



Council of the
European Union

064955/EU XXV. GP
Eingelangt am 08/05/15

Brussels, 8 May 2015
(OR. en)

Interinstitutional File:
2015/0081 (NLE)

8419/15
ADD 1 REV 2

MAR 58
TRANS 148

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council

No. prev. doc.:	8355/15 MAR 55 TRANS 146
No. Cion doc.:	8001/15 MAR 47 TRANS 131 + ADD 1 + ADD 2

Subject:	Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, in the Port State Control Committee of the Paris Memorandum of Understanding on Port State Control
	- <i>Adoption</i>
	- <i>Statement by Germany</i>

Delegations will find attached a statement to the minutes of the Permanent Representatives Committee and of the Council from the German delegation.

Statement by the Federal Republic of Germany

“Germany consents to the Council Decision, which exclusively concerns the 48th Meeting of the Port State Control Committee of the Paris Memorandum of Understanding – PMoU – because Germany agrees with the contents of all envisaged amendments and the competence of the Union regarding the contents of the decision is given in accordance with the rules of Directive 2009/16/EC.

However, Germany is of the opinion that the Paris Memorandum of Understanding on Port State Control – PMoU – is not an international agreement as defined by Title V of the TFEU (Article 216 et seq. TFEU). The PMoU is an administrative agreement not to be assigned to the international law level but below. The provisions of Title V of the TFEU are, therefore, not applicable; the same applies to Article 218(9). For this reason, Germany holds the legal opinion that the procedure in accordance with Article 218(9) TFEU for establishing the positions to be adopted by the Member States in the Port State Control Committee cannot be applied.”
