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) - 08/06/2016 - Interim resolution adopted by Parliament

The European Parliament adopted 638 votes to 7, with 35 abstentions, a resolution 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.

To recall, the aim of the 2010 HNS Convention is to ensure accountability and the payment of adequate, prompt and effective compensation for loss or damage to persons, property and the environment arising from the carriage of hazardous and noxious substances by sea through the specialised International HNS compensation fund.

Based on the interim report presented by the Committee on Legal Affairs, Parliament called on the Council and the Commission to take into consideration 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 in accordance with the settled case law of the Court of Justice;
- 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, compared to those who might wish to delay this process and continue to be bound by the ELD only;
- 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.

Parliament concluded that this resolution would be a further possibility for the Council and the Commission to address the recommendations set out above.