

**COUNCIL DECISION (EU) 2022/12****of 2 December 2021**

**on the position to be taken on behalf of the European Union at the 22nd meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and its Protocols as regards the adoption of a decision to submit a proposal to designate the Mediterranean Sea, as a whole, as an emission control area for sulphur oxides (Med SO<sub>x</sub> ECA) pursuant to Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL Convention)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The amended Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ('the Barcelona Convention') was concluded by the Union by means of Council Decision 1999/802/EC<sup>(1)</sup> and entered into force on 9 July 2004.
- (2) Pursuant to Article 18(2), point (vi), of the Barcelona Convention, the meeting of the Contracting Parties to the Barcelona Convention and its Protocols is to consider and undertake any action that may be required for the achievement of the purposes of the Barcelona Convention and the Protocols. Pursuant to Rule 43 of the Rules of Procedure for meetings of the Contracting Parties, unless otherwise provided by the Barcelona Convention, the Protocols or the financial terms of reference, substantive decisions are to be made by a two-thirds majority of the Contracting Parties present and voting.
- (3) During their 22nd meeting from 7 to 10 December 2021, the Contracting Parties to the Barcelona Convention and its Protocols are expected to adopt a decision ('the Decision of the Contracting Parties') to submit to the 78th session of the Marine Environment Protection Committee ('MEPC 78') of the International Maritime Organization in 2022 a proposal to designate the Mediterranean Sea, as a whole, as an emission control area for sulphur oxides (Med SO<sub>x</sub> ECA) and to specify the date of entry into force.
- (4) The Decision of the Contracting Parties relates to the protection of the environment, which is a shared competence between the Union and its Member States under Article 4(2), point (e), of the Treaty. The Decision of the Contracting Parties does not fall within an area which is largely covered by Union rules concerning such protection. The Union does not intend to make use of the possibility of exercising its external competence with regard to areas covered by the Decision of the Contracting Parties in relation to which its competence has not yet been exercised internally.
- (5) It is appropriate to establish the position to be taken on the Union's behalf at the meeting of the Contracting Parties to the Barcelona Convention and its Protocols, as the Decision of the Contracting Parties concerns the submission of a proposal to MEPC 78, on behalf of an organisation to which the Union is a Party, to designate the Mediterranean Sea, as a whole, as an emission control area for sulphur oxides (Med SO<sub>x</sub> ECA), and therefore constitutes an act having legal effects.
- (6) Since the purpose of the Decision of the Contracting Parties is to lead to the update of the requirements regarding the protection of the Mediterranean Sea, in line with the Union's ambition to reduce pollution in the marine environment and protect human health, the Union should support the adoption of the Decision of the Contracting Parties,

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<sup>(1)</sup> Council Decision 1999/802/EC of 22 October 1999 on the acceptance of amendments to the Convention for the Protection of the Mediterranean Sea against Pollution and to the Protocol for the Prevention of Pollution by Dumping from Ships and Aircraft (Barcelona Convention) (OJ L 322, 14.12.1999, p. 32).

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf at the 22nd meeting of the Contracting Parties to the Barcelona Convention and its Protocols shall be to support the adoption of a decision to submit to the 78th session of the Marine Environment Protection Committee of the International Maritime Organization a proposal to designate the Mediterranean Sea, as a whole, as an emission control area for sulphur oxides (Med SO<sub>x</sub> ECA) and to specify the date of entry into force.

*Article 2*

In the light of developments at the 22nd meeting of the Contracting Parties to the Barcelona Convention and its Protocols, refinement of the position referred to in Article 1 may be agreed to by the representatives of the Union, in consultation with Member States, during on-the-spot coordination meetings without a further decision of the Council.

*Article 3*

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 2 December 2021.

*For the Council*  
*The President*  
J. VRTOVEC

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