

Polar Code Goes Into Effect



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On January 1, 2017, the International Code for Ships Operating in Polar Waters, known as the “Polar Code,” went into effect. The Polar Code is a long awaited first step to deal with the special safety, environmental, and operational issues posed by increased vessel traffic in the polar region.

The Polar Code amends existing UN International Maritime Organization conventions—the Safety of Life at Sea Convention or SOLAS and the International Convention for the Prevention of Pollution from Ships or MARPOL. The Polar Code was given legal effect via its incorporation into those two conventions and the tacit acceptance (or opt-out) procedures in those agreements. The International Convention on Standards of Training, Certification and Watchstanding for Seafarers or STCW was also amended.

In general, the Polar Code provides for new construction standards (including a “Polar Class” designation for vessel classification), new training and equipment standards, enhanced environmental protection provisions, and search and rescue provisions. Notably, Canadian specific laws have already imposed many of the same requirements for operation of vessels in Canadian waters.

The importance of the January 1, 2017, date is that vessels delivered after that date must meet construction standards in the Code to operate in designated polar waters. Vessels delivered prior to January 1, 2017, operating in such waters must meet the Code requirements by the first intermediate or renewal survey whichever occurs first after January 1, 2018.

The interaction between the Polar Code’s requirements and U.S. requirements can be complex. For example, the United States is not a signatory to MARPOL Annex IV relating to sewage, but foreign vessels operating in U.S. waters must still comply with the Polar Code sewage requirements which amend Annex IV.

It should also be noted that the U.S. Coast Guard has signaled flexibility with regard to meeting the functional requirements of the Polar Code in a policy letter issued December 12, 2016.

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