EUROPEAN
COMMISSION

Brussels, 30.8.2016
COM(2016) 549 final

2016/0263 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted on behalf of the European Union at the International Maritime Organization during the 70th session of the Marine Environment Protection Committee and the 97th session of the Maritime Safety Committee on the adoption of amendments to MARPOL Annex VI, SOLAS Regulations II-1, SOLAS Regulations III/1.4, III/30 and III/37, SOLAS Regulations II-2/1 and II-2/10, SOLAS Regulation II-1/3-12, the STCW Convention and Code, the Fire Systems Safety Code and the 2011 Enhanced Survey Programme Code

EXPLANATORY MEMORANDUM

1. INTRODUCTION

The present Commission proposal concerns the establishment of the Union position at the 70th session of the International Maritime Organization's (IMO) Marine Environment Protection Committee (MEPC 70) and the 97th session of the IMO's Maritime Safety Committee (MSC 97) in relation to the amendments set out individually in the following sub-headings.

1.1 Amendments to Chapter 4 of MARPOL Annex VI

After three years of discussion at MEPC sessions and inter-sessionally, MEPC 69 approved the draft amendments to Chapter 4 of MARPOL Annex VI regarding a data collection system for fuel consumption. The amendments establish a mandatory global data collection system with the following key elements:

- Data to be collected and reported annually by ships falling under the scope of the amendment (≥ 5000 GT) include: distance travelled, service hours and (for cargo carrying ships) the cargo carrying capacity. Guidelines on the collection methodologies will be issued by the IMO.
- Aggregated data to be reported to Flag Administration or a recognised organisation (RO) authorised by the Flag Administration. Guidelines on the reporting process will be issued by the IMO.
- The Flag Administrations (or authorised RO), after receiving and verifying the reported data, will issue a statement of compliance for the ship which will have to be kept on board and is subject to port State control.
- In case of an ownership transfer occurring during a calendar year, the responsibilities of reporting are split between the former owner and the new one; in case of a flag change, the old and the new Administrations will issue statements of compliance for the time periods corresponding to the respective Administrations.
- Verification of reported data by flag Administrations is to be carried out according to harmonised guidelines to be developed by the IMO.
- Flag Administrations (or authorised RO) submit the reported data to the 'IMO Ship Fuel Consumption Database' using standardised electronic formats to be developed by the IMO.
- Reported data is anonymised according to a methodology to be specified in IMO Guidelines.
- The access to anonymised data is granted to parties to Annex VI of the MARPOL Convention.
- Procedures for confirming compliance of ships flying flags of non-Parties to Annex VI of MARPOL are to be set in a Circular Letter developed by IMO.

These changes are set out in Annex 7 in MEPC 69/21/add.1. Paragraph 6.20 of the MEPC 69 report (MEPC 69/21) indicates that the changes are foreseen to be adopted at MEPC 70.

1.2 Amendments to SOLAS Regulations II-1/1, II-1/2, II-1/3, II-1/4, II-1/5, II-1/6, II-1/7, II-1/8-1, II-1/9, II-1/10, II-1/12, II-1/13, II-1/15 – 17, II-1/19, II-1/21 - 22 and II-1/35

The 95th and 96th sessions of the IMO Maritime Safety Committee (MSC 95 and MSC 96) approved several draft amendments to SOLAS Regulation II-1, which have been grouped together:

- Regulation II-1/1 (application) concerning the scope of application and provisions to change the structure of the application dates;

- Regulation II-1/2 (definitions) concerning the alignment of certain definitions to other IMO instruments;

- Regulation II-1/5 and 5-1 (intact stability and stability information to be supplied to the master) concerning introduction of specific provisions for intact stability calculation, clarification of weight definition and extension of the information to be made available to the master;

- Regulation II-1/6 (Required subdivision index *R*) related to the survivability of passenger ships;

- Regulation II-1/7 (attained subdivision index A) concerning review of the formulation of the attained subdivision index to better take into account consideration of effects such as accumulation of water on deck;

