



Council of the
European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	14100/15; 14112/15
No. Cion doc.:	10252/15
Subject:	Draft Council Decision on the ratification and accession by Member States in the interest of the Union, to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, with regard to aspects related to judicial cooperation in civil matters - Adoption

I. INTRODUCTION

1. On 22 June 2015, the Commission submitted the abovementioned proposal to the Council.
2. On the same date, the Commission submitted to the Council a proposal for a Council Decision on the ratification and accession by Member States on behalf of the Union to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea with the exception of aspects related to judicial cooperation in civil matters (the parallel proposal).¹

¹ 10248/15 JUSTCIV 150 TRANS 220.

3. The purpose of the parallel proposal is to authorise Member States to ratify and accede to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 ('1996 HNS Convention').
4. As is the case with the 1996 HNS Convention, the Protocol of 2010 contains provisions that affect Union secondary legislation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. Those matters are covered by the present proposal.

II. EXAMINATION OF THE PROPOSAL WITHIN THE COUNCIL

5. The Working Party on Civil Law Matters (General Questions) examined the present draft Decision at its meetings on 21 September and 27 October 2015.
6. At its meeting on 27 October 2015, the Working Party agreed on the substance of the draft Decision.²
7. At Working Party level, the Commission representatives expressed a number of reservations with respect to the text agreed by the Shipping Working Group (including some articles and recitals which are identical to those contained in the present proposal).³
8. 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 Council Decision.

² The examination of the parallel proposal was finalised by the Shipping Working Party at its meeting on 14 October 2015.

³ The reservations expressed by the Commission concern Articles 1 and 2(1), and recitals 1 and 13 of the present proposal.

9. 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 Council Decision and is not bound by it or subject to its application.
10. On 17 December 2015, the draft Council Decision was forwarded to the European Parliament for its consent.

III. EXAMINATION OF THE PROPOSAL WITHIN THE EUROPEAN PARLIAMENT

11. On 8 June 2016, the Parliament adopted a resolution containing recommendations to the Council and the Commission as regards certain aspects of the parallel draft Council Decision⁴.
12. On 5 April 2017, the Parliament decided to give its consent to the draft Council Decision.

IV. CONCLUSION

13. In light of the above, COREPER/the Council is invited to adopt the Decision as set out in document 14112/15, prepared by the legal-linguistic experts.

⁴ Doc. 11062/16 + COR 1.