

SUB-COMMITTEE ON SHIP DESIGN AND  
CONSTRUCTION  
1st session  
Agenda item 3

SDC 1/3/15  
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## DEVELOPMENT OF A MANDATORY CODE FOR SHIPS OPERATING IN POLAR WATERS

### Application of the mandatory Code

Submitted by Friends of the Earth International (FOEI), World Wide Fund For Nature (WWF), International Fund for Animal Welfare (IFAW) and Pacific Environment

#### SUMMARY

*Executive summary:* In this document FOEI, WWF, IFAW and Pacific Environment<sup>1</sup> provide views on the application of the draft International Code of Safety for Ships Operating in Polar Waters (Polar Code) of relevance to the proposed amendments to SOLAS and MARPOL contained in document SDC 1/3/3 and proposed provisions of the draft mandatory Code contained in document SDC 1/INF.10

*Strategic direction:* 5.2

*High-level action:* 5.2.1

*Planned output:* 5.2.1.19

*Action to be taken:* Paragraph 9

*Related documents:* SDC 1/3/3, SDC 1/INF.10 and MEPC 59/20/5

#### Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the Committees' *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 the report of the correspondence group (SDC 1/3/3 and SDC 1/INF.10).

<sup>1</sup> The preparation of this document for the SDC Sub-Committee was supported by the Antarctic and Southern Ocean Coalition (ASOC).

## Application of the draft mandatory Code

2 The need for a mandatory Code has been widely recognized because of the challenges associated with operating in the often hostile polar waters, the importance of keeping these waters in a pristine condition, and the projected growth of traffic in the regions<sup>2</sup>. The co-sponsors acknowledged that the scope of the draft mandatory International Code of Safety for Ships Operating in Polar Waters (Polar Code) will in the first instance be applied to SOLAS cargo and passenger vessels, and that the intent is for a step 2 to be undertaken which will address other vessels operating in polar waters<sup>3</sup>. The co-sponsors have argued from the earliest days of development of the mandatory Code that its application should be as comprehensive as possible, with exemptions to any provisions kept to a minimum.

3 The co-sponsors submit that application of the mandatory Code should be to all vessels from the (still to be agreed) date of entry into force. If necessary exemptions to specific provisions or delayed application of specific provisions should be addressed on a case-by-case (or provision by provision) basis within the mandatory Code.

4 The co-sponsors believe that a new chapter in SOLAS (proposed chapter XIV) to address safety measures for ships operating in polar waters and new subparagraphs in MARPOL Annexes I, II, IV and V require only a provision applying the Polar Code to all existing and new ships (as defined) operating in polar waters.

5 In particular, the co-sponsors submit that it is imperative that the requirement in part I-A for a Polar Ship Certificate (section 1.4) and Polar Waters Operational Manual (PWOM) (chapter 2) be applied to all cargo and passenger vessels from the date of entry into force of the mandatory Code.

6 The co-sponsors propose that many other chapters of the draft mandatory Code should also be applicable from the entry-into-force date including chapters addressing life-saving appliances and arrangements (chapter 9), safety of navigation (chapter 10), communication (chapter 11), operational requirements (chapter 12), crewing, manning and/or training (chapter 13), and emergency control or contingency measures (chapter 14). Consideration should be given to the application of the remaining chapters from the entry-into-force date, with exemptions only agreed as an exception.

7 The co-sponsors submit that application of all chapters of part II-A should take place immediately from the date of entry into force of the mandatory Code. Discharge of oils, noxious liquid substances, sewage and garbage waste streams are preventable or manageable and the requirements of part II-A should be applied at the earliest possible opportunity to all cargo and passenger ships.

8 Finally, the co-sponsors support the request from the correspondence group in document SDC 1/3/3, requesting the SDC Sub-Committee to:

"endorse the proposal that any exemptions from the established applicability parameters in SOLAS and MARPOL preferably should be included in the draft text of the Code."

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<sup>2</sup> Address of the Secretary-General at the opening of the fifty-third session of the Sub-Committee on Ship Design and Equipment (DE 53/INF.7).

<sup>3</sup> Report to the Maritime Safety Committee (DE 55/22, paragraph 12.7.1). Report to the Maritime Safety Committee (DE 56/25, paragraph 10.7).

but urge that a presumption that the Code will apply to all vessels is maintained and a minimum number of exemptions or delays on entering into force are permitted.

**Action requested of the Sub-Committee**

9 The Sub-committee is invited to consider the views expressed in this document.

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