



**REPUBLIC OF  
THE MARSHALL ISLANDS**  
**MARITIME ADMINISTRATOR**

Marine Notice

No. 2-011-52

Dec/2016

**TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS**

**SUBJECT: International Code for Ships Operating in Polar Waters (Polar Code)**

- References:**
- (a) **SOLAS**, *International Convention for the Safety of Life at Sea, Consolidated Edition 2014*, as amended
  - (b) **MARPOL**, *International Convention for the Prevention of Pollution from Ships, Consolidated Edition 2011*, as amended
  - (c) **Polar Code**, *International Code for Ships Operating in Polar Waters*, as amended
  - (d) **STCW Convention**, *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 2011 Edition*, as amended
  - (e) **STCW Code**, *Seafarers' Training, Certification and Watchkeeping Code, 2011 Edition*, as amended
  - (f) **IMO Assembly Resolution [A.1104\(29\)](#)**, *Survey Guidelines Under the Harmonized System of Survey and Certification (HSCC)*, adopted on 02 December 2015, as amended
  - (g) **IMO Circular [MSC.1/Circ. 1519](#)**, *Guidance on methodologies for assessing operational capabilities and limitations in ice*, issued 6 June 2016.
  - (h) **IMO Circulars [MEPC.1/Circ.856](#) and [MEPC.1/Circ.856/Corr.1](#)**, *Guidance for issuing revised certificates, manuals and record books of MARPOL for compliance with environment-related requirements of the Polar Code*, issued 22 May 2015 and 06 August 2015
  - (i) **IMO Circular [MSC.1/Circ. 1563](#)**, *Unified interpretation of SOLAS regulation XIV/2.2*, issued 25 November 2016.

**PURPOSE:**

This Notice provides the Republic of the Marshall Islands (RMI) Maritime Administrator's (the "Administrator") policies for the implementation of the International Code for Ships Operating in Polar waters (Polar Code or the "Code"), which enters into force on **01 January 2017**.

**BACKGROUND:**

The Polar Code was developed by the International Maritime Organization (IMO) to provide for safe ship Polar operations and the protection of the Polar environment by addressing risks

present in Polar waters not adequately mitigated by other IMO instruments. The Polar Code covers both safety and pollution prevention measures<sup>1</sup>. Its provisions were made mandatory under the International Convention for the Safety of Life at Sea (SOLAS) with the addition of new chapter XIV (IMO Resolution [MSC.386\(94\)](#), 21 November 2014)<sup>2</sup>; the International Convention for the Prevention of Pollution from Ships (MARPOL) with amendments to Annexes I, II, IV, and V (IMO Resolution [MEPC.265\(68\)](#), 15 May 2015), and new Regulation 4 of Chapter V of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and Section A-V/4 of the Seafarers' Training, Certification and Watchkeeping Code (STCW Code).

The Polar Code consists of the Introduction, part I and part II. The Introduction contains mandatory provisions applicable to both parts I and II.

- part I is subdivided into:
  - part I-A, which contains mandatory provisions on safety measures; and
  - part I-B containing recommendations on safety.
- part II is subdivided into:
  - part II-A, which contains mandatory provisions on pollution prevention; and
  - part II-B containing recommendations on pollution prevention.

The Code defines three (3) levels of ship categories (Category A, Category B, and Category C) with decreasing ice operational capabilities. Key elements of the Polar Code include requirements for:

- a Polar Water Operational Manual;
- a risk-based operational assessment (Operational Assessment);
- ships' structure;
- machinery and systems exposed to, and/or affected by, the cold;
- manning and crew training; and
- a Polar Ship Certificate.

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<sup>1</sup> The safety measures were adopted via IMO Resolution [MSC.385\(94\)](#) by the Maritime Safety Committee (MSC) on 21 November 2014. The pollution prevention measures were adopted via IMO Resolution [MEPC.264\(68\)](#) by the Marine Environment Protection Committee (MEPC) on 15 May 2015.

<sup>2</sup> The IMO is considering expanding the scope to non-SOLAS vessels, including fishing vessels and pleasure craft in work in a Phase 2 of the Polar Code. However, work on Phase II is not expected to commence until experience has been gained with SOLAS vessels under the current requirements.

