



Council of the
European Union

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LIMITE

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 7810/22 ADD1
Subject:	Council Decision authorising the European Commission to negotiate a convention on the international effects of judicial sales of ships in the framework of the United Nations Commission on International Trade Law (UNCITRAL) - Adoption

1. On 31 March 2022, the Commission submitted to the Council a Recommendation for a Council Decision authorising the European Commission to negotiate a convention on the judicial sale of ships in the framework of the United Nations Commission on International Trade Law (UNCITRAL).

2. The draft convention¹ was drafted by the Comité Maritime International and presented by Switzerland at the 35th session of the UNCITRAL Working Group VI held between 13 and 17 May 2019 in New York. Subsequent sessions of the UNCITRAL Working Group VI were convened and, at the most recent session held in New York between 7 and 11 February 2022, further progress was made with a view that the draft convention will be finalised and submitted to the UNCITRAL Commission scheduled from 27 June to 15 July 2022 for approval and transmittal to the UN General Assembly for adoption as a convention in the second half of 2022.
3. The positions of the EU and of its Member States were defined within the Working Party on Civil Law Matters in several preparatory documents².
4. The draft Council Decision³ was examined by the Working Party on Civil Law Matters on 5, 13 and 27 April 2022 and endorsed, as modified, to take into account a number of necessary adjustments. The related draft negotiating directives were examined and modified at the same time.

¹ [Commission Sessions | United Nations Commission On International Trade Law.](#)

² See documents 5647/22, 12763/21 REV1, 7815/21, 13855/20, 13960/1/19 RESTREINT UE/EU RESTRICTED, 8985/19 REV 1 RESTREINT UE/EU RESTRICTED.

³ Ireland is bound by Regulation (EU) No 1215/2012, Regulation (EC) No 1393/2007 and Regulation (EU) 2020/1784 and is therefore taking part in the adoption of this Decision. 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.

5. With regard to the timing of the presentation of the recommendation by the Commission to the Council, the Working Party regretted that the text had been submitted to the Council at such a late stage in view of the progress of the UNCITRAL negotiations and it was recalled in the discussions that the recommendation should have been submitted in view of the opening of negotiations. It was recommended that in the future, in accordance with the provisions of Article 218 TFEU and the principle of loyal cooperation, the Commission should submit to the Council a recommendation for a Council decision authorising the opening of negotiations as soon as possible, once discussions at international level have entered the negotiation phase.
6. Subject to confirmation by the Permanent Representatives' Committee, the Council is invited to:
- adopt the Council Decision, as finalised by the legal linguistic experts in document 8926/22;
 - adopt the addendum to document 8926/22 containing the related negotiating directives;
 - decide to inform the European Parliament of the adoption of the Council Decision in compliance with Article 218(10) TFEU;
 - decide to transmit the text of the adopted Council Decision to the European Parliament; and
 - decide to transmit the text of the adopted negotiating directives annexed to the Council Decision to the European Parliament.
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