justice, on the occasion of the departure of Judge Sir Gordon Slynn

I do not know whether tonight I should address you as Sir Gordon or as Lord Slynn of Hadley. I prefer, therefore, to address you as we have always done at the Court: Dear Gordon.

When you arrived at the Court, our President at the time, Baron Mertens de Wilmars, stressed that you were the first to have, prior to your nomination, not only appeared before the Court as Counsel, but also, as a national Judge, requested it to give rulings on preliminary questions. During your time at the Court you have acted both as Advocate General giving some 300 opinions and as Judge. You have thus exercised all possible functions in relation to the Court – except that of being a party to the proceedings.

However this is not to say that you have dedicated your entire professional life to Community law. You are in fact a brilliant example of the versatile mind which is often present in members of the legal profession in your country.

Before taking to the law, you studied history, a study which gave you the possibility of placing the law in a wider context. In your career as a barrister and Queen's Counsel you have acted as Legal Adviser to the Ministry of Labour and as Counsel to the Treasury. In your judicial career you have been a Criminal Judge, a High Court Judge and President of the Employment Appeal Tribunal. Thus, you have acquired great experience in the social and economic context of the law.

Very early in your career you became acquainted with international legal affairs. You have appeared before the International Court of Justice in the Hague as well as before the Commission and the Court of Human Rights in Strasbourg. You have either been the President or a Member of the board of several important international associations in the legal field.

Our Court has greatly profited from your vast experience in these extremely varied fields, which are all very relevant to the work of the Court.

But I should also like to emphasize some of the personal qualities which have characterized you work at the Court. We have highly appreciated your quick legal mind, your sound judgment, and above all, your down-to-earth approach to problems and your well-developed sense of humour. Such talents are very important in a Court where differences in legal tradition may sometimes give rise to controversies making difficult the way to an equitable solution or to a coherent reasoning.

Therefore I should like to conclude with a quotation from our common countryman, Piet Hein, Danish artist of many talents and thus another versatile intellect, who for many years has worked in England:

‘Taking fun as simply fun and earnestness in earnest shows how thoroughly thou none of the two discernest.’

By accepting the truth in this little poem and by proving its value in your relations with your colleagues you have let a fresh breeze into the ivory tower of the Court. We trust that you will do the same in the House of Lords.

We thank you for the time we have been with you and with your wife Odile and we wish you both every possible success and much happiness in the future.

For the last time, I give the floor to Sir Gordon Slynn, President of Chamber.

Address by Judge Sir Gordon Slynn on the occasion of his departure

Mr President, I thank you warmly for your kind valedictory words. On an occasion such as this, however, it is well to recall the words of Justice Frankfurter that 'a little flattery is good for you as long as you do not inhale'.

I thank you no less for many other acts of kindness over more than 11 years as colleague, as President and as friend. I underline 'as friend' since increasingly one becomes aware that the smooth running of a Court like ours depends very much on the professional friendship, sometimes warming into personal friendship, which develops between its members.

It is analogous to the trust and understanding which quite genuinely leads members of the English Bar to refer to their opponents as their 'learned friends', rather than as their 'honorable adversaires'.

Mr President, you said that you were asking me to speak for the last time. If I accept your implied challenge to perform the only remaining function which can be performed in this Court which I have not yet performed, it may not be for the last time. I am very attracted by the prospect of coming back as a litigant in person, if only to loosen the bonds with which Article 173 of our Treaty presently ties the individual.

One of the great judges of our Court, Pierre Pescatore, once said to me that this occasion was the only chance a judge of this Court had to speak out alone. In a sense that is true, although when I look at the very learned articles which some of my colleagues are able to produce I am not sure that it is absolutely true.

Whether it should be true is a different matter. I think we tend to take it for granted that it should be true, whether through personal idiosyncrasy or as an English heresy. I hope, however, that in the first decade of the new century our successors will have a look at the early history of the American Supreme Court, which after some 35 years felt strong and stable enough to allow its members to give divergent opinions. I do not suggest the answer, I merely pose the question as to whether even for this Court the time may not come when the law would be

enriched and time saved by allowing different opinions to be expressed, subject of course to a substantial and regular dose of self-restraint. At the very least it should be considered whether one opinion expressing various grounds of dissent should not be allowed.

But, even if this is the only time when a judge can speak alone, he should remember that the corollary of imposing time-limits on counsel at the Bar is that he should be succinct himself.

I, therefore, want to say just three things.

In the first place, for everyone who has the chance to stay here for more than one mandate, which in my view the Member States should regard as the rule rather than the exception, the moment of decision to stay or not to stay must arise. The present is a time perhaps more than ever when there is a strong pull to stay here. Even if many of the great principles of Community law have already been laid down long ago, we have seen in recent months so many new developments; the refinement of old ideas in changing circumstances; constitutional issues of fundamental importance; social questions which can have such a far-reaching effect on the lives of individuals.

To take part in all of this as a lawyer, even for one who is not a missionary for any particular federal ideal, is a challenge and, indeed, an intellectual excitement.

There is, however, for one who has been an advocate and a judge in his own country, a strong pull in a different direction. Again, perhaps more than ever, the role of the national courts in the interpretation and application of Community law is crucial. Short of establishing a parallel set of federal courts throughout the Community, that role of the national courts can only go on increasing in importance.

For that reason, and leaving aside any personal considerations, I believe that in the Community there is an opportunity, perhaps a unique opportunity, for national judges to participate in the work of this Court and then to return to their national courts, aware, if only by a process of osmosis, of the underlying philosophy

which guides this Court in the decisions which it takes. Put another way, taking the Community into Britain is as significant as taking Britain into the Community.

The final solution for me, Mr President, of this tug of war explains why we are here today.

I would add, however, that even if national courts have much to contribute, in the last analysis it is the role of this Court which is predominant in relation to Community law. The workload of the Court has been said for years to be heavy. It is, as I see it, at this point of time unreasonably burdensome. Member States can do something to remedy the situation without delay. To transfer all cases begun by individuals, human or corporate, to the Court of First Instance would give some relief, perhaps at the beginning sufficient relief, and it does not demand too much energy on the part of Member States to put that into operation.

But planning for the future, not for the present, should begin now. If it is right that by the end of the century there would be 20 Member States in the Community, and maybe one day even 30 Member States in the Community, then tinkering with procedures and jurisdictional balance will not be enough. There must, it seems to me, be a radical rethink of the function and the organization of this highly important Court.

And this, in my view, should not be a task for the Court alone. It needs the participation of representatives of academic lawyers, of judges, of practitioners of the Member States as well as of Members of this Court. I do not believe that this is something to leave until later. It seems to me to be an essential step in the post-Maastricht pre-enlargement era.

I turn to my second point. Dr Johnson said, in a letter to Boswell:

‘Depend on it, sir, when a man knows that he is to be hanged in a fortnight it concentrates his mind wonderfully.’

In the last few days I have realized that leaving the Court has the same effect on the mind if the consequences are less dire in other ways. One realizes very much

what one will miss, but even more one comes to realize how very dependent each Member of this Court has been and is on the team as a whole. One's debt to one's Legal Secretaries, to one's administrative assistants, to one's driver is obvious and immediate. Mine is very great to Jacqueline Minor, Jean-Yves de Cara and Michael Wilderspin as my last *référéndaires*, to John Hambly, Victoria Carter, Evelyne Sauren and Graham Paul as my assistants and driver at the end. I hope it will not be thought too un-English if I say how very touched I have been today that not only these but all the members of the Court's staff who have worked with me should have assembled and that a number of my former *référéndaires* should have come so far to be present this afternoon.

But in addition to the immediate personal staff who work with them, the familiar voices in the English and French booths have become like those of friends, even if of invisible friends. I have found over the years that I have picked up some phrases from them, and in return I am very glad that on Article 177 references they now talk of the court a quo rather than of the a quo court. That took me a long time to achieve. But many others known by sight, even if sometimes unknown by name, should realize that one is fully aware of their contribution to the work of a Member of the Court.

In the third place, Mr President, I have spoken in English deliberately, but not in any sense of provocation. I have done it partly because it is the only language in which I can be sure that I know what I have said. And partly, because today, as opposed to 11 years ago, every member of our Court understands English sufficiently for me to be able to speak in English on an occasion such as this.

But although I have spoken in English, I would like to conclude with one short passage in French a passage from an author whom I greatly admire, which seems to me to be significant at the present stage of our development.

I take it from Chateaubriand's 'Mémoires d'Outre-tombe', 'Quand la vapeur sera perfectionnée, quand, unie au télégraphe et au chemin de fer, elle aura fait disparaître les distances, ce ne seront plus seulement les marchandises qui voyageront, mais encore les idées rendues à l'usage des leurs ..., quand les barrières fiscales et commerciales auront été abolies entre les divers États, comme elles le sont déjà entre les provinces d'un même État, quand les différents pays en relations journalières tendront à l'unité des peuples — c'est ce qui compte —, comment suscitez-vous l'ancien mode de séparation?'

Mr President, I consider that we have all in this Court been engaged in an exercise of infinite importance. I am very grateful to you and to your colleagues for the kindness which they have shown me over the last eleven and a half years. Thank you.

Address by Ole Due, President of the Court of Justice, on the occasion of the entry into office of Judge Edward as Judge at the Court of Justice

Once again, the sadness of farewells is softened by the arrival of new colleagues and, on this occasion, the new Member of the Court has already been here two and a half years as Judge at the Court of First Instance.

Dear David Edward,

It is the second time that the Court receives a member of Scottish origin. You are following in the footsteps of Lord Mackenzie Stuart, former president of the Court. I am sure that he could think of no better successor than you.

It is not without reason that Scottish lawyers have played an important role as interpreters of Community law. The law of Scotland forms a link between the Common Law and continental law. It is therefore only natural that Scottish lawyers are attracted by the symbiosis of different legal cultures and traditions presented by the new legal order which is Community law.

Your career as Barrister and Queen's Counsel, as the representative of the Bar, as scholar and as author has brought you into an ever closer contact with Community law until finally you became Professor of European Institutions and Director of the Europa Institute in Edinburgh. Your appointment as Judge at the Court of First Instance of the Community and now as Judge at the Court of Justice could not be better justified.

We are all looking forward to working with you.

Before asking you to take the oath and to sign the solemn declaration, I would like, on behalf of the Court, to greet your successor, Christopher Bellamy QC, who, on numerous occasions, has appeared before the Court of Justice in important and highly complicated cases. Thus, also in the Court of First Instance, the succession is ensured in the best possible way.

I now call on, first Mr Edward, followed by Mr Bellamy, to take the oath and sign the solemn declaration provided for in the Rules of Procedure of the Court of Justice and of the Court of First Instance.

Address by José Luís da Cruz Vilaça, President of the Court of First Instance, on the occasion of the departure of Judge Edward from the Court of First Instance and the entry into office of Mr Bellamy as Judge at the Court of First Instance

Mr President and Members of the Court of Justice,
Your Excellencies, Ladies and Gentlemen,

Today, for the first time in its short history, the Court of First Instance is undergoing a change in its composition. This is an especially significant moment for us.

The departure of David Edward constitutes an inestimable loss for the Court of First Instance. However, at the same time, it is a loss which brings us honour to see one of our colleagues who has been with us from the beginning appointed to the Court of Justice, the supreme court of the Community legal order.

David Edward leaves on the Court of First Instance the mark of his intelligence, his experience and his enthusiasm. His qualities as a fine jurist, his sense for what is essential when analysing each problem, as well as his organizational talent and the computing 'virus' with which he has infected us will remain alive in the Court of First Instance. I must also emphasize his great contribution towards the definition of the outlines of the work of the Court of First Instance and the drawing up of our Rules of Procedure.

That David Edward was able to respond remarkably to the requirements of the duties which were entrusted to him at the Court of First Instance is something which was predictable in the light of his experience. Allow me to note that David Edward, besides being an academic and an author of important works in the field of Community law, was a brilliant advocate. Formerly President of the Consultative Committee of the Bars and Law Societies of the EC (CCBE), the unanimous recognition of his qualities is perfectly conveyed by the parties he represented before the Court of Justice: the United Kingdom, the Commission, the CCBE and a large company operating within the Community market.

David Edward not only gave us the benefit of his talent and his knowledge, he also had us share his normal approach, a skilful mixture of a practical view of things and a taste for tradition which is the charm from beyond the Channel. His concern to find the just and balanced solution in each case, the importance which he attaches to direct contact with the parties, often in the form of lively dialogue with the advocates and agents during hearings, have greatly benefited the Court of First Instance.

Dear David: with your departure, the Court of First Instance is now poorer. Not only because of your highly appreciated qualities as a judge, but also because of yours and your wife Elizabeth's understanding and loyalty, kindness and optimism which we had the privilege of sharing. We wish you both all the best in this new step of your lives.

As luck would have it, David and Elizabeth are not entirely abandoning us because David is staying within the institution, as Judge at the Court of Justice replacing Sir Gordon Slynn. I would like to say from an old colleague's point of view, having been Advocate General at the Court for three years, that I can only endorse the wishes already expressed by President Due to Sir Gordon in wishing him every success at the House of Lords.

The sadness with which we see David Edward leave must in no way impede our giving a very warm welcome to his successor Christopher Bellamy.

The arrival of a new colleague must be warmly greeted. It is with even greater pleasure that I see arrive in our midst, at what is the first 'rite of passage' in our court, the advocate who first addressed the Court of First Instance in its first ever hearing on 14 December 1989.

Christopher Bellamy is a name that is well known by all those who are interested in Community law and in competition law in particular. He is an author who has dedicated himself to the important field which falls within the jurisdiction of the Court of First Instance. The book he wrote in collaboration with Graham Child, *Common Market Law of Competition*, is one of the fundamental works in the bibliography on competition law since its first edition which dates back to 1973.

Neither his work nor his brilliant career as a barrister needs to be emphasized. Christopher Bellamy QC and Member of the Middle Temple, of Gray's Inn and of the Bar of Northern Ireland, has often pleaded before the Court of Justice in important cases. His curriculum vitae shows that one could hardly have made a better choice in order to fill the vacancy left by David Edward.

Dear Christopher, I would like to congratulate you on your nomination. We are already looking forward to working in collaboration with you and sharing your considerable experience in the legal profession. It is a new chapter which is about to commence in the history of the Court of First Instance and I am convinced that your contribution to the writing of this chapter will be of great value.

I would also like to take this opportunity to welcome your charming wife, Deirdre, and your children and I hope that they will enjoy their move here and that they will be as taken by Luxembourg as the rest of us.

Formal sitting of the Court of Justice of 18 September 1992

on the occasion of the departure from the Court of First Instance of Judge Yeraris and of the entry into office of Judge Kalogeropoulos

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Address by José Luís da Cruz Vilaça, President of the Court of First Instance, on the occasion of the departure from the Court of First Instance of Judge Yeraris

Mr President and Members of the Court of Justice,
Your Excellencies,
Dear Colleagues,
Ladies and Gentlemen,

Christos Yeraris is the second member of the original college of twelve Judges to leave the Court of First Instance.

However, although we still have the good fortune to have our former colleague David Edward close by as a Member of the highest Community court, today we are marking a 'true' departure.

Christos Yeraris leaves us at the end of his term of office of three years as judge at the Court of First Instance.

We greatly regret, of course, the departure of Christos Yeraris who has only been with us a very short time. A term of office of three years is, indeed, very short, especially when it coincides with the creation and coming into operation of a court. The first three years of the Court of First Instance have required of all those who came to set it up and who have worked in it either as Members or officials, a very great effort in terms of preparation and adaptation, and have at the same time imposed, from the start, an ever increasing rate of judicial business.

Christos Yeraris was remarkably successful in making that effort of adaptation.

He had all the necessary assets: great experience as a judge, which led him to the Greek State Council, where he was first Junior Member, then Member and subsequently Senior Member, to the Superior Special Court and other specialized courts; perfect mastery of administrative litigation acquired as a result of that

experience; theoretical and practical exposure to Community law both as adviser to the Greek Government on the application of secondary Community legislation, as professor at the National School of Public Administration and the Institute for Continued Training.

Christos Yeraris decided to employ those assets in the service of the Court of First Instance and of Community law. He has been especially diligent in carrying out his judicial work, conscientious and meticulous in each case entrusted to him, constantly seeking to go further in his analysis of the relevant legislation and case-law in the search for the best legal, and equitable, solution.

It so happens that the office intended for the President of the Court of First Instance is very near that occupied by Christos Yeraris. So I have often seen him, through the windows of the Erasmus building, poring over a file or in the midst of discussions-heated, if I understand correctly-with his Legal Secretary, often after 8 in the evening, as befits a man from southern climes, and many times during the weekend or holidays.

The results of Christos Yeraris's work as a Judge bear witness to the seriousness and quality of his approach.

Dear Christos, dear Djena, it is with emotion that I bid you farewell on behalf of all our colleagues.

You have brought us something of that optimistic and warm Mediterranean temperament. You have borne with you the Hellenic cultural tradition, a culture which 'invented' mythological Europe and which modern Europe can no longer do without. That tradition can be seen in Djena's artistic talents, which have contributed greatly to the welcoming and attractive atmosphere of your home.

We will keep a very warm memory of your stay amongst us in Luxembourg. I hope that you will keep it alive by returning to see us from time to time.

I am sure that this parting will mean merely increased distance, and certainly not a complete separation, between us. Indeed, as a judge in the highest Greek

administrative court, Christos will be able to continue to make an extremely important contribution to the application and development of Community law and thus to the construction of European union. We are very grateful to him for his contribution during the last three years to the work of the Court of First Instance.

[Good luck] Christos

[Good luck] Djena

Andreas Kalogeropoulos now takes up the baton.

Allow me to add the wishes of the Members of the Court of First Instance to those which President Due will express to our new colleague whose qualities as a jurist and whose knowledge of Community law are unanimously recognized and appreciated.

It is with joy that we welcome you and your wife to the Court of First Instance. I am sure that you will feel at home in our midst.

[Welcome] Andreas

[Welcome] Rosine

Address by Christos Yeraris, Judge at Court of First Instance of the European Communities, on the occasion of his departure from office

Mr President of the Court of Justice,
Mr President of the Court of First Instance,

I thank you warmly for the kind and friendly remarks you have just made about me. This certainly reflects the traditional generosity of this place of work which it has been my pleasure to know.

Members of the Court,
Your Excellencies,
Dear Colleagues,
Ladies and Gentlemen,

It is a solemn occasion when one takes one's leave of the Court of Justice and, at the same time, a chance to stand back and take stock. For the outgoing Member it is a contemplative and emotional moment, suspended between the work which has been completed and the activity which awaits.

As I leave the Court of First Instance of the European Communities, to take up my duties again at the State Council, I am aware that Chance has played a decisive role in my career since 1971 when I was a Junior Member of the State Council. It was at that time that I had to deal with a case which, for the first time, raised questions concerning the application of certain provisions of Community law in the context of the EEC-Greece Association Agreement. That first contact with Community law allowed me to understand the prospect which the new European legal system opened up for Greece. The vision of Europe constituted at that time for my country a great hope that it would be freed from the totalitarian regime which had been imposed upon it.

My desire for much closer contact with the Community phenomenon was subsequently to be fulfilled while on study leave. It was the year when the Court delivered the *Simmenthal* judgment, marking a development in the case-law in

respect of the relationship between Community law with the municipal law of the Member States. I recall the extent to which I was impressed by the firmness with which you described the effects of the principle of the primacy of Community law and its direct applicability.

Those studies subsequently proved to be decisive in the discharge of my duties as a judge. When the Greek Government requested the State Council to deliver an Opinion on the early drafts of decrees transposing Community directives, I was appointed Judge-Rapporteur. I was thus the first Greek judge to be involved in a long report on the problems linked to the implementation of secondary Community legislation in the Greek legal system.

The accession of Greece to the Communities was followed by a period during which Greek courts and tribunals did not feel the need to collaborate with the Court in Luxembourg. Some commentators suspected that the Greek courts were ill-disposed towards the mechanism of the Article 177 procedure of the EEC Treaty. Those fears were, fortunately, dispelled when, in 1986, the first two requests for a preliminary ruling were lodged at the Court Registry. One was from the Court of Appeal in Athens, the other from the State Council. I had the honour of being the Judge-Rapporteur in that second case.

However, the most important fact in that sequence of events was my appointment as first Greek Judge at the Court of First Instance of the European Communities. That appointment coincided with the greatest change in the judicial organization of the Community since the origin of the Court. Irrespective of the reasons for that reform, I believe that the creation of the Court of First Instance has already laid down the foundations for the future structure of the Community judicial system. It has therefore been a particular piece of good fortune for me to be involved in the first stages of the activity of the new Community court and thus to complete an interesting series of contacts with Community matters.

Ladies and Gentlemen,

It is obviously not for a Member of the Court of First Instance to observe that, during the first three years of its existence, the new Court has succeeded in achieving the objective it had set itself at the time of its establishment. The Court of Justice formally made that observation when it proposed to transfer to the Court of First Instance all the jurisdiction which could be transferred pursuant to Article 168a of the EEC Treaty and the corresponding provisions of the ECSC and EAEC Treaties. Subsequently, the Member States have confirmed that assessment by agreeing at Maastricht to extend the limits of the jurisdiction which could be transferred.

I believe I may give my personal interpretation of that success, which could not be taken for granted when one considers that most of the Members and their assistants had no direct judicial experience in Community litigation. In my view there were three basic reasons for that success:

- (a) First, the general climate of willingness and intellectual openness which has reigned since the very inception of the Court of First Instance. To you personally, Mr President, I must acknowledge that you were the principal element in creating that climate. You succeeded in a friendly, or sometimes diplomatic, manner in giving us the feeling that we had all known each other for a long time and had come together at Luxembourg to fulfil a particular mission.
- (b) Secondly, the selfless efforts of the Members, their staff and that of the Registry. It must be admitted that in the early days of the Court of First Instance working hours were clearly exceeded. When circumstances dictated, the Judge did not hesitate to share the tasks of his Legal Secretary, and even those of his only assistant. Please allow me to make special mention of our Registrar, Mr Hans Jung, who was able to organize the Registry in a particularly short time and to help us resolve the various problems relating to the preparation of cases.
- (c) Thirdly, the willingness which the Members of the Court of Justice have shown to resolve the problems due to the lack of administrative autonomy of the Court of First Instance. The fact that the two courts share the same

administrative services, which from an organizational point of view are those of a single institution, led perforce to certain difficulties. In any event, the fact that after one year most of the operational problems had been rectified allowed the Court of First Instance to pursue its task with the required peace of mind. It should be emphasized that the procedure involving the common accord of the Presidents of the two Courts, provided for when the Court of First Instance was set up, has proved to be completely effective.

Dear Colleagues,

Our joint work will be judged in the first place by the Court of Justice, which is responsible for reviewing it on appeal and, in the second place, by European jurists. None the less, a Member departing from office is entitled to make a number of general observations on the occasion of such a speech.

- (a) My first observation concerns the case-law relating to staff cases. Actions for annulment are objective in nature in so far as they are intended to reestablish the rule of law within the public service, and subjective in so far as they ensure the protection of the interests of the official concerned. Until now, the case-law of the Court of Justice has emphasized the subjective aspect and has been characterized by a tendency to grant the administration wide powers of discretion. In my opinion, the Court of First Instance must consider this case-law critically and not hesitate in subjecting the acts of the institutions of the Community to closer scrutiny. The European civil service must show as an example that it has been able to consolidate the principle of compliance with the rule of law, at least within its own domain.
- (b) My second observation concerns the case-law on competition disputes and, more generally, on the law of the economy. In such cases, parties often deliberately ask the Court of First Instance to substitute itself for the Commission in the exercise of its duties. The Members of the Court of First Instance must not lose sight of the fact that their function is to review legality and that it is only exceptionally that they have full jurisdiction. Although the creation and the operation of the Court of First Instance facilitate a more rigorous check of the accuracy of the material facts, I do

not see why our Court should go further and depart from the sound practice of the Court of Justice, which has always avoided the temptation of entering into economic assessments.

- (c) My third and final observation concerns the organization of the work of the Court of First Instance. I believe that after the hoped-for extension of the jurisdiction of the Court of First Instance there will have to be greater discipline in the operation of the Chambers. The hearings and administrative meetings of each Chamber must be held on fixed days of the week. The last week of each month should remain free to allow Members the time to draft judgments without being rushed.

My dear Colleagues,

It has been a great honour and a great joy for me to sit with you over these last three years and I thank you with all my heart for the friendship you have shown my wife and myself. It is a great privilege to know that, in each Member State of the Community, there is a colleague and a friend with whom one has spent a period of one's life.

I would also like to express publicly my warm thanks to Panayotis Yatagantzidis, my Legal Secretary, and to my assistant, Katerina Spyridakis, who have proved to be the pillars of the Chamber. I believe they deserve every praise for the integrity, the professionalism and the 'filotimo', a Greek word with no translation, which they have shown so that our Chambers could rise to every occasion. I also thank Carole Gresset, who served for a time as secretary, and her successor, Martine Koehl.

I also wish to thank the staff at the Registry of the Court of First Instance and all the officials of the institution who, in carrying out their duties, have made both my task as a Judge and my stay in Luxembourg easier.

Finally, may I express publicly my gratitude to my wife who has given me the full moral support necessary for me to carry out my duties without incident.

Mr President,
Members of the Court of Justice,

The fact that, as part of my judicial career, I have carried out during the last three years the duties of a Community judge has allowed me to put into practice the idea of a 'dual purpose'. There is no doubt that, when I wear my national judge's robes again, I shall still bear the mark left on my mind by the osmosis of our legal cultures. Moreover, it seems to me that it is precisely that intellectual experience itself which makes for the charm of the duties of a Community judge.

Address by Ole Due, President of the Court of Justice, on the occasion of the entry into office at the Court of First Instance of Judge Kalogeropoulos

Your Excellencies,
Ladies and Gentlemen,

While regretting the departure of Mr Yeraris, I am glad that his successor is not only a good friend of the Court but also a former contributor to its work.

Dear Mr Kalogeropoulos,

You are eminently suited to your new duties. You received your training not only in your country of origin but also in France. Holder of a Diploma in Political Science and a Doctorate in Law from the University of Paris II, you have acquired exceptional knowledge in the fields relevant to the duties of a Community judge.

You have supplemented that knowledge with your professional experience as lawyer, teacher, adviser to the Greek Government, national expert at the Council of Ministers of the Communities, Senior Attaché at the Court of Auditors and Legal Secretary at the Court of Justice between 1981 and 1987.

We remember the great service you gave the Court during that period. Personally, I recall how closely I worked with you immediately after the premature and unfortunate death of Mr Chloros, the first Greek judge.

We are glad that you have returned to the institution and we wish you every success in your new duties.

With these words, I call on you to take the oath and sign the solemn declaration provided for in the Rules of Procedure of the Court of First Instance.

Formal sitting of the Court of Justice of 4 December 1992 on the occasion of the 40th Anniversary of the creation of the Court of Justice.

On 4 December 1992 the Court of Justice celebrated the 40th anniversary of its creation by holding a formal sitting graced by the presence of His Royal Highness the Grand Duke of Luxembourg.

Jacques Santer, Prime Minister of the Grand Duchy of Luxembourg, Egon Klepsch, President of the European Parliament, Jacques Delors, President of the Commission of the European Communities, Lord Mackay of Clashfern, Lord Chancellor, President of the Council of the European Communities, and Lord Keith of Kinkel, Lord of Appeal in Ordinary, representing the national judiciaries, particularly honoured the Court by consenting to make speeches at that ceremony.

Each of those eminent guests addressed a different aspect of the Court's work and thus made the anniversary ceremony a privileged moment of reflection on the legal and political development of the Community. Their speeches were published in a booklet which may be obtained on request from the Information Service of the Court.

In his foreword to that booklet, President Due stated:

'In celebrating its 40th anniversary in this crucial year for Europe, which is rich in hope for the future but also not without its anxieties and doubts, the Court wished to glance back at the years that have passed, like a pilgrim surveying the road travelled in order to find the courage to continue.

It is, however, in the contributions of guests at the celebration that the court finds the most encouragement. Although not uncritical on some points, of which the institution will take good note, those guests reviewed the 40 years of the legal life of the Community and drew a picture both of stability and movement.

The successive enlargements and deepening of the Community imparted movement. That yielded institutional amendments and structural adjustments

necessitated by the accession of new Member States and increased litigation but also, less visibly but no less tangibly, the contributions, on each accession, of new legal cultures to the common way of thinking.

Stability is inherent in the Court's case-law, which although still evolving has nevertheless remained over the 40 years of European construction a fixed pole, an essential guiding light for a Community which was founded on law.

Encouraged by recognition of its capacity to adapt itself to the natural movement of life, the Court can look forward with confidence to the challenges of European Union and forthcoming enlargements. It will continue with its task of ensuring that in the application and interpretation of the Treaties the law is observed.'

Formal sitting of the Court of Justice of 15 January 1993

On 15 January 1993 the Court of Justice held a formal sitting at which Roger Camus, Anthony John Wiggins and Giorgio Clemente, the new Members of the Court of Auditors, took the oath.

Formal sitting of the Court of Justice of 16 February 1993

On 16 February 1993 the Court of Justice held a formal sitting at which João de Deus Rogado Salvador Pinheiro, Pdraig Flynn, Yannis Paleokrassas, Antonio Ruberti, René Steichen, Hans van den Broek and Raniero Vanni d'Archirafi, the new Members of the Commission, took the oath.

Formal sitting of the Court of Justice of 26 October 1993

Address by Ole Due, President of the Court of Justice, in memory of Mr Kutscher, President of the Court

Ladies and Gentlemen,

We are here today to remember Hans Kutscher who was a Member of this Court for ten years and President from October 1976 to October 1980.

The news of his death on 24 August last was a moment of reflection and remembrance for all those of us who knew him. He left his indelible mark on those who had the privilege of having shared some time in his company. His intelligence and his humanity influenced their way of thinking and acting.

Hans Kutscher was a great jurist and the Court owes much to him.

He contributed greatly to its collective effort especially in fields in which his national career had allowed him to acquire a great deal of experience.

He was a specialist in public law, more particularly economic administrative law, a subject which he taught for many years at the University of Karlsruhe and later at the University of Heidelberg. However, he was also a practitioner in that field. As an official in the Central Administration for the Economy in Berlin and later, after the war, at the Ministry of the Economy and Transport of Baden-Württemberg, he had acquired from his duties a concrete awareness of the limitations and needs of administrative life. However, he was not unaware of its possible abuses.

He contributed widely and with awareness of the facts to the balanced development of the case-law of the Court relating to the proportionality of State action and the protection of the legitimate expectations of economic operators.

It is without a shadow of a doubt because he was a man of balance that he was chosen as Secretary of the Bundestag-Bundesrat Conciliation Committee. The Court benefited greatly from his political sense seasoned by years spent in carrying out those delicate tasks.

However, it was above all his experience as a judge at the Constitutional Court of his country that he was especially valuable to our Court. He was appointed judge at the Bundesverfassungsgericht in 1955, an eminent post which he held for fifteen years until he joined the Court of Justice in 1970. At that time, our Court had taken only a few timid steps towards recognition of the fundamental human rights in the Community legal system. He was personally and professionally committed to safeguarding the rights of the individual, he enlightened the deliberations of the Court with his long practical experience as a constitutional judge and he contributed in great part to strengthening the case-law which has now been confirmed in the Treaty on European Union.

One cannot refer to Hans Kutscher's contribution to the work of the Court without recalling that he was a convinced European. His was a deep conviction which in no way clouded his great lucidity which he expressed one last time within these walls on the occasion of his valedictory speech on 30 October 1980. Allow me to convey to you Hans Kutscher's own words: 'I took office as a judge at the Court of Justice ten years ago convinced that, through economic and monetary union, the Community was on the way to becoming a European union. At that time the Community, so I thought, was a Community in the process of advancing integration, as the German Federal Constitutional Court once described it. Only a fully integrated Europe, an economically and politically unified Europe had a chance – so one believed – of keeping its identity and surviving the next twenty years in the face the challenges from East and West. I believe that a realistic analysis of the position of Europe confirms that that conviction, which then prevailed, is also justified today and is correct'.

However, after having recalled the decision of the Heads of State and the Heads of Government at the Paris Summit Conference in October 1972 to strengthen the Community through the creation of an economic and monetary union, Hans Kutscher observed that during the last years of the decade silence had descended upon the European Union. He then went on to ask:

‘Does there still exist today the political will “to succeed in the construction of a united Europe”? Are the Governments of the nine Member States still prepared, in recognizing “that unity is a basic European necessity”, to press on with the unification of their States?’

Hans Kutscher continued as follows:

‘The answer, I fear, is plain.

If the Community may no longer be defined as a Community in the “process of advancing integration” then the function of the Court of Justice also changes. In the coming years there will fall to the Court the primary task of safeguarding the *acquis communautaire* and of defending it against all attacks and against centrifugal pressures.’

With the benefit of hindsight, that speech might appear excessively pessimistic. After all, although it has been with considerable delay, does not the Treaty on European Union exist today? Does that Treaty not provide for the establishment of an economic and monetary union?

However, the difficulties and the debates which surrounded ratification of that Treaty, together with the current debate on the future of our Community, make the words of Hans Kutscher fully relevant today. They transmit a message from which the incumbent Members of the Court may benefit.

Those words are the perfect illustration of the ‘pessimism of the intellect and the optimism of the will’ of which Gramsci spoke and they bear witness to a great understanding of this still divided continent.

Allow me to finish this evocation on a more personal note. The president who welcomed me as a judge to this Court in 1979 was impressive both in his height and in his natural authority. However, I was not long in discovering that behind this lay a very sensitive man, of infinite patience and of equally infinite humour who knew how to maintain under all circumstances among the Members of our

Court the friendly relations necessary if our work is to be carried out without incident.

In this regard he could also count on the inestimable help of his wife Irmgard Kutscher.

On behalf of the Court, I would like to express to Mrs Kutscher and to all the members of her family our sympathy and condolences. I can assure them that those of us who knew Hans Kutscher will keep in our hearts the memory of an exceptional man.

I ask you to stand with me for a few moments as we remember Hans Kutscher.

Formal sitting of the Court of Justice of 9 February 1994

on the occasion of the departure of Jean-Guy Giraud, Registrar, and of the entry into office of Roger Grass as Registrar of the Court of Justice.

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Address by Ole Due, President of the Court of Justice, on the occasion of the departure of Mr Giraud

Dear Mr Giraud,

The task entrusted to the Registrar of the Court of Justice is difficult, delicate and above all thankless.

It is difficult because all the departments of the Court come under him and each of those departments must function at their best in order to allow the Court to accomplish its task.

It is delicate because while all of the approximately 700 officials employed in those departments are highly qualified, they are of very varied origin, training and temperament. It is therefore important to prevent those differences from hindering cooperation between them and, in order to achieve that, unceasingly to promote a team spirit. It is delicate, again, in that the Registrar carries out his duties under the authority of the President, but also under the close scrutiny of the other Members of the Court and must therefore often act as mediator between the Court and its departments.

