



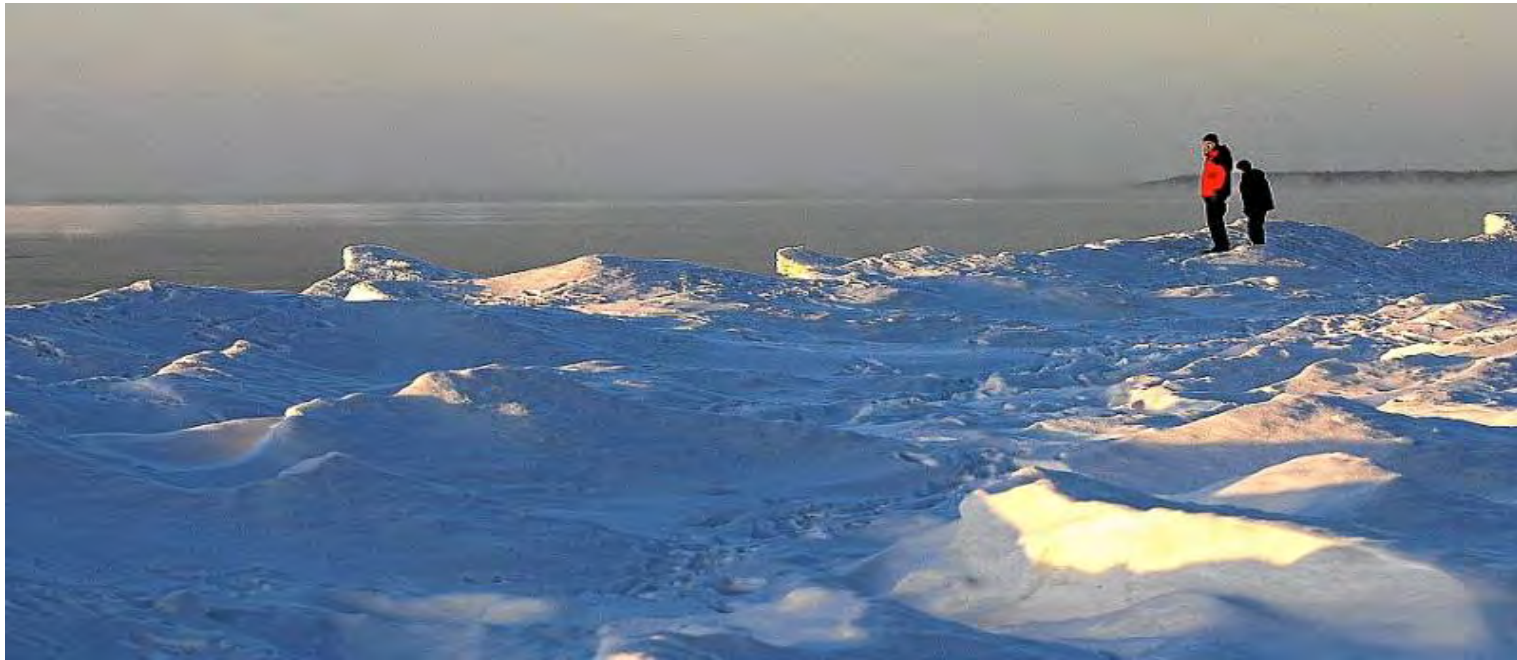
The Polar Code negotiations – power and compromises

Ove Tautra

Legislation and International
relations

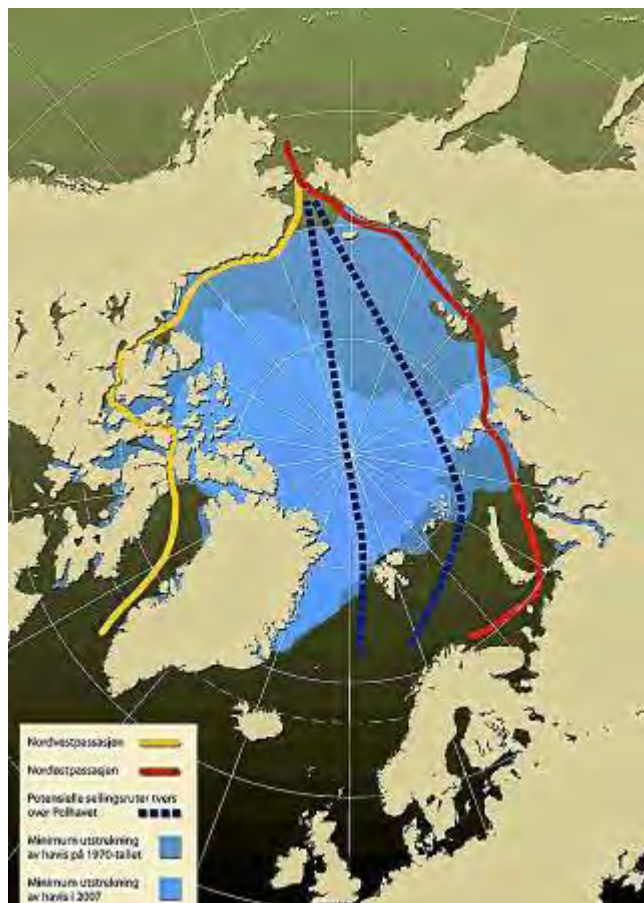


Background



Increased tourism in Polar areas
Large cruise ships with many passengers

Climate changes – New possibilities in the North



New ship lanes
Cargo transportation

What are current regulations in the Polar regions?

