COUNCIL DECISION (EU) 2021/778

of 6 May 2021

on the position to be taken on behalf of the European Union during the 103rd session of the Maritime Safety Committee of the International Maritime Organization and the 76th session of the Marine Environment Protection Committee of the International Maritime Organization, on the adoption of amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, the International Code for Fire Safety Systems and the International Convention on the Control of Harmful Anti-fouling Systems on Ships

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 improve maritime safety and protect the marine environment and human health.

(2) The Maritime Safety Committee of the International Maritime Organization ('IMO'), during its 103rd session ('MSC 103') from 5 to 14 May 2021, is expected to adopt amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (the 'STCW Convention'), the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (the '2011 ESP Code'), and the International Code for Fire Safety Systems (the 'FSS Code').

(3) The Marine Environment Protection Committee of the IMO, during its 76th session ('MEPC 76') from 10 to 17 June 2021, is expected to adopt amendments to the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (the 'AFS Convention').

(4) The amendments to Part A of the STCW Code of the STCW Convention would clarify the operational level of the functions of 'electro-technical officer' and introduce a common definition of the term 'high-voltage'. Those amendments aim to clarify functions of persons working on board, thereby providing better clarity on the different responsibilities and tasks.

(5) The amendments to Annex 2 to part A of Annex B to the 2011 ESP Code would enable surveyors to focus on suspect areas for thickness measurements of double-hull oil tankers. Those amendments aim to increase safety at sea and reduce the risk of spills in case of accidents.

(6) The amendments to Chapter 9 of the FSS Code would accommodate systems that combine the enhanced safety of individually identifiable fire detectors required for passenger ships with the less complex and less costly section identifiable fault isolation, currently acceptable for cargo ships and passenger ship cabin balconies only. Those amendments aim to better protect persons on board in case of fire.

(7) It is appropriate to establish the position to be taken on the Union's behalf during MSC 103, as the amendments to the STCW Convention, the 2011 ESP Code and the FSS Code are capable of decisively influencing the content of Union law, namely Directive 2008/106/EC of the European Parliament and of the Council ([1]), Regulation (EU) No 530/2012 of the European Parliament and of the Council ([2]) and Directive 2009/45/EC of the European Parliament and of the Council ([3]), respectively.

(8) The amendments to Annexes 1 and 4 to the AFS Convention would ensure a global ban on the anti-fouling substance cybutryne, the sale and the use of which are already banned in the Union.

(9) It is appropriate to establish the position to be taken on the Union's behalf during MEPC 76, as the amendments to Annexes 1 and 4 to the AFS Convention are capable of decisively influencing the content of Union law, namely Regulation (EU) No 528/2012 of the European Parliament and of the Council ([4]).

(10) The Union is not a member of the IMO, nor a contracting party to the relevant conventions and codes. The Council should therefore authorise the Member States to express the position of the Union.

(11) The scope of this Decision should be limited to the content of the proposed amendments, to the extent that those amendments are capable of affecting 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 the Union's behalf during the 103rd session of the Maritime Safety Committee of the International Maritime Organization's ('IMO') shall be to agree to the adoption of amendments to:

(a) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as laid down in Annexes 7 and 8 to IMO document MSC 102/24;

(b) the International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, as laid down in Annex 15 to IMO document MSC 102/24; and

(c) the International Code for Fire Safety Systems, as laid down in Annex 20 to IMO document MSC 102/24.

Article 2

The position to be taken on the Union's behalf during the 76th session of the IMO's Marine Environment Protection Committee shall be to agree to the adoption of amendments to the International Convention on the Control of Harmful Anti-fouling Systems on Ships, as laid down in Annex 7 to IMO document MEPC 75/18.

([1]) Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (OJ L 323, 3.12.2008, p. 33).

([2]) 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).

([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]) Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

Article 3

1. The positions to be taken on the Union's behalf as set out in Articles 1 and 2 cover the amendments concerned to the extent that those amendments fall under the exclusive competence of the Union and that they may affect Union common rules, and 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, 6 May 2021.

For the Council
The President
J. BORRELL FONTELLES