



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 July 2013

11637/13

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

**JUSTCIV 152
ATO 70**

"I/A" ITEM NOTE

from:	Presidency
to:	Coreper/Council
No. prev. doc. :	6207/13 JUSTCIV 23 ATO 18
No Cion doc.:	14364/12 JUSTCIV 296 ATO 133
Subject:	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 - Adoption

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.
2. 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.

3. 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.
4. On 7 March 2013, at its 3228th meeting, the Council confirmed its agreement on the text of the draft Council Decision¹ as an "A" item and decided to transmit the draft Council Decision to the European Parliament, in order to obtain its consent in accordance with point (a) of Article 218(6) of the Treaty on the Functioning of the European Union.
5. The European Parliament gave its consent on 2 July 2013.²
6. Against this background, COREPER/Council is invited to:
 - (a) adopt the 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 documents 6206/13 JUSTCIV 22 ATO 17 OC 78 and 6658/13 JUSTCIV 35 ATO 22 OC 80³;
 - (b) take note that the Council Decision will be published in the L-series of the Official Journal of the European Union.

¹ See 6206/13 JUSTCIV 22 ATO 17 OC 78 and 6658/13 JUSTCIV 35 ATO 22 OC 80.

² See P7_TA-PROV(2013)0288.

³ Text revised by the lawyer-linguists.