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European Union

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## 'I' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	13545/21
No. prev. doc.:	13563/1/21 REV 1
Subject:	Draft submission by Member States and the Commission to the International Maritime Organization's 8 <sup>th</sup> session of the Sub-Committee on Ship Design and Construction on developing amendments to the SOLAS Convention to extend the requirement for an emergency towing arrangement to all new ships over 20,000 gross tonnage – <i>Endorsement</i>

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## I. INTRODUCTION

1. On 3 November 2021, the Commission transmitted to the Council a Staff Working Document containing a draft submission to the 8th session of the Sub-Committee on Ship Design and Construction (SDC 8) of the International Maritime Organization (IMO) on developing amendments to the International Convention for the Safety of Life at Sea (SOLAS) to extend the requirement for emergency towing arrangements to all new ships of 20,000 gross tonnage and above. The deadline for transmitting the draft submission to the IMO Secretariat is 12 November 2021.

2. As a consequence of major pollution incidents involving oil tankers since the 1960s, provisions for emergency towing were introduced in SOLAS, covering tankers of not less than 20,000 deadweight tonnes. Since those provisions were introduced, the size of ships, not the least cruise ships and container ships, have been constantly increasing. Incidents involving such large ships might have disastrous impacts on human life and the environment, especially in areas with dense maritime traffic close to the coast, such as the English Channel.
3. The purpose of the draft submission is to propose that the rules currently only applicable to tankers be extended to all ships of 20,000 gross tonnage and above, in the interest of maritime safety and the protection of the marine environment. To that end, amendments are proposed to the relevant SOLAS regulation; consequential amendments to relevant IMO guidelines should also be considered, as appropriate.

## **II. WORK WITHIN THE COUNCIL**

4. The draft submission was presented by the Commission to the members of the Shipping Working Party at their informal videoconference on 27 October 2021. It was examined in detail at the informal videoconference of the members of the Shipping Working Party on 8 November 2021. After that last meeting, delegations were given the opportunity to make comments, which were taken into account when preparing the final version of the text. No delegation raised objections to that final version, as set out in the Annex.
5. The Shipping Working Party also agreed that the Presidency would be allowed to indicate at the time of transmission that the document may be released to the public by the IMO secretariat prior to SDC 8.
6. However, there is no agreement on who should submit the draft submission. The Commission maintains the view that the draft submission should be made by "the European Commission on behalf of the European Union", while the Member States consider that it should be made by the Member States and the European Commission.
7. Given the urgency and importance of the matter, it was agreed at working party level to propose to transmit the submission in the name of the Member States and the European Commission, while taking good note of the position of the Commission.

8. Finally, the Shipping Working Party reiterates its request to the Commission that proposals for submissions to the IMO should be presented in such time as to allow for a proper examination of procedural and substantive issues in at least two working party meetings.

### **III. CONCLUSION**

9. In the light of the above, the Permanent Representatives Committee is invited to endorse the text of the draft submission in the annex, with a view to its transmission by the Presidency to the International Maritime Organization by 12 November 2021.
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Sub-Committee on Ship Design and  
Construction  
8th session  
Agenda item 12

SDC 8/12/XX  
xx November 2022  
Original: English  
Pre-session public release:

**DEVELOPMENT OF AMENDMENTS TO SOLAS REGULATION II-1/3-4 TO APPLY  
REQUIREMENTS FOR EMERGENCY TOWING EQUIPMENT FOR TANKERS TO OTHER  
TYPES OF SHIPS**

**Development of amendments to Regulation 3-4 of Chapter II-1 of the SOLAS Convention to  
extend the requirement for an emergency towing arrangement to all new ships of 20,000  
gross tonnage and above**

**Submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark,  
Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania,  
Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain,  
Sweden and the European Commission**

**SUMMARY**

*Executive summary:* In accordance with the new outcome approved by MSC 103, this document contains a suggestion for amendment to SOLAS concerning the extension of emergency towing arrangements, already applicable to tankers of not less than 20,000 tons deadweight, to all types of new ships of 20,000 gross tonnage and above (Regulation 3-4, Chapter II-1 SOLAS).

*Strategic direction, if 2  
applicable:*

*Output:*

*Action to be taken:* Paragraphs 22 and 23

*Related documents:* MSC 102/21/5 + Corr.1, MSC 102/INF.4, MSC 102/INF.5; MSC 103/21

## Introduction

1 This document is submitted in accordance with paragraph 6.12.5 of *Organization and methods of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.2). It aims to present a possible amendment to SOLAS concerning the extension of emergency towing arrangements, already applicable to tankers of not less than 20,000 tons deadweight, to all types of new ships of 20,000 gross tonnage and above (Regulation 3-4, Chapter II-1 SOLAS).

2 At MSC 103, the Committee considered documents MSC 102/21/5 and Corr.1 (France et al.) proposing an extension of the requirements for emergency towing arrangements in SOLAS regulation II-1/3-4, applicable to tankers of not less than 20,000 tonnes deadweight, to all types of large new ships. In this connection, the Committee noted the information contained in documents MSC 102/INF.4 and MSC 102/INF.5 (France), providing information on the evolution of ship size in the English Channel and a summary of a towing exercise between a large container ship and a rescue tug, respectively.

3 Following discussion, the Committee agreed to include in the biennial agenda of the SDC Sub-Committee for 2022-2023 and the provisional agenda for SDC 8 an output on "Development of amendments to SOLAS regulation II-1/3-4 to apply requirements for emergency towing equipment for tankers to other types of ships", with a target completion year of 2023.