- Regulation II-1/8 (special requirements concerning passenger ship stability) concerning clarification of loading conditions for calculation of the attained index depending on the number of persons on board;

- Regulation II-1/9 (double bottoms in passenger ships and cargo ships other than tankers) introduces requirements for double bottom size for small passenger ships and cargo ships;

- Regulation II-1/10 (construction of watertight bulkheads) concerning clarification of the scope of application in bulkhead deck passenger ships and freeboard deck cargo ships;

- Regulation II-1/12 (peak and machinery space bulkheads, shaft tunnels, etc) concerning clarification of the scope of application in bulkhead deck passenger ships and freeboard deck cargo ships;

- Regulation II-1/13 (openings in watertight bulkheads below the bulkhead deck in passenger ships) concerning the definition of machinery spaces;

-Regulation II-1/15 (openings on the shell plating below the bulkhead deck of passenger ships and the freeboard deck of cargo ships) concerning clarification of the spaces to which this regulation is applicable and of the scope of application in bulkhead deck passenger ships and freeboard deck cargo ships;

-Regulation II-1/16 and 16-1 (construction and initial tests of watertight closure) concerning limitation of the scope to watertight closure and the scope of application to passenger ships and ro-ro ships;

- Regulation II-1/20 (loading of passenger ships) concerning expansion of the scope of application to all ships introducing the notion of approved stability information;

- Regulation II-1/21 (Periodic operation and inspection of watertight doors, etc., in passenger ships), concerning linguistic alignment of certain definitions.

- Regulations II-1/22 and II-1/22-1 (damage control information, prevention and control of water ingress) concerning editorial and consequential amendments;

- Regulation II-1/35-1 (bilge pumping arrangements) concerning clarification of the spaces to which certain volume definitions apply in relation to the calculation of pumping arrangements and consequential amendments.

Of specific interest to the EU, the amendments to SOLAS Chapter II-1, regulations 6, 7, 8 and 9 concern subdivision and damage stability requirements to improve passenger ship survivability in case of damage, to be developed by designers for new ships, and without requiring a change of the underlying business model of the operators. Possible design modifications were subject to cost-benefit assessments which led to recommendations concerning improvement of the current required safety level.

When applying the formulation for the subdivision index R as agreed by the third session of the IMO Sub-Committee on Ship Design and Construction (SDC 3) in relation to SOLAS Chapter II-1/6, the ability of passenger vessels to survive a major accident like a collision or grounding improves significantly and risk expressed in potential loss of lives is significantly reduced.

Concerns were expressed at SDC 3 and MSC 96 by some non-EU IMO members that the compromise formula for the required subdivision index *R* for small ships (< 400 passengers) has not been verified on the basis of a Formal Safety Assessment. In the view of those IMO members, the formula created the possibility to introduce requirements that cannot be implemented for existing ships in a cost efficient way. It was argued that further technical evaluation for smaller ships, was needed. Discussions on this aspect may come back at MSC 97 and this should be taken into account in the formulation of the Union position for MSC 97 on this item.

These changes are set out in Annex 1 in IMO Circular Letter No. 3644 of 20 May 2016. Paragraph 11.4 of the MSC 96 report (MSC 96/25) indicates that the changes are foreseen to be adopted at MSC 97.

1.3 Amendments to SOLAS Regulation II-1/1.2, a new Regulation II-1/19-1, and amendments to SOLAS regulations III/1.4, III/30 and III/37

The amendments to SOLAS Regulation II-1/1.2, the new Regulation II-1/19-1 and the related amendments to SOLAS Regulations III/1.4, III/30 and III/37 as regards damage control drills form part of a comprehensive approach to enhance survivability after flooding, in conjunction with the package of amendments to SOLAS Regulation II-1 set out in point 1.2 above, with the intention of improving safety on new and existing passenger ships.

