



Milestones in the History of the Court of Justice May 2024

On the occasion of the 20th anniversary of the 2004 enlargement of the EU, we trace the most significant milestones in the history of the Court of Justice, from 1952 to the present day.

- 1952** **The Court of Justice of the European Coal and Steel Community (ECSC) is created** by the Treaty of Paris. The 7 Judges and 2 Advocates General of the Court take up their duties (4 December). The Court has 4 procedural languages (German, French, Italian, Dutch).
- 1953** **First case brought before the Court:** *Verband Deutscher Reeder v High Authority* (Commission) (1/53).
- 1954** **The Court delivers its first judgment:** *France v High Authority* (Commission) (1/54) (21 December).
- 1958** The Court of Justice becomes **the court for the three European Communities:** the ECSC the European Economic Community (EEC) and the European Atomic Energy Community (Euratom), following the entry into force of the Treaties of Rome.
- 1961** **First request for a preliminary ruling** brought before the Court of Justice from the Court of Appeal of The Hague: *Bosch* (13/61).
- 1963** *Van Gend en Loos* (26/62): the EEC Treaty creates rights for individuals that national judges must guarantee (**principle of direct effect** of EU law).
Commission v Luxembourg and Belgium (90 and 91/63): a **Member State cannot avoid its obligations under Community Law** by arguing that other Member States do not respect it.
- 1964** *Costa v Enel* (6/64): where a conflict arises between an aspect of national law and an aspect of EU law, the latter prevails (**principle of primacy of EU law**).
- 1968** The Court organises for the first time the Meeting of Judges of the Member States, which brings together the Members of the Court and national Judges.
- 1973** **First enlargement** (Denmark, Ireland, United Kingdom). The Court of Justice now has 9 Judges, 4 Advocates General and 7 procedural languages.
- 1976** *Defrenne v Sabena* judgment (43/75): an employee can invoke the **principle of equal pay for men and women** in a case brought directly against their employer.
- 1978** *Amministrazione delle Finanze v Simmenthal SpA* (106/77): national courts have a duty to give full effect to Community provisions, even if a **conflicting national law is adopted later**.
- 1981** **Second enlargement** (Greece). The Court of Justice now has 11 Judges, 5 Advocates General and 8 procedural languages.
- 1986** **Third enlargement** (Spain and Portugal). The Court of Justice now has 13 Judges, 6 Advocates General and 10 procedural languages.
- 1987** *Foto-Frost v Hauptzollamt Lübeck-Ost* (C-314/85): the Court of Justice has **exclusive jurisdiction to declare EU legislation invalid**.
- 1989** The Court of First Instance, competent for direct actions in competition and European civil service matters is created.
- 1991** *Francovich and Bonifaci v Italy* (C-6/90 and C-9/90): establishment of the **principle of Member States' liability** for damage caused to individuals from failure to transpose a directive.

1995 *Bosman* (C-415/93): **sports practised at a professional level** constitute an economic activity that cannot be hindered by rules limiting the transfer of players or the number of players who are nationals of other Member States.

Fourth enlargement (Austria, Finland and Sweden). The Court of Justice now has 15 Judges, 9 Advocates General and 12 procedural languages.

1998 *Decker and Kohll* (C-120/95 and C-158/96): any national of a Member State may **seek to receive healthcare in another Member State and be reimbursed** by their sickness insurance fund in accordance with the tariffs of the Member State of affiliation.

2001 *Rudy Grzelczyk v Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve* (C-184/99): EU citizenship is a fundamental status of nationals of the Member States and they should enjoy the same treatment in law irrespective of their nationality.

2002 *Schneider Electric SA v Commission* (T-310/01) and *Tetra Laval v Commission* (T-5/02): the General Court gives **two judgments overturning Commission decisions blocking mergers**. These and subsequent cases lead the Commission to changing the way it assessed mergers to pay greater attention to the economic effect.

2004 **Fifth Enlargement** (Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia and Slovenia). The Court of Justice now has 25 Judges, 8 Advocates General and 21 procedural languages. The Court's staff rises by 73 % and 9 new languages are added to its judicial and translation services. This is **the largest enlargement of the EU in terms of states and population**.

2005 *Mangold v Helm* (C-144/04): **national courts must set aside any provision of national law that conflicts** with the Employment Equality Framework Directive even before the period for implementation has expired.

Establishment of the Civil Service Tribunal (CST) composed of seven judges, responsible for settling disputes between the European Union and its civil service.

2006 *Germany v Parliament and Council* (C-380/03): the Court upholds the directive **banning tobacco advertising in the media**.

