

**Synopsis of the Work
of the Court of Justice
of the European
Communities in 1973**

LUXEMBOURG 1974

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FOREWORD

This synopsis of the work of the Court of Justice of the European Communities is intended for judges, lawyers and practitioners generally, and 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, whose judgments are published only in the *Recueil de la jurisprudence* (European Court Reports).

The synopsis is published in the working languages of the Communities (Danish, Dutch, English, French, German, Italian). It is obtainable free of charge on request (specifying the language required) from the information bureaux of the European Communities at the following addresses:

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**PROCEEDINGS OF THE COURT OF JUSTICE
OF THE EUROPEAN COMMUNITIES
IN 1973**

The judicial year 1973 at the Court of Justice has been marked by a series of events of which brief mention should be made.

On 9 January, the Court of Justice received four new Members, appointed by the Conference of representatives of the Member States of the enlarged Community, at a formal session before the Ministers of Justice of the nine Member States and the Presidents and Procureurs Généraux of their supreme courts:

Judge Cearbhall Ó Dálaigh (Ireland)
Judge Max Sørensen (Denmark)
Judge (Lord) Mackenzie Stuart (United Kingdom)
Advocate-General J. P. Warner (United Kingdom)

On that occasion, Professor Alberto Trabucchi, Judge at the Court, was received in his new rôle of Advocate-General.

Reconstituted in this way, the Court received the solemn undertaking from the President and the Members of the Commission of the enlarged European Communities as prescribed by the Treaty establishing a Single Council and a Single Commission of the European Communities.

Earlier, at a ceremony before the Grand Duke and the Grand Duchess of Luxembourg, the Government of the Grand Duchy, the diplomatic corps and representatives of the administration, the Secretary of State, President of the Luxembourg Government, entrusted to the President of the Court of Justice the new Palais de Justice which the Court now occupies on the Plateau de Kirchberg.

* * *

At the hearing on 9 October 1973, the senior Member of the Court of Justice, Mr. Advocate-General Karl Roemer (Advocate-General from 1952 to 1973), took his leave of the Court, which then received his successor, Mr. Advocate-General Gerhard Reischl.

* * *

The Court re-elected as its President Mr. Robert Lecourt, who is now in his third term of office.

The taking up of its new seat by the Court, the enlargement of the Community, the introduction of two new official languages and the proliferation of judicial proceedings have led to a sharp increase in the work of the Court.

* * *

On the occasion of his official visit to the Grand Duchy of Luxembourg in November 1973, His Excellency Mr. G. Heinemann, President of the Federal Republic of Germany, paid a private visit to the Court of Justice.

* * *

In October 1973, the Right Honourable John Davies, Chancellor of the Duchy of Lancaster and Minister of European Affairs in the British Cabinet also paid a visit to the Court of Justice.

* * *

In addition, the year under consideration has given us the occasion to take a look retrospectively at 20 years of case law, the particulars of which — merely in terms of number and statistics — have been summarized and are published in Annex I.

* * *

Finally, during the course of the year the Court and its departments have received, for study days or seminars, 2,750 national judges, lawyers, professors and students (see Annex II).

* * *

Information on

- the composition of the Court of Justice for the judicial year 1973/74
- former Presidents and Members of the Court of Justice
- references and types of procedure before the Court of Justice

is set out in Annexes III, IV and V respectively.

I — CASES DECIDED BY THE COURT OF JUSTICE IN 1973

Judgments delivered

During 1973 the Court of Justice of the European Communities has delivered 80 judgments: 27 in direct actions and 53 in cases referred to the Court for preliminary rulings by the national courts of the Member States.

Documentation

The written procedure in these cases runs to some 40,726 pages of which 26,519 have been translated by the Language Department into the six official

languages of the Community. In addition, the translation of the case law of the Court into English and Danish is progressing.

Hearings

These cases gave rise to 210 public hearings.

Lawyers

During these hearings, apart from the representatives or agents of the Council, the Commission and the Member States, the Court heard:

- 21 Belgian lawyers,
- 1 British lawyer,
- 10 Dutch lawyers,
- 6 French lawyers,
- 30 lawyers from the Federal Republic of Germany,
- 12 Italian lawyers,
- 7 Luxembourg lawyers (1).

In total: 87 lawyers from seven of the nine Member States.

Duration of proceedings

Proceedings lasted for the following periods of time:

In cases brought directly before the Court the average duration has been between 9 and 10 months, the shortest being 5½ months and the longest having been exceptionally extended to 15 months (by reason of procedural incidents).

In cases arising from questions referred by national courts for preliminary rulings, the average duration has been 6 months (including judicial vacations), the shortest having taken 4½ months and the longest, exceptionally, 8½ months.

