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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	30 June 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 343 final - Annex 1
Subject:	ANNEX 1 to the proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, of the United Nations Convention on the International Effects of Judicial Sales of Ships, adopted by the United Nations General Assembly in New York on 7 December 2022

Delegations will find attached document COM(2023) 343 final - Annex 1.

Encl.: COM(2023) 343 final - Annex 1



EUROPEAN
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Brussels, 30.6.2023
COM(2023) 343 final

ANNEX 1

ANNEX

to the proposal for a

COUNCIL DECISION

**on the signing, on behalf of the European Union, of the United Nations Convention on
the International Effects of Judicial Sales of Ships, adopted by the United Nations
General Assembly in New York on 7 December 2022**

ANNEX I

Declaration pursuant to Article 18(2) concerning the competence of the European Union over matters governed by the Beijing Convention on Judicial Sale of Ships, adopted by the United General Assembly on 7 December 2022 in New York, in respect of which the Member States have transferred their competence to the European Union

1. Article 18(1) of the Beijing Convention on judicial sale of ships provides that a Regional Economic Integration Organisation that is constituted by sovereign States and has competence over certain matters governed by this Convention may sign it on condition that it makes the declaration referred to in Article 18(2). The European Union has decided to sign the Beijing Convention on judicial sale of ships and is hereby making that declaration.
2. The current Members of the European Union are the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, [Ireland], the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand-Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden
3. However, in accordance with Articles 1 and 2 of Protocol 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the Kingdom of Denmark is not bound by the decision of the Union to sign the Beijing Convention on judicial sale of ships.
4. This declaration is not applicable in the case of the territories of the Member States in which the Treaty on the Functioning of the European Union does not apply and is without prejudice to such acts or positions as may be adopted under the Beijing Convention on judicial sale of ships by the Member States concerned on behalf of and in the interests of those territories.
5. In respect of matters governed by the Beijing Convention on judicial sale of ships, the European Union has exclusive competence over certain provisions of the Convention. In particular, it adopted rules on jurisdiction and the recognition and enforcement of judgments¹ (in particular Article 9 of the Beijing Convention on judicial sale of ships '*Jurisdiction to avoid and suspend judicial sale*') and on the service in the Member States of judicial and extrajudicial documents in civil and commercial matters (in particular Article 4 of the Beijing Convention on judicial sale of ship '*Notice of judicial sale*').²
6. The competence of the European Union pursuant to the Treaty on European Union and to the Treaty on the Functioning of the European Union is, by its nature, liable to continuous development. In the framework of the Treaties, the competent institutions may take decisions which determine the extent of the competence of the European

¹ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, OJ L 351, 20.12.2012, p. 1–32, OJ L 351, 20.12.2012, p. 1–32.

² Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil and commercial matters, OJ L 405, 2.12.2020, p. 40–78.

Union. The latter therefore reserves the right to amend the present declaration accordingly, without this constituting a prerequisite for the exercise of its competence with regard to matters governed by the Beijing Convention on judicial sale of ships.