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## PROPOSAL

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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	19 March 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.:	COM(2026) 127 final
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 84th session of the Marine Environment Protection Committee on the adoption of amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL) and during the 111th session of the Maritime Safety Committee on the adoption of amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, the International Code of Safety for High-speed Craft, 1994 (1994 HSC Code), the International Code of Safety for High-speed Craft, 2000 (2000 HSC Code), the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), the International Life-Saving Appliance Code (LSA Code), and to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol)

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Delegations will find attached document **COM(2026) 127 final**.

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Encl.: **COM(2026) 127 final**



Brussels, 19.3.2026  
COM(2026) 127 final

2026/0073 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the position to be taken on behalf of the European Union in the International Maritime Organization during the 84th session of the Marine Environment Protection Committee on the adoption of amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL) and during the 111th session of the Maritime Safety Committee on the adoption of amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, the International Code of Safety for High-speed Craft, 1994 (1994 HSC Code), the International Code of Safety for High-speed Craft, 2000 (2000 HSC Code), the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), the International Life-Saving Appliance Code (LSA Code), and to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol)**

## EXPLANATORY MEMORANDUM

### **1. SUBJECT MATTER OF THE PROPOSAL**

This proposal concerns the decision establishing the position to be taken on the Union's behalf at the 84<sup>th</sup> session of the International Maritime Organization's Marine Protection Environment Committee (MEPC 84), scheduled to take place from 27 April to 1 May 2026 and at the 111<sup>th</sup> session of the International Maritime Organization's Maritime Safety Committee (MSC 111), scheduled to take place from 13 to 22 May 2026.

During its 84<sup>th</sup> session, MEPC is envisaged to adopt amendments to Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL).

During its 111<sup>th</sup> session, MSC is envisaged to adopt amendments to:

- (a) chapters IV and V and the appendix (Certificates) of the International Convention for the Safety of Life at Sea (SOLAS), 1974,
- (b) the International Code of Safety for High-speed Craft, 1994 (1994 HSC Code),
- (c) the International Code of Safety for High-speed Craft, 2000 (2000 HSC Code),
- (d) the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code),
- (e) the International Life-Saving Appliance Code (LSA Code),
- (f) Annex B to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol).

### **2. CONTEXT OF THE PROPOSAL**

#### **2.1. The Convention on the International Maritime Organization, the MARPOL Convention and the SOLAS Convention**

The Convention on the International Maritime Organization (IMO) establishes the IMO. The IMO's purpose is to provide a forum for co-operation in the field of regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade. It furthermore aims to encourage the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships, promoting a level playing field. It also deals with related administrative and legal matters.

The Convention entered into force on 17 March 1958.

All Member States are parties to the Convention. The Union is not a party to the Convention.

The International Convention for the Prevention of Pollution from Ships was concluded in 1973 (MARPOL Convention) is an IMO Convention, which entered into force on 2 October 1983. All Member States are parties to MARPOL and 25 Member States are also parties to Annex VI<sup>1</sup>, which entered into force on 18 May 2005. The Union is not a party to MARPOL.

All Member States are parties to the International Convention for the Safety of Life at Sea ('SOLAS'), 1974, which entered into force on 25 May 1980. The Union is not a party to SOLAS.

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<sup>1</sup> Austria and Hungary have not yet ratified Annex VI of MARPOL.

## **2.2. The International Maritime Organization**

The International Maritime Organization (IMO) is the United Nations' specialised agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships. It is the global standard-setting authority for the safety, security, and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented.

Membership in the IMO is only open to States. All EU Member States are members of the IMO. While the EU is not a member, the European Commission's relations with IMO are based today on the IMO Resolution A.1168(32) which prescribes the procedures and terms for the cooperation between IMO and intergovernmental organisations. Based on this IMO Resolution and further arrangements since 1974, the European Commission is participating as an observer in all the IMO Committee and Sub-Committee meetings.

IMO's Marine Environment Protection Committee (MEPC) consists of all the IMO Members and meets at least once a year. It addresses environmental issues under the scope of the Organization as regards the control and prevention of ship-source pollution covered by the MARPOL treaty, including oil, chemicals carried in bulk, sewage, garbage and emissions from ships to air, including air pollutants and greenhouse gas emissions. Other matters covered include ballast water management, anti-fouling systems, ship recycling, pollution preparedness and response, and identification of special areas and particularly sensitive sea areas.

Pursuant to Article 38(a) of the IMO Convention, the Marine Environment Protection Committee performs any duties assigned to them by the IMO Convention, the IMO Assembly or the IMO Council, or any duty within the above scope which may be assigned to them by or under any other international instrument and accepted by the IMO. Decisions of the Marine Environment Protection Committee, and of its subsidiary bodies, are adopted by a majority of their Members.

MEPC 84 will adopt amendments to MARPOL in accordance with article 16 paragraph (2) subpoints (b), (c) and (d) of the Convention.

IMO's Maritime Safety Committee (MSC) consists of all the IMO Members and meets at least once a year. It considers any matter within the scope of the Organization concerned with aids to navigation, construction and equipment of vessels, manning from a safety standpoint, rules for the prevention of collisions, handling of dangerous cargoes, maritime safety procedures and requirements, hydrographic information, log-books and navigational records, marine casualty investigation, salvage and rescue, and any other matters directly affecting maritime safety.

Pursuant to Article 28(b) of the IMO Convention, IMO's Maritime Safety Committee provides machinery for performing any duties assigned to them by the IMO Convention, the IMO Assembly or the IMO Council, or any duty within the above scope which may be assigned to them by or under any other international instrument and accepted by the IMO. Decisions of the Maritime Safety Committee, and of their subsidiary bodies, are adopted by a majority of their Members.

MSC 111 will adopt amendments in accordance with article VIII(b)(iv) of the SOLAS Convention and article VI(2)(d) of the 1988 Load Lines Protocol.

### **2.3. The envisaged act of the IMO's Marine Environment Protection Committee**

During its 84<sup>th</sup> session, MEPC is to adopt amendments to Annex VI of MARPOL concerning the:

- designation of the North-East Atlantic as a new Emission Control Area (ECA) (regulations 13 and 14 and Appendix VII of MARPOL Annex VI);
- accessibility of the IMO Ship Fuel Oil Consumption Database (IMO DCS) and review clause of the short-term GHG reduction measure (regulations 20, 25, 27 and 28).

