Fishing vessels and the International Guidelines for Safety Measures for Fishing Vessels of 24 m in length and over Operating in Polar Waters

Submitted by ASOC
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Abstract

In 2021, the IMO’s Maritime Safety Committee approved the Guidelines for safety measures for fishing vessels of 24m in length and over operating in polar waters. It is important that these Guidelines now be followed by CCAMLR Members. In addition to the development of these guidelines, the IMO has further considered the development of mandatory regulations concerning navigation and voyage planning and the mandatory marking of fishing gear and the reporting of lost or discharged fishing gear. ASOC encourages CCAMLR to take note of these recent developments. Furthermore, ASOC calls on CCAMLR and CCAMLR Members to:

- Make the new Guidelines for safety measures for fishing vessels of 24m in length and over operating in polar waters available on CCAMLR’s website;
- Adopt a CCAMLR Resolution requiring the use of the new Guidelines by CCAMLR fishing vessels;
- Support the approval and adoption of mandatory navigation and voyage planning measures for fishing vessels over 24m in length by the IMO, including the entry into force date of 1 January 2026;
- Make available relevant experience in the implementation of the Polar Code and support the need for further consideration of shipping safety and environmental protection in the polar regions; and
- Contribute to the IMO’s work to ensure that a regulation is included in MARPOL Annex V on the marking of fishing gear and efforts to progress and finalise the work on mandatory reporting mechanisms for accidentally lost or discharged fishing gear.

Background

In January 2017, the International Maritime Organization’s (IMO) International Guidelines for Ships Operating in Polar Waters or Polar Code came into effect, addressing both safety of ships and pollution prevention in the polar regions – both Arctic waters and the Antarctic Area. Following adoption of the Polar Code, consideration began of the so-called non-SOLAS vessels, namely vessels not covered by the Polar Code, including fishing vessels, pleasure yachts and small cargo vessels under 500 gross tonnes (GT). The challenge in applying the Polar Code to these vessels was that the safety requirements of the Code were made mandatory by amendment of the Safety of Life at Sea (SOLAS) Convention, and the so-called non-SOLAS vessels are those vessels to which the SOLAS Convention does not apply (except for Chapter V on Navigation). Work at the IMO on other shipping issues of relevance to vessels operating in the Southern Ocean has also made progress including efforts to address the marine plastic pollution from ships and to review the existing underwater noise guidelines.

Guidelines for polar fishing vessel safety measures

In 2021, at its 103rd session, the IMO’s Maritime Safety Committee approved the Guidelines for safety measures for fishing vessels of 24m in length and over operating in polar waters. The Guidelines supplement existing IMO instruments to increase the safety of fishing vessels operating in polar waters and persons on board, and to mitigate the impact on people and the environment in remote, vulnerable, and potentially harsh polar waters. They are aligned with the IMO’s Cape Town Agreement of 2012, which is not yet in force, and the Polar Code. It is important that these Guidelines now be followed by CCAMLR Member countries operating south of 60oS, though ASOC would suggest maintaining

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1 MSC.1/Circ.1641 Guidelines for safety measures for fishing vessels of 24m in length and over operating in polar waters. 24th June 2021.
equality for all CCAMLR fishing vessels by expecting the Guidelines to be followed by all vessels throughout the whole Convention Area.

The Guidelines first set out the purpose and background and identify the hazards which may expose fishing vessels to elevated levels of risk while operating in polar waters. Included are eleven chapters, each containing an individual purpose and general guidance before elaborating the specific guidance on each subject (see Table 1).

Table 1: Structure of the Guidelines for safety measures for fishing vessels of 24m in length and over operating in polar waters

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<td>Chapter 7 Life-Saving Appliances and Arrangements</td>
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<td>Chapter 8 Emergency Procedures, Musters and Drills</td>
<td>Onboard instruction for emergency operations, Abandon ship drills, Rescue boat drills, Fire drills, Damage control drills,</td>
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<td>Chapter 11 Other Safety Measures</td>
<td>Anchoring and towing arrangements, Fuel and other flammable fluid tanks and systems, Emergency equipment, Crewing, Training, Voyage planning,</td>
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</table>

These Guidelines have been developed to improve the safety of fishing vessel operations and crew safety in the polar regions, with consequent reduced risk to people and the environment; however, they will only be successful if widely implemented. ASOC calls on CCAMLR to make the Guidelines widely available by posting the Guidelines on the CCAMLR web site and proposes that CCAMLR Members adopt a Resolution requiring fishing vessels licensed by CCAMLR to implement the Guidelines while operating in the Convention Area.

