

Amended SOLAS to Make Mandatory Part I-A of the Polar Code

<MSC resolution MSC.386(94) Annex, November 21, 2014

as appears in MSC 94/21/Add.1 Annex 7, pages 3-5>

CHAPTER XIV SAFETY MEASURES FOR SHIPS OPERATING IN POLAR WATERS

Regulation 1 – Definitions

For the purpose of this chapter:

1 *Polar Code* means the International Code for Ships Operating in Polar Waters, consisting of an introduction, parts I-A and II-A and parts I-B and II-B, as adopted by resolutions MSC.385(94) and of the Marine Environment Protection Committee*, as may be amended, provided that:

.1 amendments to the safety-related provisions of the introduction and part I-A of the Polar Code are adopted, brought into force and take effect in accordance with the provisions of article VIII of the present Convention concerning the amendment procedures applicable to the annex other than chapter I; and

.2 amendments to part I-B of the Polar Code are adopted by the Maritime Safety Committee in accordance with its Rules of Procedure.

* Refer to the resolution of adoption of the International Code for Ships Operating in Polar Waters, by the Marine Environment Protection Committee.

2 *Antarctic area* means the sea area south of latitude 60° S.

3 *Arctic waters* means those waters which are located north of a line from the latitude 58°00'.0 N and longitude 042°00'.0 W to latitude 64°37'.0 N, longitude 035°27'.0 W and thence by a rhumb line to latitude 67°03'.9 N, longitude 026°33'.4 W and thence by a rhumb line to the latitude 70°49'.56 N and longitude 008°59'.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38'.29 N and longitude 043°23'.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W.

4 *Polar waters* means both Arctic waters and/or the Antarctic area.

5 *Ship constructed* means a ship the keel of which is laid or which is at a similar stage of construction.

6 *At a similar stage of construction* means the stage at which:

.1 construction identifiable with a specific ship begins; and

.2 assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less.

Regulation 2 – Application

- 1 Unless expressly provided otherwise, this chapter applies to ships operating in polar waters, certified in accordance with chapter I.
- 2 Ships constructed before 1 January 2017 shall meet the relevant requirements of the Polar Code by the first intermediate or renewal survey, whichever occurs first, after 1 January 2018.
- 3 In applying part I-A of the Polar Code, consideration should be given to the additional guidance in part I-B of the Polar Code.
- 4 This chapter shall not apply to ships owned or operated by a Contracting Government and used, for the time being, only in Government non-commercial service. However, ships owned or operated by a Contracting Government and used, for the time being, only in Government non-commercial service are encouraged to act in a manner consistent, so far as reasonable and practicable, with this chapter.
- 5 Nothing in this chapter shall prejudice the rights or obligations of States under international law.

Regulation 3 – Requirements for ships to which this chapter applies

- 1 Ships to which this chapter applies shall comply with the requirements of the safety-related provision of the introduction, part I-A of the Polar Code and shall, in addition to the requirements of regulations I/7, I/8, I/9, and I/10, as applicable, be surveyed and certified, as provided for in that Code.
- 2 Ships to which this chapter applies holding a certificate issued pursuant to the provisions of paragraph 1 shall be subject to the control established in regulations I/19 and XI-1/4. For this purpose, such certificates shall be treated as a certificate issued under regulation I/12 or I/13.

Regulation 4 – Alternative design and arrangement

- 1 The goal of this regulation is to provide a methodology for alternative design and arrangements for structure, machinery, and electrical installations, fire safety and life-saving appliances and arrangements.
- 2 Structural arrangements, machinery and electrical installation, fire safety design and arrangement measures and as well as life-saving appliances and arrangements may deviate from the prescriptive requirements set out in chapters 3, 6, 7 and 8 of the Polar Code, provided that the alternative design and arrangements meet the intent of the goal and functional requirements concerned and provide an equivalent level of safety to the requirements in those chapters.
- 3 When alternative designs or arrangements deviate from the prescriptive requirements of chapters 3, 6, 7 and 8 of the Polar Code, an engineering analysis, evaluation and approval of the design and arrangements shall be carried out based on the Guidelines approved by the Organization.¹
- 4 Any alternative designs or arrangement deviating from the prescriptive requirements shall be recorded in the Polar Ship Certificate and the ship's Polar Water Operational Manual, as required by the Polar Code, also defining the technical and operational measures and conditions for the allowed deviation.

