

**JUDGMENT
T NO.
01/2017
21 FEBRUARY 2017**

**COURT OF JUSTICE OF THE WEST
AFRICAN ECONOMIC AND MONETARY
UNION (WAEMU)**

PUBLIC HEARING OF 21 FEBRUARY 2017

The Court of Justice of the WAEMU, meeting in ordinary public session on the twenty-first of February two thousand and seventeen, in which were seated :

Action for assessment of legality

Madame Joséphine Suzanne EBAH TOURE,
President of the Court, Chairman ;

State of Senegal

Mr Salifou SAMPINBOGO, Mr Mahawa Sémou DIOUF, Mr Daniel Amagoïn TESSOUGUE, Mr Euloge AKPO, Judges, Members;

C/ WAEMU

Commission

in the presence of Ms Victoire Eliane ALLAGBADA JACOB, Advocate General;

with the assistance of Maître Hamidou YAMEOGO,
Deputy Registrar ;

has rendered the following judgment:

Composition of the Court :

- **Mrs Joséphine S. EBAH TOURE, Chairman**
- **Mr Salifou SAMPINBOGO, Judge**
- **Mr Mahawa S. DIOUF, Judge**
- **Mr Daniel A. TESSOUGUE, Judge-Rapporteur**
- **Mr Euloge AKPO, Judge**

- **Ms Victoire Eliane ALLAGBADA J.,
Advocate General**

- **Mr Hamidou YAMEOGO, Registrar**

BETWEEN :

The State of Senegal, represented by the Agent Judiciaire de l'Etat du Sénégal, Avenue Carde X, Av. de la République, 10ème Etage du Ministère de l'Economie et des Finances Tel: +221 33 842 33 26 / +221 77 645 45
42 Fax +221 33 823 49 75,

Applicant, on the one hand
;

AND

The Commission of the West African Economic and Monetary Union (UEMOA), having as Agent Mr Ibrahima SAMBE, Technical Adviser in charge of legal matters to the President of the UEMOA Commission and as Counsel Maître Harouna SAWADOGO, Avocat à la Cour, 01 BP 4091 Ouagadougou 01, Tél 25 30 69 46,

Defendant, on the other hand
;

THE COURT

HAVING REGARD TO the Treaty of the West African Economic and Monetary Union dated 10 January 1994, as amended on 29 January 2003;

HAVING REGARD TO Additional Protocol No. 1 on the supervisory bodies of the WAEMU ;

HAVING REGARD TO Additional Act No. 10/96 of 10 May 1996 on the Statutes of the Court of Justice of the WAEMU ;

HAVING REGARD TO Regulation No 01/96/CM of 05 July 1996 laying down the Rules of Procedure of the Court of Justice of the WAEMU, in particular Articles 60 and 67 ;

HAVING REGARD TO Regulation n°01/2012/CJ of 21 December 2012 on the Administrative Rules of the Court of Justice of the WAEMU;

HAVING REGARD t o Minute No. 01/2016/CJ of 25 May 2016 on the appointment of the President of the Court and the distribution of functions within the Court;

HAVING REGARD TO Minutes No 02/2016/CJ of 26 May 2016 relating to the swearing-in and installation of the members of the WAEMU Court of Justice

HAVING REGARD t o legality review No. 03 of 06 August 2010 between the State of Senegal and the WAEMU Commission;

HAVING REGARD t o Order No. 08/2017/CJ of 02 February 2017 on the composition of the plenary session to sit at the ordinary public hearing of 21 February 2017;

HAVING REGARD TO the summonses of the parties ;

HAVING REGARD TO the request for discontinuance of the proceedings, dated 17 February 2017, submitted by the Judicial Agent of the State of Senegal and received by the Court on 20 February 2017;

HAVING heard the oral observations of the Judicial Agent of the State of Senegal;

HAVING heard the oral observations of the WAEMU Commission;

HAVING heard the Opinion of the Advocate General;

Having deliberated in accordance with Community law :

Considering that by application dated 17 February 2017, submitted by the Judicial Agent of the State of Senegal and received by the Court on 20 February 2017, the State of Senegal declares that it is withdrawing its proceedings;

Considering that under the terms of Article 67 of Regulation n°01/96/CM of 05 July 1996 on the Rules of Procedure of the Court of Justice of the WAEMU: *"If the applicant informs the Court in writing that he intends to discontinue the proceedings, the President shall order the removal of the case from the register and shall rule on the costs;"*.

That the application by the State of Senegal to discontinue the proceedings should be granted and the proceedings terminated in accordance with the provisions of Articles 60(1)^{er} and 67 of the Rules of Procedure of the Court;

For these reasons :

Ruling publicly and contradictorily in in of
Community law ;

In form :

- **Declares admissible the application by the State of Senegal to discontinue the proceedings;**

In the background:

- **Acknowledges that the State of Senegal has discontinued the proceedings;**
- **Acknowledges the observations of the WAEMU Commission;**
- **Acknowledges the Opinion of the Advocate General;**
- **Declares that the proceedings shall be terminated by order in accordance with the provisions of Articles 60 paragraph 1^{er} and 67 of Regulation No. 01/96/CM of 05 July 1996 on the Rules of Procedure of the Court of Justice of the WAEMU.**

Thus made, judged and pronounced in public hearing in Ouagadougou on the day, month and year above.

And have signed :

The President

The Clerk