Mandatory international conventions

SOLAS – Safety of Life at Sea

MARPOL – Prevention of Pollution From Ships

AFS – Anti-Fouling system

BWM – Ballast Water Management (Not yet in force)

Convention on Load Lines

STCW – Standards of Training, Certification and Watchkeeping

COLREG – Preventing Collisions at Sea

Voluntary guidelines

Guidelines for ships operating in Polar waters –
adopted 2009, recommended to be used from 1. January 2011

See IMO doc. A 26/Res.1024 – Available by the secretariat/Røsæg

National and regionale regulations and agreements

Flag states

Classification societies

The Antarctic Treaty Consultative meeting (ATCM)

Arctic Council

International and national standards and guidance

See IMO doc. DE 56/INF.2 – List of such standards – Available by the secretariat/Røsæg

What is IMO doing?

- Developed new regulations prohibiting use of HFO in Antarctic waters – entered into force in 1st August 2011.
- Working on measures to reduce air emission
- Has extended the application of the Polar guidelines to cover the Antarctic as well
- Has developed training guidance for officers on ships operating in the Polar areas
- **Has started the development of a mandatory code for ships operating in the Polar areas**
 - **The goal is to have the same level of safety for persons, the environment and the ships as in other waters**

How to make the code mandatory?

- As the Code will affect safety, environment protection, ballast water management and anti-fouling systems, it is a challenge how to make it mandatory.
- Therefore the secretariat was instructed explore the options.
- The Legal Office provided the following options:
(see MEPC 62/11/4/Add.1 – Available by the secretariat/Røsæg)
 - **Making the Code mandatory solely under SOLAS**
 - **Developing amendments to SOLAS, MARPOL, AFS and BWM**
 - **Developing a new convention on polar shipping**
- MEPC has not yet considered these options, this will be done in March 2010 (MEPC 63)



Jurisdiction – Ships routing

- The Polar Code is meant to be a code for certification of ships for operation in polar waters
- However, some member states want a Permit to Operate regime in addition

Accordingly:

- The Code will not affect the jurisdiction of the coastal states
 - **There might be some conflicts of interest**
- The Code does not cover Ships routing

Code of Safety for Ships operating in Polar waters

- Based on initiative from Denmark, Norway and USA, IMO decided to develop an international polar code
- Approved as a new agenda item by MSC 86 in May 2009
- The Sub-Committee on Ship Design and Equipment (DE) coordinates the work.
- Working group during the DE sessions, Correspondence groups in between and a Work shop this week in Cambridge
- Target Completion date for DE is 2012 (!), not realistic

What is Norway doing?

- Established a national Polar code group
- Coordinated the Correspondence group est. by DE 53
- Submitted a proposal to MEPC 60 and DE 54 on the content of an environmental protection chapter.
- Performed an analysis on regular operational emissions and discharges from shipping in polar areas – submitted report to IMO/DE 54
- Had the chairmanship in the working group under DE 54
- Coordinated the Correspondence group est. by DE 54
- Shall prepare a draft environmental protection chapter which shall be submitted to DE 55

Participants

E.g. at DE 55

- 25 member governments
- 1 intergovernmental org, European Commission
- 12 non-governmental org, i.a. workers, ship owners and environmental protection organizations

Subsequent correspondence group

- The same member governments
- The European Commission
- 21 non-governmental organizations

The Polar Code vs. The Guidelines

- The Add-On-principle is the same
- The Code has the same chapters as the Guidelines, so far – however in an other order – some chapters may be omitted
- The content of each chapter is based on the Guidelines
- Functional requirements supported by deterministic requirements, where necessary
- As the Code shall be Risk based, a hazard identification matrix has been developed (additional hazards in polar waters/areas)
- This matrix may introduce requirements beyond the Guidelines



Content of Draft Polar Code

Preamble

- Chapter 1. General [Introduction]
- Chapter 2. [Operational Limitations] [Boundary Conditions]
- Chapter 3. Certificate and survey
- Chapter 4. [Polar / Ice] operational manual

Part A

- Chapter 1. General
- Chapter 2. Structural integrity (ship structure)
- Chapter 3. Stability and floatability (intact and damage)
- Chapter 4. Watertight and weathertight integrity
- Chapter 5. *Manoeuvrability (steering)*
- Chapter 6. Propulsion (including auxiliary systems)
- Chapter 7. Habitability (accommodation and escape measures)
- Chapter 8. Anchoring and towing measures
- Chapter 9. Fire safety/protection
- Chapter 10. Life-saving appliances and arrangements
- Chapter 11. Navigation
- Chapter 12. Communications
- Chapter 13. Operational requirements
- Chapter 14. *Emergency control*
- Chapter 15. Environmental protection
- Chapter 16. Alternative design

