

Agenda Item 4.2(a)-AMSA I(B) summary paper by USA, Canada, Denmark, Finland & Norway

PAME I-2013 Agenda Item 4.2(a)
AMSA Recommendation I(B)
Update on IMO's Development of a 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.”

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 marine 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; search and rescue, and protection of the marine environment. Since 2010, the DE Sub-Committee has met on three 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 56th session of the Ship Design and Equipment Sub-Committee from 13-17 February 2012,¹ the DE Sub-Committee further developed the safety-related chapters of the draft Polar Code. In particular, the DE Sub-Committee agreed, subject to further discussion of a possible fourth category, to include in the Code three categories of ships for hull strengthening requirements based upon varying levels of risk that vessels will encounter when navigating in Polar Regions. The DE Sub-Committee also identified and agreed to forward, along with guidance, specific chapters of the draft Polar Code, to relevant IMO bodies for their review and

¹ IMO's summary of the 56th session of the DE Sub-Committee is available at <http://www.imo.org/MediaCentre/MeetingSummaries/DE/Pages/DE-56th-session.aspx>.

input, including the Sub-Committees on Radiocommunications and Search and Rescue (COMSAR); Fire Protection (FP); Safety of Navigation (NAV); Stability and Load Lines and on Fishing Vessels Safety (SLF); and Standards of Training and Watchkeeping (STW). The DE Sub-Committee re-established an intersessional correspondence group to further develop those chapters of the Code that will not otherwise be considered by other bodies of the IMO. The correspondence group will report their progress to DE at its 57th session in March 2013.

Unable to secure consensus regarding whether portions of the environment chapter should be forwarded for consideration at the 64th session of the MEPC or further developed by the DE correspondence group during the intersessional period, the DE Sub-Committee directed the Polar Code correspondence group to defer further work on the environment chapter until DE 57 and solely focus on completion of the safety chapters of the Polar Code.

At its 63rd session, MEPC recalled MEPC 60's decision to refer Norway's paper (MEPC 60/21/1) presenting an overview of environmental issues to be considered in the Polar Code to the DE-Sub-Committee; the referral consequently provided the mandate for DE's work on the environment chapter of the Polar Code. MEPC at its 64th session and MSC at its 91st session considered the proposals and actions taken by DE 55 and DE 56 and noted the decision to develop an environmental protection chapter in the draft Polar Code. MEPC recommended that the mandatory provisions of the Polar Code take legal effect through amendments to applicable existing IMO instruments, including, with respect to environmental provisions, International Convention for the Prevention of Pollution From Ships (MARPOL) and related conventions. MEPC furthermore endorsed the specific decisions taken so far by the Sub-Committee with regard to various environmental aspects of the Polar Code.

In September 2012, the United States hosted an inter-governmental workshop for Arctic States to discuss matters related to the draft Environment Chapter of the Polar Code. Subsequent to the meeting, the United States, along with Denmark, Finland, Iceland, and Norway submitted a joint proposal to the DE Sub-Committee, which is scheduled to meet 18-22 March 2013. The joint proposal, DE 57/11/9 (10 January 2013) (attached as Annex I of this report), includes an amended Environment Chapter for the Sub-Committee's consideration.

Recommendations

The co-sponsors of this report recommend that:

- PAME encourage member governments to support the joint proposal by the United States, Denmark, Finland, Iceland, and Norway at the 57th session of the IMO's Design and Equipment Sub-Committee meeting.
- PAME encourage IMO bodies that are actively working to develop regulations, policies, and guidelines on environmental issues relevant to the Polar Code, including among others, 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 review the AMSA II(C) report with a view towards identifying environmental protection gaps in areas of heightened ecological and cultural significance and identify and explore future research needs to inform the development of environmental protection regulations relevant to the Arctic in IMO instruments.
- In the context of future work on AMSA the II(D) project, PAME evaluate what operational measures may be warranted for commercial vessels operating in the high seas areas of the Arctic Ocean (including MARPOL Special Areas and voyage planning for the protection of marine mammals) which PAME could recommend to member governments for their consideration and possible action at IMO.

ANNEX I

DE 57/11/9 (10 January 2013)

**Proposals related to an environmental chapter of a mandatory Code
for ships operating in polar waters (Polar Code)**

Submitted by

Denmark, Finland, Iceland, Norway and the United States

(AVAILABLE AS A SEPARATE DOCUMENT)