



Council of the  
European Union

Brussels, 9 December 2015  
(OR. en)

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**2015/0136 (NLE)**

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**"I/A" ITEM NOTE**

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

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Subject: Proposal for a 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  
- Statement by the Commission

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Delegations will find attached a statement by the Commission to be included in 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 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.

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