

SUB-COMMITTEE ON IMPLEMENTATION
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Agenda item 14

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ANY OTHER BUSINESS

Implementation of the Polar Code

Submitted by the World Wide Fund for Nature (WWF)

SUMMARY

Executive summary: This document complements document III 7/14/2 with updated information gathered since 2019. This document does not repeat the movement analysis but confirms many of the initial conclusions and raises further issues on the production of Polar Water Operational Manuals (PWOMs) by recognized organizations.

Strategic direction, if applicable: Not applicable

Output: Not applicable

Action to be taken: Paragraph 17

Related documents: III 7/14/2; Circular Letters Nos.3772, 3879, 4028 and 4317; MSC.1/Circ.1519; resolutions MSC.385(94), MSC.386(94) and MEPC.264(68)

OUTLINE OF THE FOLLOW-UP STUDY

1 This follow-up study did not repeat the movements analysis of the first study, but asked those flag Administrations which responded to the first study, how many SOLAS ships have Polar certificates? The results of the follow-up study based on the flag States' responses and the number of SOLAS ships with Polar Code certificates are summarized in the annex to this document. There has been further follow-up in the last few months, but it is not expected that further responses will be received.

2 Polar coastal Administrations, the Secretariat of the Paris MoU and two recognized organizations (ROs) were contacted regarding their operations under the Polar Code.

3 The focus of the questions to ROs was on their experience with the PWOM and the focus of the questions to the Paris MoU was as follows:

"How do PSC officers within the Paris MoU know when to look for the Polar Ship certificate or PWOM? Do they rely on the honesty of the shipowner indicating that they operate or plan to operate in polar waters, or do they, for example, monitor ship movements in polar areas?"

4 Public sources of PSC data were further searched to identify which PSC regimes have been active in monitoring the Polar Code through identified deficiencies, over the latter period of 2019-2021. The submitter is very grateful to IHSM, as a published source of PSC data. Since the Paris MoU ceased publishing its PSC data at the beginning of 2019, the analysis does not include Paris MoU data.

CONCLUSIONS OF THE FOLLOW-UP STUDY¹

Responses by ROs

5 ROs have a general agreement with flag Administrations to certify ships under the Polar Code. They do not receive ship by ship instructions from the Administration to certify. It is, therefore, the responsibility of the shipowners to seek Polar Code certification from the ROs.

6 On the PWOMs, one RO stated, that the main challenge is for the owners who outsource the development of the PWOM to a consultant who develops (or copy/paste) a general, and not ship/operation PWOM. These PWOMs are often written more as a guideline rather than being a ship specific handbook. This was also confirmed by one flag State.

Responses by flag States²

7 Further to the conclusion in the first document, a number of Administrations indicated that they have outsourced implementation of the Polar Code to their ROs, and were, therefore, unable to easily answer the questions on the number of Polar Ship certificates issued, and any problems with the development of PWOMs.

8 Flag States also commented on the RO experience with one flag State confirming the RO experience, and one saying that they have no experience of this but work towards "common interpretation" of regulations which can take time.

9 Other comments on the PWOM are as follows: "those that the flag authority does have the opportunity to review (NB: we are not required nor obligated to do so) are wide-ranging. Some are quite detailed and discrete, while others are bundled together with the ships' overall SMS".

10 New Zealand had the following comments on the development of the PWOM:

"obtaining Mean Daily Low Temperature data for some Antarctic regions is challenging due to the large areas over water not covered by met data";

"establishing and providing adequate resources (comms, food, water) for full ships compliment for the anticipated time for a rescue is hard to determine due to remoteness and the fact there are fewer rescue assets in the Antarctic, compared to the Arctic"; and

"establishing operating limits for the vessel was difficult as it is dependent on so many variables. We attempted to document the effect on a) people, b) ship safety and c) reduction in operations as temperature drops, this proved to be difficult to quantify with any precision given the many variables. The Master/ice pilot experience onboard is key to decision making process."

