



Council of the  
European Union

141348/EU XXV. GP  
Eingelangt am 28/04/17

Brussels, 28 April 2017  
(OR. en)

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**Interinstitutional File:**  
**2016/0021 (NLE)**

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8499/17  
ADD 1

ENV 384  
COMER 60  
MI 351  
ONU 64  
SAN 159  
IND 91

#### **'I/A' ITEM NOTE**

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	6250/3/17 ENV 127 COMER 21 MI 124 ONU 25 SAN 62 IND 36 REV 3
No. Cion doc.:	5772/16 ENV 42 COMER 8 MI 56 ONU 9 SAN 39 IND 24 - COM(2016) 42 final + ADD 1 + ADD 1 REV 1 (de)
Subject:	Draft Council Decision on the conclusion on behalf of the European Union of the Minamata Convention on Mercury - Adoption

#### **JOINT STATEMENT FROM DENMARK AND THE UNITED KINGDOM**

Denmark and the United Kingdom recognise the need for a declaration of competence by the European Union pursuant to Paragraph 3 of Article 30 of the Minamata Convention on Mercury (the Convention).

Denmark and the United Kingdom are, however, of the opinion that the declaration exceeds the requirement laid down in Paragraph 3 of Article 30 of the Convention by attempting to define the nature of the competence of the European Union.

Denmark and the United Kingdom consider that the European Union's declaration pursuant to Paragraph 3 of Article 30 of the Convention does not alter the distribution of competences between the European Union and its Member States as set out in the Treaty on the Functioning of the European Union. The declaration cannot, therefore, be read as implying exclusive European Union competence in relation to any matter under the Convention where competence is shared between the European Union and its Member States.

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## STATEMENT BY THE REPUBLIC OF POLAND

The Republic of Poland is aware of the need for ratification of the Minamata Convention on Mercury ('the Convention') by the European Union. However, the Republic of Poland:

- recognises that the agreement in the Council on the ratification, on behalf of the EU, of the Convention does not in any way pre-empt or prejudge the role of national parliaments in the respective national ratification processes in the Member States in accordance with their national constitutional provisions;
- underlines that the process of ratification of the Convention by the Union and its participation at the Conference of the Parties may not affect the division of competences between the Union and the Member States;
- emphasises that during the Conference of the Parties the Member States and the Commission should cooperate closely during the negotiation process, ensuring unity in the external representation of the European Union;
- notes that the positions to be adopted by the EU and its Member States at the Conference of the Parties will be determined in the usual manner, in accordance with the existing Union rules and working arrangements.

The Republic of Poland recognises the need for a declaration of competence by the European Union pursuant to paragraph 3 of Article 30 of the Convention. However, Poland is of the opinion that the declaration exceeds the requirement laid down in paragraph 3 of Article 30 of the Convention by attempting to define the nature of the competence of the European Union.

The Republic of Poland considers that the European Union's declaration pursuant to paragraph 3 of Article 30 of the Convention does not alter the distribution of competences between the European Union and its Member States as set out in the Treaty on the Functioning of the European Union. The declaration cannot, therefore, be read as implying exclusive European Union competence in relation to any matter under the Convention where competence is shared between the European Union and its Member States.