The judgments delivered during 1973 can be broken down as follows:

1. — *Actions by the Commission against the Council* 1
(Interpretation of a regulation of the Council concerning the remuneration of officials)
2. — *Actions for failure to fulfil an obligation brought by the Commission against Germany* 1
(ECSC aids granted by States to collieries)

(1) This figure does not include the Luxembourg lawyers who are sometimes chosen as "addressees for service" by the lawyers of parties who are not domiciled at the seat of the Court.

— <i>Italy</i>	3
(Agricultural markets: grants for the slaughter of cows, the grubbing-up of fruit trees; grain and seeds for forestry reproduction)	
3. — <i>Actions brought by Member States</i>	
— Netherlands against Commission	1
(European Agricultural Guidance and Guarantee Fund — Refunds on exportation to third countries)	
4. — <i>Actions brought by natural or legal persons</i>	
— concerning competition	1
— non-contractual liability following measures of short-term economic effect in respect of the agricultural market	3
5. — <i>Actions brought by officials of the Communities</i>	17
6. <i>References made to the Court of Justice by national courts for preliminary rulings on the interpretation or the validity of provisions of Community law</i>	53
	Total 80

The President of the Court also delivered 6 orders for interim measures.

Most of the judgments delivered by the Court of Justice during 1973 concern competition law, customs duties and charges having equivalent effect, the Common Customs Tariff and the agricultural market.

Competition law

In Case 6/72 (*Europemballage Corporation and Continental Can Company Inc.*, 21 February 1973) the Court, having considered the spirit, general scheme and wording of Article 86 of the EEC Treaty in the context of the system and objectives of the Treaty, held that this Article is laid down within the framework of a scheme whose purpose is to ensure that competition is neither distorted nor eliminated within the Common Market. The Court observed that the prohibition on agreements laid down in Article 85 would have no meaning if Article 86 permitted such behaviour to become lawful when it results in a merger of the undertakings concerned. Such a contradiction would make a breach in the rules on competition of the Treaty which could jeopardise the proper functioning of the Common Market. The Court thus decided that abuse may occur if an undertaking in a dominant position strengthens that position to a point at which the degree of dominance reached substantially fetters competition, i.e. that only those undertakings remain in the market whose behaviour depends on the dominant undertaking.

In addition, the Court observed that to apply these principles to cases of this kind, the definition of the relevant market or markets as well as an examination of their interdependence are of essential significance.

Customs duties and charges having equivalent effect

In reply to a preliminary reference by an Italian tribunal the Court of Justice held in Case 34/73 (*Variola*, Judgment of 10 October 1973) that the disembarkation or unloading charge (*tassa di sbarco*) imposed by the Italian port authorities constitutes a charge having an effect equivalent to customs duties as prohibited by Community law.

Customs union and Common Customs Tariff

In two cases referred by the tribunal du travail of Anvers for a preliminary ruling (Joined Cases 37 and 38/73 — *Sociaal Fonds Diamantarbeiders*, 13 December 1973) the Court of Justice held that since the achievement of a common commercial policy falls within the exclusive jurisdiction of the Community, the equalisation of charges other than customs duties as such for all the Member States or their elimination is dependent upon an intervention by the Community. Accordingly, as from 1 January 1970, the Member States can neither introduce new charges having equivalent effect nor increase the level of existing charges nor, finally, reduce or eliminate them in the absence of any intervention by the Community institutions.

The Caribou case (149/73)

We are not here concerned with the fable of La Fontaine in which the wolf, told that it is forbidden to eat meat on Friday, rapidly reclassifies his prey: "Sheep, I baptise you carp". But the issue before the Court of Justice concerned the question whether caribou should be classified as game or not — a subject which is certainly much less lugubrious.

A German importer bought in 1970 in Greenland a certain quantity of caribou meat which he intended to offer to his German customers. Having a considerable knowledge of the matter and, as a child, having heard stories of the hunters of the Far North, he had considered caribou as game. He was therefore surprised when the German customs informed him that caribou, which is a member of the reindeer family, is, in their opinion, classified as a domestic animal.

The difference of opinion was not without significance: under the Common Customs Tariff of the Community there is no levy on game imported from third countries whereas a levy is imposed on the meat of domestic animals imported into the Common Market.

The dispute was brought before a German fiscal court which, making use of the power conferred on it by the Treaty, referred the interpretation of the provisions of the Common Tariff to the Court of Justice.

Doubt arose from the fact that the Explanatory Notes by which the Commission supplemented the Common Customs Tariff specify that reindeer are to be considered domestic animals; but the Greenland authorities have declared that caribou live in a wild state and are killed by hunting.

Which definition must one adopt?