¹ Refer to the *Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments* (MSC.1/Circ. 1455), the *Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III* (MSC.1/Circ.1212) and the *Guidelines on alternative design and arrangements for fire safety* (MSC/Circ. 1002), as applicable.

Amendments to MARPOL 73/78 Annexes I, II, IV and V to Make Mandatory environment-related provisions (Part II-A) of the Polar Code
<MEPC resolution MEPC.265(68) Annex, May 15, 2015
as appears in MEPC 68/21/Add.1 Annex 11, pages 3-10>

RESOLUTION MEPC.265(68)
(adopted on May 15, 2015)

AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

Amendments to MARPOL Annexes I, II, IV and V
(Making the use of the environment-related provisions of the Polar Code mandatory)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), which specifies the amendment procedure and confers upon the appropriate body of the Organization the function of considering and adopting amendments thereto,

RECOGNIZING the need to provide a mandatory framework for ships operating in polar waters due to the additional demands on ships, their systems and operation, which go beyond the existing requirements of MARPOL, and other relevant binding IMO instruments,

NOTING resolution MEPC.264(68), by which it adopted the International Code for Ships Operating in Polar Waters (Polar Code) with respect to its environment-related provisions,

NOTING ALSO that the Maritime Safety Committee, at its ninety-fourth session, adopted, by resolution MSC.385(94), the International Code for Ships Operating in Polar Waters with respect to its safety-related provisions, and, by resolution MSC.386(94), amendments to the 1974 SOLAS Convention to make the safety-related provisions of the Polar Code mandatory,

HAVING CONSIDERED proposed amendments to MARPOL Annexes I, II, IV and V to make the environment-related provisions of the Polar Code mandatory,

1 ADOPTS, in accordance with article 16(2)(d) of MARPOL, amendments to Annexes I, II, IV and V, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article 16(2)(f)(iii) of MARPOL, that the amendments shall be deemed to have been accepted on 1 July 2016, unless, prior to that date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;

3 INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of MARPOL, the said amendments shall enter into force on 1 January 2017 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of article 16(2)(e) of MARPOL, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to MARPOL;

5 REQUESTS FURTHER the Secretary-General to transmit copies of the present resolution and its annex to Members of the Organization which are not Parties to MARPOL.

ANNEX

AMENDMENTS TO MARPOL ANNEXES I, II, IV AND V

ANNEX I REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

Chapter 1 General

Regulation 3 – Exemptions and waivers

- 1 In paragraph 1, the words “or section 1.2 of part II-A of the Polar Code” are inserted between “chapters 3 and 4 of this Annex” and “relating to construction”.
- 2 A new paragraph 5.2.2 is added as follows:

“.2 voyages within Arctic waters; or”
- 3 The existing paragraphs 5.2.2 to 5.2.6 are renumbered as paragraphs 5.2.3 to 5.2.7 and the subparagraphs are renumbered accordingly. In the renumbered paragraphs 5.2.5 and 5.2.6, the referenced paragraph numbers “5.2.2” and “5.2.2.2” are replaced by “5.2.3” and “5.2.3.2”, respectively.
- 4 The chapeau of the renumbered paragraph 5.2.3 is replaced with the following:

“.3 voyages within 50 nautical miles from the nearest land outside special areas or Arctic waters where the tanker is engaged in:”

Regulation 4 – Exceptions

- 5 The chapeau is replaced with the following:

“Regulations 15 and 34 of this Annex and paragraph 1.1.1 of part II-A of the Polar Code shall not apply to:”

Chapter 3 Requirements for machinery spaces of all ships

Part B Equipment

Regulation 14 – Oil filtering equipment

- 6 Paragraph 5.1 is replaced with the following:

“.1 any ship engaged exclusively on voyages within special areas or Arctic waters, or”
- 7 In paragraph 5.3.4, between the words “within special areas” and “or has been accepted”, the words “or Arctic waters” are inserted.

