

SUB-COMMITTEE ON SHIP DESIGN AND
CONSTRUCTION
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Agenda item 3

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**DEVELOPMENT OF A MANDATORY CODE FOR SHIPS OPERATING IN
POLAR WATERS**

Reception facilities for oil and oily mixtures

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SUMMARY

Executive summary: Following the invitation from the Committee at MEPC 65 to Member Governments and international organizations to submit their proposals and comments on the provision of reception facilities for oil and oily mixtures, the co-sponsors propose new text for insertion into chapter 15* of the draft Polar Code to ensure that adequate reception facilities are in place in the Arctic waters. The intention of the regulatory text proposed is to provide support to the international shipping industry and to ensure that the Code can fully stand the test of time.

Strategic direction: 5.2

High-level action: 5.2.1

Planned output: 5.2.1.19

Action to be taken: Paragraph 9

Related documents: DE 57/WP.6, DE 57/WP.6/Add.1; MEPC 65/11/8 and MEPC 65/22

* **Note by the Secretariat:** The report of the working group (DE 57/WP.6/Add.1), established at DE 57, was the base document for the reference to chapter 15 of the draft Polar Code. The Polar Code Correspondence Group, established at DE 57 (DE 57/25, paragraph 11.45) changed the structure of the draft Polar Code (ISWG PC/1), which was further considered by the Intersessional Working Group on the Polar Code (30 September to 4 October 2013). Therefore, taking into account the report of the intersessional working group (SDC 1/3), the reference is to paragraph 1.7.1 of chapter 1 of part II-A of the draft Code.

Background

1 When discussing additional requirements to those of MARPOL Annex I that should be included in the draft Polar Code, MEPC 65 agreed to prohibit any discharge into the sea of oil or oily mixtures from any ships operating in Arctic waters. The co-sponsors fully support this decision and fully agree with the principle that there shall be no discharge of oil and oily mixtures into the pristine waters of the Arctic. In light of the decision, it was proposed at MEPC 65 that mandatory requirements for reception facilities should be developed so as to ensure and facilitate the effective implementation of this discharge prohibition requirement. The Committee invited Member Governments and international organizations to submit their proposals and comments on this matter to DE 58 for consideration (note this was before the sub-committees were restructured). In this document, the co-sponsors propose that additional text should be inserted into chapter 15 of the Polar Code to address adequate reception facilities for oil and oily mixtures.

Existing regulations

2 The draft Polar Code has been designed and is being developed as a supplement to existing IMO instruments. Chapter 3, part C, regulation 15.4, and chapter 4, regulation 34 B of Annex I contain the provisions whereby discharge of oil and oily mixtures in the Antarctic special area are prohibited.

3 Under chapter 6, regulation 38 B 4 of Annex I, the requirements for reception facilities within special areas are detailed. These are requirements which are already applicable to the Antarctic area. However, no such provisions apply to the Arctic. Therefore, this new regulation in the draft Polar Code simply extends the prohibition to the Arctic.

Necessity of reception facilities

4 At MEPC 65, during the debate on the provision of adequate reception facilities, the Committee agreed that a zero tolerance of illegal discharges could only be enforced when adequate reception facilities are in place. Paragraph 10.5 of the report of MEPC 65 states:

"10.5 The Committee, in recalling that the policy of "zero tolerance of illegal discharges from ships" can only be effectively enforced when there are adequate reception facilities in ports, urged all Parties to the MARPOL Convention, in particular port States, to fulfil their treaty obligations by providing adequate reception facilities for wastes generated during the normal operation of ships."

5 It is an unavoidable reality that oil and oily mixtures will be generated during the normal operations of all ships. These oily mixtures are stored in tanks, specified in the ship's IOPP certificate as required by MARPOL. Therefore, to reflect the decision of the Committee that adequate reception facilities are necessary to ensure that discharges of harmful substances are prohibited, the co-sponsors propose that reception facilities should be provided in support of international shipping operating in the Arctic region.

6 The level of the provision of reception facilities for the Antarctic has been developed over time to ensure that proper protection is available for that area. These were developed to ensure that the environment of that area is afforded the very best level of protection. Taking into account the similarities in the environmental conditions between the Arctic and Antarctic waters, as recognized in the draft preamble to the Code, the co-sponsors propose that the same provisions for reception facilities applicable to the Antarctic, should apply to the Arctic waters.

7 The co-sponsors recognize that ships can operate for short periods of time without the need for adequate reception facilities and as reception facilities do exist just outside the Arctic Polar region, a lack of reception facilities within the Arctic Polar region will not prevent ships from operating safely within this area. Further, through normal operational practices the ships operating in the area will take steps to minimize the generation of waste and so there will be no "exporting" of waste into the Arctic. Nevertheless, the co-sponsors are of the opinion that taking into account the Organization's stance on the provision of "adequate" reception facilities as with the requirements for the Antarctic region, "adequate" reception facilities should be provided in the Arctic region. The term "adequate" in this context should allow for appropriate scale and size of any reception facilities that may be provided. In addition, as development increases within the region, it makes sense to place a provision within the draft Code to ensure that it will be able to stand the test of time.

8 The co-sponsors have therefore, developed regulatory text which builds on the Committee's opinion and provides support for the international shipping industry.

Action requested of the Sub-Committee

9 The Sub-Committee is invited to consider the regulatory text contained within the annex and to take action as appropriate.

ANNEX

**PROPOSAL FOR NEW TEXT CONCERNING RECEPTION FACILITIES
FOR OIL AND OILY MIXTURES**

The following new paragraphs should be inserted after existing paragraph 15.3.2.1:

"15.3.2.2 All ports within the Arctic area shall be provided with adequate reception facilities for oil and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.

15.3.2.3 Each Party to Annex I of the MARPOL Convention shall notify the Organization for transmission to the Parties concerned of all cases where the facilities provided under this regulation are alleged to be inadequate."
