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SIGNATURE OF THE PROTOCOLS ON THE INTERPRETATION BY THE COURT OF JUSTICE
OF:

- the Convention of the use of information technology for customs purposes
- the Convention on the protection of the European Communities' financial interests and its additional Protocol

The Representatives of the Governments of the Member States of the European Union signed on 29 November 1996 the Protocols on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the use of information technology for customs purposes and the Convention on the protection of the European Communities' financial interests and its additional Protocol. ⁽¹⁾

The Protocols determine the conditions under which the Court of Justice of the European Communities shall have jurisdiction to give preliminary rulings on the interpretation of the two Conventions.

⁽¹⁾ These Protocols were adopted by the Council at its session of 29 November 1996.

They foresee that, by a declaration made at the time of the signing of the protocols or at any time thereafter, any Member State shall be able to accept the jurisdiction of the Court of Justice of the European Communities to give preliminary rulings on the interpretation of the Conventions. The Protocols offer a choice of two alternatives when making a declaration as describes above: a Member State may specify that either

- a) only any of its courts or tribunals against whose decisions there is no judicial remedy under national law may request the Court of Justice of the European Communities to give a preliminary ruling on a question raised in a case pending before it and concerning the interpretation of one of the two Conventions, if that court or tribunal considers that a decision on the question is necessary to enable it to give judgment, or
- b) any of its courts or tribunals may request the Court of Justice of the European Communities to give a preliminary ruling on a question raised in a case pending before it and concerning the interpretation of one of the two Conventions if that court or tribunal considers that a decision on the question is necessary to enable it to give judgment.

Member States may furthermore reserve the right to make provision in their national law to the effect that, where a question relating to the interpretation of one of the Conventions is raised in a case pending before a national court or tribunal against whose decision there is no judicial remedy under national law, that court or tribunal will be required to refer the matter to the Court of Justice.
