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From: General Secretariat of the Council
To: Delegations

No. prev. doc.: WK 10149/2/21 REV 2
No. Cion doc.: ST 11375/21

Subject: Draft Union submission to the 10th meeting of the International Maritime Organization's Intersessional Working Group on Reduction of GHG Emissions from Ships commenting on MEPC 76/7/15 by Denmark *et al* and proposing a Low GHG Fuel Standard for international shipping

1. On 31 August 2021, the Commission transmitted to the Council a Staff Working Document¹ containing a draft submission to the 10th meeting of the International Maritime Organization's (IMO) Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG 10) commenting on MEPC 76/7/15 by Denmark *et al* and proposing a Low GHG Fuel Standard for international shipping, with a deadline for transmission to the IMO Secretariat of 3 September 2021.
2. The draft submission was examined at the meeting of the Shipping Working Party on 1 September 2021.

¹ This document was anticipated by informal advance copy that was distributed to the delegations on 27 August 2021 (ref. WK 10147/2021).

3. Given the late arrival of the proposal, it was agreed to proceed with a written consultation in different stages.
4. The Presidency issued a first compromise proposal² on 27 August 2021 and invited delegations to comment ahead of the Shipping Working Party on 1 September 2021. The comments received both in writing as well as at the Working Party were included in a revised version³ which was then subject to further consultation with a deadline on 2 September 2021 at 3 pm. The consultation was quite intense and the Presidency took note of some delegations' comments as regards parts of the submission which would appear not to be really precise but were eventually accepted in a spirit of compromise. No objections were indeed raised to the content of the draft submission as reflected in WK 10149/2021 REV2, which was duly transmitted by the Presidency to the IMO secretariat.
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 in Annex to document 10639/21 ADD 1 dated 26 July 2021.
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 this latter.
9. Finally, the Shipping Working Party reiterated its request to the Commission that proposals for submissions to the IMO should be presented well in advance as to allow for a proper examination of procedural and substantive issues.

² Ref. WK 10149/2021.

³ Ref. WK 10149/2021 REV1.