

2013 GUIDELINES FOR THE DESIGNATION OF SPECIAL AREAS UNDER MARPOL

Adopted in London, United Kingdom on 4 December 2013

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THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety, the prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment,

RECALLING ALSO resolution A.720(17) by which it adopted Guidelines for the Designation of Special Areas, as set out in chapter 2 of the annex to that resolution,

RECALLING FURTHER resolution A.927(22), by which it adopted Revised Guidelines for the Designation of Special Areas under MARPOL, as set out in annex 1 to that resolution, which superseded chapter 2 of the annex to resolution A.720(17),

NOTING resolution A.982(24) by which it revoked annex 2 of resolution A.927(22),

NOTING ALSO that the Marine Environment Protection Committee adopted, by resolution MEPC.200(62), amendments to MARPOL Annex IV on Prevention of Pollution by Sewage from Ships, to include the possibility of establishing "Special Areas" for the prevention of such pollution from passenger ships,

NOTING FURTHER that, as a result of the amendments to MARPOL Annex IV, consequential amendments are necessary to the Revised Guidelines for the Designation of Special Areas under MARPOL as adopted by resolution A.927(22),

HAVING CONSIDERED the recommendations made by the Marine Environment Protection Committee at its sixty-third session:

- 1 ADOPTS the 2013 Guidelines for the Designation of Special Areas under MARPOL, as set out in the annex, which supersede annex 1 to resolution A.927(22);
- 2 INVITES Governments to apply the 2013 Guidelines when proposing the designation of a Special Area under MARPOL;
- 3 REVOKES resolution A.927(22).

ANNEX

2013 GUIDELINES FOR THE DESIGNATION OF SPECIAL AREAS UNDER MARPOL

1 INTRODUCTION

The purpose of these Guidelines is to provide guidance to Contracting Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), in the formulation and submission of applications for the designation of Special Areas under Annexes I, II, IV and V to the Convention. These Guidelines also ensure that all interests – those of the coastal State, flag State, and the environmental and shipping communities – are thoroughly considered on the basis of relevant scientific, technical, economic and environmental information and provide for the assessment of such applications by IMO. Contracting Parties should also review and comply with the applicable provisions of Annexes I, II, IV and V to the Convention, in addition to these Guidelines.

2 ENVIRONMENTAL PROTECTION FOR SPECIAL AREAS UNDER MARPOL

General

2.1 MARPOL, in Annexes I, II, IV and V, defines certain sea areas as Special Areas in relation to the type of pollution covered by each Annex. A Special Area is defined as "a sea area where for recognized technical reasons in relation to its oceanographical and ecological conditions and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil, noxious liquid substances, sewage, or garbage, as applicable, is required." Under the Convention, these Special Areas are provided with a higher level of protection than other areas of the sea.

2.2 A Special Area may encompass the maritime zones of several States, or even an entire enclosed or semi-enclosed sea area. Special Area designation should be made on the basis of the criteria and characteristics listed in paragraphs 2.3 to 2.6 to avoid the proliferation of such areas.

Criteria for the designation of a Special Area

2.3 The criteria that must be satisfied for an area to be given Special Area status are grouped into the following categories:

- .1 oceanographic conditions;
- .2 ecological conditions; and
- .3 vessel traffic characteristics.

Generally, information on each category should be provided in a proposal for designation. Additional information that does not fall within these categories may also be considered.

Oceanographic conditions

2.4 The area possesses oceanographic conditions which may cause the concentration or retention of harmful substances in the waters or sediments of the area, including:

- .1 particular circulation patterns (e.g. convergence zones and gyres) or temperature and salinity stratification;
- .2 long residence time caused by low flushing rates;
- .3 extreme ice state; and
- .4 adverse wind conditions.

Ecological conditions

2.5 The area possesses ecological conditions indicating that protection of the area from harmful substances is needed to preserve:

- .1 depleted, threatened or endangered marine species;
- .2 areas of high natural productivity (such as fronts, upwelling areas, gyres);
- .3 spawning, breeding and nursery areas for important marine species and areas representing migratory routes for seabirds and marine mammals;
- .4 rare or fragile ecosystems such as coral reefs, mangroves, seagrass beds and wetlands; and
- .5 critical habitats for marine resources including fish stocks and/or areas of critical importance for the support of large marine ecosystems.

Vessel traffic characteristics

2.6 The sea area is used by ships to an extent that the discharge of harmful substances by ships when operating in accordance with the requirements of MARPOL for areas other than Special Areas would be unacceptable in the light of the existing oceanographic and ecological conditions in the area.

Implementation

2.7 The requirements of a Special Area designation can only become effective when adequate reception facilities are provided for ships, in accordance with the provisions of MARPOL.

Other considerations

2.8 The threat to amenities posed by the discharge of harmful substances from ships operating in accordance with the MARPOL requirements for areas other than Special Areas may strengthen the argument for designating an area as a Special Area.

2.9 The extent to which the condition of a sea area is influenced by other sources of pollution such as pollution from land-based sources, dumping of wastes and dredged materials, as well as atmospheric deposition should be taken into account. Proposals would be strengthened if measures are being, or will be, taken to prevent, reduce and control pollution of the marine environment by these sources of pollution.

2.10 Consideration should be given to the extent to which a management regime is used in managing the area. Proposals for designation of a Special Area would be strengthened if measures are being taken to manage the area's resources.

3 PROCEDURES FOR THE DESIGNATION OF A SPECIAL AREA

3.1 A proposal to designate a given sea area as a Special Area should be submitted to the Marine Environment Protection Committee (MEPC) for its consideration, in accordance with the guidelines approved by the Committee for submission of documents.

3.2 A proposal to designate a sea area as a Special Area should contain:

- .1 a draft amendment to MARPOL as the formal basis for the designation; and
- .2 a background document setting forth all the relevant information to explain the need for the designation.

3.3 The background document should contain the following information:

- .1 a definition of the area proposed for designation, including its precise geographical coordinates. A reference chart is essential;
- .2 an indication of the type of Special Area proposed. Proposals may be made simultaneously with respect to Annexes I, II, IV and V of MARPOL, but proposals for each Annex should be presented and evaluated separately;
- .3 a general description of the area, including information regarding:
 - .1 oceanography;
 - .2 ecological characteristics;
 - .3 social and economic value;
 - .4 scientific and cultural significance;
 - .5 environmental pressures from ship-generated pollution;
 - .6 other environmental pressures; and
 - .7 measures already taken to protect the area.

This general description may be supported by annexes containing more detailed material, or by references to readily available documentation;

- .4 an analysis of how the sea area in question fulfils the criteria for the designation of Special Areas set out in paragraphs 2.3 to 2.6; and
- .5 information on the availability of adequate reception facilities in the proposed Special Area.

3.4 The formal amendment procedure applicable to proposals for the designation of Special Areas is set out in article 16 of MARPOL.

Detailed discharge requirements

3.5 For detailed requirements relating to discharges under Annexes I, II, IV and V to MARPOL, reference should be made to the latest version of the Convention in force.