That task, which is of primary importance, is thankless because the Registrar carries it out behind the scenes of the Court. The Opinions are the work of the individual Advocates General, the judgments are the collective work of the Judges. Only the results are known, discussed, approved or criticized. In general, the public is not aware of the existence, behind the Members of the Court, of a veritable army of officials and other staff whose support is essential to the work of the Court. Although the Registrar is in some ways the 'general' of that army, he derives no glory from its victories.

Mr Giraud, you have won many battles during your term as Registrar.

Your original training gave you important advantages. Your postgraduate diplomas in Public Law and Political Science and your Master of Arts Degree in

International Relations almost predestined you to a career in the European institutions.

You entered the service of the General Secretariat of the European Parliament in 1973. You went through your first 'campaign' under the Secretariat of the Committee on Budgets. Eight years later, you were appointed Head of the Secretariat Division of the Committee on Institutional Affairs, and subsequently Head of the Secretariat Division of the Committee on Budgets.

In 1984 you were appointed to the Private Office of the President of the Parliament as adviser on financial, administrative, legal and institutional matters. In 1987 you were appointed Director *ad interim* in the Directorate-General for Committees.

When you took up your duties at the Court of Justice you thus already had behind you a brilliant career in the European civil service and possessed solid administrative experience.

You grappled immediately with the administrative problems of our institution by deploying your talent and all your energy.

You successfully carried out a veritable office revolution. Former officials who visit the Court no longer recognize their former place of work. The acquisition of high-performance equipment and the training of a large part of our staff rank among your most spectacular successes. Computer equipment has meant a considerable improvement in the publications of the Court and has enabled the delay in publishing them, which had reached almost desperate proportions, to be progressively reduced.

In 1989, the Court of First Instance took up its duties. The officials and other staff attached to the Court of Justice were to provide their services to it, since the Court of First Instance, which is a fully independent court, in fact has only its own Registry and the personal assistants of its Judges. That contribution to the operation of the Court of First Instance entailed an increase in the workload of the departments of the Court. It was absorbed thanks, in particular, to your initiatives to increase productivity.

Your efforts to improve what one may call the external relations of the Court have also borne fruit.

Your thorough knowledge of the mysteries of budgetary procedures, together with your negotiating talents, quickly proved invaluable to the Court in a period of budgetary austerity. You obtained staff and credits essential to the normal functioning of the Court and went on to make the best use of whatever the budgetary authorities granted us. You limited the number of vacant posts and reduced to an absolute minimum the unused credits.

During your term of office, the Court of Auditors has hardly ever commented on the financial management of our institution. The last annual report does not even contain any observation on that subject.

The situation as regards the buildings of the Court sorely tested your qualities as a negotiator in your relations with the Community budgetary authorities and the Luxembourg authorities. The results are tangible.

The Thomas More building was planned and fitted out so as to constitute a workplace with which the users are fully satisfied. The good progress of the third extension holds out the hope of an equally satisfactory solution to the logistical problems of the Court of First Instance and to the departments of the Court of Justice which are still located outside our building complex.

Your constant effort to promote the efficiency of the departments must not allow us to forget your support for any initiative to improve internal relations within the institution, in particular by the creation of a better framework for the development of cultural and sporting activities of the staff.

I will not omit to mention today that you had intended to go further in your reforms of the administration of the Court. Some of your proposals have not, or have not yet, been adopted by the Court, although your analyses demonstrated the existence of weaknesses in the areas concerned. What is important is that you brought those problems to the attention of the Court and they will not be put to one side without solutions being found.

Moreover, your wish was to extend the Court's relations with the general public and to render the work of this institution better known to Community citizens. You have always emphasized that the Court of Justice is not only a court of law, it is also one of the institutions of the Union and that the importance of its work deserves to be appreciated beyond legal circles. On that point, you have no doubt noted that the judiciary, by tradition, is rather conservative and reserved. None the less, you have initiated the debate and, in any event, have been successful in improving the work of popularizing our case-law.

Finally, you have fought to have it accepted that, in an institution which now has approximately 800 staff, the Registrar, as head of the administration, must have broad autonomy within a context of traditional and clear hierarchical principles. In that respect, the strength of your conviction has not been without influence. While at the time of your arrival at the Court the appointing authority was the Court or its President, the power to appoint is now exercised by the Registrar as regards the majority of the staff.

To sum up, I shall return to my metaphor of the army general and emphasize that although you may not have won all your battles, the troops are making an orderly advance on the territory in which you have engaged hostilities. You leave the Court with an administration which you have been able to make more efficient and more productive, and you have blazed the trail for future reforms. Thus you bequeath a valuable legacy to your successor.

It is therefore with much gratitude that, on behalf of the Members of the Court, I offer you and your wife Claire our warmest wishes for the future. We are certain that you will dedicate for a long time to come your eminent services to the European civil service and to the cause which is dear to us all – the construction of the European Union.

I now have the pleasure of inviting you to take the floor.

Address by Mr Giraud on the occasion of his departure

Mr President,
Members of the Court,

Thank you for the kind words which you have just addressed to me as my term of six years at the service of the Court draws to a close.

I have the pleasant feeling that I am leaving the administration of this Court in good running order:

- the work of the various departments is carried out with care and regularity;
- the atmosphere at work is active and calm and the working methods are modern and efficient;
- there are sufficient staff and credits;
- cooperation with the administrations of the other institutions has developed satisfactorily.

I shall cite only one recent example of the efficiency of the departments. Since 1 January 1994 all the judgments of the Court of Justice and of the Court of First Instance have been available in the nine Community languages on the day that they are delivered or, at the latest, within the following fortnight.

For the immediate future, the necessary proposals have been made in order to adapt the structure and the management of two directorates; preparations for the forthcoming accessions are well advanced; a new building will be opened this summer which will house the Court of First Instance's own staff; and the draft plans of the new Palais of the Court of Justice – to be ready in 1998 – will be presented in the autumn.

Those positive results are due to the competence and the motivation of the whole of the staff of the Court of Justice who, since 1989 and with the exception of the Registrar and the chambers of the Members, have worked simultaneously for two courts. I would like to pay tribute today to all the administrative heads of the Court present and to give expression of my gratitude and friendship to them.

I would also like to express my gratitude to all the senior representatives of the Luxembourg Ministries of Foreign Affairs and Public Works. During these six years, their constant approachability and their pragmatic and constructive attitude to our problems, whether in relation to buildings or budgets, have ensured outstandingly efficient cooperation between the Luxembourg Government and the Court of Justice coupled with lasting ties of friendship.

Mr President, Members of the Court, speaking personally and with the relative detachment inherent in my present situation I can see that the Court is merely one link in an institutional chain binding together the destinies of the peoples of the Union. It is important that, in the advanced, media-conscious democracies of the twenty-first century, those peoples should have a clear and positive picture of their common institutions if they are to entrust their future to them.

In that respect, it is undisputed that the discussions on the ratification of the Treaty on European Union have starkly revealed the serious lack of accessibility and transparency of our institutions as seen by the individual citizen – to the point of sparking a feeling of rejection, which has been exploited by political forces hostile to the development of European integration.

For that reason, efforts have been made in recent years to make the court better known, that is to say, to explain in simple terms – subject to the discretion inherent in the judicial function – the role and operation of the Court of Justice of the Union: leaflets and films have been distributed, colloquia have been organized, the fortieth anniversary of the Court (on 4 December 1992) was the occasion for an important ceremony, tens of thousands of students, judges and company lawyers have visited the Court, the weekly bulletin on the proceedings of the Court of Justice has been modernized and, finally, a veritable annual report of the Court's work is now published.

Those efforts should continue, so that enhanced awareness of the European Court can go hand in hand with the increasing influence of Community law on the daily life of the citizens of the Union.

At the same time, the 'future of the Court' in the institutional system of the Union will probably be the subject of increased consideration and clarification in the near future. Some well-informed observers claim to have seen in recent years a certain 'blurring' of the Court's institutional image, caused by several more or less interconnected phenomena. They have alluded in particular to five recent developments:

- (a) the progressive and complex division of jurisdiction between the Court of Justice and the Court (or courts) of First Instance;
- (b) the abortive creation of a 'Superior' EEA Court which finally became a 'parallel' EFTA Court;
- (c) persistent proposals for a 'Constitutional' Court to be embodied by or, on the contrary, superposed on the Court of Justice;
- (d) most important of all, the formal exclusion from judicial review by the Court of the two major areas of cooperation created by the Treaty on European Union and in particular of the area of cooperation in the fields of justice and home affairs, an area of great sensitivity as regards the rights of the citizen;
- (e) finally, the proposal to place the Union (and therefore the Court of Justice) under the system of judicial review of the European Convention on Human Rights, subject in the last instance to the Court of Human Rights at Strasbourg.

Perhaps a clarification of those problems will be put in motion in the context of the 1996 institutional review. Personally, I hope that on that occasion the simplicity and efficiency of procedures will be guaranteed, but also that the

central role and the superior authority of the Court of Justice within the system of courts of the Union will be strengthened.

It seems to me that the increased powers and geographical expansion of the Union make it more necessary than ever to maintain a homogenous, stable and certain legal system as a bulwark for the harmonious development and perpetuity of that Union.

Mr President, Members of the Court of Justice, Mr President, Members of the Court of First Instance, dear colleagues and friends, it has been a pleasure and an honour to serve this institution for six years and I sincerely wish both it and yourselves every success.

Address by Ole Due, President of the Court of Justice, on the occasion of the entry into office of Mr Grass as Registrar of the Court of Justice

Dear Mr Grass,

Hearing the words I have just addressed to your predecessor, you might have become anxious about the duties you are about to assume and the difficulties which you will encounter as Registrar of the Court of Justice.

However, you are already familiar with those difficulties and those duties and you have been able to gauge them fully during the ten years you have spent in the service of the Court.

From 1980 to 1988, as Principal Administrator in the Chambers of my predecessors, you carried out the very specific task of 'lecteur d'arrêts'. Your long experience in that role has allowed you to acquire an intimate awareness of the difficulties attaching to the strictly judicial activity of our institution. Since May 1992, as legal secretary in the Chambers of the President, you have been able to gain a more overall view of the problems of the Court and its administration.

None the less, it was in the French civil service, particularly in the Ministry of Justice, rather than in the Court of Justice, that you developed your managerial talents and acquired the administrative experience which you will now be putting to use in this post of prime importance for the proper functioning of our court.

After graduating from the *Institut d'Études Politiques* in Paris and gaining your diploma in Public Law, in 1969 you entered the service of the Customs Administration as an inspector. In 1972 you left the Ministry of Finance for the Ministry of National Education where your duties as an administrative adviser in the University Services involved wide administrative responsibilities first in the External Services of the Ministry and subsequently in the Central Administration.

In 1976 you chose a judicial career. After gaining first place in the competition for admission to the *École Nationale de la Magistrature* and completing of your judicial training, you were appointed as Deputy *Procureur de la République* to the *Tribunal de Grande Instance*, Versailles. That was the post which you left to become the first *lecteur d'arrêts* at the Court. You were a pioneer in that delicate role. Your work was very much appreciated by the Judges at the Court and although you decided finally to rejoin the French judiciary, it was only in order to take up the coveted post of Secretary General in the *Parquet* of the Court of Appeal in Paris. Those duties involved, as regards both the court itself and its judicial district, the management of a complex administration with many more officials than at the Court of Justice.

In 1990 you were called to the private office of the Minister for Justice. During your time as Technical Adviser on International Affairs, you designed and set up a Department for European and International Affairs within the Central Administration of the Ministry of Justice.

Thus you come to your new post with not only a close familiarity with the internal workings of the Court of Justice, but also the experience derived from a varied administrative, legal and judicial career. We are sure that you will be able to meet the challenge involved in the duties of Registrar, and we wish you every success.

I now call on you to take the usual oath.

Formal sitting of the Court of Justice of 6 October 1994

on the occasion of:

the departure of President Ole Due, First Advocate General Marco Darmon, Judges Fernand Grévisse, Manuel Diez de Velasco and Manfred Zuleeg, and Advocate General Walter Van Gerven,

the departure of Claus Gulmann as Advocate General and his entry into office as Judge at the Court of Justice,

the entry into office of Antonio Mario La Pergola as Judge, Georgios Cosmas as Advocate General, Jean-Pierre Puissechet as Judge, Philippe Léger as Advocate General, Günter Hirsch as Judge and Michael Bendik Elmer as Advocate General,

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Address by Ole Due, President of the Court of Justice, to the departing Members

I should like to address myself first to the Members who, like myself, will today leave the Court of Justice.

Dear Marco Darmon,

It was a difficult task to replace Advocate General Simone Rozès who, in February 1984, left the Court in order to take up her duties as First President of the French Court of Cassation. The Member States could have made no better choice than to name you as her successor.

The Court quickly appreciated the intellectual elegance, the dialectical style and the clear and concise reasoning contained in your Opinions.

It must be said that your professional experience provided you with invaluable skills. As Vice-President of the *Tribunal de Grande Instance*, Paris, then President of Chamber at the Court of Appeal in Paris, and finally, *Directeur des Affaires Civiles et du Sceau* at the Ministry of Justice, you mastered all the secrets of the administration of Justice. Moreover, your duties in the private offices of several Ministers for Justice gave you a feeling for the realities of politics.

In a Court such as ours, composed mainly of experts in national and international public law, diversity in professional experience has a very important part to play. We thus had the greatest need of your wide knowledge and experience in civil matters. I must say that we have been able to benefit from it.

The teaching of Community law has also benefited from your energy. Not only have you yourself taught that area of law, but you have also, since your appointment to the Court, developed and coordinated many training schemes in France and elsewhere in Europe. Without a shadow of a doubt you will continue to follow that path for the greater benefit of European law.

Dear Fernand Grévisse,

If Mr Darmon has been our French 'civil lawyer', you have been our 'public lawyer'. The development of administrative law in almost all the countries of Europe is based on the French *Conseil d'État*. Its case-law has also constituted a rich inheritance for the Court of Justice. Fortunately, our institution has always been able to benefit from the wisdom of an eminent member of that prestigious court.

When you took your oath in 1988 my predecessor, Lord Mackenzie Stuart, also greeted you as an old friend. Indeed, your first period at the Court of Justice in 1981 and 1982 had given your colleagues the greatest respect for your intellectual abilities and a great deal of affection for you as a person.

Your contribution to the case-law of the Court of Justice has been very considerable. Once again, the diversity of the experience of the Members has had its part to play.

Although you returned to the Court after having served as President of the Public Works Section of the *Conseil d'État*, your career outwith your judicial duties has been impressive: Director in the Private Office of the Minister for Justice, Head of the *Direction des Affaires Civiles et du Sceau*, Director General responsible for Forestry and Waterways, Director General for Rural Matters, Director General in the Administration and the Civil Service at the Government General Secretariat, Professor at the *Institut d'Études Politiques*, Paris, to mention only a few of your important duties. To that experience and those qualities must be added an extraordinary talent for drafting and such a feeling for the language that it was always a pleasure to read your draft judgments. The Court of Justice has sometimes been criticized for setting out its reasoning in a manner which is inadequate and difficult to understand. Your drafts and your contributions in deliberations have done much to remove the grounds for those criticisms.

Dear Manuel Diez de Velasco,

When, you arrived at the Court of Justice six years ago, you were already known to all of us as the Spanish ‘Nestor’ of International Public Law and Community Institutional Law. It is difficult to find a Spanish expert in Community law, be he – or she – counsel or agent for an institution or for the Kingdom of Spain, who does not boast of having been one of your students. That combination of Community law and of traditional international law has been invaluable to the Court. However, your contribution has not been confined to the fields to which you have dedicated a particularly fruitful university career. Your contribution has also been considerable in administrative law and in the law of the environment.

You have always sought to get to the very bottom of the case files entrusted to you. To my knowledge, you are the only one of our present colleagues who has given up vacation time to travel to the *locus* in order to study *in situ* the problems raised by cases in which you were Judge-Rapporteur. Thus, on many occasions, you have been able to explain the facts lying behind an action for failure to act in the field of the environment better than the agents who were content to consult maps of the area.

Dear Manfred Zuleeg,

Your brilliant university career concentrated on National and International Public Law, in particular on Community law. You became interested in particular in the relationship between Community law and domestic law. You undertook your research not only in Germany, but also in Bologna and the United States. Few Members have arrived at the Court after a University career as impressive as yours. You not only studied Community law, you also practised it. On several occasions you appeared before the Court of Justice in important and difficult cases.

You have made full use of that knowledge and those talents in your duties as Judge at the Court. As a convinced European, while at the same time a passionate defender of fundamental rights and of the protection of the individual against any abuse of power, you have often enlivened our deliberations.

It is with much regret that we see you leave the Court today after a single six-year term. However, we know that you will pursue your campaign for Europe and for the protection of fundamental rights. Once you are free from the duty of discretion which is incumbent on all judges, you will be of much service again to those two causes which are dear both to you and to us.

Dear Walter Van Gerven,

When my predecessor welcomed you in 1988, he said that there was in fact no need to introduce you because your contributions to the study of Community law were so well-known in Dutch-, French- and English-speaking legal circles. He nevertheless emphasized that you were also bringing great practical experience acquired as a practising lawyer, as well as your experience as a former director of major banking and industrial companies and as President of the Banking Commission in your own country.

It is that very combination of an academic career and an intimate knowledge of the world of business and finance which has allowed you to deliver so many Opinions whose points of view and proposals have been both imaginative and realistic. At the same time, your Opinions have always been so comprehensive as to leave no problem unaddressed. Often you have discovered aspects of a legal problem which had escaped the attention of counsel. Sometimes your Opinions have even resulted in a party requesting the reopening of the oral procedure. For the judges your Opinions have been almost inexhaustible as a source of inspiration and a mine of legal information.

I wish to express gratitude to all the Judges and Advocates General who are leaving the Court today for their considerable contribution to the construction of a Community based on the rule of law and for all the human qualities they have brought to the bench.

Address by Marco Darmon

Mr President,
Ministers,
My dear Colleagues at the Court of Justice and the Court of First Instance,
Ladies and Gentlemen,

Indeed, it was not easy to succeed Mrs Rozès when, not without regret – as I can attest – she left the post I will occupy for a few hours yet, in response to a pressing request to the highest office in the general French judicial system.

I have done my best, with passion, with the help of the experience of my colleagues, the competence of the staff at the Court, the support of my Chambers and the presence at my side of my wife.

The solitude of an Advocate General is merely that of his responsibility: his signature stands alone at the end of his Opinions. However, thanks to those around him, he is able to escape the biblical curse. They are his strength. To all of them—those here today and their predecessors—I express my gratitude.

These ten years or more spent in Luxembourg (may I say in passing how many friendships my wife and I have forged here) have allowed the judge that I had been to undergo a veritable transformation on becoming Advocate General.

What is the purpose of someone who, to quote a former Member of the Court, is ‘neither advocate nor general’? Does he serve any purpose at all?

If I had any doubts in that respect, they were removed by our colleague Giacinto Bosco when he was asked by Queen Beatrix of the Netherlands ‘What takes place during deliberations?’ to which Giacinto replied ‘Your Majesty, the first question we ask ourselves is: shall we follow the Opinion of the Advocate General?’ He was thus echoing the remarks which President Lecourt made in 1973 to Advocate General Roemer on the occasion of his departure: ‘In order to have a true idea

of the role of the Opinion, one must have access to the deliberations', which take place 'in your absence but not in the absence of your voice'.

As is known, the Court is one of the major institutions of the Community. It is, as our colleague Thijmen Koopmans observed, the only one which is also a court.

It certainly does not have a monopoly on the law. However according to the Treaty, it ensures that, in the interpretation and application of the Community treaties, the law is observed. It also enjoys, to quote Pierre Pescatore, 'utmost legitimacy'.

It carries out its role within the Community which, composed of States governed by the rule of law, is, I repeat, a Community based on the rule of law.

That is essential both for the Member States and for those which aspire to become Member States.

As Vaclav Havel said during his visit to the Court a little over three years ago: 'We attach great importance to our relations with the European Communities. We make no secret of the fact that the objective which we seek to achieve within this decade is to become full members'.

In that same speech, President Havel showed how the construction of 'a State with a modern and growing market economy, based on freedom of action and enterprise for all individuals' should be understood as being that of 'a State governed by the rule of law which fully respects all human rights', in particular those enshrined in the European Convention to which his country had just become a signatory.

Would he have made the same speech if the Community had remained restricted to the economic sphere, if the development of the case-law of the Court, reflected in the statements of the Community institutions – a development subsequently enshrined in the Treaty on European Union – had not given the constitutional traditions common to the Member States and the international instruments ratified

by those States, such as the European Convention on Human Rights, the force of points of reference?

That constant progress in taking account of fundamental rights – in particular the right to obtain a judicial determination and the right to a fair hearing – together with the establishment of a judicial system introducing a two-tier jurisdiction, with the creation of the Court of First Instance, in certain spheres, has been, in that regard, of essential significance.

The end of the millennium will mean new challenges both for this Court and for those of the Member States.

The training of national lawyers is therefore important. As you rightly observed, Mr President, that was a high priority objective in my Chambers. I shall make every effort to follow that course independently.

The Court, in its new composition, will continue to play a decisive role.

Soon it will be twenty years since President Lecourt described the law as the ‘creator’ and ‘preserver of the unity of the market’, ‘protector of individuals in a multinational body’ and ‘the instrument of legal integration’.

Thus the law is not only the ‘cement’ of unity about which he wrote, but also its leavening.

What a privilege it has been, dear Colleagues, to have been able to contribute to that construction! What an impetus, Gentlemen, for the task which awaits you!

Address by Fernand Grévisse

Since the ceremony of the formal sitting allows me to take the floor, I would above all like to express my gratitude to all those who have worked with me, both formerly and currently, who have been in certain cases, since 1981, the core of the Chambers we make up. I ask the President of the Court of Justice to thank on behalf of all of us the Luxembourg authorities for the warmth of their hospitality. For the rest, I would only like to express one wish.

I came to the Court in 1981. I left in 1982. I returned in 1988. That apparently confused career at least allowed me to see the Court and its times change. With the new accessions, the Single European Act, the Treaty on European Union and the applications from North and East, the Community, greatly inspired, in the immediate post-war period, by the will to survive of the Member States and unified by the same spirit of preservation, has been transformed into a powerful flow leading Europe slowly and irresistibly in search of its borders and its identity against a background of uncertain metaphors: two speeds; concentric circles; confederation and federation; the hard core; variable geometry; Europe *à la carte*. These examples suffice. Every day brings a new phrase, every phrase (or nearly every phrase, let us be fair) ignores its content.

We are promised a pause of will and reason: there will be an institutional reform in 1996 which will allow the institutions to be better suited to their task. My wish, which, because of my position, I can only express with great humility, is that the politicians should have a little sympathy for the judges even when the latter pose no difficulty for them, and that they should remember the privileged position of the law in a system as unordained and as clearly dependent on goodwill as the Community. My wish is that they should not forget that the Court of Justice is an institution and that, like the other institutions, it will be affected by tremors in Europe.

I do not think it wise to stop at the immediate, comforting conclusion that it is always possible to respond to the enlargement of the Community by appointing a few more judges and to be satisfied with a few modest changes which are either outdated or scarcely suited to Community justice on the theme of the ethical harmony of a judicial organization.

The attainments of the Court must be preserved: the Members' awareness of their joint task, the convivial way in which they pursue that task, the knowledge of the law, the care taken in drafting judgments.

However, our diplomats must grasp the importance and the subtleties of judicial life. They must consider the conditions for effective deliberation, the means of organizing and expediting the work of the Court, its membership, the role of the Judges and the Advocates General, the rich vein of experience to be tapped among those Advocates General, the allocation of tasks amongst the Chambers and the officials of the Court, the code of ethics of a court, the profile, the role and the method of appointing Presidents, the dissemination of judgments and, more generally, of Community law, whose neglect is much more certainly due to ignorance than hostility. On a broader level, consideration must be given to the apportionment of duties among the Court of Justice, the Court of First Instance and the national courts and to the flexibility of those arrangements which may be required by a Community which is at once complete and developing.

I could go beyond this disorganized list. I do not think it impossible that, if those topics or others are not discussed and resolved in full awareness of the need for independence and rigour in judicial business, the faith in Community law of those who administer justice and those who are subject to it may waver in the complacency of non-involvement and indifference to which lassitude and distance from the decision-makers can lead.

Address by Manuel Diez de Velasco

Ladies and Gentlemen,
Dear Colleagues, Dear Friends,

The inexorable end of my six-year term of office in this Court has arrived. During those six years I have dedicated all my will and all my efforts to the noble task of seeking to do justice in the context of the European Community, borne up by the same hope which first led me to join in my youth the European Movement in Paris on 15 August 1952 during my first officially authorized visit outside Spain.

You can imagine how honoured I felt and how devoted I have been in serving, within this Court, the European Community which was the hope of my youth and which I continue to cherish in my old age. There is in my country a saying which I find very colourful: 'de ilusión también se vive' (one may also live on hope). It was thanks to that hope that I was able to live through 40 years of dictatorship, certain that one day my country would subscribe to freedom and democracy and to a Europe on the road to unity.

Whatever I have been able to do for the construction of a united Europe, which has been built day by day and which will continue to be built day by day, together with my companions who form part of this Court, is for me a great personal satisfaction which I shall not be able to forget until the end of my days. I am aware of the difficulties which the construction of a united Europe has gone through, is going through and will continue to go through. None the less, I retain my confidence and keep it alive. I still remember the words, spoken many years ago by one of the 'fathers of Europe', Joseph Bech, the Luxembourg politician, who stated that 'Europe progresses like the Echternach Procession: two steps forward and one step back. However, by advancing and retreating we will reach the end: a united Europe.' It is that which I hope for with all my heart.

I should now like to turn to a more personal part of my speech – my thanks.

I thank first of all the Members of this Court who, in our collegiate work, have helped me by their advice, their efforts, their discussions and their spirit of camaraderie to accomplish my duties as Community judge. I also thank our President, Ole Due, who has addressed such kind and comforting words to me in which, perhaps because of the affection which has grown over these six years, he mentioned my total dedication to the service of the Court and my tendency to become acquainted with the facts underlying any legal problem. As he quite rightly said, I have thought it useful, especially in cases regarding the environment, to travel to the *locus* either with some of my assistants or on my own during vacation, in order to examine the actual problems which may have been entailed by the misuse of certain powers, to the detriment of areas specially protected by Community legislation. The protection of the environment today constitutes one of the main concerns of all the peoples of Europe.

As you know, the protection of the environment is defined as one of the objectives of the Community in the context of the Single European Act. That objective has since been further stressed in the Treaty on European Union. At the same time, since 1986 the Court in its case-law has paid particular attention to the protection of the environment in the most varied spheres. I am pleased that Community law has also contributed to the development of this subject, responding to concerns over the deterioration of the quality of air, water and soil, and the gradual impoverishment of our flora and fauna. I am especially satisfied with the contribution of the Court of Justice to that area of law which, although new, is of major importance.

Allow me for a moment to cease using our working language -- French -- and speak in my mother tongue -- Spanish -- which is essential for the expression of intimate feelings, to give special thanks to those who worked with me during my term as part of the Diez de Velasco Chambers: people of different nationalities who none the less have been able to work as a team in sincere collaboration with their sights set on the ideal of doing justice in order to make possible an equitable European Community. I wish to make special individual mention of Dr Kurt Riechenberg and Dr José Manuel Sobrino, the legal secretaries who have worked with me throughout my term, who brought to the team not only their excellent knowledge of the law but also the best linguistic talents in German and Hispano-Galician respectively. The enthusiasm and patience of my Hispano-Italo-Belgian secretary, Silvana Merino, and the loyalty of my Portuguese driver Augusto Trindade, have made my task easier during these six years. Two Spanish Basques in succession, Ana Azurmendi and Beatriz Vidaror, have performed the duties of Principal Assistant with great devotion, sparing no effort and without restricting

themselves to pre-established working hours, in order to keep the cases entrusted to the Chambers up to date. In this task we have been helped by our Greek deputy assistant Panagiota Panagiotopolou, familiarly known to us as Titsa, who has brought to bear the same devotion and a clear sense of organization. Others have worked for shorter periods in the Chambers but it would make this speech too long to name them all. To everyone, both those I have expressly mentioned and those I have not, I offer my most sincere thanks and my deepest friendship, cemented by working daily together in a spirit of sincerity and service to a common ideal.

I wish to end my speech in French, our working language, by expressing my thanks to all those who, in performing their duties – as interpreters, translators, or in the library, the printing office and elsewhere – have made my task easier in this Court, and I hope that in the future, by thoroughly reviewing its working methods, this Court will be able to improve its productivity, reduce the time taken to deliver judgments and adapt to the new situation resulting from the forthcoming enlargement of the European Union.

Please excuse me, ladies and gentlemen, colleagues and friends, for having taken more time than I had originally intended to give expression of my gratitude, to talk to you of my past and future hopes in the construction of a united Europe and of my wish that this institution, the Court, to which I have belonged and which I have served with the greatest loyalty, should continue to accomplish and even complete the mission which has been entrusted to it by the Treaties establishing the Communities, to interpret and apply Community law as a means for the peoples, the men and women, of our Europe, to live together.

Address by Manfred Zuleeg

Mr President, Ladies and Gentlemen,

First of all I would like to express my deep gratitude to the members of my Chambers for their excellent work. They have all in the course of their duties assisted me efficiently. My thanks also to the staff of the Court without whose invaluable help the Court could not accomplish its difficult task.

Next, I would like to draw your attention to the aims which have been laid down for the European Community. In the preamble to the Single European Act the Member States declared themselves to be determined to work together to promote democracy on the basis of the recognized fundamental rights to achieve freedom, equality and social justice. In the introduction to the Treaty on European Union, the Contracting Parties confirm their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law. The Treaty thus defines a specific objective in the respect of the constitutional principles guaranteed by the Member States. By developing the law, the Court of Justice has ensured that such constitutional principles are integrated in the European legal system. The European Community has become a Community based on law, which protects fundamental rights, promotes democracy and ensures that social justice is done.

I am glad that circumstances have allowed me to contribute to that process for six years. I have tried to contribute to the consolidation of the European legal system and to the development of the constitutional principles of the Community. During my term of office, the Court of Justice has extended and improved the protection of fundamental rights, in particular in the field of agriculture. During that time, the principles of proportionality and the protection of legitimate expectations have been given an even clearer outline. The Court of Justice has again had recourse to the constitutional principle of democracy when determining the basis for the powers of the Community. The Court has recognized the right of the European Parliament, the principal expression of democracy in the Community, to take action in order to protect its privileges. In its opinion on the European Economic Area, the Court emphasized the fact that the Treaty establishing the Economic European Community formed the constitutional charter of a community based on the rule of law. The Community treaties have set up a new legal system affecting

not only the Member States but also their nationals. The Court concludes from this that subjective rights flow from the undertakings entered into by the Community and the Member States whenever a provision contains a sufficiently clear obligation towards individuals. Not only do the persons concerned gain by this, they also contribute to the efficacy of Community law by invoking their rights. In many cases the Court has upheld social rights. By ruling that Member States are obliged to make good any harm arising from infringements of the Treaty, the Court has strengthened both the position of the individual and the efficacy of Community law. It has emphasized that, when applying Community law, not only the Community itself, but also the Member States, are obliged to observe the constitutional principles of the Community and in particular to protect the fundamental rights which apply to the Community. This has given rise to not only social and economic coherence, but also legal coherence in the Community, for which the Court must essentially take the credit.

The objectives in the preambles to the amending treaties invite the Members of the Court to pursue that work with tenacity. In that regard they cannot allow themselves to be influenced by the denigrations which have unfortunately increased in recent years. The Members of the Court need to be fully independent in order to carry out their task conscientiously and with complete impartiality as required by the oath. This is not compatible with pressure of whatever origin. Let us be clear: I do not speak of well-founded criticism, which is useful to the Court. The institution should not dissuade individuals from taking steps in order to assert the rights which the Community legal system accords them. As is emphasized by one of the recitals in the preamble to the Maastricht Treaty, Community decisions must be taken as closely as possible to the citizen in accordance with the principle of subsidiarity. That which the individual may decide for himself without endangering the collective interest cannot be imposed upon him by any sovereign power. Consequently, importance must continue to be attached to the principle of proportionality which makes the sovereign power of the Community and of the Member States subject to restrictions in favour of individuals.

The authorities of the Member States should be aware that the case-law of Court of Justice cannot satisfy all their desires. A Member of the Court of Justice cannot be the spokesperson for the interests defined by the government of his country of origin. On the contrary, both Judges and Advocates General are bound by the interests of the Community from which, in the long term, the Member States also benefit. The same principle may again be seen in the very consonance between the constitutional principles of the Community and those of

the Member States. The Court is has no jurisdiction to rule on the appropriateness of the applicable law, so Member States are in no position to criticize it if that law is inadequate.

Community law was and remains, essentially, economic law. However, it must not be forgotten that the real driving force behind European integration was not the economic well-being of the population, however important it may be to have a policy to that end, but the wish of the peoples of Europe to live in peace. The preamble to the Treaty establishing the European Coal and Steel Community indicates that the Member States intend to serve peace by merging their essential interests. Such peace is more than a mere absence of war. It implies the integration of the constitutional principles common to the Community and to its Member States. The Court of Justice bears a particular responsibility in that respect.

Long may it continue to be equal to that responsibility in the interest of all in the Community.

Address by Walter Van Gerven

I had prepared a text for this sitting in which I had set out several brief considerations concerning the functioning of the Court and the appointment of its Members and in which I examined to what extent possible changes should be introduced with a view to increasing the efficiency of the Court and guaranteeing the independence of its Members. Finally, I have decided not to make that speech: it is getting late and the subject is too complex and difficult to be sketched out in a few words.

In the meantime, moreover, I have heard the addresses delivered by my colleagues, the other departing Members. That is something exceptional for an Advocate General. Normally he is first to express his opinion. It is only subsequently that one learns whether one's Opinion was a 'dissenting opinion' or a 'concurring opinion'. Today, the situation is different: I have heard my colleagues and I can agree with everything they have said and present a 'concurring opinion'.

On reflection, for a jurist who has dedicated his life to the study and practice of the law, and in particular to Community law, leaving an institution is nothing out of the ordinary, even if that institution is the Court of Justice. To give up one particular type of legal practice is not to renounce the law. For someone whose ideal is to practise the law in very varied contexts and in different posts, it is normal to close one chapter and move on to the next. As you can see, ladies and gentlemen, anything can be sublimated, even my departure from the Court, where, during six years, I have experienced so much joy in my work and received from my close collaborators, my colleagues and various members of staff so many expressions of sympathy – for which I should like to express my warmest thanks.

The classic question asked of a departing Member is: 'What will you do?' In my case, there is only one answer: to continue to study and practise European law in all its aspects. That is what I have been doing for thirty-three years. Why stop? 'Change', certainly, but 'with continuity'.

I spoke of studying, in all its aspects, European law, not merely European Community law. In fact, I have become convinced, as have many people, that the time has come to lay down the basis for a 'common law for Europe', the word 'common' referring to both 'law which is common to all' and 'judge-made law'. For, as I believe, one may identify from the case-law both of the European Courts (in Luxembourg and in Strasbourg) and of national courts common trends and principles which could be collected in case reports or text books. If that can be achieved, students, professors and practitioners of the law both within and outside the European Union will be able to work from the same materials, which could be used in any university or college offering postgraduate training in European law.

