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**COMMISSION STAFF WORKING DOCUMENT**

**Union submission to the eighth session of the International Maritime Organization's  
Sub-Committee on Ship Systems and Equipment commenting on the report of the  
Correspondence Group on Fire Protection (SSE 8/6)**

## **Union submission to the eighth session of the International Maritime Organization's Sub-Committee on Ship Systems and Equipment commenting on the report of the Correspondence Group on Fire Protection (SSE 8/6)**

### **PURPOSE**

This Staff Working Document contains a draft Union submission to the International Maritime Organization's (IMO) eight Sub-Committee on Ship Systems and Equipment (SSE 8). The IMO has scheduled SSE 8 from 28 February to 4 March 2022.

The draft submission comments on document SSE 8/6, the report of the Correspondence Group on Fire Protection and suggests further technical discussions on the Group's recommendations.

### **EU COMPETENCE**

Article 6(2)(a)(i) of Directive 2009/45/EC<sup>1</sup> on safety rules and standards for passenger ships applies the Convention on the Safety of Life at Sea (SOLAS), as amended, to Class A passenger ships. The amendments suggested by the Correspondence Group would include amendments to SOLAS and the Fire Safety Systems Code (FSS Code). The FSS Code is made mandatory for passenger ships through SOLAS.

In light of all of the above, the present draft Union submission falls under EU exclusive competence.<sup>2</sup> This Staff Working Document is presented to establish an EU position on the matter and to transmit the document to the IMO prior to the required deadline of 7 February 2022.<sup>3</sup>

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<sup>1</sup> OJ L 163, 25.6.2009, p. 1.

<sup>2</sup> An EU position under Article 218(9) TFEU is to be established in due time should the IMO Maritime Safety Committee eventually be called upon to adopt an act having legal effects as regards the subject matter of the said draft Union submission. The concept of '*acts having legal effects*' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are '*capable of decisively influencing the content of the legislation adopted by the EU legislature*' (Case C-399/12 Germany v Council (OIV), ECLI:EU:C:2014:2258, paragraphs 61-64). The present submission, however, does not produce legal effects and thus the procedure for Article 218(9) TFEU is not applied.

<sup>3</sup> The submission of proposals or information papers to the IMO, on issues falling under EU competence, are acts of external representation. Such submissions are to be made by an EU actor who can represent the Union externally under the Treaty, which for non-CFSP (Common Foreign and Security Policy) issues is the Commission or the EU Delegation in accordance with Article 17(1) TEU and Article 221 TFEU. IMO internal rules make such an arrangement absolutely possible as regards existing agenda and work programme items. This way of proceeding is in line with the General Arrangements for EU statements in multilateral organisations endorsed by COREPER on 24 October 2011.

**REVIEW OF SOLAS CHAPTER II-2 AND ASSOCIATED CODES TO MINIMIZE THE  
INCIDENCE AND CONSEQUENCES OF FIRES ON RO-RO SPACES AND SPECIAL  
CATEGORY SPACES OF NEW AND EXISTING RO-RO PASSENGER SHIPS**

**UNIFIED INTERPRETATIONS OF PROVISIONS OF IMO SAFETY AND ENVIROMENT  
RELATED CONVENTIONS**

**Comments on document SSE 8/6**

**Submitted by the European Commission on behalf of the European Union**

**SUMMARY**

*Executive summary:* This document provides comments on document SSE 8/6, the report of the Correspondence Group on Fire Protection, and suggests further technical discussions.

*Strategic direction,  
if applicable:* Not applicable

*Output:* 6.36 and 6.1

*Action to be taken:* Paragraph 10

*Related documents:* SSE 8/6, SSE 7/21, SSE 7/WP.4, SSE 7/6/1, SSE 7/6

**Introduction**

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the IMO and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.5/Rev.2). It comments on document SSE 8/6 regarding the report of the Correspondence Group on Fire Protection.

**Background**

2 The Correspondence Group on Fire Protection was instructed to continue the significant work that has been ongoing on this agenda item since SSE 4. In particular, the Group had to take into account the comments made and decisions taken at SSE 7 (SSE 7/WP.4 and SSE 7/21, paragraphs 6.22 and 16.27).

**Comments**

3 The work that had to be undertaken by the Correspondence Group was extremely extensive and the additional time due to the postponement of SSE 8 was used to complete

seven rounds of correspondence. It should be stated that the coordinator and the members of the group did an excellent job and the EU supports most parts of the work so far.

4 However, the subject in question is highly technical and the format of written correspondence was not ideal to provide technical explanations. As a result, it appears that some of the proposals may be in need of some final edits before adoption. For example, some specific technical matters need to be further discussed at SSE 8, like the issues of side nozzles and the proposals for the FSS Code 7.2.5 (Annex 6 of SSE 8/6).

5 Another issue that was postponed but could be resolved after brief technical explanations was the “rate of temperature rise” topic as described in paragraph 26 of SSE 8/6. In the FIRESAFE II study, which has been the main reference for the work of this group, it is stated that *“For the open ro-ro space, the fibre optic linear heat detection system showed capacities to detect a fire faster than a conventional point heat detection system. The improved performance was judged to be mainly attributed to the used detection criterion, based on a rate of temperature rise instead of a given critical temperature.”*

6 It is understood that the relevant proposal on the rate of rise criterion in SSE 7/6/1 (part 8 if the Annex) was drafted having in mind that a technical discussion would take place in order to also allow linear heat detection which was proven to have the improved performance mentioned above. This item was, however, not discussed during SSE 7 and, consequently, it is listed as an item not discussed in detail (paragraphs 23 and 24 of SSE 8/6). As a result, the Correspondence Group decided not to proceed with this topic.

7 Furthermore, the EU notes that significant results were reached in relation to provisions applicable to existing ships, and these are supported. While it is understood that amendments applicable to existing ships are more difficult to be implemented, the EU recalls that, apart from the side openings RCO, all the other proposals for existing ships that were included in SSE 7/6/1 had been found to be cost effective in the FIRESAFE II study, and as reviewed by the FSA EG in SSE 7/6.

8 The EU further notes that within these cost-effective RCOs, the implementation of water monitors for existing ships was discussed in the Correspondence Group but this item was not supported, also pending further clarification on certain technical aspects. While providing for such clarifications, it should have emerged that, for example, such new requirements should not result in increased demand for pump capacity or increased dimensions of existing piping.

9 It is understood that when the recommendations of a successfully reviewed FSA are brought to the attention of a working or Correspondence Group, they could still be rejected or altered after a deep technical review. However, such a technical review specific to this Risk Control Option (RCO) for existing ships did not take place. The EU is of the view that omitting a cost effective RCO based on brief replies during a Correspondence Group would undermine the general trust in the FSA methodology.

## **Summary**

10 While acknowledging the great work performed by the Correspondence Group and reflected in SSE 8/6, there is a need to hold further technical discussions at SSE 8 on some specific items, as discussed above, and on the options defined for SOLAS regulations II-2/20.6.2.1 (42.1 of SSE 8/6). The other amendments, however, should not be reopened for discussion, also having in mind the fact that SSE 8 will be held in hybrid format.

**Action requested of the Subcommittee**

11 The Subcommittee is invited to consider the comments provided and take action, as appropriate.