Basic information

2001/0271(CNS) CNS - Consultation procedure Decision	Procedure completed
Marine pollution by ships: civil liability for bunker oil pollution damage, 2001 Bunkers Convention **Subject** 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs and Internal Market	ROTHLEY Willi (PSE)	24/01/2002

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health, Consumer Policy	The committee decided not to give an opinion.	
RETT Regional Policy, Transport and Tourism	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner
Energy and Transport	

Key events

Date	Event	Reference	Summary
19/11/2001	Legislative proposal published	COM(2001)0675	Summary
04/02/2002	Committee referral announced in Parliament		
28/05/2002	Vote in committee		Summary
28/05/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0201/2002	
11/06/2002	Decision by Parliament	T5-0287/2002	Summary
19/09/2002	Act adopted by Council after consultation of Parliament		
19/09/2002	End of procedure in Parliament		

25/09/2002	Final act published in Official Journal		

Technical information

Procedure reference	2001/0271(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 061 EC Treaty (after Amsterdam) EC 067 EC Treaty (after Amsterdam) EC 300
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/15551

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0201/2002	28/05/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0287/2002 OJ C 261 30.10.2003, p. 0028-0096 E	11/06/2002	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2001)0675  OJ C 051 26.02.2002, p. 0371 E	19/11/2001	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2002/0762
OJ L 256 25.09.2002, p. 0007-0016 Summary

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

2001/0271(CNS) - 11/06/2002 - Text adopted by Parliament, 1st reading/single reading

Using its procedure without debate, the European Parliament adopted the resolution drafted by Willi ROTHLEY (PES, Germany) approving the proposal authorising Member States to sign and ratify the Bunkers Convention.

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.

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

2001/0271(CNS) - 19/11/2001 - Legislative proposal

PURPOSE: To ensure EU exclusive responsibility over Articles 9 and 10 of the International Convention on Civil Liability for Bunker Oil Pollution Damage CONTENT: In March 2001 the International Convention on Civil Liability for Bunker Oil Pollution Damage was signed in London. The signing of the so-called "Bunker's Convention" is significant in that is fills a gap in the international regulation of marine pollution liability by ensuring that all vessels over 1000 gross tonnage must hold adequate insurance cover. Its provisions on the right of direct action allows a claim for compensation relating to pollution damage can be brought directly against the insurer. It appears, nevertheless that a legislative gap regarding exclusive responsibility for aspects of the Convention have emerged. Negotiators at the Convention noticed, unfortunately at a very late stage only, that Articles 9 and 10 of the Convention relating to provisions on the jurisdiction, recognition and enforcement of judgments is a matter exclusive to the EU and not the Member States. Jurisdiction, recognition and enforcement of judgements are covered by EU Regulation 44/2001 and has been devised to ensure that such areas remain the exclusive responsibility of the European Union. All Member States, other than Denmark, are bound by the provisions of Regulation 44 /2001. As such, the European Union should have become a contracting party to the Bunker's Convention. Unfortunately, and in spite of, last minute attempts to find a co-ordinated position on this matter, it was too late to change the wording of the Convention. Renegotiation and/or revision of the Bunker's Convention to take account of this gap is unlikely in the foreseeable future. Accepting that the speedy ratification of the Bunker's Convention is of utmost urgency a compromise solution has been sought and found. Bearing in mind the unique problems posed by the failure to ensure the Commission become a contracting party to the Convention, a Council decision exceptionally authorising ratification, subject to a reservation, is proposed. The Council Decision would thus include the following statement: "Member States of the European Community subject to Community rules in this area shall apply Community rules on jurisdiction in their mutual relation insofar as the pollution damage is caused in a geographical area referred to in Article 2 of the Convention of a Member State of the European Community and the defendant is domiciled in a Member State of the European Community. Judgements referred to in Article 10.1 of the Convention shall, when given by a Court of a Member State of the European Community subject to Community rules in this area, be recognised and enforced in another Member State of the European Community according to such Community rules." Member States would thus be able to ratify the Convention whilst committing themselves to apply Regulation 44/2001 in their mutual relations. This measure, it is stressed, should be viewed as an interim solution only until such time that the Convention can be revised. Thus, in matters relating to the civil liability provisions regarding oil bunkers, Regulation 44/2001 shall continue to regulate the mutual relations between Member States.