

PAME II-2018

Agenda Item: 6.2(b)(ii)

Implementation of the Polar Code Proposal to facilitate a harmonised implementation of the Polar Code

Submitted by Norway

Background

The adoption of the mandatory Polar Code by the International Maritime Organisation (IMO) was an important milestone in ensuring safe and sustainable shipping in the Arctic.

In order to ensure the success of the Polar Code it is of great importance to work towards facilitating a harmonised implementation and enforcement of the Polar Code. Cooperation is the key to solving these challenges, and both the IMO and Arctic Council have an important roles to play.

PAME has already embarked upon initiatives which will facilitate for an efficient implementation of the Code, including the establishment of the Arctic Shipping Best Practice Information Forum (ASBPIF) and the Russian /Finnish initiative on a harmonised implementation of the Code.

In order to complement these initiatives Norway is of the opinion that PAME should develop an overview of the Arctic States' interpretation of the polar code.

Development of an overview of the Arctic states interpretation of the Code

So far 21 ships sailing under the Norwegian flag have been certified under the polar code .

Experience so far has shown us that there are several challenges, one of which is the interpretation of the provisions in the Code.

The safety part of the Polar Code is the first “goal based standard” instrument adopted by IMO. For the maritime administration , and the industry, the strongly conceded three layers of “goal”, “functional requirements” and “regulations” is a new type of legal framework to relate to. The regulations sets out one way of meeting the goals and functional requirements, however other solutions may be applied, as long as it is documented that the goal and the functional requirements are met. This gives all larger freedom, but at the same time, it requires a higher level of knowledge and understanding of the risks to be mitigated and the necessary measures to be applied.

In addition, the Polar Code requires determination of operational limitations, such as presence of sea ice, low temperatures, high latitude etc. The various functional requirements and regulations in the Polar Code are linked to these criteria.

In order to determine the correct operational limitations and which set of requirement to use the, most important part of the Polar Code is the required assessment. Various understanding of how and what to assess and the quality of the assessment constitutes a challenge.

The Norwegian administration's and its recognised organisations experiences so far, shows that operators do find some parts of the polar code challenging with respect to the interpretation of

requirements. The Norwegian Maritime Authority has received many questions both from classification societies as well as operators on the understanding of the polar code.

Norway is currently developing an overview of its interpretations of the provisions of the Code, and an example will be provided to PAME. A comprehensive overview of the interpretation of the Arctic States would, in our opinion, contribute to an efficient implementation of the polar code. Our view is further that such an exercise would contribute to establish a "common ground" for interpretation as well as give PAME an overview of any remaining challenges. This would also be a valuable background for discussions at IMO and a possible future revision of the code. This overview could also in time be presented to the ASBPIF once further developed.

The current work at IMO on development of guidance on the implementation of the polar code should also be duly noted and taken into account.

Recommendation(s) to PAME II-2018

Norway recommends that:

- PAME encourage member governments to work towards a harmonised implementation of the Polar Code.
- PAME agrees to develop an overview of the respective Arctic States interpretation of the Polar Code.
- An update of the overview would be presented at PAME I 2019.