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

2003/0804(CNS) - 15/07/2003 - Final act

PURPOSE : to amend the protocol on the statute of the Court of Justice. COMMUNITY MEASURE : Council Decision 2003/527/EC, Euratom amending Article 23 of the Protocol on the Statute of the Court of Justice. CONTENT : this Council Decision amending the Protocol on the Statute of the Court of Justice shall 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in line with Council Decision 2002/653/EC of 12 July 2002 amending Article 20 of the EC Statute of the Court, now repealed, an amendment which it was not possible to take into account before the Treaty of Nice was signed on 26 February 2001.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. In Article 23 of the Protocol on the Statute of the Court of Justice, the following paragraph shall be added: - where an agreement relating to a specific subject matter, concluded by the Council and 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, the decision of the national court or tribunal containing that question shall also be notified to the non-member States concerned. Within two months from such notification, those States may lodge at the Court statements of case or written observations. ENTRY INTO FORCE : 26 July 2003.