PAME I-2015 Agenda Item 4.2 (a)

AMSA Recommendation I(B)

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; 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 International Convention for 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 introduction 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) a mandatory environmental protection part—Part II-A—that includes five 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

Part I of the Polar Code (safety measures) and the related SOLAS amendments were adopted by plenary during MSC 94 (November 17-21, 2014), thus completing the work on Part I of the Polar Code.

Part II of the Polar Code (pollution prevention measures) and the related MARPOL amendments were approved at MEPC 67 (October 13-17, 2014) and subsequently circulated for adoption at MEPC 68 in May, 2015.

Under the IMO's tacit acceptance procedure, as set out in SOLAS and MARPOL, the scheduled entry into force date for the mandatory provisions of the Polar Code (provided Part II is adopted at MEPC 68) is January 1, 2017. For certain requirements, ships constructed before this date will be required to comply with the Polar Code by the first intermediate or renewal survey, whichever occurs first, after January 1, 2018; for other requirements, compliance is required beginning January 1, 2017.

Polar Code – Part I – Safety Measures

Summary Outcomes of the 94th Session of the Maritime Safety Committee (MSC 94) – November 17-21, 2014

A working group was formed during MSC 94 to consider the papers submitted at the session and to finalize the text of the Polar Code.

The report of the working group was approved and the amendments to the SOLAS Convention and the safety provisions of the Polar Code were adopted by plenary, thus completing the work on Part I of the Polar Code. Specific outcomes of MSC 94 included:

- Modifying the definition of Arctic waters by adding the coordinates of Sørkapp, Jan Mayen, the Island of Bjørnøya, and Cap Kanin Nos for clarification purposes, keeping the name of the places in parenthesis for reference only;

- Flexibility regarding the means for meeting requirements for personnel trained to operate in polar waters so that persons other than the master, chief mate or officers of the navigational watch may satisfy the requirements for training;

- Confirmation that no additional SOLAS documentation other than the Polar Ship Certificate and the Polar Waters Operations Manual would be required to demonstrate compliance with Polar Code requirements;

- Agreement that the Polar Ship Certificate may be issued for Category C cargo ships where no additional equipment or structural modification is required to comply with the Code based upon documented verification that the ship complies with all relevant requirements of the Polar Code (i.e. without physical survey); and

- Refinement for the applicability of certain navigation safety equipment measures that were prepared by the 1st Session of the Sub-Committee on Navigation, Communications and Search and Rescue and submitted to MSC 94 for approval and adoption.

A proposal by the International Association of Classification Societies (IACS) on the means for establishing limits for operation in ice was not included in the Polar Code, but it was decided that the proposal will be further developed by a Correspondence Group with a view to publish in an IMO MSC Circular before the entry into force of the Polar Code. A footnote has been added in the Polar Code to refer to the Circular.

Polar Code – Part II – Environmental Protection Measures

Summary Outcomes of the 67th Session of the Marine Environment Protection Committee (MEPC 67) – October 13-17, 2014

A working group was formed at MEPC 67 to consider the papers submitted and finalize the text of Part II of the Polar Code and the associated MARPOL Convention amendments.

The preamble, introduction, and environmental provisions (Part II-A and II-B) of the Polar Code and the associated MARPOL amendments were approved by MEPC 67 plenary and put forward for adoption at MEPC 68 in May, 2015. Specific outcomes of MEPC 67 included:

- The maintenance of prohibitions on the discharge of oil, oily mixtures and noxious substances in Arctic waters, though Administrations may approve a phase-in period of one to four years for oil and oily mixtures from machinery spaces for existing Category A vessels spending more than 30 consecutive days in ice. This phase-in is intended to address a small number of vessels;

- Clarification that the prohibition for the discharge of oil and oily mixtures in the Arctic does not apply to clean and segregated ballast, and has the same scope as existing MARPOL Annex I requirements in the Antarctic area. Text was also added to allow the discharge of cargo residues not considered harmful to the marine environment in line with existing MARPOL Annex V provisions for the Antarctic;

- Clarification that the provisions for the discharge of sewage apply to all ships certificated according to MARPOL Annex IV, to address concerns raised by States

adjacent to Antarctic waters for ships operating in Antarctic waters without calling on international ports; and

- Clarification that for existing ships no certificate will need to be reissued until its expiry.

Recommendations

The co-sponsors of this paper recommend that:

- PAME encourage member governments to adopt Part II of the Polar Code (environmental protection measures) and the related MARPOL amendments at MEPC 68;
- 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; and
- PAME encourage member governments to work toward the finalization of the additional training and certification requirements in the IMO's HTW subcommittee.