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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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

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

Article 18(1) of the Beijing Convention on the International Effects of judicial sale of ships
(the ‘Convention’) provides that a Regional Economic Integration Organisation that is constituted
by sovereign States and has competence over certain matters governed by the Convention may sign
the Convention. Article 18(2) of the Convention provides that the Regional Economic Integration
Organisation is to make a declaration specifying the matters governed by the Convention in respect
of which competence has been transferred to that organisation by its Member States. The European
Union has decided to conclude the Convention and is hereby reiterating the declaration it made at
its signing on 14 March 2024.

To the extent that they may affect common rules or alter the scope of the legal acts referred to in points (a) and (b), the matters governed by provisions of the Convention in respect of which the Member States of the European Union have transferred competence and in respect of which the European Union has exclusive competence within the meaning of Article 3(2) of the Treaty on the Functioning of the European Union (TFEU) are the following:

- (a) Article 9 of the Convention ('Jurisdiction to avoid and suspend judicial sale') with regard to the rules on jurisdiction in 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 EU L 351, 20.12.2012, p. 1); and
- (b) Article 4 of the Convention ('Notice of judicial sale') with regard to the rules on the service of judicial and extrajudicial documents in civil or commercial matters (service of documents) in 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 EU L 405, 2.12.2020, p. 40).

The competence of the European Union pursuant to the Treaty on European Union (TEU) and to the TFEU 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 Union. The European Union therefore reserves the right to amend this Declaration accordingly, without any such amendment constituting a prerequisite for the exercise of its competence with regard to matters governed by the Convention.

The Union hereby specifies that the Convention is to apply, with regard to the competence of the Union, to the territories of the Member States to which the TEU and the TFEU apply pursuant to Article 52 TEU and under the conditions laid down, inter alia, in Article 355 TFEU.