It seems to me that the launch of such an initiative is in harmony with the idea underlying Article 128(1) of the EC Treaty, concerning culture: '[to] contribute to the flowering of the cultures [thus also to the legal cultures] of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore [an aspect which is too often forgotten]'. The general principles of law also form part of that common cultural heritage.

May I end by evoking a dream: When will we have available law schools in Europe where neither Belgian, nor Portuguese nor British law is taught, but rather where the 'common law' of the United States of Europe is taught in the same way as happens in Chicago, Harvard or Yale, where it is not Illinois, Massachusetts or Connecticut law which is taught but the law of the United States of America?

To produce a series of case reports reflecting the 'common law of Europe' would be to take a first small step in the direction of that objective which lies further away.

Address by Federico Mancini, President of Chamber, on the occasion of the departure of President Ole Due

Mr President, Dear Ole,

When welcoming you to the Court on 8 October 1979, President Kutscher forecast that your youth would allow you to collaborate in forming the Community case-law for many years and thus to contribute to the 'European adventure'. No forecast has ever been more accurate. Today you bring to an early close your third term of office as a judge, after fifteen years of activity in the Court, the last six of which have been as President. A period of great importance in the history of our institution and, consequently, in the history of the whole Community if it is the case that, in your succinct phrase to which we wholly subscribe, 'the Community ... was founded on law' and that our Court is 'an essential guiding light' for it.

When you arrived at the Court you brought to it a threefold experience. First, you were appreciated for your perfect mastery of Community law. You had taught it, but, above all, you had worked for many years at the Ministry of Justice in Copenhagen, adapting Danish legislation to Community requirements, and you took an active part in the negotiations prior to accession. I would like to recall from those now distant years, that wonderful essay on the constitutional consequences of the accession of the Kingdom of Denmark to the European Communities which – a sign of destiny – bears, next to your signature, that of our colleague Claus Gulmann, who today succeeds you as judge. Twenty-two years later, the handing over of the torch is sealed by friendship and mutual esteem. May I add that Mr Gulmann was legal secretary to Max Sørensen, the first Danish Judge and eminent specialist in international law? Here we have an example of continuity almost unrivalled in the forty-two years of the Court's existence.

Secondly, you were a habituee of the highest international fora; in particular you had represented your country in the work of The Hague Conference on Private International Law. The Court has benefited greatly from that experience. Your thorough knowledge in that particular field of law has proved its undoubted worth in resolving questions of interpretation of the Brussels Convention.

Finally, your experience of high judicial office at the Østre Landsret, one of the two appeal courts of the Kingdom of Denmark, allowed you immediately to understand the dynamics of a collegiate bench such as ours with an ease which, for those who come from other professional backgrounds, is often the result of laborious effort.

The relationship between the Judge-Rapporteur and the Advocate General is one aspect of those dynamics peculiar to our institution. As the only serving Member to have exercised both those functions, I can bear witness to an extraordinarily fruitful cooperation during the period when we played different roles. I would go further: the links which we forged then were so productive that they have become a model for me and have been of lasting influence on my working method. I remember the understanding that grew up between the already experienced judge and the novice Advocate General in the *Contifex* case in 1983 and which led us, together to formulate and propose to the Court the principle of a Community *actio pauliana*. May I observe on this occasion that, from the point of view of an ever more efficient administration of justice we have perhaps not yet exploited all the potential of the cooperation between the two Members called upon to set in motion the process which will lead to the decision.

Your experience as a judge in Copenhagen has also led you to pay very particular attention to our working methods. No-one knows better than one who has administered justice that, in the words of La Bruyère, 'it must be done quickly and not deferred [for] justice deferred is injustice'. Accordingly, you have ceaselessly stimulated our thought on the most appropriate ways of reducing the time taken by each of the various stages of our judicial work. Several measures have been adopted and have already had an effect on the trend in the time taken for rulings on preliminary references at a time when it was generally felt that the growing length of those procedures was imperilling the dialogue – whose importance cannot be overestimated – between the Court of Justice and the national courts.

President Lecourt observed that the value of a court depends on the qualifications of its Members and their qualities as human beings meeting at an ideal point. I have already referred to the qualifications of President Due. As to his human qualities, anyone who has had the privilege of working by his side knows that he would prefer nothing to be said. However, this evening I cannot remain silent. So, at the risk of ruffling your modesty, I shall say that I have known few men in whom tolerance and a spirit of conciliation, on the one hand, and realism and tenacity, on the other, are so happily balanced. Those are the qualities which

decided us, Ole, to elect you to the presidency of the Court; and the wisdom of that choice has been confirmed in both of the areas in which your role required you to guide us.

First, on the bench. Your talents have revealed themselves both in the style which has characterized your chairmanship of deliberations (to get twelve judges, with personalities so different and so individual, to agree on as consensual a result as possible requires sometimes superhuman patience) and in the contribution you have made towards forming our case-law. In a letter of 1897, Lord Salisbury, the then British Prime Minister, wrote that 'the judicial salad requires both legal oil and political vinegar, but disastrous effects will follow if due proportion is not observed'. You are as aware as our predecessors and as any Supreme Court judge of the truth of that aphorism and of the difficulty of finding the right proportion between the two ingredients.

Your realism and your sense of proportion have been invaluable in the search for that balance. Of course, I shall not mention the cases in which you have played a role of primary importance. I shall say, rather, that that role has been due in great part to your ability to perceive the economic and social repercussions of the various competing approaches. Thus you have helped us find solutions reconciling observance of the rules with the delicate balance on which the life of the Community is based, while always bearing in mind the essential interests of those to whom the law applies – in particular, the interest of individuals. When such interest are at issue, you have been firm or even intransigent. Faithful to your liberal spirit, you hold the protection of the rights of the individual closer to your heart than any other value. It comes as no surprise, therefore, that you should have wished to dedicate to that theme the speech you delivered on the fortieth anniversary of the Court.

Turning to your administrative activity, I shall mention but two events of major importance. First, the establishment of the Court of First Instance, which saw you deploy all your talents as a conciliator to soothe the tensions inevitable when a forty-year-old court shares facilities with another, newly-born. Secondly, the spectacular extension of the Court buildings. Here on the Kirchberg plateau, a veritable judicial complex has been created, as President Santer said a few weeks ago, and this courtroom in which we sit today for the first time is its most impressive element. The credit for having completed this imposing project so rapidly goes not only to the Government of the Grand Duchy, the contractors and relevant members of the Court's staff, but also to the man who supervised its

progress by encouraging them each to carry out their respective tasks to the best of their abilities and as fast as possible.

Mr President, a picture of you would not be complete if I omitted to mention that you are a convinced European. The faith in Europe which you profess is not one which you emphasize or proclaim. General de Gaulle was not referring to men of your calibre when he reproached some for being of the type to 'sauter sur sa chaise comme un cabri en disant l'Europe, l'Europe, l'Europe'. None the less, you have worked over the years with exemplary tenacity and consistency for an ever closer union among the peoples of Europe. Because I count myself among those who know you well and are able to discern the force of the passion that lies under the mask of that nordic self-control of yours, I was able to comprehend the extent of your bitterness when, in June 1992, your compatriots rejected the Treaty on the European Union.

However, even on that occasion, your lucidity and balance had the upper hand. Your explanation was that, by voting 'No', the Danish people had expressed a fear which is certainly not justified by the texts signed at Maastricht, but which is none the less worthy of attention: the fear of losing its identity, of being drowned in an undifferentiated and, when all is said and done, oppressive magma. As you warned, in order to be convincing, Europe must at all costs safeguard the variety of cultures and experiences which have made it so great, too great to harbour petty dreams of levelling. I do not think I am mistaken when I state that your idea of Europe is very close to that which Ortega y Gasset expressed in the beautiful image that Europe is like a swarm, a multitude of bees in a single flight.

You have decided to leave the Court before the end of your term, and we can only respect that choice. Nevertheless, you are still a young man. When I imagine you in Bornholm, in the small and very *hyggelige* wooden house which you own on the shores of the Baltic, with your dear Alice and, from time to time, with your children and grandchildren, I do not see you idle. I am sure that the European adventure which President Kutschera evoked fifteen years ago, will continue to interest you passionately and that you will be able to transmit that passion to the students who will study under you at the University of Copenhagen which, by the Chair to which you have been appointed, has sought to honour your long service in the affirmation of Community law.

Your departure deprives the Court of a respected President and an experienced colleague. You will remain, for each of us, a friend. Dear Alice, dear Ole, we will miss you, and we hope that you will take every opportunity to return to Luxembourg and give us again the joy of your company.

Address by Ole Due, President of the Court of Justice, on the occasion of his departure

Dear Friend,

My modesty is assailed by the kind and certainly flattering remarks which you have addressed to me. Allow me to accept only the friendship which they express.

I leave the Court after a stay of fifteen years. Those years have been for me among the most active of my professional life, but also among the happiest.

I owe that largely to you, my dear present and former colleagues.

I confess that a great deal of hard work was necessary in order to be equal to your contributions during our discussions. However, it was also a marvellous professional experience to have participated in those encounters between different legal traditions where we have sometimes followed different paths in order to arrive, more often than not, at the same result. If, from time to time, the discussion was animated, or even passionate, our friendship was quickly restored once the result was achieved. The differences in our legal approaches have never destroyed the collegial atmosphere which reigned amongst us.

During these six years, I have also had to call on all my energy to endeavour to give to each of you what you expected from *your* President. That was not always possible. However, even when you were not in agreement with my decisions, I could always count on your loyalty and your solidarity.

It is without doubt that atmosphere of collegiality, I would even say of brotherhood – since, unfortunately, we have only had one sister – which I shall miss the most. Although each of you has taught me a great deal at the professional level, it is above all for that brotherhood that I thank you today.

If one allows oneself to be elected President, one is bound to set oneself certain goals. Mine were apparently quite modest. They certainly did not concern what one might call case-law policy. Case-law is the business of the Court as a whole. The President contributes to it merely as a Judge.

My first goal was to maintain the Court in a position to deliver justice within a reasonable time-limit, despite the increasing number and complexity of cases. During these six years, much time has been dedicated to rethinking the organization of the work of our institution. It is a difficult subject, for each Member brings his national procedural traditions and it was just such a combination of several national traditions which had shaped the complex procedure provided for in the original Statute and Rules of Procedure. It is thus an area involving problems to which solutions can only be reached without undue haste. And when the Court finally arrives at a consensus on a draft amendment, the debate begins again at the level of the Council, which must approve the proposed changes.

Thanks to the effective cooperation of all the Members and of our former Registrar, Mr Jean-Guy Giraud, the Court has been able to adopt proposals simplifying its procedure, most of which have been approved by the Council. Furthermore, the Court of Justice and the Court of First Instance have finally succeeded in obtaining from the Council the transfer to the Court of First Instance of all the jurisdiction referred to in the Treaty provision authorizing the establishment of the Court of First Instance.

For those reasons and thanks to the extraordinary effort of all the Members, the duration of proceedings at the Court has been maintained at approximately the same level as six years ago. Although the length of those proceedings is still not satisfactory, it is nevertheless acceptable by comparison with those sometimes encountered in national courts.

My second objective was to make the case-law available to the public more rapidly in all the official languages. It gives me the greatest pleasure to note that, since 1 January 1994, almost all the judgments have been available in each of those languages on the day on which they are delivered, and that the 1994 Reports have now been appearing in all the languages within four or five months. That result is linked to the extensive computerization of the procedures for handling judgments and the shortening of all the work stages which are not

amenable to computerization. Practically all the departments of the Court, including the Members' Chambers, have contributed to that result. However, it has not been possible without sacrificing the translation and publication of the Report for the Hearing. The idea for that reform was conceived by a working group chaired by Judge Mancini, President of Chambers, and put into effect by our current Registrar, Mr Roger Grass.

I cannot miss this opportunity to thank warmly all those who contributed to the realization of my two objectives which were in fact far from modest.

I am aware, however, that the attainments are precarious.

The current division of tasks between the Court of Justice and the Court of First Instance seems equitable. The foreseeable increase in the number and types of cases to be dealt with by our institution will therefore require more radical reforms in the relatively near future. Those reforms will probably affect principles which are dear to one or another Member State: for example, the principle that a Court must entertain any admissible case brought before it; or the principle that any party who so wishes must be given an oral hearing; or, again, the idea that a court at the level of the Court of Justice or the Court of First Instance cannot be constituted by a single judge. Reflection on the organization of work and the reforms to be implemented continues and must be pursued within the two courts.

It must also be foreseen that the considerable increase in the number of judgments to be delivered, in particular by the Court of First Instance, will entail such a workload that the Court's staff, and in particular the Translation Directorate, must be considerably strengthened. Coupled with the increase in staff following the accession of new Member States, the need for additional staff will constitute an administrative challenge with wide implications for the institution.

I have already referred to the Court of First Instance several times. I would add that, although the establishment of that court has brought an invaluable lightening of the workload of the Court of Justice, it has also brought administrative problems. When one court is called on to receive another court which is legally independent but relies on the former for material and administrative support, one can expect a certain friction. I had myself underestimated those problems. Their

solution required close cooperation between the two Presidents and the two Registrars. I would like to give cordial thanks to my colleague, President Cruz Vilaça for his loyal and friendly cooperation.

No Member of the Court of Justice, and certainly no President, may carry out his duties without the loyal and efficient support of his Chambers. I can claim that I have always been fortunate in that regard. I would like to thank all those who have travelled part of the way with me over the last fifteen years. I hope they will forgive me if I cannot name them all individually. Nonetheless, I must express my full gratitude to Kirsten Thorup and to Henrik von Holstein, Jens Rosenløv and Roger Grass, legal secretaries who, during my six years as President, have not only helped me with uncommon competence and devotion, but above all, when faced with the difficulties peculiar to the head of a court, were of great encouragement to me, a proof of loyal friendship.

I have been fortunate not only in my legal secretaries, but also in all my assistants in the Chambers, foremost of whom is Kirsten Lammar, the first to initiate me into the arcana of the Court and who has tolerated all my whims without complaint.

Finally, I must acknowledge the discreet, yet so useful and effective, work of the 'lecteurs d'arrêts' unit which lends its reliable support to all the Chambers when preparing draft judgments and which was able to render invaluable help to my own Chambers when it was required.

My final thanks go to the State which hosts us and in particular to all the authorities of the Grand Duchy with which I have had the pleasure of cooperating in my official capacity. I thank them for their understanding with regard to the difficulties of the Court, in particular at a logistical level and for their constant concern to help us to resolve them.

If I might express another wish for the future of our institution, it would be that the Member States should show the same understanding for the Court. Understanding of its difficulties, but also of what I consider to be its most important task: that of protecting individual citizens and undertakings, not only against abuses of power by the Community institutions, but also against all infringements by the Member States of rights conferred on them by Community

law. Although the manner in which the Court carries out its task may sometimes annoy one or another Member State, that Member State should accept that the regulatory function of a court is indispensable for any society which considers itself to be based on the rule of law.

To conclude, I shall express a double wish for Europe: that the accessions which have already been negotiated should be achieved and also, in the longer term, that other democratic European countries which share the objectives of the Union should accede. Numerous national interests may counsel prudence, but the idea which lies at the basis of integration, that of ensuring lasting peace on our continent, must outweigh it. Moreover, it is only when those countries have become Members that one will really be able to speak of a European Union.

Welcoming address delivered by President Ole Due

I now turn to those who are to replace the departing Members. I wish you all welcome. We are convinced that you will take up your predecessors' batons and make significant contributions to the development of European law. A brief summary of your brilliant careers will suffice to show that the succession could not be better ensured.

Mr La Pergola,

Since the departure of Mr Bosco, no Member of the Court has known a career as an academic, as a practitioner of the law and as a man of politics which is as impressive as yours. It is impossible to list all the important posts which you have occupied. Allow me, therefore, to mention only a few of your activities as a constitutional lawyer and as a man of European politics.

You occupied chairs of Constitutional law in the most prestigious universities of your country. You were a member, then Vice-President and finally President of the Italian Constitutional Court, and you are President of the Italian Association of Experts in Constitutional Law.

You have been Minister for European Affairs in the Italian Government, then Member of the European Parliament and Chairman of the Committee on Culture, Youth, Education and the Media of the European Parliament.

The numerous academic distinctions conferred upon you are proof that your work is universally acknowledged.

The Court appreciates in particular the Italian Law which bears your name, the first in a series of annual statutes enabling Community directives to be transposed into Italian law and reducing the number of actions for failure to fulfil obligations which might have been brought against your country.

I now have the pleasure of calling upon you to take the oath required by the statutes of the Court of Justice.

Mr Cosmas,

We are very glad to welcome, for the second time, a Member of the Greek State Council who opposed the dictatorship of the Colonels in 1967. You risked your professional career and your personal freedom to show that you were a defender of the principles of democracy, which were born in your own country and on which the European Union is founded.

Your thorough knowledge of constitutional and administrative law inevitably destined you for the Greek Council of State the authority of whose judgments extends far beyond national borders. Moreover, you studied Community law at the *Centre Universitaire d'Etudes des Communautés Européennes*, Paris I.

You thus come to the Court ideally armed to assume your new duties as Advocate General.

May I also invite you to take the oath?

Mr Puissochet,

For a long time you have been a frequent visitor, or rather, a friend of the Court. You have appeared in numerous important cases before it, first of all between 1968 and 1973 as a Director, subsequently as Director General of the Legal Service of the Council, and then, since 1987, in your capacity as jurisconsult at the Ministry of Foreign Affairs. You are thus perfectly aware of the at times differing views of the institutions and the Member States of Community law.

Since 1962 you have been a Member of the French *Conseil d'État*, but, following the tradition of that prestigious institution, you have also occupied other important

posts. I shall confine myself to mentioning, apart from the posts which I have just cited, those of Director General of the National Employment Agency, Director of General Administration, Ministry of Industry, Director of Legal Affairs in the OECD and, finally, Director of the *Institut International d'Administration Publique*. All those posts have provided you with an experience which you will certainly be able to put to advantage in your duties as Judge at the Court.

I invite you to take the oath.

Mr Léger,

By tradition, and it is a good tradition, one of the two French Members is drawn from the administrative courts and the other from the ordinary courts. You have occupied posts not only as public prosecutor but also on the bench. Your judicial career has been combined with duties at the Ministry of Justice, in particular in the Directorate of Criminal Affairs and Reprieves. You are also familiar with the academic world, since you have been associate professor at the University of Paris V. Finally, you know the world of politics, thanks to your duties as Head of the Private Office of the Minister for Living Standards and Director of the Private Office of the Minister for Justice.

The diversity of your professional knowledge will be extremely useful to you in your duties as Advocate General at the Court.

I invite you now to take the oath.

Mr Hirsch,

Your career has also brought with it the very diverse professional experience which the Court needs. You practised criminal law in the course of your duties as *Staatsanwalt*. Subsequently you were a judge, then presiding judge and, most recently, President at the same time of the Constitutional Court and the Court of

Appeal of one of the new *Länder*. Furthermore, you have also been *Ministerialdirigent* at the Bavarian State Ministry of Justice, *Bundesratreferent* and associate professor. At the State Ministry of Justice you were responsible for work on constitutional law, European law and legislative work, three fields which are central to the matters which you will deal with as judge at the Court.

I invite you now to take the oath.

Mr Elmer,

It is a particularly difficult task to be a Member of the Court for a period of only three years. One does not quite reach the stage where certain cases become routine and one has little time to demonstrate one's ability to deal with difficult and complex cases. Finally, one has only a very short time in which to adapt.

I am therefore glad that the Danish Government has proposed as Mr Gulmann's successor to the post of Advocate General someone who, in the last few years, has been responsible for Community law and Human Rights at the Ministry of Justice. I would observe that, like the other new Members, you have acquired academic, judicial and administrative experience which will be, without a shadow of a doubt, invaluable to our institution.

I now invite you to take the oath.

The Court takes note of the statements made by its new Members.

In wishing those new Members every success in their work at the Court as well as much personal satisfaction, I bring this sitting to a close and invite all those present to a reception which will be held in a few moments in the *Salle des Pas Perdus*.

Annexe I

STATISTICAL INFORMATION FOR THE YEARS 1992 TO 1994

A – PROCEEDINGS OF THE COURT OF JUSTICE

I – Synopsis of the judgments delivered by the Court of Justice in 1992

Case	Date	Parties	Subject-matter
Agriculture			
C-197/90	8. 1. 1992	Italy v Commission	Clearance of EAGGF accounts – 1987 Financial year
C-177/90	10. 1. 1992	R.-H. Kühn v Landwirtschaftskammer Weser-Ems	Additional levy on milk
C-334/90	16. 1. 1992	Belgian State v Société Marichal-Margreve	Monetary compensatory amounts – Payment – Conditions – Compound feedingstuffs for animals – Customs declaration as to the composition of the product
C-319/90	21. 1. 1992	O. Pressler Weingut-Weingroßkellerei GmbH & Co. KG v Germany	Distillation of wine – Stock Declaration – Time limits – Validity
C-266/90	28. 1. 1992	F. Soba KG v Hauptzollamt Augsburg	Morello cherries in syrup – Protective measures
C-210/90	13. 2. 1992	Roquette Frères SA v Direction générale des impôts	Common organization of the markets in the cereals and sugar sectors – Method of recording isoglucose production – Repeated Isomerization
C-203/90	25. 2. 1992	Firma Erzeugergemeinschaft Gutshof-Ei GmbH v Stadt Bühl- Ordnungs- und Sozialamt	Marketing standards for eggs – Large packs – statements designed to promote sales

Case	Date	Parties	Subject-matter
C-5/90 C-206/90	27. 2. 1992	Bremer Rolandmühle Erling & Co., Kurt A. Becher GmbH & Co.KG v Hauptzollamt Hamburg-Jonas	Advance payment of export refunds – Exported product the characteristics of which are different from those given on the payment declaration – Consequences
C-38/90 C-151/90	10. 3. 1992	The Queen v Lomas, Fletcher, Pritchard and North Riding Lamb Ltd	Common organization of the markets in sheepmeat and goatmeat – Clawback – Method of calculation – Validity
C-282/90	13. 3. 1992	Industriellen Handelsonderneming Vreugdenhil BV v Commission	Arrangements for returned goods – Invalidity of a measure on the ground of the Commission's lack of power to adopt it – Action for compensation
C-84/90	19. 3. 1992	J.J. Dent and M.A. Dent v Ministry of Agriculture, Fisheries and Food	Additional levy on milk
C-311/90	19. 3. 1992	J. Hierl v Hauptzollamt Regensburg	Additional levy on milk
C-61/90	7. 4. 1992	Commission v Greece	Cereal Market – Regulation (EEC) No 2727/75 – Articles 93(3) and 5 of the Treaty
C-358/90	7. 4. 1992	Compagnia Italiana Alcool S.A.S. di Mario Mariano & Co. v Commission	Vinous alcohol – Special sale by tender – Decision not to take action on the tenders received – Guarantee conditions – non-contractual liability
C-55/90	8. 4. 1992	J. Joseph Cato v Commission	Non-contractual liability – Common fisheries policy – Non-payment of a final cessation premium in respect of a fishing vessel
C-94/91	8. 4. 1992	H.-O. Wagner GmbH v Fonds d'intervention et de régularisation du marché du sucre	Calculation of export refunds
C-256/90	8. 4. 1992	Mignini SpA v Azienda di Stato per gli Interventi sul Mercato Agricolo	Aid scheme for soya production

Case	Date	Parties	Subject-matter
C-258/90 C-259/90	7. 5. 1992	Pesqueras de Bermeo, SA, and Naviera Laida, SA v Commission	Fisheries – Project for exploratory fishing voyage – Financial aid
C-251/90 C-252/90	7. 5. 1992	Procurator Fiscal, Elgin v K. Gordon Wood and J. Cowie	Fisheries – Licences – Conditions
C-104/89 C-37/90	19. 5. 1992	J.M. Mulder, W.H. Brinkhoff, J.M.M. Muskens, and Tj. Twijnstra v Council and Commission	Additional levy on milk – Non-contractual liability
C-385/89	20. 5. 1992	Greece v Commission	Clearance of EAGGF accounts – Expenditure for 1987
C-246/90	3. 6. 1992	Parma Handelsgesellschaft mbH v Hauptzollamt Bad Reichenhall	Morello cherries in syrup – Definition
C-88/91	25. 6. 1992	Federazione italiana dei consorzi agrari v Azienda di stato per gli interventi nel mercato agricolo	Determination of the value of a certain quantity of lampante virgin oil, stolen after having been stored in an intervention warehouse
C-28/91	1. 7. 1992	H. Haneberg GmbH & Co KG v Bundesanstalt für Landwirtschaftliche Marktordnung	Common agricultural policy – Special aid measures for peas, field beans and sweet lupins
C-270/91	8. 7. 1992	Commission v Italy	Failure to fulfil its obligations – EEC Directives – Failure to implement within the prescribed time limits
C-236/90	9. 7. 1992	R. Maier v Freistaat Bayern	Additional levy on milk
C-187/91	16. 7. 1992	Belgian State v Société coopérative Belovo	Consequences of the rectification, on the initiative of the authorities, of an erroneous import certificate
C-143/91	8. 10. 1992	Openbaar Ministerie v Leendert van der Tas	Substances having a hormonal action – Directives 81/602/EEC, 88/146/EEC and 86/469/EEC

Case	Date	Parties	Subject-matter
C-63/90 C-67/90	13. 10. 1992	Portugal and Spain v Council	Fishing – Regulation allocating catch quotas as between Member States – Act of Accession of Spain and Portugal
C-70/90 C-71/90 C-73/90	13. 10. 1992	Spain v Council	Fishing – Regulation allocating catch quotas amongst Member States – Act of Accession of Spain
C-162/91	15. 10. 1992	Tenuta di Bosco v Ministero delle Finanze	Concept of farmer as main occupation – National tax arrangements applicable to land transfers
C-85/90	22. 10. 1992	W. Dowling v Ireland and Others	Additional levy on milk
C-240/90	27. 10. 1992	Germany v Commission	Common agricultural policy – Sheepmeat sector – Aid for agricultural income – Exclusion from future entitlement – Surcharge on the amount to be refunded – Community's power – Commission's power
C-284/91	27. 10. 1992	Belgian State v Suiker Export NV	S u g a r – C o m m o n organization of the markets – Import levy
C-156/91	10. 11. 1992	Hansa Fleisch Ernst Mundt GmbH & Co. KG v Landrat des Kreises Schleswig-Flensburg	Health inspection – Fees – Directive 85/73/EEC – Decision 88/405/EEC – Direct effect
C-251/91	11. 11. 1992	R. Teulie v Cave coopérative 'Les Vignerons de Puissalicon'	Common organization of the market in wine – Grubbing-up premium – Wine cooperatives
C-127/91	12. 11. 1992	Comptoir National Technique Agricole v Ministère de l'Agriculture	Right to the processing subsidy
C-279/89	17. 11. 1992	Commission v United Kingdom	Fisheries – Licences – Conditions

Case	Date	Parties	Subject-matter
C-235/91	17. 11. 1992	Commission v Ireland	Failure by a Member State to fulfil its obligations – Restrictions concerning the importation of semen originating from bovine and porcine animals which is intended to be used for artificial insemination
C-236/91	17. 11. 1992	Commission v Ireland	Failure by a Member State to fulfil its obligations – Acceptance for breeding purposes of pure-bred breeding animals of the bovine species
C-286/90	24. 11. 1992	Anklagemyndigheden (ministère public) v P.M. Poulsen and Diva Navigation	Conservation of fishery resources – Salmon fishing outside waters under the sovereignty or jurisdiction of the Member States – Prohibition on transportation and storage within waters under the sovereignty or jurisdiction of the Member States – Application of the prohibition to a vessel flying the flag of a non-member country
C-15/91 C-108/91	24. 11. 1992	J. Buckl & Söhne and Others v Commission	Common organization of the markets in poultrymeat – Geese and ducks – Levy on products originating in Hungary and Poland – Action for failure to act – Action for annulment
C-280/89	2. 12. 1992	Commission v Ireland	Fishing – Conditions imposed on vessels of another Member State
C-283/91	3. 12. 1992	Prefetto di Ravenna v A. Contarini	Obligations of the producers and traders in the wine sector
C-86/90	3. 12. 1992	T.A. O'Brien v Ireland and Others	Additional levy on milk
C-264/90	3. 12. 1992	H. Wehrs v Hauptzollamt Lüneburg	Supplementary milk levy

Case	Date	Parties	Subject-matter
C-97/91	3. 12. 1992	Oleificio Borelli v Commission	Application to declare void the Commission decision refusing the grant of assistance from the EAGGF under Council Regulation (EEC) No 355/77 – Withdrawal of the favourable opinion of the Member State concerned – Action for damages
C-231/91	10. 12. 1992	Annuss & Co. v Hauptzollamt Hamburg-Jonas	Beef and veal – Private-storage aid – Export refunds – Period during which goods in private storage may at the same time be covered by a customs-warehousing or free-zone procedure
C-79/91	17. 12. 1992	W. Knüfer and Others v W. Buchmann	Additional levy on milk

Approximation of laws

C-77/91	6. 2. 1992	Commission v Italy	Failure of a Member State to fulfil obligations – Failure to transpose directives into national law
C-43/90	13. 3. 1992	Commission v Germany	Failure by a Member State to fulfil its obligations – Labelling of dangerous substances
C-29/90	18. 3. 1992	Commission v Greece	Failure by a Member State to fulfil its obligations – Approximation of the laws of the Member States relating to cosmetic products
C-219/91	28. 10. 1992	Criminal proceedings against J. S. W. Ter Voort	Concept of 'medicinal product'
C-73/89	12. 11. 1992	A. Fournier and Family v V. Van Werven, Bureau central français and Others	Motor vehicle insurance – Territory in which the vehicle is normally based

Common commercial policy

C-105/90	13. 2. 1992	Goldstar Co. v Council	Anti-dumping proceedings – Normal value
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Case	Date	Parties	Subject-matter
C-171/87	10. 3. 1992	Canon v Council	Anti-dumping duty on imports of plain paper photocopiers originating in Japan
C-172/87	10. 3. 1992	Mita Industrial Co. v Council	Anti-dumping duty on imports of plain paper photocopiers originating in Japan
C-174/87	10. 3. 1992	Ricoh Company v Council	Anti-dumping duty on imports of plain paper photocopiers originating in Japan
C-175/87	10. 3. 1992	Matsushita Electric Industrial Co. Matsushita Electric Trading Co. v Council	Anti-dumping duty on imports of plain paper photocopiers originating in Japan
C-176/87	10. 3. 1992	Konishiroku photo Industry Co. v Council	Anti-dumping duty on imports of plain paper photocopiers originating in Japan
C-177/87	10. 3. 1992	Sanyo Electric Co. v Council	Anti-dumping duty on imports of plain paper photocopiers originating in Japan
C-178/87	10 .3. 1992	Minolta Camera Co. v Council	Anti-dumping duty on imports of plain paper photocopiers originating in Japan
C-179/87	10. 3. 1992	Sharp Corporation v Commission	Anti-dumping duty on imports of plain paper photocopiers originating in Japan
C-188/88	10. 3. 1992	NMB (Deutschland), NMB Italia and NMB (UK) v Council	Anti-dumping duties – Refund – Ball bearings
C-228/90 C-229/90 C-230/90 C-231/90 C-232/90 C-233/90 C-234/90 C-339/90 C-353/90	9. 6. 1992	Simba and Others v Italian Finance Ministry	National tax on bananas – Levied only on products imported directly from non-member countries – Possible incompatibility with Community law
C-358/89	11. 6. 1992	Extramet Industrie v Council	Dumping – Definitive duty – Calcium metal

Case	Date	Parties	Subject-matter
C-65/91	14. 10. 1992	Commission v Greece	Restrictions on imports from non-member countries – D list

Communities' budget

C-284/90	31. 3. 1992	Council v Parliament	Budgetary procedure – Amending and Supplementary Budget (ASB) – Revenue report – Budgetary balance
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Company law

C-24/91	18. 3. 1992	Commission v Spain	Directive 71/305/EEC – Award of public work contracts – Publication of notice of contract – Derogation for reasons of urgency
C-381/89	24. 3. 1992	Syndesmos Melon Tis Eleftheras Evangelikis Ekklesias and Others v Greek State and Others	Direct effect – Primacy
C-362/90	31. 3. 1992	Commission v Italy	Failure by a Member State to fulfil its obligations – Public supply contracts – Admissibility
C-83/91	16. 7. 1992	W. Meilicke v ADV v ORGA F. A. Meyer	Business law – Company law – Directive 77/91/EEC
C-134/91 C-135/91	12. 11. 1992	Kerafina-Keramische- and Finanz Holding Aktiengesellschaft Vioktimatiki A EVE v Greece	Directive – Direct effect
C-157/91	17. 11. 1992	Commission v Netherlands	Failure by a Member State to fulfil its obligations – Directive – Approval of persons responsible for carrying out statutory audits of accounting documents

Case	Date	Parties	Subject-matter
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Competition

C-48/90 C-66/90	12. 2. 1992	Netherlands, Koninklijke PTT Nederland & PTT Post v Commission	Public undertaking – Post Office – Courier services
C-67/91	16. 7. 1992	Dirección General de Defensa de la Competencia v Asociación Española de Banca Privada and Others	Competition law – Regulation No 17 – Use by national authorities of information by the Commission
C-271/90 C-281/90 C-289/90	17. 11. 1992	Spain and Others v Commission	Competition in the markets for telecommunications services

Convention on Jurisdiction

C-280/90	26. 2. 1992	E. Hacker v Europ-Relais	Brussels Convention (Article 16(1)) – Jurisdiction in proceedings concerning tenancies of immovable property
C-214/89	10. 3. 1992	Powell Duffryn v W. Petereit	Brussels Convention – Jurisdiction agreement – Clause contained in the statutes of a company limited by shares
C-261/90	26. 3. 1992	M. Reichert, Hans-Heinz, Ingeborg Kockler v Dresdner Bank	Brussels Convention of 27 September 1968 – ‘Action paulienne’ – Articles 5(3), 16(5) and 24 of the Convention
C-26/91	17. 6. 1992	Société Jakob Handte et C ^e , Maschinenfabrik v Société Traitements mécano-chimiques des surfaces	Brussels Convention – Interpretation of Article 5(1) – Jurisdiction in contractual matters – Chain of contracts – Action for damages brought by a subsequent purchaser of a product against its manufacturer
C-123/91	12. 11. 1992	Minalmet v Brandeis	Brussels Convention of 27 September 1968 – Recognition of a judgment given in default of the defendant’s appearance – Article 27(2)

Case	Date	Parties	Subject-matter
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EAEC

C-376/90	25. 11. 1992	Commission v Belgium	Failure to fulfil its obligations – Council Directive 80/836/Euratom – Health protection of the general public and workers against the dangers of ionizing radiation
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ECSC

C-363/88 C-364/88	30. 1. 1992	Società Finanziaria Siderurgica Finsider, Italsider and Società Acciaierie e Ferriere Lombarde Falck v Commission	ECSC Treaty – Liability of the Commission
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Environment and consumers

