

Synopsis of the work
of the Court of Justice
and
the Court of First Instance
of the
European Communities
in 1990
and
record of formal sittings
in 1990

Luxembourg, 1991

Court of Justice of the European Communities
L-2925 Luxembourg
Telephone: 4303-1
Telex (Registry): 2510 CURIA LU
Telex (Information Service): 2771 CJ INFO LU
Telegraphic address: CURIA
Telefax (Court): 4303-2600
Telefax (Information Service): 4303-2500

Court of First Instance of the European Communities
Rue du Fort-Niedergrünewald
L-2925 Luxembourg
Telephone: 4303-1
Telex (Registry): 60216 CURIA LU
Telefax (Court): 4303-2100

Cataloguing data can be found at the end of this publication.

Luxembourg: Office for Official Publications of the European Communities, 1992

ISBN 92-829-0221-8

© ECSC-EEC-EAEC, Luxembourg, 1992

Reproduction is authorized, except for commercial purposes, provided the source is acknowledged.

Printed in Belgium

Synopsis of the work
of the Court of Justice
and
the Court of First Instance
of the
European Communities
in 1990

Foreword

This synopsis of the work of the Court of Justice of the European Communities and the Court of First Instance of the European Communities will from now on be published in a 'streamlined' form. As has been the case with synopses for previous years, the 1990 synopsis is intended for judges, lawyers and practitioners, as well as 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 only in the *Reports of Cases before the Court of Justice and the Court of First Instance* (ECR).

The synopsis is published in the official languages of the European Communities (Spanish, Danish, German, Greek, English, French, Italian, Dutch and Portuguese). It is obtainable free of charge on request (specifying the language required) from the Offices of the Commission of the European Communities whose addresses are listed on page 73.

Contents

	Page
<i>Section I — The Court of Justice of the European Communities</i>	
A — Review of the 1990 judicial year	13
B — Composition of the Court of Justice	17
I — Order of precedence in the Court of Justice from 7 October 1990	18
II — The Members of the Court of Justice	19
III — Composition of the Chambers from 7 October 1990	24
IV — Changes in the composition of the Court during 1990	24
C — The administrative departments of the Court	25
Staff numbers	25
The budget	26
Administrative aspects of the Court's activities in 1990	27
Abridged organization chart	29
 <i>Section II — The Court of First Instance of the European Communities</i>	
A — Review of the 1990 judicial year	35
B — Composition of the Court of First Instance	39
I — Order of precedence in the Court of First Instance from 1 September 1990	40
II — The Members of the Court of First Instance	41
III — Composition of the Chambers for the judicial year 1990-91	44
 <i>Section III — Activities of the two Courts</i>	
A — Meetings and visits	49
Official visits to the Court in 1990	52
Study visits to the Court of Justice and the Court of First Instance during 1990	54
B — Formal sittings	55
Formal sitting of the Court of Justice of 29 March 1990	55

C — Publications and general information	65
I — Texts of judgments and opinions	65
II — Other publications	66
III — Information and addresses	71
Annex: Statistical information for 1990	
A — Proceedings of the Court of Justice	79
I — Chronological list of judgments delivered	79
II — Statistical information	98
B — Proceedings of the Court of First Instance	123
I — Chronological list of judgments delivered	123
II — Statistical information	129
C — Statistics relating to the two Courts in 1990	135
D — Decisions of national courts on Community law	137

The Court of Justice of the European Communities



(© HT Lux, 1991)

Overall view of the building complex project
Estimated date of completion : 1995

Contents

	Page
A — Review of the 1990 judicial year	13
B — Composition of the the Court of Justice	17
I — Order of precedence in the Court of Justice from 7 October 1990	18
II — The Members of the Court of Justice	19
III — Composition of the Chambers from 7 October 1990	24
IV — Changes in the composition of the Court during 1990	24
C — The administrative departments of the Court	25
Staff numbers	25
The budget	26
Administrative aspects of the Court's activities in 1990	27
Data processing	27
Reports of Cases before the Court	27
Office accommodation	28
Abridged organization chart	29

A — Review of the 1990 judicial year

Case-law of the Court

During 1990, the Court of Justice of the European Communities delivered 193 judgments, 73 of which related to direct actions, 113 to references for a preliminary ruling and seven to cases involving Community officials.

The President of the Court or the Presidents of Chambers were also required to decide on 12 applications for interim measures.

In the case of direct actions, these judgments were delivered on average 25.5 months following the introduction of the application, and 17.4 months following receipt of the order of reference in the case of references for a preliminary ruling. The duration of proceedings in cases involving Community officials was approximately 25 months.

A total of 302 cases were decided, the majority (227) by way of judgment and the remainder (75) by way of an order terminating the proceedings.

At the end of 1990, cases pending before the Court totalled 583.

The trend in cases brought before the Court

In 1990, 384 new cases were brought before the Court of Justice; these consisted of 222 direct actions, 141 references for a preliminary ruling, 16 appeals brought against decisions of the Court of First Instance, and five sets of special proceedings.

This quantitative stability (385 new cases brought in 1989), however, is only superficial. If account is taken, in particular, of direct actions (205 in 1989) and references for a preliminary ruling (139 in 1989), and of the fact that staff cases, *inter alia*, now come under the jurisdiction of the Court of First Instance, there has been no real change in the rate of increase in the Court's workload.

General pattern of the case-law

The Court was required in 1990 to deliver decisions on practically all aspects of Community law.

In terms of quantity, agriculture, with 51 judgments, was the most significant area of activity, followed by the free movement of goods (36 judgments), the free

movement of persons (27 judgments), taxation (13 judgments), common commercial policy (12 judgments), social policy (11 judgments), the environment (9 judgments) and State aid (8 judgments).

In addition to the above, the areas of the law governing the institutions (4 judgments), company law (3 judgments) and external relations (2 judgments) also provided the Court in 1990 with an opportunity to resolve questions of a constitutional nature and of major economic importance which enabled it to continue to play a constructive role in the process of European integration.

Thus, in the area of agriculture, mention ought to be made of the judgments of 11 December 1990 in Cases C-189/89 (*Spagl*) and C-217/89 (*Pastätter*), delivered following references for preliminary rulings by the Finanzgericht (Finance Court), Munich. In its decisions, the Court annulled several provisions of Council Regulation No 857/84/EEC and thereby removed the restrictions on milk production which had been imposed, following the introduction of the system of additional milk levies, on producers involved in the earlier scheme of premiums for non-marketing or conversion, by reason precisely of their undertakings in that regard.

A reference for a preliminary ruling by the Cour de cassation (Court of Cassation) of the Grand Duchy of Luxembourg gave the Court of Justice an opportunity to highlight the close connections between free movement of goods and the protection of and provision of information to the consumer.

The question in that case related to a complaint by a company which operated supermarkets in Belgium and which had been prohibited by a Luxembourg Court from distributing within the Grand Duchy publicity leaflets, on the ground that such leaflets contained offers for sale at reduced prices with a reference to the previous price, something which was legal in Belgium but which contravened Luxembourg legislation on unfair competition.

In its judgment of 7 March 1990 in Case C-362/88 (*GB-INNO*), the Court held that, since Community law on consumer protection treated the access of consumers to information as one of its primary requirements, Article 30 of the EEC Treaty could not be interpreted as meaning that national legislation which denied consumers access to certain information could be justified by mandatory requirements relating to consumer protection.

In the area of social policy, the judgment of 17 May 1990 in Case C-262/88 (*Barber*) resolved doubts as to the application of Article 119 of the EEC Treaty to pensions paid by private occupational pension funds, as well as doubts on the admissibility of exceptions to the principle of equal treatment of male and female workers in this area.

In its ruling on questions referred by the Court of Appeal in London, the Court of Justice held that the compensation granted to a worker on being declared redundant, as well as the pensions paid by private pension funds, came within the

scope of Article 119 of the EEC Treaty and that consequently it was contrary to that article for a man made compulsorily redundant to be entitled to claim only a deferred pension payable at the normal retirement age when a woman in the same position was entitled to an immediate retirement pension as a result of the application of an age condition that varied according to sex in the same way as was provided for by the national statutory pension scheme.

In the same area, but this time on request from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) and in respect of the refusal by an employer to engage a pregnant woman, the Court was called on to deliver a ruling on the scope of the principle of equal treatment set out in Articles 2 and 3 of Directive 76/207/EEC.

Thus, in its judgment of 8 November 1990 in Case C-177/88 (*Dekker*) the Court ruled that an employer was in direct contravention of that principle if he refused to enter into a contract of employment with a candidate whom he had decided was suitable for the post in question, where such refusal was based on the possible adverse consequences which such an engagement might entail for him.

A preliminary reference from the Tribunal administratif (Administrative Court), Papeete, on the interpretation of Council Decision 86/283/EEC on the association of overseas countries and territories with the EEC presented the Court with an opportunity to define the scope of its own jurisdiction.

In its ruling of 12 December 1990 in Joined Cases C-100 and C-101/89 (*Kaefer-Proccaci*), the Court held that it had jurisdiction to decide the question referred by the Polynesian court, thereby rejecting the opposite view put forward by the United Kingdom.

In its written observations, the United Kingdom had contended that the distinction drawn in Article 227 of the EEC Treaty between overseas departments and overseas countries and territories meant that Part Four of the Treaty constituted a *lex specialis* applicable to the overseas countries and territories, to the exclusion of the other terms of the Treaty, except to the extent that such provisions were expressly referred to, and it concluded that Article 177 did not apply to overseas countries and territories.

In the area of the law governing the institutions, the Court once again ensured the adaptation of that law to changing circumstances.

At a time when Europe is in the process of considering political union and is intent on reinforcing the democratic legitimacy of the European institutions, the Court of Justice has taken the initiative by recognizing, in its judgment of 22 May 1990 in Case C-70/88 (*European Parliament v Council*), notwithstanding the silence of the Treaty of Rome on this point, that the European Parliament was entitled to contest measures adopted by other institutions if such measures placed in question its own prerogatives.

In its ruling of 19 June 1990 in Case C-213/89 (*Factortame*), which also came within the area of the law governing the institutions, the Court added a new element to the principles laid down in its case-law regarding the primacy of Community law.

In this ruling, the Court held that if a rule of national law might prevent a national court, in a case before it concerning Community law, from granting interim relief in order to ensure the full effectiveness of the judgment to be given on the existence of the rights claimed under Community law, that court is *obliged to set aside the application of that rule*.

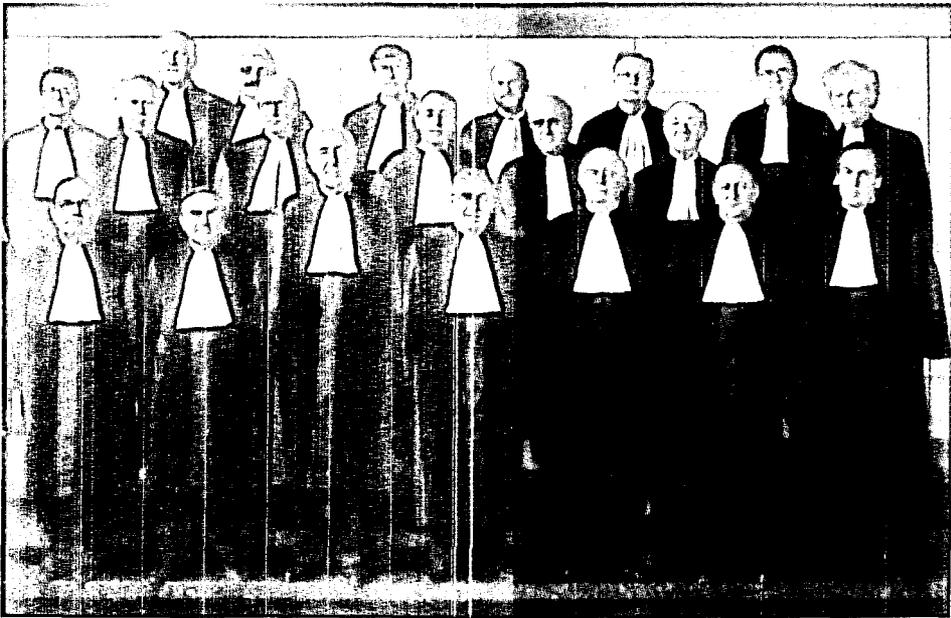
The importance of this ruling must be considered by bearing in mind that the questions in the original preliminary reference were referred by the House of Lords and that, pursuant to the old common law rule that a measure could not be ordered against the Crown, United Kingdom courts did not have the power to order the suspension, as was the case in the main proceedings, of a statute passed by Parliament, even on the basis of its alleged inconsistency with Community law.

Finally, this short analysis of the case-law of the Court could not end without a reference to the two orders of the President of the Court of 28 June and 12 July 1990, delivered in the course of an action brought by the Commission of the European Communities seeking a declaration that the Federal Republic of Germany, in adopting, by way of the Law of 30 April 1990 on charges for the use of federal roads and motorways by heavy goods vehicles, measures which discriminated against transporters from other Member States, had failed to fulfil its obligations under Community law.

In those orders, the President of the Court noted that the entry into force of the Law of 30 April, scheduled for 1 July 1990, gave rise to the risk of serious and irreparable damage for transporters from other Member States and for the development of the common transport policy, and he accordingly ordered the Federal Republic of Germany to suspend collection of the road tax provided for by that law, in respect of vehicles registered in other Member States, until such time as the judgment in the main proceedings had been delivered.

The German Law of 30 April 1990 has not as yet entered into force.

B — Composition of the Court of Justice



Front row from left to right:

Manuel Díez de Velasco, Judge; José Carlos de Carvalho Moitinho de Almeida, Judge; Federico Mancini, Judge; Ole Due, President; Thomas Francis O'Higgins, Judge; Gil Carlos Rodríguez Iglesias, Judge; Francis Jacobs, Advocate General.

Second row from left to right:

Fernand Schockweiler, Judge; René Joliet, Judge; Marco Darmon, Advocate General; Carl Otto Lenz, Advocate General; Constantinos Kakouris, Judge; Sir Gordon Slynn, Judge.

Third row from left to right:

Jean-Guy Giraud, Registrar; Paul Kapteyn, Judge; Giuseppe Tesaurò, Advocate General; Walter Van Gerven, Advocate General; Manfred Zuleeg, Judge; Fernand Grévisse, Judge; Jean Mischo, Advocate General.

I — Order of precedence in the Court of Justice from 7 October 1990¹

Ole Due, President
Federico Mancini, President of the Sixth Chamber
Thomas Francis O'Higgins, President of the Second Chamber
José Carlos de Carvalho Moitinho de Almeida, President of the Third and Fifth Chambers
Gil Carlos Rodríguez Iglesias, President of the First Chamber
Manuel Díez de Velasco, President of the Fourth Chamber
Francis Jacobs, First Advocate General
Sir Gordon Slynn, Judge
Constantinos Kakouris, Judge
Carl Otto Lenz, Advocate General
Marco Darmon, Advocate General
René Joliet, Judge
Fernand Schockweiler, Judge
Jean Mischo, Advocate General
Fernand Grévisse, Judge
Manfred Zuleeg, Judge
Walter Van Gerven, Advocate General
Giuseppe Tesauero, Advocate General
Paul Kapteyn, Judge
Jean-Guy Giraud, Registrar

¹ For the previous order of precedence, i.e. for the judicial year from 7 October 1989 to 6 October 1990, see the *Synopsis of the work of the Court of Justice and the Court of First Instance in 1988 and 1989*, at p. 141.

II — The Members of the Court of Justice (in order of precedence)



Ole Due

Born 10 February 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 since 7 October 1988.



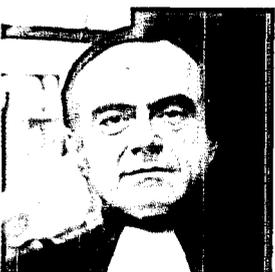
Federico Mancini

Born 23 December 1927; Titular Professor of Labour Law (Urbino, Bologna, Rome) and Comparative Private Law (Bologna); Member of the Supreme Council of Magistrates (1976-81); Advocate General at the Court of Justice (1982-88), Judge at the Court of Justice since 7 October 1988.



Thomas Francis O'Higgins

Born 23 July 1916; Senior Counsel; Member of Dáil Éireann; Minister for Health; presidential candidate; Judge of the High Court; Chief Justice of Ireland; Judge at the Court of Justice since 16 January 1985.



José Carlos de Carvalho Moitinho de Almeida

Born 17 March 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 26 May 1946; Assistant Lecturer and Professor (Universities of Oviedo and Freiburg im Breisgau, Universidad Autónoma of Madrid, Universidad Complutense Madrid and University of Granada); Professor of Public International Law (Granada); Judge at the Court of Justice since 31 January 1986.



Manuel Díez de Velasco Vallejo

Born 22 May 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; Member of the Institut de droit international; former elected member of Consejo de Estado; Member of the Real Academia de Jurisprudencia (Madrid); Judge at the Court of Justice since 7 October 1988.



Francis Jacobs, QC

Born 8 June 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); Advocate General at the Court of Justice since 7 October 1988.



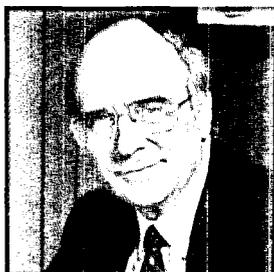
The Honourable Sir Gordon Slynn

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



Constantinos Kakouris

Born 1919; Lawyer (Athens); Auditor and subsequently Junior Judge in the Simvoulio Epikratiias (Council of State); State Counsellor; President of the Dikastirio Agogon Kakodikias (Special court for actions against Judges); Member of the Anotato Idiko Dikastirio (Superior Special Court); General Inspector of Administrative Tribunals; Member of the Supreme Council of Magistrates; President of the Supreme Council of the Ministry of Foreign Affairs; Judge at the Court of Justice since 14 March 1983.



Carl Otto Lenz

Born 5 June 1930; Rechtsanwalt (Lawyer); Notary; Secretary-General of the Christian Democratic Group of the European Parliament; Member of the German Bundestag; Member of the Legal Committee of the Bundestag; Member of the Liaison Committee between the Bundestag and the Bundesrat, the Electoral Committee for the Election of Judges to the Bundesverfassungsgericht (Federal Constitutional Court) and the Foreign Affairs Committee; Chairman of the Committee on European Affairs in the Bundestag; 1990: Honorary Professor of European Law at the University of the Saarland; Advocate General at the Court of Justice since 12 January 1984.



Marco Darmon

Born 26 January 1930; employed as a 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 since 13 February 1984.



René Joliet

Born 17 January 1938; Ordinary Professor (1974-84) and Special Professor (since 1984), Faculté de droit, Université de Liège (Chair of European Community Law); Holder of the Belgian Chair at King's College London (1977); Visiting Professor at the University of Nancy (1971-78), the Europa Institute of the University of Amsterdam (1976-85), the Catholic University of Louvain-la-Neuve (1980-82) and North-western University, Chicago (1974 and 1983); Teacher of European Competition Law at the College of Europe, Bruges (1979-84); Judge at the Court of Justice since 10 April 1984.



Fernand Schockweiler

Born 15 June 1935; Ministry of Justice; Senior Government Attaché; Government Adviser; Senior Government Adviser; Judge at the Court of Justice since 7 October 1985.



Jean Mischo

Born 7 September 1938; Member of the Legal Department of the Commission; Senior Administrator in the Cabinets of various Commission Members; Deputy Permanent Representative of Luxembourg to the European Communities; Director of Political and Cultural Affairs in the Ministry of Foreign Affairs; Minister with full powers; Advocate General at the Court of Justice since 1 January 1986.



Fernand Grévisse

Born 28 July 1924; Auditeur and Maître des requêtes at the French Conseil d'état; Head of the Cabinet 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 Subsection 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 1981-82 and since 7 October 1988.



Manfred Zuleeg

Born 21 March 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 since 7 October 1988.



Walter Van Gerven

Born 11 May 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 since 7 October 1988.



Giuseppe Tesaro

Born 15 November 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 31 January 1928; Official at the Ministry of Foreign Affairs; Professor, Law of International Organizations (Utrecht and Leiden); Member of the Raad van State (Council of 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.



Jean-Guy Giraud

Born 12 April 1944; Administrator in the General Secretariat of the European Parliament; Head of the Secretariat of the Committee on Institutional Affairs and the Committee on Budgets; Member of the Cabinets of the European Parliament Presidents P. Pflimlin and Lord Plumb; Director *ad interim* of the Directorate-General for Committees; Registrar of the Court of Justice since 10 February 1988.

III — Composition of the Chambers from 7 October 1990

First Chamber

Gil Carlos Rodríguez Iglesias, President of the Chamber,
Sir Gordon Slynn and René Joliet, Judges.

Second Chamber

Thomas Francis O'Higgins, President of the Chamber,
Federico Mancini and Fernand Schockweiler, Judges.

Third Chamber

José Carlos de Carvalho Moitinho de Almeida, President of the Chamber,
Fernand Grévisse and Manfred Zuleeg, Judges.

Fourth Chamber

Manuel Díez de Velasco, President of the Chamber,
Constantinos Kakouris and Paul Kapteyn, Judges.

Fifth Chamber

José Carlos de Carvalho Moitinho de Almeida, President of the Chamber,
Gil Carlos Rodríguez Iglesias, Sir Gordon Slynn, René Joliet, Fernand Grévisse
and Manfred Zuleeg, Judges.

Sixth Chamber

Federico Mancini, President of the Chamber,
Thomas Francis O'Higgins, Manuel Díez de Velasco, Constantinos Kakouris,
Fernand Schockweiler and Paul Kapteyn, Judges.

IV — Changes in the composition of the Court during 1990

The composition of the Court underwent a slight change from that of 1989 (see the *Synopsis of the work of the Court of Justice and the Court of First Instance of the European Communities in 1988 and 1989*):

Mr P. G. Kapteyn was appointed as a Judge with effect from 29 March 1990. He replaced Judge T. Koopmans, who had been appointed as Advocate General to the Hoge Raad der Nederlanden.

For further details, reference is made to the section 'Formal sittings', at p. 55.

C — The administrative departments of the Court

by Thomas Cranfield, Deputy Registrar

As one of the four Community institutions referred to in Article 4 of the EEC Treaty, the Court disposes of its own administrative system and budget which it manages independently within the framework of the rules laid down by the Community legislature (Staff Regulations, Financial Regulation) or the budgetary authority (annual budget determining the authorized number of staff and permitted levels of credit) for all institutions.

Staff numbers

With regard to the number of staff, the 1990 budget authorized a total of 752 posts. At 31 December 1990, posts actually filled (691) were divided up as follows:

Chambers of the Members of the Court of Justice and the Court of First Instance	131
Registry	43
Library, Research and Documentation	63
Translation	228
Interpretation	34
Information	12
Administration	180

On these posts actually filled, 32 were allocated to the Court of First Instance.¹

These figures show clearly that, leaving the administration aside, most members of staff are involved in language work, translation and interpretation (38% of the total), or in direct assistance to the Members of the Courts in the preparation of judicial work (19% of the total).

Most members of staff have the status of permanent officials of the Communities. None the less, there are numerous temporary members of staff, particularly in the Chambers of the Members (71, which represents 10% of the staff of the institution).

¹ See pp. 39-44.

Among the 691 persons actually employed by the Court on 31 December 1990, it is noticeable that there is quite a high proportion of Grade A officials (117, or 17% of the total), but a relatively low number of senior grades (five at A2, 13 at A3, including one law clerk at A2 and seven law clerks at A3).

The officials and other members of staff attached to the Court of Justice are subject to the Registrar, under the authority of the President. Two Deputy Registrars (A2) assist the Registrar in his judicial and administrative tasks respectively.¹ Staff attached to the Court of First Instance are subject to the Registrar of that court.

The budget

The annual budget of the Court of Justice is voted by the budgetary authority of the Community in the context and according to the rules of the general budgetary procedure, i.e. on the basis of an estimate drawn up by the Court, incorporated by the Commission within the initial project for the general budget, and subsequently debated in turn by the Council and the European Parliament. The European Parliament ultimately decides on the budget of the Court of Justice.

For the 1990 financial year, the total amount of credit available for the budget of the Court rose to ECU 65.96 million. 99% of this budget was implemented (in credit undertakings). The following is the breakdown according to the main areas of expenditure (%):

Expenditure relating to persons connected with the institution (Title I)	78.4
Expenditure relating to immovable property (Chapter 20)	11.5
Expenditure relating to publication: Official Journal and <i>Reports of Cases before the Court</i> (Chapter 27)	3.5
Office and computer equipment (Article 220)	2.5
Stationery (Article 230), postage and telecommunications (Chapter 24)	1.7
Other expenditure (cost of meetings, information, legal assistance, etc.)	2.4

At the same time, the 1990 budget includes a section on 'own revenue' of the Court (deriving essentially from lawful deductions from salaries) to the amount of ECU 9.16 million; this revenue is paid into the general budget of the Communities.

The net cost of the functioning of the Court in 1990 was thus in the region of ECU 56.8 million, or approximately 0.12% of the overall budget of the Communities and roughly 2.8% of total Community expenditure of an administrative nature.

