

PAME II-2013 Agenda Item 4.2
AMSA Recommendation I(B)
AOR Final Report Recommendation 3
Update on IMO's Development of a Mandatory Polar Code

BACKGROUND

AMSA Recommendation I(B) provides:

“That the Arctic states, in recognition of the unique environmental and navigational conditions in the Arctic, decide to cooperatively support efforts at the International Maritime Organization to strengthen, harmonize and regularly update international standards for vessels operating in the Arctic. These efforts include: Support the updating and the mandatory application of relevant parts of the Guidelines for Ships Operating in Arctic Ice-covered Waters (Arctic Guidelines); and drawing from IMO instruments, in particular the Arctic Guidelines, augment global IMO ship safety and pollution prevention conventions with specific mandatory requirements or other provisions for ship construction, design, equipment, crewing, training and operating, aimed at safety and protection of the Arctic environment.”

AOR Final Report Recommendation 3 provides, in relevant part:

“The Arctic states should support work at the IMO and other international organizations with recognized competence to promote and advance safe, secure, reliable and environmentally sound shipping, including through: timely completion and implementation of the Polar Code.”

In 2009, the International Maritime Organization's (IMO) Maritime Safety Committee (MSC) tasked the Ship Design and Equipment Sub-Committee (DE) with the development of a mandatory Code for ships operating in polar waters (Polar Code). The objective of the Polar Code is to increase maritime safety and environmental protection in Polar Regions and is intended to address, among other things, ship design and equipment; operation of vessels; training of crew; and protection of the marine environment. Since 2010, the DE Sub-Committee has met on four occasions to negotiate the text of the draft Polar Code. Between sessions, an intersessional correspondence group continues the technical work of the DE Sub-Committee.

STATUS UPDATE

At the 57th session of the Ship Design and Equipment Sub-Committee from 18-13 March 2013,¹ DE further developed the safety and environment-related chapters of the draft Polar Code. In particular, DE made significant progress on the environment chapter of the Code. At the conclusion of the meeting, the DE Sub-Committee agreed to forward the draft environment chapter—with some bracketed text—to MEPC for consideration at its 65th Session.

The DE Sub-Committee re-established an intersessional correspondence group and agreed to hold an intersessional working group meeting to further develop the safety-related chapters of the Code. The correspondence group will report its progress to the new Ship Design and Construction Sub-Committee (new Sub-Committee under IMO's 2013 reorganization) in January 2014.

At its 65th Session, MEPC considered, among other things, what additional protections under MARPOL Annexes I and V are necessary to protect polar waters. Based on discussions during plenary, MEPC agreed, in principle, to prohibit the discharge of all Annex I wastes (oil and oily mixtures) and all Annex V wastes (garbage) with the exception of certain food wastes under specified conditions.

Based on the work of DE and the decisions of MEPC, as currently drafted, the environment chapter prescribes additional protections for the Arctic under MARPOL Annexes I (oil and oily mixtures), II (noxious liquid substances), IV (sewage), and V (garbage) and for the Antarctic under MARPOL Annexes IV and V. In particular, ships are prohibited from discharging Annex I and II wastes into polar waters. Additional requirements to Annex IV will, among other things, require new Category A and B ships and new passenger ships to treat sewage using a type approved sewage treatment plant. Annex V wastes are prohibited from discharge with the exception of food wastes, a requirement that goes beyond current protections provided by Annex V Special Area status. Taking into account the polar ocean environment, Annexes IV and V incorporate new distance from ice shelf and land-fast ice requirements in regulations where distance from land requirements currently exist. The availability and adequacy of port waste reception facilities will need to be considered.

Drafting of the Code is scheduled to be completed by the end of 2014.

¹ IMO's summary of the 57th session of the DE Sub-Committee is available at <http://www.imo.org/MediaCentre/MeetingSummaries/DE/Pages/DE-57th-session.aspx>.

RECOMMENDATIONS

The United States, Denmark, Norway and Canada recommend that:

- PAME and its member governments encourage the timely completion and implementation of the Polar Code.
- Arctic States encourage IMO bodies that are working to develop regulations, policies, and guidelines on environmental issues that may be relevant to the Polar Code, including ballast water management, anti-fouling and black carbon emissions, to consider the unique ecological characteristics of the Arctic with a view towards incorporating appropriate standards for ships operating in polar waters in their ongoing work.
- PAME encourage its member governments to evaluate and consider for possible action at IMO what operational measures may be warranted for commercial vessels operating in the high seas areas of the Arctic Ocean (giving consideration to voyage planning for the protection of marine mammals and possible appropriate routing measures in certain areas of the Arctic).
- PAME member governments explore the submission, individually or collectively, of an information paper to IMO that reports on the final HFO Phase II Report, and consider further options as appropriate based on the conclusions and recommendations of that final report.