



Council of the  
European Union

Brussels, 11 March 2016  
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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Proposal for a Council Decision on the position to be adopted on behalf of the European Union at the International Maritime Organization (IMO) during the 40th session of the Facilitation Committee, the 69th session of the Marine Environment Protection Committee and the 96th session of the Maritime Safety Committee, on the adoption of amendments to the Facilitation Convention, MARPOL Annex IV, SOLAS Regulations II-2/13 and II-2/18, the Fire Safety Systems Code and the 2011 Enhanced Survey Programme Code

- *Adoption*
- *Statement by the Commission*

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Delegations will find attached a statement by the Commission to the minutes of the Council.

**Statement by the Commission**

In so far as the relevant amendments to SOLAS Regulations II-2/13 and II-2/18 and the revised chapters 8 and 17 of the FSS are concerned, their adoption at the IMO affects existing Union legislation. Therefore, these amendments fall within the exclusive external competence of the Union. Consequently, the Union position established in respect of those amendments cannot be limited in scope and must therefore be understood as covering them in their entirety, without prejudice to Article 2(2) TFEU.

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