C-373/90	16. 1. 1992	Procureur de la République v X	Motor vehicles – Misleading advertising
C-75/91	6. 2. 1992	Commission v Netherlands	Failure by a Member State to fulfil its obligations – Failure to comply with a jurisdiction of the Court
C-45/91	7. 4. 1992	Commission v Greece	Failure by a Member State to fulfil its obligations – Directives – Waste – Toxic and dangerous waste
C-2/90	9. 7. 1992	Commission v Belgium	Failure by a Member State to fulfil its obligations – Prohibition of disposal of waste originating in another Member State
C-237/90	24. 11. 1992	Commission v Germany	Failure to implement Council Directive 80/778/EEC – Water intended for human consumption
C-337/89	25. 11. 1992	Commission v United Kingdom	Directive 80/778/EEC – Water intended for human consumption – National legislation not in conformity

Case	Date	Parties	Subject-matter
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External relations

C-370/89	2. 12. 1992	Société générale d'entreprises électromécaniques and Others v EIB	Public works contract in an ACP state – Co-financing by the EIB – Non-contractual liability towards an unsuccessful bidder – Jurisdiction of the Court
C-237/91	16. 12. 1992	K. Kus v Landeshauptstadt Wiesbaden	Association agreement between the EEC and Turkey – Decision of the Council of Association – Concept of legal employment – Right of residence

Free movement of goods

C-14/91	30. 1. 1992	Sucrest v Oberfinanzdirektion München	Common Customs Tariff – Combined Nomenclature – Emulsifiers for pastry dough
C-260/90	12. 2. 1992	B. Leplat v Territoire de la Polynésie française	Overseas countries and territories – Customs duties and charges having equivalent effect
C-235/89	18. 2. 1992	Commission v Italy	Article 30 of the EEC Treaty – Patents – Compulsory licences
C-30/90	18. 2. 1992	Commission v United Kingdom	Article 30 of the EEC Treaty – Patents – Compulsory licences
C-78/90 C-79/90 C-80/90 C-81/90 C-82/90 C-83/90	11. 3. 1992	Société commerciale de l'Ouest and Others v Receveur principal des douanes de La Pallice Port	Parafiscal charges on petroleum products
C-323/90	11. 3. 1992	Commission v Portugal	Persons permitted to make a customs declaration – Declaration on behalf of another person

Case	Date	Parties	Subject-matter
C-338/90	31. 3. 1992	Hamlin Electronics v Hauptzollamt Darmstadt	Common Customs Tariff – Temporary suspension of autonomous duties – Reed switches
C-62/90	8. 4. 1992	Commission v Germany	Derogations – Protection of public health – Importation off medicinal products by individuals – Limits
C-371/90	8. 4. 1992	Beirafrio – Indústria de Produtos Alimentares v Chefe do Serviço da Conferência final da Alfândega do Porto	Post-clearance recovery of customs duties
C-290/90	20. 5. 1992	Commission v Germany	Interpretation of Articles 30 and 36 of the EEC Treaty – Eye-wash solutions – Concept of medicinal product – Cosmetic products
C-318/90	3. 6. 1992	Hauptzollamt Mannheim v Boehringer Mannheim	Common Customs Tariff – Unsterile calf foetus serum
C-13/91 C-113/91	4. 6. 1992	Criminal proceedings against M. Debus	Measure having equivalent effect – Beer – Sulphur dioxide
C-21/91	4. 6. 1992	Firma Wünsche Handels-gesellschaft International (& Co.) v Hauptzollamt Hamburg-Jonas	Customs value – Financing arrangement
C-47/90	9. 6. 1992	Établissements Delhaize Frères and Compagnie Le Lion v Promalvin and AGE Bodegas Unidas	Export of wine in bulk – Prohibition – Designation of origin – Articles 34 and 36 of the Treaty
C-137/91	24. 6. 1992	Commission v Greece	Articles 5 and 30 of the EEC Treaty – Obligation to provide information
C-95/89	16. 7. 1992	Commission v Italy	Failure to fulfil obligations – Articles 30 and 36 – Food additives – Addition of nitrates to cheese

Case	Date	Parties	Subject-matter
C-293/89	16. 7. 1992	Commission v Greece	Failure to fulfil obligations – Articles 30 and 36 – Food additives – Addition of nitrates to cheese
C-344/90	16. 7. 1992	Commission v France	Failure to fulfil obligations – Articles 30 and 36 – Food additives – Addition of nitrates to cheese
C-163/90	16. 7. 1992	Administration des douanes et droits indirects v L. Legros and Others	Free movement of goods – Fiscal system of French overseas departments
C-191/90	27. 10. 1992	Generics (UK) and Harris Pharmaceuticals v Smith Kline and French Laboratories	Patents – Licences of right – Articles 30 and 36 of the EEC Treaty
C-3/91	10. 11. 1992	Exportur v LOR and Confiserie du Tech	Franco-Spanish Convention on the protection of the designations of origin and indications of provenance – Compatibility with the rules on the free movement of goods
C-306/88	16. 12. 1992	Rochdale Borough Council v Stewart John Anders	Interpretation of Articles 30 and 36 of the EEC Treaty – Prohibition of Sunday trading
C-304/90	16. 12. 1992	Reading Borough Council v Payless DIY and Others	Interpretation of Articles 30 and 36 of the EEC Treaty – Prohibition of Sunday trading
C-169/91	16. 12. 1992	Stoke-on-Trent and Norwich City Councils v B & Q	Interpretation of Articles 30 and 36 of the EEC Treaty – Prohibition of Sunday trading
C-17/91	16. 12. 1992	G. Lornoy en Zonen and Others v Belgische Staat	Parafiscal charges – Compulsory contribution to a fund for animal health and livestock production
C-114/91	16. 12. 1992	Criminal proceedings against G.J. Claeys	Parafiscal charges – Compulsory contribution to a National Marketing Office for Agricultural and Horticultural Products

Case	Date	Parties	Subject-matter
C-144/91 C-145/91	16. 12. 1992	Demoor Gilbert en Zonen and Others v Belgian State	Parafiscal charges – compulsory contribution to a fund for animal health and livestock production
C-194/91	16. 12. 1992	J. Friedrich Krohn v Hauptzollamt Hamburg-Jonas	Tariff subheading 23.04 B – Residues resulting from the extraction of maize germ oil containing fragments of maize stalks and traces of other cereals and of soya
C-16/91	17. 12. 1992	Wacker Werke & Co. v Hauptzollamt München-West	Output processing – Total or partial relief from import duties – Determination of the value of the compensating products and of the temporary export goods

Freedom of movement for persons

C-57/90	16. 1. 1992	Commission v France	Social security – Health i n s u r a n c e t a x o n supplementary pensions and early retirement benefits – Persons who reside in a Member State other than France
C-310/90	21. 1. 1992	Conseil national de l'ordre des architectes v U. Egle	Recognition of qualifications in the field of architecture
C-204/90	28. 1. 1992	H.-M. Bachmann v Belgian State	Articles 48, 59, 67 and 106 of the EEC Treaty – Deduction of insurance contributions
C-300/90	28. 1. 1992	Commission v Belgium	Articles 48 and 59 of the EEC Treaty – Regulation (EEC) No 1612/68 of the Council – Deductions of insurance contributions – National legislation not compatible therewith
C-330/90 C-331/90	28. 1. 1992	Criminal proceedings against A. Lopez Brea and C.H. Palacios	Regulated occupation – Conditions of exercise – National law
C-332/90	28. 1. 1992	V. Steen v Deutsche Bundespost	Circumstances wholly within the domestic sphere of a Member State

Case	Date	Parties	Subject-matter
C-328/90	30. 1. 1992	Commission v Greece	Failure of a Member State to fulfil its obligations – Failure to comply with judgments declaring a Member State to have failed to fulfil its obligations
C-253/90	6. 2. 1992	Commission v Belgium	Social security – Sickness insurance contribution on supplementary retirement benefits, or any other benefits taking the place of statutory old-age, retirement, service or survivor's pension – Persons residing in a Member State other than Belgium
C-5/91	18. 2. 1992	A. Di Prinzio v Office national des pensions	Social Security for migrant workers – Calculation of the benefits – Retirement and survivor's pension – National rules for prevention of overlapping benefits – Interpretation of Article 46 of Regulation (EEC) No 1408/71
C-357/89	26. 2. 1992	V. J. M. Raulin v Netherlands Minister of Education and Science	Non-discrimination – Access to education – Funding of studies
C-3/90	26. 2. 1992	M. J. E. Bernini v Netherlands Minister of Education and Science	Non-discrimination – Access to education – Funding of studies
C-377/90	27. 2. 1992	Commission v Belgium	Failure of a Member State to fulfil obligations – EEC Directive – Failure to transpose within the prescribed period
C-215/90	10. 3. 1992	A.M. Twomey v Chief Adjudication Officer	Social security – Sickness benefits – Recipients
C-188/90	19. 3. 1992	M. Doriguzzi-Zordanin and Others v Landesversicherungsanstalt Schwaben	Social security for migrant workers – Benefits for dependent children of beneficiaries and for orphans
C-62/91	8. 4. 1992	G. Sinclair Gray v Adjudication Officer	Social Security – Unemployment benefits

Case	Date	Parties	Subject-matter
C-166/91	8. 4. 1992	G. Bauer v Conseil national de l'ordre des architectes	Recognition of diplomas in the field of architecture
C-104/91	7. 5. 1992	Ministerio Fiscal v Aguirre Newman	Freedom of establishment – Recognition of diplomas – Estate agents
C-106/91	20. 5. 1992	C. Ramrath v Minister for Justice	Auditors – Requirement to have a business establishment in a Member State
C-360/89	3. 6. 1992	Commission v Italy	Freedom to provide services – Conclusion of public works contracts
C-45/90	3. 6. 1992	A. Paletta and Others v Brennet	Social Security – Recognition of incapacity for work
C-360/90	4. 6. 1992	Arbeiterwohlfahrt der Stadt Berlin v M. Bötel	Equal pay – Allowance for courses attended by members of the staff committee of an undertaking who are employed part-time
C-90/91 C-91/91	11. 6. 1992	Office national des pensions v E. Di Crescenzo and Others	Old-age and survivors' pensions – Calculation of benefits – National and Community rules against overlapping
C-351/90	16. 6. 1992	Commission v Luxembourg	Failure by a Member State to fulfil its obligations – Freedom of establishment – Access to the medical, dental and veterinary professions
C-147/91	25. 6. 1992	Criminal proceedings against M. Ferrer Laderer	Freedom of establishment – Estate agent – Professional qualifications
C-295/90	7. 7. 1992	Parliament v Council	Directive 90/366/EEC on the right of residence for students – Legal basis – Prerogatives of the European Parliament
C-369/90	7. 7. 1992	M.V. Micheletti and Others v Delegación del Gobierno en Cantabria	Right of establishment – Persons entitled – Dual nationality

Case	Date	Parties	Subject-matter
C-370/90	7. 7. 1992	The Queen v Immigration Appeal Tribunal and Surinder Singh ex parte : Secretary of State for the Home Department	Right of residence of the spouse of a national of a Member State who returns to establish himself in his country of origin
C-243/91	8. 7. 1992	Belgian State v N. Taghavi	Social security – Benefits for handicapped persons – Personal right – Free movement of workers – Social advantage
C-102/91	8. 7. 1992	D. Knoch v Bundesanstalt für Arbeit	Social security – Unemployment benefit
C-78/91	16. 7. 1992	R. Hugues v Chief Adjudication Officer, Belfast	Social security – Family Credit
C-153/91	22. 7. 1992	C. Petit v Office national des pensions	National laws on the use of languages in judicial proceedings – Wholly internal matter for a Member State
C-201/91	1. 10. 1992	B. Grisvard and G. Kreitz v Assedic	Social security – Frontier Workers – Unemployment benefits – Basis of calculation
C-295/90 REV	20. 10. 1992	Council v Parliament and Others	Application for revision – Admissibility
C-326/90	10. 11. 1992	Commission v Belgium	Free movement of workers – Social security – Residence requirement
C-119/91	9. 12. 1992	Una McMenamin v Adjudication Officer	Social security – Family benefits – Rules against overlapping of benefits
C-211/91	16. 12. 1992	Commission v Belgium	Failure of a Member State to fulfil its obligations – Access to cable television networks – Conditions
C-206/91	16. 12. 1992	Ettien Koua Poirrez v CAF de la Seine Saint-Denis	Social security – Disablement allowances – Freedom of movement for workers – Social benefit – Purely domestic situation within a Member State

Case	Date	Parties	Subject-matter
Social policy			
C-243/90	4. 2. 1992	The Queen v Secretary of State for Social Security, ex parte: F.R. Smithson	Equal treatment for men and women – Social security – Invalidity pensions – Housing benefits
C-29/91	19. 5. 1992	S. Redmond Stichting v H. Bartol and Others	Safeguarding of employees' rights in the event of transfer of undertakings
C-190/90	20. 5. 1992	Commission v Netherlands	Failure of a Member State to fulfil its obligations – EEC Directive – National legislation not complying therewith
C-157/90	4. 6. 1992	Infortec – Proyectos e Consultadoria, Lda v Commission	European Social Funds – Application for annulment of a decision reducing the financial assistance initially granted
C-181/90	4. 6. 1992	Consorgan – Gestão de Empresas v Commission	European Social Funds – Application for annulment of a decision reducing the financial assistance initially granted
C-189/90	4. 6. 1992	Cipeke – Comércio e Indústria de Papel v Commission	European Social Funds – Application for annulment of a decision reducing the financial assistance initially granted
C-9/91	7. 7. 1992	The Queen v Secretary of State for Social Security ex parte : The Equal Opportunities Commission	Directive 79/7/EEC – Equal treatment for men and women – Contribution periods
C-63/91 C-64/91	16. 7. 1992	S. Jackson and Others v Chief Adjudication Officer	Equal treatment of men and women – Social security – Employment and vocational training – Low-income benefit
C-209/91	12. 11. 1992	A. Watson Rask, K. Christensen v ISS Kantineservice A/S	Maintenance of workers' rights in the event of transfers of undertakings

Case	Date	Parties	Subject-matter
C-226/91	19. 11. 1992	J. Molenbroek v Sociale Verzekeringsbank	Equal treatment of men and women – Social security – Old-age pension – Supplementary allowance for dependant spouse
C-140/91 C-141/91 C-278/91 C-279/91	3. 12. 1992	M. Suffritti and Others v INPS	Protection of workers – Direct application of a directive – Expiry of the periods of transposition
C-132/91 C-138/91 C-139/91	16. 12. 1992	G. Katsikas and Others v A. Konstandinidis and Others	Safeguarding of employees' rights in the event of transfers of undertakings

Staff cases

C-301/90	23. 1. 1992	Commission v Council	Specific weighting for Munich
C-54/90	18. 2. 1992	Weddel & Co v Commission	Refusal by a Community institution to permit an official to give evidence in national proceedings
C-333/90	26. 2. 1992	Royale belge v R. Joris	Subrogation of the Communities
C-68/91 P	17. 12. 1992	Heinz-Jörg Moritz v Commission	Appeal – Officials – Promotion to Grades A1 and A2 – Procedure

State aid

C-294/90	4. 2. 1992	British Aerospace & Rover Group Holdings v Commission	Decision concerning compatibility – Non-compliance – Decision ordering recovery
C-312/90	30. 6. 1992	Spain v Commission	Action for annulment – State aid – Letter commencing the procedure under Article 93(2) – Contestable act
C-47/91	30. 6. 1992	Italy v Commission	Action for annulment – State aid – Letter commencing the procedure under Article 93(2) – Contestable act

Case	Date	Parties	Subject-matter
Taxation			
C-52/90	31. 3. 1992	Commission v Denmark	Inadmissibility
C-200/90	31. 3. 1992	Dansk Denkavit and P. Poulsen Trading v Skatteministeriet	Article 33 of the Sixth Council Directive on value added tax – Direct effect – Turnover tax – Law on employment market contribution
C-20/91	6. 5. 1992	P. de Jong v Staatssecretaris van Financiën	Adjustment of turnover tax – Sixth Directive on VAT
C-347/90	7. 5. 1992	A. Bozzi v Cassa Nazionale di Previdenza ed Assistenza a favore degli avvocati e dei 'procuratori legali'	Interpretation of Article 33 of the Sixth VAT Directive
C-327/90	12. 5. 1992	Commission v Greece	Failure by a Member State to fulfil its obligations – Article 95 – Importation of motor vehicles – Different taxable amount
C-287/91	3. 6. 1992	Commission v Italy	Failure by a Member State to fulfil its obligations – Delays in the reimbursement of VAT to taxable persons not established in Italy
C-96/91	9. 6. 1992	Commission v Spain	Exemption and remission of turnover tax in international travel
C-149/91 C-150/91	11. 6. 1992	Sanders Adour and Others v Directeur des services fiscaux des Pyrénées-Atlantiques	Parafiscal charge on cereals
C-131/91	9. 7. 1992	'K' Line Air Service Europe v Eulaerts and Belgian State	VAT – Minimum basis of assessment for second-hand cars
C-343/90	16. 7. 1992	M.J. Lourenço Dias v Director da Alfândega do Porto	Interpretation of Articles 12 and 95 of the EEC Treaty – Motor vehicle tax
C-49/91	13. 10. 1992	W. Haus v Finanzamt Freiburg-Land	Raising of capital – Capital duty – Transfer of profits

Case	Date	Parties	Subject-matter
C-50/91	13. 10. 1992	Commerz-Credit-Bank v Finanzamt Saarbrücken	Raising of capital – Capital duty – Concept of part of a business – Contribution of a branch
C-262/91	14. 10. 1992	Commission v Italy	Failure by a Member State to fulfil its obligations – Non-compliance with judgments of the Court finding that a Member State has failed to fulfil its obligations
C-74/91	27. 10. 1992	Commission v Germany	Sixth Directive 77/388/EEC – Special scheme for the application of VAT to travel agents
C-163/91	12. 11. 1992	Unité fiscale Beheersmaatschappij Van Ginkel Waddinxveen, Reizen Passagebureau Van Ginkel and Others v Inspecteur der Omzetbelasting d'Utrecht	Value added tax – Sixth Directive – Article 26 of the directive – Travel agency – Tour operator – Letting of holiday accommodation
C-105/91	17. 11. 1992	Commission v Greece	Taxation of private cars – Application of different rates
C-210/91	16. 12. 1992	Commission v Greece	Failure by a Member State to fulfil its obligations – Temporary importation arrangements in respect of travellers' personal effects
C-208/91	16. 12. 1992	R. Beaulande v Directeur des services fiscaux de Nantes	Interpretation of Article 33 of the Sixth VAT Directive

Transport

C-60/91	19. 3. 1992	Ministère public v J.A. Batista Morais	Free movement of persons and of services – Purely internal situation – Community driving licence – Harmonization
C-195/90	19. 5. 1992	Commission v Germany	Failure by a Member State to fulfil its obligations – Charges for the use of roads by heavy goods vehicles

Case	Date	Parties	Subject-matter
0C-116/91	25. 6. 1992	Licensing Authority South Eastern Traffic Area v British Gas	Social provisions in the road transport sector -- Vehicles used in connection with the gas service
C-65/90	16. 7. 1992	Parliament v Council	Admission of non-resident carriers to national road haulage services

Synopsis of the judgments delivered by the Court of Justice in 1993

Case	Date	Parties	Subject-matter
Accession of new Member States			
C-361/90	19. 1. 1993	Commission v Portugal	Progressive adjustment of monopolies – Conditions of accession of the Portuguese Republic – Transitional measures
C-76/91	19. 1. 1993	Caves Neto Costa SA v Minister for Commerce and Tourism and Secretary of State for Foreign Trade	State monopoly of a commercial character in alcohol in Portugal – Act of accession of the Portuguese Republic to the European Communities – Recommendation of the Commission
C-292/91	4. 5. 1993	Gebr. Weis v Hauptzollamt Würzburg	Customs union – Community origin
Agriculture			
C-190/91	14. 1. 1993	A. Lante v Regione di Veneto	Agricultural conversion – Restructuring aid
C-106/90, C-317/90 and C-129/91	20. 1. 1993	Emerald Meats Ltd v Commission	Community tariff quotas for frozen beef – Management by the Commission
C-285/91	18. 2. 1993	E. Merck v Hauptzollamt Hamburg-Jonas	Sugar – Export refunds
C-8/92	3. 3. 1993	General Milk Products v Hauptzollamt Hamburg-Jonas	Monetary compensatory amounts – Application to an extra-Community agricultural product on exportation to another Member State
C-50/92	18. 3. 1993	Molkerei-Zentrale Süd GmbH & Co. KG v Bundesanstalt für landwirtschaftliche Marktordnung	Processing of butter – Forfeiture of security – <i>Force majeure</i>

Case	Date	Parties	Subject-matter
C-27/92	31. 3. 1993	Möllmann-Fleisch v Hauptzollamt Hamburg- Jonas	Variable export refund – Beef and veal – Customs entry certificate
C-25/91	1. 4. 1993	Pesqueras Echebaster SA v Commission	Fisheries – Community financial aid for the construction of a fishing vessel – Regulation No 4028/86
C-31/91 to C-44/91	1. 4. 1993	Lageder and Others v Amministrazione delle Finanze dello Stato	Wine – Quality wines p.s.r. – DOC and DOCG – Provisional list – Monetary compensatory amounts – Mistake by the national authorities – Time-bar – Legitimate expectations
C-260/91 and C-261/91	1. 4. 1993	Diversinté and Others v Administración Principal de Aduanas de la Junquera	Validity of retroactive effect of the tax on certain milk powder originating in Spain
C-81/91	19. 5. 1993	Tj. Twijnstra v Minister van Landbouw, Natuurbeheer en Visserij	Additional levy on milk
C-308/91	25. 5. 1993	Süddeutsche Zucker- Aktiengesellschaft v Hauptzollamt Hamburg- Jonas	Monetary compensatory amounts – Purity of syrups
C-197/91	25. 5. 1993	Frutticoltori Associati Cuneesi, soc. coop. a.r.l. v Asprofrut and Others	EAGGF – Decisions on the clearance of accounts – Validity – Recovery of an overpaid amount
C-321/91	25. 5. 1993	The Queen v Intervention Board for Agricultural Produce – <i>ex parte</i> Tara Meat Packers Limited	Common organization of the markets – Beef and veal – Export refunds – Loss of goods – <i>Force majeure</i>
C-52/92	26. 5. 1993	Commission v Portugal	Protection measures against a new pig disease
C-290/91	27. 5. 1993	Johannes Peter v Hauptzollamt Regensburg	Additional levy on milk – Remission on equitable grounds
C-52/91	8. 6. 1993	Commission v Netherlands	Fisheries – Management of quotas – Obligations of Member States

Case	Date	Parties	Subject-matter
C-213/91	15. 6. 1993	Abertal SAT Limitada v Commission	Aid measures for nuts and locust beans – Amendment to detailed rules for their application – Action for annulment brought by producers' organizations – Admissibility
C-264/91	15. 6. 1993	Abertal SAT Limitada v Council	Aid measures for nuts and locust beans – Amendment to detailed rules for their application – Action for annulment brought by producers' organizations – Admissibility
C-54/91	22. 6. 1993	Germany v Commission	Clearance of EAGGF accounts – 1988 financial year
C-56/91	22. 6. 1993	Greece v Commission	Clearance of EAGGF accounts – 1988 financial year
C-217/91	7. 7. 1993	Spain v Commission	Action for annulment – Labelling and presentation of liqueurs – Conditions of use of compound terms with the word 'brandy'
C-34/92	15. 7. 1993	GruSa Fleisch GmbH & Co KG, Import- Export v Hauptzollamt Hamburg-Jonas	Common organization of the market in the beef and veal sector – Export refunds
C-289/91	2. 8. 1993	K. Kuhn v Landwirtschaftskammer Rheinland-Pfalz	Appellation and presentation of wines – Yield per hectare
C-303/92	2. 8. 1993	Commission v Netherlands	Failure to fulfil obligations – Failure to transpose directives within the prescribed period
C-81/92	2. 8. 1993	H. Dinter GmbH v Hauptzollamt Bad Reichenhall	Morello cherries in syrup – Protective measures
C-87/92	2. 8. 1993	Hoche GmbH v Bundesanstalt für landwirtschaftliche Marktordnung	Processing of butter – Forfeiture of security

Case	Date	Parties	Subject-matter
C-55/91	6. 10. 1993	Italy v Commission	Clearance of EAGGF accounts – 1988 financial year
C-378/92	13. 10. 1993	Commission v Spain	Failure to fulfil obligations – Directive 88/658/EEC – Failure to transpose within the prescribed time-limit
C-124/92	13. 10. 1993	An Bord Baine Co-operative Ltd and Others v Intervention Board for Agricultural Produce	Forfeiture of a security – <i>Force majeure</i>
C-48/91	10. 11. 1993	Netherlands v Commission	Clearance of EAGGF accounts – 1988 financial year
C-134/92	17. 11. 1993	Burkhard Mörlins v Zuckerfabrik Königslutter-Twülpstedt AG	Sugar – Quotas – Application of domestic rules
C-365/92	23. 11. 1993	Henrik Schumacher v Bezirksregierung Hannover	Special premium for beef producers
C-405/92	24. 11. 1993	Etablissements A. Mondiet v Société Armement Islais	Fisheries – Prohibition of driftnets of more than 2.5 km in length – Exemption in favour of tuna fishing vessels – Validity
C-339/92	7. 12. 1993	ADM Ölmühlen GmbH, Ölwerke Spyck v Bundesanstalt für landwirtschaftliche Marktordnung	Subsidy system for oil seeds – Loss of security for failure to observe a time-limit – Principle of proportionality – Article 5 of Council Regulation (EEC) No 1594/83 of 14 June 1983 and Article 23(2) of Commission Regulation (EEC) No 2681/83 of 21 September 1983 – Validity
C-31/93	15. 12. 1993	Commission v Belgium	Failure to fulfil obligations – Directives 90/490/EEC and 90/506/EEC – Organisms harmful to plants or plant products – Non-transposition within the prescribed time-limits

Case	Date	Parties	Subject-matter
C-307/91	16. 12. 1993	Association agricole Luxlait v V. Hendel	Additional milk levy
C-120/92	16. 12. 1993	F. Schultz v Hauptzollamt Heilbronn	Additional milk levy – Fat content of the milk
C-384/92	22. 12. 1993	Commission v Ireland	Failure to fulfil obligations – Directives concerning breeding animals of the porcine species, sheep and goats – Failure to transpose

Approximation of laws

C-246/91	5. 5. 1993	Commission v France	Failure to fulfil obligations – Approximation of the national laws relating to cosmetic products
C-139/92	2. 8. 1993	Commission v Italy	Failure to fulfil obligations – Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations
C-285/92	17. 11. 1993	Coöperatieve Zuivelindustrie 'Twee Provinciën' W.A.	National rules in the cheese sector – Labelling
C-83/92	7. 12. 1993	Pierrel SpA and Others v Ministero della Sanità	Directive on medicinal products – Authorization to place on the market – Lapse

Common commercial policy

C-136/91	1. 4. 1993	Findling Wälzlager v Hauptzollamt Karlsruhe	Anti-dumping duty – Interpretation of Article 1(3) of Regulation (EEC) No 374/87
C-90/92	24. 6. 1993	Dr Tretter GmbH & Co. v Hauptzollamt Stuttgart-Ost	Anti-dumping duty – Bearing bushes (Kugelbuchsen) originating in Japan
C-104/90	13. 10. 1993	Matsushita Electric Industrial Co. Ltd v Council	Anti-dumping duty – Normal value – Single economic entity

Case	Date	Parties	Subject-matter
C-216/91	7. 12. 1993	Rima Eletrometallurgia SA v Council	Dumping – Review – Undertaking expressly excluded from the application of the anti-dumping duty previously imposed – Conditions of review – Sufficient evidence
C-304/92	22. 12. 1993	Lloyd-Textil Handelsgesellschaft mbH & Co. KG v Hauptzollamt Bremen-Freihafen	Tariff preferences – Linen windcheaters from China and South Korea

Company law

C-107/92	2. 8. 1993	Commission v Italy	Failure to fulfil obligations – Procedures for the award of public works contracts – Derogation
C-71/92	17. 11. 1993	Commission v Spain	Failure to fulfil obligations – Public supply and works contracts

Competition

C-89/85, C-104/85, C-114/85, C-116/85, C-117/85 and C-125/85 to C-129/85	31. 3. 1993	A. Ahlström and Others v Commission	Concerted practices between undertakings established in non-member countries affecting selling prices to purchasers established in the Community
C-320/91	19. 5. 1993	Procureur du Roi v P. Corbeau	Competition – Postal monopoly – Extent
C-325/91	16. 6. 1993	France v Commission	Act open to challenge – Commission communication to the Member States lacking a legal basis

Case	Date	Parties	Subject-matter
C-69/91	27. 10. 1993	Ministère Public v F. Decoster and Others	Council Directive 83/189/EEC and Commission Directive 88/301/EEC – Notification of the specifications in relation to telecommunications – Independence of the body responsible for the rules – Penal sanctions
C-92/91	27. 10. 1993	Ministère Public v A. Taillandier	Commission Directive 88/301/EEC – Independence of the body responsible for the rules – Penal sanctions
C-39/92	10. 11. 1993	Petróleos de Portugal – Petrogal, SA v Correia, Simões & Companhia, Limitada and Others	Exemption by category – Exclusive purchasing agreement – Duration of the agreement – Nullity – Effects
C-60/92	10. 11. 1993	Otto BV v Postbank NV	Respect for the rights of the defence – National procedure concerning the application of Articles 85 and 86 of the EEC Treaty
C-2/91	17. 11. 1993	M. Meng	Insurance agents – State rules prohibiting the grant of discounts – Interpretation of Article 3(f), the second paragraph of Article 5, and Article 85(1) of the EEC Treaty
C-185/91	17. 11. 1993	Bundesanstalt für den Güterfernverkehr v Gebrüder Reiff GmbH & Co. Kg	Road transport – Determination of tariffs – State rules
C-245/91	17. 11. 1993	Ohra Schadeverzekeringen NV	Insurance agents – State rules prohibiting the grant of discounts – Interpretation of Article 3(f), the second paragraph of Article 5, and Article 85(1) of the EEC Treaty

Case	Date	Parties	Subject-matter
Convention on jurisdiction			
C-89/91	19. 1. 1993	Shearson Lehman Hutton v TVB Treuhandgesellschaft für Vermögensverwaltung und Beteiligung	Brussels Convention – Article 13, first and second paragraphs – Consumer contracts – Meaning of the term 'consumer' – Action brought by a company to which an individual's rights have been assigned
C-172/91	21. 4. 1993	Volker Sonntag v Hans Waidmann and Others	Brussels Convention – Articles 1, 27 and 37 – Concept of 'civil matter' – Action brought against a teacher in a public school for having failed to exercise his duty of care towards his pupils
C-125/92	13. 7. 1993	Mulox IBC Limited v Hendrick Geels	Brussels Convention – Article 5(1) – Place of performance of obligations under the contract – Employment contract – Work performed in several countries

EAEC

C-308/90	21. 1. 1993	Advanced Nuclear Fuels GmbH v Commission	Action for annulment – Commission decision relating to a procedure in application of Article 83 of the Euratom Treaty
C-107/91	16. 2. 1993	ENU v Commission	EAEC – Action for failure to act – Supply agency – Sale of uranium stock
C-95/92	9. 6. 1993	Commission v Italy	Failure to fulfil obligations – Directive 84/466/Euratom – Radiation protection of persons undergoing medical examination or treatment

Case	Date	Parties	Subject-matter
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ECSC

C-220/91 P	18. 5. 1993	Commission v Stahlwerke Peine-Salzgitter AG	Appeal – ECSC – Non-contractual liability of the Community
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Environment and consumers

C-293/91	13. 1. 1993	Commission v France	Failure to fulfil obligations – Non-transposition of Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products
C-186/91	10. 3. 1993	Commission v Belgium	Failure to fulfil obligations – Partial compliance with Directive 85/203/EEC – Air quality standards for nitrogen dioxide – Obligation to consult bordering Member States
C-155/91	17. 3. 1993	Commission v Council	Directive on waste – Legal basis
C-345/92	23. 3. 1993	Commission v Germany	Failure to fulfil obligations – Failure to comply with the Court's judgment of 17. 9. 1987 in Case 412/85 – Conservation of wild birds
C-174/91	5. 5. 1993	Commission v Belgium	Failure to fulfil obligations – Non-compliance with the Court's judgment of 17. 6. 1987 in Case 1/86 – Protection of groundwater
C-222/91	22. 6. 1993	Ministero delle Finanze and Others v Philip Morris Belgium SA and Others	Labelling of tobacco products – Inclusion of health warning on unit packets of tobacco products
C-11/92	22. 6. 1993	The Queen v Secretary of State for Health	Labelling of tobacco products – Information and warnings on dangers to health – More stringent national rules applicable to national products

Case	Date	Parties	Subject-matter
C-56/90	14. 7. 1993	Commission v United Kingdom	Directive 76/160/EEC – Failure to fulfil obligations – Bathing water
C-366/89	2. 8. 1993	Commission v Italy	Directive 75/439/EEC on the disposal of waste oils – Failure to fulfil obligations – Non-compliance with a judgment of the Court
C-355/90	2. 8. 1993	Commission v Spain	Preservation of wild birds – Special protection areas

External relations

C-257/90	14. 1. 1993	Italsolar SpA v Commission	External relations – Lomé Convention – Public works contract – Exclusion of a tenderer by the ACP States – Approval by the Commission – Action for annulment – Action for failure to act – Action for compensation for damage
C-188/91	21. 1. 1993	Deutsche Shell AG v Hauptzollamt Hamburg-Harburg	Transit – International Convention
C-142/91	11. 2. 1993	Cebag BV v Commission	Commission Regulation No 2200/87 – Retentions in connection with the payment of food aid
C-182/91	29. 4. 1993	Forafrique Burkinabe v Commission	Action for annulment – Action for damages – Lomé Convention – Garnishee order
C-370/89	25. 5. 1993	Société générale d'entreprises électromécaniques and Roland Etroy v European Investment Bank	Public works contract in an ACP State – Co-financing by the EIB – Non-contractual liability to an unsuccessful tenderer
C-312/91	1. 7. 1993	Metalsa Srl	Free trade agreement between the EEC and Austria – Non-discrimination in tax matters

Case	Date	Parties	Subject-matter
C-12/92	7. 12. 1993	E. Huygen and Others	Free trade agreement between the EEC and Austria – Origin of goods – Methods of administrative cooperation

Free movement of capital

C-148/91	3. 2. 1993	Vereniging Veronica Omroep Organisatie v Commissariaat voor de Media	Freedom to provide services – Free movement of capital – National legislation designed to preserve a pluralist and non-commercial broadcasting network
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Free movement of goods

