Marine pollution by ships: civil liability for bunker oil pollution damage, 2001 Bunkers Convention

2001/0271(CNS) - 19/09/2002 - Final act

PURPOSE : to authorise the Member States to accede to the Bunkers Convention. COMMUNITY MEASURE : Council Decision 762/2002/EC authorising the Member States, in the interests of the Community, to sign, ratify or accede to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (the Bunkers Convention). CONTENT : Articles 9 and 10 of the Bunkers Convention affect Community secondary legislation on jurisdiction and the recognition and enforcement of judgements as laid down in Council Regulation 44/2001. The Community has sole competence in relation to Articles 9 and 10 of the Bunkers Convention. The Member States retain their competence for matters covered by that Convention which do not affect Community law. Only States may be party to the Convention. It is not possible for the Community to ratify it. Given the subject matters and aim of the Convention, acceptance of the provisions of that Convention which come under Community competence cannot be disassociated from the provisions which come under the competence of the Member States. The Council, therefore, authorises the Member States (with the exception of Denmark) to ratify the Bunkers Convention in the interests of the community. Member States must make a declaration on the mutual recognition of judgements on matters covered by the Convention. Judgements will be recognised and enforced according to the relevant internal Community rules on the subject. Member States must make efforts to sign the Convention before 30 September 2002. They must exchange information on the state of their ratification or accession proceedings. At the earliest opportunity Member States will use their best endeavours to ensure that the Bunkers Convention is amended to allow the Community to become a Contracting Party to it.