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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	13807/22 13809/22
No. Cion doc.:	13017/22 13287/22
Subject:	Draft submission by Member States and the Commission to the International Maritime Organisation's (IMO) 13th Intersessional Working Group on Reduction of GHG Emissions from Ships suggesting a combination of technical and market-based mid-term measures illustrated by combining the GHG Fuel Standard and a levy Draft submission by Member States and the Commission to the International Maritime Organisation's (IMO) 13th Intersessional Working Group on Reduction of GHG Emissions from Ships on the further development of the proposal for a GHG Fuel Standard

1. On 29 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) suggesting a combination of technical and market-base mid-term measures illustrated by combining the GHG Fuel Standard and a levy.

2. Further, on 5 October 2022, the Commission transmitted to the Council a Staff Working Document containing another draft submission to IMO ISWG-GHG 13 on the further development of the proposal for a GHG Fuel Standard.
 3. The first draft submission was examined by the Shipping Working Party at its meetings on 3, 7 and 17 October 2022, and the second draft submission was examined on 7 and 17 October 2022. At that last meeting, some adjustments were made to the texts in order to reach consensus, and an informal silence procedure was launched until 18 October 2022. No delegation objected to the final versions of the submissions.
 4. In its Staff Working Documents, the Commission holds the view that the substance of the draft Union submissions 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 submissions fall under exclusive Union competence only if and to the extent that their subject matter is covered by EU legislation. To the extent that the matters covered by the submissions would not largely be covered by EU legislation, the understanding is that the submissions would be made by the Member States under shared competence and that the submissions should not be construed as exercising shared Union competence.
 5. 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.
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