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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 - Presidency compromise text

Delegations will find below a revised text for the proposal, following the meeting on 4 October 2023. Changes from the last version are marked in **bold underlined** and ~~**bold strikethrough**~~. Previous changes from the original Commission proposal are marked in **bold** and as [...]

2023/0195 (NLE)

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2) points ([...] **b**) and ([...] **c**), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 23 May 2022, the Council authorised the Commission to open negotiations on a convention on the international effects of judicial sale of ships. These negotiations were successfully concluded by the adoption of the text of the convention by United Nations General Assembly in New York on 7 December 2022.
- (2) The United Nations Convention on the International Effects of Judicial Sales of Ships ('Beijing Convention on the Judicial Sale of Ships'), adopted by United Nations General Assembly in New York on 7 December 2022, strengthens the existing international legal framework on shipping and navigation and makes a useful contribution to the development of harmonious international economic relations. It is therefore desirable that the provisions of this instrument are applied as soon as possible.

(3) The [...] Union is [...] **developing judicial cooperation in civil matters having cross border implications** based on the principle of mutual recognition of [...] **judgments and of decisions in extrajudicial cases**. In that context, the Union legislator has adopted, amongst others, 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 matters¹ and 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 or commercial matters².

(4) Some of the matters dealt with in the Beijing Convention on the Judicial Sale of Ships affect Regulation (EU) No 1215/2012 and Regulation (EU) 2020/1784. The Union therefore has exclusive competence over these matters, while the other matters dealt with in the Beijing Convention on the Judicial Sale of Ships do not fall under that competence.

[...](6) Article 18(1) of the Beijing Convention on Judicial Sale of Ships provides that Regional Economic Integration Organisations which have competence over certain matters governed by the Beijing Convention on judicial sale of ships may sign, accept, approve or accede that Convention.

(7) Article 18(2) of the Beijing Convention on Judicial Sale of Ships provides that, [...] a Regional Economic Integration Organisation is to make a declaration specifying the matters governed by that Convention in respect of which competence has been transferred to that organisation by its Member States. **Article 20(1) provides that this declaration shall be made at the time of signature, ratification, acceptance, approval or accession.** The Union should consequently make such a declaration at the time of signature of the Beijing Convention on Judicial Sale of Ships.

¹ OJ L 351, 20.12.2012, p. 1.

² OJ L 405, 2.12.2020, p. 40.

- (8) T[...]he Beijing Convention on Judicial Sale of Ships should be signed on behalf of the Union, subject to its conclusion at a later date and the attached Declaration be approved.
- (9) ~~{In accordance with Article 3 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Decision.}~~

OR

{In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.}

- (10) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

HAS ADOPTED THIS DECISION:

Article 1

The signing of the United Nations Convention on the International Effects of Judicial Sales of Ships ('Beijing Convention on the Judicial Sale of Ships'), adopted by United Nations General Assembly in New York on 7 December 2022, is hereby approved on behalf of the Union, subject to its conclusion.

The text of the Beijing Convention on Judicial Sale of Ships is attached to this Decision.

Article 2

The Declaration attached to this Decision shall be approved on behalf of the Union. When signing the Beijing Convention on Judicial Sale of Ships, the Union shall make the Declaration attached to this Decision, in accordance with Articles 18(2) **and 20 (1)** of the Beijing Convention on Judicial Sale of Ships.

Article 3

[...]The President of the Council is hereby authorised to designate the person(s) empowered to sign the Convention on behalf of the Union, subject to the condition set out in Article 2.

Article 4

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the Council

The President

[...]


