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Subject:	COUNCIL DECISION 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

COUNCIL DECISION (EU) 2020/…

of …

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

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 improve maritime safety.

(2) The Marine Environment Protection Committee of the International Maritime Organization ('IMO'), during its 75th session ('MEPC 75'), is expected to adopt 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 ('MARPOL Annex VI'), as laid down in the Annex to IMO document MEPC 75/3.

(3) The Maritime Safety Committee of the IMO, during its 102nd session ('MSC 102'), is expected to adopt amendments to 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 ('SOLAS Chapter II-1'), as laid down in Annex 1 to IMO document MSC 102/3, amendments to Parts A-1 and B-1 of the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels ('IGF Code'), as laid down in Annex 2 to IMO document MSC 102/3, and amendments to resolution A.658(16) on the use and fitting of retro-reflective materials on life-saving appliances ('Resolution A.658(16)').

(4) It is appropriate to establish the position to be taken on behalf of the Union during MEPC 75, as the amendments to regulations 2, 14 and 18 and appendices I and VI of MARPOL Annex VI are capable of decisively influencing the content of Union law, namely Directive (EU) 2016/802 of the European Parliament and of the Council[1] and Commission Implementing Decision (EU) 2015/253[2].

(5) It is appropriate to establish the position to be taken on behalf of the Union during MSC 102, as the amendments to Parts A-1, B, B-1, B-2 to B-4 of SOLAS Chapter II-1, Parts A-1 and B-1 of the IGF Code and Resolution A.658(16) are capable of decisively influencing the content of Union law, namely Directives 2009/45/EC[3] and 2014/90/EU[4] of the European Parliament and of the Council and Commission Implementing Regulation (EU) 2019/1397[5].

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1 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).

2 Commission Implementing Decision (EU) 2015/253 of 16 February 2015 laying down the rules concerning the sampling and reporting under Council Directive 1999/32/EC as regards the sulphur content of marine fuels (OJ L 41, 17.2.2015, p. 55).

3 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).

4 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 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).

(6) The amendments to regulations 2, 14 and 18 and appendices I and VI of MARPOL Annex VI would ensure the consistent implementation of the 0,50 % sulphur limit in marine fuels set out in regulation 14. The Union should therefore support those amendments to achieve the projected health and environmental benefits resulting from reduced sulphur dioxide emissions from on-board combustion.

(7) The amendments to Part A-1 of SOLAS Chapter II-1 would provide for safer mooring of vessels. The Union should therefore support those amendments because they provide a comprehensive upgrade in current mooring arrangements.

(8) The amendments to Parts B, B-1, B-2 to B-4 of SOLAS Chapter II-1 would ensure consistency in the provisions on watertight integrity of vessels. The Union should therefore support those amendments because they introduce coherence throughout part B in the provisions on watertight integrity, including the key issue of ship damage stability calculations.

(9) The amendments to parts A-1 and B-1 of the IGF Code would provide improvements concerning fuel containment, fire safety and tensile tests for welding of metallic materials and non-destructive testing for the fuel containment system based on the experience gained in the application of the IGF Code. The Union should therefore support those amendments because they give greater clarity on spaces to be provided with a suitable pressure relief system and provide for additional safety measures in fuel preparation rooms.

(10) The amendments to Resolution A.658(16) would delete the words ‘carbon arc’ and replace them with updated testing arrangements for retro-reflective materials on life-saving appliances. The Union should therefore support those amendments, because they permit the use of state-of-the-art technology.

(11) The Union is neither a member of the IMO, nor a contracting party to the International Convention for the Prevention of Pollution from Ships, the International Convention for the Safety of Life at Sea and IGF Code. The Council should therefore authorise the Member States to express the position of the Union.

(12) The scope of this Decision should be limited to the content of the amendments proposed, to the extent that those amendments may affect 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 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. That position covers the amendments concerned to the extent that those amendments fall under the exclusive competence of the Union and may affect Union common rules.

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 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 amendments concerned to the extent that those amendments fall under the exclusive competence of the Union and may affect Union common rules.

Article 3

1. The positions to be taken on behalf of the Union as set out in Articles 1 and 2 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