



Council of the
European Union

117006/EU XXVII. GP
Eingelangt am 20/10/22

Brussels, 20 October 2022
(OR. en)

13152/22
ADD 1

MAR 171
OMI 86
ENV 964

'I/A' ITEM NOTE

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

No. prev. doc.:	12198/1/22 REV 1
No. Cion doc.:	12167/22

Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union within the International Maritime Organization's Maritime Safety Committee during its 106 th session and within the International Maritime Organization's Marine Environment Protection Committee during its 79 th session as regards the amendment of the International Convention for the Safety of Life at Sea (SOLAS), of the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (the '2011 ESP Code') and of Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL) – Commission statement
----------	---

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

The proposed amendments to Chapter II-2 to the International Convention for the Safety of Life at Sea (SOLAS), to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code) and to Annex VI and to appendix IX of Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL) to be adopted by the IMO will affect existing Union rules or alter their scope. As such, these amendments fall entirely within the exclusive external competence of the Union.

Further and in any event, in accordance with established case-law, in particular case C-600/14, the EU external competence is not limited to its exclusive competence. The Union position established in respect of those proposed amendments cannot be limited in scope and must be understood as covering them in their entirety.

The Commission reserves all its rights.
