



Brussels, 29 October 2015

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MAR 128

“/A” ITEM NOTE

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

No. prev. doc.: 12469/15 MAR 114
No. Cion prop.: 12467/15 MAR 113

Subject: Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 2099/2002 of the European Parliament and of the Council establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)
– Decision not to oppose the adoption (regulatory procedure with scrutiny)

1. The Commission submitted the above draft Commission Regulation to the Council for scrutiny in accordance with the procedure set out in Article 5a(3)(a) of Council Decision 1999/468/EC¹.

¹ 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).

2. The Commission having presented the draft Regulation on 28 October 2015, the Council may decide until 28 December 2015 to oppose its adoption, in accordance with Article 7 of Regulation (EC) No 2099/2002². The measures provided for in this draft Regulation are in accordance with the opinion of the Committee on Safe Seas and prevention of pollution from ships (COSS).
3. The Shipping Working Party was invited examine the draft measures and to submit comments by 27 October 2015³. Delegations did not provide any indication that there is any reason to oppose the draft measures in question on the grounds described in Council 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.
4. The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm that there are no grounds for opposing the draft measures. This implies that, unless the European Parliament opposes the draft Regulation 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 Regulation (EC) No 2099/2002 of the European Parliament and the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1).

³ Doc. 12469/15 MAR 114.