United Nations Convention on a Code of Conduct for Liner Conferences

2006/0308(COD) - 31/12/2006 - Legislative proposal

PURPOSE: to repeal Council Regulation (EEC) No 954/79 concerning the ratification by Member States of, or their accession to, the United Nations Convention on a Code of Conduct for Liner Conferences.

PROPOSED ACT: European Parliament and Council Regulation.

CONTENT: Council Regulation (EEC) No 954/79 deals with the accession to or ratification by Member States of the United Nations Convention on a Code of Conduct for Liner Conferences. The Convention on a Code of Conduct for Liner Conferences (Geneva, 6 April 1974) was drafted under the auspices of the United Nations Conference on Trade and Development (UNCTAD) with the aim of setting out a harmonised international framework for the operation of shipping conferences. The objective of the UNCTAD Convention was to promote a fair balance in the access to freight in liner shipping between operators from developed countries and those from developing ones. The Convention also provides for rules and procedures aiming at avoiding abuses by conferences and at favouring a dialogue between shippers and carriers. Thirteen Member States of the Community are party to the Code.

On 25 September 2006, the Council adopted Regulation (EC) No 1419/2006 repealing Regulation (EEC) No 4056/86. Regulation (EEC) No 4056/86 provided for a block exemption of liner conferences from the EC Treaty's ban on restrictive business practices (Article 81).

For reasons of legal consistency, the repealing of Council Regulation No 954/79 should entry into force at the moment of the repeal of the exemption from the prohibition in Article 81(1) of the Treaty in respect of shipping conferences, that is to say at the end of the two years transitional period foreseen by Council Regulation (EC) No 1419/2006 repealing Regulation No 4056/86.

At the end of the transition period, the prohibition in Article 81 (1) of the Treaty will apply to scheduled maritime transport services and as a consequence shipping conferences will no longer be allowed to operate in trades to/from the ports of the Member States. The Member States will therefore be prevented from fulfilling their obligations under the Code. At that time Member States will no longer be in a position to ratify, approve or accede to the Code. Regulation (EEC) No 954/79 will therefore become inapplicable and should be repealed at the end of the transition period provided for in Regulation (EC) No 1419/2006, that is, on 18 October 2008.