



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 7 March 2014
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"A" ITEM NOTE

From: General Secretariat of the Council
To: Council

No. prev. doc.: 7129/14 MAR 39 ENV 209
No. Cion doc.: 6714/14 MAR 28 ENV 162

Subject: Proposal for a COUNCIL DECISION on the position to be adopted on behalf of the European Union at the International Maritime Organization during the 66th session of the Marine Environment Protection Committee on the adoption of amendments to MARPOL Annex VI concerning the delay of the Tier III NOx emission standards
- Decision not to work further on the Commission proposal

1. The above-mentioned Commission proposal, which was transmitted to the Council on 18 February 2014, concerns the establishment of the Union position at the 66th session of the IMO Marine Environment Protection Committee (MEPC 66) in relation to the adoption of amendments to MARPOL Annex VI, regulation 13, paragraph 5.1. These amendments introduce a 5-year postponement of the introduction of Tier III NOx emission standards, which enter into force in 2016 and will be applicable in NOx Emission Control Areas (NECAs). The Commission proposal is reflected in document 6712/14 MAR 28 ENV 162.
2. In the light of a considerable number of Union legislative acts in the area of air and water quality, the draft Council Decision proposes to oppose the adoption of the aforementioned amendments and tasks the Member States to express this opposition at IMO.

3. The Council working bodies examined the proposal on 25 February and 4 March 2014. and noted that the subject matter concerned an area of unexercised Union competence. Against this background, a solid majority of delegations stated that they did not see a need for a Council Decision.
4. The Council Legal Service agreed with this analysis and confirmed that it was to the Council's discretion to decide whether it wanted to act on the Commission proposal.
5. On 7 March 2014 the Permanent Representatives' Committee, therefore, considered the aforementioned issue, confirmed that Member States did not want to exercise Union competence on this area for the first time and, consequently, agreed to recommend to the Council not to work further on the Commission proposal.

The Commission entered a statement to the minutes of Coreper regretting the Committee's conclusions.

6. The Council is, therefore, invited to decide not to work further on the Commission proposal.
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