

Bruxelles, le 9 février 2022
(OR. en, fr)

5827/22
ADD 1

MAR 20
OMI 15
ENV 89
CLIMA 44

NOTE POINT "I"

| | |
|----------------|--|
| Origine: | Secrétariat général du Conseil |
| Destinataire: | Comité des représentants permanents (1 ^{re} partie) |
| N° doc. Cion: | 5494/22 |
| N° doc. préc.: | 5572/22 |
| Objet: | Projet de soumission des États membres et de la Commission à la 9 ^e session du Sous-comité de la prévention de la pollution et de l'intervention de l'Organisation maritime internationale contenant des observations sur le rapport du Groupe de travail par correspondance sur la perte accidentelle ou le rejet des engins de pêche – <i>Déclaration de la Commission</i> |

Les délégations trouveront ci-joint une déclaration de la Commission à inclure dans le procès-verbal du Comité des représentants permanents.

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.