These amendments were expected to be adopted during the second extraordinary session of MEPC that took place between 14 to 17 October 2025.

In preparation of the MEPC/ES.2, the Council of the European Union adopted Council Decision 2025/2093 of 10 October 2025 on the position to be taken on behalf of the European Union within the International Maritime Organization's Marine Environment Protection Committee at its second extraordinary session as regards the adoption of amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL) <sup>(2)</sup>.

According to the Council Decision 2025/2093, the position of the Union at MEPC/ES.2 was to agree to the adoption of:

- (a) the amendments to regulations 13 and 14 and Appendix VII of Annex VI to MARPOL concerning the designation of the North-East Atlantic as a new Emission Control Area (ECA),
- (b) the amendments to regulations 20, 25, 27 and 28 of Annex VI of MARPOL concerning the accessibility of the IMO Ship Fuel Oil Consumption Database (IMO DCS), and
- (c) the introduction of the new chapter 5 of Annex VI to MARPOL concerning the IMO Net-Zero Framework.

As the meeting of the MEPC/ES.2 was adjourned for one year, the IMO has transmitted the above-mentioned amendments to MARPOL Annex VI under point (a) and (b) to MEPC for adoption at its 84<sup>th</sup> session. For this purpose, this proposal is put forward.

In parallel, the adoption of the new chapter 5 of Annex VI to MARPOL concerning the IMO Net-Zero Framework under point (c) was postponed along with MEPC/ES.2.

### **2.4. The envisaged act of the IMO's Maritime Safety Committee**

During its 111<sup>th</sup> session, MSC is to adopt amendments to:

- (a) chapters IV and V and the appendix (Certificates) of the International Convention for the Safety of Life at Sea (SOLAS), 1974,
- (b) the International Code of Safety for High-speed Craft, 1994 (1994 HSC Code),
- (c) the International Code of Safety for High-speed Craft, 2000 (2000 HSC Code),
- (d) the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code),

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<sup>2</sup> OJ L, 2025/2093, 16.10.2025, ELI: <http://data.europa.eu/eli/dec/2025/2093/oj>

- (e) the International Life-Saving Appliance Code (LSA Code),
- (f) Annex B to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol).

### **3. POSITION TO BE TAKEN ON THE UNION'S BEHALF IN MEPC 84**

#### **3.1. Amendments to regulations 13 and 14 and Appendix VII of MARPOL Annex VI**

The EU Member States and the European Commission, together with the UK, Iceland, Denmark (Greenland), Faroes Islands submitted a document to MEPC 83, proposing to designate the North-East Atlantic Ocean as an Emission Control Area for sulphur oxides, particulate matter and nitrogen oxides, pursuant to MARPOL Annex VI. The Commission has been actively taking part to the preparatory work together with the littoral states under the coordination of the delegation of Portugal.

The Technical Group on the Designation of Particular Sensitive Sea Areas (PSSAs) and Special Areas had determined that the proposed ECA satisfied the criteria set forth in Section 3 of Appendix III to MARPOL Annex VI. Having noted the outcome of the technical group, MEPC 83 approved the designation of an ECA for the control of SO<sub>x</sub>, PM and NO<sub>x</sub>, for the North-East Atlantic Ocean with a view to adoption at the next MEPC session. These amendments have been circulated by the IMO Secretariat through IMO Circular Letter No.5085 of 24 October 2025.

The Union should support the proposal set out in the revised draft amendments to designate the North-East Atlantic Ocean as an Emission Control Area for sulphur oxides, particulate matter and nitrogen oxides, pursuant to MARPOL Annex VI, because it will contribute to preventing, reducing, and controlling NO<sub>x</sub>, SO<sub>x</sub> and PM emissions from ships to achieve related health and environmental benefits while keeping the economic impact to the maritime sector manageable.

#### **3.2. Amendments to regulations 20, 25, 27 and 28 of MARPOL Annex VI**

MEPC 82 had established the Correspondence Group on the review of the short-term GHG reduction measure, under the joint coordination of Brazil, Japan and the European Commission.

At its first meeting, the Intersessional Working Group on Air Pollution and Energy Efficiency (ISWG-APEE 1) considered among other topics the accessibility of IMO Ship Fuel Oil Consumption Database (IMO DCS) data for analysis and the review clause of the short-term GHG reduction measure.

With regard to the accessibility of IMO DCS data, ISWG-APEE 1 considered the report of the Correspondence Group, which had agreed to improve the IMO DCS data accessibility at Phase 1. Following considerations, the Group prepared draft amendments to regulation 27 of MARPOL Annex VI.

MEPC 83 instructed the APEE Working Group among others to finalize draft amendments to MARPOL Annex VI and associated guidelines regarding IMO DCS accessibility.

Having noted that the Working Group had further considered the draft amendments to regulation 27 of MARPOL Annex VI and to associated guidelines regarding IMO DCS accessibility prepared by ISWG-APEE 1, MEPC 83 approved draft amendments to regulation 27 of MARPOL Annex VI on IMO DCS accessibility, with a view to adoption at the next MEPC session. These amendments have been circulated by the IMO Secretariat through IMO Circular Letter No.5005 of 11 April 2025.

The Union submitted a proposal on the matter (ISWG-GHG 13/7), asking to amend the DCS related to the granularity of data, additional data and accessibility. The draft amendments are coherent with ISWG-GHG 13/7 in relation to increased accessibility.

The Union's position at ISWG-APEE 1 and MEPC 83 was to support the draft amendments to regulation 27.

The Union should support these amendments because they will further improve the accessibility of IMO DCS data to ensure the robust implementation of the CII framework and to facilitate its review.

With regard to the clauses on the review of the short-term measure, ISWG-APEE 1 prepared draft amendments to regulations 20, 25 and 28 of MARPOL Annex VI, using the annex to document MEPC 83/6/11, prepared by the Correspondence Group on an update of the reference to the IMO Strategy and on the Review of the Short-term GHG Reduction Measure, as a basis.