¹An abridged organization chart of the Court is set out on p. 29.

Administrative aspects of the Court's activities in 1990

The administrative activity of the Court of Justice in 1990 was marked in particular by the developments in three major issues already facing the Court for a number of years: data processing, the publication of the *Reports of Cases before the Court of Justice and the Court of First Instance*, and the position with regard to accommodation.

Data processing

In 1988 the Court undertook a wide-ranging programme of data-processing development; this showed the following results in 1990.

At the level of organization, a decision was taken to set up a data-processing division operating under the control of a supervisory committee (composed of members of the institution) and a directing committee on data processing (consisting of Heads of Division and staff representatives). In addition, a number of users committees were set up in order to facilitate the dissemination of information and to participate in the decision-making process.

In the area of office equipment, there was the introduction on a trial basis of equipment such as the multifunctional work-post (PC) connected to central computers (UNIX and mainframe Siemens machines) by way of a localized network throughout all buildings, which thus offered officials the possibility of processing texts and gaining access to databases (and, subsequently, electronic mail).

In the sphere of administration, reference should be made to the decision to install equipment for the processing of personnel files. The choice fell on Arpege, a product developed in the European Parliament, which will be operational in the Court in September 1991.

Reports of Cases before the Court

The Court of Justice has also been faced for a number of years with the problem posed by the publication of the *Reports of Cases before the Court*.

Over the years, the Court has experienced increasing difficulties in publishing the Reports in time and in all the Community languages. These difficulties reached such a peak that in 1988 the delay amounted to a number of years for all language versions. At all levels, plans were implemented to reduce the deficit and the first results could be seen towards the end of 1990. The average delay in publishing a volume was reduced from 24 months in 1989 to 15 months at the end of 1990. The Court intends to bring this delay below one year by the end of 1991. This reduction was achieved through the combined efforts of the translation divisions

of the Court, the implementation of supervisory and follow-up procedures, reductions in the periods required for correction and the progressive introduction of certain types of computerization — both in the Court and in the Office for Official Publications of the European Communities.

Office accommodation

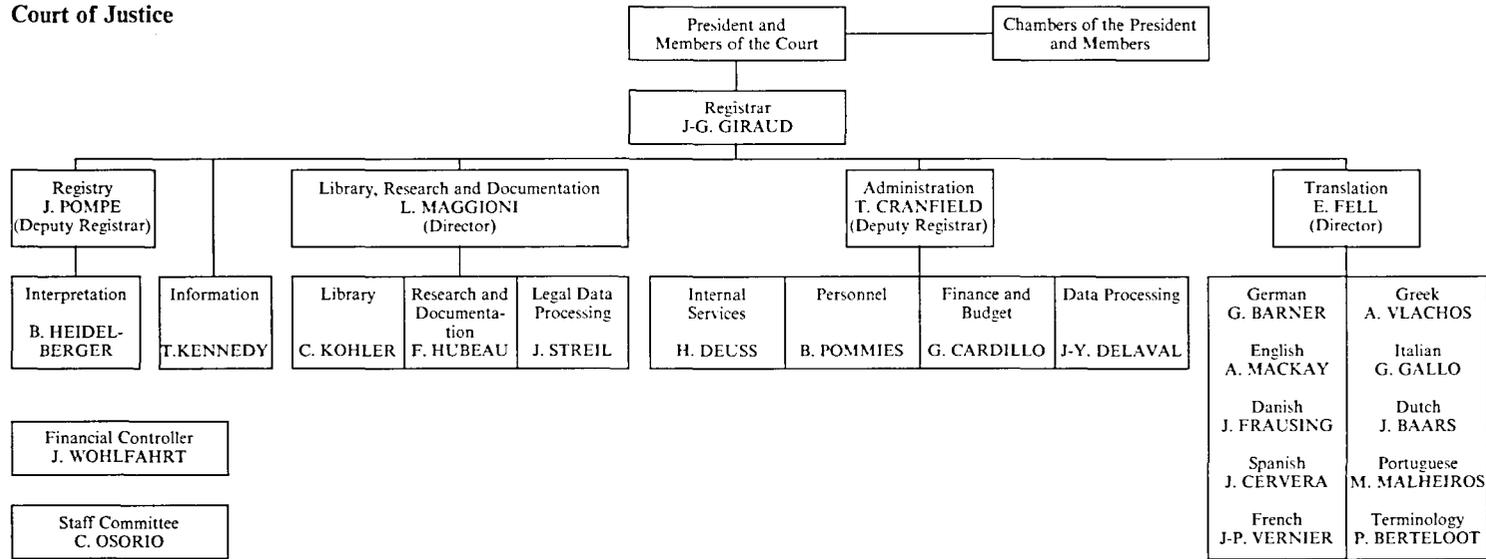
The continuous expansion of the activities and staff of the Court gives rise to problems concerning the location of additional office space.

Thus, the Court of First Instance was installed during the second half of 1989 on the second floor of the Erasmus building (annex to the main Court building), while six language divisions have had to be accommodated in the BAK building a couple of hundred metres away from the main Court building.

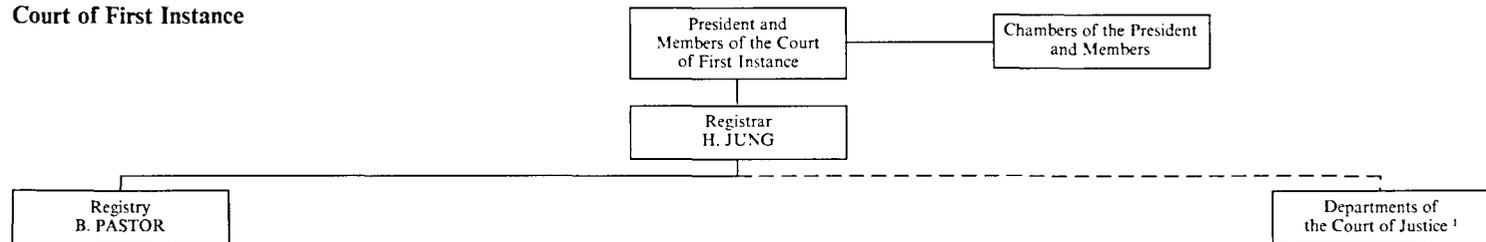
During 1990, a major building project was set in motion: this related, on the one hand, to the construction of a second extension, which has been proceeding according to plan and is due to be available by the middle of 1992, and, on the other, to general plans for the construction of a third extension, which it has been possible to finalize; this in turn enabled the Ministry of Public Works of the Grand Duchy of Luxembourg to submit draft legislation on 14 June 1990 covering the implementation of the project by the Luxembourg authorities. Completion of this third extension is scheduled for the end of 1993.

Abridged organization chart

Court of Justice

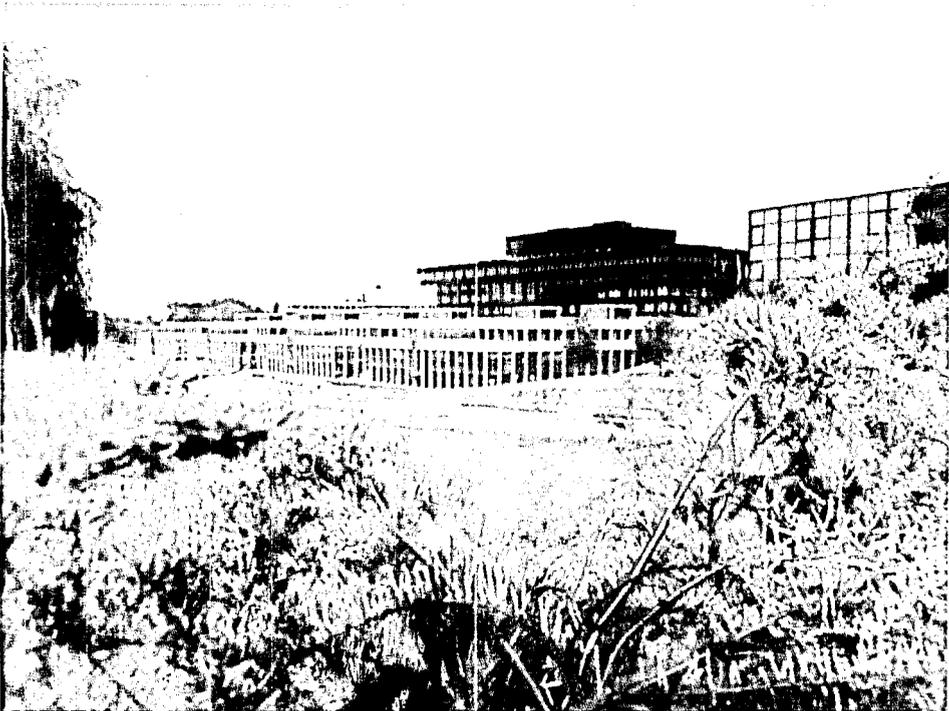


Court of First Instance



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



Contents

	Page
A — Review of the 1990 judicial year	35
B — Composition of the Court of First Instance	39
I — Order of precedence	40
II — The Members of the Court of First Instance	41
III — Composition of the Chambers	44

A — Review of the 1990 judicial year

The work of the Court of First Instance

Although the Court of First Instance was set up during the autumn of 1989, it is really 1990 which marks the effective beginning of its work and in which the essential principles of its organization and functioning were laid down.

Following the decision of the President of the Court of Justice of 11 October 1989 declaring that the Court of First Instance had been constituted in accordance with law, the effective allocation of jurisdiction to the new Court was made on 1 November 1989. With effect from 15 November, the Court of Justice referred to it 153 cases which would henceforth come within its jurisdiction as a court of first instance. In those circumstances, taking into account the unavoidable delays caused by the physical installation of any new court, a close examination of case files, drafting of preliminary reports and reports for the hearing and the scheduling of oral proceedings, it can easily be appreciated that it was not until the spring of 1990 that the Court of First Instance was in a position to organize its public sittings on a regular basis and thus to deliver its judgments.

The Court's first major task at that time was to draw up its own Rules of Procedure, with the agreement of the Court of Justice, in order to submit them for the unanimous approval of the Council. The final quarter of 1989 was given over to intensive work organized by two working committees, between whose labours there was a large degree of overlap and mutual enrichment.

One committee had the task of drafting the new Rules of Procedure, while the other was called on to examine, for the transitional period, the extent to which the Rules of Procedure of the Court of Justice could be applied to proceedings pending before the Court of First Instance in order that the latter might be able as early as possible to exercise the jurisdiction conferred on it. During the first months of 1990, there was close collaboration between the Court of Justice and the Court of First Instance for the purpose of allowing the Court of Justice to give a considered opinion on the draft submitted to it. Finally, the draft rules, as approved by the Court of Justice, were submitted to the Council on 6 April 1990.¹

The Court of First Instance was guided in its work by five basic considerations: not to depart unnecessarily from the existing Rules of Procedure; to take account,

¹ The draft was finally adopted by the Court of First Instance on 2 May 1991 and published in the *Official Journal of the European Communities*, L 136, 30.5.1991, p. 1. A draft version of these Rules of Procedure had been published in OJ C 136, 5.6.1990.

whenever necessary, of the special nature of the Court of First Instance; if new measures should be adopted, to attach particular importance to the desire for flexibility and the proper administration of justice; to reconcile as much as possible the desire for procedural economy and compliance with the principle that parties should have the opportunity to state their case; finally, to rationalize, improve and clarify certain procedural rules for the purpose of ensuring a better preparation of case files and thereby improving the guarantees given to parties. That is, in particular, the object behind the introduction of measures of organization of procedure which make it possible, under optimum conditions, to carry out a detailed examination of complex factual situations, a task which is expressly conferred on the Court of First Instance.

The Rules of Procedure of the Court of First Instance thus endeavour to facilitate the administration of evidence, to identify the points on which parties must develop their arguments, and to facilitate the amicable settlement of proceedings. Even before they came into force, the Court of First Instance frequently applied the new provisions: thus, on numerous occasions in cases involving Community officials, the parties were requested to appear before the Court in order to arrive at an amicable settlement to their dispute. In the case of complex proceedings relating to competition, several informal meetings were held in order to enable the numerous applicants to organize common oral arguments and thus to concentrate on their own particular arguments, to draw up a proper plan for oral proceedings occasionally extending over several days, and to ensure better conduct of the proceedings.

The Court of First Instance also drew up the essential principles regarding the drafting of its judgment. The length of those judgments, resulting primarily from the detailed description of facts in order to establish them clearly and precisely, may have been a cause for surprise. Their length is the result of a deliberate choice: the court determines issues of fact at final instance, and appeals against its judgments are limited exclusively to questions of law. The Court's drafting technique thus constitutes an essential condition for the proper functioning of the Community's judicial system and represents an additional guarantee to parties involved in proceedings. It ought to be stressed in this regard that the report for the hearing does not form part of the judgment and is not published in the *Reports of Cases before the Court of Justice and the Court of First Instance*. It is no more than a preparatory document and its effects do not last beyond the end of the oral proceedings. Thus, it is only the facts and the legal reasoning contained in the judgment itself which are authoritative and which entitle the Court of Justice to exercise its appellate jurisdiction.

During 1990, when the Court of First Instance was in a position to exercise fully its jurisdiction, it decided 78 cases, of which 58 by way of judgment. Fifty-five cases were lodged at the Court Registry. Ninety sets of oral proceedings¹ were organized. Sixteen appeals were lodged against judgments of the Court of First Instance, a figure which represents less than 20% of cases decided.

In the context of the prospective completion of the single market and the holding of two intergovernmental conferences on political union and on economic and

¹ Seventy-five, if the series of joined 'polypropylene' cases is counted as being only one case.

monetary union, the Court of First Instance finally began an in-depth debate on the future of the Community judicial system.¹ It thus appeared that there was a need to reinforce the judicial protection of individual interests, to accelerate proceedings before the Community Courts, to assign to each Community Court, on the basis of the principle of the proper administration of justice, areas of jurisdiction appropriate to its function and to its position in the judicial architecture in the Community and, finally, to distinguish between proceedings which are truly constitutional in nature or which raise issues of fundamental rights, and others which do not have the same significance. On the basis of these premises, the Court of First Instance considered it desirable to retain the present judicial architecture on the Community, while at the same time extending the principle of double judicial control to new areas of Community law in order to make better use of the jurisdictional capacity of the Court of First Instance and to allow the Court of Justice to concentrate on its fundamental mission as a supreme constitutional court, as conferred on it by the Treaties, i.e. to ensure compliance with Community law within the framework of a uniform interpretation.

The administration of the Court of First Instance

From the point of view of administration, 1990 was marked for the Court of First Instance by numerous problems concerning the installation and operation of the new Court. It was necessary to resolve several practical problems, and also to adapt the rules and internal procedures of the institution to the existence of the Court of First Instance.

It was first of all necessary to complete the physical installation, begun in September 1989, of the Chambers of the Members and the Registry of the Court of First Instance on the second floor of the first phase of the extension to the main Court building on Rue du Fort-Niedergrünewald, a building which is henceforth to bear the name 'Erasmus'. The Court of First Instance shares this floor with a section of the Translation Directorate. This is a temporary installation in office space which was not originally intended for that purpose. Only with the third construction phase to the extension of the main Court building, scheduled for 1995 or 1996, will the Court of First Instance be able to put an end to the temporary nature of its accommodation and move into offices specifically created for it. The Court of First Instance normally holds its hearings in the two courtrooms on the ground floor of the Erasmus Building. These bear the names 'Dalsgaard' and 'Fernando Pessoa', the former so named after the painter whose work on the theme 'With love—and justice—a united Europe' decorates it, while the latter is named after the famous Portuguese poet represented on one of the two tapestries of Costa Pinheiro ('The Poet' and 'The Poetic Space') which, along with a third work by the artist Charters de Almeida, were donated for this room by the Portuguese Government.

¹ The results of this debate are contained in a document entitled 'Reflections on the future development of the Community judicial system', adopted by the Court of First Instance on 3 December 1990 and published by the European Parliament in all Community languages in its Working Document No PE 147.1830.

It was then necessary to develop new working methods and new internal procedures adapted to the Court of First Instance. This task fell primarily on the Court's own small infrastructure which had been set up in the autumn of 1989.

This in fact consists only of the staff which directly assists the President, the judges and the Registrar in the exercise of their court functions. It consists of a law clerk and a secretary in the Chambers of each Member of the Court of First Instance and 12 officials in the Registry. During this initial phase, these officials and members of staff were called on to demonstrate initiative and creativity, and they carried out this task with great enthusiasm and commitment.

Of course, the experience which certain of their number already had of the practices and procedures in the Chambers of the Members and the Registry of the Court of Justice represented for the staff of the Court of First Instance a major advantage in this initial phase of the new Court. However, it was necessary to adapt this experience to the special features of a court of first instance, to the structure and functioning of the Court, and to the procedural characteristics which developed with the treatment of its first cases. During this whole period, it was necessary to work by applying *mutatis mutandis* the Rules of Procedure of the Court of Justice in the absence of rules specifically adapted to the work of the Court of First Instance.

Among those cases in which the preparation of the case file and the holding of hearings demanded special efforts on the part of officials and members of staff concerned in the Chambers and the Registry, mention ought to be made of the 14 'polypropylene' cases (T-1/89 to T-4/89 and T-6/89 to T-15/89), in which 14 undertakings from different Member States sought the annulment of a Commission decision relating to concerted agreements and practices in the market for polypropylene. The organization of the hearing, which lasted from the morning of Monday 10 December 1990 to the afternoon of Saturday 15 December 1990, took a number of weeks and presented the staff of the Court of First Instance with numerous practical problems: the provision of interpretation services from and into the five languages of the cases, the arrangement of the courtroom for the 45 or so legal representatives of the parties, transmission to each party of the documents relating to the other cases, while at the same time taking account of those documents in respect of which confidentiality had been assured, etc.

Finally, the various departments of the Court had to become used to the idea of working in future for a new 'client'. Translation, interpretation, research and documentation, the Information Service and of course all the services supplied by the Internal Services Division, from the ushers to the printing shop, were required in future to work not only for the Court of Justice, to which the services in question are directly subject, but also for the Court of First Instance. In so doing, the departments in question were required to allocate their resources on a fair and equal basis, something which did not always prove easy to do. Similarly, with regard to administration properly so-called, there was a need to develop procedures for the financial administration of the Court of First Instance, the needs of which are covered by the institution's single budget, and to manage the staff of the Court of First Instance who are subject to a separate appointing authority. All of this amounted to a considerable upheaval for the services of the Court of Justice. The Court of First Instance was very ably assisted by the services of the Court of Justice, and this assistance enabled it, once it became operational, to hear cases and to concentrate on its own judicial functions.

B — Composition of the Court of First Instance



Front row from left to right :

Christos Yeraris, Judge; David Edward, Judge; Donal Barrington, Judge; José Luís da Cruz Vilaça, President; Antonio Saggio, Judge; Heinrich Kirschner, Judge; Romain Schintgen, Judge.

Second row from left to right :

Cornelis Briët, Judge; Rafael García-Valdecasas y Fernández, Judge; Bo Vesterdorf, Judge; Jacques Biancarelli, Judge; Koenraad Lenaerts, Judge; Hans Jung, Registrar.

I — Order of precedence in the Court of First Instance from 1 September 1990¹

José Luís da Cruz Vilaça, President
Antonio Saggio, President of the Second Chamber
Christos Yeraris, President of the Third Chamber
Romain Schintgen, President of the Fourth Chamber
Cornelis Paulus Briët, President of the Fifth Chamber
Donal P. M. Barrington, Judge
David A. O. Edward, Judge
Heinrich Kirschner, Judge
Bo Vesterdorf, Judge
Rafael García-Valdecasas y Fernández, Judge
Jacques Biancarelli, Judge
Koenraad Lenaerts, Judge
Hans Jung, Registrar

¹ For the previous order of precedence, i.e. for the year 1989 to 1990, see the *Synopsis of the work of the Court of Justice and the Court of First Instance of the European Communities in 1988 and 1989*, at p. 263.

II — The Members of the Court of First Instance (in order of precedence)¹



José Luís da Cruz Vilaça

Born 20 September 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 the 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.



Antonio Saggio

Born in 1934; Pretore (Magistrate); Judge of the Court of Naples; Member of the Court of Appeal, Rome, and subsequently the Court of Cassation; attached to the Ufficio legislativo del ministero di grazia e giustizia (Legislative Department of the Ministry of Justice); 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 (Higher School of Public Administration) in Rome.



Christos G. Yeraris

Born 13 September 1938; Member of the Simvoulío Epikratías (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.



Romain Schintgen

Born 22 March 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.

¹ In view of the fact that all Members of the Court of First Instance were appointed as such with effect from 1 September 1989, the individual presentation of each Member does not give any indication as to the date of his appointment.



Cornelis Paulus Briët

Born 23 February 1944; Executive Secretary, **D. Hudig & Co.**, Insurance Brokers, and subsequently Executive Secretary with **Granaria BV**; Judge, **Arrondissementsrechtbank (District Court)**, Rotterdam; Member of the Court of Justice of the Dutch Antilles; Cantonal Judge, Rotterdam; Vice-President, **Arrondissementsrechtbank Rotterdam**.



Donal Patrick Michael Barrington

Born 28 February 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.



David Alexander Ogilvy Edward

Born 14 November 1934; Advocate (Scotland); Queen's Counsel (QC) (Scotland); Clerk, and subsequently Treasurer, of the Faculty of Advocates; President of the Consultative Committee of the Bars and Law Societies of the European Communities; Salvesen Professor of European Institutions and Director of the Europa Institute, University of Edinburgh; Chairman of the Medical Appeals Tribunal; President of the Scottish Council for Arbitration; Special Adviser to the House of Lords Select Committee on the European Communities.



Heinrich Kirschner

Born 7 January 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 Directorate-General 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.



Bo Vesterdorf

Born 11 October 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 (Eastern Division of the High Court); 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.



Rafael García-Valdecasas y Fernández

Born 9 January 1946; Abogado del Estado (at Jaén and Granada); Registrar to the Economic and Administrative Court of Jaén, and subsequently of Córdoba; 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.



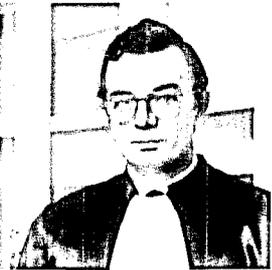
Jacques Biancarelli

Born 18 October 1948; Inspector at the Treasury; Auditeur and subsequently Maître des requêtes in the Conseil d'État; Legal Adviser to several ministers; Lecturer in a number of French professional colleges and institutes of higher education; Legal Secretary in the Court of Justice; Head of Legal Department, Crédit lyonnais; President of the Association européenne pour le droit bancaire et financier (AEDBF).



Koenraad Lenaerts

Born 20 December 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.



Hans Jung

Born 29 October 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 — Composition of the Chambers for the judicial year 1990-91

First Chamber

José Luis da Cruz Vilaça, President of the Chamber,
Romain Schintgen, David Edward, Heinrich Kirschner, Rafael García-Valdecasas
and Koenraad Lenaerts, Judges.

Second Chamber

Antonio Saggio, President of the Chamber,
Christos Yeraris, Cornelis Paulus Briët, Donal Barrington, Bo Vesterdorf and
Jacques Biancarelli, Judges.

Third Chamber

Christos Yeraris, President of the Chamber,
Antonio Saggio, Bo Vesterdorf and Koenraad Lenaerts, Judges.

Fourth Chamber

Romain Schintgen, President of the Chamber,
David Edward and Rafael García-Valdecasas, Judges.

Fifth Chamber

Cornelis Paulus Briët, President of the Chamber,
Donal Barrington, Heinrich Kirschner and Jacques Biancarelli, Judges.

Activities of the two Courts

Contents

	Page
A — Meetings and visits	49
Official visits to the Court in 1990	52
Study visits to the Court of Justice and the Court of First Instance during 1990	54
B — Formal sittings	55
Formal sitting of the Court of Justice of 29 March 1990	55
Address by President Ole Due on the occasion of the departure from office of Judge Thijmen Koopmans	57
Address by Judge Thijmen Koopmans on the occasion of his departure from office	59
Address by President Ole Due on the occasion of the entry into office of Judge Paul Kapteyn	61
Curriculum vitae of Paul Joan George Kapteyn	63
C — Publications and general information	65
I — Texts of judgments and opinions	65
II — Other publications	66
III — Information and addresses	71
The Court of Justice and the Court of First Instance	71
Sales offices in different countries	72
Offices of the Commission of the European Communities	73

A — Meetings and visits

The Court of Justice of the European Communities is far from being an institution which merely looks inward on its own specialized area of activity. In connection with its judicial functions, the Court maintains close contacts with the judicial institutions of the various Member States, with government departments and with lawyers and scientists interested in its work. Obviously, the various national Bar Associations and the CCBE (Bar Council of the European Community) are frequent visitors to the Court, as are, on occasion, a range of groups from other Community institutions, who come for the purpose of discussing issues of common interest.



Mr Laborinho Lucio, the Portuguese Minister for Justice, unveils a tapestry presented to the Court by the Portuguese Government.

