

Συμπληρωματικό
Πρωτόκολλο

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TREATY ON STABILITY, COORDINATION AND GOVERNANCE IN THE ECONOMIC AND MONETARY UNION

ARRANGEMENTS [TO BE] AGREED BY THE CONTRACTING PARTIES AT THE TIME OF SIGNATURE CONCERNING ARTICLE 8(1) OF THE TREATY

The following arrangements will apply to bring a matter to the Court of Justice of the European Union in accordance with the second sentence of Article 8(1) and on the basis of Article 273 of the Treaty on the Functioning of the European Union, if the Commission concludes in a report to the Contracting Parties that one of them has failed to comply with Article 3(2):

- (1) The application will be lodged with the registry of the Court of Justice by the applicants mentioned in paragraph (4) acting in the interest of all the Contracting Parties bound by Article 3 and Article 8, either as Member States of the European Union whose currency is the euro or on a voluntary basis, except the one against which the case is directed, within two months of the receipt by the Contracting Parties of the Commission's report concluding that a Contracting Party is in breach of its obligations under Article 3(2), in conformity with the Court's Statute and with its Rules of Procedure.
- (2) The Contracting Parties in the interest of which an action is brought to the Court will determine together the form of judgment sought from the Court, on the basis of the conclusions of the Commission's report and in conformity with the rules of European Union law regarding the powers of the Court and with Article 8, and the general lines of the submissions.
- (3) The applicants will be Contracting Parties bound by Article 3 and Article 8, either as Member States of the European Union whose currency is the euro or on a voluntary basis, which have not been found in the conclusions of the Commission's report to be in breach of their obligations under Article 3(2), which are not otherwise the object of proceedings before the Court under Article 8(1) or (2) of the Treaty on Stability, Coordination and Governance in the economic and monetary union, at the date of introducing the application and which are not unable to act on other justifiable grounds of an overarching nature.
- (4) The matter will be brought before the Court of Justice by the agents of those of the Member States forming the pre-established group of three Member States holding the Presidency of the Council of the European Union in accordance with Article 1(4) of the Council's Rules of Procedure (Trio of Presidencies¹) at the date of introducing the application which meet the criteria described in paragraph (3). If none of the three Member States concerned meets these criteria, the duty to bring the matter to Court will be supported by the members of the former Trio of Presidencies, under the same conditions.

¹ The list of successive Trios of Presidencies is set out in Annex I to Council Decision of 1 December 2009 laying down measures for the implementation of the European Council Decision on the exercise of the Presidency of the Council, and on the chairmanship of preparatory bodies of the Council (OJ L 322 of 9.12.2009, p. 28, corrected in OJ L 344, of 23.12.2009, p. 56).

(5) Upon request from the applicants, any necessary technical or logistical support will be provided to them in the course of the Court's proceedings by the Contracting Parties in the interest of which the case has been filed.

(6) If costs are incurred by the applicants in consequence of the judgment of the Court of Justice, these will be collectively supported by all the Contracting Parties in the interest of which the action was formed.

(7) If a new report from the Commission concludes that the failure of the Contracting Party concerned to comply with Article 3(2) has ceased, the action directed against this Contracting Party will be immediately withdrawn.
