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From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

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Subject: Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union at the International Maritime Organization during the 73rd session of the Marine Environment Protection Committee and the 100th session of the Maritime Safety Committee, on the adoption of amendments to regulation 14 of Annex VI to the International Convention for the Prevention of Pollution from Ships and to the International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011
- Adoption

INTRODUCTION

1. On 13 September 2018, the Commission transmitted the above-mentioned proposal to the Council.
2. The proposal concerns the establishment of the Union position for the 73rd session of the Marine Environment Protection Committee (MEPC 73) and for the 100th session of the Maritime Safety Committee (MSC 100) of the International Maritime Organization (IMO) with regard to the adoption of amendments to certain mandatory instruments at those meetings.

3. MEPC 73 (22-26 October 2018) is expected to adopt amendments to regulation 14 of Annex VI to the International Convention for the Prevention of Pollution from Ships ("MARPOL Annex VI"). Those amendments concern the prohibition on the carriage of non-compliant fuel oil (i.e. fuel oil with a sulphur content that exceeds 0.5%) for combustion purposes for propulsion or operation on board a ship. Such a carriage ban would contribute to a robust enforcement of the global 0.5% cap on sulphur content in fuel oils which becomes effective on 1 January 2020. Those amendments would be capable of decisively influencing the content of Union law, namely Directive (EU) 2016/802 of the European Parliament and of the Council¹.
4. MSC 100 (3-7 December 2018) is expected to adopt amendments to the International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011 (the 2011 ESP Code) which include editorial changes to the Code but also new substantial requirements. The 2011 ESP Code was introduced in the light of maritime accidents involving bulk carriers and oil tankers. As far as single-hull oil tankers are concerned, the amendments to the 2011 ESP Code would be capable of decisively influencing the content of Union law, namely Regulation (EU) No 530/2012 of the European Parliament and of the Council².

WORK WITHIN THE COUNCIL PREPARATORY BODIES

5. The proposal was examined by the Shipping Working Party on 18 and 25 September 2018. At the meeting on 25 September, the Shipping Working Party agreed on the substance of the proposal.
6. At this stage, Denmark and the United Kingdom maintain parliamentary scrutiny reservations.

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 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).

CONCLUSION

7. The Permanent Representatives Committee/Council are invited to adopt the Decision as set out in document ST 12495/18, prepared by the legal-linguistic experts.
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