C-177/91	14. 1. 1993	Bioforce GmbH v Oberfinanzdirektion München	Common Customs Tariff – Hawthorn extract
C-291/91	11. 2. 1993	Textilveredlungsunion GmbH & Co. KG v Hauptzollamt Nürnberg-Fürth	Customs union – 'Own processing'
C-191/91	10. 3. 1993	Abbott v Oberfinanzdirektion Köln	Common Customs Tariff – Monoclonal antibodies
C-250/91	1. 4. 1993	Hewlett Packard v Directeur général des Douanes	Post-clearance recovery of customs duties
C-256/91	1. 4. 1993	Emsland-Stärke v Oberfinanzdirektion München	Common Customs Tariff – Combined Nomenclature – Starch product
C-375/90	27. 4. 1993	Commission v Greece	Quantitative restrictions – Protection of health – Frozen chickens
C-306/91	28. 4. 1993	Commission v Italy	Directive 72/464/EEC of 19 December 1972 – Fixing of prices of manufactured tobacco
C-59/92	29. 4. 1993	Hauptzollamt Hamburg-St. Annen v Ebbe Sönnichsen	Import duties – Determination of the customs value of defective goods

Case	Date	Parties	Subject-matter
C-17/92	4. 5. 1993	Federación de Distribuidores Cinematográficos v Estado Español	National legislation intended to favour the distribution of national films
C-126/91	18. 5. 1993	Schutzverband gegen Unwesen in der Wirtschaft v Y. Rocher GmbH	Quantitative restrictions – Measures having equivalent effect – Prohibition of comparative price advertising
C-228/91	25. 5. 1993	Commission v Italy	Fish containing nematode larvae – Systematic inspection at frontiers – Prohibition on importation of fish infested with larvae, even devitalized
C-271/92	25. 5. 1993	Société Laboratoire de prothèses oculaires v Union nationale des syndicats d'opticiens de France and Others	Interpretation of Articles 30 and 36 of the EEC Treaty – National legislation on the sale of contact lenses
C-33/92	27. 5. 1993	Gausepohl-Fleisch GmbH v Oberfinanzdirektion Hamburg	Common Customs Tariff – Salted beef
C-373/92	8. 6. 1993	Commission v Belgium	Failure to fulfil obligations – Medicinal products – Obligation in the Member State of importation to duplicate tests already carried out in the Member State of origin
C-108/92	1. 7. 1993	Astro-Med GmbH v Oberfinanzdirektion Berlin	Common Customs Tariff – Tariff headings – Thermorecorder
C-207/91	1. 7. 1993	Eurim-Pharm GmbH v Bundesgesundheitsamt	Free-trade agreement – Parallel imports of medicinal products – Quantitative restriction on imports – Measure having equivalent effect
C-121/91 and C-122/91	6. 7. 1993	CT Control and Others v Commission	Action for annulment – Commission decision refusing the remission of import duties
C-248/92	2. 8. 1993	Jepsen Stahl GmbH v Hauptzollamt Emmerich	Common Customs Tariff – 'Rolled on four faces'

Case	Date	Parties	Subject-matter
C-377/92	5. 10. 1993	Felix Koch Offenbach Couleur und Karamel GmbH v Oberfinanzdirektion München	Common Customs Tariff – Combined Nomenclature – Coconut powder
C-37/92	12. 10. 1993	Ministère public v J. Vanacker and Others	Obstacles to exports – Restrictions on freedom to provide services – Waste oils
C-93/92	13. 10. 1993	CMC Motorradcenter GmbH v Pelin Baskiciogullari	Obligation to give information – Measure having equivalent effect
C-46/90 and C-93/91	27. 10. 1993	Procureur du Roi v J.-M. Lagauche and Others	National approval for telecommunications terminal equipment – Authorization for the use of such terminals – Articles 30, 37 and 86 of the EEC Treaty – Commission Directive 88/301/EEC
C-72/92	27. 10. 1993	H. Scharbatke GmbH v Germany	Parafiscal charge – Mandatory contribution to a marketing fund for agricultural, forestry and food products
C-267/91 and C-268/91	24. 11. 1993	B. Keck and D. Mithouard	Prohibition of resale at a loss
C-317/91	30. 11. 1993	Deutsche Renault AG v Audi AG	Trade mark rights
C-277/91, C-318/91 and C-319/91	15. 12. 1993	Ligur Carni Srl and Others v Unità Sanitaria Locale No XV di Genova and Others	Health inspections at the place of destination – Harmonisation directives – Articles 30 and 36 of the EEC Treaty
C-292/92	15. 12. 1993	R. Hünermund and Others v Landesapothekerkammer Baden-Württemberg	Goods commonly sold in pharmacies – Prohibition against advertising outside pharmacies

Freedom of movement for persons

C-112/91	26. 1. 1993	H. Werner v Finanzamt Aachen-Innenstadt	Tax – Residence of tax-payer
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Case	Date	Parties	Subject-matter
C-275/91	3. 2. 1993	Iacobelli v INAMI and Others	Social security for migrant workers – Invalidity and old-age benefits
C-218/91	18. 2. 1993	M. Gobbis v Landesversicherungsanstalt Schwaben	Social security for migrant workers – Orphans' benefits
C-193/92	18. 2. 1993	Fioravante Luigi Bogana v Union nationale des mutualités	Social security – Invalidity benefits – Revalorization and recalculation of benefits
C-111/91	10. 3. 1993	Commission v Luxembourg	Childbirth and maternity allowances – Residence requirement – Validity
C-168/91	30. 3. 1993	Christos Konstantinidis v Stadt Altensteig and Others	Discrimination – International convention – Transliteration from Greek
C-282/91	30. 3. 1993	Bestuur van de Sociale Verzekeringsbank v A. De Wit	Social security – Special rules for the application of the Netherlands legislation on general old-age insurance – Concept of residence
C-19/92	31. 3. 1993	Dieter Kraus v Land Baden-Württemberg	Use of a postgraduate university degree – National legislation making the use by nationals of a university degree or diploma obtained in another Member State subject to prior authorization
C-65/92	22. 4. 1993	Office national des pensions v Raffaele Levatino	Articles 46 and 51 of Regulation (EEC) No 1408/71 – Application to income guaranteed to elderly persons
C-171/91	26. 5. 1993	Dimitrios Tsiotras v Landeshauptstadt Stuttgart	Right of residence – Accession of the Hellenic Republic
C-310/91	27. 5. 1993	Hugo Schmid v Belgian State	Social security – Allowances for handicapped persons
C-316/92	29. 6. 1993	Commission v Germany	Failure to fulfil obligations – Failure to transpose a directive – Access to the occupation of carrier of goods by waterway in national and international transport

Case	Date	Parties	Subject-matter
C-20/92	1. 7. 1993	A. Hubbard v P. Hamburger	Equal treatment – Freedom to provide services – Executor
C-330/91	13. 7. 1993	The Queen v Inland Revenue Commissioners, <i>ex parte</i> Commerzbank AG	Right of establishment – Corporation tax – Indirect discrimination on grounds of nationality
C-42/92	13. 7. 1993	A. Thijssen v Controledienst voor de Verzekeringen	Freedom of establishment – Exercise of official authority
C-259/91, C-331/91 and C-332/91	2. 8. 1993	P. Allué and Others v Università degli Studi di Venezia and Others	Freedom of movement for workers – Foreign language assistants
C-23/92	2. 8. 1993	M. Grana-Novoa v Landesversicherungsanstalt Hessen	Social security for migrant workers – Equal treatment – Convention between a Member State and a non-Member country
C-66/92	2. 8. 1993	G. Acciardi v Commissie Beroepszaken administratieve geschillen	Social security – Field of application of Regulation No 1408/71 – Social advantage
C-31/92	2. 8. 1993	M. Larsy v Institut national d'assurances sociales pour travailleurs indépendants	Old-age pensions – National and Community rules against overlapping
C-121/92	13. 10. 1993	Staatssecretaris van Financiën v A. Zinnecker	Social security for migrant workers – Determination of the legislation applicable
C-272/92	20. 10. 1993	Maria Chiara Spotti v Freistaat Bayern	Freedom of movement for workers – Equal treatment – Duration of contracts for foreign language assistants
C-297/92	20. 10. 1993	Istituto nazionale della Previdenza Sociale v C. Baglieri	Social security for migrant workers – Article 9(2) of Regulation (EEC) No 1408/71 – Taking account, in a Member State where the worker has not completed any period of insurance, of the insurance period which he has completed in another Member State

Case	Date	Parties	Subject-matter
C-37/93	1. 12. 1993	Commission v Belgium	Failure to fulfil obligations – Article 48 of the EEC Treaty – Regulation (EEC) No 1612/68 of the Council – Seamen's jobs
C-109/92	7. 12. 1993	S.M. Wirth v Landeshauptstadt Hannover	Financing of studies – Services – Non-discrimination
C-45/92 and C-46/92	9. 12. 1993	V.C. Lepore and Others v Office national des pensions	Social security – Calculation of the old-age pension
C-113/92, C-114/92 and C-156/92	15. 12. 1993	E. Fabrizio and Others v Office national des pensions	Social security for migrant workers – Retirement pensions – Calculation of benefits – National rules against overlapping
C-28/92	16. 12. 1993	M.-H. Leguaye-Neelsen v Bundesversicherungsanstalt für Angestellte	Social security – Civil servant – Reimbursement of contributions

Law governing the institutions

C-314/91	23. 3. 1993	Beate Weber v Parliament	Member of the European Parliament – Transitional allowance – Term of office terminating during the course of an electoral period
C-181/91 and C-248/91	30. 6. 1993	Parliament v Council and Commission	Emergency aid – Prerogatives of the Parliament – Budgetary provisions
C-338/92	20. 10. 1993	Compagnie d'entreprise CFE v Parliament	Arbitration clause – Works contract – Updating of price

Officials

C-35/92 P	18. 3. 1993	Parliament v E. Dan Frederiksen	Appeal – Official – Annulment of a promotion decision
C-242/90 P	6. 7. 1993	Commission v Albani and Others	Appeal – Recruitment – Competition based on qualifications and tests – Irregularity in marking – Annulment

Case	Date	Parties	Subject-matter
C-115/92 P	9. 12. 1993	Parliament v C. Volger	Appeal – Official – Procedure for filling vacancies – Equal treatment and right of candidates to be heard – Absence of grounds for the decision rejecting the candidature
C-244/91 P	22. 12. 1993	G. Pincherle v Commission	Appeal – Official – Medical expenses – Maximum rates of reimbursement
C-354/92 P	22. 12. 1993	F. Eppe v Commission	Appeal – Official – Transfer – Redeployment exercise – Interests of the service

Preliminary references

C-320/90, C-321/90 and C-322/90	26. 1. 1993	Telemarsicabruzzo SpA v Circostel, Ministero delle Poste e Telecomunicazioni and Ministero della Difesa and Others	Preliminary ruling under Article 177 of the EEC Treaty – Conditions
C-24/92	30. 3. 1993	Pierre Corbiau v Administration des Contributions	Concept of 'court or tribunal of a Member State' within the meaning of Article 177 of the EEC Treaty

Principles of Community law

C-92/92 and C-326/92	20. 10. 1993	Phil Collins v Intrat Handelsgesellschaft mbH and Patricia Im- und Export Verwaltungsgesellschaft mbH v EMI Electrola GmbH	Article 7 of the Treaty – Copyright and related rights
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Privileges and immunities

C-263/91	25. 5. 1993	Niels Kristoffersen v Skatteministeriet	Protocol on the privileges and immunities of the European Communities – Tax on the rental value of real property
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Case	Date	Parties	Subject-matter
C-88/92	17. 6. 1993	Jansen van Rosendaal v Staatssecretaris van Financiën	Protocol on the privileges and immunities of the European Communities – Tax domicile of Community officials

Public procurement

C-243/89	22. 6. 1993	Commission v Denmark	Award of a works contract – Bridge over the 'Storebaelt'
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Social policy

C-159/91 and C-160/91	16. 2. 1993	Poucet and Others v AGF and Others	Interpretation of Articles 85 and 86 of the EEC Treaty – Concept of 'undertaking' – Body entrusted with the management of a special social security scheme – National legislation conferring a dominant position on such a body
C-173/91	17. 2. 1993	Commission v Belgium	Failure to fulfil obligations – Equal pay for men and women – Additional redundancy payments
C-72/91 and C-73/91	17. 3. 1993	Sloman Neptun Schiffahrts AG v Seebetriebsrat Bodo Ziesemer der Sloman Neptun Schiffahrts AG	Articles 92 and 117 of the EEC Treaty – National shipping legislation – Employment of foreign seafarers without a permanent abode or residence in the Federal Republic of Germany on less favourable employment conditions and at lower rates of pay than German seafarers
C-328/91	30. 3. 1993	Secretary of State for Social Security v E. Thomas and Others	Equal treatment – Invalidity benefits – Link with pensionable age
C-184/91 and C-221/91	31. 3. 1993	C. Oorburg and Others v Wasser- und Schiffahrtsdirektion Nordwest and Others	Article 76 of the EEC Treaty – Inland waterway transport

Case	Date	Parties	Subject-matter
C-199/91	25. 5. 1993	Foyer culturel du Sart-Tilman v Commission	European Social Fund – Application for the annulment of a reduction in financial assistance initially granted
C-334/91	25. 5. 1993	Innovation et Reconversion Industrielle v Commission	European Social Fund – Application for the annulment of a reduction in financial assistance initially granted
C-154/92	1. 7. 1993	R. Van Cant v Rijksdienst voor pensioenen	Equal treatment – Old-age pension – Method of calculation – Pensionable age
C-158/91	2. 8. 1993	Ministère Public and Others v Jean-Claude Levy	Equal treatment for men and women – Legislative prohibition of night work for women – Convention No 89 of the International Labour Organization prohibiting night work for women
C-271/91	2. 8. 1993	M.H. Marshall v Southampton and South West Hampshire Area Health Authority	Directive 76/207/EEC – Equal treatment for men and women – Right to compensation in the event of discrimination
C-109/91	6. 10. 1993	G.C. Ten Oever v Stichting Bedrijfspensioenfonds voor het Glazenwassers- en Schoonmaakbedrijf	Equal pay for men and women – Survivor's pension – Limitation of the effects in time of the judgment in Case C-262/88, <i>Barber</i>
C-337/91	27. 10. 1993	A.M. van Gemert-Derks v Bestuur van de Nieuwe Industriële Bedrijfsvereniging	Equal treatment for men and women – Social security – Withdrawal of benefits for incapacity for work on acquisition of survivors' benefits
C-338/91	27. 10. 1993	H. Steenhorst-Neerings v Bestuur van de Bedrijfsvereniging voor Detailhandel, Ambachten en Huisvrouwen	Equal treatment for men and women – Social security – Restriction on the retroactive effect of claims for benefits – Transfer from benefits for incapacity for work to survivor's benefits

Case	Date	Parties	Subject-matter
C-127/92	27. 10. 1993	P.M. Enderby v Frenchay Health Authority and Others	Equal pay for men and women
C-132/92	9. 11. 1993	Birds Eye Walls Limited v F.M. Roberts	Equal pay for men and women – Bridging pension
C-189/91	30. 11. 1993	P. Kirsammer-Hack v Nurhan Sidal	National system of protection against unfair dismissal – Exclusion of small businesses – State aid – Equal treatment for men and women
C-110/91	14. 12. 1993	M. Moroni v Collo GmbH	Equal pay for men and women – Occupational pensions – Limitation of the effects in time of the judgment in Case C-262/88, <i>Barber</i>
C-334/92	16. 12. 1993	T. Wagner Miret v Fondo de Garantía Salarial	Directive relating to the protection of employees in the event of the insolvency of their employer – Scope – Guarantee institution
C-152/91	22. 12. 1993	D. Neath v Hugh Steeper Ltd.	Equal pay for men and women – Occupational pensions – Use of actuarial factors differing according to sex – Limitation of the effects in time of the judgment in Case C-262/88, <i>Barber</i>

State aid

C-313/90	24. 3. 1993	CIRFS and Others v Commission	State aid – Duty to give prior notice
C-364/90	28. 4. 1993	Italy v Commission	Action for annulment – Special aid for certain areas of the Mezzogiorno affected by natural disasters
C-356/90 and C-180/91	18. 5. 1993	Belgium v Commission	Aid to shipbuilding

Case	Date	Parties	Subject-matter
C-198/91	19. 5. 1993	William Cook PLC v Commission	Articles 92 (3)(a) and 93(3) of the EEC Treaty – Complaint from an undertaking – Compatibility of aid with the Common Market – Action for annulment
C-183/91	10. 6. 1993	Commission v Greece	State aid – Exemption from a tax on export earnings – Repayment
C-225/91	15. 6. 1993	Matra SA v Commission	State aid – Complaint by a competitor – Failure to initiate the inquiry procedure – Action for annulment

Taxation

C-101/91	19. 1. 1993	Commission v Italy	Failure to fulfil obligations – Failure to comply with the judgment of the Court in Case 203/87 (21. 2. 1989) – Exemption from VAT to assist earthquake victims
C-280/91	18. 3. 1993	Finanzamt Kassel – Goethestrasse v Kommanditgesellschaft Viessmann	Tax on the raising of capital – Transfer of a shareholding in a limited partnership
C-71/91 and C-178/91	20. 4. 1993	Ponente Carni and Others v Amministrazione delle Finanze dello Stato and Others	Directive 69/335/EEC – Register of Companies – Registration of instruments of incorporation – Annual charge
C-193/91	25. 5. 1993	Finanzamt München III v Gerhard Mohsche	VAT – Taxation of private use of a business car
C-18/92	25. 5. 1993	SA Chaussures Bally v Belgian State, Ministry of Finance	VAT – Sixth Directive – Taxable basis – Credit cards
C-333/91	22. 6. 1993	SATAM SA (currently known as Sofitam) v Minister responsible for the Budget	Interpretation of Article 19 of the Sixth Directive – Calculation of the deductible proportion – Share dividend

Case	Date	Parties	Subject-matter
C-276/91	2. 8. 1993	Commission v France	Sanctions in the event of infringement of VAT legislation – Disproportionate nature
C-9/92	2. 8. 1993	Commission v Greece	Failure to fulfil obligations – Tax exemptions applicable to temporary and permanent importation of means of transport – Directives 83/182/EEC, 83/183/EEC and 73/148/EEC
C-266/91	2. 8. 1993	Celulose Beira Industrial v Fazenda Publica	Parafiscal charge on chemical pulp – Articles 9, 12 et seq., 30, 92 and 95 of the EEC Treaty
C-111/92	2. 8. 1993	W. Lange v Finanzamt Fürstenfeldbruck	VAT – Sixth Directive – Exemption in respect of banned export transactions
C-10/92	20. 10. 1993	M. Balocchi v Ministero delle Finanze dello Stato	VAT – Sixth Directive – Calculation of net amount of VAT – Payment on account in respect of that amount
C-281/91	27. 10. 1993	Muys' en De Winter's Bouw- en Aannemingsbedrijf BV v Staatsecretaris van Financiën	Reimbursement of turnover tax assessment – Sixth VAT Directive
C-68/92	17. 11. 1993	Commission v France	VAT – Sixth Directive – Advertising services
C-69/92	17. 11. 1993	Commission v Luxembourg	VAT – Sixth Directive – Advertising services
C-73/92	17. 11. 1993	Commission v Spain	VAT – Sixth Directive – Advertising services
C-234/91	1. 12. 1993	Commission v Denmark	VAT – Article 33 of the Sixth Directive – Turnover tax – Employment levy
C-63/92	15. 12. 1993	Lubbock Fine & Co. v Commissioners of Customs & Excise	VAT – Consideration paid for the surrender of a lease

Case	Date	Parties	Subject-matter
Transport			
C-184/91 and C-221/91	31. 3. 1993	C. Oorburg and Others v Wasser- und Schiffahrtsdirektion Nordwest and Others	Article 76 of the EEC Treaty – Inland waterway transport
C-304/91	11. 5. 1993	H.J.J. Van Doesselaar v Minister van Verkeer en Waterstaat	Road haulage – Professional competence
C-298/89	29. 6. 1993	Government of Gibraltar v Council	Action for the annulment of a directive – Authorization of scheduled inter-regional air services
C-13 to C-16/92	5. 10. 1993	Driessen en Zonen and Others v Minister van Verkeer en Waterstaat	Structural improvements in inland waterway transport – Scrapping premiums – Special contribution – Transitional scheme – Principle that measures should not be retroactive – Principle of protection of legitimate expectations – Principle of equality – Principle of proportionality
C-20/93 and C-21/93	16. 11. 1993	DKV v Général de Banque DKV and Mobil Oil v AG de 1824 and Général de Banque	Transport of goods by road – Professional competence – Financial standing
C-6/92	7. 12. 1993	Federazione sindacale italiana dell'industria estrattiva and Others v Commission	Action against a Commission Decision abolishing the support tariffs applied by the Italian railways – Inadmissibility
C-116/92	15. 12. 1993	K.A. Charlton and Others	Road transport – Driving periods and breaks

Synopsis of the other decisions of the Court of Justice which appeared in the 'Proceedings' in 1993

Case	Date	Parties	Subject-matter
Opinion 2/91	19. 3. 1993	Opinion requested by the Commission of the European Communities	Competence of the Community to conclude Convention No 170 of the ILO concerning safety in the use of chemicals at work
Order C-157/92	19. 3. 1993	Pretore di Genova v G. Banchero	Preliminary reference – Inadmissibility
C-280/93 R	29. 6. 1993	Germany v Council	Bananas – Common organization of the markets – Trade with third countries – Action for annulment – Interim measures
C-296/93 R	16. 7. 1993	France v Commission	Beef and veal – Common organization of the markets – Action for annulment – Suspension of operation
C-307/93 R	16. 7. 1993	Ireland v Commission	Beef and veal – Common organization of the markets – Action for annulment – Suspension of operation

Synopsis of the judgments delivered by the Court of Justice in 1994

Case	Date	Parties	Subject-matter
Agriculture			
C-381/92	26. 1. 1994	Commission v Ireland	Failure to fulfil Treaty obligations – Directives 88/407/EEC and 90/120/EEC on deep-frozen semen of animals of the bovine species – Directive 88/658/EEC on meat products – Failure to transpose
C-98/91	27. 1. 1994	A.A. Herbrink v Minister van Landbouw, Natuurbeheer en Visserij	Additional levy on milk – Non-marketing undertaking – Expiry of agricultural lease – Transfer of a lease to an association or group of persons
C-189/92	27. 1. 1994	B. Le Nan v Coopérative Laitière de Ploudaniel	Additional levy on milk – Transfer of a holding during a reference year – Condition for transfer of the reference quantity – Conditions for another reference year to be taken into account
C-374/92	1. 2. 1994	H. Irsfeld OHG v Bundesanstalt für landwirtschaftliche Marktordnung (BALM)	Beef and veal – Private storage aid – Beef cuts – Partial premature removal – Conditions of entitlement to aid
C-332/92, C-333/92, C-335/92	3. 3. 1994	Eurico Italia Srl and Others v Ente Nazionale Risi	Common organization of the market in rice – Contract duty – Refund
C-2/92	24. 3. 1994	The Queen v Ministry of Agriculture, Fisheries and Food, <i>ex parte</i> Dennis Clifford Bostock	Additional levy on milk – Expiry of a lease of a holding – Transfer of the reference quantity to the landlord – No obligation to compensate the outgoing tenant

Case	Date	Parties	Subject-matter
C-40/92	24. 3. 1994	Commission v United Kingdom	Failure to fulfil obligations – Special rights of the Milk Marketing Boards – Skimmed and semi-skimmed milk – Supervision of the Milk Marketing Boards by the Member State – Notification to the Commission
C-228/92	26. 4. 1994	Roquette Frères SA v Hauptzollamt Geldern	Monetary compensatory amounts on derived products of maize – Declaration of invalidity – Temporal effect
C-433/92 and C-434/92	28. 4. 1994	Bundesanstalt für landwirtschaftliche Marktordnung (BALM) v Otto Frick & Co., Vinzenz Murr	Beef and veal – Aid for private storage – Time of taking into store – Penalty – Meat in the unaltered state – Boned meat – Standard conversion rates – Application
C-21/92	5. 5. 1994	Marlies and Heinz-Bernd Kamp v Hauptzollamt Wuppertal	Additional levy on milk – Calculation of the special reference quantity – Abatements and reductions
C-309/89	18. 5. 1994	Codorniu SA v Council	Action for annulment – Regulation – Natural or legal person – Conditions of admissibility of the action – Description of sparkling wines – Conditions for the use of the term 'crémant'
C-2/93	2. 6. 1994	Exportslachterijen van Oordegem BVBA v Belgische Dienst voor Bedrijfsleven en Landbouw and Others	Swine fever – Support measures for the market – Security – Commission Regulation (EEC) No 2351/90
C-371/92	8. 6. 1994	Elliniko Dimosio v Ellinika Dimitriaka AE	Export refund system – Post-Chernobyl regulation
C-426/92	22. 6. 1994	Germany v Deutsches Milch-Kontor GmbH	Aid for skimmed-milk powder – Systematic frontier inspections – Measure having equivalent effect – Costs of inspections – Charge having equivalent effect

Case	Date	Parties	Subject-matter
C-135/92	29. 6. 1994	Fiskano AB v Commission	Action for annulment – EEC-Sweden Fisheries Agreement – Letter of the Commission concerning an alleged infringement by a Swedish vessel
C-403/92	29. 6. 1994	Claire Lafforgue, née Baux, and Others v Château de Calce SCI, and Others	Description of wines – Use of the term 'château'
C-411/92	5. 7. 1994	France v Commission	EAGGF – Cereals – Sale subject to a repurchase clause – Co-responsibility levy
C-353/92	14. 7. 1994	Greece v Council	Action for annulment – Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops – Obligation to observe a final date for sowing and for lodging an application for a compensatory payment
C-385/92	14. 7. 1994	Greece v Commission	Action for annulment – Commission Regulation (EEC) No 2294/92 of 31 July 1992 on detailed rules for the application of the support system for producers of the oil seeds referred to in Council Regulation (EEC) No 1765/92 – Obligation to observe a final date for sowing and for lodging an application for a compensatory payment
C-438/92	14. 7. 1994	Rustica Semences SA v Finanzamt Kehl	Regulation (EEC) No 855/84 – Dismantlement of monetary compensatory amounts – Special aid for German producers – Producers having their seat in the territory of a Member State other than the Federal Republic of Germany

Case	Date	Parties	Subject-matter
C-352/92	14. 7. 1994	Milchwerke Köln v Wuppertal v Hauptzollamt Köln-Rheinau	Additional levy on milk – Definition of the person liable under formula A
C-351/92	14. 7. 1994	Manfred Graff v Hauptzollamt Köln Rheinau	Additional levy on milk – Calculation of the reference quantity – Whether quantity produced in another Member State to be taken into account
C-186/93	14. 7. 1994	Unione Nazionale tra le Associazioni di Produttori di Olive (Unaprol) v Azienda di Stato per gli Interventi nel Mercato Agricolo (AIMA) and Others	Aid for the production of olive oil – Payment to the beneficiaries through an association of producer organizations – Interest on funds – Owner
C-347/93	9. 8. 1994	Belgian State v Boterlux SPRL	Export refunds – Re-importation into the Community – Good faith – <i>Force majeure</i>
C-413/92	9. 8. 1994	Germany v Commission	Action for annulment – Community aid – Casein and caseinates – System of supervision – Regular supervision
C-146/91	15. 9. 1994	Koinopraxia Enóséon Georgikon Synetairismon Diacheiriséos Enchorion Proíonton Syn. PE v Council and Commission	Common organization of the markets in cereals – Non-contractual liability
C-65/94	28. 9. 1994	Commission v Belgium	Failure to fulfil obligations – Directive 90/167/EEC – Conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community
C-280/93	5. 10. 1994	Germany v Commission	Bananas – Common organization of the market – Import regime
C-151/93	5. 10. 1994	M. Voogd Vleesimport en -export	Common Agricultural Policy – Export refunds – Refund nomenclature – Poultrymeat – Classification

Case	Date	Parties	Subject-matter
C-133/93, C-300/93 and C-362/93	5. 10. 1994	Antonio Crispoltoni v Fattoria Autonoma Tabacchi	Common organization of the markets – Raw tobacco – System of maximum guaranteed quantities – Validity of Regulations (EEC) Nos 1114/88 and 1738/91
C-306/93	13. 12. 1994	Firma SMW Winzersekt GmbH v Land Rheinland- Pfalz	Preliminary reference – Assessment of validity – Description of sparkling wines – Prohibition of reference to the method of production known as 'méthode champenoise'
C-136/93	15. 12. 1994	Transáfrica SA v Administración del Estado Español	Forfeiture of a security – <i>Force majeure</i>
C-94/94	15. 12. 1994	Commission v Spain	Failure to fulfil obligations – Directive 90/167/EEC – Conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community

Approximation of laws

C-212/91	25. 1. 1994	Angelopharm v Freie und Hansestadt Hamburg	Cosmetic products – Validity of the addition of a substance to the list of substances which must not form part of the composition of cosmetic products
C-41/93	17. 5. 1994	France v Commission	Article 100a(4) – German rules concerning the prohibition of pentachlorophenol
C-303/93	18. 5. 1994	Commission v Italy	Failure to fulfil obligations – Directive 90/486/EEC concerning electrically operated lifts – Failure to transpose

Case	Date	Parties	Subject-matter
C-52/93	14. 7. 1994	Commission v Netherlands	Failure to fulfil obligations – Obligation to give prior notification under Directive 83/189/EEC
C-61/93	14. 7. 1994	Commission v Netherlands	Failure to fulfil obligations – Obligation to give prior notification under Directive 83/189/EEC
C-51/93	9. 8. 1994	Meyhui NV v Zwiesel Glaswerke	Directive 69/493/EEC on crystal glass – Description only in the language or languages of the country in which the goods are marketed – Article 30 of the EEC Treaty

Association of overseas countries and territories

C-430/92	26. 10. 1994	Netherlands v Commission	Originating products – Derogations
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Commercial policy

C-30/93	2. 6. 1994	AC-ATEL Electronics Vertriebs v Hauptzollamt München-Mitte	Reference for a preliminary ruling – Assessment of the validity of a measure – Anti- dumping duty – Regulation – Corrigendum – Scope
C-75/92	7. 7. 1994	Gao Yao (Hong-Kong) Hua Fa Industrial Co. v Council	Action for annulment – Conditions of admissibility – Anti-dumping duties – Pocket lights

Company law

C-296/92	12. 1. 1994	Commission v Italy	Failure to fulfil obligations – Public works contract – Inadmissibility
C-389/92	14. 4. 1994	Ballast Nedam Groep v Belgian State	Freedom to provide services – Public works contracts – Registration of contractors – Relevant entity

Case	Date	Parties	Subject-matter
C-331/92	19. 4. 1994	Gestión Hotelera Internacional SA v Comunidad Autónoma de Canarias, Ayuntamiento de Las Palmas de Gran Canaria, Gran Casino de Las Palmas	Directive 71/305/EEC – Definition of 'public works contracts'
C-272/91	26. 4. 1994	Commission v Italy	Concession for the lottery computerization system
C-328/92	3. 5. 1994	Commission v Spain	Failure to fulfil its obligations – Public supply contracts – Pharmaceutical products and specialities

Competition

C-376/92	13. 1. 1994	Metro SB-Großmärkte & Co. v Cartier	Selective distribution system – Article 85 of the EEC Treaty – Imperviousness as a condition of validity
C-364/92	19. 1. 1994	SAT Fluggesellschaft v Eurocontrol	Articles 86 and 90 of the Treaty – Concept of undertaking – International organization
C-53/92 P	2. 3. 1994	Hilti v Commission	Appeal – Competition – Abuse of a dominant position – Concept of relevant market
C-387/92	15. 3. 1994	Banco de Crédito Industrial, now Banco Exterior de España v Ayuntamiento de Valencia	Public undertakings – Tax exemption – Abuse of a dominant position – State aid
C-393/92	27. 4. 1994	Commune d'Almelo and Others v Energiebedrijf IJsselmij	Agreement restricting the importation of electricity – Service of general interest
C-18/93	17. 5. 1994	Corsica Ferries Italia v Corpo dei Piloti del Porto di Genova	Compulsory piloting service – Discriminatory tariffs – Freedom to provide services – Competition

Case	Date	Parties	Subject-matter
C-36/92 P	19. 5. 1994	Samenwerkende elektriciteits- produktiebedrijven (SEP) v Commission	Administrative procedure – Decision requiring an undertaking to provide information – Necessary information – Principle of proportionality and Member States' obligation to observe professional secrecy
C-153/93	9. 6. 1994	Germany v Delta Schiffahrts- und Speditionsgesellschaft	Inland waterways transport – Determination of tariffs – National rules
C-137/92 P	15. 6. 1994	Commission v BASF and Others	Appeal – Competition – Commission decision – Non- existence
C-39/93 P	16. 6. 1994	Le Syndicat français de l'Express international (SFEI) and Others v Commission	Appeal – Competition – Rules applicable to undertakings – Letter from the Commission to the complainant – Actionable decision
C-322/93 P	16. 6. 1994	Automobiles Peugeot and Peugeot v Commission	Motor vehicle distribution – Block exemption – Authorized intermediary – Appeals
C-250/92	15. 12. 1994	Gøttrup-Klim and Others Grovvareforeninger v Dansk Landbrugs Grovvareselskab	Agriculture – Regulation No 26/92 – Cooperative purchasing association – Exclusion of members making parallel purchases – Infringement of Article 85(1) – Abuse of a dominant position
C-195/91 P	15. 12. 1994	Bayer v Commission	Appeal – Competition – Time-limit for initiating proceedings – Notification

Case	Date	Parties	Subject-matter
Convention on jurisdiction			
C-129/92	20. 1. 1994	Owens Bank v F. Bracco and Another	Brussels Convention Interpretation of Articles 21, 22 and 23 – Recognition and enforcement of judgments given in courts of non-contracting States
C-398/92	10. 2. 1994	Firma Mund & Fester v Firma Hatrex Internationaal Transport	Seizure order – Sufficient grounds: Enforcement of a judgment in another Contracting State party to the Brussels Convention – Prohibition of discrimination
C-294/92	17. 5. 1994	George Lawrence Webb v Lawrence Desmond Webb	Brussels Convention – Article 16(1) – Action concerning the existence of a trust attaching to immovable property
C-414/92	2. 6. 1994	Solo Kleinmotoren v Emilio Boch	Brussels Convention – Article 27(3) – Judgment given in a dispute between the same parties – Definition – Court settlement
C-292/93	9. 6. 1994	Norbert Lieber v Willi S. Göbel, Siegrid Göbel	Brussels Convention – Jurisdiction in proceedings concerning rights <i>in rem</i> and tenancies of immovable property – Claim for compensation for use
C-288/92	29. 6. 1994	Custom Made Commercial v Stawa Metalbau	Brussels Convention – Place of performance of an obligation – Uniform Law of Sale
C-318/93	15. 9. 1994	Wolfgang Brenner and Others v Dean Witter Reynolds	Brussels Convention – Articles 13 and 14 – Jurisdiction over consumer contracts – Contract with a party not domiciled in a Contracting State

Case	Date	Parties	Subject-matter
C-406/92	6. 12. 1994	Owners of the cargo lately laden on board the ship Tetry v Owners of the ship Maciej Rataj	Brussels Convention – <i>Lis pendens</i> – Related actions – Relationship to the International Convention relating to the arrest of seagoing ships

