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) - 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 the exception of 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:

- guarantee **respect for the principle of conferral of Union competences** under Article 5(1) TEU and the settled case law of the Court of Justice;
- 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 increased attention in this regard to the **overlap** between the Environmental Liability Directive and the 2010 HNS Convention in so far as environmental damage caused to the territory and marine waters under the jurisdiction of a state party, damage by contamination of the environment caused in the EEZ or equivalent area (up to 200 nautical miles from baselines) of a state party and preventive measures to prevent or minimise such damage (preventive measures, primary remediation, and complementary remediation) are concerned;
- reduce the risk 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.