

**ADDITIONAL PROTOCOL NO. 1
ON THE SUPERVISORY BODIES OF UEMOA PREAMBLE**

The Governments of the signatory States of the WAEMU Treaty,

- **Convinced** that the smooth running of the Union requires the establishment of appropriate control bodies,
- **Convinced** of the need to set up a mechanism to monitor the commitments of EU Member States,
- **Aware of** the need to put in place a system designed to make the Union's financial management more transparent,

Have agreed on the creation, within the Union, of a Court of Justice and a Court of Auditors.

CHAPTER I : The Court of Justice

Article 1:

The Court of Justice ensures that the law is observed in the interpretation and application of the Union Treaty.

Article 2:

The Court of Justice shall be composed of members appointed for a renewable term of six (6) years by the Conference of Heads of State and Government. The members of the Court of Justice shall be chosen from persons possessing the independence and legal competence required for appointment to the highest judicial offices.

The members of the Court shall appoint the President of the Court of Justice from among their number for a term of three (3) years.

They divide the duties of judges and advocates-general between them.

Article 3:

The Court of Justice shall meet as and when required, convened by its President. It sits in plenary session. Its hearings are public.

Article 4:

The Court of Justice shall appoint a Registrar. The status of the Registrar shall be determined in accordance with the provisions of Article 21.

Article 5:

The Court of Justice hears actions brought by the Commission or any Member State against Member States' failure to fulfil their obligations under the Union Treaty.

Article 6:

If the Court of Justice finds that a Member State has failed to fulfil an obligation under the Union Treaty, that State shall be required to take the necessary measures to comply with the judgments of the Court. In the event of failure to act by the Member State whose

If the Commission finds that a Member State has failed to fulfil its obligations, it may refer the matter to the Conference of Heads of State and Government so that it can ask the defaulting Member State to do so.

Article 7:

Where an action for failure to fulfil obligations is brought by a Member State, the Court invites the Commission to submit its observations before giving judgment.

Article 8:

On an action brought by a Member State, the Council or the Commission, the Court of Justice assesses the legality of regulations, directives and decisions.

An action for assessment of legality shall also be open to any natural or legal person against any act of a Union body adversely affecting that person.

The appeals provided for in this article must be lodged within two (2) months of the publication of the act, its notification to the appellant or, failing that, the day on which the appellant became aware of it.

The Court may impose a wildcard fine on any private individual or legal entity in the event of a manifestly abusive or dilatory action.

Article 9:

When an action is brought before it for an assessment of legality, the Court of Justice declares invalid, in whole or in part, acts which are vitiated by formal defects, lack of competence, misuse of powers, or infringement of the Union Treaty or of acts adopted in application thereof.

Article 10:

The Union body from which the annulled act emanates shall be required to take the measures necessary to comply with the judgment of the Court of Justice. The Court of Justice may indicate the effects of the annulled acts which are to be regarded as final.

Article 11:

Any party may, in the course of a dispute, raise an objection as to the illegality of an act of the Council or of the Commission, notwithstanding the expiry of the period referred to in the third paragraph of Article 8.

Article 12:

The Court of Justice shall give preliminary rulings on the interpretation of the Union Treaty, on the legality and interpretation of acts adopted by Union bodies, and on the legality and interpretation of the statutes of bodies set up by an act of the Council, when a national court or tribunal or an authority having judicial functions is called upon to give a ruling in a dispute.

National courts of final instance are required to refer cases to the Court of Justice. Referral to the Court of Justice by other national courts or authorities with judicial functions is optional.

Article 13:

The interpretations formulated by the Court of Justice in the context of the preliminary ruling procedure are binding on all administrative and judicial authorities in the Member States.

all Member States. Failure to comply with these interpretations may give rise to an action for failure to fulfil obligations.

Article 14:

If, at the request of the Commission, the Court of Justice finds that in a Member State the inadequate functioning of the preliminary ruling procedure allows erroneous interpretations of the Union Treaty, of acts adopted by Union bodies or of the statutes of bodies set up by an act of the Council to be applied, it shall notify the higher court of the Member State of a judgment establishing the correct interpretations. These interpretations are binding on all administrative and judicial authorities in the State concerned.

Article 15:

Without prejudice to the provisions of Article 9 of the Union Treaty, the Court of Justice shall have jurisdiction in disputes relating to compensation for damage caused by Union bodies or by its servants in the performance of their duties.

Article 16:

The Court of Justice hears disputes between the Union and its servants.

Article 17:

The Court of Justice hears disputes between Member States relating to the Union Treaty if these disputes are submitted to it by virtue of a compromise.

Article 18:

Actions brought before the Court of Justice do not have suspensive effect. However, the Court of Justice may order a stay of execution of acts challenged before it.

Article 19:

In cases brought before it, the Court of Justice may prescribe the necessary precautionary measures.

Article 20:

The judgments of the Court of Justice shall be enforceable in accordance with the provisions of its Rules of Procedure. They are published in the Official Journal of the European Union.

Article 21:

The Statutes of the Court of Justice shall be established by an additional act of the Conference of Heads of State and Government.

The Court of Justice shall draw up its Rules of Procedure. These Rules shall require the approval of the Council, acting unanimously. They shall be published in the Official Journal of the Union.

Article 22:

The salaries, allowances and pensions of the members of the Court shall be fixed by the Council, acting by a two-thirds (2/3) majority of its members.

CHAPTER II: The Court of Auditors

Article 23:

The Court of Auditors audits all the accounts of the Union's bodies. This audit focuses in particular on the regularity and efficiency of the use of their resources.

Article 24:

The Court of Auditors is composed of three (3) Councillors. The Councillors shall be appointed for a term of six (6) years, renewable once (1) only, by the Conference of Heads of State and Government, from among persons proposed by the Council and offering all the necessary guarantees of competence and independence.

Article 25:

Councillors may be assisted by members of staff. They may have recourse to an external audit system in the performance of their duties.

Article 26:

The terms of the audit to be carried out by the Court of Auditors shall be decided by the Council, acting by a two-thirds (2/3) majority of its members on the recommendation of the Councillors.