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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	12342/2/22 REV 2
No. Cion doc.:	12269/22 12443/22
Subject:	Submission by the Member States and the Commission to the International Maritime Organization's 13th Intersessional Working Group on Reduction of GHG Emissions from Ships on the revision of the Initial IMO Strategy on reduction of GHG emissions from ships and related information paper

1. On 8 September 2022, the Commission transmitted to the Council a Staff Working Document containing a draft submission to the 13th meeting of the Intersessional Working Group on Reduction of GHG Emission from Ships (ISWG-GHG 13) of the International Maritime Organization (IMO) on the revision of the Initial IMO Strategy on reduction of GHG emissions from ships. The draft submission was accompanied by a related draft information paper containing a literature review and a modelling of alternative scenarios supporting the revision of the Initial IMO Strategy, transmitted on 14 September in the form of a Commission non-paper.
2. The draft submission was examined by the Shipping Working Party at its meetings on 12, 19 and 26 September and 3 October 2022. At that last meeting, some minor adjustments were made to the text in order to reach consensus, and an informal silence procedure was launched until 5 October 2022. No delegation objected to the final version of the submission. A further brief discussion on IMO procedural issues (see paragraph 5 below) took place at the Shipping Working Party meeting on 7 October 2022.

3. As regards the information paper, it was examined by the Shipping Working Party on 19 and 26 September 2022. There was general agreement among delegations that the information paper should not be submitted to IMO, at least not at this stage.
4. In its Staff Working Document, the Commission holds the view that the substance of the draft Union submission falls under EU exclusive competence as it is largely covered by EU legislation. In this respect, some delegations did not agree with the Commission's claim for EU exclusive competence. It is the understanding at the level of the Shipping Working Party that the submission falls under exclusive Union competence only if and to the extent that its subject matter is covered by EU legislation. To the extent that the matters covered by the submission would not largely be covered by EU legislation, the understanding is that the submission would be made by the Member States under shared competence and that this submission should not be construed as exercising shared Union competence.
5. After agreement had been reached on substance, the Presidency consulted the IMO secretariat as to whether the submission should be addressed to ISWG-GHG 13 or MEPC 79 or both. Based on this consultation and after having discussed the matter in the Shipping Working Party, the Presidency concluded that it would be most appropriate to submit the submission to ISWG-GHG 13.
6. The Presidency was mandated to send the documents to IMO on behalf of the co-sponsors, which might include third countries, by 21 October 2022.