While the majority of such visits have as their purpose detailed discussions on legal aspects of European integration, other, less formal, meetings also take place. Thus, Mr Mitsotakis, the Prime Minister of Greece, visited the Court on 4 July in order to present three works of art on the theme of Greek culture from the classical era up to the present day. He was followed, on 7 November, by Mr Laborinho Lucio, the Portuguese Minister for Justice, who unveiled in one of the courtrooms of the Erasmus Building three tapestries inspired by the work of the famous Portuguese poet Fernando Pessoa.

In the context of such official visits, it should be noted that there is an increasing tendency on the part of judicial institutions in non-member countries to visit the Court. While the interest shown in the judicial institutions of the Community by the Member States of EFTA and by the Association itself can scarcely be regarded as surprising, the Court has taken great pleasure in the interest shown in its work by organizations as diverse as the West African Economic Community, the Member States of the Cartagena Agreement and the Constitutional Court of the Soviet Union. A full list of these visits appears below.

With regard to the institution itself, each of the Members of the Court of Justice and the Court of First Instance travels frequently to his own country and elsewhere for the purpose of attending a wide variety of congresses, conferences and discussions on a variety of subjects relating to Community law and its application. In this regard, mention ought to be made in particular of the attendance of almost all the Members of the two Community Courts at the Congress of the International Federation of European Law which was held in Madrid from 26 to 29 September 1990. A delegation from the Court of Justice also attended the Twelfth Colloquium of the Supreme Courts and Supreme Administrative Courts of the Member States which took place in Madrid from 6 to 8 June 1990. The Court of First Instance also paid an official visit to Portugal between 22 and 28 May and, finally, a delegation from the Court of Justice visited judicial institutions in Turkey from 25 October to 2 November 1990.

Apart from such official visits, the Court maintained in 1990 its programme of study visits, which are organized primarily for judges required to work together with the Court of Justice in connection with the preliminary reference procedure under Article 177 of the EEC Treaty, for practising lawyers in the various Member States and for law students, on whose future work Community law will increasingly impinge. In this context, the Court of Justice held its traditional conference of senior members of the judiciary from the Member States on 21 and 22 May 1990 and the seminar course for other judges from the Member States, which took place on 15 and 16 October 1990.

Apart from this, the number of lawyers, law students and non-specialist groups who take an interest in the Court's contribution to the process of European integration continues to grow constantly. The number of these visits has reached such a level that the Information Service, which is responsible for the reception of visitors, has been obliged to impose a restriction on the number of individuals and

groups who may be received on any particular day, whereby preference is given to those groups which have a professional interest in the work of the Court. A table providing a summary of these visits is given below.

Finally, it happens to any institution that its composition must be altered for one reason or another. Thus, Judge Thijmen Koopmans, appointed in 1979, left the Court to become Advocate General to the Hoge Raad (Supreme Court) of the Netherlands at The Hague. To mark the departure of a Member whose contributions, on both the personal and judicial levels, were much appreciated by the other Members of the Court and by its staff, and to welcome his successor, Judge Paul Kapteyn, the Court held a formal sitting on 29 March 1990. On that occasion, the President of the Court, Ole Due, delivered a farewell address to Judge Koopmans and also welcomed Judge Kapteyn. Judge Koopmans also gave an address on the occasion of his departure from office. These three addresses are reproduced on pp. 57-61.



Judge Thijmen Koopmans delivering his farewell address,
29 March 1990.



Judge Paul Kapteyn taking the oath
before the Court of Justice, 29 March 1990.

Official visits to the Court in 1990

- | | |
|------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 22 January 1990 | Visit by Messrs Ganin and Medvedev, senior Soviet officials |
| 19 February 1990 | Visit by Lord Hope, Lord President of the Court of Session, Scotland |
| 15 March 1990 | Visit by Mr F.-X. Grimaux, Director of Legal Affairs of the Executive Secretariat of the Economic Community of West African States |
| 20 March 1990 | Visit by His Excellency Mr K. Skubiszewski, Polish Minister for Foreign Affairs |
| 22 March 1990 | Visit by Señor F. Uribe Restrepo, President of the Tribunal de Justicia del Acuerdo de Cartagena |

28 March 1990	Visit by a delegation from the Swiss Federal Tribunal: Mr R. Raschein, President; Mr R. Patry, Vice-President; Mr R. Forni, Senior Member; Mr A. Moser, Director of the Chancellery
2 May 1990	Visit by Mr L. Sevon, Director in the Finnish Ministry of Justice
4 May 1990	Visit by Mr Francis J. Lorson, Chief Deputy Clerk of the Supreme Court of the United States of America
20 June 1990	Visit by the American Bar Association
21 June 1990	Visit by the Directors-General of the fiscal authorities of the six founder Member States of the European Communities
4 July 1990	Unveiling of Greek works of art by Mr Mitsotakis, Prime Minister of the Hellenic Republic
19 September 1990	Visit by the Bar Council of Ireland
24 September 1990	Visit by Mr Mathias Kraft, Swiss Ambassador to the European Communities
3 October 1990	Visit by Danish State Prosecutors
4 October 1990	Visit by Members of the Swedish Parliament
9 October 1990	Visit by Mr Juro Kashlev, Deputy Minister for Foreign Affairs of the USSR
9 October 1990	Visit by senior judges from Liechtenstein
15 October 1990	Visit by Members of Coreper
18 October 1990	Visit by the Minister for Justice of the German <i>Land</i> of Hessen
19 October 1990	Visit by Mr Wolfgang Wolte, Austrian Ambassador to the European Communities
7 November 1990	Visit by the Parliamentary Commission of EFTA
7 November 1990	Unveiling of Portuguese works of art by Mr Laborinho Lucio, Portuguese Minister for Justice
16 November 1990	Visit by the Association of Senior Administrative Courts
28 November 1990	Visit by Mrs Halonen, Finnish Minister for Justice
29 November 1990	Visit by the Commission of Social Affairs of the European Parliament
3 December 1990	Visit by the Head Clerks of the Commission
3 to 7 December 1990	Visit by senior Soviet judges

Study visits to the Court of Justice and the Court of First Instance during 1990

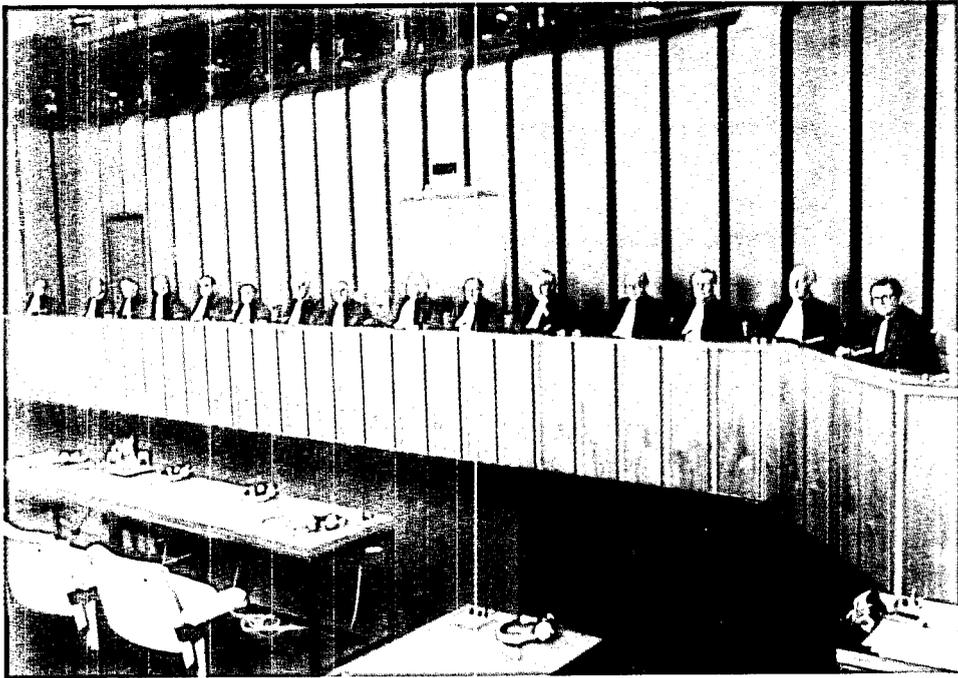
Description	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK	Non-member countries	Mixed groups	Total
National judges ¹	15	7	127	45	12	26	40	—	20	—	13	41	25	172	543
Lawyers, trainee lawyers and legal advisers	—	44	285	93	93	423	34	30	77	104	9	114	117	95	1 518
Community law professors, ² lecturers and teachers	—	48	40	—	—	—	22	9	—	34	—	31	22	—	206
Diplomats, parliamentarians, political groups and national civil servants	52	44	392	—	44	37	10	—	10	—	—	113	56	87	845
Students, scholars, EEC/European Parliament trainees	579	170	762	28	278	302	140	177	91	368	210	1 336	544	814	5 799
Members of professional associations	—	—	115	—	35	38	—	30	—	—	57	—	95	29	399
Others	100	1	77	—	—	20	—	—	60	69	—	165	17	107	616
Total	746	314	1 798	166	462	846	246	246	258	575	289	1 800	876	1 304	9 926

¹ Under this heading, the column entitled 'Mixed groups' includes the total number of judges from the Member States who took part in the conferences of members of the judiciary and in the seminar courses for judges organized by the Court of Justice. The following are the figures for 1990:

Belgium	10	Ireland	9
Denmark	8	Italy	19
Federal Republic of Germany	25	Luxembourg	4
Greece	8	Netherlands	8
Spain	23	Portugal	9
France	23	United Kingdom	26

² Other than professors accompanying groups of students.

B — Formal sittings



Address by President Ole Due on the occasion of the departure from office of Judge Thijmen Koopmans

Dear Tim Koopmans,

I have chosen to speak English for this occasion. For many years, this language has been the normal means of communication between a Dutchman and a Dane and, outside the deliberation room, we have spoken English together. Admittedly, when talking about cases, the language often degenerated into a peculiar type of 'franglais'.

But at the same time, English is a very sober language. Much better for concealing your emotion than the flamboyant French. And I need such a language today when, on behalf of the Court, I have to say farewell to you after more than 10 years of intense collaboration.

Intense it has been for all of us, who have had the privilege of working together with you, because your temperament does not easily admit superficial or half-way answers. You want to get to the bottom of the problem and to construct a solid and lasting solution. How often has not a pointed remark from you opened our eyes to new aspects of the problem?

Discussing a difficult question of Community law with you has never been dull. You have a talent for creating tension in a debate but also for relieving the tension by a humorous remark. And you never waste the time of the Court in discussing points of minor importance.

In the privacy of your chambers, no one sought in vain your advice. You gave it readily with no thought of copyright or tactical advantage.

We shall miss you sorely. As we shall miss your wife Emmy with her great artistic talent and her catching laughter.

But first of all the Court and thereby the Communities are the great losers by your departure.

You came here, 11 years ago, extraordinarily well equipped for the job. Your linguistic capacities were second to none. You had a complete mastery of Community law and a thorough knowledge of several national legal systems apart from your own, of comparative law as well as of legal philosophy. But at the same time, you had a perfect understanding of the difficulties with which the political institutions were faced and of the problems confronted by the national courts when applying Community law.

You have certainly set all these talents and capacities to work during your years at the Court, and the case-law has greatly profited from this combination of profound theoretical learning, logical thinking and understanding of the realities.

You always enjoyed a legal argument of a high standard. You were happy when a balanced and well-reasoned solution was found to a difficult problem. But you were especially satisfied when this solution not only represented a brick added to the building of Community law but at the same time shaped a new tool in the hands of those working on an even greater construction: the creation of European unity.

Because, for all your logical thinking and your keen sense of realities, you are an idealist, sometimes even a dreamer. I could not find a better quotation to describe in a few words your work at the Court than that of the Danish artist who created the paintings hung on the walls of one of the Court rooms of the Court of First Instance: 'With love—and justice—a united Europe'.

Dear Tim Koopmans, on behalf of all your colleagues at the Court, past and present, I thank you for what you have meant to us all. I wish you every possible success and much happiness in your new work and I envy those who shall now benefit from your wise counsel.

Address by Judge Thijmen Koopmans on the occasion of his departure from office

Mr President,

Thank you for giving me the opportunity to address a few words to you. I shall do so in French, not because I have any particular aptitude for that language, but rather because this will probably be the last public occasion in which I will have an opportunity to express myself in a language other than Dutch. And that is not an opportunity which I would like to forgo.

As my farewell to the Court, I would like to offer it an idea. It is an idea of disarming simplicity, but one which may nevertheless provide the key to an understanding of the Court's special mission. It is that, from the point of view of its functioning, the Court occupies two very different positions: that of a Community institution and that of a court within the Community.

First of all, of course, it is one of the four institutions required under Article 4 of the EEC Treaty to carry out the tasks entrusted to the Community. In that role, the Court adjudicates in interinstitutional disputes and in disputes between the Community and the Member States: it monitors the legality of acts of the institutions, defines their respective spheres of competence, rules on the compatibility of national legislation with the requirements of the Treaty, and develops Community law in conjunction with the other institutions and in particular with the Council and the Commission.

The Court, however, does not exist only on the institutional chess-board, but is also a player on a different board, governed by different rules of play—this is the judicial board. The Court is also part of the judicial power of the Member States of the Community, and in this capacity it acts in conjunction with the courts and judicial institutions of the Member States. This special function of the Court is illustrated by the procedure for preliminary rulings which allows national courts to refer questions to the Court of Justice concerning problems of Community law. These national courts refer to the Court of Justice problems which they encounter in the application of Community legislation and occasionally in the application of the Court's own case-law. From this point of view, the preliminary procedure disposes of what one may, in modern technical parlance, refer to as 'feedback': it is a retroactive self-regulating system, given that the practical difficulties which a particular Court judgment may in certain cases give rise to may immediately be referred to the Court in the context of a fresh preliminary reference. It is in this way that there is a gradual process of interpenetration which covers the administration of justice throughout the Community and which implies not only the rules to be applied, but also the concepts to be managed and the methods to be used.

This finding has one consequence, the importance of which is not always fully appreciated: in the situation presently developing, the Court contributes to guiding the development of law in our part of the world. It is not the only judicial

institution to take up this task, since the development of law is based in equal measure on the case-law of the supreme courts of the Member States and on that of the European Court of Human Rights. None the less, when the Court of Justice plays well on the judicial board, its influence goes far beyond the strict limits of Community law.

You will be aware that this final consideration affords me personal satisfaction : in leaving the Court to resume judicial functions in The Hague, I can remain loyal to the ideas which inspired me when carrying out my judicial functions here.

Throughout this period of 11 years (11 years and one hour, to be exact) I have always been amazed at the way in which the great diversity of individuals who make up the Court has encouraged, rather than frustrated, the development of coherent legal principles. Perhaps we have here an example of the phenomenon described by the English author Lytton Strachey in his famous biography of Queen Victoria: after describing the ‘curious diversity of human ambitions’ among the Queen’s ministers and counsellors, Strachey continues:

‘The desires of man are wonderfully various; but no less various are the means by which those desires may reach satisfaction: and so the work of the world gets done.’

(Lytton Strachey, *Queen Victoria*, New York, 1921, p. 79).

Today, I feel privileged and happy to have been able here in Luxembourg to contribute in my own modest way to ensuring that ‘the work of the world gets done’.

Address by President Ole Due on the occasion of the entry into office of Judge Paul Kapteyn

Mr Kapteyn,

The speeches you have just heard may perhaps have given you the impression that—as you were doubtless already aware—it may be difficult to follow Mr Koopmans.

But let me reassure you; here at the Court no one takes the place of someone else. While the Member States have indeed customarily ensured that the Members of the Court reflect a certain geographical distribution, once in office you will no longer be ‘the new Dutch judge’.

We are a collegiate body made up not of different nationalities but of individual persons. The contribution we each make to our joint work is not a national perspective but our training, our experience and our personality.

We well know that you can make a major contribution to our work. From the very start of your career you specialized in public international law. As long ago as 1960 your doctorate bore witness to your special interest in the building of Europe and, in particular, your concern that the process should lead to a democratic Community. That interest and that concern have left a clear mark on your subsequent career. You passed from ‘pure’ international law to become Professor of the Law of International Organizations, first at Utrecht and later at Leiden, and you were a member both of the Vedel Committee and the Spierenburg Committee.

In collaboration with our friend and former colleague, Mr Verloren van Themaat, you wrote a book whose modest title *Introduction to the law of the European Communities* belies its great import. It has become a classic, not just in your own country but throughout the English-speaking world.

However, today we are welcoming not just Professor Kapteyn but also Judge Kapteyn, a member of the Raad van State since 1976 and President of its Afdeling Rechtspraak. Although by its very nature this part of your career is not as spectacular as your academic work, it is no less rich and no less useful to the contribution you will make to the Court’s work.

We are very pleased to take you into our midst. We await with pleasure our work together and the discussions we shall have. We sincerely hope that you too experience the same pleasure and great satisfaction in your new post.

I now call on you to give the solemn declaration provided for in the Statutes of the Court of Justice.



Paul Joan George Kapteyn

Curriculum vitae of Paul Joan George Kapteyn

Born on 31 January 1928 in Laren (Noord Holland)
Married to H. J. Streef; two children

Present functions

Chief editor of *Sociaal-Economische Wetgeving*
Member of the International Commission of Jurists and of its Executive Board
President of the Netherlands International Law Association
Member of the Royal Netherlands Academy of Sciences

Background

- 1950 Degree in Law awarded by the University of Leiden
- 1960 Doctor of Laws (*cum laude*) of the University of Leiden (thesis: *The Common Assembly of the ECSC, 1952-58: an experiment in European parliamentarianism*)
- 1953-60 Lecturer in International Law at the University of Leiden
- 1960-63 Official at the Ministry of Foreign Affairs (Directorate-General for European Cooperation)
- 1963-74 Professor, Law of International Organizations, at the University of Utrecht
- 1974-76 Professor, Law of International Organizations, at the University of Leiden
- 1976-90 Member of the Council of State
- 1984-90 President of the Chamber for the administration of justice at the Council of States
- Other positions held:
- Member of the European Commission's Advisory Committee on the Powers of the European Parliament (the Vedel Committee)
- Member of the Advisory Committee on European Union (the Spierenburg Committee)
- Member of the Advisory Committee on International Law at the Ministry of Foreign Affairs
- Director of the Europa Institute in Leiden
- Member of the Board of the Netherlands Institute of Peace Problems

Chief editor of the *Common Law Review*

Member of the National Advisory Council for Cooperation with the Developing Countries

Member of the Board of Trustees of the Wiardi Beckman Foundation

Chairman and Member of the United Nations Committee on the Elimination of Racial Discrimination

Member of the Board of the Carnegie Endowment and of the Board of Directors of the Hague Academy of International Law

Vice-Chairman of the Supervisory Board of the Netherlands Institute of International Relations (*Clingendaal*)

Publications

L'Assemblée commune de la Communauté européenne du charbon et de l'acier [The Common Assembly of the ECSC]

Inleiding tot het recht der Europese Gemeenschappen [Introduction to the law of the European Communities] (with P. Verloren van Themaat, Dutch version, 4th edition, 1987; English version, 2nd edition, edited by Laurence W. Gormley, 1989)

Articles in specialist journals

Awards

Commander of the Order of Oranje-Nassau

C — Publications and general information

I — 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 of Justice and the Court of First Instance* are published in the nine Community languages, and are the only authentic source for citations of decisions of the Court of Justice or of the Court of First Instance.

In the Member States and in certain non-member countries, the Reports are on sale at the addresses shown on p. 72. In other countries, orders should be addressed to the Office for Official Publications of the European Communities, L-2985 Luxembourg.

2. *Judgments of the Court of Justice and the Court of First Instance and Opinions of the Advocates General*

Orders for offset copies may, subject to availability, 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 of BFR 200 for each document. 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 of Cases before the Court* may pay a subscription to receive offset copies in one or more of the Community languages. The annual subscription fee is the same as for the *Reports of Cases before the Court*.

For certain cases, the *Reports of Cases before the Court* will in future contain only a summary publication of the judgment and the opinion of the Advocate General. In such cases, the full text of the judgment in the language of the case and of the opinion delivered in the language of the Advocate General may be obtained on request from the Registry of the Court of Justice.

II — 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 to be found in the Treaties, in secondary law and in a number of conventions.

The 1990 edition has been updated to 31 December 1989. Consultation is facilitated by a 25-page index.

The selected instruments are available in the nine official languages at the price of ECU 12, excluding VAT, from the Office for Official Publications of the European Communities, L-2985 Luxembourg, and from the addresses given on p. 72.

2. *List of the sittings of the Court of Justice and the Court of First Instance*

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.

3. *Publications of the Information Service of the Court of Justice*

Applications to subscribe to the following publications, which are available in the nine Community languages, should be sent to the Information Service of the Court of Justice, L-2925 Luxembourg, specifying the language required. They are supplied free of charge.

(i) *Proceedings of the Court of Justice and the Court of First Instance 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 delivered and brief notes on opinions delivered, hearings conducted and new cases brought during the previous week.

(ii) *Synopsis of the work of the Court*

Annual publication giving a synopsis of the work of the Court of Justice and of 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, study groups, etc.). This publication contains much statistical information and the texts of addresses delivered at formal sittings of the Courts.

4. *Publications of the Library Division of the Court*

(i) 'Bibliographie courante'

Bi-monthly bibliography comprising of 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 dealing with European integration;

Part B:

General theory of law — International law — Comparative law — National legal system.

(ii) 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.

In 1987, a cumulative edition of Volumes 4 to 6 (1984-86) of the bibliography was published.

Enquiries concerning these publications should be sent to the Library Division of the Court of Justice.

5. *Publications of the Research and Documentation Division and the Legal Data-Processing Department of the Court*

Digest of case-law relating to the European Communities

The Court of Justice has commenced publication of the *Digest of case-law relating to the European Communities*, which systematically presents not only the whole of the case-law of the Court of Justice of the European Communities but also selected judgments of courts in the Member States. Its concept is based on that of the former 'Répertoire de la jurisprudence relative aux traités instituant les Communautés européennes'. The Digest is published, in several of the Community languages, in the form of looseleaf binders and supplements are issued periodically.

The Digest comprises four series, each of which may be obtained separately, covering the following fields:

A Series: Case-law of the Court of Justice of the European Communities excluding the matters covered by the C and D Series;

B Series: Case-law of the courts of Member States excluding the matters covered by the D Series (not yet published);

C Series: Case-law of the Court of Justice of the European Communities relating to Community staff law (not yet published);

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. (This series replaces the *Synopsis of case-law* which was formerly published in instalments but which has now been discontinued.)

The first issue of the A Series was published in 1983. Since the publication of the fourth issue, it now covers the case-law of the Court of Justice of the European Communities from 1977 to 1985.

The first issue of the D Series was published in 1981. With the publication of the fourth issue, it will cover the case-law of the Court of Justice of the European Communities from 1976 to 1987 and the case-law of the courts of the Member States from 1973 to 1985.

Work on the C Series is in progress. Work on the B Series is also in progress and priority has been given to its computerization.

Orders for the available series may be sent either to the Office for Official Publications of the European Communities, L-2985 Luxembourg, or to any of the addresses listed on pp. 72 and 73.

In addition to the 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 decisions of the Court which will appear in due course in the *Reports of Cases before the Court*. It is set out in systematic form and contains an analytical table of contents and an alphabetical table of parties so that it forms a precursor, for any given period, to the Digest and can provide a similar service to the user (available only in French).

Notes — Références des notes de doctrine aux arrêts de la Cour: This publication gives references in legal literature to the judgments of the Court since its inception. Regular updates are issued.

Index A-Z: Computer-produced publication containing a numerical list of all the cases brought before the Court since 1954, and an alphabetical list of names of parties. These lists give the details of the publication of the Court's judgment in the *Reports of Cases before the Court*.

Jurisprudence nationale en matière de droit communautaire: The B Series of the *Digest of Community case-law* at present takes the form of a computer databank which is internal to the Court. Using that databank, as the work of analysis and coding progresses, it is possible to print out tables of the judgments it contains (with keywords, in French, indicating their tenor), either by Member States or by subject-matter.

Publications covering case-law in Belgium, Ireland, Greece and France are available.

Enquiries concerning these publications should be sent to the Research and Documentation Division of the Court of Justice.

III — Information and addresses

The Court of Justice and the Court of First Instance

Information on general questions relating to the work of the Court of Justice and the Court of First Instance may be obtained from the Information Service.