Part C Control of operational discharges of oil

Regulation 34 – Control of discharge of oil

- 10 At the end of the title for section A, the words “except in Arctic waters” are added.

Chapter 6 Reception facilities

Regulation 38 – Reception facilities

- 11 In paragraph 2.5, the words “and paragraph 1.1.1 of part II-A of the Polar Code” are added after the words “regulations 15 and 34 of this Annex”.
- 12 In paragraph 3.5, the words “and paragraph 1.1.1 of part II-A of the Polar Code” are added after the words “regulation 15 of this Annex”.

Chapter 11 International Code for Ships Operating in Polar Waters

- 13 A new chapter 11 is added after existing chapter 10 as follows:

“Chapter 11 – International Code for Ships Operating in Polar Waters

Regulation 46 – Definitions

For the purpose of this Annex,

- 1 Polar Code means the International Code for Ships Operating in Polar Waters, consisting of an introduction, parts I-A and II-A and parts I-B and II-B, adopted by resolutions MSC.385(94) and MEPC.264(68), as may be amended, provided that:
- .1 amendments to the environment-related provisions of the introduction and chapter 1 of part II-A of the Polar Code are adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention concerning the amendment procedures applicable to an appendix to an annex; and
 - .2 amendments to part II-B of the Polar Code are adopted by the Marine Environment Protection Committee in accordance with its Rules of Procedure.
- 2 *Arctic waters* means those waters which are located north of a line from the latitude 58°00 .0 N and longitude 042°00 .0 W to latitude 64°37 .0 N, longitude 035°27 .0 W and thence by a rhumb line to latitude 67°03 .9 N, longitude 026°33 .4 W and thence by a rhumb line to the latitude 70°49 .56 N and longitude 008°59 .61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38 .29 N and longitude 043°23 .08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37 .1 W and thence to the latitude 58°00 .0 N, longitude 042°00 .0 W.

3 *Polar waters* means Arctic waters and/or the Antarctic area.

Regulation 47 – Application and requirements

1 This chapter applies to all ships operating in polar waters.

2 Unless expressly provided otherwise, any ship covered by paragraph 1 of this regulation shall comply with the environment-related provisions of the introduction and with chapter 1 of part II-A of the Polar Code, in addition to any other applicable requirements of this Annex.

3 In applying chapter 1 of part II-A of the Polar Code, consideration should be given to the additional guidance in part II-B of the Polar Code.”

**Appendix II
Form of IOPP Certificate and Supplements**

Appendix

Supplement to the international Oil Pollution Prevention Certificate (IOPP Certificate) – Form A

14 A new section 8 is added after existing section 7 as follows:

“8 Compliance with part II-A – chapter 1 of the Polar Code

8.1 The ship is in compliance with additional requirements in the environment-related provisions of the Introduction and section 1.2 of chapter 1 of part II-A of the Polar Code.....”

Supplement to the international Oil Pollution Prevention Certificate (IOPP Certificate) – Form B

15 A new section 11 is added after existing section 10 as follows:

“11 Compliance with part II-A – chapter 1 of the Polar Code

11.1 The ship is in compliance with additional requirements in the environment-related provisions of the introduction and section 1.2 of chapter I of part II-A of the Polar Code.”

**ANNEX II
REGULATIONS FOR THE CONTROL OF POLLUTION OF
NOXIOUS LIQUID SUBSTANCES IN BULK**

**Chapter 1
General**

Regulation 3 – Exceptions

1 In the chapeau of paragraph 1, between the words “this Annex” and “shall not apply”, the words “and chapter 2 of part II-A of the Polar Code” are inserted.