The Court declared that the Explanatory Notes on the Common Customs Tariff, although an important factor as regards interpretation in all cases where the provisions of the tariff provoke uncertainty, cannot amend those provisions, the meaning and scope of which are sufficiently clear. The expression "game" in its ordinary meaning designates those categories of animals living in a wild state which are hunted. Although the customs authorities can legitimately require conclusive evidence that the animals whose meat is declared by the importer as covered by subheading 02.04-B are indeed game animals, the Explanatory Notes cannot, in contradiction to the text of the Common Customs Tariff, eliminate all differences of classification as between the meat of wild and domestic animals of the same species.

Decisions by national courts on Community law

This summary of Community case law would be incomplete without some mention of the more important decisions given by national courts applying Community law. True, it is not always possible — despite the efforts made for several years in this direction — to obtain a complete acquaintance with such case law. However, a promising start has been made on a central collection owing to the cooperation of the Library and Research Division of the Court of Justice with a very large number of national courts ⁽¹⁾.

⁽¹⁾ The Court of Justice is very interested in receiving a copy of any decision given by national courts on points of Community law, at the following address: Court of Justice of the European Communities, Boîte Postale 1406, Luxembourg.

The table below indicates the comparative numbers of Community cases decided directly by national courts, supreme or otherwise, in 1973 which have come to the notice of this Division:

Member State	Supreme courts	Courts of appeal or of first instance	Total
Belgium	3	9	12
France	5	2	7
Germany	21	36	57
Italy	4	5	9
Netherlands	4	3	7
United Kingdom	—	3	3
Total	37	58	95

Member State	Number	Courts of origin		
Germany	57	21 judgments have been given by supreme courts:	Bundesverfassungsgericht	2
			Bundesarbeitsgericht	1
			Bundesfinanzhof	8
			Bundesgerichtshof	2
			Bundessozialgericht	2
			Bundesverwaltungsgericht	6
		36 have been given by appeal courts or courts of first instance:	Kammergericht Berlin	1
			Oberlandesgericht Frankfurt	1
			Hessischer Verwaltungsgerichtshof	4
			Oberverwaltungsgericht für das Land Nordrhein-Westfalen	1
			Verwaltungsgericht Frankfurt	6
			Verwaltungsgericht München	2
			Finanzgericht Baden-Württemberg	1
			Finanzgericht Berlin	2
			Finanzgericht Hamburg	4
			Hessisches Finanzgericht	7
			Finanzgericht München	1
			Finanzgericht Rheinland-Pfalz	1
			Landessozialgericht Baden-Württemberg	1
			Landessozialgericht Rheinland-Pfalz	1
			Sozialgericht Freiburg	1
Sozialgericht Speyer	1			
Arbeitsgericht Rheine	1			
Belgium	12	3 judgments given by supreme courts:	Cour de Cassation	2
			Conseil d'État	1
		9 judgments given by courts of first instance:	Cour d'Appel Bruxelles	2
			Tribunal de première instance Bruxelles	1
			Tribunal du travail Bruxelles	1
			Tribunal du travail Liège	1
			Arbeidsrechtbank Anvers	2
			Arbeidsrechtbank Hasselt	1
Tribunal de commerce of Nivelles	1			
France	7	5 judgments given by supreme courts:	Cour de Cassation	4
			Conseil d'État	1
		2 judgments given by courts of appeal:	Cour d'appel de Lyon	1
Cour d'appel de Colmar	1			
Italy	9	4 judgments given by supreme courts:	Corte di Cassazione	3
			Corte Costituzionale	1
		5 judgments or decisions by courts of appeal or of first instance:	Corte d'Appello di Roma	1
			Corte d'Appello di Milano	1
			Tribunale di Genova	2
Pretura di Bari	1			
Netherlands	7	4 judgments given by supreme courts:	Raad van State, Den Haag	1
			Centrale Raad van Beroep Utrecht	1
			College van Beroep voor het Bedrijfsleven	2
		3 judgments by courts of first instance:	Arrondissementsrechtbank Amsterdam	1
			Arrondissementsrechtbank Utrecht	2
United Kingdom	3	3 judgments given by a court of first instance or of appeal:	High Court of Justice, London	3

These decisions are of considerable interest, not only by reason of their subject matter but also by reason of the principles they lay down on the relationship between Community law and national law.

Here are some examples taken from the case law of national courts:

Decisions by national courts

The Constitutional Court of Italy

In a judgment given in December 1973 (Judgment of 18. 12. / 27. 12. 1973 — No 183), the Constitutional Court of Italy held that the fundamental requirements of equality and of legal certainty demand that Community rules — which it is impossible to describe either as a source of international law, or of foreign law, or of domestic law of the different States — should be fully effective and directly applicable throughout all the Member States as measures having the force and value of law in each Community country so that they enter into force at the same time everywhere and are applied equally and in a uniform manner in respect of all those to whom they are directed. It is moreover consistent with the logical nature of the Community system that EEC Regulations must not be subject to State measures of a repetitive, complementary or executive nature, capable of amending or placing conditions on their implementation in any way whatsoever and still less of superceding them, derogating from them or repealing them, even partially. If one of those Regulations required a State to adopt executive provisions for the purpose of restructuring or reconstituting administrative departments or services, or of incurring new or higher expenditure by means of the necessary modifications to the budget, without the financial cover required by Article 81 of the Constitution, it is obvious that the fulfilment of those obligations by the State cannot constitute a condition or a ground for suspending the application of Community rules which come into force immediately as regards their effect upon relations between private parties.

