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COUNCIL

COUNCIL DECISION

of 12 July 2002

amending the Protocol on the Statute of the Court of Justice of the European Communities

(2002/653/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Treaty establishing the European Community, and in particular the second paragraph of Article 245 thereof,

The following paragraph shall be added to Article 20 of the Protocol on the Statute of the Court of Justice of the European Communities:

Having regard to the request of the Court of Justice of 17 October 2001,

'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 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.'

Having regard to the opinion of the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

Article 2

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Communities*.

Provision should be made for participation by non-member States in preliminary-ruling proceedings before the Court of Justice in the event that 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,

Done at Brussels, 12 July 2002.

For the Council

The President

T. PEDERSEN

⁽¹⁾ Opinion delivered on 22 February 2002 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 14 May 2002 (not yet published in the Official Journal).