DECISIONS

COUNCIL DECISION (EU) 2021/2144

of 2 December 2021

on the position to be taken on behalf of the European Union at the International Maritime Organization during the 32nd session of its Assembly on the adoption of amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) TFEU, 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 Assembly of the International Maritime Organization (IMO), during its 32nd session from 6 to 15 December 2021 ('A 32'), is expected to adopt the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) ('Survey Guidelines'), 2021, and revoke IMO Assembly Resolution A.1140(31), which contains the Survey Guidelines, 2019.

(3) It is appropriate to establish the position to be taken on behalf of the Union during A 32, as the amendments to the Survey Guidelines will be capable of decisively influencing the content of Union law, namely Regulation (EC) No 391/2009 of the European Parliament and of the Council [1].

(4) The adoption of the Survey Guidelines, 2021 and the revocation of the Survey Guidelines, 2019 are part of a regular review. The Union should therefore support those amendments because they will ensure that the Survey Guidelines remain up to date.

(5) The Union is neither 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 at A 32.

(6) 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 behalf of the Union at the 32nd session of the Assembly of the International Maritime Organization (IMO) shall be to agree to the adoption of the Survey Guidelines under the Harmonized System of Survey and Certification, 2021, as laid down in IMO document III 7/17/Add.1, section 8 and annex 6, and the consequent revocation of IMO Assembly Resolution A.1140(31).

[1] Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p. 11).

Article 2

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

Article 3

Member States are hereby authorised to give their consent to be bound, in the interests of the Union, by the amendments referred to in Article 1, to the extent that those 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, 2 December 2021.

For the Council
The President
J. VRTOVEC