



Odbor za pravna pitanja

2014/0345(NLE)

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NACRT PREPORUKE

o nacrtu odluke Vijeća kojom se Kraljevini Belgiji i Republici Poljskoj odobrava ratifikacija Budimpeštanske konvencije o ugovoru o prijevozu robe unutarnjim vodnim putovima (CMNI), a Republici Austriji pristupanje navedenoj konvenciji
(8223/2015 – C8-0000/2015 – 2014/0345(NLE))

Odbor za pravna pitanja

Izvjestitelj: Pavel Svoboda

Oznake postupaka

- * Postupak savjetovanja
- *** Postupak suglasnosti
- ***I Redovni zakonodavni postupak (prvo čitanje)
- ***II Redovni zakonodavni postupak (drugo čitanje)
- ***III Redovni zakonodavni postupak (treće čitanje)

(Navedeni se postupak temelji na pravnoj osnovi predloženoj u nacrtu akta.)

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NACRT ZAKONODAVNE REZOLUCIJE EUROPSKOG PARLAMENTA

o nacrtu odluke Vijeća kojom se Kraljevini Belgiji i Republici Poljskoj odobrava ratifikacija Budimpeštanske konvencije o ugovoru o prijevozu robe unutarnjim vodnim putovima (CMNI), a Republici Austriji pristupanje navedenoj konvenciji (8223/2015 – C8-0000/2015 – 2014/0345(NLE))

(Suglasnost)

Europski parlament,

- uzimajući u obzir nacrt odluke Vijeća (8223/2015),
 - uzimajući u obzir Budimpeštansku konvenciju o ugovoru o prijevozu robe unutarnjim vodnim putovima (8223/15 ADD1),
 - uzimajući u obzir zahtjev Vijeća za davanje suglasnosti u skladu s člankom 81. stavkom 2. točkom (c) i člankom 218. stavkom 6. drugim podstavkom točkom (a) podtočkom (v) Ugovora o funkcioniranju Europske unije (C8-0000/2015),
 - uzimajući u obzir članak 99. stavak 1. prvi i treći podstavak, članak 99. stavak 2. i članak 108. stavak 7. Poslovnika,
 - uzimajući u obzir preporuku Odbora za pravna pitanja (A8-0000/2015),
1. daje suglasnost Kraljevini Belgiji i Republici Poljskoj da ratificiraju Budimpeštansku konvenciju o ugovoru o prijevozu robe unutarnjim vodnim putovima (CMNI), a Republici Austriji da pristupi navedenoj konvenciji;
 2. nalaže svojem predsjedniku da stajalište Parlamenta proslijedi Vijeću, Komisiji te vladama i parlamentima država članica.

SHORT JUSTIFICATION

The Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways was adopted by a diplomatic conference organised jointly by the Central Commission for the Navigation of the Rhine and the Danube Commission in collaboration with the United Nations Economic Commission for Europe, and entered into force on 1 April 2005. It contributes to the internal market in the field of transport by harmonising contracts and inland navigation standards across Europe.

Article 29 of the Budapest Convention contains provisions on the choice of law by the parties to a contract of carriage falling under the convention. Those provisions affect the rules laid down in the Rome I Regulation (Regulation (EC) No 593/2008 on the law applicable to contractual obligations).

The Budapest Convention is thus an agreement falling partly under exclusive European Union competence. However, the convention does not provide for the possibility for the Union to become a party. Nevertheless, Member States cannot ratify or accede to it without an authorisation by the Union (Article 2(1) TFEU).

In this case, the Union's exclusive competence is limited to a single provision, and an authorisation given to individual Member States would not have a negative effect on the implementation of the Union's external policy on judicial cooperation in civil and commercial matters.

Eleven of the Member States are already parties to the Budapest Convention, whereas fifteen Member States have indicated that they do not have inland waterways covered by the convention.

Austria and Poland have expressed an interest in becoming parties to the convention. Their participation will foster the broad implementation of this legal instrument, with benefits for citizens and businesses.

Belgium ratified the convention on 5 August 2008, after the entry into force of the Rome I Regulation on 24 July 2008. It is therefore necessary to give retroactive authorisation in order to rectify the current irregular situation.

The draft decision therefore authorises Belgium and Poland to ratify, and Austria to accede to, the Budapest Convention. For the above reasons, your rapporteur proposes that Parliament should consent to this authorisation.