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## **NEWGOV** **New Modes of Governance**

Integrated Project  
Priority 7 – Citizens and Governance in the Knowledge-based Society

**The European Court and Actions for Annulment:  
Data Set on Actions under Article 230, 1954-2006**  
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| <b>Dissemination Level</b>   |   |   |
| <b>PU</b>  | Public  | X |
| <b>PP</b>  | Restricted to other programme participants (including the Commission Services)        |   |
| <b>RE</b>  | Restricted to a group specified by the consortium (including the Commission Services) |   |
| <b>CO</b>  | Confidential, only for members of the consortium (including the Commission Services)  |   |

## Summary

This data set contains the first 5,143 Art. 230 actions for annulment – applications for the judicial review of the legality of Community acts – filed with the European Court of Justice. Taken together, applicants invoked 11,973 separate claims involving one or more provisions of EC law (see the discussion of legal domains in Appendix C below). The last application in our dataset is case 535, filed in 2006. We believe that the data set is complete through 2006. The data set, available at this website, includes information on, among others, date, the target Member State, the legal domain or subject matter (e.g., competition, environmental protection, free movement of goods), and the official docket number given to the case by the European Court of Justice.

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## Codebook: Introduction and Overview

This data set contains the first 5,143 Art. 230<sup>1</sup> actions for annulment – applications for the judicial review of the legality of Community acts – filed with the European Court of Justice. Taken together, applicants invoked 11,973 separate claims involving one or more provisions of EC law (see the discussion of legal domains in Appendix C below). The last application in our dataset is case 535, filed in 2006. We believe that the data set is complete through 2006.

At this website, you will be able to download the data set in Excel format ([http://www.eu-newgov.org/database/DELIV/LTFIID5b\\_Data\\_Set\\_Actions\\_for\\_Annulment\\_Art230\\_1954-2006.xls](http://www.eu-newgov.org/database/DELIV/LTFIID5b_Data_Set_Actions_for_Annulment_Art230_1954-2006.xls)). You can then translate the file into a statistics program, such as STATA or SPSS, in order to search and sort cases along any one dimension, or combination of dimensions, including the following: date, the target Member State, the legal domain or subject matter (e.g., competition, environmental protection, free movement of goods), and the official docket number given to the case by the European Court of Justice. Thus, if you were doing research in the area of the *environment* (code 355) you could instantly call up a list of all of the 108 applications brought, with accompanying information.

You may also search for one specific case. To take an example, if you call up information for 585/93, *Greenpeace International v. Commission* (1995), you will be presented with the following information:

|              |         |
|--------------|---------|
| 1. plaintiff | PART    |
| 2. defendant | COMM IC |
| 3. refdate   | 1993    |
| 4. case      | 585     |
| 5. dcsntyp   | 1       |
| 6. dcsnmnth  | 8       |
| 7. dcsnyr    | 1995    |
| 8. matter1   | 389     |
| 9. matter2   | 355     |
| 10. matter3  | 341     |
| 11. matter4  | 411     |
| 12. matter5  | .       |
| 13. matter6  | .       |

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<sup>1</sup> Article 230 TEC reads as follows:

The Court of Justice shall review the legality of acts adopted jointly by the European Parliament and the Council, of acts of the Council, of the Commission and of the ECB, other than recommendations and opinions, and of acts of the European Parliament intended to produce legal effects vis-à-vis third parties.

It shall for this purpose have jurisdiction in actions brought by a Member State, the European Parliament, the Council or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of this Treaty or of any rule of law relating to its application, or misuse of powers.

The Court of Justice shall have jurisdiction under the same conditions in actions brought by the Court of Auditors and by the ECB for the purpose of protecting their prerogatives.

Any natural or legal person may, under the same conditions, institute proceedings against a decision addressed to that person or against a decision which, although in the form of a regulation or a decision addressed to another person, is of direct and individual concern to the former.

The proceedings provided for in this article shall be instituted within two months of the publication of the measure, or of its notification to the plaintiff, or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.

14 matter7 .  
15. matter8 .

