

AMENDMENT FORM

Suggestion for amendment of Article 160 ter (new)

Suggestion for Part: III

By Ms / Mr : **G.M. de Vries**
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Status : **Member** **Alternate**

1. The Court of Justice of the European Union shall have jurisdiction, subject to the conditions laid down in this article, to give preliminary rulings on the validity and interpretation of

European laws and European framework laws established under Sections 2, 4 and 5, of this Chapter and on the validity and interpretation of the measures implementing them.

2. In order to apply the first paragraph the Member State shall make a declaration specifying that either:

(a) any court or tribunal of that State against whose decisions there is no judicial remedy under national law may request the Court of Justice to give a preliminary ruling on a question raised in a case pending before it and concerning the validity or interpretation of an act referred to in paragraph 1 if that court or tribunal considers that a decision on the question is necessary to enable it to give judgment; or

(b) any court or tribunal of that State may request the Court of Justice to give a preliminary ruling on a question raised in a case pending before it and concerning the validity or interpretation of an act referred to in paragraph 1 if that court or tribunal considers that a decision on the question is necessary to enable it to give judgment.

2. Article [III-271) shall apply fully to Section 3 of this Chapter.

Explanation (if any):

This amendment is submitted so as to enable the Member States to choose between the option that any court or tribunal of that State against whose decisions there is no judicial remedy under national law may seek a preliminary ruling under [Article III-271] or simply any national court or tribunal. . The third paragraph makes clear that [Article II-271] will fully apply to Section 3 of this Chapter.