



Council of the
European Union

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TRANS 490

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	14267/14 MAR 160 TRANS 475
Subject:	Proposal for a COUNCIL DECISION on the position to be adopted on behalf of the European Union at the International Maritime Organization during the 94th session of the Maritime Safety Committee on the adoption of amendments to the 2011 Enhanced Survey Programme Code

In view of the Shipping Working Party of 3 November 2014, delegations will find hereafter a revised draft Council Decision on the above subject.

Modifications with respect to Document ST 14267/14 are in **bold underline** and deletions are in ~~strikethrough~~.

Substantial reservation on the whole proposal: DK, EL, PL

All delegations have a scrutiny reservation.

Parliamentary scrutiny reservation: DK, UK

**Proposal for a
COUNCIL DECISION**

on the position to be adopted on behalf of the European Union at within the International Maritime Organization during the 94th session of the Maritime Safety Committee on the adoption of amendments to the 2011 Enhanced Survey Programme Code

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 100(2) and ~~Article~~ 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Action by the European Union in the sector of maritime transport should aim to improve maritime safety.
- (2) The IMO Maritime Safety Committee (MSC) meeting at its 93rd session approved amendments to the 2011 Enhanced Survey Programme Code (**ESP**). Those amendments are expected to be adopted ~~in~~ **at** the 94th session of the MSC, to be held in November 2014.
- (3) The amendments to the 2011 Enhanced Survey Programme (~~ESP~~) Code bring it into line with the practices of classification societies and also allow under certain conditions, hydrostatic testing of cargo tanks by the ship's crew, under the direction of the master, in lieu of carrying out such testing in the presence of a surveyor.
- (4) Articles 5 and 6 of Regulation (EU) No 530/2012 of the European Parliament and of the Council¹ ~~make~~ **provide for the** mandatory ~~the~~ application of the IMO's Condition Assessment Scheme (CAS) **which is complemented by the 2011 ESP Code, adopted by the Assembly of the International Maritime Organization by Resolution A1049(27). Annex B, part B, of the ESP Code concerns inspections during surveys of oil tankers other than double-hull oil tankers, and** ~~to single-hull oil tankers above 15 years of age. The Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil tankers or Enhanced Survey Programme (ESP) specifies how to undertake this~~ **the** intensified assessment. As **a consequence, any changes to the 2011 ESP Code, as far as single-hull oil tankers above 15 years of age are concerned,** ~~CAS uses ESP as the tool to achieve its aim, any changes to the ESP inspections will automatically be applicable through Regulation (EU) No 530/2012.~~

¹ 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).

- (5) The Union is neither a member of the IMO nor a contracting party to the conventions and codes concerned. It is therefore necessary for the Council to authorise the Member States to express the position of the Union and express their consent to be bound by these amendments **to the 2011 ESP Code**.

HAS ADOPTED THIS DECISION:

Article 1

1. The position of the Union at the 94th session of the IMO Maritime Safety Committee shall be to agree to the adoption of the amendments to the 2011 ~~Enhanced Survey Programme~~ **ESP Code** as laid down in Annex 22 of the IMO document MSC 93/22/Add.3, **for the purposes referred to in Articles 5 and 6 of Regulation (EU) No 530/2012**.
2. The position of the Union as set out in paragraph 1 shall be expressed by the Member States, which are members of IMO, acting jointly in the interest of the Union.
3. Formal and minor changes to this position may be agreed without requiring that position to be amended.

Article 2

Member States are hereby authorised to give their consent to be bound, in the interest of the Union, by the amendments referred to in Article 1(1).

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President