

DECISIONS

COUNCIL DECISION (EU) 2022/9

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 amend the Annex to the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea (Dumping Protocol)

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 Protocol to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ('the Barcelona Convention') for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea ('the Dumping Protocol') was concluded by the Union by means of Council Decision 77/585/EEC ⁽¹⁾ and entered into force on 15 April 1978.
- (2) Pursuant to Article 18(2), point (iii), of the Barcelona Convention, the meeting of the Contracting Parties to the Barcelona Convention and its Protocols is to adopt amendments to the annexes to the Protocols to the Convention.
- (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') amending the Annex to the Dumping Protocol on the factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea taking into account Article 6 of the Dumping Protocol.
- (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 adoption of amendments to the Annex to the Dumping Protocol that will be binding on the Union.

⁽¹⁾ Council Decision 77/585/EEC of 25 July 1977 concluding the Convention for the protection of the Mediterranean Sea against pollution and the Protocol for the prevention of the pollution of the Mediterranean Sea by dumping from ships and aircraft (OJ L 240, 19.9.1977, p. 1).

- (6) Since the envisaged amendments to the Annex to the Dumping Protocol will update requirements regarding the protection of the Mediterranean Sea, affect the Union's international commitments and ambitions and improve the protection of the environment, the Union should support the adoption of the Decision of the Contracting Parties,

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 amending the Annex to the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea.

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
