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, and the approval of an MSC-MEPC.5 circular on a Model agreement for the authorization of recognized organizations acting on behalf of the Administration

[[F1]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, and the approval of an MSC-MEPC.5 circular on a Model agreement for the authorization of recognized organizations acting on behalf of the Administration**]**

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.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/721. (See end of Document for details)*

(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)].

(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:

Textual Amendments

F1 Substituted by Council Decision (EU) 2020/1580 of 23 October 2020 amending Decision (EU) 2020/721 to include 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 approval of an MSC-MEPC.5 circular on a Model agreement for the authorization of recognized organizations acting on behalf of the Administration.

[F1 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, and the approval of the MSC-MEPC.5 circular, as laid down in Annex 8 to IMO document III 6/15. That position covers the amendments and the circular concerned to the extent that those amendments and that circular fall under the exclusive competence of the Union and may affect Union common rules.**]**

Textual Amendments

F1 Substituted by Council Decision (EU) 2020/1580 of 23 October 2020 amending Decision (EU) 2020/721 to include 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 approval of an MSC-MEPC.5 circular on a Model agreement for the authorization of recognized organizations acting on behalf of the Administration.

[F1 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 approve the MSC-MEPC.5 circular, as laid down in Annex 8 to IMO document III 6/15, and to support the adoption of the amendments to: