Court of Justice, Statute: amending article 20 on preliminary-ruling proceedings

2001/0827(CNS) - 19/10/2001 - Legislative proposal

PURPOSE : to present a draft Council Decision which aims to amend Article 20 of the Protocol on the EC Statute of the Court of Justice. CONTENT : the proposed amendment of Article 20 of the Statute is designed to provide for the participation of non-Member States in preliminary-ruling proceedings before the Court of Justice where an agreement relating to a specific subject-matter, concluded by the Council with one or more non-Member States, provides that those States are to be entitled to submit statements of case or written observations where a court or tribunal of a Member State refers to the Court for a preliminary ruling a question falling within the scope of the agreement. The amendment has become necessary as a result of the entry into force of the Agreement concluded on 18 May 1999 by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those States with the implementation, application and development of the Schengen acquis. Article 9(2) of the Agreement provides that, subject to the adoption of the necessary modifications of the Statute of the Court of Justice, Iceland and Norway are to entitled to submit statements of case or written observations to the Court in cases where a question has been referred to it by a court of tribunal of a Member State for a preliminary ruling concerning the interpretation of any provision of the Schengen acquis falling within the scope of the Agreement.