EAEC

C-308/87	3. 2. 1994	A. Grifoni v Commission	Non-contractual liability – Compensation for damage
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ECSC

C-99/92	24. 2. 1994	Terni SpA and Others v Cassa Conguaglio per il Settore Elettrico	State aid – Interpretation of Decision No 83/396/ECSC – Determination of the beneficiaries of aid – Validity of Decision No 83/396/ECSC – Principle of equal treatment of public and private undertakings
C-100/92	24. 2. 1994	Fonderia A. Spa v Cassa Conguaglio per il Settore Elettrico	State aid – Interpretation of Decision No 83/396/ECSC – Determination of the period of application of an aid
C-128/92	13. 4. 1994	H.J. Banks & Co. Ltd v British Coal Corporation	Licences for the extraction of unworked coal – Application of Articles 4(d), 65 and 66(7) of the ECSC Treaty – Direct effect – Exclusion – Compensation for damage resulting from the infringement of those provisions – Powers of the Commission and of the national court
C-320/92 P	15. 12. 1994	Società Finanziaria Siderurgica Finsider v Commission	ECSC appeal – Steel quota which may be produced and delivered in the common market – Exceeding quotas

Case	Date	Parties	Subject-matter
Environment and consumers			
C-435/92	19. 1. 1994	Association pour la protection des animaux sauvages and Others v Préfet de Maine-et-Loire and Another	Conservation of wild birds – Hunting season
C-236/92	23. 2. 1994	Comitato di Coordinamento per la Difesa della Cava and Others v Regione Lombardia and Others	Disposal of solid urban waste – Directive 75/442/CEE
C-291/93	9. 3. 1994	Commission v Italy	Failure to fulfil obligations – Failure to comply with the judgment of the Court in Case 322/86 – Quality of fresh water
C-268/93	23. 3. 1994	Commission v Spain	Failure to fulfil obligations – Failure to transpose Directive 88/320/EEC – Good laboratory practice
C-313/93	13. 4. 1994	Commission v Luxembourg	Failure to fulfil obligations – Directive 85/337/EEC – Assessment of the effects of certain public and private projects on the environment
C-260/93	3. 5. 1994	Commission v Belgium	Failure to fulfil obligations – Failure to transpose Directive 86/278/EEC – Protection of soil
C-187/93	28. 6. 1994	Parliament v Council	Regulation on shipments of waste – Legal basis
C-91/92	14. 7. 1994	Paola Faccini Dori v Recreb	Consumer protection in the case of contracts negotiated away from business premises – Availability in disputes between private individuals
C-359/92	9. 8. 1994	Germany v Council	Action for annulment – Directive 92/59/EEC on general product safety – Legal base – Article 100a and third indent of Article 145 of the EEC Treaty

Case	Date	Parties	Subject-matter
C-396/92	9. 8. 1994	Bund Naturschutz in Bayern and Others v Freistaat Bayern and Others	Directive 85/337/EEC – Assessment of the effects of certain public and private projects on the environment – National transitional rules
C-144/93	28. 9. 1994	Pfanni Werke Otto Eckart v Landeshauptstadt München	Foodstuffs – Obligation to include an additive in the list of ingredients (labelling) – Directive 79/112/EEC – Derogation from that obligation
C-255/93	5. 10. 1994	Commission v France	Failure to fulfil obligations – Containers of liquids for human consumption – Transposition of a directive into national law

External relations

C-58/93	20. 4. 1994	Zoubir Yousfi v Belgian State	EEC-Morocco Cooperation Agreement – Article 41(1) – Direct effect – Scope – Disability allowance
C-432/92	5. 7. 1994	The Queen v Minister of Agriculture, Fisheries and Food, <i>ex parte</i> S.P. Anastasiou (Pissouri) and Others	EEC-Cyprus Association Agreement – Directive 77/93/EEC – Non-recognition of movement and phytosanitary certificates originating from the part of Cyprus to the north of the United Nations Buffer Zone
C-327/91	9. 8. 1994	France v Commission	Agreement between the Commission and the United States regarding the application of their competition laws – Competence – Statement of reasons – Legal certainty – Infringement of competition rules
C-355/93	5. 10. 1994	Hayriye Eroglu v Land Baden-Württemberg	EEC-Turkey Association Agreement – Association Council decision – Freedom of movement for workers – Right of residence

Case	Date	Parties	Subject-matter
Free movement of goods			
C-315/92	2. 2. 1994	Verband Sozialer Wettbewerb v Clinique Laboratories and Others	Name of a cosmetic product liable to mislead consumers
C-119/92	9. 2. 1994	Commission v Italy	Failure to fulfil obligations – Customs forwarding agents
C-368/92	24. 2. 1994	Administration des Douanes v Solange Chiffre	System of generalized tariff preferences – Certificate of origin
C-80/92	24. 3. 1994	Commission v Belgium	Failure to fulfil obligations – Legislation applicable to radio communications transmitters and receivers
C-148/93	24. 3. 1994	3M Medica v Oberfinanzdirektion Frankfurt am Main	Common Customs Tariff – Sandal and shoe designed to be worn over a plaster – Tariff classification
C-150/93	12. 4. 1994	Directeur général des douanes et droits indirects v Superior France, Danzas	Common Customs Tariff – Chapter 42 – Outer surface of plastic material internally reinforced by textile material – Mere reinforcement
C-11/93	19. 5. 1994	Siemens Nixdorf Informationssysteme v Hauptzollamt Augsburg	Common Customs Tariff – Colour monitor – Specific function
C-29/93	19. 5. 1994	KG in Firma OSPIG Textil-Gesellschaft W. Ahlers & Co. v Hauptzollamt Bremen-Freihafen	Valuation of goods for customs purposes – Inclusion of quota charges
C-317/92	1. 6. 1994	Commission v Germany	Medicinal products and medical instruments – National rules on the indication of expiry dates – Barrier to the free movement of goods – Failure to notify the Commission

Case	Date	Parties	Subject-matter
C-356/93	2. 6. 1994	Techmeda Internationale Medizinisch-Technische Marketing- und Handels- & Co. v Oberfinanzdirektion Köln	Common Customs Tariff – Tariff headings – Test for diagnostic determination of the cholesterol level of blood plasma
C-401/92 and C-402/92	2. 6. 1994	Tankstation't Heukske vof and J.B.E. Boermans	Petrol station opening hours
C-69/93 and C-258/93	2. 6. 1994	Punto Casa SpA v Sindaco del Comune di Capena and Others	Interpretation of Articles 30 and 36 of the Treaty – Prohibition on certain kinds of Sunday trading
C-35/93	16. 6. 1994	Develop Dr. Eisbein & Co. v Hauptzollamt Stuttgart-West	Common Customs Tariff – Concept of goods imported unassembled or disassembled – Photocopiers supplied in containers as kits of some 200 pieces
C-9/93	22. 6. 1994	IHT Internationale Heiztechnik and Another v Ideal-Standard and Another	Splitting of a trade mark as a result of a voluntary assignment – Free movement of goods
C-130/93	7. 7. 1994	Lamaire v Nationale Dienst voor Afzet van Land- en Tuinbouwprodukten	Parafiscal charges – Compulsory contributions for the benefit of a national board for the sale of agricultural and horticultural products
C-314/93	12. 7. 1994	François Rouffeteau and Robert Badia	Article 30 of the EEC Treaty – Directive 88/301/EEC – Telecommunications terminals – Prohibition on telephones which have not been approved – Re-export
C-130/92	13. 7. 1994	OTO v Ministero delle finanze	National tax on audiovisual and photo-optical products – Internal taxation – Possible incompatibility with Community law
C-131/93	13. 7. 1994	Commission v Germany	Prohibition of importation of live freshwater crayfish

Case	Date	Parties	Subject-matter
C-17/93	14. 7. 1994	J.J.J. van der Veldt	Prohibition of the sale of bread and other bakery products whose salt content is higher than 2% – Obligation to set out certain information on the labelling – Articles 30 and 36 of the Treaty and Council Directive 79/112/EEC
C-363/93, C-407/93 to C-411/93	9. 8. 1994	René Lancry v Direction Générale des Douanes	Fiscal rules applicable to French overseas departments – Implications of the Legros judgment – Validity of Decision 89/688/EEC
C-395/93	9. 8. 1994	Neckermann Versand v Hauptzollamt Frankfurt am Main-Ost	Common Customs Tariff – Tariff heading 61.08 of the Combined Nomenclature – Classification of women's or girl's knitted garments – Pyjamas
C-393/93	9. 8. 1994	Walter Stanner & Co. v Hauptzollamt Bochum	Common Customs Tariff – Swine meat imported from Bulgaria
C-340/93	9. 8. 1994	Klaus Thierschmidt v Hauptzollamt Essen	Value of goods for customs purposes – Inclusion of charges for 'own' quotas issued free of charge – No separate declaration of quota charges excluded from customs value – Arrangements for imports of textile products from Taiwan
C-293/93	15. 9. 1994	Ludomira Neeltje Barbara Houtwipper	Precious metals – Compulsory hallmark
C-294/92	20. 9. 1994	Commission v Italy	Failure to fulfil obligations – Requirement of authorization for the importation of plants originating in another Member State

Case	Date	Parties	Subject-matter
C-55/93	5. 10. 1994	Johannis Gerrit Cornelis van Schaik	Articles 5, 30, 36, 55, 62, 85 and 86 of the EEC Treaty – Directive 77/143/EEC – Roadworthiness tests for motor vehicles and their trailers – National legislation facilitating the conduct of roadworthiness tests in conjunction with the periodic servicing of motor vehicles
C-320/93	10. 11. 1994	Lucien Ortscheit v Eurim-Pharm Arzneimittel GmbH	Imported medicinal products not authorized in the State of import – Prohibition of advertising – Articles 30 and 36 of the Treaty
C-401/93	13. 12. 1994	GoldStar Europe v Hauptzollamt Ludwigshafen	Common Customs Tariff – Mecadecks – Classification – General rule 2(a) – Essential characteristics – Regulation (EEC) No 2275/88 – Invalidity

Freedom of movement for persons

C-287/92	27. 1. 1994	A. Maitland Toosey v Chief Adjudication Officer	Freedom of movement for workers – Social security – Invalidity benefit – Competent Member State
C-319/92	9. 2. 1994	Salomone Haim v Kassenzahnärztliche Vereinigung Nordrhein (KVN)	Establishment and freedom to provide services – Dentist – Recognition of diplomas
C-154/93	9. 2. 1994	Abdullah Tawil-Albertini v Ministre des Affaires sociales	Establishment and freedom to provide services – Dentist – Recognition of diplomas
C-419/92	23. 2. 1994	Ingetraut Scholz v Opera Universitaria di Cagliari and Others	Freedom of movement for workers – Competition for a post in the public service – Practical experience acquired in another Member State

Case	Date	Parties	Subject-matter
C-375/92	22. 3. 1994	Commission v Spain	Failure to fulfil obligations – Freedom to provide services – Tourist guides – Professional qualification required by national rules
C-275/92	24. 3. 1994	Her Majesty's Customs and Excise v Gerhart Schindler and Jörg Schindler	Lotteries
C-71/93	24. 3. 1994	Guido Van Poucke v Rijksinstituut voor de Sociale Verzekeringen der Zelfstandigen and Algemene Sociale Kas voor Zelfstandigen	Social security for migrant workers – Determination of the legislation applicable
C-1/93	12. 4. 1994	Halliburton Services BV v Staatssecretaris van Financiën	Companies – Right of establishment – Discriminatory taxation
C-305/93	28. 4. 1994	Albert Hoorn v Landesversicherungsanstalt Westfalen	Old-age pension in respect of forced labour in Germany during the Second World War
C-118/92	18. 5. 1994	Commission v Luxembourg	Freedom of movement for workers – Equal treatment – Exercise of trade union rights – Participation in the management of bodies governed by public law
C-428/92	2. 6. 1994	Deutsche Angestellten-Krankenkasse (DAK) v Lærerstandens Brandforsikring G/S	Social security for migrant workers – Rights of institutions responsible for benefits against liable third parties – Article 93(1) of Regulation (EEC) No 1408/71
C-132/93	16. 6. 1994	Volker Steen v Deutsche Bundespost	Situation purely internal to a Member State
C-60/93	29. 6. 1994	Aldewereld R.L. v Staatssecretaris van Financiën	Regulation (EEC) No 1408/71 – Determination of the legislation applicable – Posting to a non-member country

Case	Date	Parties	Subject-matter
C-146/93	7. 7. 1994	Hugh McLachlan v Caisse Nationale d'Assurance Vieillesse des Travailleurs Salariés de la Région d'Ile-de-France (CNAVTS)	Freedom of movement for workers – Social security – Old-age pensions – Taking into account of periods of insurance completed in another Member State
C-379/92	14. 7. 1994	Matteo Peralta	Articles 3(f), 7, 30, 48, 52, 59, 62, 84 and 130r of the EEC Treaty – Maritime transport undertakings
C-43/93	9. 8. 1994	Raymond Vander Elst v Office des Migrations Internationales (OMI)	Freedom to provide services – Nationals of a non-member country
C-447/93	9. 8. 1994	Nicolas Dreessen v Conseil National de l'Ordre des Architectes	Recognition of qualifications in the field of architecture
C-406/93	9. 8. 1994	André Reichling v Institut National d'Assurance Maladie-Invalidité (INAMI)	Social security – Invalidity pension – Article 46(2)(a) of Regulation (EEC) No 1408/71 – Taking into account of the remuneration last received by the worker in another Member State
C-12/93	20. 9. 1994	Bestuur van de Nieuwe Algemene Bedrijfsvereniging v V.A. Drake	Social security – Validity of point 4 of Annex VI, section I (now J), of Regulation (EEC) No 1408/71 – Benefits for incapacity for work
C-301/93	22. 9. 1994	Lio Bettaccini v Fonds National de Retraite des Ouvriers Mineurs (FNROM)	Social security for migrant workers – Increase in invalidity pension – Application of national rules prohibiting overlapping of benefits
C-23/93	5. 10. 1994	TV10 v Commissariaat voor de Media	Freedom to provide services – National legislation designed to maintain a pluralist, non-commercial broadcasting network

Case	Date	Parties	Subject-matter
C-277/93	6. 12. 1994	Commission v Spain	Right of establishment – Freedom to provide services – Doctors – Medical specialities – Training periods – Remuneration

Law governing the institutions

C-316/91	2. 3. 1994	Parliament v Council	Action for annulment – Parliament – Conditions of admissibility – Act of the Council – Lomé Convention – Financial Regulation – Legal basis
C-316/93	3. 3. 1994	Nicole Vaneetveld v Le Foyer Le Foyer v Fédération des Mutualités Socialistes et Syndicales de la Province de Liège	Insurance – Directive – Time-limit for transposition – Direct effect
C-416/92	17. 5. 1994	Mme H. v Court of Auditors	Determination of survivors' pensions for the widow and dependent children of a Member of the Court of Auditors who died during his term of office

Principles of Community law

C-45/93	15. 3. 1994	Commission v Spain	Failure to fulfil obligations – Articles 7 and 59 of the EEC Treaty – Discrimination – Access to museums
C-47/93	3. 5. 1994	Commission v Belgium	Discrimination – Access to vocational training

Social policy

C-13/93	3. 2. 1994	Office national de l'emploi (ONEM) v M. Minne	Directive 76/207/CEE – Night-work for women
C-343/92	24. 2. 1994	M.A. Roks and Others v Bestuur van de Bedrijfsvereniging voor de Gezondheid, Geestelijke en Maatschappelijke Belangen	Equal treatment for men and women – Social security – Directive 79/7/EEC – Effects of late transposition on rights acquired under the directive

Case	Date	Parties	Subject-matter
C-392/92	14. 4. 1994	Christel Schmidt v Sparund Leihkasse der früheren Ämter Bordesholm, Kiel und Cronshagen	Safeguarding of employees' rights in the event of the transfer of an undertaking
C-421/92	5. 5. 1994	Gabrielle Habermann-Beltermann v Arbeiterwohlfahrt, Bezirksverband Ndb./Opf.	Directive 76/207/EEC – Night-time work by pregnant women
C-382/92	8. 6. 1994	Commission v United Kingdom	Safeguarding of employees' rights in the event of transfers of undertakings
C-383/92	8. 6. 1994	Commission v United Kingdom	Collective redundancies
C-420/92	7. 7. 1994	Elizabeth Bramhill v Chief Adjudication Officer	Directive 79/7/EEC – Increases in old-age benefits for dependent spouses
C-32/93	14. 7. 1994	Carole Louise Webb v EMO Air Cargo (UK)	Equal treatment for men and women – Directive 76/207/EEC – Replacement of an employee on maternity leave – Replacement found to be pregnant – Dismissal
C-200/91	28. 9. 1994	Coloroll Pension Trustees v James Richard Russell and Others	Equal pay for men and women – Occupational pensions – Use of actuarial factors differing according to sex – Limitation of the effects in time of the judgment in Case C-262/88 <i>Barber</i>
C-408/92	28. 9. 1994	Constance Christina Ellen Smith and Others v Avdel Systems	Equal pay for men and women – Occupational pensions – Retirement ages differing according to sex – Equalization
C-28/93	28. 9. 1994	Maria Nelleke Gerda van den Akker and Others v Stichting Shell Pensioenfonds	Equal pay for men and women – Occupational pensions – Retirement ages differing according to sex – Equalization

Case	Date	Parties	Subject-matter
C-7/93	28. 9. 1994	Bestuur van het Algemeen burgerlijk pensioenfonds v G.A. Beune	Equal treatment for men and women – Directive 79/7/EEC – Directive 86/378/EEC – Article 119 of the EEC Treaty
C-57/93	28. 9. 1994	Anna Adriaantje Vroege v NCIV Instituut voor Volkshuisvesting and Stichting Pensioenfonds NCIV	Equal pay for men and women – Right to join an occupational pension scheme – Limitation of the effects in time of the judgment in Case C-262/88 <i>Barber</i>
C-128/93	28. 9. 1994	Geertruida Catharina Fisscher v Voorhuis Hengelo and Stichting Bedrijfspensioenfonds	Equal pay for men and women – Right to join an occupational pension scheme – Limitation of the effects in time of the judgment in Case C-262/88 <i>Barber</i>
C-165/91	5. 10. 1994	Simon J.M. van Munster v Rijksdienst voor Pensioenen	Social security – Freedom of movement for workers – Equal treatment for men and women – Old-age pension – Increase for dependent spouse
C-410/92	6. 12. 1994	Elsie Rita Johnson v Chief Adjudication Officer	Equal treatment for men and women in matters of social security – National procedural time-limits
C-297/93	13. 12. 1994	Rita Grau-Hupka v Stadtgemeinde Bremen	Equal treatment for men and women – Secondary part-time activity – Different pay – Indirect discrimination
C-399/92 C-409/92 C-425/92 C-34/93 C-50/93 and C-78/93	15. 12. 1994	Stadt Lengerich v Angelika Helmig	Equal pay – Overtime pay for part-time employees

Staff cases

C-22/93 P	21. 4. 1994	Anna-Maria Campogrande v Commission	Officials – Failure to communicate address to Community administration – Disciplinary measure – Appeal
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Case	Date	Parties	Subject-matter
C-136/92 P	1. 6. 1994	Commission v A. Brazzelli Lualdi and Others	Appeal – Officials – Remuneration – Default interest and compensatory interest
C-326/91 P	2. 6. 1994	Henri de Compte v Parliament	Appeal – Official – Disciplinary procedure – Sanction of downgrading
C-298/93 P	29. 6. 1994	Ulrich Klinke v Court of Justice	Official – Request to be appointed to the higher grade of the A 7/A 6 career bracket
C-412/92 P	9. 8. 1994	Parliament v Mireille Meskens	Appeal – Official – Failure to comply with a judgment of the Court of First Instance – Action for damages
C-398/93 P	9. 8. 1994	Lars Bo Rasmussen v Commission	Appeal – Official – Rotation system – Recruitment of a member of the temporary staff
C-452/93 P	15. 9. 1994	Pedro Magdalena Fernández v Commission	Appeal – Official – Expatriation allowance – Lack of habitual residence in the Member State to which the official is posted
C-404/92 P	5. 10. 1994	X v Commission	Appeal – Member of the temporary staff – Pre-recruitment medical examination – Repercussions of a refusal to undergo an Aids test – Breach of the right of secrecy as regards state of health
C-76/93 P	20. 10. 1994	P. Scaramuzza v Commission	Appeal – Official – Service in a non-member country – Remuneration – Payment in the currency of the country of employment

Case	Date	Parties	Subject-matter
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State aid

C-188/92	9. 3. 1994	TWD Textilwerke Deggendorf GmbH v Germany	Action against internal measures implementing a Commission decision – Preliminary reference – Definitive nature of the decision vis-à-vis the recipient of the aid to which it relates – Assessment of validity
C-324/90 and C-342/90	13. 4. 1994	Germany and Pleuger Worthington v Commission	Decision on aids granted by the City of Hamburg – Repayment
C-44/93	9. 8. 1994	Namur-Les Assurances du Crédit v Office National du Ducroire and Belgian State	Existing or new aid – Widening of the field of activity of a public undertaking benefiting from advantages accorded by the State
C-278/92 to C-280/92	14. 9. 1994	Spain v Commission	State aid to public undertakings in the textile and footwear sector – Capital contributions
C-42/93	14. 9. 1994	Spain v Commission	State aid to a public undertaking in the agricultural processing industry – Injection of capital
C-47/91	5. 10. 1994	Italy v Commission	Annulment of measures – State aid – Letter initiating the procedure provided for in the first subparagraph of Article 93(2) of the Treaty – Suspension of aid – Description of aid: new aid
C-400/92	5. 10. 1994	Germany v Commission	Aid to shipbuilding

Taxation

C-16/93	3. 3. 1994	R.J. Tolsma v Inspecteur der Omzetbelasting Leeuwarden	Value added tax – Supply of services for consideration – Definition – Musical performance on the public highway
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Case	Date	Parties	Subject-matter
C-38/93	5. 5. 1994	H.J. Glawe Spiel- und Unterhaltungsgeräte Aufstellungsgesellschaft & Co. v Finanzamt Hamburg-Barmbek-Uhlenhorst	VAT – Sixth Directive – Gaming machines – Taxable amount
C-33/93	2. 6. 1994	Empire Stores Ltd v Commissioners of Customs and Excise	VAT Sixth Directive – Taxable amount

Transport

C-289/93	23. 2. 1994	Commission v Italy	Failure to fulfil obligations – Failure to transpose a directive – Road transport
C-336/93	23. 2. 1994	Commission v Belgium	Failure to fulfil obligations – Failure to transpose a directive – Road transport
C-388/92	1. 6. 1994	Parliament v Council	Operation by non-resident carriers of national road passenger transport services within a Member State – Further consultation of the European Parliament
C-313/92	2. 6. 1994	Van Swieten	Road transport – Social provisions: applicability to transport operations in which part of the route passes through a State not a party to the ERTA – ‘Period of 24 hours’ and ‘day’
C-394/92	9. 6. 1994	Marc Michielsen and Geybels Transport Service (GTS)	Social legislation relating to transport – ‘Period of work’, ‘day’ and ‘end of the working period’
C-381/93	5. 10. 1994	Commission v France	Proceedings under Article 169 – Maritime transport – Freedom to provide services

Synopsis of the other decisions of the Court of Justice which appeared in the 'Proceedings' in 1994

Case	Date	Parties	Subject-matter
C-87/94 R	22. 4. 1994	Commission v Belgium	Application for interim measures – Urgency – Balance of interests – Public safety – Public contracts – Transport sector – Council Directive 90/531/EEC
C-120/94 R	29. 6. 1994	Commission v Greece	Former Yugoslav Republic of Macedonia – Serious international tension constituting a threat of war – Action under the second paragraph of Article 225 of the EC Treaty – Provisional measures
C-174/94 R	26. 10. 1994	France v Commission	Application for interim measures – Suspension of operation of a measure – Urgency – Serious and irreparable damage – Air transport – Regulation (EEC) No 2408/92
Opinion 1/94	15. 11. 1994	Opinion sought by the Commission	Competence of the Community to conclude international agreements concerning services and the protection of intellectual property – Article 228(6) of the EC Treaty

II – Statistical information

Summary of the proceedings of the Court of Justice for 1992, 1993 and 1994

Table 1: General proceedings in 1992, 1993 and 1994

Table 2: Cases brought in 1992, 1993 and 1994

Table 3: Cases decided in 1992, 1993 and 1994

Table 4: Cases pending on 31 December of each year

Table 5: Average duration of proceedings in 1992, 1993 and 1994

Cases decided in 1992

Table 6: Form of decision

Table 7: Bench hearing case

Table 8: Basis of proceedings

Table 9: Subject-matter of proceedings

Cases decided in 1993

Table 10: Form of decision

Table 11: Bench hearing case

Table 12: Basis of proceedings

Table 13: Subject-matter of proceedings

Cases decided in 1994

Table 14: Form of decision

Table 15: Bench hearing case

Table 16: Basis of proceedings

Table 17: Subject-matter of proceedings

Cases brought in 1992, 1993 and 1994

Table 18: Nature of the proceedings

Table 19: Basis of proceedings

Table 20: Cases brought in 1992 – Subject-matter of proceedings

Table 21: Cases brought in 1993 – Subject-matter of proceedings

Table 22: Cases brought in 1994 – Subject-matter of proceedings

Table 23: Direct actions – Applicants and Defendants

General trend

Table 24: Cases brought from 1953 until 31 December 1994

Table 25: Trend from 1 January 1984 to 31 December 1994

Table 26: Direct actions brought until 31 December 1994

Table 27: References for a preliminary ruling brought until December 1994

Table 28: References for a preliminary ruling

Miscellaneous

Table 29: Sittings

Table 30: Lawyers appearing before the Court (by nationality)

Summary of the proceedings of the Court of Justice in 1992, 1993 and 1994

Table 1: General proceedings in 1992, 1993 and 1994 ¹

	1992	1993	1994
New cases	442 –	490 –	354 –
Cases decided	313 (345)	290 (342)	271 (293)
Cases pending	669 (736)	389 (433)	429 (494)

Table 2: Cases brought in 1992, 1993 and 1994 (see ¹)

	1992	1993	1994
References for a preliminary ruling	162	204	203
Direct actions	251 ²	265 ³	125
Appeals	25	16	13
Opinions	–	–	3
Special forms of procedure ⁴	2	4	10
Total	440	489	354

¹ In the tables which follow, the figures in brackets (*gross figure*) represent the total number of cases, *without* account being taken of cases joined on grounds of similarity (one case number = one case). The *net figure* represents the number of cases after *account has been taken* of those joined on grounds of similarity (one series of joined cases = one case).

² It should be noted that the direct actions brought include 95 applications for compensation in respect of milk quotas.

³ It should be noted that the direct actions brought include 151 applications for compensation in respect of milk quotas.

⁴ The following are considered to be «special forms of procedure» (in this table and following): objection to a judgment (Art. 38 of the EEC Statute; Art. 122 of the CFI Rules of Procedure); third-party proceedings (Art. 39 of the of the EEC Statute; Art. 123 of the CFI Rules of Procedure); revision of a judgment (Art. 41 of the EEC Statute; Art. 125 of the CFI Rules of Procedure); interpretation of a judgment (Art. 40 of the EEC Statute; Art. 129 of the CFI Rules of Procedure); legal aid (Art. 76 of the CoJ Rules of Procedure; Art. 94 of the CFI Rules of Procedure); taxation of costs (Art. 74 of the CoJ Rules of Procedure; Art. 92 of the CFI Rules of Procedure).

Table 3: Cases decided in 1992, 1993 and 1994

	1992		1993		1994	
References for a preliminary ruling	129	(157)	159	(196)	144	(163)
Direct actions	167	(171)	117	(132)	97	(100)
Appeals	13	(13)	11	(11)	20	(20)
Special forms of procedure	3	(3)	2	(2)	9	(9)
Opinions	3	(1)	1	(1)	1	(1)
Total	313	(345)	290	(342)	271	(293)

Table 4: Cases pending on 31 December of each year

	1992		1993		1994	
References for a preliminary ruling	230	(269)	240	(277)	259	(317)
Direct actions	405	(433)	109	(115)	134	(140)
Appeals	31	(31)	36	(37)	29	(30)
Special forms of procedure	1	(1)	3	(3)	4	(4)
Opinions	2	(2)	1	(1)	3	(3)
Total	669	(736)	389	(433)	429	(494)

Table 5: Average duration of proceedings in 1992, 1993 and 1994 ¹

	1992	1993	1994
References for a preliminary ruling	18.8	20.4	18.0
Direct actions	25.8	22.9	20.8
Appeals	17.5	19.2	21.2
Special forms of procedure	2.7	—	—

¹ The duration of proceedings is expressed in months and tenths of a month.

Cases decided in 1992

Table 6: Form of decision

Form of decision	Direct actions	References for a preliminary ruling	Appeals	Special forms of procedure	Opinions Deliberations	Total
<i>Judgments</i>						
In contested cases	84 (91)	- -	9 (9)	1 (1)	- -	94 (101)
In interlocutory proceedings	4 -	- -	- -	- -	- -	4 -
In references for a preliminary ruling	- -	112 (140)	- -	- -	- -	112 (140)
Total Judgments	88 (91)	112 (140)	9 (9)	1 (1)	- -	210 (241)
<i>Orders</i>						
Removal from Register	70 (71)	17 (17)	1 (1)	- -	- -	88 (89)
Action inadmissible	6 (6)	- -	- -	1 (1)	- -	7 (7)
Case not to proceed to judgment	3 (3)	- -	1 (1)	- -	- -	4 (4)
Action manifestly unfounded	- -	- -	2 (2)	- -	- -	2 (2)
Action partly unfounded	- -	- -	- -	1 (1)	- -	1 (1)
Total Orders	79 (80)	17 (17)	4 (4)	2 (2)	- -	102 (103)
Opinions	- -	- -	- -	- -	1 (1)	1 (1)
Total Opinions/ Deliberations	- -	- -	- -	- -	1 (1)	1 (1)
Total	167 (171)	129 (157)	13 (13)	3 (3)	1 (1)	313 (345)

Table 7: Bench hearing case

Bench hearing case	Judgments	Orders	Total Cases decided
Full Court	38	74	113
Small plenum	83	20	102
Chambers	10	98	130
Total	131	192	345

Table 8: Basis of proceedings

Basis of proceedings	Judgments		Orders		Total	
Article 169 of the EEC Treaty	43	(43)	39	(39)	82	(82)
Article 170 of the EEC Treaty	–	–	1	(1)	1	(1)
Article 171 of the EEC Treaty	3	(3)	2	(2)	5	(5)
Article 173 of the EEC Treaty	34	(38)	33	(33)	67	(71)
Article 175 of the EEC Treaty	1	(1)	2	(3)	3	(4)
Article 177 of the EEC Treaty	107	(113)	17	(17)	124	(130)
Article 178 of the EEC Treaty	4	(2)	1	(1)	5	(3)
Article 181 of the EEC Treaty	1	(1)	1	(1)	2	(2)
Article 228 of the EEC Treaty	–	–	1	(1)	1	(1)
Article 1 of the 1971 Protocol	5	(5)	–	–	5	(5)
Article 49 of the EEC Statute	9	(9)	4	(4)	13	(13)
Total EEC Treaty	207	(215)	101	(102)	308	(317)
Article 34 of the ECSC Treaty	1	(2)	–	–	1	(2)
Total ECSC Treaty	1	(2)	–	–	1	(2)
Article 141 of the EAEC Treaty	1	(1)	–	–	1	(1)
Total EAEC Treaty	1	(1)	–	–	1	(1)
Total	209	(218)	101	(102)	310	(320)
Article 74 of the Rules of Procedure	–	–	1	(1)	1	(1)
Article 98 of the Rules of Procedure	1	(1)	1	(1)	2	(2)
Total special forms of procedure	1	(1)	2	(2)	3	(3)
Overall Total	210	(219)	103	(104)	313	(323)

Table 9: Subject-matter of proceedings

Subject-matter of proceedings	Judgments		Orders		Total	
State aid	3	(1)	3	(3)	6	(4)
Agriculture	51	(56)	32	(32)	83	(88)
Competition	3	(6)	6	(6)	9	(12)
Brussels Convention	5	(5)	—	—	5	(5)
Law governing the institutions	1	(1)	—	—	1	(1)
Company law	6	(7)	5	(5)	11	(12)
Environment and consumer affairs	6	(6)	8	(8)	14	(14)
Taxation	8	(21)	5	(5)	23	(26)
Free movement of goods	29	(36)	9	(9)	38	(45)
Freedom of movement for persons	34	(36)	3	(3)	37	(39)
Commercial policy	13	(19)	2	(2)	15	(21)
Social policy	13	(19)	4	(4)	17	(23)
Principles of the Treaty	1	(1)	2	(2)	3	(3)
Staff regulations	—	—	3	(3)	3	(32)
Harmonization of laws	4	(4)	12	(12)	16	(16)
External relations	3	(2)	2	(2)	5	(4)
Transport	4	(4)	2	(2)	6	(6)
Total EEC Treaty	184	(224)	98	(98)	292	(322)
Protection of the general public	1	(1)	—	—	1	(1)
Total EAEC Treaty	1	(1)	—	—	1	(1)
Iron and Steel	1	(2)	—	—	1	(2)
Total ECSC Treaty	1	(2)	—	—	1	(2)
Communities' Budget	1	(1)	—	—	1	(1)
Law governing the institutions	1	(1)	3	(4)	4	(5)
Staff regulations	12	(12)	2	(2)	14	(14)
Total EC	14	(14)	5	(6)	19	(20)
Overall Total	200	(241)	103	(104)	313	(345)

Cases decided in 1993

Table 10: Form of decision

Form of decision	Direct actions	References for a preliminary ruling	Appeals	Special forms of procedure	Opinions Deliberations	Total
<i>Judgments</i>						
In contested cases	69 (83)	- -	6 (6)	- -	- -	75 (89)
In references for a preliminary ruling	- -	128 (162)	- -	- -	- -	128 (162)
Total Judgments	69 (83)	128 (162)	6 (6)	- -	- -	203 (251)
<i>Orders</i>						
Removal from Register	30 (30)	29 (32)	3 (3)	1 (1)	- -	63 (66)
Action inadmissible	13 (14)	2 (2)	- -	- -	- -	15 (16)
Case not to proceed to judgment	3 (3)	- -	-	- -	3 (3)	4 (4)
Action manifestly unfounded	- -	- -	2 (2)	- -	- -	2 (2)
Action partly unfounded	- -	- -	- -	1 (1)	- -	1 (1)
Referred back or transferred to the Court of First Instance	440 (453)	- -	- -	1 (1)	- -	440 (453)
Total Orders	486 (500)	31 (34)	5 (5)	2 (2)	- -	524 (541)
Opinions	- -	- -	- -	- -	1 (1)	1 (1)
Total Opinions/Deliberations	- -	- -	- -	- -	1 (1)	1 (1)
Total	555 (583)	159 (196)	11 (11)	2 (2)	1 (1)	728 (793)