The amendments to SOLAS regulation II-1/1.2, the new regulation II-1/19-1 and regulations III/1.4, III/30 and III/37 incorporate the requirements on damage control drills for passenger ships, including the frequency, participation of crew members with damage control responsibilities and required elements of each drill as well as activation of shore-based support.

The amendments to SOLAS II-1/1.2 and the new SOLAS regulation II-1/19-1 are set out in Annex 16 in MSC 96/25/add.1. Paragraph 11.17 of the MSC 96 report (MSC 96/25) indicates that these amendments are foreseen to be adopted at MSC 97.

The amendments to SOLAS regulations III/1.4, III/30 and III/37 are set out in Annex 1 of IMO Circular Letter No. 3644 of 20 May 2016. Paragraph 11.19 of the MSC 96 report (MSC 96/25) indicates that the amendments will be adopted at MSC 97.

1.4 Amendments to SOLAS regulations II-2/1 and II-2/10

With the amendments to SOLAS regulations II-2/1 and II-2/10, foam-type extinguishers of at least 135 *l* capacity will no longer be required in boiler rooms protected by fixed water-based local application fire-extinguishing systems. The amendments will apply to both new and existing ships.

The amendments to SOLAS II-2/1 and II-2/10 are set out in Annex 1 of IMO Circular Letter No. 3644 of 20 May 2016. Paragraph 8.2 of the MSC 96 report (MSC 96/25) indicates that these amendments are foreseen to be adopted at MSC 97.

1.5 Amendments to SOLAS regulation II-1/3-12

The Code on Noise levels on board ships was adopted in 2012 (resolution MSC.337(91)) together with associated amendments to SOLAS, making the Code mandatory under regulation II-1/3-12 with entry into force on 1 July 2014. However, subsequent analysis showed that some ships would not fall under the scope of application of SOLAS regulation II-1/3-12. Ships for which the building contract is placed before 1 July 2014 and the keels of which are laid or which are at a similar stage of construction on after 1 January 2015 and the delivery of which is not before 1 July 2018, do not fall under paragraphs 1 or 2 of regulation II-1/3-12. The amendments to regulation II-1/3-12 address that gap in the current regulation.

These amendments are set out in Annex 1 of IMO Circular Letter No. 3644 of 20 May 2016. Paragraph 20.10 of the MSC 96 report (MSC 96/25) indicates that the amendments are foreseen to be adopted at MSC 97.

1. 6 Amendments to the STCW Convention and Code relating to passenger-ship specific training and to parts A and B of the STCW Code

The Maritime Safety Committee, at its ninety-first session, first considered proposals to amend the existing requirements of the STCW Convention and the Code relating to passenger ships to address new challenges posed by the increased size of modern passenger ships and the large number of passengers on board, in particular concerning cruise ships.

Amendments to regulations I/14 and V/2 of the STCW Convention and section A-V/2 of the STCW Code to improve the safety of (ro-ro and non-ro-ro) passenger ship safety have been actively promoted by the EU, in particular after the Costa Concordia accident in January 2012.

The amendments comprise four distinct levels of training and familiarization: passenger ship emergency familiarization, passenger ship crowd management training, passenger ship crisis management and human behaviour training, and ro-ro passenger ship training.

These amendments are set out in Annex [ ] in MSC 96/25/add.1. Paragraph 12.6 of the MSC 96 report (MSC 96/25) indicates that the amendments are foreseen to be adopted at MSC 97.

1.7 Amendments to Chapter 13 of the Fire Systems Safety Code

According to the Fire Systems Safety Code, Chapter 13, paragraph 2.1.2.2.2.1, concerning the distribution of persons, the dimension of means of escape shall be

calculated on the basis of the total number of persons expected to escape by the stairway and through doorways, corridors and landings. The calculations shall be made separately for two different cases of occupancy of the specified spaces. The existing text was found to be misleading as regards the reference to members of the crew distributed in public spaces on a vessel and is therefore amended.

These amendments are set out in Annex 2 of IMO Circular Letter No. 3644 of 20 May 2016. Paragraph 11.15 of the MSC 96 report (MSC 96/25) indicates that the amendments are foreseen to be adopted at MSC 97.

