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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

To: Delegations

No. prev. doc.: 9580/1/21 REV 1

No. Cion doc.: 9575/21

Subject: Draft submission by Member States and the Commission to the seventh session of the International Maritime Organization's Sub-Committee on Carriage of Cargoes and Containers commenting on CCC 7/3/Rev.1 Report from the Correspondence Group and proposal for developing guidelines for the use of ammonia and hydrogen as a fuel

1. On 7 June 2021, the Commission transmitted to the Council a Staff Working Document containing a draft submission to the 7th session of the Sub-Committee on Carriage of Cargoes and Containers (CCC 7) of the International Maritime Organization (IMO) commenting on the report of the Correspondence Group on Development of Technical Provisions for the Safety of Ships using Low-flashpoint Fuels (document CCC 7/3/Rev.1) and also proposing to develop guidelines for the use of ammonia and hydrogen as a fuel, with a deadline for transmission to the IMO Secretariat of 11 June 2021.
2. The draft submission was examined by the members of the Shipping Working Party at their informal videoconference on 7 June 2021, based on an informal advance copy of the Commission proposal.

3. Given the late arrival of the proposal, it was agreed to proceed with a written consultation in two stages.
4. The Presidency issued a revised version after the meeting and invited comments for 9 June. The comments received were included in a further revised version which was subjected to a second round of consultation with a deadline for raising objections on 11 June at noon. No delegation objected to the content of the draft submission, which was duly transmitted by the Presidency to the IMO secretariat¹.
5. It should be noted that some delegations did not agree with the Commission's claim for EU exclusive competence.
6. While there was agreement on the substance of the draft submission, there was no agreement on who should submit it. The Commission maintains the view that the draft submission should be made by "the European Commission on behalf of the European Union", while the Member States consider that the submission should be made by the Member States and the European Commission.
7. In this respect, the Commission recalled its long-standing position on this issue, with reference to numerous previous statements made in similar cases, latest on 21 April 2021².
8. Given the urgency and importance of the matter, it was however agreed at working party level to propose to transmit the submissions in the name of the Member States and the European Commission, while taking good note of the position of the Commission.
9. Finally, the Shipping Working Party reiterates its request to the Commission that proposals for submissions to the IMO should be presented in such time as to allow for a proper examination of procedural and substantive issues in at least two working party meetings.

¹ To be issued as IMO doc. CCC 7/3/9.

² 7782/21 ADD 1 and 7786/21 ADD 1.