

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

SDC 1/3/23
29 November 2013
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**DEVELOPMENT OF A MANDATORY CODE FOR SHIPS OPERATING
IN POLAR WATERS**

Reception facilities for oil and oily mixtures

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

SUMMARY

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| <i>Executive summary:</i> | In this document, the co-sponsors reply to the proposal in document SDC 1/3/1 regarding new text on port reception facilities for chapter 1 of part II-A of the draft Polar Code |
| <i>Strategic direction:</i> | 5.2 |
| <i>High-level action:</i> | 5.2.1 |
| <i>Planned output:</i> | 5.2.1.19 |
| <i>Action to be taken:</i> | Paragraph 6 |
| <i>Related documents:</i> | DE 57/WP.6, DE 57/WP.6/Add.1; MEPC 65/11/8, MEPC 65/22 and SDC 1/3/1 |

Introduction

1 This document is submitted in accordance with 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 SDC 1/3/1 (Kiribati et al.).

Annex I – Port waste reception facilities in the Arctic

2 The co-sponsors appreciate the support expressed in document SDC 1/3/1 for the discharge ban, and share the concerns articulated about ensuring that oil and oily wastes do not make their way into sensitive polar waters. Providing reception facilities that can handle annex I ship-generated wastes and cargo residues is an important element to that end. However, the co-sponsors do not support the proposal in document SDC 1/3/1 that "[a]ll ports within the Arctic area shall be provided with adequate reception facilities for oil and oily mixtures from all ships [emphasis added]." We believe that such a requirement would be excessively burdensome, logistically and economically, on Arctic States and affected communities.

3 Nor do we agree, as asserted in document SDC 1/3/1 that the reception facility provisions of the Arctic should be the same as those for the Antarctic. Our position on this matter is primarily due to the fact that the embarkation points for Antarctic shipping are relatively limited in number, whereas shipping within, as well as to and from the Arctic implicates significantly more ports. Furthermore, the volume¹ and nature² of vessel traffic in the Arctic are markedly different than those in the Antarctic. We also reject any implied notion in document SDC 1/3/1 that a lack of adequate reception facilities in all Arctic ports ought to negate, delay or impair the agreed-upon ban on oil and oily waste discharge by ships operating in the region.

4 The unique nature of the Arctic, as well as available options for waste disposal, should, of course, be acknowledged and taken into account. As mentioned in document SDC 1/3/1, "reception facilities do exist just outside the Arctic Polar region,"³ and additionally, other arrangements can be made regarding the disposal of annex I wastes (e.g. offloading to barges). Moreover, it should be noted that there are ports in the Arctic proper that handle these wastes.⁴

5 We believe that the present reality demands a response that is nuanced and that does not jeopardize the ecological health of the region by delaying the justified application of enhanced environmental standards. The annex I discharge ban for the Arctic should be made applicable in the near term – when the Polar Code comes into effect – while, at the same time, efforts should be undertaken to expand the provisioning of Arctic ports capable of receiving oil and oily wastes from ships.⁵ A rigid, overly broad approach, such as that set forth in document SDC 1/3/1 – which fails to adequately consider alternatives and current resources, and would needlessly postpone environmental protection – is wholly inappropriate for the Arctic.

Action requested of the Sub-Committee

6 For the above-mentioned reasons, the co-sponsors request that the Sub-Committee do not endorse the insertion of new language into the draft Polar Code, as requested in document SDC 1/3/1.

¹ In 2012, about 1350 unique vessels made at least one voyage through the Arctic, as defined by the IMO *Guidelines for Ships Operating in Arctic Ice-Covered Waters* (Det Norske Veritas, HFO in the Arctic – Phase II report 16, Norwegian Environment Agency, May 30, 2013, 2nd draft). Far fewer vessels operate in the Antarctic. See International Association of Antarctica Tour Operators (IAATO), IAATO Overview of Antarctic Tourism: 2012-13 Season and Preliminary Estimates for 2013-14 Season, XXXVI Antarctic Treaty Consultative Meeting (2013) (tallying 45 IAATO ships and yachts for the 2012-13 season).

² All manners of ships, including oil tankers, bulk carriers and cargo ships, of varying sizes – some exceeding 50,000 gt – traverse the Arctic (*Id.* at 34), whereas shipping in the Antarctic is largely composed of research vessels, fishing vessels and passenger ships.

³ Forty-one ports in Norway can accommodate annex I wastes. www.gisis.imo.org (last visited 25 November, 2013).

⁴ For example, there are eight in the Russian Arctic. PAME (I) 12/4.6/b/USA (2012, USA).

⁵ Innovative schemes, such as regional arrangements for reception facilities, also may be appropriate. See PAME (II)/13/4.5(b)/AMSA Recommendation II(D) & AOR 13 (2013, USA & Russia).