1.8 Amendments to the 2011 Enhanced Survey Programme (ESP) Code

The IMO's Condition Assessment Scheme (CAS) sets out the framework for an intensified inspection of ships older than 15 years. The enhanced programme of Inspections during surveys of Bulk Carriers and Oil Tankers or Enhanced Survey Programme (ESP) specifies how to undertake such an intensified inspection. As the CAS uses the ESP to achieve its aim, the CAS refers to the ESP as a tool to do so.

These amendments to the ESP Code provide alignment with the updated IACS UR (the International Association of Classification Societies Unified Requirements) Z10 series. The IACS UR Z10 series concern survey and certification requirements. Unified Requirements are IACS resolutions on matters directly connected to or covered by specific Rule requirements and practices of classification societies and the general philosophy on which the rules and practices of classification societies are established.

These changes are set out in Annex 4 of IMO Circular Letter No. 3644 of 20 May 2016. Para 11.21 of the MSC 96 report (MSC 96/25) indicates that these amendments are foreseen to be adopted at MSC 97.

2. ADOPTION OF THE IMO AMENDMENTS

2.1 Adoption of amendments

The amendments set out in points 1.1 - 1.8 above were approved at the 69th session of the Marine Environment Protection Committee meeting between 18 – 22 April 2016 and the 95th and 96th session of the Maritime Safety Committee meeting between 3 – 12 June 2015 and 11 – 20 May 2016, and are to be submitted for adoption to the 70th session of the Marine Environment Protection Committee between 24 – 28 October 2016 and the 97th session of the Maritime Safety Committee between 21 – 25 November 2016.

2.2 Acceptance

Once approved and adopted by the two Committees, the amendments set out in points 1.1 to 1.8 above will be communicated for acceptance to the respective Contracting Parties.

3. RELEVANT EU LEGISLATION AND EU COMPETENCE

3.1 Amendments to Chapter 4 of MARPOL Annex VI

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 sets out an EU system to

monitor, report and verify (MRV) CO_2 emissions and energy efficiency from shipping.

The EU MRV Regulation applies to all large ships (over 5000 gross tons) arriving at, within or departing from ports under the jurisdiction of a Member State from 1 January 2018 onwards, irrespective of where the ships are registered. It allows for a choice among four monitoring methodologies starting from very simple ones based on already available data on board of ships. The data will need to be independently verified and then annually reported in an aggregated manner to the Commission. The Commission will make publicly available verified annual aggregated data on a "per ship" basis, including CO_2 emissions and energy efficiency parameters.

In Article 22(3), the Regulation includes a review clause in the event of an international agreement in this field. With the adoption of the amendments to Chapter 4 of MARPOL Annex VI, the review process in accordance with Article 22(3) would be triggered. This may lead to a proposal to amend the Regulation in order to ensure alignment with the global data collection system agreed in the IMO.

Therefore, the amendments to Chapter 4 of MARPOL Annex VI would affect EU law through the application of Regulation (EU) 2015/757.

3.2 Amendments to SOLAS Regulations II-1/1, II-1/2, II-1/3, II-1/4, II-1/5, II-1/6, II-1/7, II-1/8-1, II-1/9, II-1/10, II-1/12, II-1/13, II-1/15 – 17, II-1/19, II-1/21 - 22 and II-1/35

SOLAS Regulation II-1 regulates construction-structure, subdivision and stability machinery and electrical installations. The amendments to SOLAS Regulations II-1 to be adopted at MSC 97 cover both passenger and cargo ships, Article 6(2)(a)(i) of Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships establishes that new passenger ships of Class A shall comply entirely with the requirements of the 1974 SOLAS Convention, as amended.

Therefore, the amendments to SOLAS Regulations II-1/1, II-1/2, II-1/3, II-1/4, II-1/5, II-1/6, II-1/7, II-1/8-1, II-1/9, II-1/10, II-1/12, II-1/13, 15 – 17, II-1/19, II-1/21 - 22 and II-1/35 would affect EU law through the application of Directive 2009/45/EC.

