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#### **'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	8155/19 MAR 90 OMI 37
No. Cion doc.:	7971/19 MAR 83 OMI 32
Subject:	Draft COUNCIL DECISION on the position to be taken on behalf of the European Union at the International Maritime Organization during the 74th session of the Marine Environment Protection Committee and the 101st session of the Maritime Safety Committee, on the adoption of amendments to Annex II to the International Convention for the Prevention of Pollution from Ships, amendments to the International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011, amendments to the International Life-Saving Appliance Code, amendments to Forms C, E and P of the appendix to the International Convention for the Safety of Life at Sea, and amendments to the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels – Adoption

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#### **INTRODUCTION**

1. On 28 March 2019, the Commission transmitted the above-mentioned proposal to the Council.
2. The proposal concerns the establishment of the Union position for the 74th session of the Marine Environment Protection Committee (MEPC 74) and the 101st session of the Maritime Safety Committee (MSC 101) of the International Maritime Organization (IMO) with regard to the adoption of amendments to:

- a) Annex II to the International Convention for the Prevention of Pollution from Ships ('MARPOL Annex II') (to ensure reduction of the impact on the environment related to cargo residues and tank washings of persistent floating products with a high viscosity and/or a high melting point);
  - b) the International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011 ('2011 ESP Code');
  - c) the International Life-Saving Appliance Code ('LSA Code');
  - d) the Records of Equipment (Forms C, E and P of the appendix to the International Convention for the Safety of Life at Sea ('SOLAS'));
  - e) parts A and A-1 of the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels ('IGF Code').
3. Those amendments, which are expected to be adopted during MEPC 74 (13–17 May 2019) and MSC 101 (5–14 June 2019), would be capable of decisively influencing the content of Union law, namely Directive 2005/35/EC of the European Parliament and of the Council<sup>1</sup>, Directive 2000/59/EC of the European Parliament and of the Council<sup>2</sup>, Regulation (EU) No 530/2012 of the European Parliament and of the Council<sup>3</sup>, Commission Implementing Regulation (EU) 2018/773<sup>4</sup>, Directive 2014/90/EU of the European Parliament and of the Council<sup>5</sup> and Directive 2009/45/EC of the European Parliament and of the Council<sup>6</sup>.

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<sup>1</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).

<sup>2</sup> Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residue (OJ L 332, 28.12.2000, p. 81).

<sup>3</sup> 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).

<sup>4</sup> Commission Implementing Regulation (EU) 2018/773 of 15 May 2018 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2017/306 (OJ L 133, 30.5.2018, p. 1).

<sup>5</sup> Directive 2014/90/EU of the European Parliament and of the Council 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

<sup>6</sup> 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).

## WORK WITHIN THE COUNCIL PREPARATORY BODIES

4. The proposal was examined by the Shipping Working Party on 3 and 12 April 2019. At the meeting on 12 April, the Shipping Working Party agreed on the text.
5. The Commission voiced concerns on some of the amendments made to its original proposal and announced its intention to make a statement to the minutes of the Permanent Representatives Committee and of the Council.
6. Denmark and the United Kingdom maintain parliamentary scrutiny reservations on the draft Council Decision.

## CONCLUSION

7. The Permanent Representatives Committee/Council are invited to adopt the Decision as set out in document ST 8675/19, prepared by the legal-linguistic experts.
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