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; Protocol of 2010: ratification and accession by Member States

2015/0136(NLE) - 30/05/2016 - Committee interim report tabled for plenary

The Committee on Legal Affairs adopted the **interim report** by Pavel SVOBODA (EPP, CZ) on the draft Council decision on the ratification and accession by Member States, in the interest of the European 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 the aspects related to judicial cooperation in civil matters.

Parliament received a letter requesting it to give its consent to the draft Council decision on the ratification and accession by Member States on behalf of the Union to the 2010 Protocol to the HNS Convention on 17 December 2015.

With this interim report, Members seek to ensure that the Parliament works towards a positive outcome with the Council and the Commission on this issue.

The committee asked the Council and the Commission to take into account the following recommendations:

- ensure that the **uniformity, integrity and effectiveness of common Union rules** will not be adversely affected by the international commitments undertaken by the ratification of or accession to the 2010 HNS Convention;
- pay greater attention in this regard to the **overlap** between the recast of Brussels I Regulation and the 2010 HNS Convention in so far as rules of procedure applicable to claims and actions under the said Convention before courts of state parties are concerned;
- ensure that the possibility for a **conflict** between the Directive on environmental liability and the 2010 HNS Convention;
- ensure that the **risk is diminished** of creating and consolidating a competitive disadvantage for the states that are ready to accede to the 2010 HNS Convention;
- ensure the **removal of the permanent co-existence** of two maritime liability regimes - a Union-based one and an international one;
- ensure that a **clear obligation** is imposed on Member States to take all necessary steps to achieve a concrete result, namely to ratify or accede to the 2010 HNS Convention within a reasonable timeframe, which should be no longer than two years from the date of entry into force of the Council decision.