Cour de Cassation of France

In a judgment of 8 May 1973, the Chambre commerciale of the Cour de Cassation of France held that if the Court of Justice of the European Communities has specified in a previous decision the scope and meaning of applicable Community provisions such interpretation is binding on national courts, which do not have to ask the Court for a new interpretation before they decide on a similar case.

Federal fiscal court (Bundesfinanzhof) of Germany

In an order of 24 October 1973, the 7th Senate of the Federal German fiscal court gave a ruling on two points of Community law:

1. With regard to lawyers' fees in respect of the preliminary procedure under Article 177, this high-ranking German court held that lawyers have the right to specific fees for that procedure to be fixed by analogy with the provisions governing proceedings before the Bundesverfassungsgericht (Federal constitutional court).

2. As for the nature of the preliminary ruling given by the Community Court on a reference by a national court, the Federal fiscal court observed that while it only binds the court making the reference, a preliminary ruling of the Court of Justice gives an authentic interpretation of a Community provision and its significance extends beyond the case in question. In fact, such an interpretation can be amended only by another preliminary ruling because the supreme national courts must make a reference to the Court when they have doubts as to the interpretation of Community law.

Tribunal du travail of Amers (Belgium)

This Belgian court, in a judgment of its 11th Chamber of 23 February 1973, declared that preliminary rulings of the Court, in view of their general and binding character, must be considered as provisions having the force of law.

II — CASES BROUGHT IN 1973

192 cases were brought before the Court of Justice in 1973. They concern:

1. — *actions for failure to fulfil an obligation brought by the Commission against:*

Italy 3
(legislation relating to crystal glasses, unloading charge equivalent to a customs duty, social regulations concerning transport by road);

France 1
(Free movement of workers within the Community, in the field of maritime transport);

2. — *actions brought by Member States:*

Ireland against the Council 1
(Community rules concerning tomatoes grown under glass and in the open);

Italy against the Commission 1
(State aids);

3. actions brought by natural or legal persons :	
— against the Commission	22
— against the Council	1
— against the Council and the Commission	2
	31
Direct actions:	31

4. — actions brought by officials of the Communities	100
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5. — requests to the Court of Justice by national courts for preliminary rulings on the interpretation or validity of provisions of Community law	61
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The origin of those requests:

Belgium : 8 requests from courts of first instance or of appeal;

France : 4 requests:
— 2 from the Cour de Cassation
— 2 from courts of first instance or of appeal;

Germany : 37 requests:
— 1 from the Federal labour court
— 4 from the Federal fiscal court
— 1 from the Federal social court
— 31 from other courts;

Italy : 5 requests from courts of first instance or of appeal;

Luxembourg : 1 request from a court of first instance;

Netherlands : 6 requests:
— 1 from the Raad van State
— 2 from the Centrale Raad van Beroep
— 2 from the College van Beroep
— 1 from a court of first instance.

The subject matter of these requests includes, *inter alia*:

Subject Matter	Cases
Customs duties (Art. 12-17)	1
Agricultural market (Art. 38-47)	1
Free movement of workers (Art. 48)	1
Transport (Art. 74-84)	1
Agreements, concentrations, dominant positions (Art. 85-90, EEC) (Art. 65-66, ECSC)	21
State aids (Art. 92-94)	2
Non-contractual liability	3
Staff Regulations	100

III — INFORMATION ON COMMUNITY LAW

Just as in previous years the Court of Justice has received a number of judges and lawyers from the Member States.

Study days for judges: As happens each year, the Court of Justice, with the agreement of the Ministers of Justice of the Member States and at the request of some of them, has held two study days at the Court with high-ranking national judges. Those taking part were:

- 5 Belgian judges
- 14 British judges
- 5 Danish judges
- 5 Dutch judges
- 14 French judges
- 14 German judges
- 5 Irish judges
- 14 Italian judges
- 2 Luxembourg judges

Seminar for judges: Those taking part in the five day seminar were:

- 5 Belgian judges
- 14 British judges

- 5 Dutch judges
- 14 French judges
- 14 German judges
- 5 Irish judges
- 14 Italian judges
- 2 Luxembourg judges

Other visits by members of the judiciary: The Court also received visits by the Consiglio superiore della Magistratura of Italy and members of the judiciaries of Belgium, Germany and Italy.

