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

2001/0827(CNS) - 22/02/2002 - Document attached to the procedure

The Commission presents an opinion of the proposal for a Decision which aims to amend Article 20 of the Protocol on the EC Statute of the Court of Justice. In its opinion, the Commission reveals that the proposed amendment is necessary as a result of the entry into force of the agreement concluded by the Council in 1999 with the Republic of Iceland and the Kingdom of Norway concerning the association of those States to the implementation, the application and the development of the Schengen acquis (OJ L 176 of 10 July 1999, p.36) of which Article 9, paragraph 2, provides for the possibility for these two third countries to participate in the preliminary rulings introduced before the Court. A similar amendment was made to Article 20 of the Statute of the Court in order to allow the States participating in the agreement on the European Economic Area as well as EFTA Surveillance Authority to participate in the preliminary rulings before the Court of Justice. According to the Commission, the proposed formulation shall prevent the amending of Article 20 of the Statute, at the time of the entry into force of any new agreement foreseeing the participation of other third countries in preliminary rulings. Consequently, the Commission agrees with the proposed text by the Court of Justice.