



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 13 May 2013**

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**Interinstitutional File:  
2013/0111(NLE)  
2013/0112(NLE)**

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**9182/13  
COR 1**

**TRANS 203  
MAR 53**

**CORRIGENDUM TO “A” ITEM NOTE**

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from: General Secretariat  
to: Council

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No. prev. doc.: 8770/13 TRANS 178 MAR 48  
No. Cion prop.: 8378/13 TRANS 152 MAR 38  
8380/13 TRANS 153 MAR 39

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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*

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Delegations will find in the Annex a corrected statement by the Netherlands of the document 9182/13 INIT on the above-mentioned subject.

**Statement by the Netherlands**

"In order to safeguard the interests of the European Union, the Netherlands votes in favour of the proposed Council Decisions 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, as well as of the proposed Council Decision on the position to be adopted on behalf of the European Union at the 65<sup>th</sup> session of the Marine Environment Protection Committee of amendments to the Condition Assessment Scheme and at the 92<sup>nd</sup> 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.

While the Netherlands is in favour of a pragmatic approach according to our duty of loyal cooperation and to safeguard the interests of the European Union, this vote in this specific case, cannot be interpreted as a relinquishment of our original position in the case pending. Neither does this set a precedent for similar cases where the competence for external representation has become an issue.

It should therefore be made abundantly clear that the arrangements under this proposal are without prejudice to the division of competences between the European Union and its Member States and that this vote cannot be interpreted in any way as an acceptance of article 218(9) TFEU as an appropriate legal basis for these Council Decisions."

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