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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION amending Decision (EU) 2020/721 to include the position to be taken on behalf of the European Union within the International Maritime Organization's Marine Environment Protection Committee during its 75th session and within the International Maritime Organization's Maritime Safety Committee during its 102nd session as regards the approval of an MSC-MEPC.5 circular on a Model agreement for the authorization of recognized organizations acting on behalf of the Administration

COUNCIL DECISION (EU) 2020/…

of …

amending Decision (EU) 2020/721
to include the position to be taken on behalf of the European Union
within the International Maritime Organization's
Marine Environment Protection Committee during its 75th session
and within the International Maritime Organization's
Maritime Safety Committee during its 102nd session
as regards the approval of an MSC-MEPC.5 circular on a Model agreement
for the authorization of recognized organizations acting on behalf of the Administration

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 Maritime Safety Committee of the International Maritime Organization ('IMO'), during its 102nd session to be held from 4 to 11 November 2020 ('MSC 102'), is expected to approve jointly with the Marine Environment Protection Committee of the IMO an MSC-MEPC.5 circular on a Model agreement for the authorization of recognized organizations acting on behalf of the Administration (the 'MSC-MEPC.5 circular').

(3) The Marine Environment Protection Committee of the IMO, during its 75th session to be held from 16 to 20 November 2020 ('MEPC 75'), is expected to approve the MSC-MEPC.5 circular jointly with the Maritime Safety Committee of the IMO.

(4) It is appropriate to establish the position to be taken on behalf of the Union during MSC 102 and MEPC 75, as the approval of the MSC-MEPC.5 circular is capable of decisively influencing the content of Union law, namely Directive 2009/15/EC of the European Parliament and of the Council[1].

[1] Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 131, 28.5.2009, p. 47).

(5) The approval of the MSC-MEPC.5 circular, which supersedes circulars MSC/Circ.710 and MEPC/Circ.307, would update the Model agreement for the authorization of recognized organizations acting on behalf of the Administration and bring it into line with the Code for Recognized Organizations (IMO resolutions MSC.349(92) and MEPC.237(65)). That approval would contribute to increasing the accuracy, transparency and accountability of both the flag administration and recognised organisations at global level.

(6) 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.

(7) The scope of this Decision should be limited to the content of the MSC-MEPC.5 circular proposed, to the extent that that circular falls under the exclusive competence of the Union and may affect Union common rules. This Decision should not affect the division of competences between the Union and the Member States.

(8) Council Decision (EU) 2020/721 of 19 May 2020[1] should be amended to include a reference to the approval of the MSC-MEPC.5 circular,

HAS ADOPTED THIS DECISION:

[1] Council Decision (EU) 2020/721 of 19 May 2020 on the position to be taken on behalf of the European Union within the International Maritime Organization's Marine Environment Protection Committee during its 75th session and within the International Maritime Organization's Maritime Safety Committee during its 102nd session as regards the adoption of amendments to regulations 2, 14 and 18 and appendices I and VI of Annex VI to the International Convention for the Prevention of Pollution from Ships, Parts A-1, B, B-1, B-2 to B-4 of Chapter II-1 of the International Convention for the Safety of Life at Sea, Parts A-1 and B-1 of the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels and resolution A.658(16) on the use and fitting of retro-reflective materials on life-saving appliances (OJ L 171, 2.6.2020, p. 1).

Article 1

Council Decision (EU) 2020/721 is hereby amended as follows:

(1) the title is replaced by the following:

'**Council Decision (EU) 2020/721 of 19 May 2020 on the position to be taken on behalf of the European Union within the International Maritime Organization's Marine Environment Protection Committee during its 75th session and within the International Maritime Organization's Maritime Safety Committee during its 102nd session as regards the adoption of amendments to regulations 2, 14 and 18 and appendices I and VI of Annex VI to the International Convention for the Prevention of Pollution from Ships, Parts A-1, B, B-1, B-2 to B-4 of Chapter II-1 of the International Convention for the Safety of Life at Sea, Parts A-1 and B-1 of the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels and resolution A.658(16) on the use and fitting of retro-reflective materials on life-saving appliances, and the approval of an MSC-MEPC.5 circular on a Model agreement for the authorization of recognized organizations acting on behalf of the Administration**';

(2) Article 1 is replaced by the following:

'*Article 1*

The position to be taken on behalf of the Union within the International Maritime Organization's Marine Environment Protection Committee during its 75th session shall be to support the adoption of the amendments to regulations 2, 14 and 18 and appendices I and VI of Annex VI to the International Convention for the Prevention of Pollution from Ships, as laid down in the Annex to IMO document MEPC 75/3, and the approval of the MSC-MEPC.5 circular, as laid down in Annex 8 to IMO document III 6/15. That position covers the amendments and the circular concerned to the extent that those amendments and that circular fall under the exclusive competence of the Union and may affect Union common rules.';

(3) Article 2 is replaced by the following:

'*Article 2*

1. The position to be taken on behalf of the Union within the International Maritime Organization's Maritime Safety Committee during its 102nd session shall be to approve the MSC-MEPC.5 circular, as laid down in Annex 8 to IMO document III 6/15, and to support the adoption of the amendments to:

   (a) Parts A-1, B, B-1, B-2 to B-4 of Chapter II-1 of the International Convention for the Safety of Life at Sea, as laid down in Annex 1 to IMO document MSC 102/3;

   (b) Parts A-1 and B-1 of the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels, as laid down in Annex 2 to IMO document MSC 102/3;

   (c) resolution A.658(16) on the use and fitting of retro-reflective materials on life-saving appliances.

2. The position referred to in paragraph 1 covers the circular and the amendments concerned to the extent that that circular and those amendments fall under the exclusive competence of the Union and may affect Union common rules.';

(4) Article 4 is replaced by the following:

'*Article 4*

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

Article 2

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

Done at …,

For the Council
The President