The Courts' addresses, telephone, telex and fax numbers are as follows:

Court of Justice of the European Communities
L-2925 Luxembourg
Telephone: 4303-1
Telex (Registry): 2510 CURIA LU
Telex (Information Service): 2771 CJ INFO LU
Telegraphic address: CURIA
Fax (Court): 4303-2600
Fax (Information Service): 4303-2500

Court of First Instance of the European Communities
Rue du Fort-Niedergrünwald
L-2925 Luxembourg
Telephone: 4303-1
Telex (Registry): 60216 CURIA LU
Fax (Court): 4303-2100

Sales offices in different countries

BELGIQUE / BELGIË

Moniteur belge / Belgisch Staatsblad
Rue de Louvain 42 / Leuvenseweg 42
B-1000 Bruxelles / B-1000 Brussel
Tel. (02) 512 00 26
Fax (02) 511 01 84

Autres distributeurs /
Overige verkooppunten

**Librairie européenne /
Europese boekhandel**

Rue de la Loi 244 /
Wetstraat 244
B-1040 Bruxelles / B-1040 Brussel
Tel. (02) 231 04 35
Fax (02) 735 08 60

Jean De Lannoy
Avenue du Roi 202 / Koningstraat 202
B-1080 Bruxelles / B-1080 Brussel
Tel. (02) 538 51 69
Telex 63923 UNBOOK B
Fax (02) 538 08 41

Document delivery:

Credoc
Rue de la Montagne 34 / Bergstraat 34
B10 11 / Bus 11
B-1000 Bruxelles / B-1000 Brussel
Tel. (02) 511 89 41
Fax (02) 513 31 95

DANMARK

J. H. Schultz Information A/S

EF-Publikationer

Otteliavej 18
DK-2500 Valby
TH 36 44 22 66
Fax 36 44 01 41

DEUTSCHLAND

Bundesanzeiger Verlag

Breite Straße
Postfach 10 80 06
D-W 5000 Köln 1
Tel. (02 21) 20 29-0
Telex ANZEIGER BONN 8 882 595
Fax 2 02 92 78

GREECE/ΕΛΛΑΔΑ

Q.C. Eleftheroudakis SA

International Bookstore
Nixia Street 4
GR-10563 Athens
Tel. (01) 322 63 23
Telex 218410 ELEF
Fax 323 98 21

ESPAÑA

Boletín Oficial del Estado

Trafalgar, 29
E-28071 Madrid
Tel. (91) 538 22 95
Fax (91) 538 23 49

Mundi-Pressa Libros, SA

Castelló, 37
E-28001 Madrid
Tel. (91) 431 33 89 (Libros)
431 32 22 (Suscripciones)
435 28 37 (Dirección)

Telex 49370-MPLI-E
Fax (91) 575 39 98

Sucursals:

Librería Internacional AEDOS

Consejo de Ciento, 391
E-08009 Barcelona
Tel. (93) 488 24 92
Fax (93) 487 76 59

**Librería de la Generalitat
de Catalunya**

Rambà dels Estudis, 118 (Paisu Moja)
E-08002 Barcelona
Tel. (93) 302 68 35
302 84 62
Fax (93) 302 12 99

FRANCE

**Journal officiel
Service des publications
des Communautés européennes**
26, rue Desaix
F-75727 Paris Cedex 15
Tel: (1) 40 58 75 00
Fax (1) 40 58 75 74

IRELAND

Government Supplies Agency

4-5 Harcourt Road
Dublin 2
Tel: (1) 61 31 11
Fax (1) 78 06 45

ITALIA

Licosa Spa

Via Duca di Calabria, 1/1
Casella postale 552
I-50125 Firenze
Tel. (055) 64 54 15
Fax 84 12 57
Telex 570466 LICOSA I

GRAND-DUCHÉ DE LUXEMBOURG

Messagerie Paul Kraus

11, rue Christophe Plantin
L-2339 Luxembourg
Tel. 499 88 88
Telex 2515
Fax 499 88 84 44

NEDERLAND

SDU Overheidsinformatie

Externe Fondsen
Postbus 20314
2500 EA 's-Gravenhage
Tel. (070) 37 89 911
Fax (070) 34 75 778

PORTUGAL

Imprensa Nacional

Casa da Moeda, EP
Rua D. Francisco Manuel de Melo, 5
P-1092 Lisboa Cedex
Tel. (01) 69 34 14

**Distribuidora de Livros
Bertrand, Ld.ª**

Grupo Bertrand, SA
Rua das Terras dos Vales, 4-A
Apartado 37
P-2700 Amadora Cedex
Tel. (01) 49 59 050
Telex 15798 BERDIS
Fax 49 60 255

UNITED KINGDOM

HMSO Books (PC 16)

HMSO Publications Centre
51 Nine Elms Lane
London SW8 5DR
Tel. (071) 873 2000
Fax GP3 873 8463
Telex 29 71 138

ÖSTERREICH

**Manz'sche Verlags-
und Universitätsbuchhandlung**

Kohlmarkt 16
A-1014 Wien
Tel. (0222) 531 61-0
Telex 112 500 B10X A
Fax (0222) 531 61-39

SUOMI

Akateeminen Kirjakauppa

Keskuskatu 1
PO Box 129
SF-00101 Helsinki
Tel. (0) 121 41
Fax (0) 121 44 41

NORGE

Narvesan information center

Bertrand Narvesens vei 2
PO Box 6125 Etterstad
N-0602 Oslo 6
Tel. (2) 57 33 00
Telex 79668 NIC N
Fax (2) 68 19 01

SVERIGE

BTJ

Tryck Traktorvägen 13
S-222 60 Lund
Tel. (048) 18 00 00
Fax (048) 18 01 25

SCHWEIZ / SUISSE / SVIZZERA

OSEC

Stampfenbachstraße 85
CH-8035 Zurich
Tel. (01) 365 54 49
Fax (01) 365 54 11

ČESKOSLOVENSKO

NIS

Havelská 22
13000 Praha 3
Tel. (02) 235 84 46
Fax 42-2-284775

MAGYARORSZÁG

Euro-Info-Service B.T.

Ráday u. 24/B
H-1092 Budapest
Tel. (1) 36 1 118
Fax (1) 36 1 72 83

POLSKA

Business Foundation

ul. Krucza 38/42
00-512 Warszawa
Tel. (22) 21 99 93, 628 28-82
International Fax4Phone
(0-39) 12-00-77

CYPRUS

**Cyprus Chamber of Commerce and
Industry**

Chamber Building
38 Girvas Digenias Ave
3 Deligiorgis Street
PO Box 1455
Nicosia
Tel. (2) 449500/462312
Fax (2) 458630

TÜRKİYE

**Pres Gazete Kitap Dergi
Pazarlama Dağıtım Ticaret ve sanayi
AŞ**

Narlıbahçe Sokak N. 15
İstanbul-Çağaloğlu
Tel. (1) 520 92 96 - 528 55 68
Fax 500 84 57
Telex 23822 DSVOT-TR

CANADA

Renouf Publishing Co. Ltd

Mail orders — Head Office:
1294 Algoma Road
Ottawa, Ontario K1B 3W8
Tel. (613) 741 43 33
Fax (613) 741 54 39
Telex 0534783

Ottawa Store:
81 Sparks Street
Tel. (613) 238 89 85

Toronto Store:
211 Yonge Street
Tel. (416) 363 31 71

UNITED STATES OF AMERICA

UNIPUB

4611-F Assembly Drive
Lanham, MD 20706-4391
Tel. Toll Free (800) 274 4888
Fax (301) 459 0056

AUSTRALIA

Hunter Publications

58A Gipps Street
Collingwood
Victoria 3068

JAPAN

Kinkunjiya Company Ltd

17-7 Shinjuku 3-Chome
Shinjuku-ku
Tokyo 160-91
Tel. (03) 3439-0121

Journal Department

PO Box 55 Chitose
Tokyo 156
Tel. (03) 3439-0124

RUSSIA

**CCEC (Centre for Cooperation with
the European Communities)**

9, Prospekt 60-let Oktyabrya
117312 Moscow
Tel. 007 095 135 52 87
Fax 007 095 420 21 44

ISRAEL

ROY International

PO Box 13056
41 Mishmar Hayarden Street
Tel Aviv 60885
Tel. 00972 3 498 108
Fax 00972 3 544 60 39

SINGAPORE

Legal Library Services Ltd

STK Agency
Robinson Road
PO Box 1817
Singapore 9036

AUTRES PAYS OTHER COUNTRIES

ANDER LANDER

**Office des publications officielles
des Communautés européennes**

2, rue Mercier
L-2985 Luxembourg
Tel. 499 28 11
Telex RUDJOF LU 1324 B
Fax 48 85 73/48 68 17

Offices of the Commission of the European Communities

BELGIQUE/BELGIË

Rue Archimède 73
B-1040 Bruxelles
Archimèdesstraat 73
B-1040 Brussel
Tél: (32-2) 235 38 44
Télex 26 657 COMINF B
Télécopie (32-2) 235 01 66

DANMARK

Højbrohus
Ostergade 61
Postbox 144
DK-1004 København K
Tlf: (45-33) 14 41 40
Telex (055) 16 402 COMEUR DK
Telefax (45-33) 11 12 03

BUNDESREPUBLIK DEUTSCHLAND

Bonn

Zitelmannstraße 22
D-W 5300 Bonn
Tel. (49-228) 53 00 90
Fernschreiber (041) 886 648 EUROP D
Fernkopie (49-228) 5 30 09 50

Berlin

Kurfürstendamm 102
D-W - 1000 Berlin 31
Tel. (49-30) 89 60 93-0
Fernschreiber (041) 184 015 EUROP D
Fernkopie (49-30) 8 92 20 59
München

Erhardtstraße 27
D-W-8000 München 2
Tel. (49-89) 2 02 10 11
Fernschreiber (041) 5 218 135
Fernkopie (49-89) 2 02 10 15

EΛΛΑΔΑ

Vassilissis Sofias 2
T.K. 30 284
GR-106 74 Athina
Tel. (30-1) 724 39 82/3/4
Telex (0601) 219 324 FCAT GR
Telefax (30-1) 724 46 20

ESPAÑA

Madrid

Calle de Serrano, 41, 5^a
E-28001 Madrid
Tel. (34-1) 435 17 00
Télex (052) 46 818 OIPE E
Telecopia (34-1) 576 03 87

Barcelona

Comisión de las Comunidades Europeas
Edificio Atlántico
Av. Diagonal, 407 bis, 18^a
E-08008 Barcelona
Tel. (34-3) 415 81 77 (5 líneas)
Télex 97 524 BDC E
Telecopia (34-3) 415 63 11

FRANCE

Paris

288, boulevard Saint-Germain
F-75007 Paris
Télex (042) 202 271 FCCERRF
Télécopie (33-1) 45 56 94 17/9

Marseille

CMCI/Bureau 3201
2, rue Henri-Barbusse
F-13241 Marseille Cedex 01
Tél. (33) 91 91 46 00
Télex (042) 402 538 EURMA
Télécopie (33) 91 90 98 07

IRELAND

Jean Monnet Centre
39 Molesworth Street
Dublin 2
Tel. (353-1) 71 22 44
Telex (0500) 93 827 EUCO EI
Fax (353-1) 71 26 57

ITALIA

Roma

Via Poli, 29
I-00187 Roma
Tel. (39-6) 699 11 60
Telex (043) 610 184 EUROMAI
Telecopia (39-6) 679 16 58

Milano

Corso Magenta, 59
I-20123 Milano
Tel. 48 01 25 05
Telex (043) 316 200 EURMIL I
Telecopia (39-2) 481 85 43

LUXEMBOURG

Bâtiment Jean Monnet
rue Alcide De Gasperi
L-2920 Luxembourg
Tél. (352) 430 11
Télex 3423/3446/3476 COMEUR LU
Télécopie (352) 43 01 44 33

NEDERLAND

Korte Vijverberg 5
2513 AB Den Haag
Tel. (31-70) 346 93 26
Telex (044) 31 094 EURCO NL
Telefax (31-70) 364 66 19

PORTUGAL

Centro Europeu Jean Monnet
Largo Jean Monnet, 1-10.^a
P-1200 Lisboa
Tel. (351-1) 54 11 44
Telex (0404) 18 810 COMEUR P
Telecopia 355 43 97

UNITED KINGDOM

London

Jean Monnet House
8 Storey's Gate
London SW1P 3AT
Tel. (44-71) 973 19 92
Telex (051) 23 208 EURUK G
Fax (44-71) 973 19 00, 10

Belfast

Windsor House
9/15 Bedford Street
Belfast BT2 7EG
Tel. (44-232) 24 07 08
Telex (051) 74 117 CFCBEL G
Fax (44-232) 248 241

Cardiff

4 Cathedral Road
Cardiff CF1 9SG
Tel. (44-222) 37 16 31
Telex (051) 497 727 EUROPA G
Fax (44-222) 39 54 89

Edinburgh

9 Alva Street
Edinburgh EH2 4PH
Tel. (44-31) 225 20 58
Telex (051) 727 420 EUFDIN G
Fax (44-31) 226 41 05

UNITED STATES OF AMERICA

Washington

2100 M Street, NW
(Suite 707)
Washington, DC 20037
Tel. (1-202) 862 95 00
Telex 64 215 EURCOM NW
Fax 429 1766

New York

3 Dag Hammarskjöld Plaza
305 East 47th Street
New York, NY 10017
Tel. (1-212) 371 38 04
Telex 01 2396 EURCOM NY
Fax 758 27 18

NIPPON

Europa House
9-15 Sanbancho
Chiyoda-Ku
Tokyo 102
Tel. (81-3) 239 04 41
Telex 28 567 COMEUTOK J
Fax (81-3) 239 93 37

SCHWEIZ-SUISSE-SVIZZERA

Case postale 195
37-39, rue de Vermont
CH-1211 Genève 20 C.I.C.
Tel. (41-22) 734 97 50
Télex 414165 ECHIO CH
Télécopie (41-22) 734 22 36

VENEZUELA

Calle Orinoco, Las Mercedes
Apartado 67 076
Las Américas 1061 A
Caracas
Tel. (58-2) 91 51 33
Télex 27 298 COMEUV VC
Telecopia (58-2) 91 88 76

CHILE

Casilla 10093
Santiago 1 (Chile)
Avenida Américo Vespucio SUR 1835
Las Condes
Santiago 10 (Chile) Tel. (56-2) 206 02 67
Télex (034) 340 344 COMEUR CK
Telecopia (56-2) 228 25 71

Annex

Statistical information
for 1990

Contents

	Page
A — Proceedings of the Court of Justice	79
I — Chronological list of judgments delivered	79
II — Statistical information	98
Summary of the proceedings of the Court of Justice in 1990	98
Statistical tables	103
B — Proceedings of the Court of First Instance	123
I — Chronological list of judgments delivered	123
II — Statistical information	129
Summary of the proceedings of the Court of First Instance in 1990	129
Statistical tables	131
C — Statistics relating to the two Courts in 1990	135
D — Decisions of national courts on Community law	137

A — Proceedings of the Court of Justice

I — Chronological list of judgments delivered

Date	Case	Parties	Subject-matter	Reference
9.1.1990	C-337/88	SAFA v Amministrazione delle finanze dello Stato	Accession of Greece — Transitional arrangements — Validity of a regulation — Retroactive effect — Regulations (EEC) Nos 49/81 and 57/81	[1990] ECR I-1
10.1.1990	C-101/88	Gebrüder Gausepohl v Hauptzollamt Hamburg-Jonas	Agriculture — Special export refunds for certain meat of bovine animals	[1990] ECR I-23
10.1.1990	C-115/88	Reichert and Others v Dresdner Bank	Brussels Convention — Action paulienne — Donation of legal ownership of immovable property	[1990] ECR I-27
11.1.1990	C-277/87	Sandoz prodotti farmaceutici SpA v Commission	Competition — Concept of agreement	[1990] ECR I-45
11.1.1990	C-220/88	Dumez France SA and Others v Hessische Landesbank and Others	Brussels Convention — Tort, delict or quasi-delict — Interpretation of Article 5(3) — Indirect victim — Damage suffered by a parent company through financial losses sustained by a subsidiary	[1990] ECR I-49
11.1.1990	C-38/89	Ministère public v Blanguernon	Company law — Implementation of directives — Condition of reciprocity	[1990] ECR I-83
18.1.1990	C-193/87 C-194/87	Maurissen and Others v Court of Auditors	Officials — Trade union organization — Trade union rights	[1990] ECR I-95
18.1.1990	C-287/87	Commission v Hellenic Republic	Failure by a Member State to fulfil its obligations — Failure to transpose into internal law Directive 74/562/EEC — Access to the occupation of road passenger transport operator	[1990] ECR I-125
18.1.1990	C-295/88	Nicolas Corman et Fils SA v Belgian State and Grand Duchy of Luxembourg	Agriculture — Export refunds and monetary compensatory amounts — Goods imported under an incorrect tariff heading	[1990] ECR I-129

Date	Case	Parties	Subject-matter	Reference
18.1.1990	C-345/88	Federal Republic of Germany (Bundesamt für Ernährung und Forstwirtschaft) v Butterabsatz Osnabrück-Emsland e.G.	Agriculture — Aid for skimmed milk for use as feed for animals other than young calves — Time-limit for the submission of statements	[1990] ECR I-159
26.1.1990	C-286/88	Falciola SpA v Comune di Pavia (Order)	Compatibility with Community law of a national law	[1990] ECR I-191
7.2.1990	C-213/87	Gemeente Amsterdam and Others v Commission	European Social Fund — Action for the annulment of a refusal to grant an application for financial assistance	[1990] ECR I-221
7.2.1990	C-343/87	Culin v Commission	Official — Annulment of appointment	[1990] ECR I-225
7.2.1990	C-81/88	Müllers v Economic and Social Committee	Official — Reorganization of departments — Establishment	[1990] ECR I-249
7.2.1990	C-95/88	Laval v Economic and Social Committee	Official — Reorganization of departments — Establishment	[1990] ECR I-253
7.2.1990	C-324/88	Vella and Others v Alliance nationale des mutualités chrétiennes	Social security for migrant workers — Period of incapacity in respect of which an allowance was received treated as a period of insurance	[1990] ECR I-257
8.2.1990	C-279/87	Tipp-Ex GmbH & Co. KG v Commission	Competition — Article 85 of the EEC Treaty — Exclusive distribution agreement — Prohibition of parallel imports	[1990] ECR I-261
8.2.1990	C-233/88	Gijs van de Kolk-Douane Expéditeur BV v Inspecteur der Invoerrechten en Accijnzen	Common Customs Tariff — Tariff classification — Nomenclature — Seasoned meat	[1990] ECR I-265
8.2.1990	C-320/88	Staatssecretaris van Financiën v Shipping and Forwarding Enterprise Safe BV	Value-added tax — Interpretation of Article 5(1) of the Sixth VAT Directive — Supply of immovable property — Transfer of economic ownership	[1990] ECR I-285
14.2.1990	C-301/87	French Republic v Commission	State aid — Prior notification — Capital contributions, provision of loans at reduced rates of interest and reduction in social security charges	[1990] ECR I-307

Date	Case	Parties	Subject-matter	Reference
14.2.1990	C-137/88	Schneemann and Others v Commission	Officials — Pension rights acquired before entry into the service of the Communities — Transfer to the Community Scheme — Obligation to assist officials under Article 24 of the Staff Regulations	[1990] ECR I-369
14.2.1990	C-350/88	Société française de Biscuits Delacre SA and Others v Commission	Agriculture — Aid for butter for use in the manufacture of pastry products — Tendering procedure — Commission decision reducing the level of aid — Action for annulment	[1990] ECR I-395
14.2.1990	C-358/89R	Extramet Industrie SA v Council (Order)	Suspension of operation — Dumping — Definitive duty — Calcium metal	[1990] ECR I-431
21.2.1990	C-267/88 to C-285/88	Wuidart and Others v Laiterie coopérative eupenoise and Others	Agriculture — Additional levy on milk	[1990] ECR I-435
21.2.1990	C-74/89	Commission v Kingdom of Belgium	Failure to fulfil obligations — State aid — Recovery — Failure to implement	[1990] ECR I-491
22.2.1990	C-221/88	European Coal and Steel Community v Acciaierie e ferriere Busseni SpA (in liquidation)	ECSC — Article 41 of the ECSC Treaty — Debts in respect of levies on the production of coal and steel	[1990] ECR I-495
22.2.1990	C-228/88	Bronzino v Kindergeldkasse	Social security — Entitlement to family benefits where the national law of the country of employment requires the conditions laid down to be fulfilled within its territory	[1990] ECR I-531
22.2.1990	C-12/89	Gatto v Bundesanstalt für Arbeit	See judgment of 22.2.1990 in Case C-228/88	[1990] ECR I-557
23.2.1990	C-385/89R	Hellenic Republic v Commission (Order)	Agriculture — EAGGF, Guarantee Section — Clearance of accounts — Ruling unnecessary	[1990] ECR I-561
7.3.1990	C-320/81	Acerbis and Others v Commission	Officials — Adjustment of weightings	[1990] ECR I-563
7.3.1990	C-69/88	Krantz GmbH & Co. v Ontvanger der Directe Belastingen and Others	Free movement of goods — Measures having an effect equivalent to quantitative restrictions on imports — Power of the tax authorities to seize goods sold on instalment terms with reservation of title	[1990] ECR I-583
7.3.1990	C-116/88 C-149/88	Hecq v Commission	Official — Assignment of duties — Reassignment	[1990] ECR I-599
7.3.1990	C-117/88	Trend-Moden Textilhandels GmbH v Hauptzollamt Emmerich	Free movement of goods — Proof of the Community status of goods	[1990] ECR I-631

Date	Case	Parties	Subject-matter	Reference
7.3.1990	C-153/88 to C-157/88	Ministère public v Fauque and Others	Common commercial policy — Imports of textile products originating in developing countries — Determination of the import quota	[1990] ECR I-649
7.3.1990	C-362/88	GB-INNO-BM v Confédération du commerce luxembourgeois	Free movement of goods — National prohibition on publication of the duration of a special offer or the price previously charged	[1990] ECR I-667
13.3.1990	C-30/89	Commission v French Republic	Action for failure to fulfil obligations — Sixth VAT Directive — Territorial scope — Transport between two points within national territory but occurring partly outside it	[1990] ECR I-691
14.3.1990	C-133/87 C-150/87	Nashua Corporation v Commission and Council	Common commercial policy — Dumping — Undertaking — Definitive duty — Plain paper photocopiers originating in Japan	[1990] ECR I-719
14.3.1990	C-156/87	Gestetner Holdings plc v Council and Commission	Common commercial policy — Dumping — Undertaking — Definitive duty — Plain paper photocopiers originating in Japan	[1990] ECR I-781
14.3.1990	C-137/89	Commission v Italian Republic	Failure of a Member State to fulfil its obligations — Free movement of goods — Levying of a charge on the importation of live animals — Charge having an effect equivalent to a customs duty	[1990] ECR I-847
15.3.1990	C-339/87	Commission v Kingdom of the Netherlands	Failure to fulfil obligations — Failure to comply with a directive — Conservation of wild birds	[1990] ECR I-851
20.3.1990	C-21/88	Du Pont de Nemours Italia SpA v Unita sanitaria and Others	Public supply contracts — Reservation of 30% of such contracts to undertakings located in a particular region	[1990] ECR I-889
20.3.1990	C-62/89	Commission v French Republic	Fisheries — Management of quotas — Member States' obligations	[1990] ECR I-925
21.3.1990	C-142/87	Kingdom of Belgium v Commission	State aid — Aid to a steel pipe and tube manufacturer — Recovery	[1990] ECR I-959

Date	Case	Parties	Subject-matter	Reference
21.3.1990	C-199/88	Cabras v Institut national d'assurance maladie-invalidité	Social security — Invalidity benefits — Community rules on overlapping benefits — Recovery of undue payments	[1990] ECR I-1023
21.3.1990	C-85/89	Ravida v Office national des pensions	Social security — Old-age benefits — Revalorization and recalculation of benefits	[1990] ECR I-1063
22.3.1990	C-347/87	Triveneta Zuccheri SpA and Others v Commission	Agriculture — Common organization of the markets — Sugar — Refunds as compensation for losses caused by the application of national rules on prices — State aid	[1990] ECR I-1083
22.3.1990	C-234/88	Wilhelm-Lampe-Mühle v Bundesanstalt für landwirtschaftliche Marktordnung	Agriculture — Rye — Carry-over payment — Conditions for granting	[1990] ECR I-1109
22.3.1990	C-333/88	Tither v Commissioners of the Inland Revenue	Protocol on the Privileges and Immunities of the Communities — Deduction of mortgage interest	[1990] ECR I-1133
22.3.1990	C-83/89	Openbaar Ministerie and Minister for Finance v Houben	Free movement of goods — Goods in free circulation — Burden of proof	[1990] ECR I-1161
22.3.1990	C-201/89	Le Pen and Others v Puhl and Others	Protocol on the Privileges and Immunities of the European Communities — Immunity of members of the European Parliament — Jurisdiction of the Court	[1990] ECR I-1183
27.3.1990	C-308/87	Grifoni v European Atomic Energy Community	Application for a declaration of liability — Non-contractual liability — Fall from a building	[1990] ECR I-1203
27.3.1990	C-10/88	Italian Republic v Commission	Agriculture — Clearance of EAGGF accounts — Birth premiums for calves	[1990] ECR I-1229
27.3.1990	C-126/88	Boots Company plc v Commissioners of Customs and Excise	Value-added tax — Sixth Directive — Taxable amount	[1990] ECR I-1235
27.3.1990	C-189/88	Cartorobica SpA v Ministero delle finanze dello Stato	Common commercial policy — Anti-dumping duty	[1990] ECR I-1269
27.3.1990	C-229/88	Cargill BV and Others v Commission	Agriculture — Regulation suspending advance fixing of a subsidy — Admissibility of an action for annulment	[1990] ECR I-1303