3.3 Amendments to SOLAS Regulation II-1/1.2, a new Regulation II-1/19-1, and amendments to SOLAS Regulations III/1.4, III/30 and III/37

The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) has been incorporated into Union law by means of Directive 2008/106/EC on the minimum level of training of seafarers.

Regulation V/2 of the STCW Convention includes mandatory minimum standards for the training and qualifications of masters, officers, ratings and other personnel on passenger ships.

In particular, under Table A-V/2 of Section A-V/2 of the STCW Code on specification of minimum standard of competence in crisis management and human behaviour, which supplements Regulation V/2, seafarers should be able, among others, to organise realistic drills. In addition, the International Safety Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), which is made mandatory under the provisions of Chapter IX of the International Convention for the Safety of Life at Sea (SOLAS), has been incorporated into Union

law by means of Regulation (EC) No 336/2006. In particular, regarding emergency preparedness, the ISM code requires the company to establish programmes for drills and exercises to prepare for emergency actions.

Therefore, the amendments to SOLAS Regulation II-1/1.2, the new Regulation II-1/19-1 and the amendments to SOLAS Regulations III/1.4, III/30 and III/37 relating to damage stability drills would affect EU law through the application of Directive 2008/106/EC and Regulation (EC) No 336/2006.

3.4 Amendments to SOLAS Regulations II-2/1 and II-2/10

Article 6(2)(a)(i) of Directive 2009/45/EC establishes that new passenger ships of Class A shall comply entirely with the requirements of the 1974 SOLAS Convention, as amended. In addition, SOLAS Regulations II-2/1 and II-2/10 are applicable to new Class B, C and D and existing Class B in accordance with Annex I, Chapter II-2 Part A, 6 Fire-extinguishing arrangements in machinery spaces point .7 of Directive 2009/45/EC, in which it is established that machinery spaces and boiler rooms should be equipped with portable systems.

Therefore, the amendments to SOLAS Regulations II-2/1 and II-2/10 relating to fire-extinguishing arrangements in machinery spaces would affect EU law through the application of Directive 2009/45/EC.

3. 5 Amendments to SOLAS Regulation II-1/3-12

Article 3 of Directive 2003/10/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) lays down minimum requirements for the protection of workers and sets exposure limit values and exposure action values. Furthermore as secondary relevant legislation, Article 6(2)(a)(i) of Directive 2009/45/EC makes the application of the 1974 SOLAS Convention, as amended, applicable to new Class A ships and Annex I, Part C, Regulation 18, of that Directive lays down measures for noise reduction in machinery spaces for new Class B, C and D ships.

Therefore, the amendments to SOLAS Regulation II-1/3-12 would affect EU law through the application of Directive 2003/10/EC and Directive 2009/45/EC.

3. 6 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) Convention and Code relating to passenger-ship specific training and to parts A and B of the STCW Code

Directive 2008/106/EC, in particular Regulation V/2 of Chapter V of Annex I includes mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on passenger ships.

Therefore, the amendments to the STCW Convention and Code relating to passenger-ship specific training would affect EU law through the application of Directive 2008/106/EC.

3.7 Draft amendment to chapter 13 of the Fire Systems Safety Code concerning clarification of the crew distribution in public spaces

Article 6(2)(a)(i) of Directive 2009/45/|EC establishes that new passenger ships of Class A shall comply entirely with the requirements of the 1974 SOLAS Convention, as amended. Furthermore, Chapter II-2, Part A of Annex I of Directive 2009/45/EC

applies the Fire Safety Systems Code adopted by Resolution MSC.98(73), to Class B, C and D ships constructed on or after 1 January 2003.

Therefore, the amendments to Chapter 13 of the Fire Safety Systems Code would affect EU law through the application of Directive 2009/45/EC.

