

EUROPEAN PARLIAMENT

2004



2009

Session document

FINAL
A6-0369/2007

8.10.2007

RECOMMENDATION

on the proposal for a Council decision authorising the Republic of Slovenia to ratify, in the interest of the European Community, the Protocol of 12 February 2004 amending the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy
(9453/2007 – C6-0180/2007 – 2006/0260(AVC))

Committee on Legal Affairs

Rapporteur: Giuseppe Gargani

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision authorising the Republic of Slovenia to ratify, in the interest of the European Community, the Protocol of 12 February 2004 amending the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy
(9453/2007 – C6-0180/2007 – 2006/0260(AVC))**

(Assent procedure)

The European Parliament,

- having regard to the proposal for a Council decision (9453/2007),
 - having regard to the request for assent submitted by the Council pursuant to Article 300, third paragraph, second subparagraph of the EC Treaty (C6-0180/2007),
 - having regard to Rule 75(1) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Legal Affairs (A6-0369/2007),
1. Gives its assent to the proposal for a Council decision;
 2. Instructs its President to forward its position to the Council and Commission.

EXPLANATORY STATEMENT

The proposal concerns a Council decision the aim of which is to authorise Slovenia, the only new Member State which is a contracting party to the 1960 Paris Convention on Third-Party Liability in the Field of Nuclear Energy ('the Convention') to ratify the 2004 Protocol amending that Convention ('the Protocol').

Ratification of, or accession to, the Protocol falls within the sphere of competence of both the Member States and the Community. The Community has sole competence with regard to the possibility of amending Article 13 of the Convention where such an amendment has an impact on the rules laid down in Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. The Member States retain their competence in matters covered by the Protocol which do not affect Community law.

By two Decisions, 2003/882/EC of 27 November 2003 and 2004/294/EC of 8 March 2004, the Council authorised the Member States which are contracting parties to the Convention to sign and ratify the Protocol or to accede to it. Austria, Ireland and Luxembourg are not parties to the Convention and will not sign the Protocol.

Slovenia signed the Protocol to the Convention on 12 February 2004. Since Decision 2004/294/EC had been addressed only to certain Member States, when Slovenia acceded to the European Union on 1 May it could not be considered an addressee of the Decision, pursuant to Article 53 of the 2003 Act of Accession. Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia are not contracting parties to the Paris Convention but are parties to the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963. Cyprus and Malta are not parties to any international convention on third-party liability in the nuclear field.

In the light of the above, the sole purpose of this Decision is to place Slovenia on an equal footing with the Member States addressed by Decision 2004/294/EC. Denmark will not participate in the adoption of this proposal for a decision and will not be bound by it or subject to its application. The United Kingdom and Ireland are bound by Council Regulation (EC) No 44/2001 and will therefore participate in the adoption of the proposal for a decision.

PROCEDURE

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| Title | Ratification by Slovenia of the Protocol of 12 February 2004 amending the Paris Convention of 29 July 1960 on Third-Party Liability in the Field of Nuclear Energy |
| References | 09453/2007 - C6-0180/2007 - COM(2006)0793 - 2006/0260(AVC) |
| Date of request for Parliament's assent | 14.6.2007 |
| Committee responsible Date announced in plenary | JURI 21.6.2007 |
| Committee(s) asked for opinion(s) Date announced in plenary | ITRE 21.6.2007 |
| Not delivering opinions Date of decision | ITRE 17.7.2007 |
| Rapporteur(s) Date appointed | Giuseppe Gargani 25.6.2007 |
| Discussed in committee | 10.9.2007 |
| Date adopted | 4.10.2007 |
| Result of final vote | +: 22 -: 0 0: 0 |
| Members present for the final vote | Carlo Casini, Bert Doorn, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Katalin Lévai, Hans-Peter Mayer, Manuel Medina Ortega, Aloyzas Sakalas, Francesco Enrico Speroni, Gary Titley, Diana Wallis, Rainer Wieland, Jaroslav Zvěřina, Tadeusz Zwiefka |
| Substitute(s) present for the final vote | Charlotte Cederschiöld, Kurt Lechner, Marie Panayotopoulos-Cassiotou, József Szájer |
| Substitute(s) under Rule 178(2) present for the final vote | Lily Jacobs, Genowefa Grabowska, Michael Cashman, Iles Braghetto |