**Chapter 6
Measures of control by port States**

Regulation 16 – Measures of control

- 2 In paragraph 3, the reference to “regulation 13 and of this regulation” is replaced with “regulation 13 and of this regulation, and chapter 2 of part II-A of the Polar Code when the ship is operating in Arctic waters,”

Chapter 10 International Code for Ships Operating in Polar Waters

- 3 A new chapter 10 is added after existing chapter 9 as follows:

“Chapter 10 – International Code for International Code for Ships Operating in Polar Waters

Regulation 21 – Definitions

For the purpose of this Annex,

- 1 *Polar Code* means the International Code for Ships Operating in Polar Waters, consisting of an introduction, part I-A and part II-A and parts I-B and II-B, as adopted by resolutions MSC.385(94) and MEPC.264(68), as may be amended, provided that:
 - .1 amendments to the environment-related provisions of the introduction and chapter 2 of part II-A of the Polar Code are adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention concerning the amendment procedures applicable to an appendix to an annex; and
 - .2 amendments to part II-B of the Polar Code are adopted by the Marine Environment Protection Committee in accordance with its Rules of Procedure.
- 2 *Arctic waters* means those waters which are located north of a line from the latitude 58°00 .0 N and longitude 042°00 .0 W to latitude 64°37 .0 N, longitude 035°27 .0 W and thence by a rhumb line to latitude 67°03 .9 N, longitude 026°33 .4 W and thence by a rhumb line to the latitude 70°49 .56 N and longitude 008°59 .61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38 .29 N and longitude 043°23 .08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37 .1 W and thence to the latitude 58°00 .0 N, longitude 042°00 .0 W.
- 3 *Polar waters* means Arctic waters and/or the Antarctic area.

Regulation 22 – Application and requirements

- 1 This chapter applies to all ships certified to carry noxious liquid substances in bulk, operating in polar waters.

- 2 Unless expressly provided otherwise, any ship covered by paragraph 1 of this regulation shall comply with the environment-related provisions of the introduction and with chapter 2 of part II-A of the Polar Code, in addition to any other applicable requirements of this Annex.
- 3 In applying chapter 2 of part II-A of the Polar Code, consideration should be given to the additional guidance in part II-B of the Polar Code.”

Appendix IV
Standard format for the Procedures and Arrangements Manual

Section 1 – Main features of MARPOL Annex II

- 4 At the end of paragraph 1.3, the following sentence is added:

“In addition, under chapter 2 of part II-A of the Polar Code, more stringent discharge criteria apply in Arctic waters.”

Section 4 – Procedures relating to the cleaning of cargo tanks, the discharge of residues, ballasting and deballasting

- 5 In paragraph 4.4.3, the words “Antarctic area (the sea area south of latitude 60° S)” are replaced with the words “polar waters”.

ANNEX IV
REGULATIONS FOR THE PREVENTION OF POLLUTION BY SEWAGE FROM SHIPS

Chapter 1
General

Regulation 3 – Exceptions

- 1 The chapeau of paragraph 1 is replaced with the following:

“1 Regulation 11 of this Annex and section 4.2 of chapter 4 of part II-A of the Polar Code, shall not apply to:”

Chapter 7
International Code for Ships Operating in Polar Waters

- 2 A new chapter 7 is added after existing chapter 6 as follows:

“Chapter 7 – International Code for Ships Operating in Polar Waters
Regulation 17 – Definitions

For the purpose of this Annex,

- 1 *Polar Code* means the International Code for ships operating in polar waters, consisting of an introduction, part I-A and part II-A and parts I-B and II-B, as adopted by resolutions MSC.385(94) and MEPC.264(68), as may be amended, provided that:

- .1 amendments to the environment-related provisions of the introduction and chapter 4 of part II-A of the Polar Code are adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention concerning the amendment procedures applicable to an appendix to an annex; and
 - .2 amendments to part II-B of the Polar Code are adopted by the Marine Environment Protection Committee in accordance with its Rules of Procedure.
- 2 *Antarctic area* means the sea area south of latitude 60° S.
- 3 *Arctic waters* means those waters which are located north of a line from the latitude 58°00 .0 N and longitude 042°00 .0 W to latitude 64°37 .0 N, longitude 035°27 .0 W and thence by a rhumb line to latitude 67°03 .9 N, longitude 026°33 .4 W and thence by a rhumb line to the latitude 70°49 .56 N and longitude 008°59 .61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38 .29 N and longitude 043°23 .08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37 .1 W and thence to the latitude 58°00 .0 N, longitude 042°00 .0 W.
- 4 *Polar waters* means Arctic waters and/or the Antarctic area.