3.8 Amendments to the 2011 Enhanced Survey Programme (ESP) Code

Regulation (EU) No 530/2012 of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers aims to establish an accelerated phasing-in scheme for the application of the double-hull or equivalent design requirements of MARPOL 73/78, as defined in Article 3 of this Regulation, to single-hull oil tankers, and to ban the transport to or from ports of the Member States of heavy grade oil in single-hull oil tankers.

This Regulation makes mandatory the application of the IMO's Condition Assessment Scheme (CAS) to single hull oil tankers above 15 years of age. Article 5 requires such tankers to comply with the CAS, which is then defined in Article 6 as the Condition Assessment Scheme adopted by Resolution MEPC 94(46) of 27 April 2001 as amended by Resolution MEPC 99(48) of 11 October 2002 and by Resolution MEPC 112(50) of 4 December 2003. 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 will be directly and automatically applicable through Regulation (EU) No 530/2012. Therefore, the amendments due to be adopted at MSC 97, which would introduce changes to the ESP Code, would affect EU law, through the application of Regulation (EU) No 530/2012.

3.7 Summary

In view of the links between the proposed amendments and the relevant EU legislation as set out above, the Commission considers that the adoption of the above-cited amendments expected at MEPC 70 and MSC 97 come under EU exclusive external competence, which the Union has acquired pursuant to Article 3(2) TFEU, in so far as the adoption of the changes to the international instruments at stake affect common rules or alter their scope.

Consistent with a well consolidated body of case law, even if the Union is not a member of IMO nor a contracting party to the concerned international instruments, the Member States are not authorised to assume obligations likely to affect EU rules promulgated for the attainment of the objectives of the Treaties, unless they are authorised to do so by means of a Council decision, on a proposal by the Commission.

4. CONCLUSION

The Commission therefore proposes a Council Decision on the position to be adopted on behalf of the European Union for the amendments cited in paragraphs 1.1 – 1.8 above to be adopted at the 70th session of the Marine Environment Protection Committee and the 97th session of the Maritime Safety Committee respectively.

2016/0263 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted on behalf of the European Union at the International Maritime Organization during the 70th session of the Marine Environment Protection Committee and the 97th session of the Maritime Safety Committee on the adoption of amendments to MARPOL Annex VI, SOLAS Regulations II-1, SOLAS Regulations III/1.4, III/30 and III/37, SOLAS Regulations II-2/1 and II-2/10, SOLAS Regulation II-1/3-12, the STCW Convention and Code, the Fire Systems Safety Code and the 2011 Enhanced Survey Programme Code

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

(1) Action by the European Union in the sector of maritime transport should aim to improve maritime safety and to protect the marine environment.

(2) The Marine Environment Protection Committee (MEPC) of the IMO meeting at its 69th session agreed on the establishment of a mandatory data collection system for fuel consumption and the necessary amendments to Chapter 4 of MARPOL Annex VI. Those amendments are expected to be adopted in the 70th session of the MEPC to be held in October 2016.

(3) The Maritime Safety Committee (MSC) of the IMO meeting at its 95th and 96th sessions approved amendments to SOLAS Regulation II-1, SOLAS Regulations III/1.4, III/30 and III/37, SOLAS Regulations II-2/1 and II-2/10, SOLAS Regulation II-1/3-12, the STCW Convention and Code, the Fire Systems Safety Code and the 2011 Enhanced Survey Programme Code. Those amendments are expected to be adopted in the 97th session of the MSC to be held in November 2016.

(4) The amendments to Chapter 4 of MARPOL Annex VI will establish a mandatory global data collection system for the data to be collected and reported annually by certain ships, the verification processes related to reported data, the establishment of statements of compliance, situations concerning ownership transfer, submission of the data to the IMO, anonymisation of and access to the data, as well as procedures for confirming compliance of ships flying the flag of non-parties to MARPOL Annex VI. Regulation (EU) 2015/757 of the European Parliament and of the Council [1] sets out an EU system to monitor, report and verify (MRV) CO_2 emissions and energy efficiency from shipping. It applies to all ships over 5000 gross tons arriving at, within or

[1] 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).

departing from ports under the jurisdiction of a Member State from 1 January 2018 onwards, irrespective of where the ships are registered.

