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### 'I/A' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	14511/21
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in 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)

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### INTRODUCTION

1. On 14 October 2024, the Commission transmitted the above-mentioned proposal to the Council.
2. The proposal concerns the establishment of the Union position during the 109th session of the Maritime Safety Committee ('MSC 109') of the International Maritime Organization (IMO) as regards the adoption of amendments to the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels ('IGF Code').
3. The amendments to the IGF Code, which are expected to be adopted during MSC 109, will be capable of decisively influencing the content of Union law, namely Directive 2009/45/EC of the European Parliament and of the Council<sup>1</sup>.

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<sup>1</sup> 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. The amendments are in line with the Union's objectives to improve maritime safety, and to protect the marine environment and human health.

## **WORK WITHIN THE COUNCIL PREPARATORY BODIES**

5. The proposal was examined by the Shipping Working Party on 23 October and 4 November 2024. The Presidency compromise proposal presented at that last meeting was accepted by delegations.
6. During the discussions in the working party, many delegations expressed disagreement with the Commission's claim of Union exclusive competence for the IGF Code.
7. Consequently, the Shipping Working Party agreed to adapt the proposal, as far as relevant, to previous similar Council Decisions, including safeguards on the division of competences between the Union and the Member States and on the exercise of the competence by the adoption of this Council Decision.
8. The Commission voiced concerns on some of the amendments made to its original proposal and announced its intention to make a statement to the minutes of the Permanent Representatives Committee.
9. Following the agreement reached at working party level, the text of the draft Council Decision was revised by the Council's legal-linguistic services.

## **CONCLUSION**

10. The Permanent Representatives Committee is invited to examine and endorse the draft decision, as set out in document ST 15326/24, prepared by the legal-linguistic experts, and transmit it to the Council with a view to adoption at a future session.
11. The European Parliament will be informed of the adoption in accordance with Article 218(10) TFEU.