



**COUNCIL OF
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**TRANS 203
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ADDENDUM TO “A” ITEM NOTE

from: General Secretariat
to: Council

No. prev. doc.: 8770/13 TRANS 178 MAR 48

No. Cion prop.: 8378/13 TRANS 152 MAR 38

8380/13 TRANS 153 MAR 39

Subject:

- Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, at the International Maritime Organization (IMO) with regard to the adoption of certain Codes and related amendments to conventions and protocols
- Proposal for a Council Decision on the position to be adopted on behalf of the European Union at the 65th session of the Marine Environment Protection Committee of amendments to the Condition Assessment Scheme and at the 92nd session of the Maritime Safety Committee of amendments to the International Safety Management Code and amendments to SOLAS chapter III and the High Speed Craft Codes 1994 and 2000 concerning enclosed space entry and rescue drills
- *Establishment of EU positions*

Delegations will find in Annex statements by Greece and Cyprus on the above-mentioned subject.

ΕΛΛΗΝΙΚΗ ΔΗΛΩΣΗ

"Η Ελλάδα υποστηρίζει το περιεχόμενο των κειμένων των δύο Αποφάσεων του Συμβουλίου (Σχέδιο Απόφασης του Συμβουλίου της ΕΕ για την Διαμόρφωση "Θέσης της ΕΕ" για την Υιοθέτηση του III Code και του RO Code και Σχέδιο Απόφασης του Συμβουλίου για την διαμόρφωση Θέσης της ΕΕ στην 65η Σύνοδο της Επιτροπής MEPC και την 92η Σύνοδο της Επιτροπής MSC του IMO - Amendments IOPPC – CAS- ISM – High Speed Craft Code), όπως αυτά διαμορφώθηκαν κατά το στάδιο της διαπραγμάτευσης στο Συμβούλιο και ως εκ τούτου θα υποστηρίζει τις θέσεις της ΕΕ στον IMO.

Εντούτοις και παρά το γεγονός ότι η Ελλάδα υποστηρίζει μία ρεαλιστική προσέγγιση σύμφωνα με την υποχρέωσή μας ως Κράτος Μέλος της ΕΕ για «ειλικρινή συνεργασία», διατηρεί την επιφύλαξη της επί του άρθρου 218(9) της ΣΛΕΕ ως κατάλληλης νομικής βάσης των εν λόγω Αποφάσεων του Συμβουλίου για την υιοθέτηση των θέσεων της ΕΕ και της ακολουθητέας διαδικασίας για τον συντονισμό των Κ-Μ της ΕΕ στον IMO.

Επιπροσθέτως, η Ελλάδα θεωρεί ότι, η εν λόγω διαδικασία δεν θα πρέπει να δημιουργήσει προηγούμενο για παρόμοιες υποθέσεις, όπου η αρμοδιότητα της εξωτερικής εκπροσώπησης των ΚΜ της ΕΕ τόσο στον IMO όσο και σε άλλους Διεθνείς Οργανισμούς έχει ή θα αποτελέσει παρόμοιο ζήτημα."

Statement by Greece

(Courtesy translation)

"Greece can support the content of the texts as reflected in the two Council Decisions (Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, at the International Maritime Organization with regard to the adoption of certain Codes and related amendments to Conventions and Proposal for a Council Decision on the position to be adopted on behalf of the European Union at the 65th session of the Marine Environment Protection Committee of amendments to the Condition Assessment Scheme and at the 92nd session of the Maritime Safety Committee of amendments to the International Safety Management Code and amendments to SOLAS chapter III and the High Speed Craft Codes 1994 and 2000 concerning enclosed space entry and rescue drills), as these texts were modulated during the negotiation in the Council and therefore Greece will support the EU positions in the context of the IMO.

Nevertheless, while Greece is in favour of a pragmatic approach according to our duty of loyal cooperation, we still keep our reservation regarding Article 218(9) of the Treaty being the appropriate legal basis for adopting common Council decisions establishing the position to be adopted on behalf of the European Union and on the subsequent procedure.

In addition, Greece considers that, the aforementioned procedure must not set a precedent for similar cases, where the competence for external representation of the EU Member States in the IMO or in other International Organizations, has or will become an issue."

Statement by Cyprus

"Cyprus, for the purpose of enabling the International Maritime Organization (IMO) to make progress on matters within its mandate and in the interest of enhancing safety and security at sea and the protection of the environment, does not oppose to the adoption of the proposed Council Decisions concerning the positions to be adopted by the Member States of the Union during:

- (1) the 65th and 66th sessions of the Marine Environment Protection Committee of IMO, the 92nd and 93rd sessions of the Maritime Safety Committee of IMO and the 28th regular session of the Assembly of IMO in relation to:
 - (a) the adoption of an IMO Instruments Implementation Code;
 - (b) the adoption of an IMO Code for Recognized Organizations;
 - (c) the adoption of amendments to certain international conventions and protocols for which the Secretary-General of IMO performs depository functions through which the aforesaid codes and the IMO Member States Audit Scheme will be made mandatory; and
 - (d) the acceptance of aforesaid amendments in accordance with the respective provisions of the conventions and protocols concerned;
- (2) the 65th session of the Marine Environment Protection Committee of IMO in relation to the Condition Assessment Scheme; and
- (3) the 92nd session of the Maritime Safety Committee of IMO in relation to the adoption of amendments to the International Safety Management Code and to chapter III of the International Convention for the Safety of Life at Sea 1974, as amended, to the 1994 and 2000 High Speed Craft Codes and to the Dynamically Supported Craft Code concerning entry into enclosed spaces and related rescue drills.

However, Cyprus would like to stress and place it on record that the non opposition of Cyprus to the proposed Council Decisions, shall not, and cannot, be considered or construed as creating or being any form of a precedent and it is without prejudice to the views or positions Cyprus may opt to express or adopt in the context of the outcome of the case pending before the European Court of Justice in relation to the applicability of the provisions of Article 218(9) of the Treaty on the Functioning of the European Union."