¹ Based on received replies/evidence and waiting for more information to build up the picture of operational reality.

² Contact was only attempted with flag States that responded to the first paper. A total of 13 requests were sent out and replies were received from 10. It is understood that it has been difficult to maintain contact over the past two years during which there have been no IMO meetings in person.

Port State control

11 This further study received a reply from the United States Coast Guard (USCG). Since 2019, a further 11 foreign ships have been subject to a Polar Code-related examination as part of a PSC exam by the USCG. There was only one documented compliance deficiency related to the Polar Code and although related to the PWOM, this singular deficiency was not found to involve any inadequacies in the development of the manual.

12 With regard to the question of how the risk-based scoring systems of the PSC regimes will take account of a geographically specific requirement such as the Polar Code, and in the absence of direct movements monitoring (or confirmation of such monitoring), it seems that PSC regimes rely upon the polar coastal States to undertake the majority of inspections of vessels under the Polar Code. The majority of polar coastal States have domain awareness systems that allow them to monitor ships that undertake voyages into polar waters.

13 PSC databases from IHSM show that since the beginning of 2019, the following PSC regimes have been active in inspecting ships under the Polar Code: The Black Sea and Tokyo MOUs and Viña del Mar Agreement (Note: this excludes the Paris MoU, which ceased publishing its data at the beginning of 2019)³. A total of eight inspections and deficiencies have been recorded under the Polar Code by these PSC regimes. There are no specific deficiencies that relate to the PWOM which is identified as code 1335, but there are records for code 1134 (certificates and documentation) which relate to polar. No ships were detained on the basis of these deficiencies.

14 Contrary to what WWF reported in document III7/14/2, it is not a Concentrated Inspection Campaign (CIC) that the Paris MoU has agreed upon, but an Inspection Campaign (IC), which normally would have a shorter active period of time, and fewer questions. The IC will take place in 2022 as follows:

- .1 Part 1 involves checking the validity of and conformance with certification of the PWOM, and the construction-related measures of polar certification. Ships certified in accordance with SOLAS chapter XIV and the Polar Code, but not bound for or regularly operating within polar waters as defined in SOLAS chapter XIV are subject to this Part.
- .2 Part 2 is applicable to ships certified in accordance with the Polar Code and bound for or operating regularly within polar waters as defined in SOLAS chapter XIV. Part 2 is specifically focused on the unique operational measures applicable to ships operating in polar waters. Ships certified in accordance with SOLAS chapter XIV and the Polar Code and bound for or operating regularly within polar waters as defined in SOLAS chapter XIV shall answer to both Parts 1 and 2.
- .3 In the opinion of Denmark, the IC will increase the awareness amongst shipowners and hopefully provide some valid data for further consideration.
- .4 Canada reports that the Tokyo MoU also plans an IC on the Polar Code.

³ The Paris MoU decided to restart publishing its data at its 54th Committee Meeting.

Member State Audit

15 There appear to be currently no references to the Polar Code in the first Consolidated Audit Summary Reports (CASRs) to cover the period since the Polar Code entered into force, (Circular Letters Nos.3772, 3879, 4028 and 4317).

Further review of the Polar Code

16 A review of the Polar Code was discussed during the development of the Polar Code itself, but there is nothing formally recorded on a specific date for a review in resolutions MSC.385(94), MSC.386(94) and MEPC.264(68). A new output would therefore be required for such a review.

ACTION REQUESTED OF THE SUB-COMMITTEE

17 The Sub-Committee is invited to take note of the information provided in the context of its consideration of document III 7/14/2 and III7/14/2 Add. 1, and to take action as appropriate.

ANNEX

Number of ships with Polar Code certificates

Flag	No. of SOLAS Ships with Polar Code Certificates
USA	6
Iceland	0
New Zealand	1
Norway	68
Germany	2
Australia	1
Panama	67
Denmark	23
Spain	1
Canada	31
