



Treaty Series No. 63 (1975)

Council Decision of the European Communities

on the adjustment of Article 32 of the Treaty establishing the European Coal and Steel Community, Article 165 of the Treaty establishing the European Economic Community and Article 137 of the Treaty establishing the European Atomic Energy Community

Brussels, 26 November 1974

[The Decision entered into force on 26 November 1974]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
May 1975*

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COUNCIL DECISION
ON THE ADJUSTMENT OF ARTICLE 32 OF THE ECSC
TREATY⁽¹⁾, ARTICLE 165 OF THE EEC TREATY⁽²⁾ AND
ARTICLE 137 OF THE EURATOM TREATY⁽³⁾

The Council of the European Communities,

Having regard to the final paragraph of Article 32 of the Treaty establishing the ECSC, the final paragraph of Article 165 of the Treaty establishing the EEC and the final paragraph of Article 137 of the Treaty establishing the EAEC;

Having regard to the joint declaration⁽³⁾ on the Court of Justice annexed to the final act of the conference between the European Communities and the States which have applied for accession to those Communities;

Having regard to the request by the Court of Justice;

Whereas the provisions of the third paragraph of Article 32 of the Treaty establishing the ECSC, the third paragraph of Article 165 of the Treaty establishing the EEC and the third paragraph of Article 137 of the Treaty establishing the EAEC should be adapted so as to enable the Court of Justice to assign, within the framework of its Rules of Procedure, certain classes of preliminary rulings to its chambers,

Has decided as follows:

ARTICLE 1

The third paragraph of Article 32 of the Treaty establishing the ECSC shall be replaced by the following:

“Whenever the Court of Justice hears cases brought before it by a Member State or by one of the institutions of the Community or, to the extent that the chambers of the court do not have the requisite jurisdiction under the Rules of Procedure, has to give preliminary rulings on questions submitted to it pursuant to Article 41, it shall sit in plenary session.”

The third paragraph of Article 165 of the Treaty establishing the EEC shall be replaced by the following:

“Whenever the Court of Justice hears cases brought before it by a Member State or by one of the institutions of the Community or, to the extent that the chambers of the court do not have the requisite

⁽¹⁾ Treaty Series No. 2 (1973), Cmnd. 5189.

⁽²⁾ Treaty Series No. 1 (1973)—Part II, Cmnd. 5179—II.

⁽³⁾ Treaty Series No. 1 (1973)—Part I, Cmnd. 5179—I.

jurisdiction under the Rules of Procedure, has to give preliminary rulings on questions submitted to it pursuant to Article 177, it shall sit in plenary session.”

The third paragraph of Article 137 of the Treaty establishing the EAEC shall be replaced by the following:

“Whenever the Court of Justice hears cases brought before it by a Member State or by one of the institutions of the Community, or to the extent that the chambers of the court do not have the requisite jurisdiction under the Rules of Procedure, has to give preliminary rulings on questions submitted to it pursuant to Article 150, it shall sit in plenary session.”

ARTICLE 2

This Decision shall be published in the *Official Journal of the European Communities*(⁴).

Done at Brussels, 26 November 1974.

For the Council
The President
J. LECANUET

(⁴) For texts in Danish, Dutch, French, German and Italian see Official Journal of the European Communities No. L318 of 28 November 1974, available through Agency Section, Her Majesty's Stationery Office, PO Box 569, London SE1 9NY—Tel. 01-928 6977, ext. 410.