MEPC 83 approved the draft amendments to regulations 20, 25 and 28 of MARPOL Annex VI with a view to adoption at the next MEPC session. These amendments have been circulated by the IMO Secretariat through IMO Circular Letter No.5085 of 24 October 2025.

The Union's position at ISWG-APEE 1 and MEPC 83 was to support the draft amendments as presented in MEPC 83/6/11.

The Union should support these amendments because they are consequential to the adoption of the 2023 GHG IMO Strategy and consequential to the finalization of the review of the Short Term Measures by the IMO and allows for further review of these regulations.

#### **4. POSITION TO BE TAKEN ON THE UNION'S BEHALF IN MSC 111**

##### **4.1. Amendments to chapters IV and V and the appendix (Certificates) of SOLAS and amendments to the 1994 HSC Code & the 2000 HSC Code**

MSC 103 had assigned the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR) the work on the development of amendments to SOLAS chapters IV and V and performance standards and guidelines to introduce Very High Frequency (VHF) data exchange system (VDES).

NCSR 10 started discussing this work by considering whether the Sub-Committee should consider the introduction of VDES under SOLAS Chapter IV, besides SOLAS Chapter V. The Union position was to support that while the Sub-Committee could prioritise the introduction of VDES under SOLAS Chapter V, it was important to also consider the introduction of VDES under SOLAS chapter IV.

The Sub-Committee agreed to establish a correspondence group, under the coordination of Japan, with a view to undertake a technical, regulatory and operational analysis of VDES, including its communications component and associated costs, to develop the required draft performance standards and draft amendments to SOLAS Chapter IV and V, as well as to identify any consequential amendments to other instruments.

NCSR 11 continued to discuss whether and how to include VDES in SOLAS Chapters IV and V, taking into consideration the options, developed by the Correspondence Group. NCSR 11 re-established the Correspondence Group on VHF Data Exchange System (VDES), under the coordination of Japan, with a view to finalize the draft amendments to SOLAS, including consequential amendments. The Union position at NCSR 11 was to support the establishment of the Working Group on Navigation to continue to discuss the amendments to SOLAS and to

support the re-establishment of the correspondence group to continue the necessary work intersessionally.

NCSR 12 considered the report of the Correspondence group on draft amendments to SOLAS, including also consequential amendments to mandatory and non-mandatory instruments and agreed to forward this work to a Working Group with a view to finalise this work. Having considered the Working Group's report, the Sub-Committee agreed to the draft amendments to SOLAS chapter V and the appendix. The Sub-Committee agreed also to the consequential draft amendments to the 1994 and 2000 HSC codes. Having considered the Working Group's assessment concerning the approval of the aforementioned draft amendments to SOLAS, the Sub-Committee agreed to invite MSC 110 to approve them, as an urgent matter, with a view to adoption by MSC 111 and entry into force on 1 January 2028. The Union's position at NCSR 12 was to support the work of the Correspondence Group and to propose that its report is referred to a Working Group for further consideration.

MSC 110 approved the draft amendments to SOLAS chapter V and the appendix to introduce the VHF Data Exchange System (VDES), with a view to subsequent adoption at MSC 111. The Committee also approved the related consequential draft amendments to the 1994 and 2000 HSC Codes, with a view to subsequent adoption at MSC 111, in line with the aforementioned draft amendments to SOLAS. These amendments have been circulated by the IMO Secretariat through IMO Circular Letter No.5063 of 29 September 2025.

The Union position at MSC 110 was to support the draft amendments.

The Union should support these amendments because it is more efficient to use dedicated channels for application specific message (ASM) of VDES and VDES has additional capacity for the exchange of more digital data and thus, it could accommodate future growth in demand for utilizing digital data in maritime radiocommunication. In addition, the exchange of digital data brings numerous benefits not only for safety and situational awareness but also for security, efficiency of navigation, protection of marine environment and reduction of burden of seafarers. VDES provides a significant enhancement to the benefits delivered through AIS and is considered an enabler of e-navigation. The ability to exchange ASM and other information between ships and shore authorities is significantly improved through the implementation of VDES.

With regard to the amendments to SOLAS regulations IV/5, V/4 and V/5, NCSR 12 noted the considerations of the Joint IMO/ITU Experts Group on the development of draft amendments to the SOLAS Convention. It also considered the options to amend SOLAS prepared by the Joint IMO/ITU Experts Group, taking into account documents including the Union submission to NCSR 12, which provided comments on the options presented by the Joint IMO/ITU Experts Group. NCSR 12 referred the matters to the Working Group for further review and finalisation of the amendments to SOLAS. NCSR 12 agreed to the draft amendments to SOLAS regulations IV/5, V/4 and V/5 concerning the requirement for dissemination of Maritime Safety Information (MSI) and Search and Rescue (SAR) related information through all operational recognized mobile satellite services (RMSSs), and endorsed the justification for submission of the above-mentioned draft amendments to MSC 110 for approval, with a view to adoption by MSC 111 and entry into force on 1 January 2028. The Union position at NCSR 12 was to support the Union submission proposing draft amendments to SOLAS concerning the dissemination of MSI and SAR related information through all operational recognized mobile satellite services.

MSC 110 approved the draft amendments to SOLAS regulations IV/5, V/4 and V/5 concerning the requirement for dissemination of maritime safety information (MSI) and SAR-related information through all operational mobile satellite services recognized by the

Organization for use in the Global Maritime Distress and Safety System (GMDSS), with a view to subsequent adoption at MSC 111. These amendments have been circulated by the IMO Secretariat through IMO Circular Letter No.5063 of 29 September 2025.

The Union position at MSC 110 was to support the draft amendments.

The Union should support these amendments because by introducing new recognized mobile satellite services, it needs to clearly state the requirement for dissemination of maritime safety information and search and rescue related information through all operational recognized mobile satellite services.

#### **4.2. Amendments to the 2011 ESP Code**

The Sub-Committee on Ship Design and Construction at its 10<sup>th</sup> session (SDC 10) discussed considered amendments to the 2011 ESP Code and agreed that work should be undertaken intersessionally in a correspondence group which should be tasked to consider the proposal for amendments to the ESP Code. The Union position at SDC 10 was to propose that the proposed amendments to the ESP Code are either discussed by a correspondence group or are deferred to a working group to be established at SDC 11.

