



EUROPEAN PARLIAMENT

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Plenary sitting

A7-0341/2011

11.10.2011

RECOMMENDATION

on the draft Council decision concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, as regards Articles 10 and 11 thereof

(08663/2011 – C7-0143/2011 – 2003/0132B(NLE))

Committee on Legal Affairs

Rapporteur: Klaus-Heiner Lehne

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.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, as regards Articles 10 and 11 thereof (08663/2011 – C7-0143/2011 – 2003/0132B(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (08663/2011),
 - having regard to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974,
 - having regard to the request for consent submitted by the Council in accordance with Article 81(1) and Article 81(2), points (a) and (c), in conjunction with Article 218(6), second subparagraph, point (a), and Article 218(8), first subparagraph, of the Treaty on the Functioning of the European Union (C7-0143/2011),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Legal Affairs (A7-0341/2011),
1. Consents to accession to the Protocol;
 2. Instructs its President to forward its position to the Council, the Commission, the governments and parliaments of the Member States, and the International Maritime Organization.

EXPLANATORY STATEMENT

The 2002 Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea of 1974 aims at addressing certain shortcomings in the regulation of the liability of carriers at international level.

The majority of the articles of the Athens Protocol concern amendments to the Athens Convention regarding liability of a carrier, compulsory insurance, limit for liability for death and personal injury or for loss of or damage to luggage and vehicles and accounting and conversion issues. These are all issues relating to transport and the Committee on Transport is therefore responsible for drafting the European Parliament legislative resolution on the draft Decision relating to those articles.

Under Annex VII to the Rules of Procedure, the Committee on Legal Affairs is responsible for, *inter alia*, the interpretation and application of Union law and compliance of Union acts with primary law, notably the choice of legal bases, the interpretation and application of international law, in so far as the Union is affected, and measures concerning judicial and administrative cooperation in civil matters. Since Articles 10 and 11 of the Athens Protocol concern questions relating to jurisdiction and recognition and enforcement of judgments, the relevant legal basis as far as those articles are concerned is Article 81(1) TFEU on judicial cooperation in civil matters and the Committee on Legal Affairs is thus the committee responsible for this aspect of accession to the Protocol.

Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents¹ was adopted in order to take account of these amendments to the Athens Convention. Recital 11 of the Regulation specifies that those matters covered by Articles 10 and 11 of the Protocol will form part of the Union legal order when it accedes to the Athens Convention in so far as they affect the rules established by Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters².

The draft Decision sets out the declarations to be made by the Union at the time of the deposit of the instrument of accession relating to Council Regulation (EC) No 44/2001, Denmark's exemption in accordance with Articles 1 and 2 of Protocol (No 22) to the TFEU and the recognition of judgments given by a third State bound by the Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters of 2007. The Union is to deposit its instruments of accession as regards Articles 10 and 11 of the Athens Protocol by 31 December 2011.

According to Rule 81 of the Rules of Procedure, where Parliament is asked to give its consent to a proposed act, it is to take a decision on the basis of a recommendation from the committee responsible to approve or reject the act. Parliament shall take this decision by

¹ OJ L 131, 28.5.2009, p. 24.

² OJ L 12, 16.1.2001, p. 1.

means of a single vote, and no amendments may be tabled.

The rapporteur proposes that Parliament should give its consent to accession to the Protocol.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	11.10.2011
Result of final vote	+ : 24 - : 0 0 : 0
Members present for the final vote	Raffaele Baldassarre, Luigi Berlinguer, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Marielle Gallo, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Klaus-Heiner Lehne, Antonio Masip Hidalgo, Jiří Maštálka, Alajos Mészáros, Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Dimitar Stoyanov, Diana Wallis, Rainer Wieland, Cecilia Wikström, Tadeusz Zwiefka
Substitute(s) present for the final vote	Kurt Lechner, Eva Lichtenberger, Toine Manders
Substitute(s) under Rule 187(2) present for the final vote	Giuseppe Gargani