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## **Improving safety and environmental protection of shipping in the Antarctic Treaty Area**



# Improving safety and environmental protection of shipping in the Antarctic Treaty Area

Information Paper submitted by ASOC

## Summary

There have been a number of developments at the IMO that are relevant to the safety and environmental protection of shipping in the Antarctic Treaty Area. ASOC recommends that the ATCM take the following actions in response to these developments:

- consider adopting a resolution making the application of the IMO Guidance a condition of permits for pleasure yachts of 300 GT and above;
- encourage CCAMLR to apply the IMO's Guidelines for fishing vessels over 24m in length overall operating in polar waters to all CCAMLR licensed vessels;
- require application of the compulsory navigation and voyage planning requirements for non-SOLAS vessels by ATCPs when issuing permits;
- urge ATCPs to bring forward experience of the successes and challenges in the implementation of the Polar Code and identification of gaps in implementation;
- require ATCPs to make application of the IMO's revised underwater radiated noise guidelines a permit requirement for ships; and
- support work at the IMO to address abandoned, lost and discarded fishing gear.

## Introduction

In this paper, ASOC provides information on some of the latest international developments of relevance to vessels operating in the Antarctic Treaty Area.

## **Guidelines for Safety Measures for Pleasure Yachts of 300 gross tonnage and above**

In ATCM XLIV IP 92, ASOC provided information on the latest developments pertinent to the safety and operation of vessels, particularly pleasure yachts and fishing vessels in the Antarctic Treaty area. This IP called on the ATCPs to require the implementation of the new guidelines<sup>1</sup> developed to ensure the safety of pleasure yachts over 300 gross tonnage and above not engaged in trade when issuing permits for these vessels to operate in the Antarctic Treaty area. The Commission on the Conservation of Antarctic Marine Living Resources (CCAMLR) should similarly act to ensure the application of guidance aimed at fishing vessels. The Guidelines address a broad range of safety areas including the construction, watertight integrity and stability of vessels; fire protection, detection, extinction and fire-fighting; life-saving appliances and emergency procedures; radiocommunications and navigational equipment; and voyage planning (see ATCM XLIV IP 92 Annex for a full list of areas addressed by the guidelines). ASOC proposed that over the coming years, it will be important to monitor the use and application of the IMO Guidelines to ensure rigorous application. It will also be valuable to confirm that the guidance is "fit for purpose" for the environments in which the guidance is to be applied, and for lessons to be shared in order to learn from experience. Identification of challenges in the application of the guidelines and gaps that need to be addressed will also be a priority, including further consideration of the need to make any aspects of the guidelines mandatory. To ensure rigorous application of the guidelines, which have been designed to ensure the safety of vessel operations and of human lives as well as environmental protection,

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<sup>1</sup> Guidelines for Safety Measures for Pleasure Yachts of 300 Gross Tonnage and above not engaged in trade Operating in Polar Waters. MSC.1/Circ. 1642. Issued 14 May 2021.

ASOC proposes that the ATCPs adopt a Resolution requiring application of the guidelines when permitting pleasure yachts for Antarctic operation.

### ***Mandatory requirements for navigation and voyage planning***

In addition to recently approving the guidance for pleasure yachts and fishing vessels, it is anticipated that the International Maritime Organization (IMO) will adopt new regulations addressing navigation and voyage planning for non-SOLAS ships in June 2023. These requirements, which are likely to take effect from January 2026, will be an important development of relevance to a considerable number of vessels operating in the Southern Ocean, including fishing vessels of 24 metres length overall and above, pleasure yachts of 300 gross tonnage and upwards not engaged in trade and cargo ships of 300 gross tonnage and upwards but below 500 gross tonnage. These compulsory requirements will include vessels having the ability to receive up to date information including ice information for safe navigation, and visually detect ice when operating in darkness. The company, master and crew of each vessel should ensure that voyage plans consider the potential hazards of any intended voyage. ASOC suggests that the application of these requirements, which will increase the safety of operating in the Southern Ocean and improve environmental protection, should be encouraged ahead of the measures becoming mandatory in 2026.

### ***Reviewing experience in the application of the Polar Code***

The IMO's Mission Statement emphasizes that IMO should promote safe, secure, environmentally sound, efficient, and sustainable shipping through cooperation to deliver the highest practicable standards of maritime safety and security, efficiency of navigation and prevention and control of pollution from ships. The International Code for Ships Operation in Polar Waters or Polar Code is the means by which this mission should be achieved in the polar regions. Negotiation and development of the Polar Code – which addresses both safety in Part I and pollution prevention in Part II - commenced over a decade ago. The Code came into effect in January 2017, and has now been in operation for over six years. ASOC believes that it is appropriate to evaluate the Polar Code's effectiveness and consider if it is delivering the highest practical standards of maritime safety and security, efficiency of navigation and prevention and control of pollution from ships envisaged in the polar regions. It is timely to assess the implementation of the Polar Code.

A paper submitted to the IMO's Maritime Safety Committee 106<sup>th</sup> session in November 2022<sup>2</sup>, provided details of a recent review published by ASOC member WWF, which analysed the gaps and challenges in the implementation of the Polar Code<sup>3</sup>. During the discussion at MSC 106, the work was welcomed and the need for further discussion was acknowledged. Interested Member States and international organisations were invited to submit proposals for further work on the implementation of the Polar Code to be considered.

