



Council of the  
European Union

Brussels, 26 July 2021  
(OR. en)

10639/21  
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MAR 133  
OMI 61  
ENV 499  
CLIMA 182

#### 'I' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	10585/21
No. prev. doc.:	10638/21
Subject:	Draft submission by Member States and the Commission to the 9th session of the International Maritime Organization's Intersessional Meeting of the Working Group on Reduction of GHG Emissions from Ships proposing to introduce life cycle guidelines to estimate well-to-wake greenhouse gas (GHG) emissions of sustainable alternative fuels to incentivise their uptake at global level - IMO/ISWG-GHG 9 (15 – 17 September 2021) - Commission Statement

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

**Statement by the Commission**

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.

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