Date	Case	Parties	Subject-matter	Reference
27.3.1990	C-315/88	Criminal proceedings against Bagli Pennacchiotti	Agriculture — Wine — Rules concerning quality wines psr and quality sparkling wines psr	[1990] ECR I-1323
27.3.1990	C-372/88	Milk Marketing Board of England and Wales v Cricket St Thomas Estate	Agriculture — Exclusive right to buy pasteurized milk	[1990] ECR I-1345
27.3.1990	C-9/89	Kingdom of Spain v Council	Common fisheries policy — Catch limitations — Control measures	[1990] ECR I-1383
27.3.1990	C-113/89	Rush Portuguesa Lda v Office national d'immigration	Act of Accession of Spain and Portugal — Transitional period — Freedom of movement for workers — Freedom to provide services	[1990] ECR I-1417
28.3.1990	C-38/88	Waldrich Siegen Werkzeugmaschinen GmbH v Finanzamt Hagen	Raising of capital — Capital duty — Transfer of profits and losses — Absorption of losses	[1990] ECR I-1447
28.3.1990	C-206/88 C-207/88	Criminal proceedings against Vessoso and Zanetti	Approximation of laws — Waste — Concept	[1990] ECR I-1461
28.3.1990	C-219/88	Malt GmbH v Hauptzollamt Düsseldorf	Customs value — Certificate of authenticity — Regulation (EEC) No 1224/80	[1990] ECR I-1481
28.3.1990	C-344/88	Wittmann GmbH & Co. KG v Hauptzollamt Nürnberg-Fürth	Common Customs Tariff — Ear-piercing instruments and stud earrings	[1990] ECR I-1505
28.3.1990	C-359/88	Criminal proceedings against Zanetti and Others	Approximation of laws — Waste — Concept — Authorization and supervision of waste disposal	[1990] ECR I-1509
29.3.1990	C-62/88	Hellenic Republic v Council	Common commercial policy — Importation of agricultural products following an accident at Chernobyl nuclear power station	[1990] ECR I-1527
30.3.1990	C-371/89	Emrich v Commission (Order)	Action for failure to act — Manifest lack of jurisdiction	[1990] ECR I-1555
4.4.1990	C-111/88 C-112/88 C-20/89	Hellenic Republic and Others v Commission	Economic policy — Balance of payments — Protective measures	[1990] ECR I-1559
5.4.1990	C-132/88	Commission v Hellenic Republic	Failure to fulfil obligations — Tax provisions — Article 95 — Taxation of motor cars	[1990] ECR I-1567

Date	Case	Parties	Subject-matter	Reference
5.4.1990	C-6/89	Commission v Kingdom of Belgium	Failure by a Member State to fulfil its obligations — Reduction in salaries paid to teachers seconded to the European schools	[1990] ECR I-1595
5.4.1990	C-108/89	Pian v Office national des pensions	Social security — Regulation (EEC) No 1408/71 — Belgian social security legislation	[1990] ECR I-1599
5.4.1990	C-109/89	Office national des pensions v Bianchin	Social security — Regulation (EEC) No 1408/71 — Belgian social security legislation	[1990] ECR I-1619
2.5.1990	C-293/88	Winter-Lutzins v Bestuur van de Sociale Verzekeringsbank	Social security for migrant workers — Special procedures for applying the Netherlands legislation on general old-age insurance — Periods of insurance to be taken into account for the purposes of Part J, Point 2(a) of Annex VI to Regulation (EEC) No 1408/71	[1990] ECR I-1623
2.5.1990	C-348/88	Criminal proceedings against Hakvoort	Fisheries — Method to be applied in order to determine the mesh size of nets	[1990] ECR I-1647
2.5.1990	C-357/88	Oberhausener Kraftfutterwerk Wilhelm Hopermann GmbH v Bundesanstalt für landwirtschaftliche Marktordnung	Agriculture — Special measures for peas and field beans — Period for notification of the entry of products into an undertaking	[1990] ECR I-1669
2.5.1990	C-358/88	Oberhausener Kraftfutterwerk Wilhelm Hopermann GmbH v Bundesanstalt für landwirtschaftliche Marktordnung	Agriculture — Special measures for peas and field beans — Period for lodging the application for aid	[1990] ECR I-1687
2.5.1990	C-27/89	SCARPE v ONIC	Agriculture — Common wheat of bread-making quality — Different quantitative limits for special intervention purchases for the various Member States — Purchase price and technical characteristics	[1990] ECR I-1701
2.5.1990	C-111/89	Staat der Nederlanden v Bakker Hillegom BV	Free movement of goods — Charges having equivalent effect — Fees charged for plant health inspections on exportation	[1990] ECR I-1735

Date	Case	Parties	Subject-matter	Reference
3.5.1990	C-2/89	Bestuur van de Sociale Verzekeringsbank v G. J. Kits van Heijningen	Social security for migrant workers — Part-time worker — Family allowances — Council Regulation (EEC) No 1408/71 — Article 13	[1990] ECR I-1755
8.5.1990	C-175/88	Biehl v Administration des contributions du Grand-duché de Luxembourg	Free movement of workers — Discrimination — Residence condition imposed by national legislation for obtaining a tax refund	[1990] ECR I-1779
10.5.1990	C-241/87	MacLaine Watson & Co. Ltd v Council and Commission (Order)	Removal from the register — Application for a determination of liability	[1990] ECR I-1797
10.5.1990	C-163/89	Office national de l'emploi v Di Conti	Social security — Unemployment benefit	[1990] ECR I-1829
15.5.1990	C-365/88	Kongress Agentur Hagen GmbH v Zechaghe BV	Brussels Convention — Article 6(2) — Action on a warranty or guarantee	[1990] ECR I-1845
15.5.1990	C-4/89	Comune di Carpaneto Piacentino and Others v Ufficio provinciale imposta sul valore aggiunto di piacenza	Value-added tax — Concept of taxable person — Public bodies	[1990] ECR I-1869
17.5.1990	C-262/88	Barber v Guardian Royal Exchange Assurance Group	Social policy — Equal pay for men and women — Compulsory redundancy — Early payment of a retirement pension	[1990] ECR I-1889
17.5.1990	C-66/89	Directeur général des douanes et des droits indirects v Powerex-Europe	Common Customs Tariff — Tariff subheading 85.21 D II — Silicon discs	[1990] ECR I-1959
17.5.1990	C-87/89	Sonito and Others v Commission	Agriculture — Aid for tomato processing — Complaint on the ground of fraud — Action for annulment and claim for damages	[1990] ECR I-1981
17.5.1990	C-158/89	Weingut Dietz-Matti v Federal Republic of Germany	Agriculture — Aid for the distillation of wine — Types of wine — Specification — Definition	[1990] ECR I-2013
22.5.1990	C-70/88	European Parliament v Council	Capacity of the European Parliament to bring an action for annulment	[1990] ECR I-2041

Date	Case	Parties	Subject-matter	Reference
22.5.1990	C-332/88	Alimenta SA v Doux SA	Restrictions on intra-Community trade in poultrymeat — Animal-health grounds — Legal effect of an opinion given by a veterinary expert	[1990] ECR I-2077
22.5.1990	C-68/90	Blot and Front national v European Parliament (Order)	Manifest inadmissibility	[1990] ECR I-2101
23.5.1990	C-251/88	Commission v Federal Republic of Germany	Failure by a Member State to fulfil its obligations — Own resources accruing from VAT — Method of calculation applied for the incorporation of exempt transactions	[1990] ECR I-2107
23.5.1990	C-31/89	Commission v Kingdom of Spain	Failure by a Member State to fulfil its obligations — Council Directive 83/183/EEC — National legislation which fails to comply with obligations under Community law	[1990] ECR I-2139
23.5.1990	C-169/89	Criminal proceedings against Gourmetterie Van den Burg	Free movement of goods — Prohibition on the importation of birds	[1990] ECR I-2143
23.5.1990	C-51/90R C-59/90R	Comos-Tank BV and Others v Commission (Order)	Common Customs Tariff — Measure concerning the classification of goods	[1990] ECR I-2167
23.5.1990	C-68/90R	Blot and Front national v European Parliament (Order)	Inadmissibility	[1990] ECR I-2177
23.5.1990	C-72/90	Asia Motor France v Commission (Order)	Manifest lack of jurisdiction — Referral to the Court of First Instance	[1990] ECR I-2181
6.6.1990	C-119/88	AERPO and Others v Commission	Action for compensation for damage — Fruit and vegetables — Intervention system — Change in conversion factors to be applied to buying-in prices	[1990] ECR I-2189
6.6.1990	C-159/88	Van Sillevoeldt BV and Others v Hoofdproduktschap voor Akkerbouwprodukten	Agriculture — Importation of rice — Levy — Concept of 'broken rice'	[1990] ECR I-2215
6.6.1990	C-174/88	The Queen v Dairy Produce Quota Tribunal for England and Wales, ex parte Hall & Sons (Dairy Farmers) Ltd	Agriculture — Application of the levy in the milk and milk products sector — Rules for calculating the reference quantities to be assigned to a milk producer	[1990] ECR I-2237

Date	Case	Parties	Subject-matter	Reference
6.6.1990	C-342/88	Rijksdienst voor Pensioenen v Spits	Social security — Old-age benefits — Regulation (EEC) No 1408/71 — Article 46	[1990] ECR I-2259
6.6.1990	C-11/89	Unifert Handels GmbH v Hauptzollamt Münster	Customs value of goods — Transaction value — Demurrage charges	[1990] ECR I-2275
6.6.1990	C-17/89	Hauptzollamt Frankfurt am Main-Ost v Deutsche Olivetti GmbH	Valuation for customs purposes — Cost of transport — Container transport	[1990] ECR I-2301
12.6.1990	C-8/88	Federal Republic of Germany v Commission	Agriculture — EAGGF — Disallowance of expenditure	[1990] ECR I-2321
12.6.1990	C-158/88	Commission v Ireland	Failure to fulfil obligations — Exemptions for travellers — Introduction of a minimum period for a stay abroad	[1990] ECR I-2367
13.6.1990	C-162/89	Commission v Kingdom of Belgium	Failure of a Member State to fulfil its obligations — Failure to comply with a directive — Reports concerning the disposal of waste	[1990] ECR I-2391
14.6.1990	C-37/89	Weiser v Caisse nationale des barreaux français	Officials — Transfer of pension rights	[1990] ECR I-2395
14.6.1990	C-48/89	Commission v Italian Republic	Failure by a Member State to fulfil its obligations — Obligation to provide the Commission with information — Non-fulfilment	[1990] ECR I-2425
19.6.1990	C-177/89	Commission v Italian Republic	Free movement of goods — Measure having equivalent effect — Marketing of food extracts of animal or vegetable origin	[1990] ECR I-2429
19.6.1990	C-213/89	The Queen v Secretary of State for Transport, ex parte Factortame Ltd and Others	Rights derived from provisions of Community law — Protection by national courts — Power of national courts to grant interim relief when a reference is made for a preliminary ruling	[1990] ECR I-2433
26.6.1990	C-152/88	Sofrimport SARL v Commission	Common commercial policy — Community protective measures — Trade with non-member countries — Dessert apples originating in Chile	[1990] ECR I-2477
26.6.1990	C-8/89	Zardi v Consorzio agrario provinciale di Ferrara	Agriculture — Additional co-responsibility levy in the cereals sector	[1990] ECR I-2515

Date	Case	Parties	Subject-matter	Reference
26.6.1990	C-64/89	Hauptzollamt Gießen v Deutsche Fernsprecher GmbH	Post-clearance recovery of customs duties — Error by the administration	[1990] ECR I-2535
26.6.1990	C-185/89	Staatssecretaris van Financiën v Velker International Oil Company Ltd NV	VAT — Sixth Directive relating to turnover taxes — Exemption	[1990] ECR I-2561
27.6.1990	C-18/89	Maizena GmbH v Hauptzollamt Krefeld	Agriculture — Production refunds — Article 5(a) of Regulation No 2742/75 — Isoglucose used in the production of sorbitol	[1990] ECR I-2587
27.6.1990	C-33/89	Kowalska v Freie und Hansestadt Hamburg	Social policy — Severance grant following termination of employment — Exclusion of part-time workers — Article 119 of the EEC Treaty	[1990] ECR I-2591
27.6.1990	C-67/89	Berkenheide v Hauptzollamt Münster	Agriculture — Additional levy on milk	[1990] ECR I-2615
27.6.1990	C-118/89	Lingenfelser v Federal Republic of Germany	Agriculture — Distillation of wine — Rules applicable — Time-limit — Validity	[1990] ECR I-2637
28.6.1990	C-80/89	Erwin Behn Verpackungsbedarf GmbH v Hauptzollamt Itzehoe	Validity of a Commission decision on the post-clearance recovery of import duties	[1990] ECR I-2659
28.6.1990	C-174/89	Hoche v Bundesanstalt für landwirtschaftliche Marktordnung	Agriculture — Aid for butter for use in the manufacture of pastry products — Forfeiture of tendering security — Breach of the principles of proportionality and equal treatment	[1990] ECR I-2681
28.6.1990	C-195/90R	Commission v Federal Republic of Germany (Order)	Transport — Road tax	[1990] ECR I-2715
3.7.1990	C-288/88	Commission v Federal Republic of Germany	Failure of a Member State to fulfil its obligations — Directive on the conservation of wild birds	[1990] ECR I-2721
3.7.1990	C-305/88	Isabelle Lancray SA v Peters und Sickert KG	Brussels Convention of 27 September 1968 — Recognition of default judgment — Article 27(2)	[1990] ECR I-2725

Date	Case	Parties	Subject-matter	Reference
4.7.1990	C-354/88 to C-356/88	Vleeswarenbedrijf Roermond BV and Others v Produktschap voor Vee en Vlees	Common Customs Tariff — Export refunds for pigmeat — Fore-end or shoulder — Loin	[1990] ECR I-2753
4.7.1990	C-117/89	Kracht v Bundesanstalt für Arbeit	Social security — Family allowances — Suspension of entitlement to benefits	[1990] ECR I-2781
5.7.1990	C-304/88	Commission v Kingdom of Belgium	Failure of a Member State to fulfil its obligations — Import authorization for live animals and fresh meat coming from other Member States	[1990] ECR I-2801
5.7.1990	C-42/89	Commission v Kingdom of Belgium	Failure by a Member State to fulfil its obligations — Failure to transpose Council Directive 80/778/EEC into national law — Protection of the quality of water intended for human consumption	[1990] ECR I-2821
10.7.1990	C-259/87	Hellenic Republic v Commission	Agriculture — Clearance of EAGGF accounts — 1983 financial year	[1990] ECR I-2845
10.7.1990	C-334/87	Hellenic Republic v Commission	Agriculture — Clearance of EAGGF accounts — 1984 financial year	[1990] ECR I-2849
10.7.1990	C-335/87	Hellenic Republic v Commission	Agriculture — Clearance of EAGGF accounts — 1985 financial year	[1990] ECR I-2875
10.7.1990	C-217/88	Commission v Federal Republic of Germany	Agriculture — Common organization of the market in wine — National coercive measures	[1990] ECR I-2879
10.7.1990	C-326/88	Anklagemyndigheden v Hansen & Søn I/S	Transport — Penalties for infringement of Community law — Strict criminal liability — Regulation (EEC) No 543/69	[1990] ECR I-2911
11.7.1990	C-304/86 C-185/87	Enital SpA v Commission and Council	Common commercial policy — Anti-dumping duties on imports of electric motors	[1990] ECR I-2939
11.7.1990	C-305/86 C-160/87	Neotype Techmaslexport GmbH v Commission and Council	Common commercial policy — Anti-dumping duties on imports of electric motors	[1990] ECR I-2945
11.7.1990	C-320-86 C-188/87	Stanko France SA v Commission and Council	Common commercial policy — Anti-dumping duties on imports of electric motors	[1990] ECR I-3013

Date	Case	Parties	Subject-matter	Reference
11.7.1990	C-157/87	Electroimpex and Others v Council	Common commercial policy — Anti-dumping duties on imports of electric motors	[1990] ECR I-3021
11.7.1990	C-323/88	SA Sermes v Directeur des services des douanes de Strasbourg	Common commercial policy — Anti-dumping duties on imports of electric motors	[1990] ECR I-3027
11.7.1990	C-23/89	Quietlynn Ltd and Others v Southend Borough Council	Free movement of goods — Interpretation of Articles 30 and 36 of the EEC Treaty — National legislation prohibiting the sale of lawful sex articles from unlicensed sex establishments	[1990] ECR I-3059
12.7.1990	C-169-84	Société CdF Chimie azote et fertilisants and Others v Commission	State aid — Dutch tariff system for the supply of natural gas	[1990] ECR I-3083
12.7.1990	C-35/88	Commission v Hellenic Republic	Failure to fulfil obligations — Agriculture — Market in feed grain	[1990] ECR I-3125
12.7.1990	C-236/88	Commission v French Republic	Social security — Supplementary allowance of the Fonds national de solidarité — Exportability of non-contributory benefits	[1990] ECR I-3163
12.7.1990	C-16/89	Spronk v Minister van Landbouw en Visserij	Agriculture — Additional levy on milk	[1990] ECR I-3185
12.7.1990	C-43/89	Gerlach & Co. BV v Inspecteur der Invoerrechten en Accijnzen	Common Customs Tariff — Apparatus for transcribing computerized data onto microfilm	[1990] ECR I-3219
12.7.1990	C-128/89	Commission v Italian Republic	Action against Member States for failure to fulfil obligations — Free movement of goods — Plant-health checks on grapefruit — Prohibition of imports through inland border points	[1990] ECR I-3239
12.7.1990	C-155/89	Belgian State v Philipp Brothers SA	Agriculture — Export refunds paid in advance — Erroneous release of the security — Failure to comply with the periods prescribed for the submission of documents — Grant of an extension of time — Loss of entitlement to refunds — Consequences — Proportionality	[1990] ECR I-3265

Date	Case	Parties	Subject-matter	Reference
12.7.1990	C-188/89	Forster and Others v British Gas plc	Social policy — Equal treatment for men and women — Direct effect of a directive with regard to a nationalized company	[1990] ECR I-3313
12.7.1990	C-195/90R	Commission v Federal Republic of Germany (Order)	Application for interim measures — Transport — Road tax for heavy goods vehicles	[1990] ECR I-3351
13.7.1990	C-2/88 Imm.	Criminal proceedings against Zwartveld and Others (Order)	Commission — National court — Request for judicial cooperation — Inviolability of documents	[1990] ECR I-3365
14.8.1990	C-106/90R	Emerald Meats Ltd v Commission (Order)	Tariff quota — Beef and veal — Import licences	[1990] ECR I-3377
18.9.1990	C-228/89	Farfalla Flemming und Partner v Hauptzollamt München-West	Common Customs Tariff — Headings 70.13, 99.01 and 99.03 — Paperweights	[1990] ECR I-3387
18.9.1990	C-265/89	Gebroeders Vismans Nederland BV v Inspecteur der Invoerrechten en Accijnzen	Common Customs Tariff — Partially de-sugared sliced sugar beet	[1990] ECR I-3411
20.9.1990	C-5/89	Commission v Federal Republic of Germany	State aids — Undertaking producing semi-finished and finished aluminium products — Recovery	[1990] ECR I-3437
20.9.1990	C-192/89	Sevince v Staatssecretaris van Justitie	EEC-Turkey Association Agreement — Decisions of the Association Council — Direct effect	[1990] ECR I-3461
20.9.1990	C-203/89	Luc van Landschoot v NV Mera	Agriculture — Co-responsibility levy in the cereals sector	[1990] ECR I-3509
3.10.1990	C-54/88 C-91/88 C-14/89	Criminal proceedings against Nino and Others	Freedom of establishment: exercise of paramedical professions (biotherapy and pranotherapy)	[1990] ECR I-3537
3.10.1990	C-61/89	Criminal proceedings against Bouchoucha	Freedom of establishment: exercise of paramedical professions (osteopathy)	[1990] ECR I-3551
9.10.1990	C-366/88	French Republic v Commission	Internal instructions — Measure against which proceedings may be brought under Article 173 of the EEC Treaty	[1990] ECR I-3571
11.10.1990	C-34/89	Italian Republic v Commission	Agriculture — Clearance of EAGGF accounts — Expenditure for 1986 — Recovery of aid wrongly paid	[1990] ECR I-3603

Date	Case	Parties	Subject-matter	Reference
11.10.1990	C-46/89	SICA and Others v Commission	Non-contractual liability — Withdrawal of the supplementary trade mechanism — New potatoes	[1990] ECR I-3621
11.10.1990	C-196/89	Criminal proceedings against Nespoli and Crippa	Free movement of goods — National legislation on cheeses	[1990] ECR I-3647
11.10.1990	C-200/89	FUNOC v Commission	European Social Fund — Application for the annulment of a decision reducing financial assistance	[1990] ECR I-3669
11.10.1990	C-210/89	Commission v Italian Republic	Failure to fulfil obligations — Free movement of goods — Ban on the marketing of cheese not complying with Italian rules	[1990] ECR I-3697
17.10.1990	C-10/89	CNL-SUCAL SA v HAG GF AG	Free movement of goods — Trade mark	[1990] ECR I-3711
18.10.1990	C-297/88 C-197/89	Dzodzi v Belgian State	Jurisdiction of the Court — Reference by national law to Community provisions — Right of residence — Right to remain — Directive 64/221/EEC	[1990] ECR I-3763
24.10.1990	C-301/88	The Queen v Intervention Board for Agricultural Produce, ex parte Fish Producers' Organization Ltd and Others	Common agricultural policy — Financial compensation in respect of certain fishery products	[1990] ECR I-3803
25.10.1990	C-257/90R	Italsolar SpA v Commission (Order)	Intervention financed by the European Development Fund — Call for tenders — Readmission to the tendering procedure	[1990] ECR I-3841
6.11.1990	C-354/87	Weddel & Co. BV v Commission	Import certificates for beef and veal	[1990] ECR I-3847
6.11.1990	C-86/89	Italian Republic v Commission	State aid — Wine sector — Aid for the use of rectified concentrated grape musts	[1990] ECR I-3891
7.11.1990	C-247/90	Emrich v Commission (Order)	Manifest lack of jurisdiction	[1990] ECR I-3913
8.11.1990	C-53/88	Commission v Hellenic Republic	Failure by a Member State to fulfil its obligations — Failure to implement Council Directive 80/987/EEC — Protection of employees in the event of the insolvency of their employer	[1990] ECR I-3917

Date	Case	Parties	Subject-matter	Reference
8.11.1990	C-177/88	Dekker v Stichting Vormingscentrum voor Jong Volwassenen Plus	Equal treatment for men and women — Refusal to employ a pregnant woman	[1990] ECR I-3941
8.11.1990	C-179/88	Handels- og Kontorfunktionærernes Forbund i Danmark v Dansk Arbejdsgiverforening	Equal treatment for men and women — Conditions for dismissal — Absence due to an illness originating in pregnancy or confinement	[1990] ECR I-3979
8.11.1990	C-231/89	Gmurzynska-Bscher v Oberfinanzdirektion Köln	Jurisdiction of the Court — Reference by national legislation to Community provisions — Common Customs Tariff — Tariff headings 83.06, 97.01 and 97.03 — Classification of a work of art	[1990] ECR I-4003
13.11.1990	C-331/88	The Queen v Ministry for Agriculture, Fisheries and Food and Secretary of State for Health, ex parte Fedesa and Others	Substances having a hormonal action — Validity of Directive 88/146/EEC	[1990] ECR I-4023
13.11.1990	C-370/88	Procurator Fiscal v Marshall	Discrimination — National measure for the conservation of fishery resources	[1990] ECR I-4071
13.11.1990	C-99/89	Yáñez-Campoy v Bundesanstalt für Arbeit	Social security for migrant workers — Family allowances	[1990] ECR I-4097
13.11.1990	C-106/89	Marleasing SA v Comercial Internacional de Alimentación SA	Directive 68/151/EEC — Article 11 — Interpretation in conformity with national law	[1990] ECR I-4135
13.11.1990	C-216/89	Reibold v Bundesanstalt für Arbeit	Social security for migrant workers — Regulation (EEC) No 1408/71, Article 71(1)(b)(ii) — Concept of residence	[1990] ECR I-4163
13.11.1990	C-269/89	Criminal proceedings against Bonfait BV	Measures having equivalent effect — Meat and meat products — Prepared meat products	[1990] ECR I-4169
13.11.1990	C-308/89	Di Leo v Land Berlin	Non-discrimination — Child of a Community worker — Educational or training grants	[1990] ECR I-4185
14.11.1990	C-105/89	Buhari Haji v Institut national d'assurances sociales pour travailleurs indépendants	Social security — Regulation (EEC) No 1408/71 — Sphere of application — Former national of a non-founding Member State — Payment of a retirement pension in a non-member country	[1990] ECR I-4211

