



Council of the
European Union

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From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. prev. doc.: 12299/15 MAR 104 ENV 581 JUSTCIV 217 TRANS 300
No. Cion doc.: 10248/15 JUSTCIV 155 TRANS 220

Subject: 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

- *Agreement in principle*
- *Statement by the Commission*

Delegations will find attached a statement by the Commission to the minutes of the Permanent Representatives Committee and of the Council.

Statement by the Commission

The Commission takes the view that the conclusion of the 2010 Protocol to the HNS Convention falls entirely under the exclusive competence of the Union pursuant to Article 3(2) TFEU, and disagrees with the views expressed by the Council. The Commission reserves all its rights in this regard.

The Commission also disagrees with the substantive legal basis chosen by the Council.

The Commission is also of the view that in the interest of uniform implementation of the 2010 HNS Protocol, and in view of the aim and content of the 2010 HNS Convention, it is essential that Member States ratify and implement the Protocol in a specific, reasonable timeframe. Any other solution would lead to the fragmentation of the rules applicable within the Union.