This entry is to be read as follows:

- Line 1 provides a code for the plaintiff, in this case “PART,” or individual. Line 2 provides a code for defendant, in this case the Commission (“COMM”) which is an Institution of the Community (“IC”). Codes for plaintiffs and defendants are listed in *Appendix A: Parties*.
- Line 3 ("refdate") gives the year that the application was filed with the Court, in this case “1993.”
- Line 4 ("case") gives the number assigned to the application by the European Court of Justice, in this case, “585.”
- Line 5 (“dcsntyp”) tells you that the case was disposed of by a judgement of the Court, which is coded “1,” as opposed to pending (coded “3”) or having been withdrawn (coded “4”). Codes for "Decision Types" are listed in *Appendix B*.
- Line 6 (“dcsnmnth ”) represents the month that the ECJ delivered its decision for the case. For this example 8 signifies the month of August. If the case was “removed” (dcsntyp=4), or “pending” when coded, then there will be no decision date listed.
- Lines 7 (“dcsnyr”) represents the year that the ECJ delivered its decision for the case, here the year is 1995. If the case was “removed” (dcsntyp=4), or “pending” when coded, then there will be no decision date listed.
- Lines 8-11, marked "matter1," "matter2," etc., concern the substantive area of EC law of the case, or of law being pleaded by the applicant. In this case, we find approximation of laws (389), environment (355), European Regional Development Fund (341), and energy (411). Codes for legal domains (subject matters) are listed in *Appendix C*. Art. 230 proceedings may involve more than one area of the law; in the data set, the highest number of different substantive claims in any one case is eight.
- Lines 12-15 are all missing data since this case had just four different substantive areas of law. Most cases in the dataset have far fewer than eight, so missing data is very common.

## Errors in the Data Set and Coding

Please signal errors by emailing us at: [alec.sweet@yale.edu](mailto:alec.sweet@yale.edu) or [tbrunell@utdallas.edu](mailto:tbrunell@utdallas.edu).

## Appendices

### A: Parties

The Court codes parties (plaintiffs and defendants) to Article 230 action in two ways. First, it designates the nature of the party, as follows:

|      |                       |
|------|-----------------------|
| PART | Individual            |
| FONC | Staff (EC)            |
| EM   | Member States         |
| IC   | Community Institution |

Where the party is coded as PART or FONC, there will be no supplemental information. Where the party is coded as EM or IC, then a supplementary code follows:

|                |     |
|----------------|-----|
| Germany        | D   |
| Austria        | A   |
| Belgium        | B   |
| Cyprus         | CY  |
| Denmark        | DK  |
| Spain          | E   |
| Estonia        | EE  |
| Finland        | SF  |
| France         | F   |
| Greece         | GR  |
| Hungary        | HU  |
| Ireland        | IRL |
| Italy          | I   |
| Latvia         | LV  |
| Lithuania      | LT  |
| Luxembourg     | L   |
| Malta          | MT  |
| Netherlands    | NL  |
| Poland         | PL  |
| Portugal       | P   |
| Czech Republic | CZ  |
| Great Britain  | GB  |

|  |           |
|--|-----------|
| Slovakia   | SK        |
| Slovenia   | SI        |
| Sweden   | S         |
| European Aviation Safety Agency                            | AESA      |
| European Environmental Agency                              | AEE       |
| European Medicines Agency                                  | EMEA      |
| European Agency for Reconstruction                         | EAR       |
| European Agency for Health and Safety at Work              | OSHA      |
| European Maritime Safety Agency                            | AESM      |
| European Food Safety Authority                             | EFSA      |
| European Central Bank                                      | BCE       |
| European Investment Bank                                   | BEI       |
| Translation Centre for the Bodies of the EC                | EC CDT    |
| European Centre for the Development of Vocational Training | CEDEFOP   |
| Committee of the Regions of the EU                         | EU CREG   |
| Economic and Social Committee                              | CES       |
| Court of Auditors  | CTRL      |
| European Commission  | COMM      |
| European Council   | CONS      |
| European Data Protection Supervisor                        | CEPD      |
| European Court of Justice                                  | CJCE      |
| European Court of Auditors                                 | CCCE      |
| Eurojust   | EUROJUST  |
| European Foundation for the Improvement of Life/Work       | EUROFOUND |
| European Training Foundation                               | ETF       |
| High Authority of the ECSC                                 | CECA HAUT |
| European Ombudsman   | MEDI      |
| Office for Harmonisation in the Internal Market            | OHMI      |
| European Police Office                                     | EUROPOL   |
| European Parliament  | PARL      |

**B: Decision Types**

|  |   |
|--|---|
| Cases ended by a judgment of the Court | 1 |
| Cases ended by an order of the Court   | 2 |
| Cases whose resolution is pending      | 3 |

## C: Substantive Areas of EC Law

We coded information on the substantive domain of EC law being litigated under Article 230 using a reference system developed by the European Court. The Court classifies each reference in terms of one or more legal domains, or legal “subject matters,” as delimited by the EC treaties, using a system of abbreviations. We have given each of these classifications a number. With some exceptions, references falling within the purview of the ECSC comprise a 100-series; those falling within the purview of the EAEC make up a 200-series; and references to the EC treaty constitute a 300-series. In a few notable cases, the Court specified the domain of law, but not the treaty in play, for example: PROP – Industrial and Commercial Property; INST – Institutional Provisions; and CONC – Competition. We gave each instance of PROP, INST, and CONC in the Article 230 data set a 300 code, because we know most of the cases will fall under the EC treaty. In such cases, one can only determine the treaty-basis of the reference by reading the case, if it has been decided.