## APPLICABILITY:

This Notice applies to all RMI vessels operating in Polar waters on or after **01 January 2017** as follows:

**Safety Measures:** All ships<sup>3</sup> operating in Polar waters constructed on or after 01 January 2017 must comply with part I-A of the Polar Code upon delivery. Ships constructed before 01 January 2017 (existing ships) must meet the part I-A requirements by the first intermediate or renewal survey, whichever occurs first after 01 January 2018.

**Pollution Prevention:** All ships (new and existing) operating in Polar waters must comply with part II-A of the Polar Code in accordance with the relevant MARPOL Annexes:

**Annex I:** all ships;

**Annex II:** all ships certified to carry noxious liquid substances (NLS) in bulk;

**Annex IV:** ships engaged in international voyages of 400 gross tonnage and above and ships of less than 400 gross tonnage which are certified to carry more than 15 persons; and

**Annex V:** all ships.

A summary of the applicability of the Polar Code provisions is provided in Table 1, below.

**Polar Code Applicability Summary  
Table 1**

Ship Date of Build	part I-A Safety Measures <sup>4</sup>		part II-A Pollution Prevention Measures	Polar Ship Certificate Issuance		Training Requirements	Documentation on Revisions
<b>Before 01 January 2017</b>	SOLAS Vessels	First intermediate or renewal SOLAS survey, whichever occurs first, after <b>01 January 2018</b>	<b>01 January 2017</b> MARPOL Annexes I, II, and V - All ships;  MARPOL Annex IV - Ships on an International Voyage	SOLAS Vessels	First intermediate or renewal SOLAS survey, whichever occurs first, after 01 January 2018	STCW Basic and Advanced Training under Regulation V/4  <b>01 July 2018 for ships with Polar Ship Certificate</b>  <b>See Section 2.8 for detailed requirements</b>	See IMO Circular <a href="#">MEPC.1/Circ.856</a> , as amended, for guidance
	NON-SOLAS Vessels	01 January 2018		NON-SOLAS Vessels	01 January 2018		
<b>On or After 01 January 2017</b>	Upon delivery		Upon delivery	Upon delivery		01 July 2018	

<sup>3</sup> A ship means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, yachts, floating craft and fixed or floating platforms.

<sup>4</sup> The Administrator is applying the part I-A Polar Code requirements to all vessels regardless of tonnage or type operating in Polar waters. See also the RMI Yacht Code (MI-103).

## **DEFINITIONS:**

The Polar Code contains many definitions; some of which, for the sake of clarity, are provided below.

“*Antarctic area*” means the sea area south of latitude 60° S as defined in SOLAS XIV/1.2, MARPOL Annexes I/1.11.7, II/13.8.1, IV/17.2, and V/1.14.7.

“*Arctic waters*” are as defined in SOLAS Chapter XIV/1.3 and MARPOL Annexes I/46.2, II/21.2, IV/17.3 and V/13.2, but are essentially the sea area north of latitude 60° with *exemptions of areas* that are ice free due to the effects of the Gulf Stream current.

“*Category A ship*” is a ship designed for operation in Polar waters in at least medium, first-year ice, which may include old ice inclusions.

“*Category B ship*” is a ship not included in Category A, designed for operation in Polar waters in at least thin, first-year ice, which may include old ice inclusions.

“*Category C ship*” is a ship designed to operate in open water or in ice conditions less severe than those included in Category A or B.

“*Open water*” means a large area of freely navigable water in which sea ice is present in concentrations less than 1/10. No ice of land origin is present.<sup>5</sup>

“*Polar waters*” means Arctic waters and/or the Antarctic area.

## **REQUIREMENTS:**

### **1.0 General**

- 1.1 Every RMI-flagged vessel operating in Polar waters must comply with the mandatory provisions part I-A and part II-A, as applicable; and fully take into consideration the recommendations contained in part I-B and part II-B of the Polar Code.
- 1.2 The structural provisions (ship design and arrangements) of the Polar Code are to be applied in accordance with the rules of the Classification Society chosen by the ship owner or operator.

### **2.0 Safety Measures (part 1-A)**

#### **2.1 Polar Water Operational Manual**

- 2.1.1 A vessel operating in Polar waters must carry onboard a Polar Water Operational Manual (PWOM), which contains sufficient information regarding the ship’s operational capabilities and limitations in order to support the decision-making process of the Master and the crew of the ship.

