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Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the International Maritime Organization during the 81st session of the Marine Environment Protection Committee and the 108th session of the Maritime Safety Committee on the adoption of amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL), to the International Convention for the Safety of Life at Sea (SOLAS), to the International Code of Safety for Ships Using Gases or other Low-flashpoint Fuels (IGF Code), to the International Code of the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), to the International Life-Saving Appliance (LSA) Code, to the International Code for Fire Safety Systems (FSS Code) and to the Seafarers' Training, Certification and Watchkeeping (STCW) Code

COUNCIL DECISION (EU) 2024/...

of ...

**on the position to be taken on behalf of the European Union within the
International Maritime Organization during the 81st session
of the Marine Environment Protection Committee and the 108th session
of the Maritime Safety Committee on the adoption of amendments
to the International Convention for the Prevention of Pollution from Ships (MARPOL),
to the International Convention for the Safety of Life at Sea (SOLAS),
to the International Code of Safety for Ships Using Gases or
other Low-flashpoint Fuels (IGF Code), to the International Code
of the Enhanced Programme of Inspections during Surveys of Bulk Carriers
and Oil Tankers, 2011 (2011 ESP Code), to the International Life-Saving Appliance (LSA)
Code, to the International Code for Fire Safety Systems (FSS Code) and
to the Seafarers' Training, Certification and Watchkeeping (STCW) Code**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 100(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Action by the Union in the sector of maritime transport should aim to protect the marine environment and human health, and to improve maritime safety.
- (2) The Marine Environment Protection Committee of the International Maritime Organization (IMO) is expected to adopt, during its 81st session from 18 March to 22 March 2024 ('MEPC 81'), amendments to Article V of Protocol I to the International Convention for the Prevention of Pollution from Ships (MARPOL) and to Annex VI to MARPOL on low-flashpoint fuels and other fuel oil related issues, on accessibility of the data in the IMO Ship Fuel Consumption Database (IMO DCS), and on the inclusion of data on transport work, and on an enhanced level of granularity, in the IMO DCS.
- (3) The Maritime Safety Committee of the IMO is expected to adopt, during its 108th session from 15 May to 24 May 2024 ('MSC 108'), amendments to chapters II-1, II-2 and V of the International Convention for the Safety of Life at Sea (SOLAS), 1974, to the International Code of Safety for Ships Using Gases or other Low-flashpoint Fuels ('IGF Code'), to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 ('2011 ESP Code'), to the International Life-Saving Appliance (LSA) Code ('LSA Code'), to the International Code for Fire Safety Systems ('FSS Code'), and to section A-VI/1 of the Seafarers' Training, Certification and Watchkeeping (STCW) Code ('STCW Code').

- (4) It is appropriate to establish the position to be taken on the Union's behalf during MEPC 81, as the envisioned acts are capable of decisively influencing the contents of Union law, namely Regulations (EU) 2015/757¹ and (EU) 2023/1805² of the European Parliament and of the Council, Directives 2002/59/EC³, 2003/87/EC⁴, 2009/16/EC⁵, 2009/18/EC⁶ and (EU) 2016/802 of the European Parliament and of the Council⁷, and Decision (EU) 2015/1814 of the European Parliament and of the Council⁸.

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- ¹ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).
- ² Regulation (EU) 2023/1805 of the European Parliament and of the Council of 13 September 2023 on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC (OJ L 234, 22.9.2023, p. 48).
- ³ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).
- ⁴ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).
- ⁵ Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).
- ⁶ Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council (OJ L 131, 28.5.2009, p. 114).
- ⁷ Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (OJ L 132, 21.5.2016, p. 58).
- ⁸ Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC (OJ L 264, 9.10.2015, p. 1).

- (5) The Union should support the amendments to Article V of Protocol I to MARPOL, because it is important to establish one single reporting system for the loss of containers at sea, in order to avoid duplicative submission requirements and to avoid confusion, which helps reduce the likelihood that the loss of containers not be reported.
- (6) The Union should support the amendments to Annex VI to MARPOL on low-flashpoint fuels and other fuel oil related issues, because those amendments will resolve the requirement for testing and including flashpoint information on the bunker delivery note for low-flashpoint fuels, which was inconsistent with the recent amendments to SOLAS chapter II-2 adopted at the 106th session of the Maritime Safety Committee. The Union should also support the amendments to Annex VI to MARPOL on accessibility of the data in the IMO DCS, and on the inclusion of data on transport work, and on an enhanced level of granularity, in the IMO DCS, because those amendments will optimise the use of the IMO DCS to the benefit of shipping's decarbonisation policy-making, and are a compromise between broader access to IMO DCS data and the control thereof by the IMO Secretariat. On the one hand, those amendments will grant analytical consultancies and research entities access to IMO DCS data subject to the approval of the IMO Secretariat and, on the other hand, they will provide the possibility for any company to disclose the IMO DCS data of their ships to the general public on a voluntary basis.

