



Council of the
European Union

Brussels, 1 December 2021
(OR. en)

Interinstitutional File:
2021/0352(NLE)

13993/21
ADD 1

MAR 219
OMI 98
ENV 898

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 13495/21
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the International Maritime Organization's 32 nd Assembly on the adoption of amendments to the Guidelines under the Harmonized System of Survey and Certification – <i>Commission statement</i>

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

The proposed amendments to the Survey Guidelines under the Harmonized System of Survey and Certification to be adopted by the IMO will affect existing Union rules or alter their scope. As such, these amendments fall entirely within the exclusive external competence of the Union.

Further and in any event, in accordance with established case-law, in particular case C-600/14, the EU external competence is not limited to its exclusive competence. The Union position established in respect of those proposed amendments cannot be limited in scope and must be understood as covering them in their entirety.

The Commission reserves all its rights.
