



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 February 2013

6207/13

**Interinstitutional File:
2012/0262 (NLE)**

**JUSTCIV 23
ATO 18**

"I/A" ITEM NOTE

from:	Presidency
to:	Coreper/Council
No. prev. doc. :	6179/13 JUSTCIV 21 ATO 15
No Cion doc.:	14364/12 JUSTCIV 296 ATO 133
Subject:	Proposal for a Council Decision authorising the Member States which are Contracting Parties to the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 ("Vienna Convention") to ratify the Protocol amending that Convention in the interest of the European Union, or to accede to it
	- Request for the consent of the European Parliament

I. INTRODUCTION

1. On 28 September 2012 the Commission submitted to the Council a proposal for a Council Decision authorising the Member States which are Contracting Parties to the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 ("Vienna Convention") to ratify the Protocol amending that Convention in the interest of the European Union, or to accede to it (hereinafter "the proposal").

II. EXAMINATION OF THE PROPOSAL

2. The Working Party on Civil Law Matters (General Questions) examined the proposal at its meetings on 19 October and 20 December 2012 and 31 January 2013.
3. On 31 January 2013, at the last meeting of the Working Party on Civil Law Matters (General Questions), the Presidency made suggestions with a view to reaching a general acceptance of the proposal. A broad consensus emerged,¹ pending some scrutiny reservations. These scrutiny reservations have since been withdrawn.
4. At that meeting it was pointed out that the declaration to be made by the Member States addressed by the proposal would create a lack of uniformity among Member States with regard to the rules governing the procedure for recognition and enforcement of judgments in matters relating to nuclear damage. In the light of the discussions held during and after the above meeting, the Commission has agreed to consider extending the solution set out in the proposal, consisting of a declaration giving precedence to Union rules, to Member States which ratified the 1997 Protocol prior to their accession to the European Union and to Member States which are Contracting Parties to the Paris Convention².
5. The United Kingdom and Ireland, to which Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, applies, are taking part in the adoption and application of this Decision.
6. In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

¹ See 6179/13 JUSTCIV 21 ATO 15.

² Paris Convention on Third Party Liability in the Field of Nuclear Energy of 29 July 1960.

III. CONCLUSION

7. In the light of the above, Coreper/Council is invited to:
- (a) confirm its agreement on the text of the draft Council Decision authorising certain Member States to ratify, or to accede to, the Protocol amending the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963, in the interest of the European Union, and to make a declaration on the application of the relevant internal rules of Union law, as set out in document 6206/13 JUSTCIV 22 ATO 17¹;
 - (b) decide to transmit the draft Council Decision to the European Parliament, in order to obtain the consent of the European Parliament in accordance with point (a) of Article 218(6) of the Treaty on the Functioning of the European Union.

¹ Text revised by the lawyer-linguists.