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<sup>5</sup> Refer to [WMO Sea Ice Nomenclature](#).

- 2.1.2 The PWOM must be developed by the shipowner or ship operator in accordance with Chapter 2 part 1-A of the Polar Code which requires the PWOM to:
- .1 include information on the ship-specific capabilities and limitations as determined by the Operational Assessment (See §2.2, below);
  - .2 include or refer to specific risk-based procedures to be followed in normal operations and in order to avoid encountering conditions that exceed the ship's capabilities;
  - .3 include or refer to specific risk-based procedures to be followed in the event of incidents in Polar waters;
  - .4 include or refer to specific risk-based procedures to be followed in the event that conditions are encountered which exceed the ship's specific capabilities and limitations; and
  - .5 include or refer to risk-based procedures to be followed when using icebreaker assistance, as applicable.
- 2.1.3 The Administrator requires the model format contained in Appendix II of the Polar Code, along with the associated guidance, to be used in the development of the PWOM in order to retain a common structure that will facilitate review.<sup>6</sup>
- 2.1.4 In order to ensure that the PWOM adequately addresses each element listed in the model format contained in Appendix II of the Polar Code, as applicable, the PWOM must be reviewed (not approved) by a Recognized Organization (RO), prior to the issuance of a Polar Ship Certificate.

## **2.2 Operational Assessment**

- 2.2.1 In order to establish procedures or operational limitations, an assessment of the ship and its equipment shall be carried by the shipowner or ship operator out in accordance with Polar Code part 1-A paragraph 1.5. This includes taking into consideration the anticipated range of operating and environment conditions (e.g., operation in low air temperature, operation in ice, operation in high latitude, potential for abandonment onto ice or land) and hazards.
- 2.2.2 The guidance contained in IMO Circular [MSC.1/Circ. 1519](#), *Guidance on methodologies for assessing operational capabilities and limitations in ice*, must be taken into consideration in conducting an Operational Assessment.
- 2.2.3 The Administrator has developed a model [Polar Code Operational Assessment](#) that may be used by ship operators in conducting the Operational Assessment.

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<sup>6</sup> RMI Maritime Administrator requirement to utilize the format contained in Appendix II.

## **2.3 Goals, Functional Requirements, and Regulations**

2.3.1 Compliance with the goals, functional requirements and regulations laid out in each of the twelve chapters contained in part I-A of the Polar Code is required. In §2.4 through §2.9, below, certain requirements are drawn out for emphasis, but they are not intended to constitute all of the requirements and should not be substituted for a thorough reading of the Polar Code.

## **2.4 Ship Structure, Machinery Installations, Fire Safety Protection**

2.4.1 In accordance with Polar Code Regulations 3.3.1, 6.3.2, 6.3.3 and 7.3.2, the Administrator has authorized the entities listed in §2.9.2 below to approve materials of:

- .1 exposed structures in ships;
- .2 exposed machinery and foundations for ships intended to operate in low air temperatures or for ships ice strengthened in accordance with Polar Code Chapter 3; and
- .3 exposed fire safety systems.

## **2.5 Subdivision and Stability**

2.5.1 Category A and B ships constructed on or after 01 January 2017 must be able to withstand flooding resulting from hull penetration due to ice impact.

2.5.2 Information on the icing allowance included in the stability calculations as required under Regulations 4.3.1.1 and 4.3.1.2 must be provided in the PWOM.

## **2.6 Life-Saving Appliances and Arrangements<sup>7</sup>**

2.6.1 Exposed escape routes on ships constructed on or after 01 January 2017 must be arranged so as not to hinder passage by persons wearing suitable polar clothing.

2.6.2 Regulation 8.3.3.3.2 of the Polar Code requires both individual (personal) and shared (group) survival equipment. The additional guidance to Chapter 8 provides lists of resources to be taken into account when considering such equipment and is to be carefully considered.

## **2.7 Safety of Navigation**

2.7.1 Ships constructed on or after 01 January 2017 and ice strengthened in accordance with Chapter 3 of the Polar Code must have either two (2) independent echo-sounding devices or one echo-sounding device with two (2) separate independent transducers.