- (7) It is appropriate to establish the position to be taken on the Union's behalf during MSC 108, as the envisioned acts are capable of decisively influencing the contents of Union law, namely Regulation (EU) No 530/2012 of the European Parliament and of the Council⁹, Directives 2002/59/EC and 2009/18/EC, and Directives 2009/45/EC¹⁰, 2014/90/EU¹¹ and (EU) 2022/993¹² of the European Parliament and of the Council.
- (8) The Union should support the amendments to chapters II-1, II-2 and V of SOLAS, because those amendments will substantially increase safety, ensuring that all new ships other than tankers, including passenger ships, of 20 000 gross tonnage and above have suitable equipment for towing in case of emergency, as well as enhancing in general the standards of fire safety of passenger ships, including of roll-on/roll-off passenger ships, and the safety of oil fuel usage in passenger ships. Those amendments will also simplify the processing of container loss reports in order to comply with regulatory obligations, provide for a reporting requirement from the flag State to IMO, increase navigation safety and prevent pollution.
- (9) The Union should support the amendments to the IGF Code because they will enhance the safety of ships, including passenger ships, using natural gas as fuel.

⁹ Regulation (EU) No 530/2012 of the European Parliament and of the Council of 13 June 2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers (OJ L 172, 30.6.2012, p. 3).

¹⁰ Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (OJ L 163, 25.6.2009, p. 1).

¹¹ Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

¹² Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (OJ L 169, 27.6.2022, p. 45).

- (10) The Union should support the amendments to the 2011 ESP Code because they will modify the Procedures for approval and certification of a firm engaged in thickness measurement of hull structures as provided for in the annexes to the 2019 amendments to the 2011 ESP Code, by referring to the administration rather than referring to an organisation recognised by the administration. This will help to clarify the procedure.
- (11) The Union should support the amendments to the LSA Code, because they will promote maritime safety by revising the lowering speed of survival craft and rescue boats for passenger ships, by ensuring suitable in-water performance of lifejackets for the safety of seafarers, and by increasing safety standards of single fall and hook systems with on-load release hooks by removing the exemptions provided for in paragraph 4.4.7.6.17 of the LSA Code.
- (12) The Union should support the amendments to the FSS Code, because they will present significant benefits to the safety of life at sea by enhancing the fire safety of passenger ships, in particular that of roll-on/roll-off passenger ships.
- (13) The Union should support the amendments to section A-VI/1 of the STCW Code, because they will ensure a safe workplace for seafarers by including, in Section A-VI/1 on Mandatory minimum requirements for safety familiarization, basic training and instruction for all seafarers, a new competence to ‘Contribute to the prevention of and response to bullying and harassment, including sexual assault and sexual harassment’.

- (14) The Union is neither a member of the IMO, nor a contracting party to the relevant conventions and codes. The Council should therefore authorise the Member States to express the position of the Union at MEPC 81 and MSC 108.
- (15) The scope of this Decision should be limited to the content of the proposed amendments, to the extent that they are capable of affecting Union common rules and fall under the exclusive competence of the Union. This Decision should not affect the division of competences between the Union and the Member States,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the 81st session of the Marine Environment Protection Committee of the International Maritime Organization (IMO) shall be to agree to the adoption of the amendments to:

- (a) Article V of Protocol I to the International Convention for the Prevention of Pollution from Ships (MARPOL), as set out in the Annex to IMO document MEPC 81/3/1; and,
- (b) Annex VI to MARPOL on low-flashpoint fuels and other fuel oil related issues, on accessibility of the data in the IMO Ship Fuel Consumption Database (IMO DCS), and on the inclusion of data on transport work, and on an enhanced level of granularity, in the IMO DCS, as regards Regulations 2, 14, 18 and 27, and Appendices I and IX, as set out in the Annex to IMO document MEPC 81/3/2.

Article 2

The position to be taken on the Union's behalf at the 108th session of the Maritime Safety Committee of the IMO shall be to agree to the adoption of the amendments to:

- (a) chapters II-1, II-2 and V of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as set out in Annexes 1 and 2 to IMO document MSC 108/3;
- (b) the International Code of Safety for Ships Using Gases or other Low-flashpoint Fuels (IGF Code), as set out in Annex 3 to IMO document MSC 108/3;

- (c) the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), as set out in Annex 5 to IMO document MSC 108/3;
- (d) the International Life-Saving Appliance (LSA) Code, as set out in Annex 6 to IMO document MSC 108/3;
- (e) the International Code for Fire Safety Systems (FSS Code) as set out in Annex 7 to IMO document MSC 108/3; and,
- (f) section A-VI/1 of the Seafarers' Training, Certification and Watchkeeping (STCW) Code, as set out in the Annex to IMO document MSC 108/3/2.

Article 3

1. The positions to be taken on the Union's behalf as set out in Articles 1 and 2 cover the amendments concerned to the extent that those amendments fall under the exclusive competence of the Union and to the extent that they may affect Union common rules. They shall be expressed by the Member States, which are all members of the IMO, acting jointly in the interests of the Union.
2. Minor changes to the positions as set out in Articles 1 and 2 may be agreed upon without further decision of the Council.

Article 4

Member States are hereby authorised to give their consent to be bound, in the interests of the Union, by the amendments referred to in Articles 1 and 2, to the extent that those amendments fall under the exclusive competence of the Union.

Article 5

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

Done at ...,

For the Council

The President
