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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion, on behalf of the European Union,
of the United Nations Convention on the International Effects of Judicial
Sales of Ships (the 'Beijing Convention on the Judicial Sale of Ships')

COUNCIL DECISION (EU) 2025/...

of ...

**on the conclusion, on behalf of the European Union,
of the United Nations Convention
on the International Effects of Judicial Sales of Ships
(the ‘Beijing Convention on the Judicial Sale of Ships’)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2), points (b) and (c), in conjunction with Article 218(6), second subparagraph, point (a)(v), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent of [date] (not yet published in the Official Journal).

Whereas:

- (1) The United Nations Convention on the International Effects of Judicial Sales of Ships (the ‘Beijing Convention on the Judicial Sale of Ships’ or the ‘Convention’) was adopted by the United Nations General Assembly in New York on 7 December 2022.
- (2) In accordance with Council Decision (EU) 2024/414², the Convention was signed on 14 March 2024 on behalf of the Union with regard to matters falling under its exclusive competence, subject to its conclusion at a later date.
- (3) The Convention is the first international instrument which establishes a harmonised regime for giving international effect to judicial sales, while preserving domestic law governing the procedure of judicial sales and the circumstances in which judicial sales confer clean title. It strengthens the existing international legal framework on shipping and navigation and makes a useful contribution to the development of harmonious international economic relations. By ensuring legal certainty as to the title that the purchaser acquires in the ship as it navigates internationally, the Convention is designed to maximise the price that the ship is able to attract in the market and the proceeds available for distribution among creditors, and to promote international trade. It is therefore desirable that the Convention be applied as soon as possible.

² Council Decision (EU) 2024/414 of 21 December 2023 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 (OJ L, 2024/414, 29.1.2024, ELI: <http://data.europa.eu/eli/dec/2024/414/oj>).

- (4) The conclusion of the Convention on behalf of the Union will contribute to ensuring legal certainty and predictability at international and European level by creating a uniform regime for the international effects of judicial sales of ships, which are core objectives of the Union to be realised in its activities in accordance with Article 3(5) of the Treaty on European Union.
- (5) The Union is developing judicial cooperation in civil matters with cross-border implications based on the principle of mutual recognition of judgments and of decisions in extrajudicial cases. In that context, the Union legislator has adopted, amongst others, Regulations (EU) No 1215/2012³ and (EU) 2020/1784⁴ of the European Parliament and of the Council. The Union therefore has exclusive competence over the matters covered by those Regulations, while the other matters covered by the Convention do not fall under that competence.

³ 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, ELI: <http://data.europa.eu/eli/reg/2012/1215/oj>).

⁴ 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 or commercial matters (service of documents) (OJ L 405, 2.12.2020, p. 40, ELI: <http://data.europa.eu/eli/reg/2020/1784/oj>).

- (6) The Union should become a party to the Convention only as regards the matters falling within the exclusive competence of the Union, namely, insofar as the relevant provisions of the Convention may affect common rules or alter their scope. At present, the Union has exclusive competence with regards to certain provisions of the Convention dealing with matters related to judicial cooperation in civil matters as detailed in the attached Declaration concerning the competence of the Union, and the Member States retain their competence insofar as the Convention does not affect common rules or alter the scope thereof. The Union's accession to the Convention as regards matters falling within its exclusive competence is without prejudice to the Member States' prerogatives as regards the ratification of the Convention, on matters falling within their national competences.
- (7) The Convention provides that the Regional Economic Integration Organisation is to make a declaration specifying the matters governed by that Convention in respect of which competence has been transferred to that organisation by its Member States. The Convention also provides that that declaration be made at the time of signature, ratification, acceptance, approval or accession. At the time of signature, the Union made that declaration indicating its competence in the matters governed by the Convention.

- (8) In accordance with Articles 1 and 2 of 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, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (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 Decision and is not bound by it or subject to its application.
- (10) The Convention and the attached Declaration concerning the competence of the Union should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The United Nations Convention on the International Effects of Judicial Sales of Ships (the ‘Convention’) is hereby approved.

The text of the Convention^{**+} is attached to this Decision.

Article 2

The attached Declaration^{**++} concerning the competence of the Union is hereby approved in accordance with Article 20(1) of the Convention.

Article 3

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*⁵.

Done at ..., ...

For the Council
The President

* Delegations: see document ST 15716/23.

+ OJ: please attach document ST 15716/23.

** Delegations: see document ST 14882/25 ADD1

++ OJ: please attach document ST 14882/25 ADD1.

⁵ The date of entry into force of the Convention will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.