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<sup>7</sup> It should be noted that in accordance with the outcomes of the 97<sup>th</sup> session of the IMO Maritime Safety Committee (21 to 25 November 2016), the Ship Systems and Equipment (SSE) and Navigation Communications Search and Rescue (NCSR) Sub-Committees will be reviewing, adapting and/or developing the necessary requirements (on testing and performance standards as relates to personal life-saving appliances, pyrotechnics, survival craft, fire safety, communication navigation etc.) with respect to the Polar Code.

- 2.7.2 Category A and B ships constructed on or after 01 January 2017 must have bridge wings that are enclosed or designed to protect navigational equipment and operating personnel.
- 2.7.3 Ships intended to provide icebreaking escort must be equipped with a sound signaling system mounted to face astern to indicate escort and emergency maneuvers to following ships as described in the International Code of Signals.

## **2.8 Manning and Crew Training**

- 2.8.1 Masters, chief mates, and officers in charge of a navigational watch on board ships operating in Polar waters must be qualified in accordance with Chapter V/4 of the STCW Convention and meet the standards of competence for basic training and advanced training as set forth in A-1/11 and A-V/4-1 of the STCW Code, as amended, for ship types and ice conditions as described in part I-A, Chapter 12 of the Polar Code.
- 2.8.2 The Administrator allows for the use of a person(s) other than the master, chief mate, or officers of the navigational watch to satisfy the requirements of part I-A, Chapter 12 of the Polar Code for training under certain specified conditions depending on ice concentrations and the type of ship.
- .1 The use of a person other than an officer in charge of the navigational watch to satisfy the requirements for training does not relieve the master or officer of the navigational watch from their duties and obligations for the safety of the ship.
- 2.8.3 The provisions on manning and crew training as provided in §2.8.1 and §2.8.2, above, enter into force on 01 July 2018. However, noting that there will be a transitional period between the entry into force of the Polar Code (01 January 2017) and the amendments to the STCW Convention (01 January 2018), the guidance in section B-V/g of the STCW Code regarding the training of masters and officers for ships operating in Polar Waters is to be applied during this transitional period.
- 2.8.4 Private yachts, which are not a Private Yacht Limited Charter (PYLC) or a Yacht Engaged in Trade (YET), do not fall under the regulations of the SOLAS Convention and therefore are not required to have Minimum Safe Manning Certificates (MSMC). Owners of private yachts that would like to operate in Polar waters may request a MSMC. If so requested, the MSMC will be issued at the corresponding commercial yacht levels and seafarers will be required to be trained in accordance with the STCW Convention and STCW Code, including for Polar waters.
- 2.8.5 Every crew member must be made familiar with the procedures and equipment contained or referenced in the PWOM that are relevant to their assigned duties.

## **2.9 Polar Ship Certificate**

- 2.9.1 Every vessel to which the Polar Code applies shall have on board a valid Polar Ship Certificate issued in accordance with chapter 1, paragraph 1.3 of the Polar Code. See IMO Circular MSC.1Circ. 1563, *Unified interpretation of SOLAS regulation XIV/2.2 and paragraphs 1.3.2 and 1.3.6, part I-A of the Polar Code*.

2.9.2 The Administrator has authorized the following ROs to issue Polar Ship Certificates on its behalf:

American Bureau of Shipping (ABS)	DNV-GL
Bureau Veritas (BV)	Indian Register of Shipping (IRS)
China Classification Society (CCS)	Korean Register (KR)
Class NK (NK)	Lloyd's Register (LR)
Croatian Register of Shipping (CRS)	Rina Services S.p.A (RINA)
Russian Register of Shipping (RS)	

2.9.3 A Polar Ship Certificate may be issued by an RO listed in §2.9.2, above, after successful completion of an initial survey.

.1 For a Category C cargo ship, in accordance with Polar Code part I-A, paragraph 1.3.3, if the result of the Operational Assessment (see §2.2, above) is that no additional equipment or structural modification is required to comply with the Polar Code, the Polar Ship Certificate may be issued based upon documented verification that the ship complies with all relevant requirements of the Polar Code.

2.9.4 A Polar Ship Certificate must include a supplement recording equipment required by the Polar Code (Record of Equipment). Polar Ship Certificate validity, survey dates and endorsements must be harmonized with the relevant SOLAS certificates in accordance with the provisions of SOLAS Regulation I/14.