The Premiers Présidents and Procureurs généraux of the Cours de Cassation and of the Supreme Courts of the Nine held their periodic meeting (the third) at the Court of Justice.

Finally, for the second time a delegation from the Paris Tribunal de commerce visited the Court for a study day.

Study days for lawyers: Those participating in the study days for lawyers organised by the Court of Justice in 1973 Were:

- 6 Belgian lawyers
- 15 British lawyers
- 6 Danish lawyers
- 2 Dutch lawyers
- 14 French lawyers
- 14 German lawyers
- 5 Irish lawyers
- 10 Italian lawyers
- 2 Luxembourg lawyers

In addition, students, teachers, journalists and parliamentarians were welcomed by the staff of the Court of Justice, making up a total of 2,750 persons in 118 visits in 1973. (For details, see Annex II).

The decisions of the Court have been published during 1973 by the following journals:

<i>Belgium:</i>	Cahiers de Droit européen Journal des Tribunaux Rechtskundig Weekblad Jurisprudence commerciale de Belgique Revue belge de droit international Revue de droit fiscal Tijdschrift voor Privaatrecht
<i>Denmark:</i>	Ugeskrift for Retsvaesen Juristen Nordisk Tidsskrift for internasjonal Rett

- France :* Annuaire français de droit international
 Droit social
 Le Droit et les affaires
 Gazette du Palais ⁽¹⁾
 Jurisclasseur périodique (La semaine juridique)
 Recueil Dalloz
 Revue critique de droit international privé
 Revue internationale de la concurrence
 Revue trimestrielle de droit européen
 Sommaire de sécurité sociale
 La vie judiciaire
- Germany :* Aussenwirtschaftsdienst des Betriebsberaters ⁽²⁾
 Deutsches Verwaltungsblatt
 Europarecht
 Neue juristische Wochenschrift
 Die Öffentliche Verwaltung
 Vereinigte Wirtschaftsdienste (VWD)
 Wirtschaft und Wettbewerb
 Zeitschrift für das gesamte Handels- und Wirtschaftsrecht
- Italy :* Diritto dell'economia
 Foro italiano
 Foro Padano
 Rivista di diritto europeo
 Rivista di diritto internazionale
 Rivista di diritto privato e processuale
- Luxembourg :* Pasicrisie luxembourgeoise
- Netherlands :* Administratieve en Rechterlijke Beslissingen
 Ars Aequi
 Common Market Law Review
 Netherlands Jurisprudentie
 Rechtspraak van de Week
 Sociaal-economische Wetgeving
- United Kingdom :* Common Market Law Reports
 The Times (European Law Reports)
 "Europe" International Press Agency
 European Report (Agra, Brussels)
 F. T. European Law Newsletter

⁽¹⁾ In association with the Aussenwirtschaftsdienst des Betriebsberaters.

⁽²⁾ In association with the Gazette du Palais.

JUDICIAL PROCEEDINGS BETWEEN 1953 AND 1973

A — Total number of cases since 1953

The development of cases brought before the Court of Justice since the foundation of the Community is as follows:

I. Overall trends in cases brought

1953: 4	1963: 105
1954: 10	1964: 56
1955: 9	1965: 62
1956: 11	1966: 31
1957: 19	1967: 36
1958: 43	1968: 33
1959: 47	1969: 77
1960: 22	1970: 80
1961: 26	1971: 96
1962: 35	1972: 82
	1973: 192

a total of 1,076 cases.

In addition to those cases there were a number of judgments in third party proceedings, judgments of interpretation, revisions of judgments, attachment orders and judgments arising from arbitration clauses:

1959: 2 third party proceedings
1960: 2 third party proceedings
2 revisions of judgments
1 judgment of interpretation
1962: 1 attachment order
1963: 6 attachment orders
1964: 2 attachment orders
1967: 1 judgment arising from an arbitration clause,

which, added to the previous total, gives an *overall total of 1,093*.

II. Direct actions

1. *Actions for failure to fulfil an obligation brought against Member States* ⁽¹⁾

1961	Germany	1	3
	Italy	2	
1962	Belgium	1	2
	Luxembourg	1	
1963	Belgium	1	3
	Italy	1	
	Luxembourg	1	
1964	Italy	1	1
1965	France	1	1
1968	France	1	3
	Italy	2	
1969	Belgium	1	11
	France	3	
	Italy	7	
1970	Netherlands	1	2
	Italy	1	
1971	France	1	2
	Italy	1	
1972	Germany	1	4
	Italy	3	
1973	France	1	4
	Italy	3	
Total:			36

⁽¹⁾ There were no actions for failure to fulfil an obligation before 1961.