SDC 11 considered the report of the Correspondence Group on Amendments to the 2011 ESP Code to permit the use of remote inspection techniques (RIT) and referred the matter to a Working Group. Having considered the report of the Working Group, SDC 11 approved the draft amendments to the 2011 ESP Code to incorporate RIT, for approval at MSC 110 and subsequent adoption at MSC 111. The Union position at SDC 11 was to support the report of the correspondence group on the use of remote inspection techniques and its referral to a working group.

MSC 110 approved the draft amendments to the 2011 ESP Code, to permit the use of RIT, with a view to adoption at MSC 111 and entry into force on 1 January 2028. These amendments have been circulated by the IMO Secretariat through IMO Circular Letter No.5063 of 29 September 2025.

The Union position at MSC 110 was to support the draft amendments.

The Union should support these amendments because these techniques offer greater efficiency, higher flexibility, and increased reliability in the day-to-day activities of survey and inspection without impairing the result of those surveys.

#### **4.3. Amendments to the LSA Code**

The Sub-Committee on Ship Systems and Equipment at its 10<sup>th</sup> session (SSE 10) agreed, in principle, to draft amendments to the LSA Code concerning the design and prototype test requirements for the arrangements used in the operational testing of free-fall lifeboat release systems without launching the lifeboat, with a view to finalization by SSE 11 and instructed the LSA Correspondence Group to finalise the draft amendments. The Union position at SSE 10 was to support that the discussion is referred to the Working Group.

Having approved the work of the Correspondence Group, SSE 11 considered the draft amendments and instructed the Working Group to finalise them. SSE 10 agreed to the draft amendments to the LSA Code, with a view to approval by MSC 110 and adoption by MSC 111. The Union position at SSE 11 was to support the report of the correspondence group and that a working group on life saving appliances is established to finalise, at this session, the draft amendments to the LSA Code.

Having considered the draft amendments to the LSA Code, MSC 110 approved the draft amendments, with a view to adoption at MSC 111. These amendments have been circulated by the IMO Secretariat through IMO Circular Letter No.5063 of 29 September 2025.

The Union position at MSC 110 was to support the draft amendments.

The Union should support these amendments they will facilitate the safety of life at sea by increasing the confidence in the effective and efficient operation of the free-fall lifeboat in the event of the ship being abandoned.

#### **4.4. Amendments to 1988 Load Lines Protocol**

MSC 107 approved to add a new output to amend the 1988 Load Lines Protocol, so as to define the requirement for the setting of guard rails on the deck structure to minimize safety risks. The Committee approved this new output. The Union position at MSC 107 was to support this new output.

SDC 10, while having agreed in principle to the draft amendment to regulation 25 of the 1988 Load Lines Protocol, noted that further work was required for finalization and agreed to request the Committee to extend the target completion year of the output to 2025 and to keep the agenda item on the provisional agenda of SDC 11. The Union position at SDC 10 was to support the proposal to amend regulation 25 of the 1988 Load Lines Protocol.

SDC 11 agreed with the draft amendments to regulation 25 of the 1988 Load Line Protocol for approval at MSC 110 and subsequent adoption at MSC 111, with the expected entry into force on 1 January 2028. The Union position at SDC 11 was to support the proposal to amend regulation 25 of the 1988 Load Lines Protocol.

MSC 110 approved the draft amendments to regulation 25 of the 1988 Load Lines Protocol, regarding the requirement for setting of guard rails on the deck structure, with a view to adoption at MSC 111. These amendments have been circulated by the IMO Secretariat through IMO Circular Letter No.5063 of 29 September 2025.

The Union position at MSC 110 was to support the draft amendments.

The Union should support these amendments because setting guard rails with three courses on the deck structure can effectively enhance the protection of the crew, reduce the risk of crew's falling overboard and injuries, and improve the safety of ships with minimal economic cost.

## **5. RELEVANT EU LEGISLATION AND EU COMPETENCE**

### **5.1. Relevant EU legislation**

#### *5.1.1. Amendments to regulations 13 and 14 and Appendix VII of MARPOL Annex VI*

Directive (EU) 2016/802 aims to reduce emissions of sulphur dioxide from certain liquid fuels<sup>3</sup>. It seeks to prevent and control air pollution caused by noxious emissions resulting from the combustion of liquid fuels with high sulphur content, which harm human health, the environment, and contribute to acid deposition. Article 6 and Article 13 as well as Annex I refer to the rules laid down in MARPOL Annex VI on maximum sulphur content in ship's fuels and SO<sub>x</sub> emissions of ships in EU waters.

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<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.  
<http://data.europa.eu/eli/dir/2016/802/oj>

The Marine Strategy Framework Directive<sup>4</sup> requires Member States to take the necessary measures to achieve or maintain 'good environmental status' in the marine environment by 2020. Good environmental status means "the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy, and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding, the potential uses and activities by current and future generations" (Article 3(5) of the Marine Strategy Framework Directive). Determining good environmental status requires, inter alia, that human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters. Reducing nitrogen inputs originating from maritime shipping through the application of the Tier III requirements following from the designation of the Northeast Atlantic as NECA, will support the EU Member States bordering those seas with achieving 'good environmental status' under the Marine Strategy Framework Directive.

The Ambient Air Quality Directive<sup>5</sup> (revised in 2024) sets, inter alia, limit values for NO<sub>2</sub> with the aim of avoiding, preventing or reducing harmful effects on human health and/or the environment caused by air pollution. The Ambient Air Quality Directive recognizes that in order to achieve the objectives set out in that Directive, it is particularly important to combat emissions of pollutants at source in particular by measures which would limit the exhaust emissions of the engines of various mobile and stationary sources through engine or fuel quality standards. The Union has put in place various pieces of legislation regulating emissions by means of engine standards for various road transport modes (cars, trucks and vans through the Euro standards<sup>6</sup>) and non-road mobile machinery sources (inland waterway vessels and locomotives through the Non-Road Mobile Machinery Directive<sup>7</sup>).

