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#### 'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	12198/1/22 REV 1
No. Cion doc.:	12167/22
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union within the International Maritime Organization's Maritime Safety Committee during its 106 <sup>th</sup> session and within the International Maritime Organization's Marine Environment Protection Committee during its 79 <sup>th</sup> session as regards the amendment of the International Convention for the Safety of Life at Sea (SOLAS), of the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (the '2011 ESP Code') and of Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL)

#### INTRODUCTION

1. On 6 September 2022, the Commission transmitted the above-mentioned proposal to the Council.
2. The proposal concerns the establishment of the Union position for the 106<sup>th</sup> session of the Maritime Safety Committee (MSC 106) and the 79<sup>th</sup> session of the Marine Environment Protection Committee (MEPC 79) of the International Maritime Organization (IMO) with regard to the adoption of amendments to:

- a) Chapter II-2 of the International Convention for the Safety of Life at Sea (SOLAS) (to take into account oil fuel suppliers who have failed to meet the flashpoint requirements, actions against oil fuel suppliers that have been found to deliver oil fuel that does not comply with minimum flashpoint requirements, and documentation of the flashpoint of the actual fuel batch when bunkering, in the interest of enhanced safety of ships);
- b) the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (the 2011 ESP Code) (to implement stricter requirements for survey of ballast tanks and void spaces in order to address the safety issues that were identified during the flag State's marine safety investigation of the loss of the bulk carrier MV Stellar Daisy in 2017, in the interest of enhanced safety of ships);
- c) regulation 14 and Appendix VII of Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL) (to designate the Mediterranean Sea, as a whole, as an Emission Control Area for Sulphur Oxides, which will result in significant reductions in ambient levels of air pollution in the Mediterranean Sea as a whole and in the Mediterranean coastal States, and in substantial benefits to human health and the environment. It should be noted that those amendments are the result of a joint proposal by all Mediterranean coastal States, all EU Member States and the Commission to IMO in early 2022<sup>1</sup>);
- d) Appendix IX of Annex VI to MARPOL (to enhance information on the carbon intensity performance of ships in the IMO Ship Fuel Oil Consumption Data Collection System, which will provide essential data regarding the global fleet's energy efficiency and carbon intensity performance in the interest of the decarbonisation objectives of the Union).

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<sup>1</sup> 5672/22 + ADD 1-5.

3. The amendments to SOLAS and the 2011 ESP Code, which are expected to be adopted during MSC 106, would be capable of decisively influencing the content of Union law, namely Directive 2009/45/EC of the European Parliament and of the Council<sup>1</sup> and Regulation (EU) 530/2012 of the European Parliament and of the Council<sup>2</sup>.
4. The amendments to MARPOL, which are expected to be adopted during MEPC 79, would be capable of decisively influencing the content of Union law, namely Directive (EU) 2016/802 of the European Parliament and of the Council<sup>3</sup> and Regulation (EU) 2015/757 of the European Parliament and of the Council<sup>4</sup>.

## WORK WITHIN THE COUNCIL PREPARATORY BODIES

5. The proposal was examined by the Shipping Working Party at its meetings on 12, 19 and 26 September 2022. The Shipping Working Party agreed on some amendments to the Commission proposal.
6. The Commission voiced concerns on some of the amendments made to its proposal and announced its intention to make a statement to the minutes of the Permanent Representatives Committee and of the Council.
7. Following the agreement reached at working party level, the text of the draft Council Decision was revised by the Council's legal-linguistic services.

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<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

## CONCLUSION

8. The Permanent Representatives Committee is invited to examine and endorse the draft decision, as contained in document ST 12627/22, prepared by the legal-linguistic services, and to transmit it to the Council for adoption.
9. The European Parliament will be informed of the adoption in accordance with Article 218(10) TFEU.

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