2. Actions brought by the Member States against the Commission or the Council

1953	Belgium	1	
	France	1	2
1954	France	1	
	Italy	1	
	Netherlands	1	3
1955	Luxembourg	1 + 2 interim measures	3
1956	France	1	
	Italy	1	2
1958	Germany	1	
	France	1	2
1959	Germany	1	
	Italy	1 + 1 interim measure	
	Netherlands	1	4
1961	Italy	1	
	Netherlands	1	2
1962	Germany	2	2
1963	Italy	1	
	Netherlands	1	2
1964	Belgium	1	
	Italy	3	4
1965	Germany	2	
	Italy	1	3
1966	Germany	1	
	Netherlands	1	2
1969	Germany	1	
	France	2	
	Italy	1	4
1970	Netherlands	1	1
1971	Germany	1	1
1972	Netherlands	1	1
1973	Ireland	1	
	Italy	1	2
Total			40

3. *Actions brought by legal or natural persons against Community institutions*

Year	High Authority of the ECSC	Commission	Council	Total
1953	2	—	—	2
1954	7	—	—	7
1955	6	—	—	6
1956	7	—	—	7
1957	14	—	—	14
1958	41	—	—	41
1959	35	—	—	35
1960	18	—	—	18
1961	17	—	—	17
1962	14	4	6	24
1963	55	3	—	58
1964	9	5	—	14
1965	15	1	—	16
1966	2	20	—	22
1967	3	—	1	4
1968	—	2	1	3
1969	—	20	—	20
1970	1	7	—	8
1971	1	8	1	10
1972	—	13	7 ⁽¹⁾	20
1973	—	24	3 ⁽²⁾	27
Total	247	107	19	373

⁽¹⁾ 7 actions brought against Council and Commission.

⁽²⁾ 2 actions brought against Council and Commission.

4. *Actions brought by officials*

Year	H.A. ECSC	Commission EEC	Council	Parliament	Court	EAEC	Commission Control	S.E.C.	Number
1955	1	—	—	1	—	—	—	—	2
1956	—	—	—	2	—	—	—	—	2
1957	—	—	—	5	—	—	—	—	5
1959	5	4	—	—	—	—	—	—	9
1960	2	—	—	1	1	—	—	—	4
1961	1	—	2	—	—	—	—	—	3
1962	1	—	1	—	—	—	—	—	2
1963	3	20	—	1	1	11	—	—	36
1964	4	13	7	2	1	3	—	—	30
1965	13	3	1	6	1	11	—	—	35
1966	—	1	—	1	—	4	—	—	6
1967	2	4	1	—	—	2	—	—	9
1968	—	14	1	1	—	—	1	—	17
1969	—	25	—	—	—	—	—	—	25
1970	—	32	1	1	—	—	—	1	35
1971	—	41	1	3	—	—	—	1	46
1972	—	18	3	2	—	—	—	—	23
1973	—	77	17	6	—	—	—	—	100
Total:	32	252	35	32	4	31	1	2	389

5. *Actions brought by one Community institution against another*

1970	Commission v. Council	1
1972	Commission v. Council	1
		<u>2</u>

III. Preliminary questions referred by national courts

Year ⁽¹⁾	Member State ⁽²⁾	Supreme court	Court of appeal or of first instance	Total
1961	Netherlands		1	1
1962	Netherlands	5		5
1963	Luxembourg		1	1
	Netherlands	5		5
1964	Italy		2	2
	Netherlands	1	3	4
1965	France		2	2
	Germany	4		4
	Netherlands		1	1
1966	Netherlands	1		1
1967	Belgium	4	1	5
	France	1	2	3
	Germany	3	8	11
	Luxembourg	1		1
	Netherlands	1	2	3
1968	Belgium	1		1
	France	1		1
	Germany		4	4
	Italy		1	1
	Netherlands		2	2
1969	Belgium	1	3	4
	France		1	1
	Germany	7	4	11
	Luxembourg	1		1
1970	Belgium	2	2	4
	France	1	1	2
	Germany	4	17	21
	Italy		2	2
	Netherlands	3		3
1971	Belgium		1	1
	France		6	6
	Germany	5	13	18
	Italy		5	5
	Luxembourg		1	1
	Netherlands	4	2	6
1972	Belgium		4	4
	France		1	1
	Germany	6	14	20
	Italy		4	4
1973	Netherlands	9	2	11
	Belgium		8	8
	France	2	2	4
	Germany	6	31	37
	Italy		5	5
	Luxembourg		1	1
	Netherlands	5	1	6
Total:		84	161	245

⁽¹⁾ No preliminary reference was made before 1961.

⁽²⁾ Up to the end of 1973 no reference was made by courts of the new Member States.

