PAME II-2014 Agenda Item 4.2(a)

AMSA Recommendation I(B)-IMO Measures for Arctic Shipping

Update on the Development of the Mandatory Code for Ships Operating in Polar Waters (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) and the Marine Environment Protection Committee (MEPC) tasked the Ship Design and Construction Sub-Committee (SDC), formerly the Ship Design and Equipment Sub-Committee, 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 requirements for ships; communications and onboard procedures; and protection of the marine environment. Once completed, the Polar Code will be given binding force through the amendment of two IMO instruments, namely, the Safety of Life at Sea Convention (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL). Associated amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) regarding the standards of competency will also be involved.

As currently drafted, the Polar Code is separated into four main parts (to be accompanied by an intro and preamble): 1) a mandatory safety part—Part I-A—that includes 12 safety-related chapters; 2) a recommendatory safety part—Part I-B—that includes additional information and guidance to implement Part I-A; 3) an environmental protection part—Part II-A—that includes 5 pollution prevention chapters; and 4) a recommendatory environmental part—Part II-B—that includes additional information and guidance to implement Part II-A.

Status Update

The 1st session of the Ship Design and Construction Sub-Committee (January 20-24, 2014) completed its work on the draft Polar Code and transmitted the Code – with bracketed text and open substantive issues – to MSC and MEPC for consideration.

Under the current schedule Polar Code negotiations and are expected to be completed in April, 2015 with the Polar Code coming into effect in 2016 at the earliest.

Polar Code – Part I A – Safety Measures

Summary Outcomes of the 93rd Session of the Maritime Safety Committee (MSC 93) – May 14-23, 2014

The safety provisions of the Polar Code were further developed by a working group established during MSC 93. This working group was able to advance Part I of the Code related to safety provisions to the extent that Part I was approved by the MSC without comment in plenary. This notwithstanding, some issues remain including:

- The number of documents that may need to be reissued when an existing ship applies for Polar Ship Certification. This potential paper burden has been noted in the MSC working group report.
- The requirements for trained and certified personnel and, in particular, how personnel will be certified.
- The limitations for navigation in ice. The International Association of Classification Societies (IACS) and others have volunteered to work on enhancing and validating guidance to support the assignment of limiting ice capabilities on the Polar Ship Certificate by the flag State before MSC 94.

Polar Code – Part II A – Environmental Protection Measures

Summary Outcomes of the 66th Session of the Marine Environment Protection Committee (MEPC 66) – March 31-April 4, 2014

Negotiations relating to the Polar Code also occurred during the 66th session of the Marine Environment Protection Committee (MEPC), though text for the environmental protection aspects of the Polar Code was not ready for approval by MEPC at this session. Accordingly, a correspondence group was established to further develop the text for consideration by MEPC 67 in October 2014. An intersessional working group was also approved.

Outcomes of MEPC 66 included: a reaffirmation of their earlier decision to ban the discharge of oil and oily mixtures in the Arctic; various legal and organizational decisions, and; consideration of alternatives to reduce the administrative burden for vessels that do not regularly trade in the Arctic. More specifically:

- The Committee decided that while port reception facilities should be provided in the Arctic area, the absence of such facilities in the Arctic should not delay the implementation.
- MEPC decided that the applicability for the environmental chapters of the Polar Code (Part II-A) will be determined by the applicability set out in each of the MARPOL Annexes to which it relates. This means that these requirements would be applicable to the same type and size of ships (new and existing), with certain, yet to be determined exemptions for a few specific elements such as structural requirements for smaller ships.
- Further, in relation to certification and documentation, the Committee decided that compliance with the Polar Code would be reflected in existing MARPOL certificates and documentation. Regarding ships that only make occasional voyages to Polar waters, the correspondence group was instructed to consider an alternative for “one-off” voyages.
- The committee also agreed that goal based standards (GBS) which are used in Part I-A of the Code will not be used in Part II-A of the Code given the legal ambiguity that the application of GBS would have in the MARPOL context. This means that the non-legally binding goals and the functional requirements have been deleted from Part II-A of the Code, and only the prescriptive requirements will remain.
- Various other proposals of a generally editorial or technical nature made in other papers submitted to the Committee have been forwarded to the Correspondence Group for consideration.

Because of the number of substantive issues remaining at the end of MEPC 66, approval is scheduled for MEPC 67 in October 2014 following the work of the correspondence group and the intersessional working group. Adoption is scheduled for MEPC 68. The specific entry into force date has not been considered by MEPC yet and could be 2016 at the earliest.

Recommendations

The co-sponsors of this paper recommend that:

- PAME encourage member governments to work toward the timely completion of the Polar Code.
- PAME encourage IMO bodies that are actively working to develop regulations, policies, and guidelines on environmental issues relevant to the Arctic, including among others, ballast water management, anti-fouling, and black carbon emissions, to consider the unique ecological characteristics of the area with a view towards incorporating appropriate standards for ships operating in polar waters in their ongoing work.
- PAME encourage member governments to work toward the finalization of the additional global training requirements in HTW.