Table 11: Bench hearing case

Bench hearing case	Judgments	Orders	Total Cases decided
Full Court	29	507	559
Small plenum	74	11	97
Chambers	100	5	136
President	—	1	1
Total	203	524	793

Table 12: Basis of proceedings

Basis of proceedings	Judgments		Orders		Total	
Article 169 of the EEC Treaty	31	(31)	21	(21)	52	(52)
Article 171 of the EEC Treaty	4	(4)	1	(1)	5	(5)
Article 173 of the EEC Treaty	26	(40)	72	(81)	98	(121)
Article 175 of the EEC Treaty	1	(1)	3	(3)	4	(4)
Article 177 of the EEC Treaty	125	(159)	31	(34)	156	(193)
Article 178 of the EEC Treaty	2	(2)	387	(392)	389	(394)
Article 181 of the EEC Treaty	2	(2)	—	—	2	(2)
Article 1 of the 1971 Protocol	3	(3)	—	—	3	(3)
Article 49 of the EEC Statute	5	(5)	5	(5)	10	(10)
Total EEC Treaty	199	(247)	520	(537)	719	(784)
Article 33 of the ECSC Treaty	—	—	1	(1)	1	(1)
Article 49 of the ECSC Statute	1	(1)	—	—	1	(1)
Total ECSC Treaty	—	—	—	—	2	(2)
Article 141 of the EAEC Treaty	1	(1)	—	—	1	(1)
Article 146 of the EAEC Treaty	1	(1)	—	—	1	(1)
Article 148 of the EAEC Treaty	1	(1)	—	—	1	(1)
Article 151 of the EAEC Treaty	—	—	1	(1)	1	(1)
Total EAEC Treaty	3	(3)	1	(1)	4	(4)
Total	203	(251)	522	(539)	725	(790)
Article 228 of the EEC Treaty	—	—	1	(1)	1	(1)
Article 74 of the Rules of Procedure	—	—	2	(2)	2	(2)
Total special forms of procedure	—	—	3	(3)	3	(3)
Overall Total	203	(251)	525	(542)	728	(793)

Table 13: Subject-matter of proceedings

Subject-matter of proceedings	Judgments		Orders		Total	
Accessions	3	(3)	1	(1)	4	(4)
State aid	6	(7)	11	(14)	17	(21)
Agriculture	37	(53)	426	(429)	463	(482)
European Investment Bank	–	–	1	(1)	1	(1)
Competition	11	(23)	12	(14)	23	(37)
Brussels Convention	3	(3)	–	–	3	(3)
Law governing the institutions	2	(2)	9	(9)	11	(11)
Company law	3	(3)	1	(1)	4	(4)
Environment and consumer affairs	10	(10)	8	(8)	18	(18)
Taxation	17	(18)	6	(6)	23	(24)
Free movement of capital	1	(1)	–	–	1	(1)
Free movement of goods	28	(33)	5	(5)	33	(38)
Freedom of movement for persons	27	(32)	6	(7)	33	(39)
Commercial policy	5	(5)	3	(3)	8	(8)
Regional policy	–	–	1	(1)	1	(1)
Social policy	17	(18)	11	(18)	28	(36)
Principles of the Treaty	2	(3)	–	–	2	(3)
Privileges and immunities	2	(2)	–	–	2	(2)
Harmonization of laws	4	(4)	2	(2)	6	(6)
External relations	7	(7)	7	(8)	14	(15)
Transport	8	(13)	7	(7)	15	(20)
Total EEC Treaty	193	(240)	517	(534)	710	(774)
Supply	1	(1)	1	(1)	2	(2)
Safety checks	1	(1)	–	–	1	(1)
Protection of the general public	1	(1)	–	–	1	(1)
Total EAEC Treaty	3	(3)	1	(1)	4	(4)
Iron and Steel	1	(1)	1	(1)	2	(2)
Total ECSC Treaty	1	(1)	1	(1)	2	(2)
Communities' Budget	1	(2)	–	–	1	(2)
Law governing the institutions	–	–	2	(2)	2	(2)
Staff regulations	5	(5)	4	(4)	9	(9)
Total EC	6	(7)	6	(6)	12	(13)
Overall Total	203	(251)	525	(542)	728	(793)

Cases decided in 1994

Table 14: Form of decision

Form of decision	Direct actions	References for a preliminary ruling	Appeals	Special forms of procedure	Opinions Deliberations	Total
<i>Judgments</i>						
In contested cases	53 (56)	- -	16 (16)	- -	- -	69 (72)
In references for a preliminary ruling	- -	119 (136)	- -	- -	- -	119 (136)
Total Judgments	53 (56)	119 (136)	16 (16)	- -	- -	188 (208)
<i>Orders</i>						
Removal from Register	30 (30)	23 (25)	- -	2 (2)	-	55 (57)
Action inadmissible	- -	1 (1)	2 (2)	- -	-	3 (3)
Case not to proceed to judgment	- -	- -	- -	- -	-	- -
	- -	- -	1 (1)	1 (1)	-	2 (2)
Action manifestly unfounded	- -	- -	1 (1)	- -	-	1 (1)
Action partly unfounded	- -	- -	- -	6 (6)	-	6 (6)
	- -	1 (1)	- -	- -	-	1 (1)
Referred back or transferred to the Court of First Instance	14 (14)	- -	- -	- -	-	14 (14)
Total Orders	44 (44)	25 (27)	4 (4)	9 (9)	-	82 (84)
Opinions	- -	- -	- -	- -	1 (1)	1 (1)
Total Opinions/Deliberations	- -	- -	- -	- -	1 (1)	1 (1)
Total	97 (100)	144 (163)	20 (20)	9 (9)	1 (1)	271 (293)

Table 15: Bench hearing case

Bench hearing case	Judgments	Orders	Total Cases decided
Full Court	37	68	113
Small plenum	50	2	55
Chambers	101	11	124
President	–	1	1
Total	188	82	293

Table 16: Basis of the proceedings

Basis of the proceedings	Judgments		Orders		Total	
Article 169 of the EEC Treaty	29	(29)	26	(26)	55	(55)
Article 171 of the EEC Treaty	1	(1)	–	–	1	(1)
Article 173 of the EEC Treaty	21	(24)	15	(15)	36	(39)
Article 177 of the EEC Treaty	108	(125)	23	(25)	131	(150)
Article 178 of the EEC Treaty	1	(1)	2	(2)	3	(3)
Article 181 of the EEC Treaty	–	–	1	(1)	1	(1)
Article 1 of the 1971 Protocol	8	(8)	2	(2)	10	(10)
Article 49 of the EEC Statute	15	(15)	4	(4)	19	(19)
Total EEC Treaty	183	(203)	73	(75)	256	(278)
Article 41 of the ECSC Treaty	3	(3)	–	–	3	(3)
Article 49 of the ECSC Statute	1	(1)	–	–	1	(1)
Total ECSC Treaty	4	(4)	–	–	4	(4)
Article 153 of the EAEC Treaty	1	(1)	–	–	1	(1)
Total EAEC Treaty	1	(1)	–	–	1	(1)
Total	188	(208)	73	(75)	261	(283)
Article 228 of the EEC Treaty	–	–	1	(1)	1	(1)
Article 74 of the Rules of Procedure	–	–	8	(8)	8	(8)
Article 76 of the Rules of Procedure	–	–	1	(1)	1	(1)
Overall total	188	(208)	83	(85)	271	(293)

Table 17: Subject-matter of the proceedings

Subject-matter of the proceedings	Judgments		Orders		Total	
State aid	7	(10)	1	(1)	8	(11)
Agriculture	33	(38)	12	(12)	45	(50)
Communities' budget	1	(1)	—	—	1	(1)
Competition	14	(14)	8	(10)	22	(24)
Brussels Convention	8	(8)	2	(2)	10	(10)
Institutional provisions	2	(2)	10	(10)	12	(12)
Company law	5	(5)	2	(2)	7	(7)
Environment and consumers	12	(12)	4	(4)	16	(16)
Taxation	3	(3)	4	(4)	7	(7)
Free movement of goods	29	(36)	2	(2)	31	(38)
Free movement of persons	21	(21)	8	(8)	29	(29)
Overseas territories and countries	1	(1)	—	—	1	(1)
Commercial policy	2	(2)	16	(16)	18	(18)
Social policy	18	(23)	1	(1)	19	(24)
Principles of the Treaty	2	(2)	—	—	2	(2)
Approximation of laws	6	(6)	5	(5)	11	(11)
External relations	4	(4)	1	(1)	5	(5)
Transport	6	(6)	2	(2)	8	(8)
Total EEC Treaty	174	(194)	78	(80)	252	(274)
Institutional provisions	1	(1)	1	(1)	2	(2)
Total EAEC Treaty	1	(1)	1	(1)	2	(2)
Prices	1	(1)	—	—	1	(1)
Steel	3	(3)	—	—	3	(3)
Total ECSC Treaty	4	(4)	—	—	4	(4)
Rules of Procedure	—	—	1	(1)	1	(1)
Staff Regulations	9	(9)	3	(3)	12	(12)
Total EC	9	(9)	4	(4)	13	(13)
Overall total	188	(208)	83	(85)	271	(293)

Cases brought in 1992, 1993 and 1994

Table 18: Nature of the proceedings

	1992	1993	1994
References for a preliminary ruling	162	204	203
Direct actions:	251	265	125
– For annulment of measures	64	67	33
– For failure to act	3	2	–
– For damages	133	155	–
– For failure to fulfil obligations	50	39	90
– On arbitration clauses	1	2	2
Appeals		17	13
Opinion		–	3
Total	440	486	344
Special forms of procedure:	2	4	10
– Legal aid	–	–	1
– Taxation of costs	1	4	6
– Revision of a Judgment	1	–	1
– Application for a garnishee order	–	–	2
Total	442	490	354
Application for interim measures	4	13	4

Table 19: Basis of the proceedings

	1992	1993	1994
Article 169 of the EEC Treaty	46	38	88
Article 170 of the EEC Treaty	1	—	—
Article 171 of the EEC Treaty	2	1	—
Article 173 of the EEC Treaty	63	67	33
Article 175 of the EEC Treaty	3	2	—
Article 177 of the EEC Treaty	151	195	199
Article 178 of the EEC Treaty	132	155	—
Article 181 of the EEC Treaty	1	2	2
Article 225 of the EEC Treaty	—	—	1
Article 228 of the EEC Treaty	2	—	3
Article 1 of the 1971 Protocol	8	9	2
Article 49 of the EEC Statute	24	17	13
Total EEC Treaty	433	486	341
Article 33 of the ECSC Treaty	1	—	—
Article 41 of the ECSC Treaty	3	—	1
Article 49 of the ECSC Statute	1	—	—
Total ECSC Treaty	5	—	1
Article 141 of the EAEC Treaty	1	—	1
Article 151 of the EAEC Treaty	1	—	—
Total EAEC Treaty	2	—	1
Total	440	—	343
Article 74 of the Rules of Procedure	1	4	6
Article 76 of the Rules of Procedure	—	—	1
Article 98 of the Rules of Procedure	1	—	1
Protocol on Privileges and Immunities	—	—	3
Total Special forms of procedure	2	4	7
Overall total	442	490	354

Table 20: Cases brought in 1992 – Subject-matter of proceedings

Subject-matter of proceedings	Direct actions	References for a preliminary ruling	Cases brought
State aid	12	1	13
Agriculture	168	29	197
European Investment Bank	1	–	1
Competition	3	17	34
Brussels Convention	–	8	8
Law governing the institutions	5	–	5
Company law	4	2	6
Environment and consumer affairs	12	6	18
Taxation	5	14	19
Free movement of goods	13	20	33
Freedom of movement for persons	4	31	35
Commercial policy	4	2	6
Social policy	5	15	20
Principles of the Treaty	2	2	4
Privileges and immunities	–	1	1
Staff regulations	1	–	1
Harmonization of laws	3	1	4
External relations	2	2	6
Transport	4	8	12
Total EEC Treaty	248	159	424
Supply	1	–	1
Protection of the general public	1	–	1
Total EAEC Treaty	2	–	2
Prices	–	1	1
Iron and Steel	1	2	4
Total ECSC Treaty	1	3	5
Law governing the institutions	–	–	2
Staff regulations	–	–	9
Total EC	–	–	11
Overall Total	251	162	442

Table 21: Cases brought in 1993 – Subject-matter of proceedings

Subject-matter of proceedings	Direct actions	References for a preliminary ruling	Cases brought ¹
Accessions	1	–	1
State aid	11	1	12
Agriculture	184	23	207
Competition	–	17	17
Brussels Convention	–	9	9
Law governing the institutions	6	2	8
Company law	3	3	6
Environment and consumer affairs	14	2	16
Taxation	–	20	20
Free movement of capital	–	1	1
Free movement of goods	2	52	54
Freedom of movement for persons	8	37	45
Commercial policy	12	1	13
Social policy	2	24	26
Principles of the Treaty	2	2	4
Harmonization of laws	5	2	7
External relations	9	5	14
Transport	6	3	9
Total EEC Treaty	265	204	469
Overall Total	265	204	469

¹ Except appeals and special forms of procedure.

Table 22: Cases brought in 1994 – Subject-matter of the proceedings

Subject-matter of the proceedings	Direct actions	References for a preliminary ruling	Cases brought
State aid	4	2	6
Agriculture	34	27	63
Citizenship of the Union	–	1	1
Competition	2	10	13
Brussels Convention	–	2	2
Institutional provisions	4	–	13
Company law	8	2	10
Environment and consumers	6	8	15
Taxation	1	21	22
Free movement of capital	–	4	4
Free movement of goods	7	48	55
Free movement of persons	22	49	71
Commercial policy	5	3	8
Regional policy	–	–	1
Social policy	1	14	15
Principles of the Treaty	–	1	1
Privileges and immunities	–	1	1
Approximation of laws	23	4	27
External relations	3	2	8
Transport	4	3	7
Total EEC Treaty	124	202	343
Protection of the general public	1	–	1
Total EAEC Treaty	1	–	1
Coal	–	1	1
Total ECSC Treaty	–	1	1
Institutional provisions	–	–	1
Privileges and immunities	–	–	2
Rules of Procedure	–	–	1
Staff Regulations	–	–	5
Total EC	–	–	9
Overall total	125	203	354

Table 23: Direct actions – Applicants and Defendants

Brought by	1992	1993	1994	Against	1992	1993	1994
Belgium	–	1	–	Belgium	6	6	10
Denmark	–	–	–	Denmark	–	–	–
Germany	5	3	2	Germany	5	3	5
Greece	2	–	1	Greece	3	3	18
Spain	11	2	2	Spain	5	5	9
France	2	2	8	France	1	2	8
Ireland	2	1	1	Ireland	4	–	12
Italy	2	1	3	Italy	9	9	12
Luxembourg	–	–	–	Luxembourg	11	6	6
Netherlands	3	2	3	Netherlands	1	5	4
Portugal	1	–	1	Portugal	1	–	5
United Kingdom	–	1	4	United Kingdom	4	–	1
Total Member States	28	13	25	Total Member States	50	39	90
Council	–	–	–	Council	36	2	12
Commission	50	41	92	Commission	76	43	21
Parliament	1	6	3	Parliament	3	–	1
Court of Auditors	–	–	–	Court of Auditors	1	–	–
EIB	–	–	–	EIB	1	–	–
Council and Commission	–	–	–	Council and Commission	84	159	–
				Council and Parliament	–	–	1
Natural and legal persons	172	205	5	Natural and legal persons	–	–	–
Total	251	265	125	Total	251	265	125

General trend

Table 24: Cases brought between 1953 and 31 December 1994

Year	Direct actions ¹	References for a preliminary ruling	Total	Applications for interim measures	Judgments
1953	4	—	4	—	—
1954	10	—	10	—	2
1955	9	—	9	2	4
1956	11	—	11	2	6
1957	19	—	19	2	4
1958	43	—	43	—	10
1959	47	—	47	5	13
1960	23	—	23	2	18
1961	25	1	26	1	11
1962	30	5	35	2	20
1963	99	6	105	7	37
1964	49	6	55	4	31
1965	55	7	62	4	52
1966	30	1	31	2	24
1967	14	23	37	—	24
1968	24	9	33	1	27
1969	60	17	77	2	30
1970	47	32	79	—	64
1971	59	37	96	1	60
1972	42	40	82	2	61
1973	131	61	192	6	80
1974	63	39	102	8	63
1975	61	69	130	5	78
1976	51	75	126	6	88
1977	74	84	158	6	100
1978	145	123	268	7	97
1979	1216	106	1322	6	138
1980	180	99	279	14	132
1981	214	109	323	17	128
1982	216	129	345	16	185
1983	199	98	297	11	151
1984	183	129	312	17	165
1985	294	139	433	22	211
1986	238	91	329	23	174
1987	251	144	395	21	208
1988	194	179	373	17	238
1989	246	139	385	20	188
1990	238	141	379	12	193
1991	156 ¹	186	342	9	204
1992	276	162	438	4	210
1993	282	204	486	13	203
1994	138	203	341	4	188
Total	5748²	2893	8641	303	3920

¹ Including two requests for an opinion pursuant to the second paragraph of Article 228.

² 2 388 of which are staff cases up to 31 December 1989.

Table 25: Trend between 1 January 1984 and 31 December 1994

	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Cases brought											
References for a preliminary ruling	129	139	91	144	179	139	141	186	162	204	203
Direct actions	140	229	181	174	136	205	222	140	251	265	125
Staff cases	43	65	57	77	58	41	–	–	–	–	–
Appeals ¹	–	–	–	–	–	–	16	14	25	17	13
Opinions	–	–	–	–	–	–	–	2	2	–	3
Total	312	433	329	395	373	385	379	342	440	486	344
Cases decided (Judgments)											
References for a preliminary ruling	77	109	78	71	108	90	113	108	112	128	119
Direct actions	57	63	59	101	98	64	73	91	84	69	53
Staff cases	30	38	35	36	32	34	7	–	–	–	–
Opinions	–	–	–	–	–	–	–	1	1	1	1
Review	1	1	1	–	–	–	–	–	–	–	–
Third party proceedings	–	–	1	–	–	–	–	–	–	–	–
Appeals ¹	–	–	–	–	–	–	–	5	9	6	16
Total	165	211	174	208	238	188	193	205	206	204	189
Cases decided:											
– by Chambers	110	138	107	115	123	116	119	86	206	100	101
– by Full Court	55	73	65	93	115	72	74	118 ²	101	103	87

¹ Since 1990.

² Including the Opinion.

Table 26: Direct actions brought up to 31 December 1994

By		Against	
Belgium	12	Belgium	159
Denmark	5	Denmark	20
Germany	42	Germany	80
Greece	20	Greece	105
Spain	38	Spain	31
France	48	France	131
Ireland	12	Ireland	58
Italy	53	Italy	298
Luxembourg	7	Luxembourg	63
Netherlands	34	Netherlands	51
Portugal	6	Portugal	11
United Kingdom	24	United Kingdom	36
Total Member States 301		Total Member States 1 043	
Parliament	19	Parliament	29
Council	4	Council	252
Commission	1 072	Commission	1 490
Council and Parliament	–	Council and Parliament	–
Council and Commission	–	Council and Commission	–
Total institutions 1 095		Total institutions 2 222	
Natural or legal persons	1 875	Natural or legal persons	6
Overall total 3 271		Overall total 3 271	

Table 27: References for a preliminary ruling brought up to December 1994

Belgium		Ireland	
Cour de cassation	36	Supreme Court	7
Conseil d'État	12	High Court	15
Other courts	274	Other courts	8
Total	322	Total	30
Denmark		Italy	
Højesteret	10	Corte suprema di Cassazione	59
Other courts	42	Consiglio di Stato	5
Total	52	Other courts	301
Germany		Luxembourg	
Bundesgerichtshof	52	Cour supérieure de justice	9
Bundesarbeitsgericht	4	Conseil d'État	12
Bundesverwaltungsgericht	34	Other courts	12
Bundesfinanzhof	136	Total	33
Bundessozialgericht	43	Netherlands	
Other courts	632	Raad van State	20
Total	901	Hoge Raad	67
Greece		Centrale Raad van Beroep	35
Conseil d'État	3	College van Beroep voor het	
Other courts	29	Bedrijfsleven	92
Total	32	Tariefcommissie	31
Spain		Other courts	174
Tribunal Supremo	1	Total	419
Tribunales Superiores de Justicia	16	Portugal	
Audiencia Nacional	1	Supremo Tribunal Administrativo	3
Juzgado Central de lo Penal	7	Other courts	8
Other courts	16	Total	11
Total	41	United Kingdom	
France		House of Lords	15
Cour de cassation	52	Other courts	171
Conseil d'État	12	Total	186
Other courts	437	Overall total	
Total	501	2 893	

Table 28: References for a preliminary ruling

(Articles 177 of the EEC Treaty, 41 of the ECSC Treaty, 153 of the EAEC Treaty, 1971 Protocol)

Distribution by Member State

Year	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK	Total
1961	-	-	-	-	-	-	-	-	-	1	-	-	1
1962	-	-	-	-	-	-	-	-	-	5	-	-	5
1963	-	-	-	-	-	-	-	-	1	5	-	-	6
1964	-	-	-	-	-	-	-	2	-	4	-	-	6
1965	-	-	4	-	-	2	-	-	-	1	-	-	7
1966	-	-	-	-	-	-	-	-	-	1	-	-	1
1967	5	-	11	-	-	-	3	-	1	3	-	-	23
1968	1	-	4	-	-	1	-	1	-	2	-	-	9
1969	4	-	11	-	-	-	1	-	1	-	-	-	17
1970	4	-	21	-	-	2	-	2	-	3	-	-	32
1971	1	-	28	-	-	5	-	5	1	6	-	-	37
1972	5	-	20	-	-	1	-	4	-	10	-	-	40
1973	8	-	37	-	-	4	-	5	1	6	-	-	61
1974	5	-	15	-	-	6	-	5	-	7	-	1	39
1975	7	1	26	-	-	15	-	14	1	4	-	1	69
1976	11	-	28	-	-	8	1	12	-	14	-	1	75
1977	16	1	30	-	-	14	2	7	-	9	-	5	84
1978	7	3	46	-	-	12	1	11	-	38	-	5	123
1979	13	1	33	-	-	18	2	19	1	11	-	8	106
1980	14	2	24	-	-	14	3	19	-	17	-	6	99
1981	12	1	41	-	-	17	-	12	4	17	-	5	109
1982	10	1	36	-	-	39	-	18	-	21	-	4	129
1983	9	4	36	-	-	15	2	7	-	19	-	6	98
1984	13	2	38	-	-	34	1	10	-	22	-	9	129
1985	13	-	40	-	-	45	2	11	6	14	-	8	139
1986	13	4	18	2	1	19	4	5	1	16	-	8	91
1987	15	5	32	17	1	36	2	5	3	19	-	9	144
1988	30	4	34	-	1	38	-	28	2	26	-	16	179
1989	13	2	47	2	2	28	1	10	1	18	1	14	139
1990	17	5	34	2	6	21	4	25	4	9	2	12	141
1991	19	2	54	3	5	29	2	36	2	17	3	14	186
1992	16	3	62	1	5	15	0	22	1	18	1	18	162
1993	22	7	57	5	7	22	1	24	1	43	3	12	204
1994	19	4	44	13	36	-	2	46	1	13	1	24	203
Total	322	52	901	41	501	32	30	365	33	419	11	186	2 893

Miscellaneous

Table 29: Sittings

	1992	1993	1994
Full Court	110	84	57
Chambers	105	67	62
Sittings in which Opinions were delivered	225	198	158
Total	440	349	277

Table 30: Lawyers appearing before the Court (by nationality)

	1992	1993	1994
Belgium	39	23	34
Denmark	6	6	2
Germany	56	55	54
Greece	4	3	—
Spain	18	3	9
France	34	18	16
Ireland	11	3	3
Italy	26	36	11
Luxembourg	8	3	2
Netherlands	13	17	18
Portugal	6	4	—
United Kingdom	55	78	76

B – PROCEEDINGS OF THE COURT OF FIRST INSTANCE

I – Synopsis of the judgments delivered by the Court of First Instance in 1992

Case	Date	Parties	Subject-matter
Competition			
T-44/90	24. 1. 1992	La Cinq v Commission	Competition – Commission's Refusal to Adopt Provisional Measures
T-79/89 T-84/89 T-85/89 T-86/89 T-89/89 T-91/89 T-92/89 T-94/89 T-96/89 T-98/89 T-102/89 T-104/89	27. 2. 1992	BASF and Others v Commission	Concepts of agreement and concerted practice – Procedure – Competence – Commission's Rules of Procedure – Non-existence of the measure
T-19/91	27. 2. 1992	Société d'hygiène dermatologique de Vichy v Commission	Article 85 of the Treaty – Exclusive or selective distribution system – Anti-competitive purpose or effect – Regulation No 17/62 – Decision to apply Article 15(6)
T-9/89	10. 3. 1992	Hüls v Commission	Concepts of agreement and concerted practice – Collective responsibility
T-10/89	10. 3. 1992	Hoechst Aktiengesellschaft v Commission	Concepts of agreement and concerted practice – Collective responsibility
T-11/89	10. 3. 1992	Shell International Chemical Company v Commission	Concepts of agreement and concerted practice – Collective responsibility

Case	Date	Parties	Subject-matter
T-12/89	10. 3. 1992	Solvay et Compagnie v Commission	Concepts of agreement and concerted practice – Collective responsibility
T-13/89	10. 3. 1992	Imperial Chemical Industries v Commission	Concepts of agreement and concerted practice – Collective responsibility
T-14/89	10. 3. 1992	Montedipe v Commission	Concepts of agreement and concerted practice – Collective responsibility
T-15/89	10. 3. 1992	Société Chemie Linz v Commission	Concepts of agreement and concerted practice – Collective responsibility
T-68/89 T-77/89 T-78/89	10. 3. 1992	Società Italiana Vetro Fabbrica Pisana Vernante Pennitalia v Commission	Concepts of agreement and concerted practice – Abuse of a collective dominant position – Evidence
T-61/89	2. 7. 1992	Dansk Pelsdyravlerforening v Commission	Regulation No 26/62 – Cooperative society – Non-competition clause – Exclusive supply obligations
T-66/89	9. 7. 1992	Publishers Association v Commission	Agreements – Minimum price for the retail sale of books
T-138/89	17. 9. 1992	NBV & NVB v Commission	Negative clearance – Act not open to challenge by the beneficiary
T-24/90	18. 9. 1992	Automec v Commission	Obligations of the Commission when a complaint has been submitted to it
T-28/90	18. 9. 1992	Asia Motor France v Commission	Action for failure to act – Admissibility – Decision unnecessary – Action for damages – Payment of expenses
T-16/91	18. 11. 1992	Rendo v Commission	Agreement restricting imports and exports of electricity to and from the Netherlands – Partial failure to determine the agreement's compatibility with Article 85(1)

Case	Date	Parties	Subject-matter
T-10/92 T-11/92 T-12/92 T-15/92	18. 12. 1992	Cimenteries CBR, Blue Circle Industries, Syndicat national des fabricants de ciments et de chaux et Fédération de l'Industrie cimentière v Commission	Notification of objections – Access to the file – Admissibility

EAEC

T-26/90	5. 6. 1992	Società Finanziaria Siderurgica Finsider v Commission	Steel: exceedence of quotas – Scope of judgment of annulment – Taking into account of loss suffered as a result of the annulled provisions – Refusal to grant advances – Reasons – Cessation of quota system – Legitimate expectations – Administrative procedure – Unlimited jurisdiction
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Synopsis of the judgments delivered by the Court of First Instance in 1993

Case	Date	Parties	Subject-matter
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Competition

T-65/89	1. 4. 1993	BPB Industries & British Gypsum v Commission	Abuse of a dominant position – Exclusive purchase contract – Loyalty payments – Effect on trade between Member States – Attributability of the infringement
T-9/92	22. 4. 1993	Automobiles Peugeot SA and Peugeot SA v Commission	Motor vehicle distribution – Regulation granting exemption by category – Definition of intermediary dealer
T-7/92	29. 6. 1993	Asia Motor France v Commission	Obligations in investigation of complaints – Lawfulness of grounds for refusal – Manifest error of assessment – Error of law
T-83/92	28. 10. 1993	Zunis Holding SA and Others v Commission	Control of concentrations – Permissibility

Staff cases

T-88/91	14. 1. 1993	F. v Commission	Social security – Invalidation benefit – Operative event
T-22/91	11. 2. 1993	Raiola-Denti and Others v Council	Promotion – Upgrading of a post
T-45/91	18. 2. 1993	MacAvoy v Parliament	Promotion – Appointment of principal administrator – Library
T-1/92	18. 2. 1993	Tallarico v Parliament	Accident insurance – Medical Committee's report
T-58/91	3. 3. 1993	Booss and Others v Commission	Recruitment – Exceptional procedure
T-69/91	3. 3. 1993	Peroulakis v Commission	Remuneration – Family allowances – Payment to spouse

Case	Date	Parties	Subject-matter
T-25/92	3. 3. 1993	Vela Palacios v Economic and Social Committee	Promotion – Staff report – Belated report
T-44/92	3. 3. 1993	Delloye and Others v Commission	Recruitment – Open competition – Non-admission to oral tests
T-87/91	11. 3. 1993	Boessen v Economic and Social Committee	Pension – Invalidity pension – Review of the amount
T-33/89 and T-74/89	16. 3. 1993	Blackman v Parliament	Social security – Paramedical costs of special education
T-13/92	17. 3. 1993	Moat v Commission	Official's personal file – Missing documents
T-43/89 RV	23. 3. 1993	Gill v Commission	Staff case – Invalidity pension – Occupational disease
T-4/92	30. 3. 1993	Vardakas v Commission	Staff case – Expatriation allowance – International organization
T-5/92	21. 4. 1993	Tallarico v Parliament	Staff case – Duty to provide assistance – Article 24 of the Staff Regulations – Malicious acts
T-50/92	8. 6. 1993	Fiorani v Parliament	Disciplinary measures – Sanction consistant in a change of posting
T-65/92	17. 6. 1993	Arauxo-Dumay v Commission	Pension – Survivor's pension – Duration of marriage – Couple living together
T-69/92	24. 6. 1993	Seghers v Council	Post – Automatic change of working procedures
T-92/91	24. 6. 1993	Henrichs v Commission	Termination of service – Amount of the allowance – Social security
T-46/90	30. 6. 1993	Devillez and Others v Parliament	Remuneration – Shiftwork allowance
T-48/90	1. 7. 1993	Giordani v Commission	Delayed reinstatement – Compensation for damages
T-32/92	6. 7. 1993	Rasmussen v Commission	Promotion – Appointment of the head of the Lisbon office
T-20/92	13. 7. 1993	Moat v Commission	Promotion – Promotion procedure

Case	Date	Parties	Subject-matter
T-17/90, T-28/91, T-17/92 and T-27/92	15. 7. 1993	Camara Alloisio and Others v Commission	R e c r u i t m e n t – Implementation of a judgment of the Court of Justice – Reconstitution of the selection board
T-60/92	16. 9. 1993	Noonan v Commission	Recruitment – Non-admission to a general competition – Excluded diplomas – Whether permissible
T-90/92	28. 9. 1993	Magdalena Fernández v Commission	Remuneration – Expatriation allowance
T-57/92 and T-75/92	28. 9. 1993	Yorck von Wartenburg v Parliament	Member of the temporary staff – Installation and resettlement allowances
T-84/92	28. 9. 1993	Nielsen and Others v Economic and Social Committee	Promotion – Promotion procedure
T-103/92, T-104/92 and T-105/92	28. 9. 1993	Baiwir and Others v Commission	Appointment – Classification in step
T-6/92 and T-52/92	26. 10. 1993	Reinarz v Commission	Social security – Rate of reimbursement – Nursing costs
T-22/92	26. 10. 1993	Weißenfels v Parliament	Promotion – Consideration of comparative merits – Belated staff report
T-59/92	26. 10. 1993	Caronna v Commission	Duty to assist – Defamation
T-13/93	24. 11. 1993	Cordier v Commission	Social security – Reimbursement of medical expenses
T-89/91, T-21/92 and T-89/92	25. 11. 1993	Mrs X v Commission	Promotion – Establishment of promotion lists
T-76/92	30. 11. 1993	Tsirimokos v Parliament	Promotion – Appointment of Head of the Greek Translation Division
T-78/92	30. 11. 1993	Perakis v Parliament	See Case T-76/92
T-15/93	30. 11. 1993	Vienne v Parliament	Remuneration – Daily subsistence allowance

Case	Date	Parties	Subject-matter
T-20/89 RV	16. 12. 1993	Möriz v Commission	Recruitment – Exceptional procedure
T-58/92	16. 12. 1993	Moat v Commission	Promotion – Staff report – Belated report
T-80/92	16. 12. 1993	Turner v Commission	Employment – Compulsory transfer
T-91/92	16. 12. 1993	Daemen v Commission	Recruitment – Open competition – Disregard of anonymity rule

Synopsis of the other decisions of the Court of First Instance which appeared in the 'Proceedings' in 1993

Case	Date	Parties	Subject-matter
T-7/93 R and T-9/93 R	19. 2. 1993	Langnese-Iglo and Schöller Lebensmittel v Commission	Competition – Proceedings for interim relief – Intervention – Confidentiality – Interim measures
T-24/93 R	13. 5. 1993	Compagnie Maritime Belge Transport N.V. v Commission	Competition – Proceedings for interim relief – Intervention – Confidentiality – Interim measures
T-12/93 R	6. 7. 1993	Comité Central d'Entreprise de la Société Anonyme Vittel and Others v Commission	Competition – Proceedings for interim relief – Intervention – Confidentiality – Interim measures
T-460/93	26. 11. 1993	E. Tête and Others v European Investment Bank	Decision of the EIB – Action for annulment – Inadmissibility

Synopsis of the judgments of the Court of First Instance in 1994

Case	Date	Parties	Subject-matter
Agriculture			
T-465/93	19. 5. 1994	Consorzio gruppo di azione locale 'Murgia Messapica' v Commission	Economic and social cohesion – Assistance from Structural Funds – Leader Programme – Action for annulment of implied refusal to allocate a grant under the programme
T-489/93	15. 12. 1994	Unifruit Hellas EPE v Commission	Countervailing charge – Products in transit to the Community – Legitimate expectations – Principle of proportionality – Equal treatment – Misuse of powers
Competition			
T-39/92 and T-40/92	23. 2. 1994	Groupement des cartes Bancaires 'CB' and Others v Commission	Statement of objections – Price-fixing agreement – Restriction of competition – Relevant market – Exemption – Fines
T-3/93	24. 3. 1994	Société Anonyme à Participation Ouvrière Compagnie Nationale Air France v Commission	Regulation No 4064/89 – Admissibility – Concept of 'decision' – Form of act – Competitor directly and individually concerned – Concentration with a Community dimension – Consultation of Member States – Principle of equal treatment of Member States
T-38/92	28. 4. 1994	All Weather Sports Benelux v Commission	Article 85(1) of the EEC Treaty – Exclusive distribution – Concerted practice – Elimination of parallel imports – Fine – Liability for the infringement – Statement of reasons

