



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 November 2012

**15554/12
ADD 1**

**PV CONS 55
ENV 817**

ADDENDUM to DRAFT MINUTES

Subject: **3194th** meeting of the Council of the European Union (**ENVIRONMENT**),
held in Luxembourg on 25 October 2012

PUBLIC DELIBERATION ITEMS¹

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AGENDA ITEM (doc. 15007/12 OJ/CONS 54 ENV 781)

- Item 2. Proposal for a Regulation of the European Parliament and of the Council
 on ship recycling [First reading] 3

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

2. Proposal for a Regulation of the European Parliament and of the Council on ship recycling [First reading]

Interinstitutional file 2012/0055 (COD)

- Orientation debate

8151/12 ENV 239 MAR 29 TRANS 99 COMER 68 CODEC 807

14540/12 ENV 743 MAR 119 TRANS 318 COMAR 12 CODEC 2295

The Council held an orientation debate on the Commission's proposal on the basis of three questions prepared by the Presidency and contained in doc. 14540/12. The Ministers discussed:

- 1) the effectiveness and enforceability of the proposed regulation, and its relation to the competitiveness of EU flags,
- 2) the possibility to introduce or not additional requirements beyond the Hong Kong Convention, and
- 3) the detailed provisions on penalties, access to justice and enforcement contained in the proposal.

Many Member States generally welcomed the proposed regulation as a tool to promote the timely implementation of the Hong Kong Convention. Some of them, however, expressed serious concerns as to the appropriateness of regional measures in the current situation, where the Convention is not yet in force, and to the possible consequences for the European fleet. Additionally, it was underlined that work has to continue on legally sound and enforceable solutions for some of the complex issues raised in the proposal.

In relation to the second question, most Member States emphasized the need for consistency of the draft regulation with the Hong Kong Convention and in particular for clear rules on the future review of the Regulation, once the Convention enters into force.

Finally, a majority of Member States pointed out that they consider it not appropriate to include specific provisions on access to justice in the draft regulation as these are already covered by the existing EU legislation. Many Member States also opposed the inclusion of specify measures on penalties.

The Commission noted the different views expressed and the Presidency indicated that it will prepare a progress report on this matter.

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