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TRANS 176

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. prev. doc.:	6380/15 JUSTCIV 30 TRANS 56, 17025 ADD 1 JUSTCIV 329 TRANS 602
No. Cion doc.:	17025/14 JUSTCIV 329 TRANS 602 + ADD 1
Subject:	Draft Council decision authorising respectively the Kingdom of Belgium and the Republic of Poland to ratify and the Republic of Austria to accede to the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways (CMNI) - Request of the consent of the European Parliament

1. By letter of 9 December 2014 the Commission transmitted to the Council a proposal for a Council Decision authorising Austria, Belgium and Poland to ratify, or to accede to, the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways (CMNI).
2. The proposal is based on Article 81(2) of the Treaty on the Functioning of the European Union in conjunction with point (a) of Article 218(6) thereof. The consent of the European Parliament is therefore required.

3. The proposal has been examined by the Working Party on Civil Law Matters (General Questions) at two meetings since the beginning of 2015. In the light of that examination and the comments made by delegations the proposal has been amended.
4. The United Kingdom and Ireland are bound by Council Regulation (EC) No 593/2008 on the law applicable to contractual obligations (Rome I), and are therefore taking part in the adoption and application of the proposed Decision.
5. 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 the proposed Decision and is not bound by it or subject to its application.
6. In the light of the above, Coreper/Council is invited to:
 - (a) approve the text of the draft Council Decision authorising respectively the Kingdom of Belgium and the Republic of Poland to ratify and the Republic of Austria to accede to the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways (CMNI), as set out in document 8223/15 JUSTCIV 82 TRANS 141 + ADD 1¹; and
 - (b) decide to transmit the draft Council Decision to the European Parliament for consent 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.