Part B

- [Additional guidance regarding the provisions of Part A]

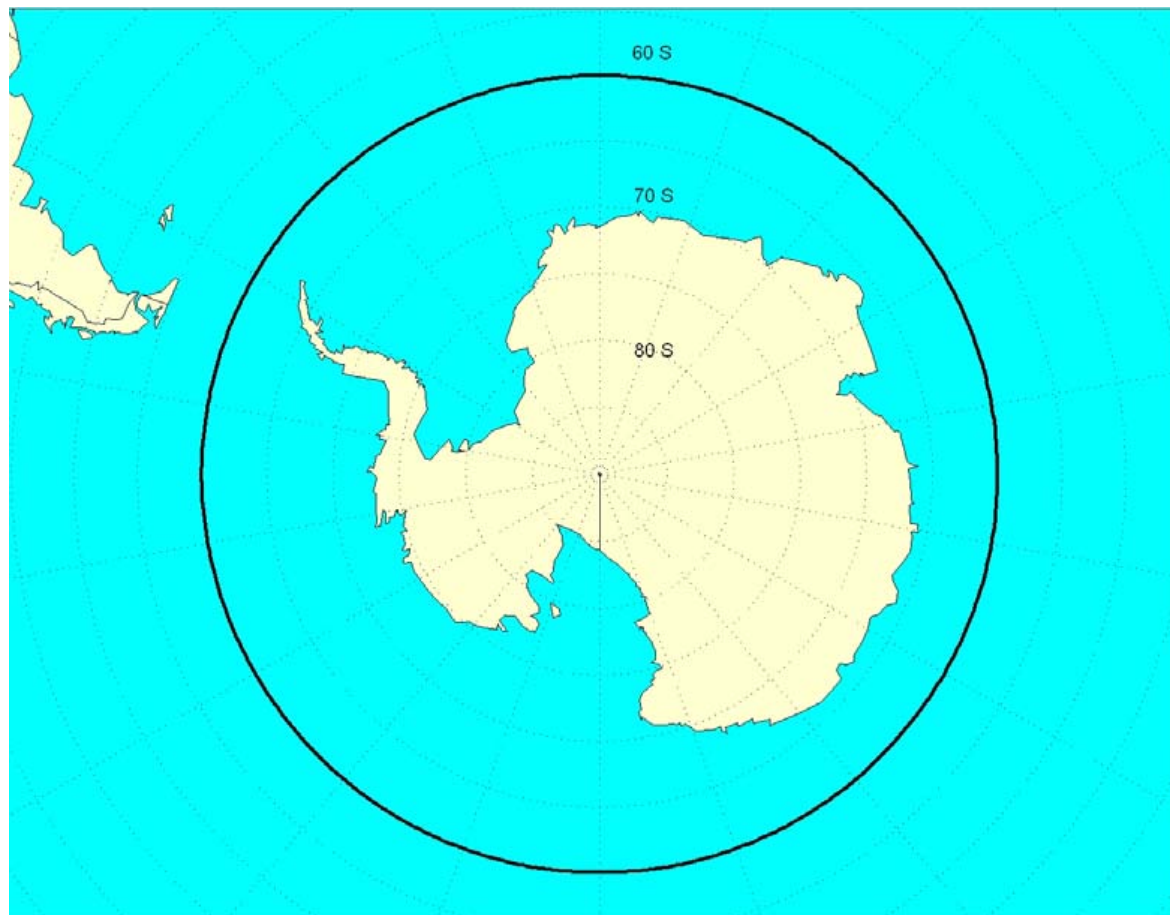
Geographical demarcation of the Arctic

Preliminary agreement, the same as in the Guidelines:

60 degree north with exceptions



Geographical demarcation of the Antarctic



Preliminary agreement, the same as in the Guidelines:

60 degrees south all the way round

Ship categories from DE 55 (March 2011)

Three categories was defined, A, B and C

- A - Polar ice covered
 - **Ships that may operate in ice-covered waters with 10% or more of ice**
- B - Polar open water
 - **Ships that may operate in ice-covered waters with less than 10% ice, where it may pose a structural risk**
- C - Polar open water including ice-free waters
 - **Ships that may operate in waters with zero to 10% ice cover, where it does not pose a structural risk**

Not everyone were happy, but it was necessary for the progress

Some challenges in the development

- Geographical limitations – new discussion
- Various opinions on additional risks
- Level of additional requirements
- How to mitigate additional risks
- Hesitation on additional environmental protection measures
- Application – types, Cargo and Passenger – Fishing vessels
- Ship categories, A, B and C – esp. the C category
- Sailing permit system in addition to certification
- Time – progress

Other challenges – mainly outside the Code

Outside the Code

- Improvement of existing and development of new charts. Paper and or electronic
- Development of systems for ice information
- Improvement of Search and Rescue
- Improvement of spill preparedness

Partly outside the Code

- Mandatory requirements for additional safe manning or additional qualification and special training

The challenge – The Goal

For safety at sea in a clean environment

Icecovered or not



Thank you for your attention

