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; Protocol of 2010: ratification and accession by Member States

2015/0135(NLE) - 01/12/2015 - Legislative proposal

PURPOSE: to authorise Member States to ratify 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 the aspects related to judicial cooperation in civil matters.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 ('1996 HNS Convention') aims to ensure adequate, prompt and effective compensation of persons who suffer damage caused by spills of hazardous and noxious substances, when carried by sea.

The 1996 HNS Convention has been amended by the Protocol of 2010. A text consolidating the 1996 HNS Convention and the Protocol of 2010 ('2010 HNS Convention') was prepared by the International Maritime Organization ('IMO') Secretariat and approved by the IMO Legal Committee. The 2010 HNS Convention will take effect once the Protocol of 2010 enters into force in Member States.

The 2010 HNS Convention provides for improved protection of the victims of damage in connection with the carriage of HNS by sea, including in the context of environmental damage, in line with the 1982 United Nations Convention on the Law of the Sea.

In order for States to become Contracting Parties to the Protocol of 2010, and thereby to the 2010 HNS Convention, they have to submit to the Secretary-General of the IMO, at the same time as their instrument of consent, relevant data on the total quantities of contributing cargo under the 2010 HNS Convention during the preceding calendar year.

At its 100th meeting in 2013, the IMO Legal Committee endorsed Guidelines on the reporting of HNS contributing cargo.

CONTENT: by this draft Decision, Member States would be authorised, for the parts falling under the exclusive competence of the Union, to **ratify or accede to, as appropriate, the Protocol of 2010** in the interest of the Union, with the exception of the aspects related to judicial cooperation in civil matters, and subject to the conditions laid down in the Decision.

Member States should:

- endeavour to take the necessary steps to deposit the instruments of ratification of, or accession to, the Protocol of 2010 within a reasonable time and, **if possible, within four years after the date of entry into force of the Decision;**
- inform each other and the Council and the Commission in an appropriate manner when the **system for the reporting of HNS contributing cargo** becomes operational;
- seek to **exchange best practices**, in particular on the system for the reporting of HNS contributing cargo under the Protocol of 2010.

It should be noted that the provisions of the 2010 HNS Convention relating to the Union's competence in civil matters is covered in a decision adopted in parallel to this decision.