



EUROPEAN PARLIAMENT

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*Plenary sitting*

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**A7-0198/2013**

5.6.2013

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## **RECOMMENDATION**

on the draft Council decision authorising certain Member States to ratify, or to accede to, the Protocol amending the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963, in the interest of the European Union, and to make a declaration on the application of the relevant internal rules of Union law  
(06206/2013 – C7-0063/2013 – 2012/0262(NLE))

Committee on Legal Affairs

Rapporteur: Alajos Mészáros

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

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

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION .....	5
EXPLANATORY STATEMENT.....	6
RESULT OF FINAL VOTE IN COMMITTEE .....	8



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the draft Council decision authorising certain Member States to ratify, or to accede to, the Protocol amending the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963, in the interest of the European Union, and to make a declaration on the application of the relevant internal rules of Union law (06206/2013 – C7-0063/2013 – 2012/0262(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (06206/2013),
  - having regard to the Protocol of 12 September 1997 amending the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 (06658/2013),
  - having regard to the request for consent submitted by the Council in accordance with Articles 81(2) and 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0063/2013),
  - having regard to Rules 81 and 90(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Legal Affairs (A7-0198/2013),
1. Consents to the draft Council decision;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.

## EXPLANATORY STATEMENT

International nuclear liability is governed by two instruments: the Vienna Convention and the Paris Convention on third party liability in the field of nuclear energy of 1960. Both conventions share similar principles on substance. The Vienna Convention was adopted to provide adequate and fair compensation to victims of damage caused by nuclear accident by setting up a special system of civil liability in the field of nuclear energy.

The Protocol adopted on 12 September 1997 under the auspices of the International Atomic Energy Agency to the Vienna Convention includes provisions on jurisdiction and on the recognition and enforcement of judgments, which affect provisions contained in EU law, in particular the Brussels I Regulation<sup>1</sup>. The Union therefore has exclusive competence over those provisions in the Protocol and the Member States cannot become contracting parties to the Protocol as far as those provisions are concerned.

In order to address the remaining lack of uniformity among Member States concerning the rules governing the procedure for recognition and enforcement of judgments in the field of nuclear damage, the Commission has committed itself to consider extending, in a future proposal, the solution to giving precedence to Union rules to the Member States which ratified the 1997 Protocol prior to their accession to the European Union, i.e. Latvia and Romania, and to Member States which are Contracting Parties to the Paris Convention.

The Council is therefore proposing to authorise the Member States which are contracting parties to the Vienna Convention, i.e. Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, and Slovakia, to ratify or conclude the 1997 Protocol. A similar solution was suggested concerning the Protocol amending the Paris Convention in 2004.

According to the draft Council decision, the United Kingdom and Ireland will be taking part in its adoption and application, under Protocol No 21 to the Treaty on the Functioning of the European Union (TFEU), whereas Denmark will not be taking part in its adoption and will not be bound by it or subject to its application, under Protocol No 22 to the TFEU.

In accordance with Articles 81(2) and 218(6)(a) TFEU, the draft Council decision requires the consent of Parliament since the agreement concerns the mutual recognition of judgments, an area to which the ordinary legislative procedure applies according to Article 81(2)(a) TFEU.

Your rapporteur recommends that the Parliament gives its consent to the draft Council decision in order to allow the contracting parties to the Vienna Convention to conclude the 1997 Protocol.

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<sup>1</sup> 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).



## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	30.5.2013
<b>Result of final vote</b>	+: 22 -: 0 0: 0
<b>Members present for the final vote</b>	Raffaele Baldassarre, Luigi Berlinguer, Françoise Castex, Christian Engström, Marielle Gallo, Giuseppe Gargani, Sajjad Karim, Klaus-Heiner Lehne, Antonio López-Istúriz White, Antonio Masip Hidalgo, Jiří Maštálka, Alajos Mészáros, Bernhard Rapkay, Evelyn Regner, Rebecca Taylor, Alexandra Thein, Rainer Wieland, Cecilia Wikström, Tadeusz Zwiefka
<b>Substitute(s) present for the final vote</b>	Mary Honeyball, Eva Lichtenberger, József Szájer, Axel Voss