(5) Article 22 of Regulation (EU) 2015/757 of the European Parliament and of the Council includes a review clause in the event of an international agreement in this field. The adoption of the amendments to Chapter 4 of MARPOL Annex VI will start such a review process, which may lead to a proposal to amend the Regulation in order to ensure alignment, to the extent appropriate, with the global data collection system agreed in the IMO.

(6) The amendments to SOLAS Regulations II-1/1, II-1/2, II-1/3, II-1/4, II-1/5, II-1/6, II-1/7, II-1/8-1, II-1/9, II-1/10, II-1/12, II-1/13, 15 – 17, 19, 21, 22 and 35 will introduce editorial and consequential changes, as well as changes that concern subdivision and damage stability requirements to improve passenger ship survivability in case of damage. Article 6(2)(a)(i) of Directive 2009/45/EC of the European Parliament and of the Council[2] establishes that new passenger ships of Class A shall comply entirely with the requirements of the 1974 SOLAS Convention, as amended.

(7) The amendments to SOLAS Regulation II-1/1.2, the new Regulation II-1/19-1, and the amendments to SOLAS Regulations III/1.4, III/30 and III/37 concerning damage control drills form part of a comprehensive approach to enhance the survivability after flooding with the intention of improving safety on new and existing passenger ships. Directive 2008/106/EC of the European Parliament and of the Council[3], and in particular Regulation V/2 of Chapter V of Annex I, includes mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on passenger ships. The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) Convention, which has been incorporated into Union law by means of Directive 2008/106/EC of the European Parliament and of the Council, includes training requirements on ship stability in the relevant tables of competences of the STCW Code.

(8) The amendments to SOLAS Regulations II-2/1 and II-2/10 will entail that, foam-type extinguishers of at least 135 *l* capacity will no longer be required in boiler rooms protected by fixed water-based local application fire-extinguishing systems. Article 6(2)(a)(i) of Directive 2009/45/EC of the European Parliament and of the Council establishes that new passenger ships of Class A shall comply entirely with the requirements of the 1974 SOLAS Convention, as amended. In addition, SOLAS Regulations II-2/1 and II-2/10 are applicable to new Class B, C and D and existing Class B in accordance with Annex I, Chapter II-2 Part A, point 6.7 ("Fire-extinguishing arrangements in machinery spaces") of Directive 2009/45/EC of the European Parliament and of the Council, in which it is established that machinery spaces and boiler rooms should be equipped with portable systems.

(9) The amendments to SOLAS Regulation II-1/3-12 will address a gap in the current Regulation concerning the application of the Code on Noise Levels on Board Ships for ships for which the building contract is placed before 1 July 2014 and the keels of which are laid or which are at a similar stage of construction on or after 1 January 2015 and the delivery of which is not before 1 July 2018. Article 3 of Directive

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[2] 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).

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

2003/10/EC of the European Parliament and of the Council[4] lays down minimum requirements for the protection of workers and sets exposure limit values and exposure action values. Furthermore as secondary relevant legislation, Article 6(2)(a)(i) of Directive 2009/45/EC of the European Parliament and of the Council makes the application of the 1974 SOLAS Convention, as amended, applicable to new Class A ships and Annex I PART C, Regulation 18, of that Directive lays down measures for noise reduction in machinery spaces for new Class B, C and D ships.

(10) The amendments to the STCW Convention and Code relating to passenger-ship specific training and to Parts A and B of the STCW Code will address new challenges posed by the increased size of modern cruise ships and the large number of passengers on board and comprise four distinct levels of training and familiarization: passenger ship emergency familiarization, passenger ship crowd management training, passenger ship crisis management and human behaviour training, and ro-ro passenger ship training. Directive 2008/106/EC of the European Parliament and of the Council, in particular Regulation V/2 of Chapter V of Annex I, includes mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on passenger ships.

