



Brussels, 23 September 2015

12302/15

MAR 107

“/A” ITEM NOTE

from: General Secretariat of the Council
to: Permanent Representatives Committee / Council

No. Cion prop.: 11290/15 MAR 81 + ADD 1

Subject: Commission Directive (EU) .../... of XXX amending Annex II to Directive 2000/59/EC of the European Parliament and the Council on port reception facilities for ship-generated waste and cargo residues
– Decision not to oppose adoption

1. In accordance with Article 15 of Directive 2000/59/EC¹, the Annexes to this Directive, the definition in Article 2(b), references to Community instruments and references to IMO instruments may be amended in order to bring them into line with Community or IMO measures which have entered into force, insofar as such amendments do not broaden the scope of this Directive.

Furthermore, the Annexes to this Directive may be amended in accordance with that procedure when necessary to improve the regime established by this Directive, insofar as such amendments do not broaden the scope of this Directive.

Those measures shall be adopted in accordance with the regulatory procedure with scrutiny.

¹ Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).

2. Before adopting the draft Directive in question the Commission consulted the Committee on Safe Seas and the Prevention of Pollution from Ships which voted in favour of the draft Directive.
3. Consequently, on 27 July 2015 the Commission submitted to the Council the above draft Directive for scrutiny, in accordance with Article 5a(3)(a) of Council Decision 1999/468².
4. The Shipping Working Party was invited examine the draft measure and to submit comments by 18 September 2015³. Delegations did not provide any indication that there is any reason to oppose the draft measure in question on the grounds described in Decision 1999/468, namely that they:
 - exceed the implementing powers provided for in the basic instrument; or
 - are not compatible with the aim or the content of the basic instrument; or
 - do not respect the principles of subsidiarity or proportionality.
5. The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm that there are no grounds for opposing the draft measure. This implies that, unless the European Parliament opposes the draft Directive within three months from its submission, the Commission shall adopt it in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.

² Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

³ Doc. 11328/15 MAR 84.