2.9.5 The validity of the Polar Ship Certificate shall not affect the validity of other certificates.

### **3.0 Pollution Prevention Measures (part II-A)**

3.1 Polar Code part II-A contains both operational and structural requirements that pertain to MARPOL Annex I, Annex II, Annex IV and Annex V. All ships operating in Polar waters must comply with these requirements, as applicable.

### **3.2 Discharges**

3.2.1 In the Arctic discharges of the following are prohibited:

- .1 oil or oily mixtures<sup>8</sup>; and
- .2 noxious liquid substances, or mixtures containing such substances<sup>9</sup>.

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<sup>8</sup> In accordance with Polar Code part II-A, Chapter 1, paragraph 1.1.3, subject to the approval of the Administrator, a category A ship constructed before **01 January 2017** that cannot comply with the prohibition on the discharge of oil or oily mixtures from machinery spaces and is operating continuously in Arctic waters for more than 30 days, must comply not later than the first intermediate or renewal survey, whichever comes first, one year after **01 January 2017**. Until such date these ships shall comply with the discharge requirements of MARPOL Annex I regulation 15.3.

<sup>9</sup> See Polar Code part II-A, Chapter 2, paragraph 2.1.3 with respect to Category A and B ships constructed on or after 01 January 2017 regarding Administrator approval for the carriage of certain NLS in cargo tanks of type 3 ships.



3.2.2 In Polar waters the discharge of sewage is prohibited, except when performed in accordance with MARPOL Annex IV and the additional requirements imposed by paragraph 4.2 of chapter 4 of part II-A of the Polar Code.

3.2.3 In Polar waters the discharge of garbage into the sea is permitted in accordance with regulation 4 of MARPOL Annex V and the additional requirements imposed by paragraphs 5.2.1 and 5.2.2 of chapter 5 of the Polar Code.

### **3.3 Structural Requirements**

3.3.1 Additional tank protection is required for category A and B ships constructed on or after 01 January 2017 in accordance with part II-A, Chapter 1, paragraph 1.2 of the Polar Code.

### **3.4 Shipboard Documentation**

3.4.1 Compliance with the pollution prevention measures of the Polar Code are to be reflected in existing certificates, manuals and record books through the relevant MARPOL Annexes. These amendments to the shipboard documentation must be made prior to entering Polar waters on or after **01 January 2017**.

#### **3.4.2 MARPOL Annex I**

.1 Oil Record Books, manuals and shipboard oil pollution emergency plans (SOPEP) or the shipboard marine pollution emergency plan (SMPEP) as required by MARPOL Annex I must be updated to take into account operation in Polar waters.

.2 Ships built before 01 January 2017 and operating in Polar waters are permitted to use their existing International Oil Pollution Prevention (IOPP) certificate until its expiry, as there are no additional structural requirements for existing ships. See IMO Circular [MEPC.1/Circ. 856](#).

#### **3.4.3 MARPOL Annex II**

.1 Operation in Polar waters must be taken into account, as relevant, in the Cargo Record Book, the Manual, and the shipboard marine pollution emergency plan (SMPEP) for NLS required by MARPOL Annex II.

.2 The Administrator grants automatic approval to ships introducing modifications to paragraphs 1.3 and 4.4 of their Procedures and Arrangements Manual in accordance with IMO Circular MEPC.1/Circ.856. This approval shall remain valid until the first scheduled survey related to the NLS Certificate or the Certificate of Fitness.

#### 3.4.4 MARPOL Annex IV

Unless expressly provided otherwise, any ship certified to operate in Polar waters shall comply with chapter 4 of part II-A of the Polar Code, in addition to any other applicable requirements of MARPOL Annex IV.

#### 3.4.5 MARPOL Annex V

Operation in Polar waters shall be taken into account, as appropriate, in the Garbage Record Book, Garbage Management Plan, and the placards as required by MARPOL Annex V.

- .1 The Form of Garbage Record Book has been amended to make reference to the provisions of chapter 5 of part II-A of the Polar Code. No approval is needed for ships introducing modifications to § 4.1.3 of the Garbage Record Book. See IMO Circular [MEPC.1/Circ. 856](#).