



Council of the
European Union

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NOTE

From: General Secretariat of the Council
To: Delegations

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Subject: Proposal for a Council Decision on the signing, on behalf of the European Union, of the United Nations Convention on the International Effects of Judicial Sales of Ships, adopted by the United Nations General Assembly in New York on 7 December 2022

- Declaration on competence
- Presidency compromise text

Delegations will find below a revised text for the declaration on competence, following the meeting on 4 October 2023. Changes from the last version are marked in **bold underlined** for additions and **~~bold strikethrough~~** for deletions. Previous changes from the original version are marked in **bold** for additions and as [...] for deletions. An addition in the title of the declaration is marked in *italics*.

Declaration pursuant to Article 18(2) concerning the competence of the European Union over those matters governed by the Beijing Convention on Judicial Sale of Ships, adopted by the United Nations General Assembly on 7 December 2022 in New York, in respect of which the Member States have transferred their competence to the European Union

1. Article 18(1) of the Beijing Convention on judicial sale of ships provides that a Regional Economic Integration Organisation that is constituted by sovereign States and has competence over certain matters governed by this Convention may sign it on condition that it makes the declaration referred to in Article 18(2). The European Union has decided to sign the Beijing Convention on judicial sale of ships and is hereby making that declaration.

[...]

5. [...] **As regards** matters governed by the Beijing Convention on judicial sale of ships, the European Union has exclusive competence over certain provisions of the Convention:

(i) [...] ¹ ([...]-Article 9 of the Beijing Convention [...] (*‘Jurisdiction to avoid and suspend judicial sale’*) **in respect of the rules on jurisdiction in Regulation (EU) No. 1215/2012², and**

(ii) [...] **Article 4 of the Beijing Convention (*‘Notice of judicial sale’*) in respect of the rules on the service of judicial and extrajudicial documents in civil or commercial matters (service of documents) in Regulation (EU) No 2020/1784³**

to the extent that these provisions ~~in~~ may affect common rules or alter their scope within the meaning of Article 3(2) TFEU

[...]

² **Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, OJ L 351, 20.12.2012, p. 1–32, OJ L 351, 20.12.2012, p. 1–32.**

³ **Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil and commercial matters, OJ L 405, 2.12.2020, p. 40–78.**

6. The competence of the European Union pursuant to the Treaty on European Union and to the Treaty on the Functioning of the European Union is, by its nature, liable to continuous development. In the framework of the Treaties, the competent institutions may take decisions which determine the extent of the competence of the European Union. The latter therefore reserves the right to amend the present declaration accordingly, without this constituting a prerequisite for the exercise of its competence with regard to matters governed by the Beijing Convention on judicial sale of ships.
 7. **The Union hereby specifies that the Beijing Convention is to apply, with regard to the competence of the Union, to the territories in which the EU Treaties are applied pursuant to Article 52 TEU and under the conditions laid down in, *inter alia*, Article 355 TFEU.**
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