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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2020/721

of 19 May 2020

on the position to be taken on behalf of the European Union within the International Maritime Organization's Marine Environment Protection Committee during its 75th session and within the International Maritime Organization's Maritime Safety Committee during its 102nd session as regards the adoption of amendments to regulations 2, 14 and 18 and appendices I and VI of Annex VI to the International Convention for the Prevention of Pollution from Ships, Parts A-1, B, B-1, B-2 to B-4 of Chapter II-1 of the International Convention for the Safety of Life at Sea, Parts A-1 and B-1 of the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels and resolution A.658(16) on the use and fitting of retro-reflective materials on life-saving appliances

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) Action by the Union in the sector of maritime transport should aim to protect the marine environment and human health and improve maritime safety.
- (2) The Marine Environment Protection Committee of the International Maritime Organization ('IMO'), during its 75th session ('MEPC 75'), is expected to adopt amendments to regulations 2, 14 and 18 and appendices I and VI of Annex VI to the International Convention for the Prevention of Pollution from Ships ('MARPOL Annex VI'), as laid down in the Annex to IMO document MEPC 75/3.
- (3) The Maritime Safety Committee of the IMO, during its 102nd session ('MSC 102'), is expected to adopt amendments to Parts A-1, B, B-1, B-2 to B-4 of Chapter II-1 of the International Convention for the Safety of Life at Sea ('SOLAS Chapter II-1'), as laid down in Annex 1 to IMO document MSC 102/3, amendments to Parts A-1 and B-1 of the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels ('IGF Code'), as laid down in Annex 2 to IMO document MSC 102/3, and amendments to resolution A.658(16) on the use and fitting of retro-reflective materials on life-saving appliances ('Resolution A.658(16)').
- (4) It is appropriate to establish the position to be taken on behalf of the Union during MEPC 75, as the amendments to regulations 2, 14 and 18 and appendices I and VI of MARPOL Annex VI are capable of decisively influencing the content of Union law, namely Directive (EU) 2016/802 of the European Parliament and of the Council ⁽¹⁾ and Commission Implementing Decision (EU) 2015/253 ⁽²⁾.

⁽¹⁾ 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).

⁽²⁾ Commission Implementing Decision (EU) 2015/253 of 16 February 2015 laying down the rules concerning the sampling and reporting under Council Directive 1999/32/EC as regards the sulphur content of marine fuels (OJ L 41, 17.2.2015, p. 55).

- (5) It is appropriate to establish the position to be taken on behalf of the Union during MSC 102, as the amendments to Parts A-1, B, B-1, B-2 to B-4 of SOLAS Chapter II-1, Parts A-1 and B-1 of the IGF Code and Resolution A.658(16) are capable of decisively influencing the content of Union law, namely Directives 2009/45/EC ⁽³⁾ and 2014/90/EU ⁽⁴⁾ of the European Parliament and of the Council and Commission Implementing Regulation (EU) 2019/1397 ⁽⁵⁾.
- (6) The amendments to regulations 2, 14 and 18 and appendices I and VI of MARPOL Annex VI would ensure the consistent implementation of the 0,50 % sulphur limit in marine fuels set out in regulation 14. The Union should therefore support those amendments to achieve the projected health and environmental benefits resulting from reduced sulphur dioxide emissions from on-board combustion.
- (7) The amendments to Part A-1 of SOLAS Chapter II-1 would provide for safer mooring of vessels. The Union should therefore support those amendments because they provide a comprehensive upgrade in current mooring arrangements.
- (8) The amendments to Parts B, B-1, B-2 to B-4 of SOLAS Chapter II-1 would ensure consistency in the provisions on watertight integrity of vessels. The Union should therefore support those amendments because they introduce coherence throughout part B in the provisions on watertight integrity, including the key issue of ship damage stability calculations.
- (9) The amendments to parts A-1 and B-1 of the IGF Code would provide improvements concerning fuel containment, fire safety and tensile tests for welding of metallic materials and non-destructive testing for the fuel containment system based on the experience gained in the application of the IGF Code. The Union should therefore support those amendments because they give greater clarity on spaces to be provided with a suitable pressure relief system and provide for additional safety measures in fuel preparation rooms.
- (10) The amendments to Resolution A.658(16) would delete the words 'carbon arc' and replace them with updated testing arrangements for retro-reflective materials on life-saving appliances. The Union should therefore support those amendments, because they permit the use of state-of-the-art technology.
- (11) The Union is neither a member of the IMO, nor a contracting party to the International Convention for the Prevention of Pollution from Ships, the International Convention for the Safety of Life at Sea and IGF Code. The Council should therefore authorise the Member States to express the position of the Union.
- (12) The scope of this Decision should be limited to the content of the amendments proposed, to the extent that those amendments may affect Union common rules and fall under the exclusive competence of the Union. This Decision should not affect the division of competences between the Union and the Member States,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union within the International Maritime Organization's Marine Environment Protection Committee during its 75th session shall be to support the adoption of the amendments to regulations 2, 14 and 18 and appendices I and VI of Annex VI to the International Convention for the Prevention of Pollution from Ships, as laid down in the Annex to IMO document MEPC 75/3. That position covers the amendments concerned to the extent that those amendments fall under the exclusive competence of the Union and may affect Union common rules.

