



Brussels, 25 November 2021
(OR. en)

13993/21

Interinstitutional File:
2021/0352(NLE)

MAR 219
OMI 98
ENV 898

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 13495/21
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the International Maritime Organization's 32 nd Assembly on the adoption of amendments to the Guidelines under the Harmonized System of Survey and Certification

INTRODUCTION

1. On 3 November 2021, the Commission transmitted the above-mentioned proposal to the Council.
2. The proposal concerns the establishment of the Union position to be taken during the 32nd session of the IMO Assembly with regard to the adoption of a resolution on the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC).
3. The resolution on the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), which is expected to be adopted during the 32nd session of the IMO Assembly, will be capable of decisively influencing the content of Union law, namely Regulation (EC) No 391/2009 of the European Parliament and of the Council¹.

¹ Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p. 11)

WORK WITHIN THE COUNCIL PREPARATORY BODIES

4. The proposal was examined by the members of the Shipping Working Party at their informal meetings on 8 and 15 November 2021. The Presidency compromise proposal presented at that last meeting was accepted by delegations.
5. However, a number of delegations reiterated their position that they do not consider the adoption of a Council Decision for non-legally binding instruments to be adopted in the IMO reasonable and proportionate, as set out in a statement made at the time of the adoption of a similar Council Decision for the 31st IMO Assembly¹.
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 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.

CONCLUSION

8. The Permanent Representatives Committee is invited to examine and endorse the draft decision, as set out in document ST 13964/21, prepared by the legal-linguistic experts, and transmit it to the Council for adoption.
9. The European Parliament will be informed of the adoption in accordance with Article 218(10) TFEU.

¹ Council Decision (EU) 2019/2008 of 28 November 2019 (OJ L 312, 3.12.2019, p. 40). For the statement, see 14211/19 ADD 2.