Case	Date	Parties	Subject-matter
T-37/92	18. 5. 1994	Bureau Européen des Unions de Consommateurs and Others v Commission	Regulation No 17 – Article 3 – Rejection of a complaint – Obligations in investigating complaints – Lawfulness – Effect of a commercial consensus with a non-member country – Effect of national practices – Whether trade between Member States affected
T-2/93	19. 5. 1994	Société Anonyme à Participation Ouvrière Compagnie Nationale Air France v Commission	Concentrations between undertakings – Admissibility – Sole or joint control – Definition of the market – Dominant position – Legitimate expectations
T-43/92	7. 7. 1994	Dunlop Slazenger International v Commission	Article 85 of the EEC Treaty – Exclusive distribution agreements – Absolute territorial protection – Prohibition on parallel imports – Concerted practices
T-66/92	14. 7. 1994	Herlitz AG v Commission	Clause prohibiting exports – Article 85(1) of the EEC Treaty
T-77/92	14. 7. 1994	Parker Pen Ltd v Commission	Clause prohibiting exports – Whether trade between Member States affected – Fine
T-17/93	15. 7. 1994	Matra Hachette SA v Commission	Exemption decision – Joint enterprise

Case	Date	Parties	Subject-matter
T-83/91	6. 10. 1994	Tetra Pak International SA v Commission	Dominant position – Definition of the product markets – Geographical market – Application of Article 86 to practices carried out by a dominant undertaking on a market which is distinct from the dominated market – Abuse – Tied sales – Exclusive sales – Unfair terms – Predatory prices – Discriminatory prices – Administrative procedure – Principle of good administration – Provision of proper minutes of the hearing – Injunctions – Fine
T-34/92	27. 10. 1994	Fiatagri UK Limited and Another v Commission	Information exchange system – Anti-competitive effect – Refusal to grant an exemption
T-35/92	27. 10. 1994	John Deere v Commission	Information exchange system – Anti-competitive effect – Refusal to grant an exemption
T-32/93	27. 10. 1994	Ladbroke Racing v Commission	Article 90 of the EEC Treaty – Actions against Community institutions for failure to act – Inadmissibility
T-46/92	9. 11. 1994	The Scottish Football Association v Commission	Request for information by way of decision pursuant to Article 11(5) of Regulation No 17 – Legal interest in bringing proceedings

External relations

T-451/93	16. 11. 1994	San Marco Impex Italiana SA v Commission	European Development Fund – Public works contract – Construction of bridges and access roads in Somalia – Non-payment of certain invoices – Cancellation of the contract following the outbreak of civil war – Commission's liability
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Case	Date	Parties	Subject-matter
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Regional policy

T-461/93	23. 9. 1994	An Taisce – The National Trust for Ireland and Others v Commission	Structural funds – Action for damages – Admissibility
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Social policy

T-450/93	6. 12. 1994	Lisrestal – Organização Gestão de Restaurantes Colectivos, and Others v Commission	European Social Fund – Application for the annulment of a decision reducing financial assistance initially granted – Infringement of the rights of the defence – Statement of reasons
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Staff cases

T-65/91	12. 1. 1994	White v Commission	Officials – Appointment of staff representatives to the administrative bodies or bodies set up under the Staff Regulations – Regulations establishing principles of collegiate responsibility and proportional distribution in relation to electoral results – Duties of the institution – Failure to take appropriate measures – Admissibility
T-82/91	9. 2. 1994	Latham v Commission	Official – Refusal to admit to a competition – Rejection of a request for promotion
T-3/92	9. 2. 1994	Latham v Commission	Official – Decision on transfer – Refusal of promotion
T-109/92	9. 2. 1994	Lacruz Bassols v Court of Justice	Officials – Vacancy notice – Discrimination on grounds of language – Promotion – Consideration of comparative merits – Discretionary power – Power to organize departments

Case	Date	Parties	Subject-matter
T-107/92	10. 2. 1994	White v Commission	Official – Household allowance – Method of calculation – Recovery of undue payment – Normal care and attention – Time-bar – Reasonable period
T-18/92 and T-68/92	23. 2. 1994	D. Coussios v Commission	Officials – Vacancy notice – Changes – Rejection of candidature – Statement of reasons
T-93/92	24. 2. 1994	E. Burck v Commission	Official – Household allowance – Recovery of undue payment
T-108/92	24. 2. 1994	G. Calò v Commission	Official – Filling of vacant posts by promotion or transfer – Qualifications required in the vacancy notice – Right to a fair hearing – Infringement of Article 26 of the Staff Regulations – Comparison of candidatures – Statement of reasons in the decision rejecting a candidature
T-38/93	24. 2. 1994	A.M. Stahlschmidt v Parliament	Official – Recovery of undue payment
T-82/92	3. 3. 1994	Manuel Cortés Jiménez and Others v Commission	Officials – Action for annulment – Confirmatory act – Conditions for admission to a competition – University studies sanctioned by a diploma – Short term studies completed in Spain
T-100/92	15. 3. 1994	Giuseppe La Pietra v Commission	Official – Transfer of pension rights – General provisions for giving effect to the Staff Regulations – Publication – Time-limit for applying – Knowledge acquired – Time-bar – Principle of sound administration – Duty to have regard for the interests of officials

Case	Date	Parties	Subject-matter
T-43/91	17. 3. 1994	Paul Edwin Hoyer v Commission	Member of the temporary Staff – Internal competition – Composition and qualifications of the selection board – Equal treatment
T-44/91	17. 3. 1994	Carine Smets v Commission	Member of the temporary Staff – Internal competition – Composition and qualifications of the selection board – Equality of treatment
T-51/91	17. 3. 1994	Paul Edwin Hoyer v Commission	Member of the temporary Staff – Internal competition – Dismissal
T-52/91	17. 3. 1994	Carine Smets v Commission	Member of the temporary Staff – Internal competition – Dismissal
T-8/93	23. 3. 1994	Michelle Huet v Court of Auditors	Official – Death of spouse – Orphan's pension granted under Article 80, fourth paragraph, of the Staff Regulations and Article 37, fifth paragraph, of the Conditions of Employment of Other Servants – Death of spouse occurring before the official enters the service of the Communities
T-10/93	14. 4. 1994	A v Commission	Official – Recruitment – Person who is HIV positive – Refusal to appoint – Physical unfitness – Legality of Article 33 of the Staff Regulations – Right to respect for private life – European Convention for the Protection of Human Rights and Fundamental Freedoms

Case	Date	Parties	Subject-matter
T-35/93	28. 4. 1994	Vincent Cucchiara and Others v Commission	Officials – Claims assessors in the Settlements Office of the Sickness Insurance Scheme common to the institutions of the European Communities – Classification in Category C – Posts belonging, in the applicants' view, to Category B
T-512/93	10. 5. 1994	Jacobus Stempels v Commission	Officials – Request for prior authorization – Absence – Medical expenses – Reimbursement – Excluded
T-4/93	1. 6. 1994	Christian André v Commission	Officials – Rejection by a general staff meeting of a proposal to amend the statutes of the local staff committee – Application for annulment
T-94/92	9. 6. 1994	X v Commission	Official – Recruitment – Refusal to appoint on medical grounds
T-6/93	15. 6. 1994	Fernando Pérez Jiménez v Commission	Official – Open competition – Application for the annulment of a decision of a selection board – Admissibility – Measure having adverse effect
T-97/92 and T-111/92	22. 6. 1994	Loek Rijnoudt and Others v Commission	Officials – Temporary contribution – Rate of contribution to the pensions scheme
T-98/92 and T-99/92	22. 6. 1994	Lello Di Marzio and Others v Commission	Officials – Rules for the annual adjustment of remunerations – Temporary contributions
T-534/93	14. 7. 1994	Arlette Grynberg and Eileen Hall v Commission	Officials – Staff Committee – Electoral procedure – Distribution of seats – Provisional classification of elected members – Replacement of elected members

Case	Date	Parties	Subject-matter
T-576/93 to T-582/93	15. 7. 1994	M. Browet and Others v Commission	Officials – Strike – Commission agreement – Union and professional organizations – Consultation – Non-payment for days not worked – Absolute bar – Requirement to give statement of reasons
T-495/93	22. 9. 1994	Maria Carrer and Others v Court of Justice	Officials – Actions – Admissibility – Act adversely affecting an official – Time- limits – Time-bar – Reopening – Conditions – Request for assistance
T-18/93	26. 10. 1994	Antonio Marcato v Commission	Official – Action for annulment – Admissibility – Final staff report – Delay in its preparation – Promotion – Non-inclusion in list of officials judged most deserving of promotion – Action for damages – Material damage – Non- material damage
T-21/93	26. 10. 1994	N v Commission	Official – Duties – False declaration – Disciplinary measures – Disciplinary Committee – Downgrading – Statement of reasons – Proportionality
T-64/92	27. 10. 1994	Bernard Chavane de Dalmassy and Others v Commission	Officials and temporary agents – Salary statement – Act adversely affecting officials – Weighting – Change of capital – Objection of illegality
T-508/93	27. 10. 1994	Giuseppe Mancini v Commission	Official – Return to the service of the Communities following a period of service with a national administration – Refusal to grant an installation allowance and daily subsistence allowances

Case	Date	Parties	Subject-matter
T-536/93	27. 10. 1994	Hartwig Benzler v Commission	Officials – Pension – Weighting – Change of capital
T-47/93	27. 10. 1994	C v Commission	Officials – Recruitment – Extension of period of validity of the reserve list in competition EUR/B/16 – Medical opinion of unfitness – Action for annulment – Action for damages
T-498/93	30. 11. 1994	Yvonne Dornonville de la Cour v Commission	Officials – Allowance for dependent child of full age suffering from serious illness or invalidity – Withdrawal of a decision
T-558/93	30. 11. 1994	Diethelm F. Düchs v Commission	Member of the Commission's temporary staff assigned to the JET joint enterprise – Termination of contract – Competent authority
T-568/93	30. 11. 1994	Helena Correia v Commission	Probationary member of the temporary staff – Incompetence – Dismissal
T-588/93	30. 11. 1994	G. v Commission	Officials – Medical examination on recruitment – Conflict between complaint and application – Inadmissibility
T-54/92	1. 12. 1994	Johann Schneider v Commission	Official – Staff report – Delay in drawing up – Request for annulment and compensation
T-79/92	1. 12. 1994	Kuno Ditterich v Commission	Official – Staff report – Failure to draw up – Applications to have reports drawn up and compensation for delay – Conditions governing admissibility

Case	Date	Parties	Subject-matter
T-46/93	1. 12. 1994	Fotini Michaël-Chiou v Commission	Officials – Internal competition for advancement from category C to category B – Decision by competition selection board not to include applicant's name in list of suitable candidates
T-502/94	1. 12. 1994	Fernanda Coen-Parisini v Commission	Officials – Community tax – Basis – Aggregation of salary and survivor's pension – Contribution to joint sickness insurance scheme deducted from salary and survivor's pension

Synopsis of the other decisions of the Court of First Instance which appeared in the 'Proceedings' in 1994

Case	Date	Parties	Subject-matter
T-278/93 R T-555/93 R T-280/93 R T-541/93 R	1. 2. 1994	D.A. Jones and Others v Council and Commission	Milk quotas – Application for adoption of interim measures – Temporary measures
T-88/94 R	15. 6. 1994	Société Commerciale des Potasses et de l'Azote and Others v Commission	Competition – Control of concentrations – Application for interim measures – Suspension of operation of a measure – Interim measures
T-368/94 R	21. 11. 1994	Pierre Blanchard v Commission	Application for interim relief – Interim measures – Staff Regulations – Staff Committee – Elections – Suspension of electoral process
T-353/94 R	1. 12. 1994	Postbank v Commission	Competition – Regulation No 17 – Application for interim measures – Suspension of operation of a measure – Interim measures

II – Statistical information

Summary of the proceedings of Court of First Instance in 1992, 1993 and 1994

Table 1: General proceedings in 1992, 1993 and 1994

Table 2: Cases brought in 1992, 1993 and 1994

Table 3: Cases decided in 1992, 1993 and 1994

Table 4: Cases pending on 31 December of each year

Cases decided in 1992

Table 5: Form of decision

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Cases decided in 1993

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Table 9: Form of decision

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Cases brought in 1992, 1993 and 1994

Table 11: Nature of the proceedings

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Results of appeals

Table 14: Results of appeals from 1 January to 31 October 1992

Table 15: Results of appeals from 1 January to 31 October 1993

Table 16: Results of appeals from 1 January to 31 December 1994

Summary of the proceedings of Court of First Instance in 1992, 1993 and 1994

Table 1: General proceedings of the Court of First Instance in 1992, 1993 and 1994
(gross figures)

	1992	1993	1994
Cases brought	123	596	409
Cases decided	127	106	442
Cases pending	169	657	628

Table 2: Cases brought in 1992, 1993 and 1994

	1992	1993	1994
Direct actions	37 ¹	506	316
Staff cases	79	83	81
Special forms of procedure	—	7	12
Total	116	596	409

Table 3: Cases decided in 1992, 1993 and 1994

	1992	1993	1994
Direct actions ²	41	20	358
Staff cases	78	79	78
Special forms of procedure	—	7	6
Total	119	106	442

¹ In the field of competition or relating to the ECSC Treaty.

² In the field of competition or relating to the ECSC Treaty.

Table 4: Cases pending on 31 December of each year

	1992	1993	1994
Direct actions	69 ¹	554	512
Staff cases	* 97	99	106
Special forms of procedure	—	4	10
Total	166	657	628 ²

In the field of competition or relating to the ECSC Treaty.

Gross figures before joinder of cases concerning milk quotas.

Cases decided in 1992 ¹

Table 5: Form of decision

Form of decision	Direct actions		Staff cases		Special forms of procedure		Total	
<i>Judgments</i>	19	(35)	41	(45)	—	—	60	(80)
<i>Orders:</i>	5	(6)	32	(33)	7	(8)	44	(47)
Removal from the register	4	(5)	21	(22)	—	—	25	(27)
Action admissible	—	—	—	—	1	(1)	1	(1)
Action inadmissible	1	(1)	8	(8)	5	(5)	14	(14)
Case not to proceed to judgment	—	—	3	(3)	—	—	3	(3)
Action well founded	—	—	—	—	1	(2)	1	(2)
Total	24	(41)	73	(78)	7	(8)	104	(127)

Table 6: Basis of proceedings

Basis of proceedings	Judgments		Orders		Total	
Article 173 of the EEC Treaty	17	(33)	4	(5)	21	(38)
Article 175 of the EEC Treaty	1	(1)	1	(1)	2	(2)
Total EEC Treaty	18	(34)	5	(6)	23	(40)
Article 33 of the ECSC Treaty	1	(1)	—	—	1	(1)
Total ECSC Treaty	1	(1)	—	—	1	(1)
Staff Regulations	41	(45)	35	(37)	76	(82)
Total	60	(80)	40	(43)	100	(123)
Article 94 of the Rules of Procedure	—	—	1	(1)	1	(1)
Article 125 of the Rules of Procedure	—	—	3	(3)	3	(3)
Total Special forms of procedure	—	—	4	(4)	4	(4)
Overall Total	60	(80)	44	(47)	104	(127)

The figures in brackets (*gross figure*) represent the total number of cases, *without* account being taken of cases joined on grounds of similarity (one case number = one case). The *net figure* represents the number of cases after *account has been taken* of those joined on grounds of similarity (one series of joined cases = one case).

Cases decided in 1993

Table 7: Form of decision

Form of decision	Direct actions		Staff cases		Special forms of procedure		Total	
<i>Judgments</i>								
Contested cases	4	(4)	41	(50)	—	—	45	54
Interim measures	—	—	2	—	—	—	2	(2)
Total Judgments	4	(4)	43	50	—	—	47	(54)
<i>Orders</i>								
Removal from the register	8	(9)	16	(16)	—	—	24	(25)
Action admissible	—	—	—	—	1	(1)	1	(1)
Action inadmissible	6	(6)	10	(10)	2	(3)	18	(19)
Case not to proceed to judgment	1	(1)	3	(3)	—	—	4	(4)
Action well founded	—	—	—	—	3	(3)	3	(3)
Total Orders	15	(16)	29	(29)	6	(7)	50	(52)
Total	19	(20)	72	(79)	6	(7)	97	(106)

Table 8: Basis of proceedings

Basis of proceedings	Judgments		Orders		Total	
Article 173 of the EEC Treaty	4	(4)	13	(14)	17	(18)
Article 175 of the EEC Treaty	—	—	3	(3)	3	(3)
Total EEC Treaty	4	(4)	16	(17)	20	(21)
Total ECSC Treaty	1	(1)	—	—	1	(1)
Staff Regulations	43	(50)	30	(31)	73	(81)
Total	47	(54)	46	(48)	93	(102)
Article 92 of the Rules of Procedure	—	—	1	(1)	1	(1)
Article 94 of the Rules of Procedure	—	—	2	(2)	2	(2)
Article 129 of the Rules of Procedure	—	—	1	(1)	1	(1)
Total Special forms of procedure	—	—	4	(4)	4	(4)
Overall Total	47	(54)	50	(52)	97	(106)

Cases decided in 1994

Table 9: Form of decision

Form of decision	Direct actions		Staff cases		Special forms of procedure		Total	
<i>Judgments</i>								
Contested cases	19	(20)	41	(50)	–	–	60	(70)
Total Judgments	19	(20)	41	(50)	–	–	60	(70)
<i>Orders</i>								
Removal from the register	308	(324)	16	(16)	1	(1)	325	(341)
Action inadmissible	10	(12)	8	(8)	1	(1)	19	(21)
Case not to proceed to judgment	1	(1)	2	(4)	1	(1)	4	(6)
Action well founded	–	–	–	–	2	(2)	2	(2)
Action unfounded	–	–	–	–	1	(1)	1	(1)
Discontinuance	1	(1)	–	–	–	–	1	(1)
Total Orders	320	(338)	26	(28)	6	(6)	352	(372)
Total	339	(358)	67	(78)	6	(6)	412	(442)

Table 10: Basis of proceedings

Basis of proceedings	Judgments		Orders		Total	
Article 173 of the EC Treaty	17	(18)	15	(17)	32	(35)
Article 175 of the EC Treaty	1	(1)	3	(3)	4	(4)
Article 178 of the EC Treaty	1	(1)	301	(317)	302	(318)
Total EEC Treaty	19	(20)	319	(337)	338	(357)
Article 34 of the ECSC Treaty	–	–	1	(1)	1	(1)
Total ECSC Treaty	–	–	1	(1)	1	(1)
Staff Regulations	41	(50)	26	(28)	67	(78)
Total	60	(70)	346	(366)	406	(436)
Article 92 of the Rules of Procedure	–	–	1	(1)	1	(1)
Article 94 of the Rules of Procedure	–	–	4	(4)	4	(4)
Article 125 of the Rules of Procedure	–	–	1	(1)	1	(1)
Total Special forms of procedure	–	–	6	(6)	6	(6)
Overall Total	60	(70)	352	(372)	412	(442)

Cases brought in 1992, 1993 and 1994

Table 11: Nature of the proceedings

	1992	1993	1994
Actions for annulment of measures	32	94	135
Actions for failure to act	4	3	7
Actions for damages	–	409	174
Staff cases	79	83	81
Total	115	589	397
Special forms of procedure			
Legal aid	3	1	4
Taxation of costs	1	4	6
Interpretation or review of a judgment	4	2	2
Total	8	7	12
Overall Total	123	596	409

Table 12: Basis of proceedings

	1992	1993	1994
Article 173 of the EC Treaty	33	67	120
Article 175 of the EC Treaty	4	2	4
Article 178 of the EC Treaty	—	—	174
Total EC Treaty	37	69	298
Article 33 of the ECSC Treaty	—	—	14
Article 35 of the ECSC Treaty	—	—	2
Total ECSC Treaty	—	—	16
Article 146 of the EAEC Treaty	—	—	1
Article 148 of the EAEC Treaty	—	—	1
Total EAEC Treaty	—	—	2
Staff Regulations	79	10	82
Total	116	75	398
Article 92 of the Rules of Procedure	—	—	5
Article 94 of the Rules of Procedure	—	—	4
Article 125 of the Rules of Procedure	—	—	2
Article 129 of the Rules of Procedure	—	—	—
Total Special forms of procedure	—	4	11
Overall Total	116	79	409

Table 13: General trend

	1992	1993	1994
Cases brought	116 ¹	596 ²	409 ²
Cases pending on 31 December of each year	166	657	628
Cases decided	127	106	442
Judgments delivered	60	47	60
Number of decisions of the Court of First Instance against which an appeal has been brought ³	25 (93)	16 (66)	13 (94)

¹ Excluding special forms of procedure.

² Including special forms of procedure.

³ The figures in brackets represent the total number of decisions against which an appeal lies – judgments, orders on inadmissibility, for interim measures and that a case is not to proceed to judgment – where the time-limit for bringing an appeal has expired and where an appeal has been brought.

Table 14: Results of appeals from 1 January to 31 October 1992

	Staff cases	Competition	ECSC	Total
Removal from the register and cases not proceeding to judgment	-	2	-	2
Dismissal:				
- by way of Order	2	-	-	2
- by way of Judgment	6	-	-	6
Dismissal/partial annulment				
- referred back	-	-	-	-
- not referred back	1	-	-	1
Annulment:				
- referred back	1	-	-	1
- not referred back	1	-	-	1
Total appeals decided	11	2	-	13

Table 15: Results of appeals from 1 January to 31 October 1993

	Staff cases	Competition	ECSC	Total
Removal from the register and cases not proceeding to judgment	2	1	-	3
Dismissal:				
- by way of Order	2	-	-	2
- by way of Judgment	4	-	1	5
Dismissal/partial annulment:				
- referred back	1	-	-	1
- not referred back	-	-	-	-
Annulment:				
- referred back	-	-	-	-
- not referred back	-	-	-	-
Total appeals decided	9	1	1	11

Table 16: Results of appeals from 1 January to 31 December 1994

	Staff cases	Competition	ECSC	Law governing the institutions	Total
Removal from the register and cases not proceeding to judgment	-	-	-	-	-
Dismissal:					
- by order	2	-	-	-	2
- by judgment	8	4	1	1	14
Dismissal/partial annulment:					
- referred back	-	-	-	-	-
- not referred back	1	-	-	-	-
Annulment:					
- referred back	-	1	-	-	1
- not referred back	1	1	-	-	2
Total appeals decided	12	6	1	1	20

C – STATISTICS FOR BOTH COURTS FOR 1992, 1993 AND 1994

Cases brought

	1992	1993	1994
References for a preliminary ruling	162	204	203
Direct actions	287	320	441
Staff cases	79	83	81
Appeals	25	17	13
Opinion/deliberations	2	–	3
Special forms of procedure	10	11	22
Total	565	635	763

Cases decided

	1992		1993		1994	
References for a preliminary ruling	129	(157)	159	(196)	144	(163)
Direct actions	191	(212)	136	(152) ¹	418	(612)
Staff cases	73	(78)	72	(79)	103	(106)
Appeals	13	(13)	11	(11)	20	(20)
Opinion /deliberations	10	(11)	1	(1)	1	(1)
Special forms of procedure	1	(1)	8	(8)	18	(19)
Total	417	(472)	387	(448)	704	(921)

¹ It should be noted that on 27 September 1993, 438 (451) cases (380 of which concerned milk quotas) were transferred to the Court of First Instance and that on 18 April 1994, a further 14 were transferred.

Cases pending ¹

	1992		1993		1994	
References for a preliminary ruling	230	(269)	240	(277)	259	(317)
Direct actions	461	(501)	646	(669)	473	(498)
Staff cases	93	(97)	95	(99)	67	(78)
Appeals	31	(31)	36	(37)	29	(30)
Opinion /deliberations	2	(2)	1	(1)	3	(3)
Special forms of procedure	5	(5)	7	(7)	10	(10)
Total	822	(905)	1 025	(1 090) ¹	841	(936)

¹ 394 of which concerned milk quotas.

D – PROCEEDINGS IN NATIONAL COURTS ON COMMUNITY LAW

Statistical information

The Court of Justice endeavours to obtain the fullest possible information on decisions of national courts on Community law.

The tables below show the number of national decisions, with a breakdown by Member State, delivered between 1 July 1990 and 30 June 1991 entered in the card-indexes maintained by the Library, Research and Documentation Directorate of the Court. The decisions are included whether or not they were taken on the basis of a preliminary ruling by the Court.

A separate column headed 'Decisions concerning the Brussels Convention' contains the decisions on the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, which was signed in Brussels on 27 September 1968.

It should be emphasized that the tables are only a guide as the card-indexes on which it is based are necessarily incomplete.

Table showing the numbers of judgments on questions of Community law delivered between 1 July 1991 and 30 June 1992, arranged by Member State

Member State	Decisions on questions of Community law other than those concerning the Brussels Convention	Decisions concerning the Brussels Convention	Total
Belgium	69	26	95
Denmark	11	3	14
Germany	243	27	270
Greece	2	1	3
Spain	53	2	55
France	148	27	175
Ireland	9	3	12
Italy	132	6	138
Luxembourg	5	—	5
Netherlands	224	49	273
Portugal	5	1	6
United Kingdom	45	29	74
Total	946	174	1 120

Table showing the numbers of judgments on questions of Community law delivered between 1 July 1992 and 30 June 1993, arranged by Member State

Member State	Decisions on questions of Community law other than those concerning the Brussels Convention	Decisions concerning the Brussels Convention	Total
Belgium	97	31	128
Denmark	6	9	15
Germany	310	38	348
Greece	15	—	15
Spain	100	1	101
France	173	32	205
Ireland	20	8	28
Italy	149	16	165
Luxembourg	2	1	3
Netherlands	226	59	285
Portugal	13	1	14
United Kingdom	80	18	98
Total	1 191	214	1 405

Table showing the numbers of judgments on questions of Community law delivered between 1 July 1993 and 30 June 1994, arranged by Member State

Member State	Decisions on questions of Community law other than those concerning the Brussels Convention	Decisions concerning the Brussels Convention	Total
Belgium	86	28	114
Denmark	15	1	16
Germany	234	18	252
Greece	9	1	10
Spain	60	—	60
France	175	23	198
Ireland	9	1	10
Italy	153	7	160
Luxembourg	2	—	2
Netherlands	244	22	266
Portugal	3	—	3
United Kingdom	78	16	94
Total	1 068	117	1 185

Appendix II

Publications and General Information

Texts of judgments and opinions

1. Reports of Cases before the Court of Justice and the Court of First Instance

The Reports of Cases before the Court are published in the official Community languages, and are the only authentic source for citations of decisions of the Court of Justice or of the Court of First Instance.

The final volume of the year's Reports contains a chronological table of the cases published, a table of cases classified in numerical order, an alphabetical index of parties, a table of the Community legislation cited, an alphabetical index of subject-matter and, from 1991, a new systematic table containing all the summaries with their corresponding chains of head-words for the cases reported.

In the Member States and in certain non-member countries, the Reports are on sale at the addresses shown on the last page of this section (price of the 1992 and 1993 Reports: ECU 140; 1994: ECU 170, excluding VAT). In other countries, orders should be addressed to the Office for Official Publications of the European Communities, L-2985 Luxembourg.

2. Reports of European Community Staff Cases

Since 1994 the Reports of European Community Staff Cases (ECR-SC) contains all the judgments of the Court of First Instance in staff cases in the language of the case together with a résumé in one of the official languages, at the subscriber's choice. It also contains summaries of the judgments delivered by the Court of Justice on appeal in this area, the full text of which will, however, continue to be published in the general Reports. Access to the Reports of European Community Staff Cases is facilitated by an index which is also available in all the languages. For further information please contact the Internal Services Division of the Court of Justice, L-2925 Luxembourg.

3. Judgments of the Court of Justice and the Court of First Instance and Opinions of the Advocates General

Orders for offset copies, subject to availability, may be made in writing, stating the language desired, to the Internal Services Division of the Court of Justice of the European Communities, L-2925 Luxembourg, on payment of a fixed charge for each document, at present ECU 15 but subject to alteration. Orders will no longer be accepted once the issue of the Reports of Cases before the Court containing the required Judgment or Opinion has been published.

Subscribers to the Reports may pay a subscription to receive offset copies in one or more of the official Community languages of the texts contained in the Reports of Cases before the Court of Justice and the Court of First Instance, with the exception of the texts appearing only in the Reports of European Community Staff Cases. The annual subscription fee is at present ECU 300.

Other publications

1. Selected Instruments relating to the Organization, Jurisdiction and Procedure of the Court

This work contains a selection of the provisions concerning the Court of Justice and the Court of First Instance to be found in the Treaties, in secondary law and in a number of conventions.

The 1993 edition has been updated to 30 September 1992.

Consultation is facilitated by a 29-page index.

The Selected Instruments are available in the official languages at the price of ECU 13.50, excluding VAT, from the Office for Official Publications of the European Communities, L-2985 Luxembourg, and from the addresses given on the last page of this section.

2. List of the Sittings of the Court

The list of public sittings is drawn up each week. It may be altered and is therefore for information only.

This list may be obtained on request from the Court Registry, L-2925 Luxembourg.

3. Publications of the Information Service of the Court of Justice

Applications to subscribe to the following publications, which are available in the official Community languages, should be sent in writing to the Information Service, L-2925 Luxembourg, specifying the language required. They are supplied free of charge.

(a) *Proceedings of the Court of Justice of the European Communities*

Weekly information on the judicial proceedings of the Court of Justice and the Court of First Instance containing a short summary of judgments and brief notes on opinions delivered by the Advocates General and new cases brought during the previous week.

(b) *Annual report*

Publication giving a synopsis of the work of the Court of Justice and the Court of First Instance, both in their judicial capacity and in the field of their other activities (meetings and study courses for members of the judiciary, visits, seminars, etc.). This publication contains much statistical information and the texts of addresses delivered at formal sittings of the Court.

4. Publications of the Library Division of the Court

(a) *'Bibliographie courante'*

Bi-monthly bibliography comprising a complete list of all the works – both monographs and articles – received or catalogued during the reference period. The bibliography consists of two separate parts:

- Part A: Legal publications concerning European integration
- Part B: Jurisprudence – International law – Comparative law – National legal systems.

Enquiries concerning these publications should be sent to the Library Division of the Court of Justice.

(b) *Legal Bibliography of European Integration*

Annual publication based on books acquired and periodicals analysed during the year in question in the area of Community law.

Since the 1990 edition this Bibliography has become an official European Communities publication. It contains more than 4 000 bibliographical references with a systematic index of subject-matter and an index of authors.

The annual Bibliography is on sale at the Office for Official Publications of the European Communities, L-2985 Luxembourg and at the addresses shown on the last page of this section at the price of ECU 32, excluding VAT.

5. Publications of the Research and Documentation Division and the Legal Data-Processing Service of the Court

Digest of Case-law relating to the European Communities

The Court of Justice publishes the Digest of Case-law relating to the European Communities, which systematically presents not only its case-law but also selected judgments of courts in the Member States.

The Digest comprises two series, which may be obtained separately, covering the following fields:

A Series: Case-law of the Court of Justice and the Court of First Instance of the European Communities, excluding cases brought by officials and other servants of the European Communities and cases relating to the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters.

D Series: Case-law of the Court of Justice of the European Communities and of the courts of the Member States relating to the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters.

The A Series covers the case-law of the Court of Justice of the European Communities from 1977. A consolidated version covering the period 1977 to 1990 will replace the various loose-leaf issues which were published since 1983. The French version will be available in the first quarter of 1995, to be followed by German, English, Danish, Italian and Dutch versions. Publication in the other official Community languages is being studied.

It will be sold at the price of ECU 100.

In future, the A series will be published every 5 years in all the official Community languages, the first of which is to cover 1991 to 1995. Annual updates will be available although initially only in French.

The first issue of the D Series was published in 1981. With the publication of Issue 5 in German and French (the other language versions will be available during 1995), it covers at present the case-law of the Court of Justice of the European Communities from 1976 to 1991 and the case-law of the courts of the Member States from 1973 to 1990.

Issue 5 is priced at ECU 40.

Index A-Z: Computer-produced publication containing a numerical list of all the cases brought before the Court of Justice and the Court of First Instance since 1954, an alphabetical list of names of parties, and a list of national courts or tribunals which have referred cases to the Court for a preliminary ruling. The Index A-Z gives details of the publication of the Court's judgment in the Reports of Cases before the Court.

This publication is available in French and English and is updated annually.

From September 1995 it will be priced at ECU 25.

Notes – Références des notes de doctrine aux arrêts de la Cour: This publication gives references to legal literature relating to the judgments of the Court of Justice and of the Court of First Instance since their inception. It is updated annually.

From September 1995 it will be priced at ECU 25.

Orders should be addressed either to the Office for Official Publications of the European Communities, L-2985 Luxembourg, or to any of the outlets listed on the last page of this section.

In addition to its commercially-marketed publications, the Research and Documentation Division compiles a number of working documents for internal use.

Bulletin périodique de jurisprudence: This document assembles, for each quarterly, half-yearly and yearly period, all the summaries of the judgments of the Court of Justice and of the Court of First Instance which will appear in due course in the Reports of Cases before the Court. It is set out in a systematic form identical to that of the Digest, so that it forms a precursor, for any given period, to the Digest and can provide a similar service to the user. It is available in French.

Jurisprudence nationale en matière de fonction publique communautaire: a publication in French containing the decisions of the Court of Justice and of the Court of First Instance in cases brought by officials and other servants of the European Communities, set out in systematic form.

Jurisprudence nationale en matière de droit communautaire: The Court has established a computer data-bank covering the case-law of the courts of the Member States concerning Community law. Using that data-bank, as the work of analysis and coding progresses, it is possible to print out, in French, lists of the judgments it contains (with keywords indicating their tenor), either by Member State or by subject-matter.

Enquiries concerning these publications should be sent to the Research and Documentation Division of the Court of Justice.

CELEX

The computerized Community law documentation system CELEX (*Comunitatis Europae Lex*), which is managed by the Office for Official Publications of the European Communities, the input being provided by the Community institutions, covers legislation, case-law, preparatory acts and Parliamentary questions, together with national measures implementing directives.

As regards case-law, CELEX contains all the judgments and orders of the Court of Justice and the Court of First Instance, with the summaries drawn up for each case. The Opinion of the Advocate General is cited and, from 1987, the entire text of the Opinion is given. Case-law is updated monthly and is expected to be weekly in 1995.

The CELEX system is available in the official languages of the Community. Finnish and Swedish bases will be introduced from 1995.

RAPID

The RAPID database, which is managed by the Spokesman's Service of the Commission of the European Communities, will contain, in the official languages of the Community, the Proceedings of the Court of Justice and the Court of First Instance and, in French, the weekly list for the two courts. RAPID will also give access to the press releases sent out by the Court's Information Service. It is updated daily.

CELEX and RAPID are distributed by EUROBASES, 200 Rue de la Loi, B-11049 Brussels, as well as by certain national servers. Subscription to CELEX gives automatic access to RAPID.

European Communities – Court of Justice

Report of Proceedings 1992-1994 – Synopsis of the work of the Court of Justice and the Court of First Instance of the European Communities

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GENERAL INFORMATION

Information on general questions relating to the Court's work may be obtained from the Information Service.

The Court's address, telephone, telex and telefax numbers are as follows:

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