In parallel with the ATCM meeting in Helsinki, the IMO's 107<sup>th</sup> session of the Maritime Safety Committee will consider a further paper from WWF and the Inuit Circumpolar Council (MSC 107/17/23) which sets out the elements and information needed for consideration of a new "output" for the IMO's programme of work focused on the successes, challenges, and gaps in the implementation of the Polar Code. A full proposal for new work on the Polar Code is still required before a decision can be made on the undertaking of new work, however it is worth noting that the suggested output could cover:

<sup>2</sup> MSC 106/18/4 Implementation of the Polar Code. Submitted by WWF. 30 August 2022.

<sup>3</sup> [Improving the Polar Code to better protect Arctic waters - WWF Arctic \(arcticwwf.org\)](https://www.wwf.org.uk/news/2022/08/improving-the-polar-code-to-better-protect-arctic-waters)  
[Review of Perceived Gaps and Challenges in the Implementation of the Polar Code - WWF Arctic \(arcticwwf.org\)](https://www.wwf.org.uk/news/2022/08/review-of-perceived-gaps-and-challenges-in-the-implementation-of-the-polar-code)  
[Briefing about the Polar Code: Gaps and challenges - WWF Arctic \(arcticwwf.org\)](https://www.wwf.org.uk/news/2022/08/briefing-about-the-polar-code-gaps-and-challenges)

- reviewing the current guidance provided alongside the Polar Code which aids the determination of ice conditions for different classes of ships<sup>4</sup>,
- evaluating the successes, gaps and challenges in the implementation of the Polar Code,
- assessing progress on measures for non-SOLAS vessels and identification of any further requirements, and
- development of a proposal for a plan of action to ensure that the highest practicable standards are being implemented.

ASOC supports the calls for an assessment of the successes, gaps and challenges in the implementation of the Polar Code and urges ATCPs to bring forward experience and lessons with the implementation of the Polar Code in the Antarctic Treaty Area.

### ***Underwater Radiated Noise***

In addition to the work relevant to the implementation of the Polar Code and safety measures for non-SOLAS ships, other areas of the IMO's work are relevant to ships operating in the polar regions, including work to revise the IMO's Guidelines on underwater noise. The original Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life were adopted nearly a decade ago in 2014. However, over time it was recognised that uptake of the Guidelines was poor, and in 2021 IMO Member States agreed to review and update the guidelines with a view to improving their uptake, structure, effectiveness, and clarity. The purpose of the revised guidelines is to provide an overview of approaches to reduce the underwater radiated noise of any ship and to assist relevant stakeholders in establishing mechanisms and programmes through which noise reduction efforts can be realised. The new Guidelines, which are due to be approved in July 2023, recognise underwater radiated noise reduction management planning as a tool that may be applied to the operation, design, construction and modification of ships as far as reasonable and practical. ASOC calls on ATCPs to require all ships operating in the Antarctic Treaty Area to apply the revised guidelines.

### ***Marine Plastic Litter***

Over five years following the adoption of an action plan to address the global problem of marine plastic litter from ships, IMO's work on abandoned, lost and discarded fishing gear (ALDFG) and spills of marine plastic pellets continues. At the 80<sup>th</sup> session of Marine Environment Protection Committee (MEPC) in July 2023, a working group is anticipated to consider measures to regulate marking of fishing gear and reporting of lost fishing gear. ASOC continues to believe that both the marking of fishing gear and recording of lost gear is essential to combat the problem of ghost fishing gear in the Southern Ocean and urges ATCPs to support efforts at the IMO to introduce mandatory requirements through the International Convention for the Prevention of Pollution from Ships (MARPOL).

### ***Recommendations***

ASOC recommends that the ATCM should:

- consider adopting a resolution making the application of the IMO Guidance a condition of permits for pleasure yachts of 300 GT and above operating in the Antarctic Treaty Area, and include a requirement for monitoring the use and application of the guidance, with a view to building experience and identifying lessons to be learnt;
- encourage the Commission for the Conservation of Antarctic Marine Living Resources to apply the IMO's Guidelines for fishing vessels over 24m in length overall operating in polar waters to all CCAMLR licensed vessels;

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<sup>4</sup> MSC.1/Circ.1519 Guidance on Methodologies for Assessing Operational Capabilities and Limitations in Ice. 6 June 2016.

- require application of the compulsory navigation and voyage planning requirements for non-SOLAS vessels by ATCPs when issuing permits ahead of the IMO regulations taking effect;
- urge ATCPs to bring forward experience of the successes and challenges in the implementation of the Polar Code and identification of gaps which are preventing the delivery of the highest practical standards of maritime safety and security, efficiency of navigation and prevention and control of pollution from ships in polar regions;
- require ATCPs, when issuing permits for ships to operate in the Antarctic Treaty Area, to make application of the IMO's revised underwater radiated noise guidelines a permit requirement; and
- support work at the IMO to introduce mandatory requirements to address abandoned, lost and discarded fishing gear.