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COUNCIL DECISION (EU) 2024/3106

of 26 November 2024

on the position to be taken on behalf of the European Union within the International Maritime Organization's Maritime Safety Committee at its 109th session as regards the adoption of amendments to the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF 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), 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 to protect the marine environment and human health.

(2) The Maritime Safety Committee (MSC) of the International Maritime Organization (IMO), at its 109th session from 2 to 6 December 2024 ('MSC 109'), is expected to adopt amendments to the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code).

(3) It is appropriate to establish the position to be taken on the Union's behalf at MSC 109, as the envisaged amendments to the IGF Code are capable of decisively influencing the content of Union law, namely Directive 2009/45/EC of the European Parliament and of the Council [1].

(4) The amendments to the IGF Code concern a variety of issues, including pump suction wells, safety relief valve discharge, fuel preparation rooms, structural fire protection and hazardous zones. The Union should support those amendments because they will enhance the safety of ships, including passenger ships, using natural gas as fuel. Those amendments provide an equivalent level of protection of the piping system and the tank inlet from the safety relief valve discharge lines during normal operation and emergency. In addition, those amendments also acknowledge the existence of small wells of liquefied natural gas (LNG) fuel tanks.

(5) The Union is neither a member of the IMO, nor a contracting party to the IGF Code. The Council should therefore authorise the Member States to express the position of the Union at MSC 109.

(6) The scope of this Decision should be limited to the content of the proposed amendments, to the extent that they 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 within the International Maritime Organization's (IMO) Maritime Safety Committee at its 109th session shall be to agree to the adoption of the amendments to the International Code of Safety for Ships using Gases or Other Low-flashpoint Fuels (IGF Code), as set out in Annex 2 to IMO document MSC 109/3 (the 'amendments').

Article 2

1. The position to be taken on the Union's behalf as set out in Article 1 covers the amendments to the extent that the amendments fall under the exclusive competence of the Union and to the extent that they may affect Union common rules. That position 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 position as set out in Article 1 may be agreed upon without further decision of the Council.

[1] 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, ELI: http://data.europa.eu/eli/dir/2009/45/oj).

Article 3

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

Article 4

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

Done at Brussels, 26 November 2024.

For the Council

The President

HANKÓ B.