Date	Case	Parties	Subject-matter	Reference
21.11.1990	C-373/89	Caisse d'assurances sociales pour travailleurs indépendants 'Integrity' v Rouvroy	Equal treatment for men and women — Social security — Directive 79/7/EEC — National rules exempting married women, widows and students from liability to pay social security contributions subject to certain conditions	[1990] ECR I-4243
21.11.1990	C-12/90	Infortec — Projectos e Consultadoria Lda v Commission (Order)	Inadmissibility	[1990] ECR I-4265
27.11.1990	C-39/88	Commission v Ireland	Obligation to provide fishery information	[1990] ECR I-4271
27.11.1990	C-67/88	Commission v Italian Republic	Measures having equivalent effect — Obligation to add colour-reactive sesame oil to certain edible vegetable oils	[1990] ECR I-4285
27.11.1990	C-200/88	Commission v Hellenic Republic	Obligation to provide fishery information	[1990] ECR I-4299
27.11.1990	C-209/88	Commission v Italian Republic	Obligation to provide fishery information	[1990] ECR I-4313
27.11.1990	C-242/90 P-R	Commission v Albani and Others (Order)	Appeal — Suspension of the effects of a judgment — Devoid of purpose	[1990] ECR I-4329
29.11.1990	C-182/89	Commission v French Republic	Importation of feline skins originating in Bolivia — Implementation in the Community of the Washington Convention	[1990] ECR I-4337
4.12.1990	C-186/89	Van Tiem v Staatssecretaris van Financiën	Assessment to turnover tax — Sixth VAT Directive	[1990] ECR I-4363
4.12.1990	C-218/89	Shimadzu Europa GmbH v Oberfinanzdirektion Berlin	Combined Nomenclature — Tariff headings — Microprocessor-controlled analysis apparatus for chromatography	[1990] ECR I-4391
6.12.1990	C-2/88 Imm.	Criminal proceedings against J. J. Zwartveld and Others (Order)	Commission — National court — Confidentiality of documents	[1990] ECR I-4405
6.12.1990	C-180/88	Wirtschaftsvereinigung Eisen- und Stahlindustrie v Commission	Aid for the iron and steel industry — Review of legality	[1990] ECR I-4413
6.12.1990	C-208/88	Commission v Kingdom of Denmark	Council Directive 69/169/EEC — National legislation inconsistent therewith	[1990] ECR I-4445

Date	Case	Parties	Subject-matter	Reference
6.12.1990	C-367/88	Commission v Ireland	Council Directive 69/169/EEC — Administrative instructions inconsistent therewith	[1990] ECR I-4465
6.12.1990	C-343/89	Witzemann v Hauptzollamt München-Mitte	Customs duties — Import turnover tax — Counterfeit currency	[1990] ECR I-4477
7.12.1990	C-308/90	Advanced Nuclear Fuels GmbH v Commission (Order)	Commission Decision 90/413/Euratom relating to a procedure in application of Article 83 of the EAEC Treaty and the implementing Commission Decision 90/1707 — Application by the Commission to the Court to order immediate implementation of those decisions	[1990] ECR I-4499
11.12.1990	C-47/88	Commission v Kingdom of Denmark	Article 95 of the EEC Treaty — Registration tax — No national production	[1990] ECR I-4509
11.12.1990	C-189/89	Spagl v Hauptzollamt Rosenheim	Additional levy on milk	[1990] ECR I-4539
11.12.1990	C-217/89	Pastätter v Hauptzollamt Bad Reichenhall	Additional levy on milk	[1990] ECR I-4585
12.12.1990	C-270/86	Cholay and Others v Soc. des auteurs, compositeurs et éditeurs de musique (Sacem)	Administration of royalties — Disparities between the laws of the Member States	[1990] ECR I-4607
12.12.1990	C-263/88	Commission v French Republic	Establishment and provision of services — Doctors, nurses, midwives, dentists and veterinary surgeons — Overseas countries and territories	[1990] ECR I-4611
12.12.1990	C-302/88	Hennen Olie BV v Stichting Interim Centraal Orgaan Voorraadvorming Aardolieprodukten and Others	Interpretation of Article 34 of the EEC Treaty — Non-reimbursement or partial reimbursement of contributions in the case of the exportation of petroleum products	[1990] ECR I-4625
12.12.1990	C-100/89 C-101/89	Käfer and Others v French Republic	Right of residence and establishment — Overseas countries and territories — Article 177 — Jurisdiction of the Court	[1990] ECR I-4647
12.12.1990	C-172/89	Vandemoortele NV v Commission	Commission Regulation No 2200/87 — Withholding of payments in respect of food aid	[1990] ECR I-4677

Date	Case	Parties	Subject-matter	Reference
12.12.1990	C-241/89	SARPP v Chambre syndicale des raffineurs et conditionneurs de sucre de France and Others	Artificial sweeteners — Labelling — Advertising	[1990] ECR I-4695
12.12.1990	C-285/89	Van der Laan-Velzeboer and Others v Minister van Landbouw en Visserij	Additional levy on milk	[1990] ECR I-4727
13.12.1990	C-347/88	Commission v Hellenic Republic	Imports, exports and marketing of crude oil and petroleum products — State monopoly — Prices	[1990] ECR I-4747
13.12.1990	C-22/89	Kingdom of the Netherlands v Commission	EAGGF — Butter — Quality checks	[1990] ECR I-4799
13.12.1990	C-70/89	Commission v Italian Republic	Failure by a Member State to fulfil obligations — Cadmium discharge	[1990] ECR I-4817
13.12.1990	C-238/89	Pall Corp. v P. J. Dahlhausen & Co.	Free movement of goods — Trade mark law — Misleading advertising	[1990] ECR I-4827
13.12.1990	C-240/89	Commission v Italian Republic	Failure by a Member State to fulfil obligations — Failure to transpose a directive	[1990] ECR I-4853
13.12.1990	C-42/90	Ministère public v Bellon	Free movement of goods — Derogations — Protection of public health — Provisions on the use of preservatives and food additives	[1990] ECR I-4863
19.12.1990	C-358/90R	Compagnia Italiana Alcool SAS di Mario Mariano & Co. v Commission (Order)	Vinous alcohol — Sale by special invitation to tender	[1990] ECR I-4887

II — Statistical information

Summary of the proceedings of the Court of Justice in 1990

Judgments delivered

During 1990, the Court of Justice of the European Communities delivered 193 judgments and interlocutory orders:

- 73 were in direct actions (excluding actions brought by officials of the Communities);
- 113 were in cases referred to the Court for preliminary rulings by the national courts of the Member States;
- 7 were in cases concerning Community staff law.
- 74 of the judgments were delivered by the Full Court,
- 119 by the different Chambers.

The President of the Court, or the Presidents of Chambers, were called upon in 1990 to decide on 12 applications for interim measures.

Public sittings

In 1990 the Court held 99 public sittings. The Chambers held 109 public sittings. There were also 202 sittings dealing with submissions.

Cases pending

Cases pending may be analysed as follows:

	31 December 1989	31 December 1990
Full Court	362	494
Chambers	139	88
President of the Court		1
Total numbers of cases pending	501 ¹	583

¹ This figure does not include the 153 cases referred to the Court of First Instance by Order of the President of the Court of Justice of 15 November 1989.

Length of proceedings

Proceedings lasted for the following periods: In cases brought directly before the Court, the average length was approximately 25.5 months. In cases arising from

questions referred to the Court by national courts for preliminary rulings, the average length was less than 17.4 months (including judicial vacations).

Cases brought in 1990

In 1990 384 cases were brought before the Court of Justice. They concerned:

1. Proceedings brought by the Commission against a Member State for failure to fulfil obligations:

Belgium	11
Denmark	3
Federal Republic of Germany	5
Greece	8
Spain	3
France	6
Ireland	2
Italy	17
Luxembourg	3
Netherlands	2
Portugal	2
United Kingdom	2
Total	<u>64</u>

2. Actions brought against the institutions:

the Commission	43
the Council	28
the European Parliament	2
the Council and Commission	81
Total	<u>154</u>

3. References made to the Court of Justice by national courts for preliminary rulings on the interpretation or validity of provisions of Community law. Such references originated as follows:

<i>Belgium</i>	17
from the Cour de cassation	4
from courts of first instance or of appeal	13
 <i>Denmark</i>	 5
from courts of first instance or of appeal	5

<i>Federal Republic of Germany</i>		34
from the Bundesverwaltungsgericht	1	
from the Bundesfinanzhof	9	
from the Bundessozialgericht	2	
from courts of first instance or of appeal	22	
 <i>Greece</i>		2
from the State Council	2	
 <i>Spain</i>		6
from courts of first instance or of appeal	6	
 <i>France</i>		21
from the Cour de cassation	1	
from the Conseil d'État	1	
from courts of first instance or of appeal	19	
 <i>Ireland</i>		4
from the Supreme Court	2	
from courts of first instance or of appeal	2	
 <i>Italy</i>		25
from the Corte Suprema di cassazione	1	
from courts of first instance or of appeal	24	
 <i>Luxembourg</i>		4
from the Conseil d'État	2	
from courts of first instance or of appeal	2	
 <i>Netherlands</i>		9
from the Hoge Raad	3	
from courts of first instance or of appeal	6	
 <i>Portugal</i>		2
 <i>United Kingdom</i>		12
from the Court of Appeal	2	
from courts of first instance or of appeal	10	
	Total	141

Lawyers

During the sittings held in 1990, apart from the representatives or agents of the Council, the European Parliament, the Commission and the Member States, the Court heard:

lawyers from Belgium	30
lawyers from Denmark	4
lawyers from the Federal Republic of Germany	65
lawyers from Greece	19
lawyers from Spain	1
lawyers from France	44
lawyers from Ireland	8
lawyers from Italy	12
lawyers from Luxembourg	1
lawyers from the Netherlands	14
lawyers from Portugal	1
lawyers from the United Kingdom	33
	232

Table of general information for 1989 and 1990¹

	1989	1990
Cases brought	385	384
Cases decided	429 (489) ²	267 (302)
Cases pending	457 (501)	558 (583)
Average duration of proceedings ³	19.9	22.6

Table of cases brought in 1989 and 1990

	1989	1990
References for a preliminary ruling	139	141
Direct actions	205	222 ⁴
Actions brought by Community officials	41	—
Appeals	—	16
Special proceedings	—	5
Total	385	384⁴

¹ The figures in brackets (gross figure) represent the total number of cases, without taking account 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 151 (153) cases were transferred to the Court of First Instance on 15 November 1989.

³ The average duration of proceedings is expressed in months and tenths of months.

⁴ It should be noted that the direct actions include 95 identical applications for compensation in respect of milk quotas.

Table of cases decided in 1989 and 1990¹

	1989	1990
References for a preliminary ruling	97 (128)	133 (162)
Direct actions	202 (217) ²	121 (125)
Actions brought by Community officials	125 (139) ³	9 (11)
Special proceedings	5 (5)	4 (4)
Total	429 (489) ⁴	267 (302)

Table of cases pending on 31 December of each year¹

	1989	1990
References for a preliminary ruling	205 (230)	197 (209)
Direct actions	242 (259)	343 (356)
Actions brought by Community officials	9 (11)	—
Appeals	—	16 (16)
Special proceedings	1 (1)	2 (2)
Total	457 (501)	558 (583)

Average duration of proceedings in 1989 and 1990⁵

	1989	1990
References for a preliminary ruling	16.6	17.4
Direct actions	22.3	25.5
Actions brought by Community officials	20.8	24.9
Special proceedings	—	—
Overall average	19.9	22.6

¹ The figures in brackets (gross figure) represent the total number of cases, without taking account 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 75 (75) cases were transferred to the Court of First Instance on 15 November 1989.

³ It should be noted that 76 (78) cases were transferred to the Court of First Instance on 15 November 1989.

⁴ It should be noted that 151 (153) cases were transferred to the Court of First Instance on 15 November 1989.

⁵ The average duration of proceedings is expressed in months and tenths of months.

Statistical tables

Tables of cases decided in 1990¹

TABLE 1

Cases decided in 1990 — Form of decision

Form of decision	Direct actions	Actions brought by officials	Preliminary references	Special proceedings	Total
<i>Judgments</i>					
In contested cases	70 (76)	7 (9)	—	—	77 (85)
By default	—	—	—	—	—
In interlocutory proceedings	3	—	—	—	3
In references for a preliminary ruling	—	—	113 (142)	—	113 (142)
Total judgments	73 (76)	7 (9)	113 (142)	—	193 (227)
<i>Orders</i>					
Removal from Register	39 (40)	2 (2)	19 (19)	1 (1)	61 (62)
Action inadmissible	3 (3)	—	—	—	3 (3)
Lack of jurisdiction of the Court	1 (1)	—	1 (1)	—	2 (2)
Case not to proceed to judgment	2 (2)	—	—	1 (1)	3 (3)
Application unfounded	1 (1)	—	—	—	1 (1)
Action unfounded	2 (2)	—	—	—	2 (2)
Action partially founded	—	—	—	1 (1)	1 (1)
Action well founded	—	—	—	1 (1)	1 (1)
Total orders	48 (49)	2 (2)	20 (20)	4 (4)	74 (75)
Total	121 (125)	9 (11)	133 (162)	4 (4)	267 (302)

TABLE 2

Total number of cases decided in 1990 — Bench hearing case

Bench hearing case	Total cases decided	Judgments	Orders
Full Court	70	13	55
Small Plenum	77	61	12
Chambers	155	119	7
Total	302	193	74

¹ The figures in brackets (gross figure) represent the total number of cases, without taking account 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).

TABLE 3

Cases decided in 1990 — Basis of proceedings

Basis of proceedings	Judgments	Orders	Total
Article 169 EEC Treaty	36 (36)	26 (26)	62 (62)
Article 173 EEC Treaty	32 (37)	13 (14)	45 (51)
Article 175 EEC Treaty	—	4 (4)	4 (4)
Article 177 EEC Treaty	107 (136)	20 (20)	127 (156)
Article 178 EEC Treaty	2 (2)	5 (5)	7 (7)
1971 Protocol to Brussels Convention	5 (5)	—	5 (5)
Total EEC Treaty	182 (216)	68 (69)	250 (285)
Article 33 ECSC Treaty	1 (1)	—	1 (1)
Article 41 ECSC Treaty	1 (1)	—	1 (1)
Total ECSC Treaty	2 (2)	—	2 (2)
Article 146 EAEC Treaty	1	—	1
Article 153 EAEC Treaty	1	—	1
Total EAEC Treaty	2	—	2
Staff Regulations	7 (9)	2 (2)	9 (11)
Total	193 (227)	70 (71)	263 (298)
Article 74 Rules of Procedure	—	1 (1)	1 (1)
Protocol on Privileges and Immunities	—	3 (3)	3 (3)
Special proceedings	—	4 (4)	4 (4)
Overall total	193 (227)	74 (75)	267 (302)

TABLE 4

Cases decided in 1990 — Subject of the proceedings

Subject of the proceedings	Judgments	Orders	Total
Agriculture	52 (72)	9 (9)	61 (81)
Approximation of laws	—	9 (9)	9 (9)
Brussels Convention	4 (4)	—	4 (4)
Commercial policy	11 (18)	3 (3)	14 (21)
Company law	3 (3)	1 (1)	4 (4)
Competition	2 (2)	5 (5)	7 (7)
Economic policy	1 (3)	—	1 (3)
Environmental and consumer law	9 (10)	1 (1)	10 (11)
External relations	3 (4)	3 (3)	6 (7)
Free movement of goods	36 (36)	13 (13)	49 (49)
Free movement of persons	22 (25)	5 (5)	27 (30)
Law governing the institutions	2 (2)	3 (3)	5 (5)
Principles of the Treaty	2 (2)	—	2 (2)
Social policy	11 (11)	3 (3)	14 (14)
State aid	7 (7)	2 (3)	9 (10)
Taxation	13 (13)	5 (5)	18 (18)
Transport	1 (1)	2 (2)	3 (3)
Total EEC Treaty	179 (213)	64 (65)	243 (278)
Law governing the institutions	1 ()	—	1 ()
Protection of the population	1 ()	—	1 ()
Total EAEC Treaty	2 ()	—	2 ()
Financial and budgetary provisions	1 (1)	—	1 (1)
Iron and steel	1 (1)	—	1 (1)
Total ECSC Treaty	2 (2)	—	2 (2)
Law governing the institutions	—	3 (3)	3 (3)
Own resources	1 (1)	3 (3)	4 (4)
Privileges and immunities	1 (1)	2 (2)	3 (3)
Staff Regulations	8 (10)	2 (2)	10 (12)
Total EC	10 (12)	10 (10)	20 (22)
Overall total	193 (227)	74 (75)	267 (302)

Tables of cases brought in 1990

TABLE 1

Cases brought in 1990 — Nature of the proceedings

References for a preliminary ruling	141
Direct actions	222
— for annulment of measures	52
— for failure to act	3
— for compensation	100
— for failure to fulfil obligations	66
— under an arbitration clause	1
— brought by officials	—
Appeals	16
Total	379
Special proceedings	
— Taxation of costs	2
— Revision of a judgment	1
— Immunities	—
— Application for attachment order	2
Overall total	384
Applications for interim measures	12

TABLE 2

Cases brought in 1990 — Basis of proceedings

Article 169 EEC Treaty	62
Article 171 EEC Treaty	3
Article 173 EEC Treaty	50
Article 175 EEC Treaty	3
Article 177 EEC Treaty	138
Article 178 EEC Treaty	100
Article 181 EEC Treaty	1
1971 Protocol to Brussels Convention	3
Article 49 Statute of the Court of Justice of the EC	16
Total EEC Treaty	376
Article 33 ECSC Treaty	1
Article 34 ECSC Treaty	—
Article 38 ECSC Treaty	—
Article 41 ECSC Treaty	—
Total ECSC Treaty	1
Article 141 EAEC Treaty	1
Article 146 EAEC Treaty	1
Article 153 EAEC Treaty	—
Total EAEC Treaty	2
Total	379
Article 74 Rules of Procedure	2
Article 98 Rules of Procedure	1
Article 102 Rules of Procedure	2
Protocol on Privileges and Immunities	—
Special proceedings	5
Overall total	384

TABLE 3

Cases brought in 1990 — Subject of the proceedings

Subject of the proceedings	Direct actions	References for a preliminary ruling	Total of cases brought
Agriculture	120	37	157
Approximation of laws	8	—	8
Brussels Convention	—	3	3
Commercial policy	3	9	12
Company law	2	2	4
Competition	6	8	16
Environmental and consumer affairs	15	1	16
External relations	2	2	4
Free movement of persons	19	25	44
Free movement of goods	12	26	38
Law governing the institutions	2	—	2
Regional policy	1	—	1
Social policy	6	13	19
State accession	1	—	1
State aid	8	1	9
Taxation	5	12	17
Transport	5	1	6
Total EEC Treaty	215	140	357
Protection of the population	1	—	1
Safety control	1	—	1
Total EAEC Treaty	2	—	2
State aid	1	—	1
Total ECSC Treaty	1	—	1
Financial and budgetary provisions	1	—	1
Law governing the institutions	1	—	4
Privileges and immunities	—	—	2
Staff Regulations	2	1	17
Total EC	4	1	24
Overall total	222	141	384

TABLE 4

Direct actions brought in 1990 — Applicants and defendants

By		Against	
Belgium	2	Belgium	11
Denmark	—	Denmark	3
Federal Republic of Germany	4	Federal Republic of Germany	5
Greece	—	Greece	9
Spain	8	Spain	3
France	3	France	6
Ireland	—	Ireland	2
Italy	3	Italy	19
Luxembourg	—	Luxembourg	3
Netherlands	2	Netherlands	2
Portugal	2	Portugal	2
United Kingdom	—	United Kingdom	2
Member States total	24	Member States total	67
Council	1	Council	28
Commission	68	Commission	43
Parliament	2	Parliament	2
Natural or legal persons	127	Council and Commission	81
		Natural or legal persons	1
Total	222	Total	222

TABLE 5

**Cases brought in 1990 — Origin of references for a preliminary ruling —
Courts making the references**

Member State	National Court	Total
Belgium	Cour de cassation 4	17
	Lower courts 13	
Denmark	Højesteret —	5
	Lower courts 5	
Federal Republic of Germany	Bundesgerichtshof —	34
	Bundesverwaltungsgericht 1	
	Bundesfinanzhof 9	
	Bundessozialgericht 2	
	Lower courts 22	
Greece	Council of State 2	2
Spain	Lower courts 6	6
France	Cour de cassation 1	21
	Conseil d'État 1	
	Lower courts 19	
Ireland	The Supreme Court 2	4
	Lower courts 2	
Italy	Corte Suprema di cassazione 1	25
	Lower courts 24	
Luxembourg	Cour supérieure de justice —	4
	Conseil d'État 2	
	Lower courts 2	
Netherlands	Raad van State —	9
	Hoge Raad 3	
	Centrale Raad van Beroep —	
	College van Beroep —	
	Tariefcommissie —	
Lower courts 6		
Portugal	Lower courts 2	2
United Kingdom	Court of Appeal 2	12
	Lower courts 10	
Overall total		141

GENERAL TREND

TABLE 6

Cases brought from 1953 to 31 December 1990

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	1 216	106	1 322	6	138
1980	180	99	279	14	132
1981	214	109	323	17	128
1982	216	129	345	16	185
1983	199	98	297	11	151
1984	183	129	312	17	165
1985	294	139	433	22	211
1986	238	91	329	23	174
1987	251	144	395	21	208
1988	194	179	373	17	238
1989	246	139	385	20	188
1990	238	141	379	12	267
Total	4 894²	2 138	7 032	273	3 189

¹ Actions brought by Community officials are included up to 1989. As from 1990, these actions are no longer included in the figures, following the transfer of jurisdiction for this type of action to the Court of First Instance. However, the figures include appeals from 1990.

² This figure includes 2 388 actions brought by Community officials up to 31 December 1989.

TABLE 7

Trend from 1 January 1980 to 31 December 1990

	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Cases brought											
References for a preliminary ruling	99	109	129	98	129	139	91	144	179	139	141
Direct actions	64	120	131	131	140	229	181	174	136	205	222
Actions brought by Community officials	116	94	85	68	43	65	57	77	58	41	—
Appeals ¹	—	—	—	—	—	—	—	—	—	—	16
Opinions	—	—	—	—	—	—	—	—	—	—	—
Total	279	323	345	297	312	433	329	395	373	385	379
Cases decided (judgments)											
References for a preliminary ruling	75	65	94	58	77	109	78	71	108	90	113
Direct actions	34	21	60	53	57	63	59	101	98	64	73
Actions brought by Community officials	23	42	31	39	30	38	35	36	32	34	7
Opinions	—	—	—	—	—	—	—	—	—	—	—
Revisions	—	—	—	1	1	1	1	—	—	—	—
Third-party proceedings	—	—	—	—	—	—	1	—	—	—	—
Total	132	128	185	151	165	211	174	208	238	188	193
Judgments of the Chambers	63	73	102	99	110	138	108	115	123	116	119
Judgments of the Full Court	69	55	83	52	55	73	66	93	115	72	74

¹ Since 1990.