Mandatory navigation and voyage planning measures

In addition to the development of guidelines introducing safety measures for fishing vessels of over 24m in length operating in polar waters, the IMO has further considered the development of mandatory regulations concerning navigation and voyage planning. Consequently, earlier in 2022, the IMO’s navigation, communications and search and rescue sub-committee finalised draft amendments to SOLAS Chapter XIV and the Polar Code concerning safety of navigation and voyage planning which will be applicable to fishing vessels of 24m of length and above operating in the Convention Area. The new regulations are due to be approved by the IMO’s Maritime Safety Committee in November 2022.
and adopted in 2023 with a view to entry into force on 1 January 2026. Further information will be made available once these regulations are adopted.

In addition to these amendments to SOLAS Chapter XIV and to the Polar Code parts I-A and I-B, it should not be forgotten that Part II of the Polar Code addressing pollution prevention, as implemented through the International Convention on the Prevention of Pollution from Ships (MARPOL Convention), is mandatory for all vessels including fishing vessels.

Further efforts to improve the safety of vessels operating in the Southern Ocean

ASOC Member WWF has recently published a report reviewing the challenges and gaps in the implementation of the IMO’s Polar Code, along with a blog post highlighting a considerable number of challenges and gaps identified and an infographic. Following the publication of the report, a webinar outlining the analysis and findings from the report was organised and a recording is available.

The analysis of the scope and experience with the implementation of the Polar Code involved reviewing a wide range of sources of information including new studies, information presented at the annual Arctic Shipping Best Practice Information Forum meetings, submissions to the IMO and to the Antarctic Treaty Consultative Meetings, an investigation into the grounding of a passenger vessel in Canadian Arctic waters, and the initial outputs from a Norwegian-led PAME project on the interpretation of the Polar Code. The analysis identifies a range of challenges, which can be broadly identified as governance and regulatory challenges, operational and knowledge challenges, and gaps.

ASOC and its members continue to work to improve the safety of vessels operating in the Southern Ocean and therefore reduce the risk to both lives and to the environment and would invite CCAMLR Members to make available relevant experience in the implementation of the Polar Code and to support the need for further consideration of shipping safety and environmental protection in the polar regions.

Marking of fishing gears and reporting of abandoned, lost, and discarded fishing gear (ALDFG)

As part of the IMO’s efforts to address the threat of marine plastic litter from ships, the IMO is considering the mandatory marking of fishing gear and the reporting of lost or discharged fishing gear. In 2021, one of CCAMLR’s Working Groups discussed gear loss from longline vessels operating in the Convention Area from the 2019/20 and 2020/21 fishing seasons, and noted that vessels reported 1363 km of line lost in the Convention Area, of which 22% were complete lines. The Working Group noted that “…the 1363 km of line lost represents a considerable amount of plastic pollution in the ocean, as well as potential unobserved and unaccounted mortality effects to fish species caught on those lines.”

Despite a range of views, it was agreed at the latest Marine Environment Protection Committee (MEPC) that IMO members should develop a goal-based requirement to be included in MARPOL Annex V (which addresses the regulation of the control of pollution by garbage from ships). The work will be undertaken by the Pollution Prevention and Response (PPR) sub-committee when it meets in 2023. PPR is also holding a Correspondence Group which is tasked with further progressing work on reporting mechanisms, the modalities, and the information to be reported to Administrations and the IMO to facilitate and enhance reporting of the accidental lost or discharge of fishing gear. In order to raise awareness of the threat and of solutions to abandoned, lost, and discarded fishing gear (ALDFG) in the Southern Ocean and further afield, ASOC has supported the preparation of two new infographics on

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2 Improving the Polar Code to better protect Arctic waters - WWF Arctic (arcticwwf.org)
Review of Perceived Gaps and Challenges in the Implementation of the Polar Code - WWF Arctic (arcticwwf.org)
Briefing about the Polar Code: Gaps and challenges - WWF Arctic (arcticwwf.org)
3 Report of the Working Group on Fish Stock Assessment (Virtual Meeting, 13 to 20 September 2021), para. 6.25
the marking and reporting of ALDFG. See [https://www.asoc.org/ice-archive/ghost-fishing-gear-infographic/](https://www.asoc.org/ice-archive/ghost-fishing-gear-infographic/).

**Conclusion and Recommendations**

ASOC encourages CCAMLR to take note of these recent developments as they apply to vessels operating in the Convention Area. Furthermore, ASOC calls on CCAMLR and CCAMLR Members to:

- Make the new *Guidelines for safety measures for fishing vessels of 24m in length and over operating in polar waters* available on CCAMLR’s website;
- Adopt a CCAMLR Resolution requiring the use of the new Guidelines by CCAMLR fishing vessels;
- Support the approval and adoption of mandatory navigation and voyage planning measures for fishing vessels over 24m in length by the IMO, including the entry into force date of 1 January 2026;
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