B — Judgments delivered

Year	1. Actions for failure to fulfil an obligation against Member States	2. Actions brought by Member States	3. Actions brought by legal or natural persons	4. Actions brought by officials	5. Actions brought by one institution v. another institution	6. Preliminary questions	Total
1953	—	—	—	—	—	—	0
1954	—	2	—	—	—	—	2
1955	—	1	2	1	—	—	4
1956	—	—	4	2	—	—	6
1957	—	—	3	1	—	—	4
1958	—	—	10	—	—	—	10
1959	—	—	13	—	—	—	13
1960	—	4	9	4	—	—	17
1961	1	—	7	3	—	—	11
1962	2	1	13	1	—	1	18
1963	—	3	10	2	—	2	17
1964	1	1	4	18	—	7	31
1965	1	1	15	27	—	7	51
1966	—	2	10	8	—	4	24
1967	—	—	6	5	—	12	23
1968	1	1	4	5	—	15	26
1969	4	1	1	11	—	13	30
1970	8	1	10	17	—	28	64
1971	1	2	9	18	1	28	59
1972	1	—	14	16	—	30	61
1973	4	1	4	16	1	53	79
Total:	24	21	148	155	2	200	550

C – Preliminary rulings

Year	Germany		Belgium		France		Italy		Luxembourg		Netherlands		Total	
	Supreme Courts	Others	Supreme Courts	Others	Supreme Courts	Others	Supreme Courts	Others	Supreme Courts	Others	Supreme Courts	Others	Supreme Courts	Others
1961														
1962												1		1
1963											2		2	
1964							1		1	5			5	2
1965		3				1	1					2		7
1966		1				1					1	1	1	3
1967	2		4	1	1	2			1		1		9	3
1968	1	10	1					1				2	2	13
1969	1	5	1	2	1	1			1			1	4	9
1970	9	11	1	2	1	1		1			2		13	15
1971	4	11	1	1		5		3		1	2		7	21
1972	4	12		3		2		5			4		8	22
1973	4	29		3	2	2		5			7	1	13	40
Total	25	82	8	12	5	15		17	2	2	24	8	64	136

ANNEX II

Visits in 1973	Belgium	Denmark	France	FRG	Ireland	Italy	Luxem- bourg	Nether- lands	U. K.	Third countries	Mixed	Total
Visits and individual seminars	3	2	8	7	2	–	5	4	4	13	–	48
Lawyers	–	2	–	50	–	3	–	–	12	–	30	97
Parliamentarians	–	–	–	35	12	–	165	–	5	–	–	217
Students	140	20	124	117	–	65	126	255	40	73	52	1 012
Journalists	–	–	–	17	–	–	2	–	14	–	153	186
Group seminar (1)	62	–	40	133	–	–	8	–	–	–	562	805
Delegations from third countries	–	–	–	–	–	–	–	–	–	–	–	–
Total	205	24	172	359	14	68	306	259	75	86	797	2 365
Deutsche Richterakademie Magistrats de Liege Cons. sup. de la Magistrature Tribunal de Commerce, Paris Meeting of Judges Italian Judges Lawyers' days Judges' seminar Avv. dello Stato Prem. Prés. and Proc. of the 9 Member States												50 14 30 15 78 4 74 79 20 22
Total Visitors												2 750
(1) in all: 118 visits												

ANNEX III

**Composition of the Court of Justice
for the judicial year 1973/1974**

<i>President:</i>	LECOURT (Robert)
<i>President of the 1st Chamber:</i>	DONNER (André)
<i>President of the 2nd Chamber:</i>	SØRENSEN (Max)
<i>Judges:</i>	MONACO (Riccardo) MERTENS de WILMARS (Josse) PESCATORE (Pierre) KUTSCHER (Hans) O DALAIGH (Cearbhall) MACKENZIE STUART (Alexander John)
<i>Advocates-General:</i>	TRABUCCHI (Alberto) MAYRAS (Henri) WARNER (Jean-Pierre) REISCHL (Gerhard)
<i>Registrar:</i>	VAN HOUTTE (Albert)

Composition of the Chambers

<i>First Chamber</i>	<i>Second Chamber</i>
President: A. Donner	President: M. Sørensen
Judges: R. Monaco	Judges: P. Pescatore
J. Mertens de Wilmars	H. Kutscher
C. O Dalaigh	(Lord) Mackenzie Stuart
Advocates-General: J. P. Warner	Advocates-General: A. Trabucchi
G. Reischl	H. Mayras

Former Presidents of the Court of Justice

PILOTTI (Massimo) †	President of the Court of Justice of the European Coal and Steel Community from 4 December 1952 to 6 October 1958
DONNER (André)	President of the Court of Justice of the European Communities from 7 October 1958 to 7 October 1964
HAMMES (Charles-Léon) †	President of the Court of Justice of the European Communities from 8 October 1964 to 8 October 1967