Therefore, the amendments to regulations 13 and 14 and Appendix VII of MARPOL Annex VI on the adoption of an Emission Control Area are capable of decisively affecting the content of Directive (EU) 2016/802. This is because the establishment of an Emission Control Area within EU Member States would affect the application of this Directive as its Article 6, Article 13 and its Annex I refer to the rules laid down in MARPOL Annex VI on maximum sulphur content in ship's fuels and SO<sub>x</sub> emissions of ships in EU waters.

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<sup>4</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) OJ L 164, 25.6.2008, p. 19. <http://data.europa.eu/eli/dir/2008/56/oj>

<sup>5</sup> Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe. OJ L 152, 11.6.2008, p. 1. <http://data.europa.eu/eli/dir/2008/50/oj>

<sup>6</sup> Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information. OJ L 171, 29.6.2007, p. 1. <http://data.europa.eu/eli/reg/2007/715/oj>

Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information. OJ L 188, 18.7.2009, p. 1. <http://data.europa.eu/eli/reg/2009/595/oj>

<sup>7</sup> Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC. OJ L 252, 16.9.2016, p. 53. <http://data.europa.eu/eli/reg/2016/1628/oj>

### 5.1.2. Amendments to regulations 20, 25, 27 and 28 of MARPOL Annex VI

Regulation (EU) 2015/757 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport<sup>8</sup> (EU MRV Regulation) establishes the legal framework for an EU system to monitor, report and verify (MRV) GHG emissions. The regulation aims to deliver robust and verifiable GHG emissions data and energy efficiency indicators, inform policy makers and stimulate the market uptake of energy efficient technologies and behaviours. It does so by addressing market barriers such as the lack of information. It entered into force on 1 July 2015. Improving the accessibility of the IMO Ship Fuel Oil Consumption Database (IMO DCS) to the general public and introducing the review clause of the short-term GHG reduction measure are aimed to reduce the carbon intensity of international shipping in a manner consistent with the level of ambition set out in the IMO Strategy on reduction of GHG emissions from ships. Improving the consistency/quality of data reported under DCS in the IMO DCS and expanding data access for the general public has implications to the collection and reporting of ship fuel oil consumption data, and therefore could affect the monitoring, verification and reporting of GHG emissions from shipping under the EU MRV Regulation.

The EU Climate Law<sup>9</sup> sets binding Union climate targets (compared to 1990) of a reduction of net greenhouse gas emissions—emissions after deduction of removals—by at least 55% by 2030 and by 90% by 2040 (proposal by the Commission). It also includes the aim of climate neutrality by 2050 and an aspirational goal for net negative emissions after this time.

Based on the Commission's proposals of the *Fit for 55* package to reduce GHG emissions, the EU legislators adopted the following legal acts specifically targeting GHG emissions from the shipping sector:

- the revision of the EU Emission Trading System (ETS) Directive 2003/87/EC<sup>10</sup> by Directive (EU) 2023/959<sup>11</sup> to extend the EU ETS to the maritime transport sector to apply as of 1 January 2024, (together with the necessary amendments to the EU MRV Regulation,<sup>12</sup> to revise monitoring and reporting rules, also through the revision of the relevant implementing and delegated acts).

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<sup>8</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. <http://data.europa.eu/eli/reg/2015/757/oj>

<sup>9</sup> Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law'); OJ L 243, 9.7.2021, p. 1. <http://data.europa.eu/eli/reg/2021/1119/oj>

<sup>10</sup> Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (Text with EEA relevance) OJ L 275, 25.10.2003, p. 32. <http://data.europa.eu/eli/dir/2003/87/oj>

<sup>11</sup> Directive (EU) 2023/959 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system, OJ L 130, 16.5.2023, p. 134. <http://data.europa.eu/eli/dir/2023/959/oj>

<sup>12</sup> Regulation (EU) 2023/957 of the European Parliament and of the Council of 10 May 2023 amending Regulation (EU) 2015/757 in order to provide for the inclusion of maritime transport activities in the EU Emissions Trading System and for the monitoring, reporting and verification of emissions of additional greenhouse gases and emissions from additional ship types, OJ L 130, 16.5.2023, p. 105. <http://data.europa.eu/eli/reg/2023/957/oj>

- Regulation (EU) 2023/1805 focuses on the use of renewable and low-carbon fuels in the maritime sector<sup>13</sup> (FuelEU Maritime Regulation) and mandates the uptake thereof by ships calling at EU ports to apply as of 1 January 2025.

Compliance with the new obligations stemming from the extension of the EU Emission Trading System (ETS) to maritime transport and the FuelEU Maritime Regulation will build on the monitoring, reporting, and verification system established by the EU MRV Regulation.

These EU acts are in turn strongly linked with the IMO measures on GHG such as the IMO Data Collection System, the Energy Efficiency Existing Ship Index (EEXI), and the Carbon Intensity Indicator (CII) aiming to collect and publish information on fuel consumption and on the technical and operational energy efficiency of ships on a per-ship basis.

Any IMO measure on GHG matters, which will require the monitoring, verification and reporting of GHG emissions from shipping, could affect the EU MRV Regulation as well as the EU ETS Directive and the FuelEU Maritime Regulation.

Therefore, the amendments to regulations 20, 25, 27 and 28 of Annex VI of MARPOL concerning the accessibility of the IMO Ship Fuel Oil Consumption Database (IMO DCS) and the review clause of the short-term GHG reduction measure are capable of decisively affecting the requirements applicable under Regulation (EU) 2015/757, Regulation (EU) 2023/1805 and Directive (EU) 2023/959.

#### 5.1.3. Amendments to chapters IV and V and the appendix (Certificates) of SOLAS and amendments to the 1994 HSC Code & the 2000 HSC Code

Article 6 of Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system<sup>14</sup> provides that any ship calling at a port of a Member State must be fitted with an AIS which meets the performance standards drawn up by the IMO.

Regulation (EU) 2019/1239 establishes a European Maritime Single Window environment<sup>15</sup>. There is a possibility to use VDES for the transmission of reporting formalities required by the Regulation.