2007 **Sixth enlargement** (Bulgaria and Romania). The Court of Justice has 27 Judges, 8 Advocates General and 23 procedural languages.

Microsoft (T-201/04): the General Court upholds **the fine of €497 million** imposed by the Commission on Microsoft for abuse of its dominant position.

2009 *Sturgeon and others* (C-402/07 and others): **passengers on flights delayed** by 3 hours or more are entitled to compensation.

Entry into force of the Treaty of Lisbon: it grants legal personality to the EU, makes the Charter of Fundamental Rights legally binding, and brings about several institutional reforms. Member States' nominees for Judges and Advocates General at the Court are now scrutinised by a new committee that gives an opinion on the suitability of the candidate for the role. The Court of First Instance is renamed the General Court.

2013 **Seventh enlargement** (Croatia). The Court of Justice has 28 Judges, 8 Advocates General and 24 procedural languages.

The Council decides to increase the number of Advocates General to 11. The 9th Advocate General arrives in October 2013 with the two other new Advocates General taking office in 2015.

2015 *Schrems* (C-362/14): the Court declares the Commission's Safe Harbour decision invalid. The Safe Harbour decision had allowed EU-based companies (in this case, Facebook Ireland) to transfer **personal data to the US**.

The Council and Parliament approve changes to the Court structure. The number of judges at the General Court will increase to two judges per Member State, with the new judges arriving over the next few years. The Civil Service Tribunal is abolished from 2016

and its work taken over by the General Court.

Two more Advocates General take office. The Court of Justice has now 28 Judges, 11 Advocates General and 24 procedural languages.

2016 The Court and the Supreme and Constitutional Courts of the Member States create the **European Union Judicial Network (EUJN)**, a secure exchange platform between the Courts of the Member States.

2018 *Planet 49 (C-673/17)*: **cookies require internet users' active consent**, a pre-ticked checkbox is insufficient.

TestBioTech v Commission (T-33/16): the effects of genetically modified organisms (GMOs) on human or animal health may fall within the area of the environment. Accordingly, **non-governmental organisations are entitled to participate in the decision-making process** for the placing on the market of foodstuffs containing GMOs.

2020 UK withdrawal from the EU (**Brexit**): the **number of Judges is reduced** with immediate effect. The number of Advocates General of the Court of Justice, is not affected. The Court of Justice now has 27 Judges and 11 Advocates General, the General Court has 54 judges. The number of procedural languages remains at 24.

The Court of Justice and the General Court hold some of their **hearings by video conference during the COVID pandemic**. The **Ombudsman's Award for Good Administration rewards this novel approach** in the category of innovation.

Ireland and Apple v European Commission (T-778/16 and T-892/16): **the General Court** rules that Ireland's tax benefits to Apple are illegal under EU State aid rules.

Centraal Israëlitisch Consistorie van België and others (C-336/19): Member States may impose **an obligation to stun animals prior to the killing**, even in the case of slaughter prescribed by rites.

2021 *Luxembourg v Commission (T-816/17)*: the General Court rules that **Luxembourg's tax treatment of Amazon was legal** under EU State aid rules.

2022 **First webstreamed hearing** of the Grand Chamber of the Court of Justice. Any citizen, wherever they live, may watch a hearing of the Court of Justice.

Hungary and Poland v Parliament and Council (C-156/21 and C-157/21): requiring Member States to respect the **rule of law as a condition for receiving EU funds** is legal.

RT France v Council, (Case T-125/22): the Grand Chamber of the General Court dismisses Russia Today France's challenge to the Council's decision **temporarily prohibiting RT France from broadcasting following the outbreak of the war in Ukraine**.

Google and Alphabet v Commission (T-604/18): the General Court dismisses the appeal of Google against the Commission and confirms that **Google had abused its dominant position by imposing anti-competitive restrictions** on manufacturers of devices and on mobile operators in order to consolidate the dominant position of its search engine and imposed a fine of € 4.125 bn.

2023 *European Superleague Company (C-333/21)*: FIFA and UEFA must exercise their regulatory, supervisory and sanctioning powers in potentially competing interclub football competitions, such as **Superleague**, in a transparent, objective, non-discriminatory and proportionate manner. Failure to do so would infringe competition law and the freedom to provide services.

2024 The European Parliament and the Council approve the **reform of the Statute of the Court of Justice of the European Union**, for a partial transfer of jurisdiction on preliminary rulings to the General Court, aimed at ensuring more effective administration of justice.

Celebrations of the 20th anniversary of the largest enlargement of the European Union