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#### 'I' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 1)

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No. Cion doc.: 7139/21  
No. prev. doc.: 7252/21

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Subject: Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the International Maritime Organization during the 103<sup>rd</sup> session of the Maritime Safety Committee and the 76<sup>th</sup> session of the Marine Environment Protection Committee on the adoption of amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, the International Code on the enhanced programme of inspections during surveys of Bulk carriers and Oil tankers, the International Code for Fire Safety Systems and the International Convention on the Control of Harmful Anti-fouling Systems on Ships  
– Decision to use the written procedure for the adoption

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#### INTRODUCTION

1. On 18 March 2021, the Commission transmitted the above-mentioned proposal to the Council.
2. The proposal concerns the establishment of the Union position for the 103<sup>rd</sup> session of the Maritime Safety Committee (MSC 103) and the 76<sup>th</sup> session of the Marine Environment Protection Committee (MEPC 76) of the International Maritime Organization (IMO) with regard to the adoption of amendments to:

- a) Part A of the Code to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (the STCW Convention) (to clarify the operational level of the functions of ‘electro-technical officer’ and introduce a common definition of the term ‘high-voltage’);
  - b) Annex 2 to part A of Annex B to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (the 2011 ESP Code) (to enable surveyors to focus on suspect areas for thickness measurements of double-hull oil tankers);
  - c) Chapter 9 of the International Code for Fire Safety Systems (the FSS Code) (to accommodate systems that combine the enhanced safety of individually identifiable fire detectors required for passenger ships with the less complex and less costly section identifiable fault isolation, currently acceptable for cargo ships and passenger ship cabin balconies only);
  - d) Annexes 1 and 4 to the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (the AFS Convention) (to ensure a global ban on the anti-fouling substance cybutryne, the sale and the use of which are already banned in the Union).
3. The amendments to the STCW Convention, the 2011 ESP Code and the FSS Code, which are expected to be adopted during MSC 103, would be capable of decisively influencing the content of Union law, namely Directive 2008/106/EC of the European Parliament and of the Council<sup>1</sup>, Regulation (EU) 530/2012 of the European Parliament and of the Council<sup>2</sup> and Directive 2009/45/EC of the European Parliament and of the Council<sup>3</sup>, respectively.

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<sup>1</sup> Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (OJ L 323, 3.12.2008, p. 33).

<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 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. The amendments to the AFS Convention, which are expected to be adopted during MEPC 76, would be capable of decisively influencing the content of Union law, namely Regulation (EU) No 528/2012 of the European Parliament and of the Council<sup>1</sup>.

#### **WORK WITHIN THE COUNCIL PREPARATORY BODIES**

5. The proposal was examined by the Shipping Working Party on 23 March 2021. After that meeting, modifications were made to the text, which were sent for comments to delegations by 30 March 2021. No delegation objected to the modified text.
6. The Commission voiced concerns on some of the amendments made to its original proposal and announced its intention to make a statement to the minutes of the Permanent Representatives Committee.
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> Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

## CONCLUSION

8. In view of the above, the Permanent Representatives Committee is invited:
  - to confirm its agreement on the text of the draft Council Decision, as contained in document ST 7527/21, prepared by the legal-linguistic services, and
  - to decide, in accordance with the first subparagraph of Article 12(1) of the Council Rules of Procedure and Article 1 of Council Decision (EU) 2020/430<sup>1</sup>, that the Council uses the written procedure for its adoption.
9. The European Parliament will be informed of the adoption in accordance with Article 218(10) TFEU.

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<sup>1</sup> Council Decision (EU) 2020/430 of 23 March 2020 on a temporary derogation from the Council's Rules of Procedure in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 088I , 24.3.2020, p. 1).