Regulation 18 – Application and requirements

- 1 This chapter applies to all ships certified in accordance with this Annex operating in polar waters.
- 2 Unless expressly provided otherwise, any ship covered by paragraph 1 of this regulation shall comply with the environment-related provisions of the introduction and with chapter 4 of part II-A of the Polar Code, in addition to any other applicable requirements of this Annex.”

**ANNEX V
REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS**

**Chapter 1
General**

Regulation 3 – General prohibition on discharge of garbage into the sea

- 1 In paragraph 1, the reference to “regulation 4, 5, 6 and 7 of this Annex” is replaced with “regulation 4, 5, 6 and 7 of this Annex and section 5.2 of part II-A of the Polar Code, as defined in regulation 13.1 of this Annex.”

Regulation 7 – Exceptions

- 2 The chapeau of paragraph 1 is replaced with the following:

“1 Regulations 3, 4, 5 and 6 of this Annex and section 5.2 of chapter 5 of part II-A of the Polar Code shall not apply to:”

3 Paragraph 2.1 is replaced with the following:

“1 The en route requirements of regulations 4 and 6 of this Annex and chapter 5 of part II-A of the Polar Code shall not apply to the discharge of food wastes where it is clear the retention on board of these food wastes presents an imminent health risk to the people on board.”

Regulation 10 – Placards, garbage management plans and garbage record keeping

4 In paragraph 1.1, the words “and section 5.2 of part II-A of the Polar Code” are added after the references to “regulations 3, 4, 5 and 6 of this Annex”.

Chapter 3 International Code for Ships Operating in Polar Waters

5 A new chapter 3 is added as follows:

“Chapter 3 – International Code for Ships Operating in Polar Waters

Regulation 13 – Definitions

For the purpose of this Annex,

1 *Polar Code* means the International Code for Ships Operating in Polar Waters, consisting of an introduction, part I-A and part II-A and parts I-B and II-B, as adopted by resolutions MSC.385(94) and MEPC.264(68), as may be amended, provided that:

.1 amendments to the environment-related provisions of the introduction and chapter 5 of part II-A of the Polar Code are adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention concerning the amendment procedures applicable to an appendix to an annex; and

.2 amendments to part II-B of the Polar Code are adopted by the Marine Environment Protection Committee in accordance with its Rules of Procedure.

2 *Arctic waters* means those waters which are located north of a line from the latitude 58°00 .0 N and longitude 042°00 .0 W to latitude 64°37 .0 N, longitude 035°27 .0 W and thence by a rhumb line to latitude 67°03 .9 N, longitude 026°33 .4 W and thence by a rhumb line to the latitude 70°49 .56 N and longitude 008°59 .61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38 .29 N and longitude 043°23 .08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far

south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37 .1 W and thence to the latitude 58°00 .0 N, longitude 042°00 .0 W.

- 3 *Polar waters* means Arctic waters and/or the Antarctic area.

Regulation 14 – Application and requirements

- 1 This chapter applies to all ships to which this Annex applies, operating in polar waters.
- 2 Unless expressly provided otherwise, any ship covered by paragraph 1 of this regulation shall comply with the environment-related provisions of the introduction and with chapter 5 of part II-A of the Polar Code, in addition to any other applicable requirements of this Annex.
- 3 In applying chapter 5 of part II-A of the Polar Code, consideration should be given to the additional guidance in part II-B of the Polar Code.”

Appendix Form of Garbage Record Book

- 6 The chapeau of section 4.1.3 is replaced with the following:
- “4.1.3 When garbage is discharged into the sea in accordance with regulations 4, 5 or 6 of MARPOL Annex V or chapter 5 of part II-A of the Polar Code:”