Radio-communication equipment is listed in Section 5 of Commission Implementing Regulation (EU) 2025/1533<sup>16</sup>. The Implementing Regulation contains design, construction and performance requirements and testing standards for marine equipment. It is based on the empowerment of the Commission to indicate, through implementing acts, the design, construction and performance requirements as well as the testing standards for marine

<sup>13</sup> Regulation (EU) 2023/1805 of the European Parliament and of the Council of 13 September 2023 on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC. OJ L 234, 22.9.2023, p. 48. <http://data.europa.eu/eli/reg/2023/1805/oj>

<sup>14</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC. OJ L 208, 5.8.2002, p. 10. <http://data.europa.eu/eli/dir/2002/59/oj>

<sup>15</sup> Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU, OJ L 198, 25.7.2019, p. 64. <http://data.europa.eu/eli/reg/2019/1239/oj>

<sup>16</sup> Commission Implementing Regulation (EU) 2025/1533 of 23 July 2025 laying down rules for the application of Directive 2014/90/EU of the European Parliament and of the Council as regards design, construction and performance requirements and testing standards for marine equipment and repealing Commission Implementing Regulation (EU) 2024/1975. OJ L, 2025/1533, 23 July 2025. [http://data.europa.eu/eli/reg\\_impl/2025/1533/oj](http://data.europa.eu/eli/reg_impl/2025/1533/oj)

equipment falling within the scope of Directive 2014/90/EU on marine equipment<sup>17</sup>, in accordance with Article 35(2) thereof.

Article 6(2)(a)(i) of Directive 2009/45/EC on safety rules and standards for passenger ships<sup>18</sup> provides that new passenger ships of Class A engaged in domestic voyages within the EU shall comply entirely with the requirements of the 1974 SOLAS Convention, as amended. Therefore, any changes to SOLAS regulations would affect Union common rules set out in the Directive.

Therefore, the amendments to chapters IV and V and the appendix (Certificates) of SOLAS and amendments to the 1994 HSC Code & the 2000 HSC Code are capable of decisively affecting the requirements applicable under Directive 2002/59/EC, Directive 2014/90/EU and Directive 2009/45/EC.

#### 5.1.4. Amendments to the 2011 ESP Code

Regulation (EU) No 530/2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers<sup>19</sup> make mandatory the application of the IMO's Condition Assessment Scheme (CAS) to single hull oil tankers above 15 years of age. The Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil tankers or Enhanced Survey Programme (ESP) specifies how to undertake this intensified assessment. As CAS uses ESP as the tool to achieve its aim, any changes to the ESP inspections, such as the current amendments to focus surveys only on suspect areas for thickness measurements at the first renewal survey of double hull oil tankers will automatically be applicable through Regulation (EU) No 530/2012.

Therefore, the amendments to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code) are capable of decisively influencing the application of Regulation (EU) No 530/2012.

#### 5.1.5. Amendments to the LSA Code

The standards for lifeboats and liferafts as well as launching appliances and winches are regulated by Implementing Regulation (EU) 2025/1533, where references are made to the LSA Code. The Implementing Regulation contains design, construction and performance requirements and testing standards for marine equipment. It is based on the empowerment of the Commission to indicate, through implementing acts, the design, construction and performance requirements as well as the testing standards for marine equipment falling within the scope of Directive 2014/90/EU on marine equipment, in accordance with Article 35(2) thereof.

In Directive 2009/45/EC on safety rules and standards for passenger ships, Article 6(2)(a)(i) applies SOLAS, as amended, as well as the relevant Codes, including the LSA Code to Class A passenger ships, while Annex I, Chapter III Life Saving Appliances lays down various and extensive requirements for Class B, C and D passenger ships when engaged in domestic voyages, also concerning liferafts and lifeboats through the application of the LSA Code.

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<sup>17</sup> Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC. OJ L 257, 28.8.2014, p. 146. <http://data.europa.eu/eli/dir/2014/90/oj>

<sup>18</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. <http://data.europa.eu/eli/dir/2009/45/oj>

<sup>19</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. <http://data.europa.eu/eli/reg/2012/530/oj>

Therefore, the amendments to the International Life-Saving Appliance (LSA) Code are capable of decisively influencing the application of Directive 2014/90/EU and Directive 2009/45/EC.

#### 5.1.6. Amendments to 1988 Load Lines Protocol

The term "international conventions" defined in Directive 2009/45/EC on safety rules and standards for passenger ships (Article 2(a)) includes the Load Lines convention, together with the protocols and amendments thereto, and the related codes of mandatory application, in their up-to-date version. In addition, Article 6(2)(b) of that Directive states that "all new passenger ships of 24 metres in length and above shall comply with the 1966 International Convention on Load Lines".

Therefore, the amendments to the 1988 Load Lines Protocol are capable of decisively influencing the application of Directive 2009/45/EC.

## 5.2. EU competence

The subject matter of the envisaged acts concerns areas largely covered by secondary Union legislation in explained in section 5.1. Therefore, the Union has external exclusive competence by virtue of the last limb of Article 3(2) TFEU, as the envisaged acts are liable to 'affect common rules or alter their scope'. The envisaged acts are capable of decisively influencing the content of the following EU legislation and notably:

- Directive (EU) 2016/802. This is because the establishment of an Emission Control Area within EU Member States would affect the application of this Directive as its Article 6, Article 13 and its Annex I refer to the rules laid down in MARPOL Annex VI on maximum sulphur content in ship's fuels and SO<sub>x</sub> emissions of ships in EU waters.
- Regulation (EU) 2015/757. This is because it establishes the legal framework for an EU system to monitor, report and verify (MRV) GHG emissions. Compliance with the new obligations stemming from the extension of the EU ETS to maritime transport and the FuelEU Maritime Regulation will build on the monitoring, reporting, and verification system established by the EU MRV Regulation.
- Directive 2003/87/EC revised by Directive (EU) 2023/959 to extend the EU ETS to the maritime transport sector. This is because it is strongly linked with the IMO measures on GHG such as the IMO Data Collection System, the Energy Efficiency Existing Ship Index (EEXI), and the Carbon Intensity Indicator (CII) aiming to collect and publish information on the technical and operational energy efficiency of ships on a per-ship basis.
- Regulation (EU) 2023/1805. This is because it is strongly linked with the IMO measures on GHG such as the IMO Data Collection System, the Energy Efficiency Existing Ship Index (EEXI), and the Carbon Intensity Indicator (CII) aiming to collect and publish information on the technical and operational energy efficiency of ships on a per-ship basis.
- Directive 2002/59/EC. This is because its Article 6 provides that any ship calling at a port of a Member State must be fitted with an AIS which meets the performance standards drawn up by the IMO.
- Regulation (EU) 2019/1239. This is because there is a possibility to use VDES for the transmission of reporting formalities required by the Regulation.