4 The Committee also agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

.1 the amendments to be developed should apply to all types of new ships of [20,000] gross tonnage and above (the tonnage threshold was left in square brackets for consideration and advice to the Committee by the SDC Sub-Committee);

.2 the instrument to be amended was SOLAS regulation II-1/3-4; and

.3 the amendments to be developed should enter into force on 1 January 2028, provided that they were adopted before 1 July 2026.

## Context

5 After the dramatic pollution incidents that had repeatedly hit Europe since the end of the 1960s, provisions for emergency towing were introduced through Regulation 3-4, Chapter II-1 of the SOLAS Convention.

6 Since 1996, in accordance with resolution MSC.35(63) as amended by resolution MSC.132(75) and MSC/Circ.966, tankers of not less than 20,000 deadweight tonnes must have an emergency towing arrangement, fore and aft, and a towing procedure. Other types of ships (MSC.1/Circ.1255) are only required to have a towing procedure but are not required to be equipped.

7 Thirty years ago, the Organization focused on the risk associated with tankers, which were already very large (VLCCs, ULCCs). The possibility of carrying out emergency towing of a tanker likely to cause an environmental disaster was seen as a priority. The situation is now different. The increase in the size of all ships creates new constraints and risks for coastal States (see MSC 102/INF.4).

8 In view of the constant growth in the size of ships, the Organization approved at MSC 103 the study of the adaptation of the rules on emergency towing to the evolution of the world fleet.

9 Document MSC 102/INF.4 recalled that the increasing size of ships of all types has consequences on the potential risks in the event of an accident, both for human life at sea and for the environment.

### **Review of the issue**

10 The increase in the size of vessels no longer allows for emergency towing without suitable equipment.

11 In case of need, an emergency towing system should be able to be deployed quickly without using a power source from the vessel to be towed and should be able to be easily attached to the towing vessel. This towing system should ideally be the same for all vessels, to facilitate interventions on vessels abandoned by their crew.

12 If the structure of the anchor points for the towing holds of large cargo ships and cruise ships is not suitable, it will not allow emergency towing in bad weather without difficulty. Indeed, working a towing cable or chain up onto an unsuitable foredeck is a source of danger for the response personnel.

13 Today, when towing a very large commercial vessel on the high seas, the peak load can exceed 100 tonnes, although these vessels are generally equipped with a towing device that cannot withstand such peak load.

14 In view of the importance of maritime traffic in confined waters, particularly in the English Channel, the number of incidents, despite traffic separation schemes, close to the coast and the constant increase in the size of ships, the introduction of an emergency towing system capable of withstanding a pulling force relative to the ship's characteristics (weight and length) would make a decisive contribution to improve maritime safety.

15 In the case of an ultra large container ship drifting towards the coast, it makes a difference whether the ship has the power to operate the winches. If this were the case, the safety of the crew would increase considerably in case emergency towing devices are in place on the forecastle. In the event of a total breakdown and the ship drifting towards the coast, a device such as the emergency stern tow device on tankers would also be a plus.

16 Emergency towing systems are designed to facilitate emergency assistance and towing operations for all large vessels in order to reduce the risk of sinking and pollution. At present, in terms of equipment, the regulations require these devices only for tankers.

17 It should also be noted that increased activity at sea with, for example, many new wind farms planned near major shipping lanes will require the ability to quickly tow vessels in difficulty even more than today.

## SOLAS requirements

18 Provisions for emergency towing were introduced by regulation 3-4, Chapter II-1 of the SOLAS Convention: tankers of not less than 20,000 deadweight tonnes must have an emergency towing arrangement, both fore and aft, and a towing procedure. Other types of ships are only required to have a towing procedure but are not required to be equipped.

19 As document MSC 102/INF.4 demonstrates, there is continuously increasing size of ships of all types passing, in that case, through the English Channel. It is suggested to extend the scope of Regulation 3-4, Chapter II-1 of the SOLAS Convention to all new ships of 20,000 gross tonnage and above. These would thus be subject to the obligation to be equipped with an emergency towing arrangement, fore and aft.

20 The proposed amendment would result in negligible costs for the shipping industry in relation to the total construction cost of a new ship. There would be no additional administrative burden. In regulatory terms, the impact would be to extend the scope of Regulation 3-4, Chapter II-1 of the SOLAS Convention.

## Proposed regulatory amendment

21 To this end, the co-sponsors suggest to amend Regulation 3-4, Chapter II-1 of the SOLAS Convention as follows:

"1 Emergency towing arrangements on ~~tankers~~ ships  
[...]

1.4. Emergency towing arrangements on ships other than tankers:

1.4.1 Emergency towing arrangements shall be fitted forward and aft on all ships other than tankers of 20,000 gross tonnage and above, constructed on or after [entry into force date].

1.4.2 The requirements in paragraph 1.2 of this regulation as applicable to tankers built on or after 1 July 2002 shall equally apply to ships other than tankers constructed on or after [dd.mm.yyyy]."

## Action requested of the Sub-Committee

22 The Sub-Committee is invited to consider the proposals set out in this document, specifically paragraphs 18, 19, 20 and 21, and to take such action, as it considers appropriate.

23 Furthermore, taking into account the proposal in paragraph 21, the Sub-Committee is invited to consider if there is a need to amend the Guidelines on emergency towing arrangements for tankers (resolution MSC.35(63), as amended) so as to extend those guidelines to other ships than tankers.