Basic information

2001/0272(CNS) CNS - Consultation procedure Decision	Procedure completed
Carriage of hazardous substances by sea: liability and compensation for damage, HNS Convention See also 2015/0135(NLE) See also 2015/0136(NLE) **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	BARTOLOZZI Paolo (PPE-DE)	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

Council configuration	Meetings	Date
General Affairs	2463	2002-11-18

European Commission

Commission DG	Commissioner
Energy and Transport	

Key events

Date	Event	Reference	Summary
19/11/2001	Legislative proposal published	COM(2001)0674	Summary
10/12/2001	Committee referral announced in Parliament		

28/05/2002	Vote in committee		Summary
28/05/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0204/2002	
11/06/2002	Decision by Parliament	T5-0288/2002	Summary
18/11/2002	Act adopted by Council after consultation of Parliament		
18/11/2002	End of procedure in Parliament		
13/12/2002	Final act published in Official Journal		

Technical information

Procedure reference	2001/0272(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Amendments and repeals	See also 2015/0135(NLE) See also 2015/0136(NLE)
Legal basis	EC Treaty (after Amsterdam) EC 067 EC Treaty (after Amsterdam) EC 061 EC Treaty (after Amsterdam) EC 300
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/15552

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0204/2002	28/05/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0288/2002 OJ C 261 30.10.2003, p. 0029-0097 E	11/06/2002	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2001)0674  OJ C 051 26.02.2002, p. 0370 E	19/11/2001	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2002/0971
OJ L 337 13.12.2002, p. 0055-0081 Summary

Carriage of hazardous substances by sea: liability and compensation for damage, HNS Convention

2001/0272(CNS) - 19/11/2001 - Legislative proposal

PURPOSE: To secure EU exclusive responsibility over Article 38, 39 and 40 of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, the HNS Convention. CONTENT: The HNS Convention was adopted in 1996 with the specific aim of establishing liability and compensation for pollution damage caused by a great variety of substances, including gases and chemicals, when carried by sea. To date only Russia has ratified the Convention and as a result the Convention is yet to enter into force. Chapter IV of the HNS Convention covers provisions concerning the jurisdiction, recognition and enforcement of judgement relating to the application of the Convention. Since 1996 however, when the Convention was first negotiated, the European Union has implemented Regulation 44/2001 which sets out common rules on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters. It is a Regulation which binds all EU Member States bar Denmark. Importantly, Council Regulation 44/2001 awards the EU exclusive responsibility for all matters pertaining to jurisdiction and the recognition and enforcement of judgements in civil and commercial matters. In light of this only the Community has the right to negotiate, conclude and fulfil the international commitments set up by the Convention. Thus a legislative anomaly between the Convention and European Union exists. The purpose of this proposal for a Council Decisions is to authorise ratification of the Convention, subject to a reservation, whereby Member States undertake to apply Regulation 44/2001 in their mutual relations. The reservation, listed in the Decision should read as follows: "Judgements referred to in Article 40 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 enforce in another Member State of the European Community according to such Community rules." Whilst Denmark would not be bound by such a reservation, Article 10 of the Treaty establishing the European Community would mean that Denmark has a duty to consult on this matter with other Member States in the Council.

Carriage of hazardous substances by sea: liability and compensation for damage, HNS Convention

2001/0272(CNS) - 11/06/2002 - Text adopted by Parliament, 1st reading/single reading

Using its procedure without debate, the European Parliament adopted a resolution drafted by Paolo BARTOLOZZI (EPP-ED, I) approving the proposal with no amendments.

Carriage of hazardous substances by sea: liability and compensation for damage, HNS Convention

2001/0272(CNS) - 18/11/2002 - Final act

PURPOSE : to authorise Member States, in the interests of the Community, to ratify or accede to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (the HNS Convention). COMMUNITY MEASURE : Council Decision 2002/971/EC. CONTENT : The HNS Convention is aimed at ensuring adequate, prompt and effective compensation of persons who suffer damage caused by spills of hazardous and noxious substances, when carried by sea. The Convention fills a significant gap in the international regulation of marine pollution liability. The substantive rules of the system established by the HNS Convention fall under the national competence of Member States and only the provisions of jurisdiction and recognition and enforcement of judgements are matters covered by exclusive Community competence. Given the subject matters and the aim of the HNS Convention, acceptance of its provisions which come under Community competence cannot be disassociated from the provisions which come under the competence of Member States. The Council therefore authorises the Member States to ratify or accede to the HNS Convention in the interests of the Community, under the conditions set out in this Decision. Denmark is not subject to the application of this Decision.