



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 September 2004

12722/04

**Interinstitutional File:
2003/0037 (COD)**

**MAR 163
ENV 493
DROIPEN 49
CODEC 1040**

"I/A" ITEM NOTE

From : General Secretariat
to : Permanent Representatives Committee/Council

No. Cion prop.: 7312/03 MAR 35 ENV 155 CODEC 303 DROIPEN 19
No prev. doc.: 10503/04 MAR 113 ENV 343 DROIPEN 26 CODEC 821 + ADD 1, ADD 2
11400/04 MAR 138 ENV 404 DROIPEN 33 CODEC 899

Subject : **Draft Directive of the European Parliament and of the Council on
ship-source pollution and on the introduction of sanctions for infringements
- Adoption of the Council's common position**

1. On 7 March 2003 the Commission transmitted to the Council its proposal for the above Directive ¹.
2. The European Parliament delivered its opinion on the Commission proposal in first reading on 13 January 2004 ². The opinion of the Economic and Social Committee was delivered on 19 June 2003 ³, while the Committee of Regions decided not to deliver an opinion.

¹ OJ C 76, 25.03.2004, p.5.

² Doc. 5181/04 CODEC 24 MAR 2 ENV 8 DROIPEN 1 (not yet published in OJ).

³ OJ C 220, 16.09.2003, p. 72

3. The Council was not in a position to accept the opinion of the Parliament and therefore chose to draw up a common position. At its meeting on 11 June 2004, the Council reached political agreement on such a common position⁴. It also agreed to have certain statements entered in its minutes⁴.

4. After legal and linguistic finalisation of the draft common position, and subject to confirmation by the Permanent Representatives Committee, the Council is now asked to:
 - = adopt as an "A" item at one of its forthcoming sessions the common position as set out in 11964/04 MAR 149 ENV 440 DROIPEN 41 CODEC 960;

 - = forward the Council's common position to the European Parliament in accordance with Article 251 of the EC Treaty, together with the Council's reasons as set out in 11964/04 MAR 149 ENV 440 DROIPEN 41 CODEC 960 ADD 1.

⁴ Doc. 10503/04 MAR 113 ENV 343 DROIPEN 26 CODEC 821 + ADD 1 and ADD 2.
GR/MT voted against.