



Council of the
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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	ST 7475/21
No. prev. doc.:	ST 7762/21
Subject:	Draft submission by Member States and the Commission to the International Maritime Organization's 76th session of the Marine Environment Protection Committee commenting on document MEPC 75/5/3 from the Republic of Korea concerning guidance on Exhaust Gas Cleaning System malfunctioning (draft Circular MEPC.1/Circ.883/Rev.1) – <i>Commission statement</i>

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

Commission statement

The Commission considers that Union submissions to be sent to the IMO are covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

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

The Treaty provisions on external representation of the Union must be applied. It should therefore be made by the European Commission on behalf of the European Union and sent to the IMO by the Commission.

The Commission reserves all its rights in this regard.
