Court of Justice: participation of non-member States in preliminary-ruling proceedings (amend. Art. 23 of the Statute)

2003/0804(CNS) - 13/02/2003 - Legislative proposal

PURPOSE : to amend the protocol on the statute of the Court of Justice. CONTENT : this proposed draft Council Decision amending the Protocol on the Statute of the Court of Justice is intended to amend Article 23 of the Statute of the Court of Justice annexed by the Treaty of Nice to the Treaty on European Union, the EC Treaty and the EAEC Treaty in line with Council Decision 2002/653/EC of 12 July 2002 amending Article 20 of the EC Statute of the Court, now repealed, an amendment which it was not possible to take into account before the Treaty of Nice was signed on 26 February 2001. By Council Decision 2002/653/EC of 12 July 2002, Article 20 of the Protocol on the Statute of the Court of Justice of the European Communities has been amended. The purpose of that amendment was to provide for non-member States to participate 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 of Justice for a preliminary ruling a question falling within the scope of the agreement. Following the entry into force of the Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts, signed at Nice, 26 February 2001, the Protocol on the Statute of the Court of Justice has been repealed and replaced by the Statute on the Court of Justice annexed to the Treaty on European Union, to the Treaty establishing the European Community and to the Treaty establishing the European Atomic Energy Community. It was not possible for Article 23 of the Statute of the Court of Justice, which reproduces the provisions of Article 20 of the Statute of the Court of Justice of the European Communities, to take account of the amendment made by Council Decision 2002/653/EC, which makes it necessary to amend Article 23.