Former Members of the Court of Justice

PILOTTI (Massimo) †	President and Judge at the Court of Justice from 4 December 1952 to 6 October 1958
SERRARENS (P. J. S.) †	Judge at the Court of Justice from 4 December 1952 to 6 October 1958
VAN KLEFFENS (A.) †	Judge at the Court of Justice from 4 December 1952 to 6 October 1958
CATALANO (Nicola)	Judge at the Court of Justice from 7 October 1958 to 8 March 1962
RUEFF (Jacques)	Judge at the Court of Justice from 4 December 1952 to 18 May 1962
RIESE (Otto)	Judge at the Court of Justice from 4 December 1952 to 31 January 1963
ROSSI (Rino) †	Judge at the Court of Justice from 7 October 1958 to 7 October 1964
DELVAUX (Louis)	Judge at the Court of Justice from 4 December 1952 to 8 October 1967
HAMMES (Charles-Léon) †	Judge at the Court of Justice from 4 December 1952 to 8 October 1967, President of the Court from 8 October 1964 to 8 October 1967
LAGRANGE (Maurice)	Advocate-General at the Court of Justice from 4 December 1952 to 7 October 1964
STRAUSS (Walter)	Judge at the Court of Justice from 1 February 1963 to 6 October 1970
GAND (Joseph)	Advocate-General at the Court of Justice from 7 October 1964 to 6 October 1970
DUTHEILLET de LAMOTHE (Alain) †	Advocate-General at the Court of Justice from 7 October 1970 to 2 January 1972
ROEMER (Karl)	Advocate-General at the Court of Justice from 4 December 1952 to 9 October 1973.

Summary reminder of the types of procedure before the Court of Justice

It will be remembered that under the Treaties a case may be brought before the Court of Justice either by a national court with a view to determining the validity or interpretation of a provision of Community law, or directly by the Community institutions, Member States or private parties in the conditions laid down by the Treaties.

A. References for preliminary rulings

The national court submits to the Court of Justice questions relating to the validity or interpretation of a provision of Community law by means of a formal judicial document (decision, judgment or order) containing the wording of the question(s) it desires to refer to the Court of Justice. This document is sent by the registry of the national court to the registry of the Court of Justice⁽¹⁾, accompanied in appropriate cases by a dossier designed to make known to the Court of Justice the background and limits of the questions referred.

After a period of two months during which the Commission, the Member States and the parties to the national proceedings may address statements to the Court of Justice, they will be summoned to a hearing at which they may submit oral observations, through their agents in the case of the Commission and the Member States or through lawyers who are members of a Bar of a Member State.

After the Advocate-General has presented his opinion, the judgment given by the Court of Justice is transmitted to the national court through the registries.

B. Direct actions

Actions are brought before the Court by an application addressed by a lawyer to the Registrar (Boite postale 1406, Luxembourg) by registered post.

Any lawyer who is a member of the Bar of one of the Member States or a professor holding a chair of law in a university of a Member State where the law of such State authorises him to plead before its own courts is qualified to appear before the Court of Justice.

The application must contain:

- the name and permanent residence of the applicant;
- the name of the party against whom the application is made;
- the subject matter of the dispute and a brief statement of the grounds on which the application is based;
- the submissions of the applicant;
- an indication of the nature of any evidence founded upon;
- the address for service in the place where the Court has its seat, with an indication of the name of the person who is authorised and has expressed willingness to accept service.

⁽¹⁾ Court of Justice of the European Communities, Kirchberg, Boite Postale 1406, Luxembourg; Telephone: 476-21; Telegrams: CURIALUX; Telex: CURIALUX 510, Luxembourg.

The application should also be accompanied by the following documents:

- the measure the annulment of which is sought, or, in the case of an application against an implied decision, documentary evidence of the date on which an institution was requested to act;
- a document certifying that the lawyer is a member of the Bar of one of the Member States;
- where an applicant is a legal person governed by private law, the instrument or instruments constituting and regulating it, and proof that the authority granted to the applicant's lawyer has been properly conferred on him by someone authorised for the purpose.

The parties must choose an address for service in Luxembourg. In the case of the Governments of Member States, the address for service is normally that of their diplomatic representative accredited to the Government of the Grand Duchy. In the case of private parties (natural or legal persons) the address for service — which in fact is merely a “letter box” — may be that of a Luxembourg lawyer or any person enjoying their confidence.

The application is notified to the defendants by the Registry of the Court of Justice. It calls for a statement of defence to be put in by them, followed by a reply on the part of the applicant and finally a rejoinder on the part of the defendants.

The written procedure thus completed is followed by an oral hearing, at which the parties are represented by lawyers or agents (in the case of the Community institutions or Member States).

After the opinion of the Advocate-General, the judgment is given. It is served on the parties by the Registry.