### ECSC Treaty

| <u>ABBREVIATION</u> | <u>SUBJECT MATTER (TREATY ARTICLE)</u> | <u>CODE</u>       |
|---------------------|--|-------------------|
| CECA                | THE EUROPEAN COAL AND STEEL COMMUNITY  | 101               |
| COMB                | FUEL - COAL                            | 102               |
| CONC ENCO           | COMPETITION (65-66)                    | <b>COMPET</b> 103 |
| CONC ENCO EXL       | EXCLUSIVE CONTRACTS                    | 104               |
| CONC ENCO POSI      | DOMINANT POSITION                      | 105               |
| CONC ENCO PRAT      | CONCERTED PRACTICES                    | 106               |
| CONC PROP           | INDUSTRIAL AND COMMERCIAL POLICY       | 107 (350)         |
| CONC AIDE           | STATE AIDS (67)                        | 108 (344)         |
| CONC SOCI           | SOCIAL PROVISIONS (68)                 | 109               |
| DGEN                | GENERAL PROVISIONS (80--94, 96-100)    | 110               |
| FINC                | FINANCIAL PROVISIONS (78-78H)          | 111               |
| FINC PREL           | LEVIES AND LOANS (49-53)               | 112               |
| FINC PERE           | PRICE ADJUSTMENTS OF SCRAP (53)        | 113               |
| FINC PRET           | LOANS AND SUBSIDIES (54-56)            | 114               |
| IMPK                | PROVISIONS APPLYING ART. 95 ECSC       | 115               |
| INF                 | INFORMATION GATHERING (47-48)          | 116               |

|      |                                     |                 |     |
|------|-------------------------------------|-----------------|-----|
| INST | INSTITUTIONAL PROVISIONS (7-45)     |                 | 364 |
| LCT  | FREE MOVEMENT OF PERSONS (69)       | <b>MOVEWORK</b> | 376 |
| PCOM | COMMERCIAL POLICY (71-75)           | <b>COMMPOLC</b> | 119 |
| PCOM | PROTECTIVE MEASURES                 |                 | 120 |
| PCOM | DUMPING                             |                 | 121 |
| PENU | TIMES OF SHORTAGE                   |                 | 122 |
| PRIN | PRINCIPLES, AIMS, AND MISSION (1-6) |                 | 123 |
| PRIX | PRICES (60-64)                      |                 | 124 |
| QUOT | PRODUCTION QUOTAS (58)              |                 | 125 |
| SIDE | IRON AND STEEL INDUSTRY             |                 | 126 |
| TRAN | TRANSPORT (70)                      | <b>TRANSPRT</b> | 397 |
| TUC  | STANDARD COMMON TARIFF              |                 | 128 |

**EAEC Treaty**

| <u>ABBREVIATION</u> | <u>SUBJECT MATTER (TREATY ARTICLE)</u>      | <u>CODE</u>         |
|---------------------|---|---------------------|
| CEEA                | EUROPEAN ATOMIC ENERGY COMMUNITY            | 201                 |
| APPR                | SUPPLY AGENCY (52-76)                       | 202                 |
| DIFF                | DISSEMINATION OF KNOWLEDGE (12-23)          | 203                 |
| ENTC                | JOINT UNDERTAKINGS (45-51)                  | 204                 |
| EXT                 | EXTERNAL RELATIONS (101-106)                | <b>EXTERNAL</b> 412 |
| FIN                 | FINANCIAL PROVISIONS (171-183)              | 206                 |
| INST                | PROVISIONS ON INSTITUTIONS (107-170)        | 207                 |
| INV                 | INVESTMENT (40-44)                          | 208                 |
| NUCL                | NUCLEAR COMMON MARKET (92-100)              | 209                 |
| PROP                | INDUSTRIAL AND COMMERCIAL PROPERTY (86-91)  | 210                 |
| RECH                | RESEARCH AND TRAINING (4-11)                | 211                 |
| SANI                | HEALTH AND SAFETY (30-39)                   | 212                 |
| SECR                | SECURITY SYSTEM (24-27)                     | 213                 |
| SECU                | SAFEGUARD OF WORKERS AND THE PUBLIC (77-85) | 214                 |