⁽³⁾ 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⁾ 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).

⁽⁵⁾ Commission Implementing Regulation (EU) 2019/1397 of 6 August 2019 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2018/773 (OJ L 237, 13.9.2019, p. 1).

Article 2

1. The position to be taken on behalf of the Union within the International Maritime Organization's Maritime Safety Committee during its 102nd session shall be to support the adoption of the amendments to:
 - (a) Parts A-1, B, B-1, B-2 to B-4 of Chapter II-1 of the International Convention for the Safety of Life at Sea, as laid down in Annex 1 to IMO document MSC 102/3;
 - (b) Parts A-1 and B-1 of the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels, as laid down in Annex 2 to IMO document MSC 102/3;
 - (c) resolution A.658(16) on the use and fitting of retro-reflective materials on life-saving appliances.
2. The position referred to in paragraph 1 covers the amendments concerned to the extent that those amendments fall under the exclusive competence of the Union and may affect Union common rules.

Article 3

1. The positions to be taken on behalf of the Union as set out in Articles 1 and 2 shall be expressed by the Member States, which are all members of the IMO, acting jointly in the interests of the Union.
2. Minor changes to the positions referred to in Articles 1 and 2 may be agreed upon without further decision of the Council.

Article 4

Member States are hereby authorised to give their consent to be bound, in the interests of the Union, by the amendments referred to in Articles 1 and 2, to the extent that those amendments fall under the exclusive competence of the Union.

Article 5

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 19 May 2020.

For the Council
The President
G. GRLIĆ RADMAN

COUNCIL DECISION (EU) 2020/722**of 19 May 2020****on the position to be adopted, on the Union's behalf, within the Port State Control Committee of the Paris Memorandum of Understanding on port State control, during the period 2020–2024**

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) Directive 2009/16/EC of the European Parliament and of the Council ⁽¹⁾ sets out the Union's legal regime on port State control, reformulating and reinforcing the previous Union legislation which had been in place in this field since 1995. The Union's legal regime on port State control is based on the Paris Memorandum of Understanding on Port State Control (the 'Paris MOU'), which was signed in Paris on 26 January 1982.
- (2) As regards the Union Member States, Directive 2009/16/EC effectively brings the procedures, tools and activities of the Paris MOU within the scope of Union law. By virtue of that Directive, certain decisions taken by the Port State Control Committee established under Section 7 of the Paris MOU ('PSCC') become binding on the Union Member States.
- (3) The PSCC meets annually. During its deliberations it decides on certain issues which have legal effects.
- (4) Pursuant to Article 218(9) of the Treaty on the Functioning of the European Union (TFEU), the position 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, is to be adopted by Council decision, on a proposal from the Commission.
- (5) The internal rules of the Paris MOU make it difficult to establish a position to be adopted on the Union's behalf in accordance with Article 218(9) TFEU in a timely manner for each annual meeting of the PSCC. It is therefore efficient to establish such a position on a multiannual basis, consisting of guiding principles and orientations, together with a framework for its year-to-year specifications. Moreover, most of the topics discussed at the annual meetings of the PSCC concern port State control matters that are covered generally by a single Union legal act, namely Directive 2009/16/EC. In the particular circumstances that apply to the Paris MOU, it is therefore possible to establish a general position to be adopted on the Union's behalf for several meetings of the PSCC.
- (6) The Union is not a contracting party to the Paris MOU. It is therefore necessary for the Council to authorise the Member States to act in accordance with the position to be adopted on the Union's behalf and express their consent to be bound by the decisions taken by the PSCC.
- (7) Technical discussions and cooperation with third country members of the Paris MOU within the PSCC are of great importance in ensuring the effectiveness and the good functioning of the Paris MOU.
- (8) This Decision should cover the period from 2020 to 2024,

⁽¹⁾ Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the annual meetings of the Port State Control Committee ('PSCC') of the Paris Memorandum of Understanding on Port State Control (the 'Paris MOU'), during the period 2020–2024, when the PSCC is called upon to adopt decisions having legal effects, shall be in accordance with the guiding principles and orientations on the position to be adopted on the Union's behalf within the PSCC ⁽²⁾.

Article 2

The year-to-year specifications of the position to be adopted on the Union's behalf within the annual meetings of the PSCC of the Paris MOU, during the period 2020–2024, shall be established in accordance with the procedural rules governing the year-to-year specifications of the position to be adopted on the Union's behalf within the PSCC ⁽³⁾.

Article 3

The Member States which are bound by the Paris MOU shall act in accordance with the position to be adopted on the Union's behalf as referred to in Articles 1 and 2, acting jointly in the interests of the Union.

Article 4

This Decision shall enter into force on the date of its adoption.

It shall expire on 31 December 2024.

Done at Brussels, 19 May 2020.

For the Council
The President
G. GRLIĆ RADMAN

⁽²⁾ See doc. ST 7465/20, point I, on <http://register.consilium.europa.eu>

⁽³⁾ See doc. ST 7465/20, point II, on <http://register.consilium.europa.eu>

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