TABLE 8

Direct actions brought up to 31 December 1990

By		Against	
Belgium	10	Belgium	130
Denmark	5	Denmark	19
Federal Republic of Germany	31	Federal Republic of Germany	66
Greece	2	Greece	72
Spain	16	Spain	10
France	33	France	116
Ireland	8	Ireland	39
Italy	45	Italy	249
Luxembourg	7	Luxembourg	37
Netherlands	24	Netherlands	34
Portugal	3	Portugal	3
United Kingdom	18	United Kingdom	31

TABLE 9

References for a preliminary ruling made up to 31 December 1990

Belgium		Ireland	
Cour de cassation	31	The Supreme Court	2
Conseil d'État	10	The High Court	14
Lower courts	205	The Circuit Court	2
Total	<u>246</u>	The District Court	1
		Lower courts	2
		Total	<u>21</u>
Denmark		Italy	
Højesteret	10	Corte Suprema di cassazione	37
Lower courts	26	Lower courts	200
Total	<u>36</u>	Total	<u>237</u>
Federal Republic of Germany		Luxembourg	
Bundesgerichtshof	33	Cour supérieur de justice	9
Bundesarbeitsgericht	4	Conseil d'État	9
Bundesverwaltungsgericht	26	Lower courts	10
Bundesfinanzhof	110	Total	<u>28</u>
Bundessozialgericht	37		
Lower courts	474	Netherlands	
Total	<u>684</u>	Raad van State	12
		Hoge Raad	55
Greece		Centrale Raad van Beroep	30
Council of State	3	College van Beroep voor het Bedrijfsleven	78
Lower courts	20	Tariefcommissie	19
Total	<u>23</u>	Lower courts	134
		Total	<u>328</u>
Spain		Portugal	
Lower courts	11	Lower courts	3
Total	<u>11</u>	Total	<u>3</u>
France		United Kingdom	
Cour de cassation	39	House of Lords	8
Conseil d'État	9	Court of Appeal	13
Lower courts	351	Lower courts	97
Total	<u>399</u>	Total	<u>118</u>

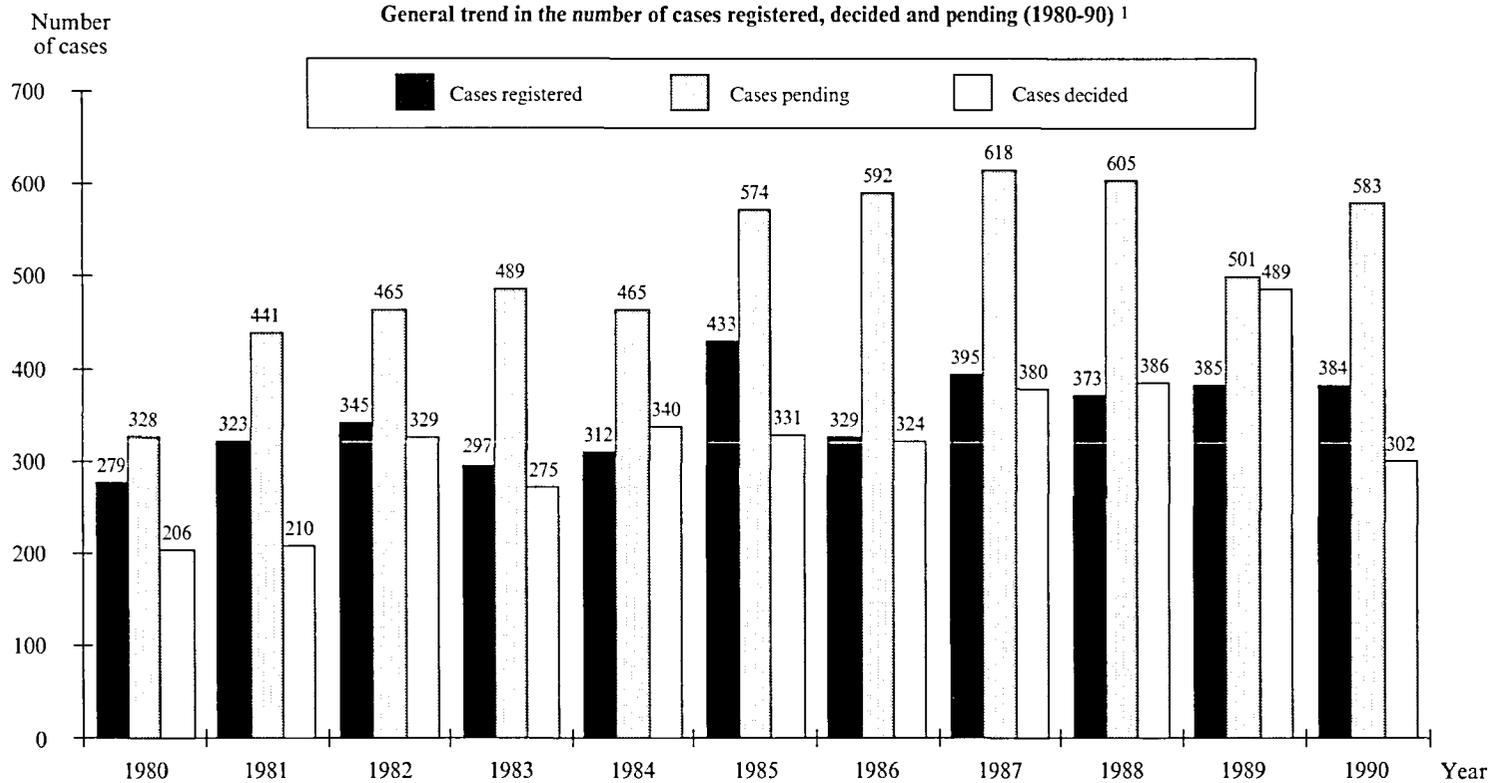
TABLE 10

References to the Court for preliminary rulings
(Arts 177 EEC Treaty, 41 ECSC Treaty, 153 EAEC Treaty, Protocol to Brussels Convention)

Classified by Member State

Year	Belgium	Denmark	Germany	Greece	Spain	France	Ireland	Italy	Luxembourg	Netherlands	Portugal	United Kingdom	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	—	—	6	—	5	1	6	—	—	37
1972	5	—	20	—	—	1	—	4	—	10	—	—	40
1973	8	—	37	—	—	4	—	5	1	6	—	—	61
1974	5	—	15	—	—	6	—	5	—	7	—	1	39
1975	7	1	26	—	—	15	—	14	1	4	—	1	69
1976	11	—	28	—	—	8	1	12	—	14	—	1	75
1977	16	1	30	—	—	14	2	7	—	9	—	5	84
1978	7	3	46	—	—	12	1	11	—	38	—	5	123
1979	13	1	33	—	—	18	2	19	1	11	—	8	106
1980	14	2	24	—	—	14	3	19	—	17	—	6	99
1981	12	1	41	—	—	17	—	12	4	17	—	5	109
1982	10	1	36	—	—	39	—	18	—	21	—	4	129
1983	9	4	36	—	—	15	2	7	—	19	—	6	98
1984	13	2	38	—	—	34	1	10	—	22	—	9	129
1985	13	—	40	—	—	45	2	11	6	14	—	8	139
1986	13	4	18	2	1	19	4	5	1	16	—	8	91
1987	15	5	32	17	1	36	2	5	3	19	—	9	144
1988	30	4	34	—	1	38	—	28	2	26	—	16	179
1989	13	2	47	2	2	28	1	10	1	18	1	14	139
1990	17	5	34	2	6	21	4	25	4	9	2	12	141
Total	246	36	684	23	11	399	25	237	28	328	3	118	2 138

GRAPH 1

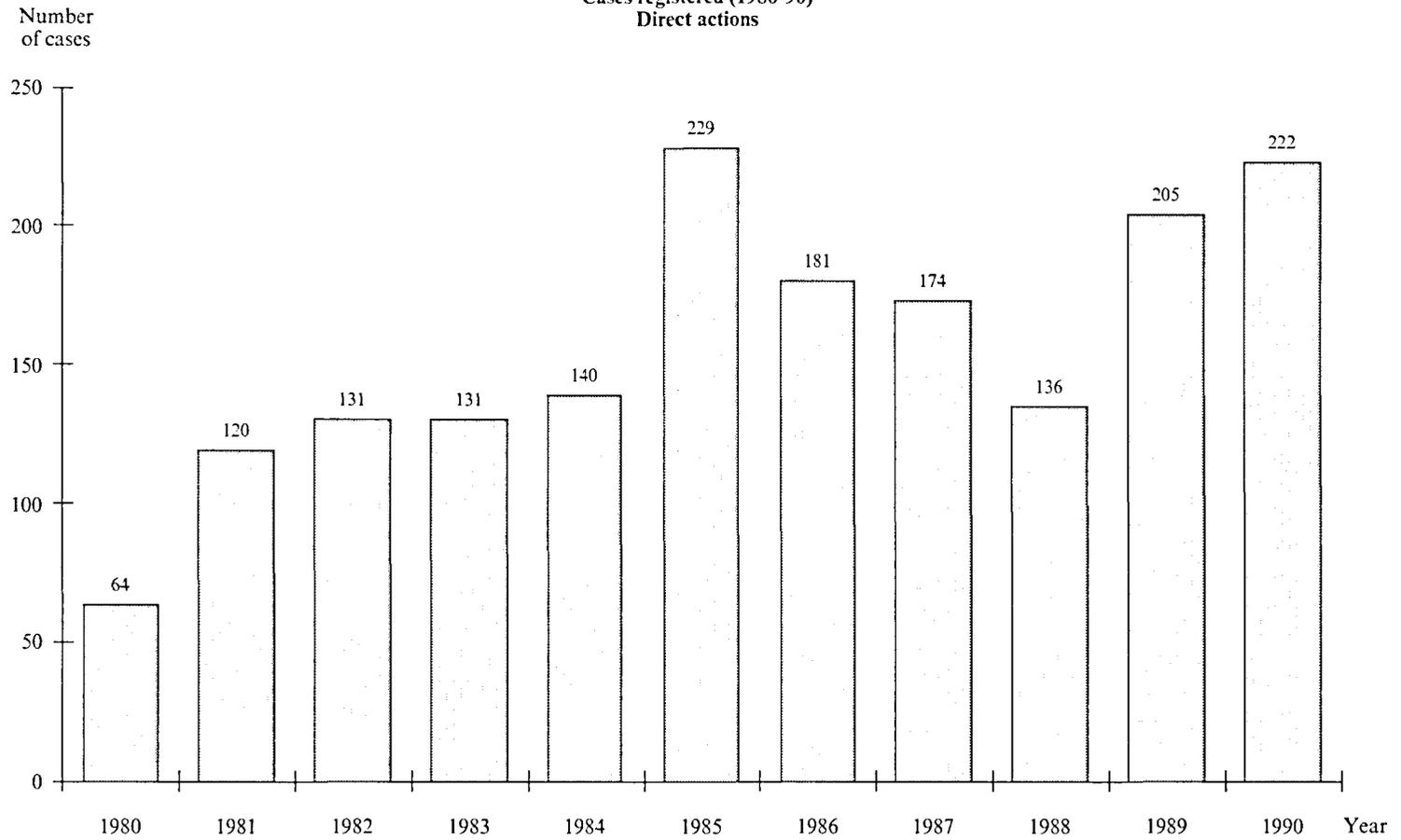


NB: These statistics do not include staff cases brought in 1979 concerning weighting, in which proceedings were suspended prior to removal from the register.

¹ This updated graph replaces Graph 1 which appeared in the *Synopsis of the work of the Court of Justice and the Court of First Instance of the European Communities in 1988 and 1989*.

GRAPH 2

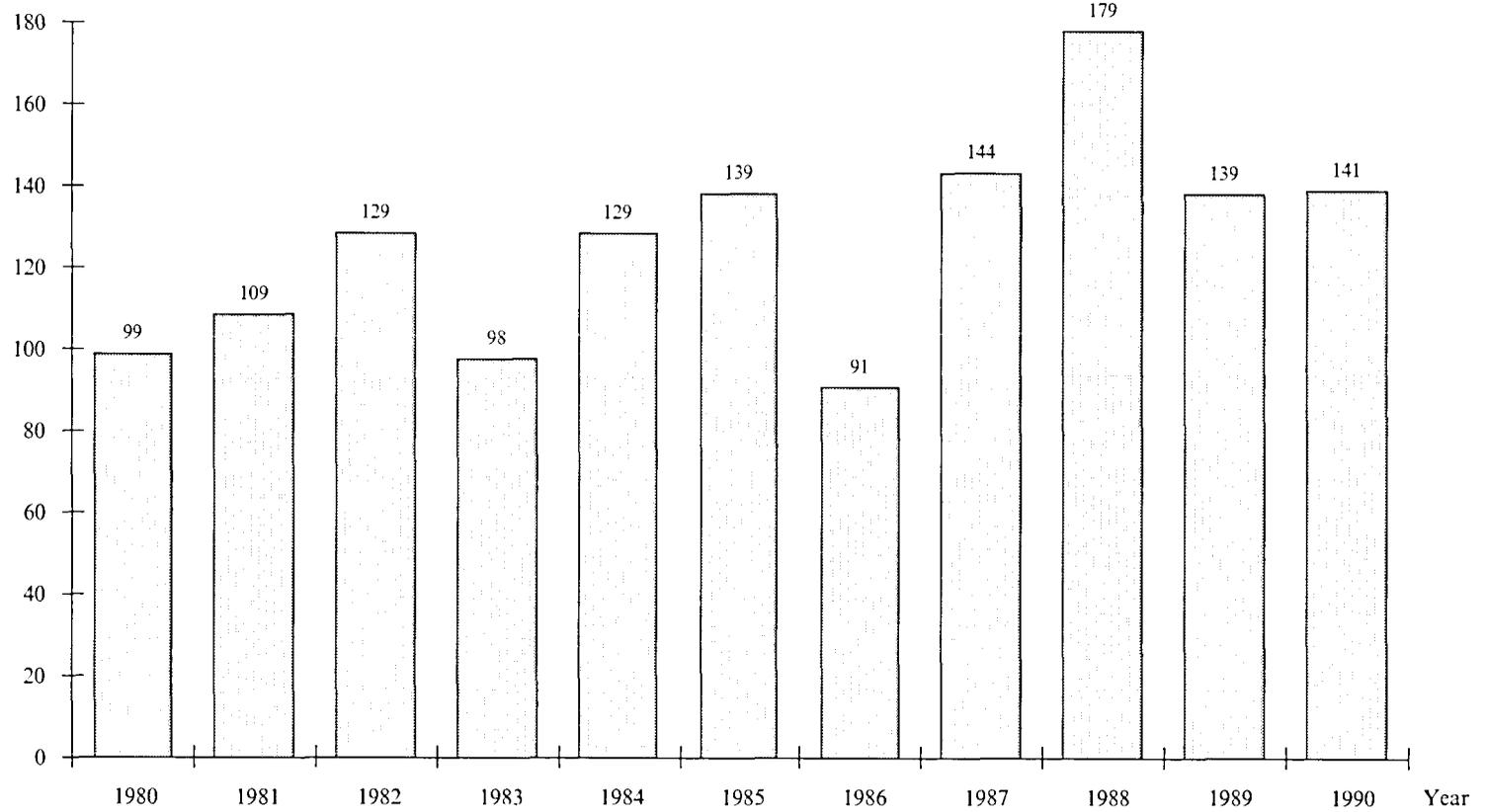
Cases registered (1980-90)
Direct actions



GRAPH 3

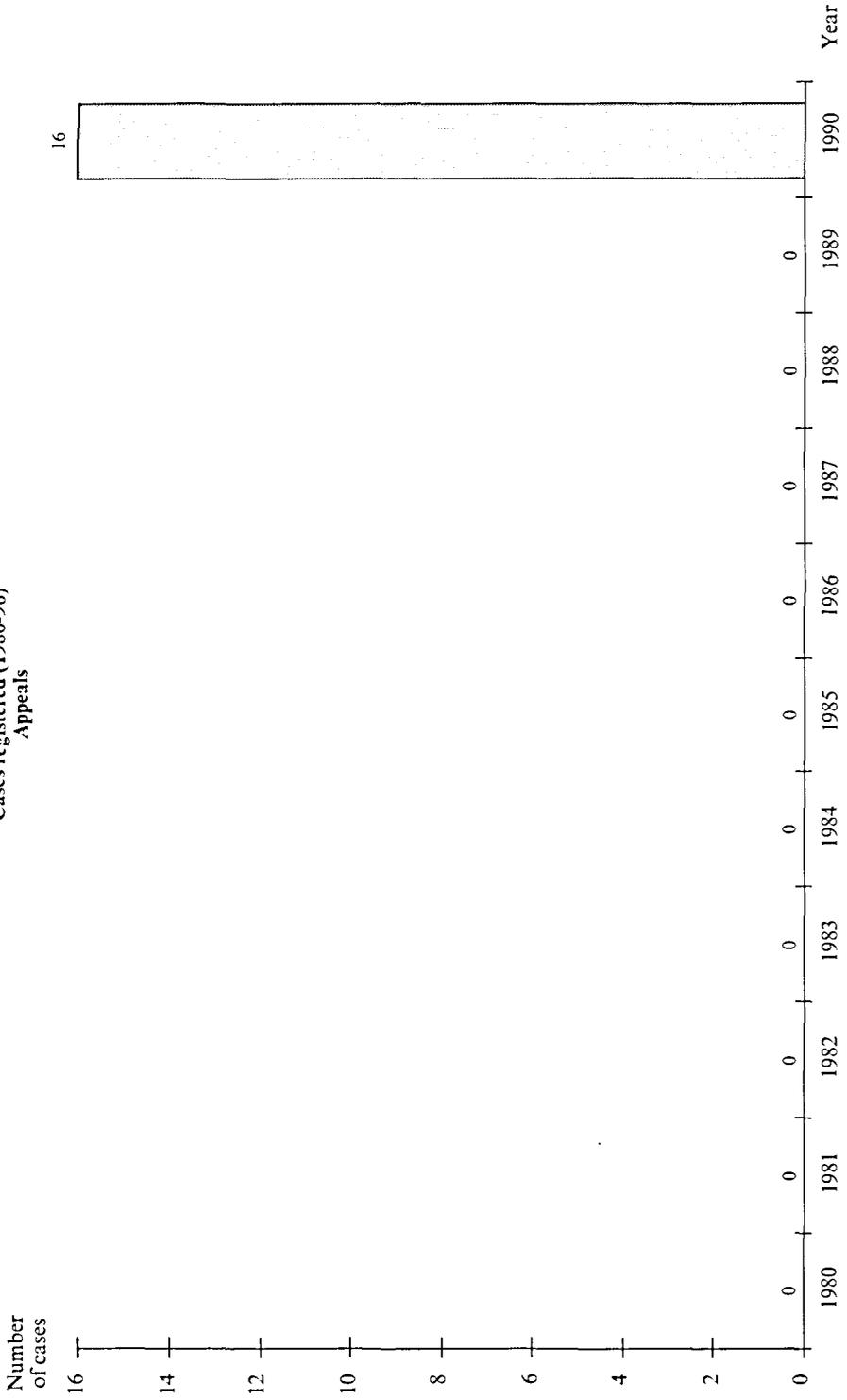
Cases registered (1980-90)
References for a preliminary ruling

Number
of cases



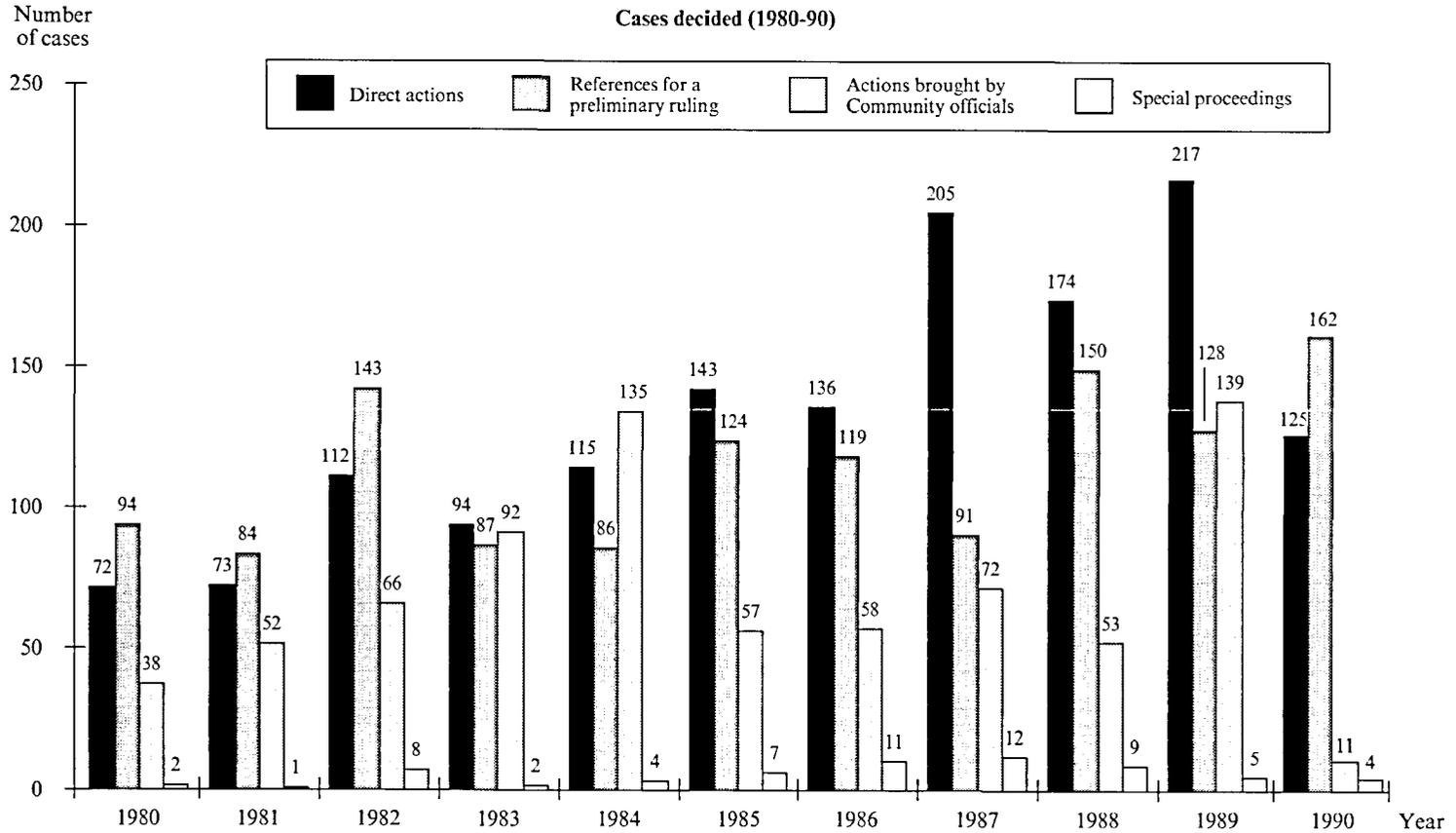
GRAPH 4

Cases registered (1980-90)
Appeals



GRAPH 5

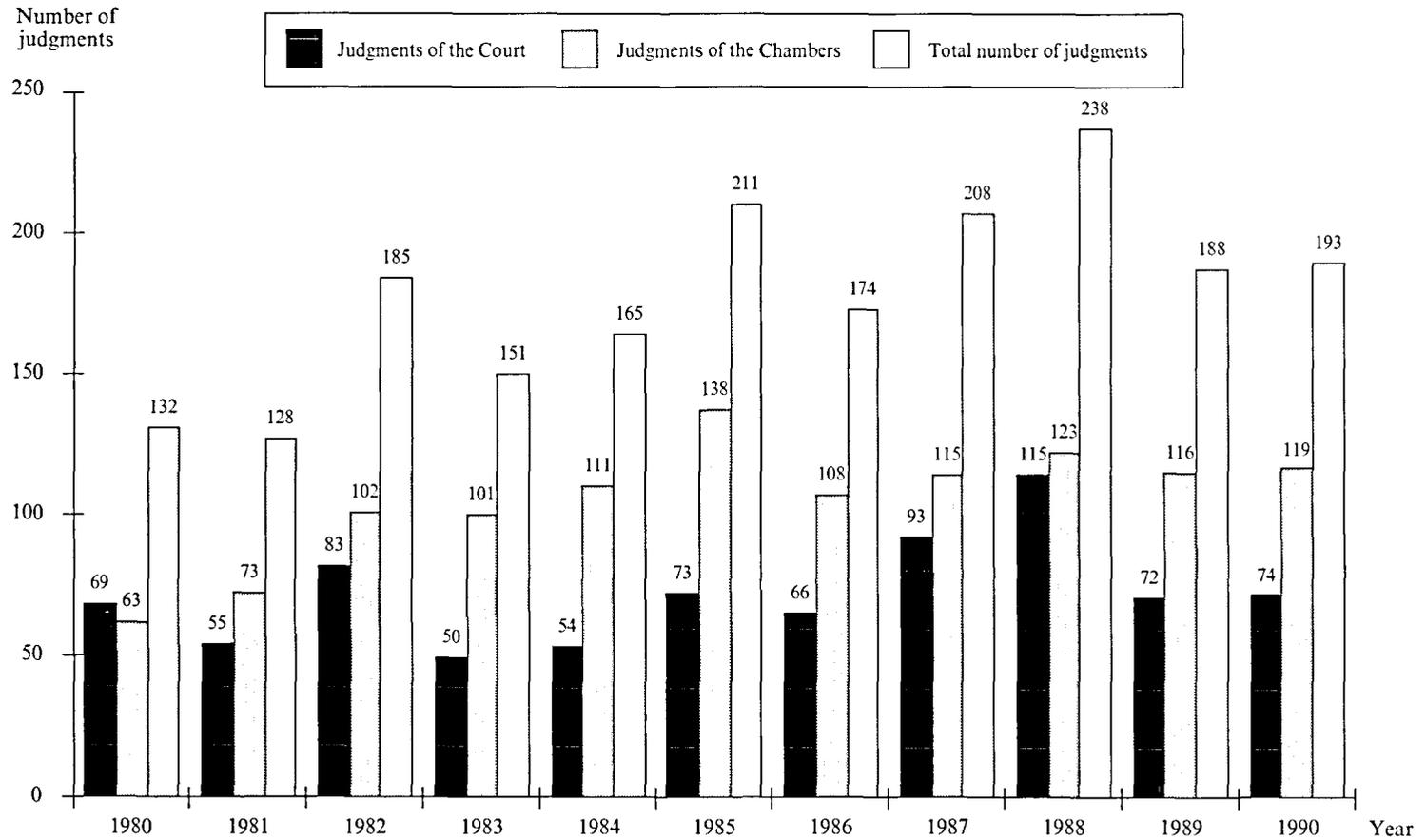
Cases decided (1980-90)



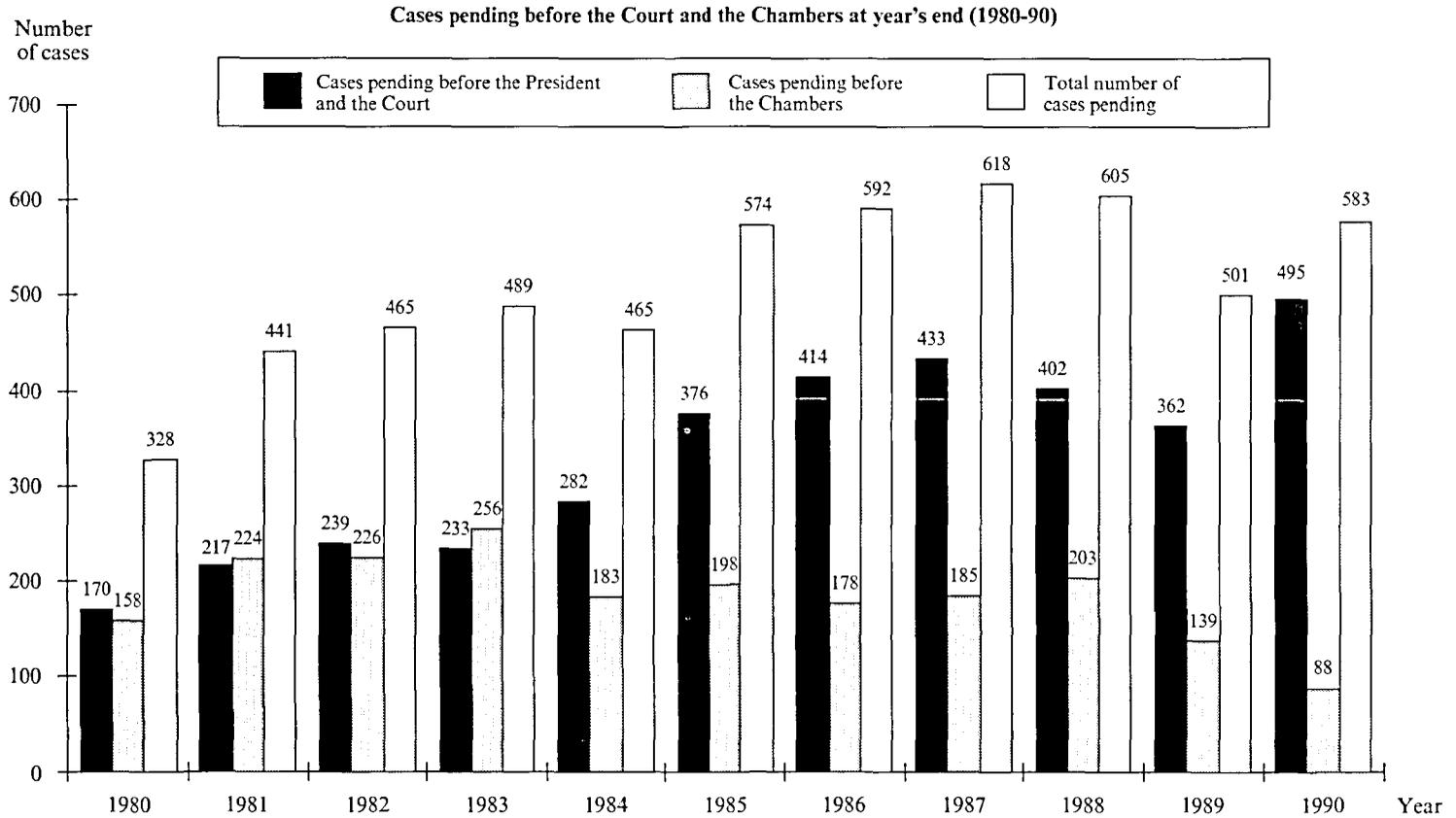
NB: These statistics do not include staff cases brought in 1979 concerning weighting, in which proceedings were suspended prior to removal from the register.

