

MARITIME SAFETY COMMITTEE
94th session
Agenda item 3

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**CONSIDERATION AND ADOPTION OF AMENDMENTS
TO MANDATORY INSTRUMENTS**

Category C ships in the draft Polar Code

**Submitted by Friends of the Earth International (FOEI), Pacific Environment and
the Clean Shipping Coalition (CSC)**

SUMMARY

Executive summary: Environmental NGOs remain concerned that the current drafting of the Polar Code could lead to different interpretations of ice strengthening standards for category C ships, and as a result may not offer appropriate levels of safety or protection for polar waters. Furthermore, the burden of proof should be reversed for the damage stability requirements, with all ships required to meet the damage stability provisions, unless exempted due to the intended area of operation. Finally, further investigation into the value and use of other appropriate operational approaches to reduce both safety and environmental risks, such as restricted speeds, is needed.

Strategic direction: 5.2

High-level action: 5.2.1

Planned output: 5.2.1.15

Action to be taken: Paragraph 14

Related documents: DE 56/10/9; MSC 93/10/8 and MSC 94/3/1

Introduction

1 This document¹ is submitted under the provisions of paragraph 6.12.5 of the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.2) and comments on document MSC 94/3/1 (Secretariat), which invited the Committee to consider adopting the draft Polar Code.

¹ The preparation of this document was assisted by the Antarctic and Southern Ocean Coalition (ASOC), Transport & Environment, and the International Cryosphere Climate Initiative (ICCI).

Category C ships design requirements

2 Throughout the development of the International Code for Ships Operating in Polar Waters (Polar Code) there has been considerable discussion of the three categories of ships introduced in the Code and which categories will be able to operate in different levels of ice cover².

3 In document MSC 93/10/8, Norway refers to "a general understanding amongst those who have been involved in the development of the Polar Code that a category C ship may or may not be required to be ice-strengthened" and suggests that the current wording of the Code is not clear. As each ship operating in polar waters will be required to have a Polar Ship Certificate and Polar Waters Operating Manual (PWOM) under the Code, it has been proposed to address the requirements of individual ships in relation to the waters in which it is expected to operate through the Certificate and Manual.

4 The co-sponsors remain concerned that the current drafting of the Polar Code could lead to different interpretations of the standards for category C ships, and as a result may not offer appropriate levels of safety or protection for polar waters.

5 The draft chapter 4 (Stability and subdivision) only requires ships of categories A and B to have sufficient residual stability to sustain ice-related damages, with category C ships exempt from the damage stability provisions, despite the fact that category C ships could be operating in waters with first year ice 30 cm to 50 cm thick.

6 Early in the discussions on a mandatory Polar Code, the co-sponsors adopted the position that all cargo ships of 500 gross tonnes and above and all passenger ships operating in polar waters should be required to meet ice-strengthening, double-bottom, and sub-division requirements. It is recognized that there will be some ships operating in polar waters, as defined by the Code, which will not encounter ice throughout a voyage, and, therefore, that some exemptions would be appropriate for some ships, depending on their intended area of operation.

7 In the co-sponsors' opinion, the burden of proof should be reversed, so instead of exempting all category C ships from damage stability requirements, all ships should be required to meet the damage stability provisions unless exempted, due to the intended area of operation. This is particularly advisable because, as the polar climate changes, position and thickness of ice also can be expected to change, making such encounters less predictable.

8 It is appreciated that the co-sponsors' position on minimum provisions for ice strengthening and damage stability, including a double bottom extending from the collision bulkhead to the aftpeak bulkhead, for all ships operating in polar waters has not received sufficient support to be adopted within the Polar Code. The co-sponsors request the Committee to note our view that all ships should be required to meet the provisions, unless exempted by their Administration due to their intended area of operation.

9 Furthermore, the co-sponsors encourage further investigation into the value and use of other appropriate operational approaches to reduce risks, such as speed restrictions.

² Category A: ships designed for operation in polar waters at least in medium first-year ice, which may include old ice inclusions; category B: a ship not included in category A, designed for operation in polar waters in at least thin first-year ice, which may include old ice inclusions; and category C: a ship designed to operate in open water or in ice conditions less severe than those included in Categories A and B.

Category C ship operational requirement

10 Document DE 56/10/9 (CSC) identified several co-benefits of reduced ship speed as a measure to ensure the highest level of safety and environmental protection for all ships in polar waters and to preserve these benefits if ice-safe conditions change. It lists the various submissions by Member States where maintenance of safe speeds is recognized as essential. It notes that current ship speeds in polar waters, most notably the Arctic, are constrained by weather and ice conditions and recognizes that ship speeds are likely to increase as traffic increases due to the ice melt. Since the document was submitted, the multiple benefits of slow steaming for the financial and commercial health of the industry and its impact on the environment have become even clearer.

11 Nevertheless, the co-sponsors remain concerned that the conditions under which non-ice strengthened category C ships will be permitted to operate unhindered raise ongoing safety and environment issues that have not been properly examined in developing the Polar Code largely out of a concern not to impose technical requirements on such ships. The current in-Arctic dedicated fleet uses safe ice speed guidelines to prepare and train operators to handle current ice conditions. However, there is no regulatory certainty that the growing number of visiting ships or infrequent transits will conform to safe speed practices.

12 Nor is it clear what sea conditions a captain of a category C ship should expect to encounter when operating "in open water or in ice conditions less severe than those included in categories A and B". There is a strong argument that the precautionary principle should apply, in particular to such ships and that the most straightforward, least intrusive, and potentially most effective, measure short of additional technical requirements, is to apply slow steaming provisions. The considerable safety, environmental and cost benefits are set out in document DE 56/10/9.

13 This important issue has been raised successively in working groups but cursorily set aside in the interests of reaching a speedy conclusion. If not possible to consider in detail at this stage in the development of the Polar Code, the co-sponsors urge Parties and the IMO to seize the opportunity that a second phase Polar Code work plan would afford to examine these important issues in appropriate depth.

Action requested of the Committee

14 The Committee is invited to consider the views expressed and take action as appropriate.