



Council of the  
European Union

Brussels, 21 October 2020  
(OR. en)

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**Interinstitutional File:**  
**2020/0271(NLE)**

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**'I/A' ITEM NOTE**

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

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No. prev. doc.: ST 11270/20  
No. Cion doc.: ST 11143/20

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Subject: Draft COUNCIL DECISION amending Council Decision (EU) 2020/721 of 19 May 2020 to include the position to be taken on behalf of the European Union within the International Maritime Organization's Marine Environment Protection Committee during its 75<sup>th</sup> session and within the International Maritime Organization's Maritime Safety Committee during its 102<sup>nd</sup> session on the approval of a MSC-MEPC.5 circular on a Model agreement for the authorization of recognized organizations acting on behalf of the Administration

- Adoption
- *Statement by the Commission*

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

**Commission statement**

Adoption by the IMO of the proposed amendments to Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL), to Chapter II-1 to the International Convention for the Safety of Life at Sea and to the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels affects existing Union legislation. As such, these amendments fall within the exclusive external competence of the Union. Furthermore, in accordance with established case-law, in particular case C-600/14, the EU external competence is not limited to exclusive competence. The Union position established in respect of those amendments cannot be limited in scope and must be understood as covering them in their entirety.

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