- Directive 2014/90/EU and Commission Implementing Regulation (EU) 2025/1533. This is because radio-communication equipment is listed in Section 5 of the Implementing Regulation. In addition, the standards for lifeboats and liferafts as well as launching appliances and winches are regulated by the Implementing Regulation, where references are made to the LSA Code.
- Directive 2009/45/EC. This is because Article 6(2)(a)(i) provides that new passenger ships of Class A shall comply entirely with the requirements of the 1974 SOLAS Convention, as amended, as well as the relevant Codes, including the LSA Code to Class A passenger ships. Article 6(4) provides that high speed passenger craft, when engaged on domestic voyages, constructed or subjected to repairs, alterations or modifications of a major character on or after 1 January 1996 shall comply with the requirements of Regulation X/2 and X/3 of the 1974 SOLAS Convention, which provide for the application of the ‘High Speed Craft Code’. Its Annex I, Chapter III Life Saving Appliances lays down various and extensive requirements for Class B, C and D passenger ships when engaged in domestic voyages, also concerning liferafts and lifeboats through the application of the LSA Code. In addition, the term "international conventions" defined in Article 2(a) includes the Load Lines convention, together with the protocols and amendments thereto, and the related codes of mandatory application, in their up-to-date version. In addition, Article 6(2)(b) of that Directive states that “all new passenger ships of 24 metres in length and above shall comply with the 1966 International Convention on Load Lines”.
- Regulation (EU) No 530/2012. This is because it makes mandatory the application of the IMO's Condition Assessment Scheme (CAS) to single hull oil tankers above 15 years of age. The Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil tankers or Enhanced Survey Programme (ESP) specifies how to undertake this intensified assessment. As CAS uses ESP as the tool to achieve its aim, any changes to the ESP inspections, such as the current amendments to focus surveys only on suspect areas for thickness measurements at the first renewal survey of double hull oil tankers will automatically be applicable through Regulation (EU) No 530/2012.

## 6. LEGAL BASIS

### 6.1. Procedural legal basis

#### 6.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing *‘the positions to be adopted on the Union’s behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.’*

Article 218(9) TFEU applies regardless of whether the Union is a member of the body or a party to the agreement.<sup>20</sup>

The concept of *‘acts having legal effects’* includes acts that have legal effects by virtue of the rules of international law governing the body in question. It concerns, in particular, the situation where the international agreement that sets up the body provides that its decisions shall be binding upon the parties. This is the case for instance when the international

<sup>20</sup> Case C-399/12 Germany v Council (OIV), ECLI:EU:C:2014:2258, paragraph 64.

agreement grants the body the power to amend certain aspects of the agreement or its annexes.

#### *6.1.2. Application to the present case*

The IMO's Marine Environment Protection Committee and Maritime Safety Committee and are bodies set up by an agreement, the Convention on the International Maritime Organization.

The envisaged acts which IMO's MEPC 84 is called upon to adopt constitute acts having legal effects as they are capable of decisively influencing the content of EU legislation as outlined in section 5.1 and 5.2 above.

The envisaged acts which IMO's MSC 111 is called upon to adopt constitute acts having legal effects as they are capable of decisively influencing the content of EU legislation as outlined in section 5.1 above.

The envisaged acts do not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

### **6.2. Substantive legal basis**

#### *6.2.1. Principles*

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

#### *6.2.2. Application to the present case*

The main objective and content of the envisaged act relate to maritime transport even if a few of the envisaged amendments concern environmental aspects. Therefore, the substantive legal basis of the proposed decision is Article 100(2) TFEU.

### **6.3. Conclusion**

The legal basis of the proposed decision should be Article 100(2) TFEU, in conjunction with Article 218(9) TFEU.

Proposal for a

## COUNCIL DECISION

**on the position to be taken on behalf of the European Union in the International Maritime Organization during the 84th session of the Marine Environment Protection Committee on the adoption of amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL) and during the 111th session of the Maritime Safety Committee on the adoption of amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, the International Code of Safety for High-speed Craft, 1994 (1994 HSC Code), the International Code of Safety for High-speed Craft, 2000 (2000 HSC Code), the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), the International Life-Saving Appliance Code (LSA Code), and to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention on the International Maritime Organization ('IMO') entered into force on 17 March 1958.
- (2) The IMO is a specialised agency of the United Nations with responsibility for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships. All Union Member States are members of the IMO. The Union is not a member of the IMO.
- (3) Pursuant to Article 38(a) of the Convention on the IMO, the Marine Environment Protection Committee (MEPC) performs such functions as are or may be conferred upon the IMO by or under international conventions for the prevention and control of marine pollution from ships, particularly with respect to the adoption and amendment of regulations or other provisions. MEPC during its 84th session will adopt amendments in accordance with article 16 paragraph (2) subpoints (b), (c) and (d) to the MARPOL Convention.
- (4) Pursuant to Article 28(b) of the Convention on the IMO, the Maritime Safety Committee provides machinery for the performance of any duties assigned to it in accordance with that Convention, by the IMO Assembly or by the IMO Council, or any duty within the scope of that Article which may be assigned to the Maritime Safety Committee under any other international instrument and accepted by the IMO. MSC during its 111<sup>th</sup> session will adopt amendments in accordance with article VIII(b)(iv) of the SOLAS Convention and article VI(2)(d) of the 1988 Load Lines Protocol.

