

**MINUTES**  
**OF THE SIGNING OF THE TREATY ON STABILITY, COORDINATION AND**  
**GOVERNANCE IN THE ECONOMIC AND MONETARY UNION**

The Plenipotentiaries of the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden today signed the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union.

On this occasion, the signatories agreed to annex to these Minutes the following arrangements.

Done at Brussels, 2 March 2012.

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

ARRANGEMENTS AGREED BY THE CONTRACTING PARTIES AT THE TIME OF  
SIGNATURE CONCERNING ARTICLE 8 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) of the Treaty on Stability, Coordination and Governance in the economic and monetary union (hereinafter "the Treaty") 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) of the Treaty:*

(1) The application, whereby the Court of Justice is requested to declare that a Contracting Party has failed to comply with Article 3(2) of the Treaty, as concluded in the Commission's report, will be lodged with the Registry of the Court of Justice by the applicants mentioned in paragraph 2 within three months of receipt by the Contracting Parties of the Commission's report concluding that a Contracting Party has failed to comply with Article 3(2) of the Treaty. The applicants will act in the interest of, and in close cooperation with, all the Contracting Parties bound by Articles 3 and 8 of the Treaty, with the exception of the Contracting Party against which the case is directed, and in accordance with the Statute and Rules of Procedure of the Court of Justice.

(2) The applicants will be the Contracting Parties bound by Articles 3 and 8 of the Treaty that are 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 Presidencies<sup>1</sup>) at the date of publication of the Commission's report, to the extent that at that date i) they have not been found to be in breach of their obligations under Article 3(2) of the Treaty by a Commission report, ii) they are not otherwise the subject of proceedings before the Court of Justice under Article 8(1) or (2) of the Treaty, and iii) they are not unable to act on other justifiable grounds of an overarching nature, in accordance with the general principles of international law. If none of the three Member States concerned meets these criteria, the duty to bring the matter to the Court of Justice will be supported by the members of the former Trio of Presidencies, under the same conditions.

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

(4) If costs are incurred by the applicants as a result of the judgment of the Court of Justice, these will be jointly supported by all the Contracting Parties in the interest of which the case has been filed.

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<sup>1</sup> The list of successive Trios of Presidencies is set out in Annex I to Council Decision 2009/908/EU 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) If a new report from the Commission concludes that the failure of the Contracting Party concerned to comply with Article 3(2) of the Treaty has ceased, the applicants will immediately inform the Court of Justice in writing that they wish to discontinue the proceedings, in accordance with the relevant provisions of the Rules of Procedure of the Court of Justice.

(6) On the basis of an assessment by the European Commission that a Contracting Party has not taken the necessary measures to comply with the judgment of the Court of Justice referred to in Article 8(1) of the Treaty, the Contracting Parties bound by Articles 3 and 8 of the Treaty state their intention to make full use of the procedure established by Article 8(2) to bring the case before the Court of Justice, building upon the arrangements agreed for the implementation of Article 8(1) of the Treaty.

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