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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be adopted on behalf of the European Union within the International Maritime Organization's Maritime Safety Committee during its 105th session and within the International Maritime Organization's Facilitation Committee during its 46th session as regards the adoption of amendments to the resolutions on performance standards in relation to equipment used in the Global Maritime Distress and Safety System and of amendments to the Annex to the Convention on Facilitation of International Maritime Traffic (FAL)

COUNCIL DECISION (EU) 2022/...

of ...

**on the position to be adopted on behalf of the European Union within
the International Maritime Organization's Maritime Safety Committee
during its 105th session and within
the International Maritime Organization's Facilitation Committee
during its 46th session as regards
the adoption of amendments to the resolutions on performance standards
in relation to equipment used in the Global Maritime Distress and Safety System
and of amendments to the Annex to
the Convention on Facilitation of International Maritime Traffic (FAL)**

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 improve maritime safety and protect the marine environment and human health.
- (2) The Maritime Safety Committee of the International Maritime Organization ('IMO'), during its 105th session ('MSC 105') from 20 to 29 April 2022, is expected to adopt amendments to the resolutions on performance standards in relation to equipment used in order to reflect the modernisation of the Global Maritime Distress and Safety System (GMDSS). Those resolutions comprise A.699(17), A.700(17), MSC.148(77), A.530(13), A.802(19), A.803(19), A.804(19), A.806(19), A.807(19), MSC.149(77), MSC.80(70) and A.811(19).
- (3) The Facilitation Committee of the IMO, during its 46th session ('FAL 46') from 9 to 13 May 2022, is expected to adopt amendments to the Annex to the Convention on Facilitation of International Maritime Traffic ('FAL Convention').
- (4) It is appropriate to establish the position to be adopted on the Union's behalf during MSC 105, since the Maritime Safety Committee's resolutions on performance standards are capable of decisively influencing the content of Union law, namely Directive 2014/90/EU of the European Parliament and of the Council¹.

¹ 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).

- (5) The adoption of amendments to the MSC resolutions on performance standards would improve the previously adopted performance standards in relation to equipment used in order to reflect the modernisation of the GMDSS. The Union should therefore support the adoption of the amendments to the MSC resolutions.
- (6) It is appropriate to establish the position to be adopted on the Union's behalf during the 46th session of the Facilitation Committee, since the envisaged amendments to the Annex to the FAL Convention are capable of decisively influencing the content of Union law, namely Directive 2010/65/EU of the European Parliament and of the Council¹ and, as from 15 August 2025, Regulation (EU) 2019/1239 of the European Parliament and of the Council².
- (7) The amendments to the Annex to the FAL Convention would bring that Annex closer to the requirements of Regulation (EU) 2019/1239 and the agreed business rules for implementing that Regulation, namely by making electronic transmission through a single window mandatory, preventing data elements from being repeated, preventing paper forms from being used for the transmission of information, and waiving the requirement for manual signatures.

¹ Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).

² Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU (OJ L 198, 25.7.2019, p. 64).

- (8) 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.
- (9) The scope of this Decision should be limited to the content of the proposed amendments, to the extent that those amendments 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 adopted on behalf of the Union within the International Maritime Organization's Maritime Safety Committee during its 105th session shall be to support the adoption of the amendments to the following resolutions on performance standards in relation to equipment used in the Global Maritime Distress and Safety System: A.699(17), A.700(17), MSC.148(77), A.530(13), A.802(19), A.803(19), A.804(19), A.806(19), A.807(19), MSC.149(77), MSC.80(70) and A.811(19).

Article 2

The position to be adopted on behalf of the Union within the International Maritime Organization's Facilitation Committee during its 46th session shall be to support the adoption of the amendments to the Annex to the Convention on Facilitation of International Maritime Traffic.

Article 3

1. The positions to be adopted on behalf of the Union specified in this Decision cover the amendments concerned to the extent that those amendments fall under the exclusive competence of the Union and are capable of affecting Union common rules.
Those positions 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 referred to 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