- (5) The IMO's Marine Environment Protection Committee, in its 84<sup>th</sup> session from 27 April to 1 May 2026, is to adopt amendments to Annex VI of the International Convention for the Prevention of Pollution from Ships (MARPOL) on the designation of the North-East Atlantic as a new Emission Control Area (regulations 13 and 14 and Appendix VII), on the accessibility of the IMO Ship Fuel Oil Consumption Database (IMO DCS) and review clause of the short-term GHG reduction measure (regulations 20, 25, 27 and 28).
- (6) The IMO's Maritime Safety Committee, in its 111<sup>th</sup> session from 13 to 22 May 2026 is to adopt amendments to chapters IV and V and the appendix (Certificates) of the International Convention for the Safety of Life at Sea (SOLAS), 1974, the International Code of Safety for High-speed Craft, 1994 (1994 HSC Code), the International Code of Safety for High-speed Craft, 2000 (2000 HSC Code), the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), the International Life-Saving Appliance Code (LSA Code), and to Annex B to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol).
- (7) The envisaged acts of the MEPC and MSC will have legal effects.
- (8) It is therefore appropriate to establish the position to be taken on the Union's behalf during MEPC 84, as the envisioned acts are capable of decisively influencing the contents of Union law, namely Directive (EU) 2016/802 relating to a reduction in the sulphur content of certain liquid fuels<sup>1</sup>, Regulation (EU) 2015/757 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport<sup>2</sup>, Directive (EU) 2023/959 amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system<sup>3</sup>, Regulation (EU) 2023/1805 on the use of renewable and low-carbon fuels in maritime transport<sup>4</sup>.
- (9) Therefore, the Union should support the amendments to regulations 13 and 14 and Appendix VII to Annex VI of MARPOL because they will contribute to preventing, reducing and controlling air pollutant emissions from ships, in order to achieve related health, environmental and economic benefits.
- (10) The Union shall also support the amendments to regulation 27 of Annex VI of MARPOL, because they will further improve the accessibility of IMO DCS data to ensure the robust implementation of the CII framework and to facilitate its review.
- (11) The Union shall support the amendments to regulations 20, 25, 27 and 28 of Annex VI of MARPOL, because they are consequential to the adoption of the 2023 GHG IMO Strategy and to the finalization of the review of the Short-Term Measures by the IMO and allow for further review of these regulations.
- (12) It is appropriate to establish the position to be taken on the Union's behalf during MSC 111, as the envisioned acts are capable of decisively influencing the contents of Union law, namely Directive 2009/45/EC on safety rules and standards for passenger

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<sup>1</sup> OJ L 132, 21.5.2016, p. 58

<sup>2</sup> OJ L 123, 19.5.2015, p. 55

<sup>3</sup> OJ L 130, 16.5.2023, p. 134

<sup>4</sup> OJ L 234, 22.9.2023, p. 48

ships<sup>5</sup>, Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system<sup>6</sup>, Regulation (EU) No 530/2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers<sup>7</sup> and Directive 2014/90/EU on marine equipment<sup>8</sup>.

- (13) Therefore, the Union should support the amendments to chapters IV and V and the appendix (Certificates) of SOLAS, to the 1994 HSC Code and the 2000 HSC Code because it is more efficient to use dedicate channels for application specific message (ASM) of VDES and VDES has additional capacity for the exchange of more digital data and thus, it could accommodate future growth in demand for utilizing digital data in maritime radiocommunication. In addition, the exchange of digital data brings numerous benefits not only for safety and situational awareness but also for security, efficiency of navigation, protection of marine environment and reduction of burden of seafarers. VDES provides a significant enhancement to the benefits delivered through AIS and is considered an enabler of e-navigation. The ability to exchange ASM and other information between ships and shore authorities is significantly improved through the implementation of VDES. The Union should also support these amendments because by introducing new recognized mobile satellite services, it needs to clearly state the requirement for dissemination of maritime safety information and search and rescue related information through all operational recognized mobile satellite services.
- (14) The Union should support the amendments to the 2011 ESP Code because these techniques offer greater efficiency, higher flexibility, and increased reliability in the day-to-day activities of survey and inspection without impairing the result of those surveys.
- (15) The Union should support the amendments to the LSA Code they will facilitate the safety of life at sea by increasing the confidence in the effective and efficient operation of the free-fall lifeboat in the event of the ship being abandoned.
- (16) The Union should support the amendments to the 1988 Load Lines Protocol because setting guard rails with three courses on the deck structure can effectively enhance the protection of the crew, reduce the risk of crew's falling overboard and injuries, and improve the safety of ships with minimal economic cost.
- (17) The Union's position is to be expressed by the Member States of the Union that are members of the IMO, acting jointly, in the interest of the European Union.

HAS ADOPTED THIS DECISION:

#### *Article 1*

The position to be taken on the Union's behalf in the 84<sup>th</sup> session of the International Maritime Organization's ('IMO') Marine Environment Protection Committee or any subsequent session, shall be to agree to the adoption of the amendments to:

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<sup>5</sup> OJ L 163, 25.6.2009, p. 1  
<sup>6</sup> OJ L 208, 5.8.2002, p. 10  
<sup>7</sup> OJ L 172, 30.6.2012, p. 3  
<sup>8</sup> OJ L 257, 28.8.2014, p. 146

- (a) regulations 13 and 14 and Appendix VII to Annex VI of MARPOL concerning the designation of the North-East Atlantic as a new Emission Control Area (ECA),
- (b) regulations 20, 25, 27 and 28 of Annex VI of MARPOL concerning the accessibility of the IMO Ship Fuel Oil Consumption Database (IMO DCS) and review clause of the short-term GHG reduction measure.

#### *Article 2*

The position to be taken on the Union's behalf in the 111<sup>th</sup> session of the International Maritime Organization's ('IMO') Maritime Safety Committee or any subsequent session, shall be to agree to the adoption of the amendments to:

- (a) chapters IV and V and the appendix (Certificates) of the International Convention for the Safety of Life at Sea (SOLAS), 1974,
- (b) the International Code of Safety for High-speed Craft, 1994 (1994 HSC Code),
- (c) the International Code of Safety for High-speed Craft, 2000 (2000 HSC Code),
- (d) the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code),
- (e) the International Life-Saving Appliance Code (LSA Code),
- (f) Annex B to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol).

#### *Article 3*

- (g) The position referred to in Article 1 shall be expressed by the Member States of the Union that are members of the IMO's Marine Environment Protection Committee, acting jointly in the interest of the Union.
- (h) The position referred to in Article 2 shall be expressed by the Member States of the Union that are members of the IMO's Maritime Safety Committee, acting jointly in the interest of the Union.

#### *Article 4*

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council  
The President*