

RESOLUTION MSC.386(94)

(adopted on 21 November 2014)

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO article VIII(b) of the International Convention for the Safety of Life at Sea (SOLAS), 1974 ("the Convention"), concerning the amendment procedure applicable to the annex to the Convention, other than to the provisions of chapter I,

RECOGNIZING the need to provide a mandatory framework for ships operating in polar waters due to the additional demands on ships, their systems and operation, which go beyond the existing requirements of the Convention, and other relevant binding IMO instruments,

NOTING [resolution MSC.385\(94\)](#), by which the Committee adopted the International Code for Ships Operating in Polar Waters (Polar Code) with respect to its provisions for safety,

NOTING ALSO that the Marine Environment Protection Committee, at its sixty-seventh session, approved with a view to adoption, at its sixty-eighth session, amendments to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, and that it will also consider for adoption the environmental protection provisions of the Polar Code,

NOTING FURTHER the proposed amendments to the Convention to make use of the safety provisions of the Polar Code mandatory,

HAVING CONSIDERED, at its ninety-fourth session, amendments to the Convention, proposed and circulated in accordance with article VIII(b)(i) thereof,

1 ADOPTS, in accordance with article VIII(b)(iv) of the Convention, amendments to the Convention, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the said amendments shall be deemed to have been accepted on 1 July 2016, unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have notified to the Secretary-General of the Organization their objections to the amendments;

3 INVITES SOLAS Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments shall enter into force on 1 January 2017 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Contracting Governments to the Convention;

5 ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization which are not Contracting Governments to the Convention.

ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED

A new chapter XIV is added after chapter XIII, as follows:

"CHAPTER XIV

SAFETY MEASURES FOR SHIPS OPERATING IN POLAR WATERS

Regulation 1 – Definitions

For the purpose of this chapter:

1 *Polar Code* means the International Code for Ships Operating in Polar Waters, consisting of an introduction and parts I-A and II-A and parts I-B and II-B, as adopted by [resolutions MSC.385\(94\)](#) and of the Marine Environment Protection Committee*, as may be amended, provided that:

.1 amendments to the safety-related provisions of the introduction and part I-A of the Polar Code are adopted, brought into force and take effect in accordance with the provisions of article VIII of the present Convention concerning the amendment procedures applicable to the annex other than chapter I; and

.2 amendments to part I-B of the Polar Code are adopted by the Maritime Safety Committee in accordance with its Rules of Procedure.

* Refer to the resolution of adoption of the International Code for Ships Operating in Polar Waters, by the Marine Environment Protection Committee.

2 *Antarctic area* means the sea area south of latitude 60° S.

3 *Arctic waters* means those waters which are located north of a line from the latitude 58°00' .0 N and longitude 042°00' .0 W to latitude 64°37' .0 N, longitude 035°27' .0 W and thence by a rhumb line to latitude 67°03' .9 N, longitude 026°33' .4 W and thence by a rhumb line to the latitude 70°49' .56 N and longitude 008°59' .61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31' .6 N and 019°01' .0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38' .29 N and longitude 043°23' .08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37' .1 W and thence to the latitude 58°00' .0 N, longitude 042°00' .0 W.

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

5 *Ship constructed* means a ship the keel of which is laid or which is at a similar stage of construction.

6 *At a similar stage of construction* means the stage at which:

.1 construction identifiable with a specific ship begins; and

.2 assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less.

Regulation 2 – Application

1 Unless expressly provided otherwise, this chapter applies to ships operating in polar waters, certified in accordance with chapter I.

2 Ships constructed before 1 January 2017 shall meet the relevant requirements of the Polar Code by the first intermediate or renewal survey, whichever occurs first, after 1 January 2018.

3 In applying part I-A of the Polar Code, consideration should be given to the additional guidance in part I-B of the Polar Code.

4 This chapter shall not apply to ships owned or operated by a Contracting Government and used, for the time being, only in Government non-commercial service. However, ships owned or operated by a Contracting Government and used, for the time being, only in Government non-commercial service are encouraged to act in a manner consistent, so far as reasonable and practicable, with this chapter.

5 Nothing in this chapter shall prejudice the rights or obligations of States under international law.

Regulation 3 – Requirements for ships to which this chapter applies

1 Ships to which this chapter applies shall comply with the requirements of the safety-related provision of the introduction and with part I-A of the Polar Code and shall, in addition to the requirements of regulations I/7, I/8, I/9, and I/10, as applicable, be surveyed and certified, as provided for in that Code.

2 Ships to which this chapter applies holding a certificate issued pursuant to the provisions of paragraph 1 shall be subject to the control established in regulations I/19 and XI-1/4. For this purpose, such certificates shall be treated as a certificate issued under regulation I/12 or I/13.

Regulation 4 – Alternative design and arrangement

1 The goal of this regulation is to provide a methodology for alternative design and arrangements for structure, machinery, and electrical installations, fire safety and life-saving appliances and arrangements.

2 Structural arrangements, machinery and electrical installation, fire safety design and arrangement measures and as well as life-saving appliances and arrangements may deviate from the prescriptive requirements set out in chapters 3, 6, 7 and 8 of the Polar Code, provided that the alternative design and arrangements meet the intent of the goal and functional requirements concerned and provide an equivalent level of safety to the requirements in those chapters.

3 When alternative designs or arrangements deviate from the prescriptive requirements of chapters 3, 6, 7 and 8 of the Polar Code, an engineering analysis, evaluation and approval of the design and arrangements shall be carried out based on the guidelines approved by the Organization¹.

4 Any alternative designs or arrangement deviating from the prescriptive requirements shall be recorded in the Polar Ship Certificate and the ship's Polar Water Operational Manual, as required by the Polar Code, also defining the technical and operational measures and conditions for the allowed deviation.

¹ Refer to the *Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments (MSC.1/Circ.1455)*, the *Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III (MSC.1/Circ.1212)* and the *Guidelines on alternative design and arrangements for fire safety (MSC/Circ.1002)*, as applicable."
