



Council of the
European Union

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From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 1)

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Subject: Preparation of IMO/MSC 96 (London, 11–20 May 2016) – Draft Union information paper to be submitted to the 96th session of the Maritime Safety Committee (MSC 96) concerning information on the EU Operational Guidelines on places of refuge

- *Approval*
- *Statement by the Commission*

Delegations will find attached a statement by the Commission to the minutes of the Permanent Representatives Committee.

Statement by the Commission

The Commission considers that the above mentioned "Union submission" to be submitted to the IMO is covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation and should be made by the Commission on behalf of the EU to IMO and should therefore be sent to the IMO by the Commission.

In the view of the Commission, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing as there is no evidence to suggest that the IMO, as a specialized agency of the United Nations, would be in a position to reject such a submission.

The Commission thus maintains its position that the Treaty provisions on external representation of the Union should be applied and, consequently, to present the submission in question to the IMO by the European Commission on behalf of the European Union is the only legally correct way forward. In case of non-respect of the above rules, the Commission reserves all its rights in this regard.