GRAPH 6

Judgments delivered by the Court and the Chambers (1980-90)

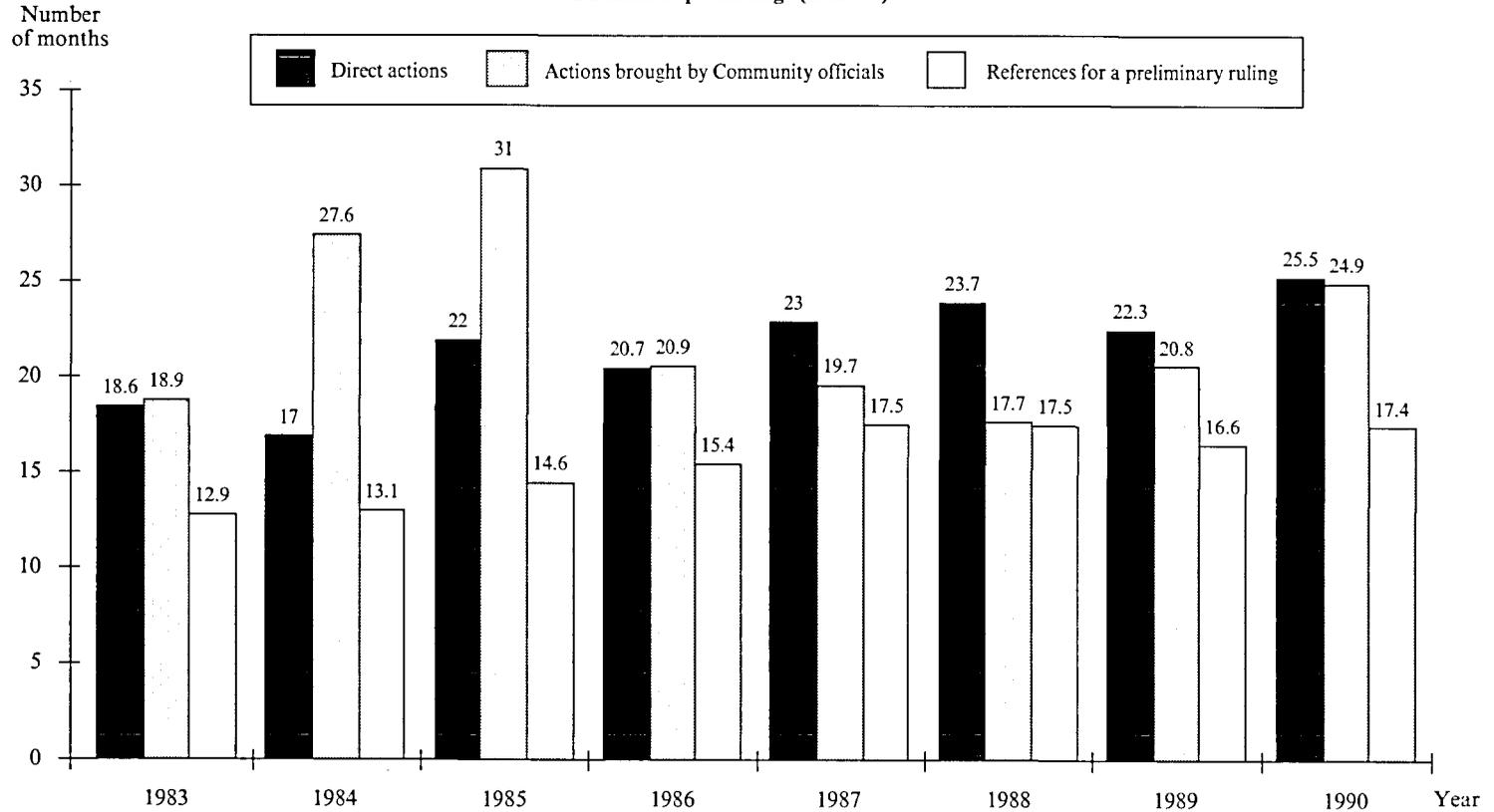


GRAPH 7



NB: These statistics do not include staff cases brought in 1979 concerning weighting, in which proceedings were suspended prior to removal from the register.

GRAPH 8

Duration of proceedings (1983-90)¹

¹ This updated graph replaces Graph 1 which appeared in the *Synopsis of the work of the Court of Justice and the Court of First Instance of the European Communities in 1988 and 1989*.

B — Proceedings of the Court of First Instance

I — Chronological list of judgments delivered

Date	Case	Parties	Subject-matter	Reference
30.1.1990	T-42/89	Yorck von Wartenburg v European Parliament	Official — Installation allowance	[1990] ECR II-31
14.2.1990	T-38/89	Hochbaum v Commission	Official — Compliance with a judgment of the Court of Justice annulling an appointment — Cancellation by the institution of the vacancy notice and initiation of a fresh recruitment procedure	[1990] ECR II-43
22.2.1990	T-40/89	Turner v Commission	Official — Staff report	[1990] ECR II-55
22.2.1990	T-72/89	Bocos Viciano v Commission	Official — Open competition — Refusal to offer a post	[1990] ECR II-57
8.3.1990	T-28/89	Maïndiaux and Others v Economic and Social Committee	Officials — Staff Committee — Elections	[1990] ECR II-59
8.3.1990	T-41/89	Schwedler v European Parliament	Official — Tax abatement — Dependent child	[1990] ECR II-79
13.3.1990	T-34/89 T-67/89	Costacurta v Commission	Official — Withdrawal of dependent child allowance and education allowance	[1990] ECR II-93
13.3.1990	T-71/89	Dautremont and Others v European Parliament	Official — Travelling expenses	[1990] ECR II-111
27.3.1990	T-62/89	Pinto Teixeira v Commission	Official — Former Member of EAC Staff — Classification on recruitment as a probationary official — Portuguese national	[1990] ECR II-121
27.3.1990	T-123/89	Chomel v Commission	Official — Expatriation allowance — International organizations	[1990] ECR II-131
29.3.1990	T-57/89	Alexandrakis v Commission	Official — Differences between the complaint and the application	[1990] ECR II-143

Date	Case	Parties	Subject-matter	Reference
3.4.1990	T-135/89	Pfloeschner v Commission	Official — Admissibility — Provisional statement of pension rights — Act adversely affecting the official	[1990] ECR II-153
4.4.1990	T-30/89	Hilti AG v Commission (Order)	Procedure — Intervention — Communication of pleadings to interveners — Confidential treatment	[1990] ECR II-163
6.4.1990	T-43/89	Gill v Commission	Official — Invalidity pension — Occupational disease	[1990] ECR II-173
10.5.1990	T-117/89	Sens v Commission	Official — Education allowance — Recovery of undue payment	[1990] ECR II-185
22.5.1990	T-50/89	Sparr v Commission	Official — Competition — Experience as a German <i>Referendar</i>	[1990] ECR II-207
6.6.1990	T-44/89	Gouvras-Laycock v Commission	Official — Determination of place of origin	[1990] ECR II-217
20.6.1990	T-47/89 T-82/89	Marcato v Commission	Official — Promotion within a career bracket — List of officials adjudged most deserving of promotion — Action brought prematurely	[1990] ECR II-231
20.6.1990	T-133/89	Burban v European Parliament	Official — Recruitment — Notice of competition — Application form	[1990] ECR II-245
21.6.1990	T-31/89	Sabbatucci v European Parliament	Official — Degree of invalidity	[1990] ECR II-265
22.6.1990	T-27/89	Sklia v Court of Justice	Official — Competition — Knowledge of languages — Production of supporting documents	[1990] ECR II-269
22.6.1990	T-32/89 T-39/89	Marcopoulos v Court of Justice	Official — Competition — Composition of the Selection Board — Termination of a contract as a member of the temporary staff	[1990] ECR II-281
4.7.1990	T-42/89 OP	European Parliament v Yorck von Wartenburg	Official — Installation allowance — Application to set aside judgment	[1990] ECR II-299
10.7.1990	T-51/89	Tetra Pak Rausing SA v Commission	Competition — Relationship between Articles 85 and 86 of the EEC Treaty — Block exemption and applicability of Article 86 of the EEC Treaty	[1990] ECR II-309

Date	Case	Parties	Subject-matter	Reference
10.7.1990	T-64/89	Automec Srl v Commission	Procedure — Admissibility — Preparatory measure — Competition	[1990] ECR II-367
10.7.1990	T-125/89	Filtrona Española SA v Commission	Competition — Admissibility — Time-limit for bringing proceedings	[1990] ECR II-393
12.7.1990	T-35/89	Albani and Others v Commission	Officials — Recruitment — Competition based on tests — Irregularities in correction — Annulment	[1990] ECR II-395
12.7.1990	T-108/89	Scheuer v Commission	Officials — Transfer of all subordinates — Downgrading — Interests of the service — Abuse of powers	[1990] ECR II-411
12.7.1990	T-111/89	Scheiber v Council	Official — Retirement pension — Overlapping with salary earned as an agent of the EAC — Recovery of undue payment	[1990] ECR II-429
12.7.1990	T-154/89	Vidrányi v Commission	Official — Recognition of disease as an occupational disease	[1990] ECR II-445
20.9.1990	T-37/89	Hanning v European Parliament	Official — Successful candidate in a competition — Annulment of a second competition by the Court	[1990] ECR II-463
26.9.1990	T-48/89	Beltrante and Others v Council	Officials — Travel expenses for persons treated as dependent children — Conditions for reimbursement	[1990] ECR II-493
26.9.1990	T-49/89	Mavrakos v Council	Official — Travel expenses for persons treated as dependent children — Conditions for reimbursement	[1990] ECR II-509
26.9.1990	T-52/89	Piemonte v Council	Official — Travel expenses for persons treated as dependent children — Conditions for reimbursement	[1990] ECR II-513
26.9.1990	T-122/89	F. v Commission	Official — Compensation for accident and occupational diseases — Determining whether the disease was occupational in origin — Invalidity pensions — Articles 73 and 78 of the Staff Regulations	[1990] ECR II-517

Date	Case	Parties	Subject-matter	Reference
26.9.1990	T-139/89	Virgili-Schettini v European Parliament	Official — Leave — Compensation for leave not taken	[1990] ECR II-535
16.10.1990	T-128/89	Brumter v Council	Official — Promotion of an official on secondment — Consideration of comparative merits — Participation of a consultative body — Discretion of the appointing authority	[1990] ECR II-545
16.10.1990	T-132/89	Gallone v Council	Official — Competition — Steps in a competition — Secrecy and contents of the written tests — Refusal to admit the applicant to the oral tests	[1990] ECR II-549
17.10.1990	T-134/89	Hettrich and Others v Commission	Officials — Special weighting for Munich — Inadmissibility — Amendment of the claims in the application — Lack of jurisdiction	[1990] ECR II-565
23.10.1990	T-46/89	Pitrone v Commission	Official — Reorganization of the service — Temporary member of staff — Substituted for an official	[1990] ECR II-577
8.11.1990	T-56/89	Bataille and Others v European Parliament	Officials — Duplication of the procedure before action — Non-admission of temporary staff to an internal competition	[1990] ECR II-597
8.11.1990	T-73/89	Barbi v Commission	Official — Belated staff report — Wrongful act or omission — Compensation for material and non-material damage	[1990] ECR II-619
8.11.1990	T-155/89	Buccarello and Others v European Parliament	Officials — Competition — Conduct of typing test	[1990] ECR II-635
22.11.1990	T-54/89	V. v European Parliament	Official — Member of the temporary staff — Conditions for declaration of invalidity — Invalidity committee	[1990] ECR II-659
22.11.1990	T-162/89	Mommer v European Parliament	Official — Application for payment of arrears of emoluments — Application addressed to a political group — Inadmissibility	[1990] ECR II-679
22.11.1990	T-4/90	Lestelle v Commission	Official — Pension — Termination of service allowance — Mandatory or optional nature of the contribution to pension scheme	[1990] ECR II-689

Date	Case	Parties	Subject-matter	Reference
27.11.1990	T-140/89	Della Pietra v Commission	Official — Medical Committee — Fixing of the partial permanent invalidity rate — No need to give a decision	[1990] ECR II-717
27.11.1990	T-7/90	Kobor v Commission	Official — Medical Committee — Fixing of the partial permanent invalidity rate	[1990] ECR II-721
5.12.1990	T-82/89	Marcato v Commission	Officials — Promotion within a career bracket — List of officials adjudged most deserving of promotion — Admissibility of the application — Promotion procedure — <i>Audi alteram partem</i>	[1990] ECR II-735
6.12.1990	T-130/89	B. v Commission	Official — Admissibility — Measure adversely affecting an official — Temporary measure — Period within which a complaint must be lodged — Staff Regulations, Articles 90(2) and 91(1)	[1990] ECR II-761
6.12.1990	T-6/90	Petrilli v Commission	Official — Objection of inadmissibility — Application out of time — Reopening of time-limits — Conditions — New event — Staff Regulations, Articles 90 and 91	[1990] ECR II-765
13.12.1990	T-20/89	Moritz v Commission	Official — Admissibility — Appointment — Staff report — Injury — Claim for damages	[1990] ECR II-769
13.12.1990	T-29/89	Moritz v Commission	Official — Admissibility — Staff report — Delay — Injury	[1990] ECR II-787
13.12.1990	T-113/89	Nederlandse Associatie van de Farmaceutische Industrie 'Nefarma' and Others v Commission	Competition — Omni-Partijen Akkoord — Admissibility — Nature of the contested act	[1990] ECR II-797
13.12.1990	T-114/89	Vereniging van Nederlandse Ziekenfondsen and Others v Commission	Competition — Omni-Partijen Akkoord — Admissibility — Nature of the contested act	[1990] ECR II-827
13.12.1990	T-115/89	González Holguera v European Parliament	Official — Conditions for admission to an open competition	[1990] ECR II-831
13.12.1990	T-116/89	Vereniging Prodifarma and Others v Commission	Competition — Omni-Partijen Akkoord — Admissibility — Nature of the contested act	[1990] ECR II-843

Date	Case	Parties	Subject-matter	Reference
13.12.1990	T-160/89 T-161/89	Kalavros v Court of Justice	Official — Recruitment procedure — Application of Article 29(2) of the Staff Regulations — Duty to state the reasons on which a decision is based — Assessment of candidates' professional abilities	[1990] ECR II-871
14.12.1990	T-75/89	Brems v Council	Official — Definition of dependent child — Persons treated as such — Official's child — Unlawfulness of general implementing provisions	[1990] ECR II-899

II — Statistical information

Summary of the proceedings of the Court of First Instance in 1990

Judgments delivered

During 1990 the Court of First Instance of the European Communities delivered 58 judgments and interlocutory orders:

- 6 were in direct actions (excluding actions brought by officials of the Communities);
- 52 were in cases concerning Community staff law.
- 1 of these judgments was delivered by the Full Court,
- 57 by the different Chambers.

Public sittings

In 1990, the Court of First Instance and the Chambers held 75 public sittings.

Cases pending

Cases pending may be analysed as follows:

	31 December 1989	31 December 1990
Direct actions	77	80
— Competition	74	76
— ECSC	3	4
Staff cases	91	65 ¹
Total number of cases pending	168	145 ¹

¹ This figure includes three cases which have been suspended.

Table of the general proceedings of the Court of First Instance in 1990 ¹

Cases brought	59
Cases decided	79 (82)
Cases pending	123 (145)

Table of cases brought in 1990

Direct actions	12
Actions brought by Community officials	43
Special proceedings	4
Total	59

Table of cases decided

Direct actions	9 (9)
Actions brought by Community officials	68 (71)
Special proceedings	2 (2)
Total	79 (82)

Table of cases pending

Direct actions	66 (80)
Actions brought by Community officials	55 (63)
Special proceedings	2 (2)
Total	123 (145)

¹ The figures in brackets (gross figure) represent the total number of cases, without taking account 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).

Statistical tables

Tables of cases decided in 1990¹

TABLE 1

Cases decided in 1990 — Form of decision

Form of decision	Direct actions	Actions brought by officials	Special proceedings	Total
<i>Judgments</i>				
In contested cases	6 (6)	49 (52)	1 (1)	56 (59)
By default	—	2 (2)	—	2 (2)
In interlocutory proceedings	—	—	—	—
Total judgments	6 (6)	51 (54)	1 (1)	58 (61)
<i>Orders</i>				
Removal from Register	1 (1)	17 (17)	—	18 (18)
Action inadmissible	1 (1)	—	—	1 (1)
Case not to proceed to judgment	1 (1)	—	—	1 (1)
Action unfounded	—	—	1 (1)	1 (1)
Total orders	3 (3)	17 (17)	1 (1)	21 (21)
Total	9 (9)	68 (71)	2 (2)	79 (82)

TABLE 2

Total number of cases decided in 1990 — Bench hearing case

Bench hearing case	Total cases decided	Judgments	Orders
Full Court	1	1	—
Chambers	81	57	21
Total	82	58	21

¹ The figures in brackets (gross figure) represent the total number of cases, without taking account 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).

TABLE 3

Cases decided in 1990 — Basis of proceedings

Basis of proceedings	Judgments	Orders	Total
Article 173 EEC Treaty	6 (6)	2 (2)	8 (8)
Article 175 EEC Treaty	—	1 (1)	1 (1)
Total EEC Treaty	6 (6)	3 (3)	9 (9)
Staff Regulations	52 (55)	17 (17)	69 (72)
Total	58 (61)	20 (20)	78 (81)
Article 74 Rules of Procedure	—	1 (1)	1 (1)
Special proceedings	—	1 (1)	1 (1)
Overall total	58 (61)	21 (21)	79 (82)

Tables of cases brought in 1990

TABLE 1

Cases brought in 1990 — Nature of the proceedings

Direct actions	12
— for annulment of measures	8
— for failure to act	3
— for compensation	1
— brought by officials	43
Total	55
Special proceedings	
— Taxation of costs	1
— Revision of a judgment	—
— Third-party proceedings	2
— Stay of judgment	1
Total	4
Overall total	59
Applications for interim measures	4

TABLE 2

Cases brought in 1990 — Basis of proceedings

Article 173 EEC Treaty	7
Article 175 EEC Treaty	3
Total EEC Treaty	10
Article 33 ECSC Treaty	1
Article 34 ECSC Treaty	1
Total ECSC Treaty	2
Staff Regulations	46
Total	58
Article 74 Rules of Procedure	1
Special proceedings	1
Overall total	59

GENERAL TREND

	Year	Officials	Competition	ECSC	Total
Cases brought before the Court of First Instance (including 151 cases referred by the Court of Justice on 15.11.1989)	1989	92 (78)	75 (73)	2 (2)	169 (153)
	1990	43	10	2	55 ¹
Cases pending before the Court of First Instance at 31 December (including suspended cases)	1989	91	74	3	168
	1990	65 (3)	76	4	145 (3) ²
Cases decided	1989 ³	1	—	—	1
	1990	68	9	—	77 ¹
Judgments delivered	1989 ³	—	—	—	—
	1990	52	6	—	58
Number of orders for interim measures granted	1989 ³	1	1	—	2
	1990	1	2	—	3
Number of sittings	1989 ³	1	2	—	3
	1990	67	8	—	75
Number of cases in which an Advocate General was appointed	1989	—	1	—	1
	1990	—	15	2	17
Number of appeals brought (the figures in brackets indicate the number of decisions (judgments, orders declaring an action inadmissible, granting interim measures, and orders stating that a case is not to proceed to judgment) in respect of which the period within which an appeal could be brought expired during the year)	1989	—	—	—	—
	1990	13 (36)	2 (7)	—	15 (44)

¹ Special proceedings excepted.

² Net figure.

³ Between 15 November 1989 and 31 December 1989.

C — Statistics relating to the two Courts in 1990

Cases brought

References for a preliminary ruling	141
Direct actions	234 ¹
Actions brought by Community officials	43
Appeals	16
Special proceedings	9
Total	443 ¹

Cases decided ²

References for a preliminary ruling	133 (162)
Direct actions	130 (134)
Actions brought by Community officials	77 (82)
Special proceedings	6 (6)
Total	346 (384)

Cases pending ²

References for a preliminary ruling	197 (209)
Direct actions	409 (436)
Actions brought by Community officials	55 (63)
Appeals	16 (16)
Special proceedings	4 (4)
Total	681 (728)

¹ It should be noted that the direct actions brought include 95 applications for compensation in respect of milk quotas.

² The figures in brackets (gross figure) represent the total number of cases, without taking account 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).

D — Decisions of 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 table below shows the number of national decisions, with a breakdown by Member State, delivered between 1 July 1989 and 30 July 1990 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 table is only a guide as the card-indexes on which it is based are necessarily incomplete.

Table showing the number of judgments on questions of Community law delivered between 1 July 1989 and 30 June 1990, 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	82	27	109
Denmark	10	6	16
FR of Germany	267	37	304
Greece	12	2	14
Spain	53	—	53
France	159	25	184
Ireland	19	1	20
Italy	127	25	152
Luxembourg	10	4	14
Netherlands	198	41	239
Portugal	8	—	8
United Kingdom	59	19	78
Total	1 004	187	1 191

European Communities — Court of Justice

Synopsis of the work of the Court of Justice and the Court of First Instance of the European Communities in 1990 and record of formal sittings in 1990

Luxembourg: Office for Official Publications of the European Communities

1992 — 137 pp. — 17.6 × 25 cm

ISBN 92-829-0221-8



OFFICE FOR OFFICIAL PUBLICATIONS
OF THE EUROPEAN COMMUNITIES

L-2985 Luxembourg

ISBN 92-829-0221-8



9 789282 902219