(11) The amendments to Chapter 13 of the Fire Systems Safety Code will clarify that the calculations of the dimension of means of escape, which are made on the basis of the total number of persons expected to escape by the stairway and through doorways, corridors and landings, shall be made separately for two different cases of occupancy of the specified spaces. Article 6(2)(a)(i) of Directive 2009/45/EC of the European Parliament and of the Council establishes that new passenger ships of Class A shall comply entirely with the requirements of the 1974 SOLAS Convention, as amended. Furthermore, Chapter II-2, Part A, of Annex I of Directive 2009/45/EC of the European Parliament and of the Council applies the Fire Safety Systems Code adopted by Resolution MSC.98(73), to Class B, C and D ships constructed on or after 1 January 2003.

(12) The amendments to the 2011 ESP Code will provide alignment with the updated Unified Requirements Z10 series of the International Association of Classification Societies Uniform Requirements (IACS UR Z10 series), which concern survey and certification requirements. Articles 5 and 6 of Regulation (EU) No 530/2012 of the European Parliament and of the Council[5] 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 will automatically be applicable through Regulation (EU) No 530/2012.

(13) The Union is neither a member of the IMO nor a contracting party to the conventions and codes concerned. It is therefore necessary for the Council to authorise the Member States to express the position of the Union and express their consent to be bound by these amendments.

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[4] Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise**)** (OJ L 42, 15.2.2003, p. 38).

[5] 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).

HAS ADOPTED THIS DECISION:

Article 1

For the purpose of improving current environmental protection requirements set out in MARPOL, the position of the Union at the 70th session of the IMO Marine Environment Protection Committee shall be to agree to the adoption of the amendments to Chapter 4 of MARPOL Annex VI, as laid down in Annex 7 in IMO document MEPC 69/21/add.1.

Article 2

The position of the Union at the 97th session of the IMO Maritime Safety Committee shall be to agree to the adoption of the following amendments to:

(a) SOLAS Regulations II-1/1, II-1/2, II-1/3, II-1/4, II-1/5, II-1/6, II-1/7, II-1/8-1, II-1/9, II-1/10, II-1/12, II-1/13, II-1/15 – 17, II-1/19, II-1/21 - 22 and II-1/35 as laid down in Annex 1 of IMO Circular Letter No. 3644 of 20 May 2016;

(b) SOLAS regulation II-1/1.2, a new regulation II-1/19-1, and amendments to SOLAS regulations III/1.4, III/30 and III/37 as laid down in Annex 1 of IMO Circular Letter No. 3644 of 20 May 2016;

(c) SOLAS Regulations II-2/1 and II-2/10 as laid down in Annex 1 of IMO Circular Letter No. 3644 of 20 May 2016;

(d) SOLAS Regulation II-1/3-12 as laid down in Annex 1 of IMO Circular Letter No. 3644 of 20 May 2016;

(e) The STCW Convention and Code relating to passenger-ship specific training and to parts A and B of the STCW Code as laid down in Annex [ ] of IMO Document MSC 96/25/add.1;

(f) Chapter 13 of the Fire Systems Safety Code as laid down in Annex 2 of IMO Circular Letter No. 3644 of 20 May 2016;

(g) The 2011 Enhanced Survey Programme Code as laid down in Annex 4 of IMO Circular Letter No. 3644 of 20 May 2016.

Article 3

1. The position of the Union as set out in Articles 1 and 2 shall be expressed by the Member States, which are members of IMO, acting jointly in the interest of the Union.

2. Minor changes to the position referred to in Articles 1 and 2 may be agreed without requiring that position to be amended, and changes to the position set out in Article 2 a) as regards amendments to SOLAS Regulation II-1/6 may be agreed with a view to improving the current safety levels.

Article 4

Member States are hereby authorised to give their consent to be bound, in the interest of the Union, by the amendments referred to in Articles 1 and 2.

Article 5

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President