**EEC and Union Treaty**

| <u>ABBREVIATION</u> | <u>SUBJECT MATTER (TREATY ARTICLE)</u> | <u>CODE</u>     |
|---------------------|--|-----------------|
| ADH                 | ACCESSION (237)                        | 301             |
| AGRI                | AGRICULTURE (38-47)                    | <b>AGRI</b> 302 |
| AGRI AL-A           | ANIMAL FEED                            | 303             |
| AGRI ALCO           | ALCOHOL                                | 304             |
| AGRI BOV            | BEEF AND VEAL                          | 305             |
| AGRI CERE           | CEREALS                                | 306             |
| AGRI COMP           | COMPENSATORY AMOUNTS                   | 307             |
| AGRI D-AL           | FOODSTUFFS                             | 308             |
| AGRI F-L            | FRUIT AND VEGETABLES                   | 309             |
| AGRI FDES           | DEHYDRATED FOOD GRAIN                  | 310             |
| AGRI FEOG           | EUR. AGR. GUIDANCE AND GUAR. FUND      | 311             |
| AGRI FLT            | PROCESSED FRUIT AND VEGETABLES         | 312             |
| AGRI HORS           | PRODUCTS OUTSIDE ANNEX II OF TREATY    | 313             |
| AGRI HOUB           | HOPS                                   | 314             |
| AGRI L-CH           | FLAX AND HEMP                          | 315             |
| AGRI LAIT           | MILK PRODUCTS                          | 316             |
| AGRI MGRA           | OILS AND FATS                          | 317             |
| AGRI MONA           | MONETARY MEASURES                      | 318             |
| AGRI O-V            | EGGS AND POULTRY                       | 319             |
| AGRI OVIN           | SHEEPMET AND GOATMEAT                  | 320             |
| AGRI P-F            | PLANTS, FLOWERS, AND FOLIAGE           | 321             |
| AGRI PDET           | POTATOES                               | 322             |
| AGRI PECH           | FISHERIES                              | 323             |
| AGRI PHYT           | PLANT-HEALTH                           | 324             |
| AGRI POIS           | PEAS AND FIELD BEANS                   | 325             |
| AGRI PORC           | PIGMEAT                                | 326             |
| AGRI RIZ            | RICE                                   | 327             |
| AGRI SEME           | SEED AND PLANTS                        | 328             |
| AGRI SILV           | FORESTRY PRODUCTS                      | 329             |
| AGRI STRA           | AGRICULTURAL STRUCTURES                | 330             |
| AGRI SUCR           | SUGAR                                  | 331             |
| AGRI TABA           | TOBACCO                                | 332             |
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|      |           |   |                 |     |
|------|-----------|---|-----------------|-----|
| AGRI | VSOI      | SILKWORMS                                   |                 | 335 |
| BEI  |           | EUROPEAN INVESTMENT BANK (198D-E [129-130]) |                 | 336 |
| BPAI |           | BALANCE OF PAYMENTS (104-109)               |                 | 337 |
| CDEV |           | DEVELOPMENT COOPERATION (130U-Y)            |                 | 338 |
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| COES |           | ECONOMIC AND SOCIAL COHESION (130A-E)       |                 | 340 |
| FEDE |           | EUROPEAN REGIONAL DEVELOPMENT FUND (130C)   |                 | 341 |
| COHE |           | STRUCTURAL FUNDS (130D)                     |                 | 342 |
| CONC |           | COMPETITION (85-94)                         | <b>COMPET</b>   | 343 |
| CONC | AIDE      | STATE AIDS (92-94)                          |                 | 344 |
| CONC | DUMP      | DUMPING (91)                                |                 | 345 |
| CONC | ENTR      | UNDERTAKINGS (85-90)                        |                 | 346 |
| CONC | ENTR EXCL | EXCLUSIVE CONTRACTS                         |                 | 347 |
| CONC | ENTR POSI | DOMINANT POSITION                           |                 | 348 |
| CONC | ENTR PRAT | CONCERTED PRACTICES                         |                 | 349 |
| CONC | PROP      | INDUSTRIAL AND COMMERCIAL PROPERTY          |                 | 350 |
| CONJ |           | CONJUNCTURAL POLICY (103)                   |                 | 351 |
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|      |           |  |                 |     |
|------|-----------|--|-----------------|-----|
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| PEM  | BCE       | CENTRAL EUROPEAN BANK                        |                 | 381 |
| PEM  | IME       | EUROPEAN MONETARY INSTITUTE                  |                 | 382 |
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|      |   |                 |     |
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| TRAN | TRANSPORT (74-84)                               | <b>TRANSPRT</b> | 397 |

**Miscellanea**

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