Council of the European Union

Brussels, 26 November 2019
(OR. en)

14212/19

Interinstitutional File:
2019/0248 (NLE)

MAR 172
OMI 68
CLIMA 305
ENV 929

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the position to be taken on behalf of the European Union at the International Maritime Organization during the 31st session of its Assembly on the adoption of amendments to resolution A.658(16) on Use and fitting of retro-reflective materials on life-saving appliances and the adoption of a resolution on Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)

COUNCIL DECISION (EU) 2019/…

of …

on the position to be taken on behalf of the European Union at the International Maritime Organization during the 31st session of its Assembly on the adoption of amendments to resolution A.658(16) on Use and fitting of retro-reflective materials on life-saving appliances and the adoption of a resolution on Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)

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 improve maritime safety.

(2) The Assembly of the International Maritime Organization (IMO), during its 31st session from 25 November to 4 December 2019 ('A 31'), is expected to adopt amendments to resolution A.658(16) on Use and fitting of retro-reflective materials on life-saving appliances ('Resolution A.658(16)') and to adopt a resolution on Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) ('Survey Guidelines').

(3) It is appropriate to establish the position to be taken on the Union's behalf during A 31, as the amendments to Resolution A.658(16) and the resolution on Survey Guidelines will be capable of decisively influencing the content of Union law, namely Directive 2014/90/EU of the European Parliament and of the Council[1], Commission Implementing Regulation (EU) 2019/1397[2] and Regulation (EC) No 391/2009 of the European Parliament and of the Council[3].

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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).

2 Commission Implementing Regulation (EU) 2019/1397 of 6 August 2019 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2018/773 (OJ L 237, 13.9.2019, p. 1).

3 Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p. 11).

(4) The 101st session of the Maritime Safety Committee ('MSC 101'), which took place in London from 5 to 14 June 2019, recalled that at its previous session, having considered IMO document MSC 100/19/4 proposing amendments to Resolution A.658(16), the Maritime Safety Committee had agreed to the deletion of the words 'carbon arc' in paragraph 4.10 of that resolution and had requested the IMO Secretariat to prepare a relevant draft IMO Assembly resolution for approval at MSC 101, with a view to submission to A 31 for adoption (MSC 100/20, paragraphs 19.14 and 19.15).
MSC 101 then approved the draft IMO Assembly resolution on Amendments to Resolution A.658(16).

(5) The United States and the International Association of Classification Societies submitted an alternative proposal for the amendments to paragraph 4.10 of Resolution A.658(16) to A 31 (IMO document A 31/10/4).

(6) The Sub-Committee on Implementation of IMO Instruments ('Sub-Committee') recalled at its 5th session that at its previous session it had established the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the IMO Instruments Implementation Code (III Code) to continue updating the Survey Guidelines to include the requirements deriving from amendments to relevant IMO instruments entering into force up to and including 31 December 2019, with a view to the submission of draft amended Survey Guidelines to A 31 for adoption. MSC 101 authorised the Sub-Committee to submit the outcome of its work directly to A 31 for adoption. At its 6th session, the Sub-Committee agreed to submit the draft amended Survey Guidelines to A 31 for consideration and adoption.

(7) The Union is not 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 A 31 and to express their consent to be bound by the amendments and the resolution to be adopted by A 31, to the extent that those amendments and that resolution fall under the exclusive competence of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the 31st session of the Assembly of the International Maritime Organization (IMO) shall be to agree to:

(a) the adoption of amendments to resolution A.658(16) on Use and fitting of retro-reflective materials on life-saving appliances, as laid down in Annex 27 to IMO document MSC 101/24/Add.1, or alternatively of the amendments proposed in IMO document A 31/10/4; and

(b) the adoption of a resolution on Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the revocation of resolution A.1120(30), as laid down in Annex 11 to IMO document III 6/15/Add.1.

Article 2

1. The position to be taken on the Union's behalf as set out in Article 1 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 position referred to in Article 1 may be agreed without further decision of the Council.

Article 3

The Member States are hereby authorised to give their consent to be bound, in the interests of the Union, by the amendments referred to in Article 1(a) and the resolution referred to in Article 1(b), to the extent that those amendments and that resolution fall under the exclusive competence of the Union.

Article 4

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

Done at …,

For the Council
The President