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## THE POLAR CODE IN FORCE

### Abstract

There is a growing interest in new transportation routes that combine benefits of shorter distances, cost-effective transits and routes not troubled by maritime security concerns. The Northwest Passage offers a package of routes through the Canadian maritime zone; it is 9,000 km shorter than the Panama Canal route and 17,000 km shorter than the Cape Horn route. The Northern Sea Route shortens a Hamburg-Yokohama voyage by 4,800 miles, in comparison with the Suez Canal route. The transpolar route, if it materializes with an ice-free Central Arctic Ocean route, would shorten distances even further. Given the increase in regional and international navigation and shipping in the region, it is therefore not surprising that in recent years Arctic States and international bodies focused on the needs of enhanced safety and environmental standards for polar shipping. In addition to the dedicated domestic polar shipping regulation, primarily in Canada and the Russian Federation, the Arctic Council and International Maritime Organization (IMO) have launched important initiatives. The most important is establishing of international rules for ships operating in polar waters- The Polar Code.

**Keywords:** Polar Code, IMO, Northwest Passage, Northern Sea Route, Arctic Shipping, Arctic Council, Law of the Sea, Canada, Russia.

### INTRODUCTION

Due to the climate change the Arctic has become more accessible to commerce and industry. The melting ice caps have made access to the Arctic oil and gas resources a reality. The more recent rapid retreat of the sea ice provides new lucrative

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shipping routes from Asia to Europe. Existing fishing grounds in the Arctic seem to set to enlarge, as the ice retreats, and tourism has been steadily growing for the last years and now brings around a million people to the Arctic each year. These new commercial opportunities may bring not only economic benefits, but also new challenges for sustainable management of the Arctic ecosystem. The rapid environmental changes have raised concerns about the future of the Arctic region and the effect of this change at a global level.

In less than a decade, there has been a visible increase in Arctic shipping but shipping in the Arctic is drastically different than shipping in other parts of the world. Vulnerability of the marine environment, low temperatures, sea ice caps, unpredictable weather conditions, darkness, lack of good charts and experienced crew, poor communication services, are only some of the risks involved in Arctic shipping. The growing presence of cruise ships not constructed for the polar class standards, supply vessels for exploration of hydrocarbon resources and more commercial fishing [should also be mentioned]. To protect the Arctic environment the IMO sub-committee on Ship Design and Equipment (DE) has just recently developed a mandatory code for ships operating in polar waters known as the “Polar Code”. A new era in regulation of shipping in the Arctic waters has begun.

## 1. NEW SHIPPING ROUTES

The past 1450 years have seen unprecedented declines in the Arctic sea ice, with record low levels in its extent recorded in 2007 and 2012<sup>1</sup>. Current estimates predict the near ice-free summer conditions in the Arctic by mid-century, which would increase the possibility of navigable shipping routes that link the Atlantic and Pacific Oceans, potentially reducing shipping distances by thousands of kilometers<sup>2</sup>. Access to the Arctic shipping routes will become increasingly viable as the century progresses. However, at least in the short term, Arctic shipping will continue to be a high risk because the length of seasons is variable and unpredictable, and because narrow, obstructive passages, or ‘choke points’, will appear along the shipping routes. Future exploitation of these routes is likely to rely heavily on ice-breaking technologies and investment in extensive ice level forecasting.

The promise of shorter sea routes across the north, potential fuel savings, and even reduced piracy risks are attractive to ship owners in the permanently

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<sup>1</sup> S.R. Stepheson, L.C. Smith, L.W. Bringham, J.A. Agnew, Projected 21<sup>st</sup>-century changes to Arctic marine access, *Climate Change*, June 2013, vol. 118, Issue 3-4, p. 886.

<sup>2</sup> *Ibidem*.

competitive shipping markets. Distance savings compared with traditional blue-water trading routes, which make use of the Suez or Panama canals, can be as high as 35%<sup>3</sup>.

There are four potential shipping routes through the Arctic. The Northern Sea Route (NSR) stretches across the Russian Arctic linking Asian and Northern European markets. It is typically ice free in the summer. Maritime traffic has started to develop along the NSR since the creation of the Northern Sea Route Administration (NSRA) in 2012. The Northwest Passage (NWP) is a complex of channels through the Canadian Archipelago. A few trial transits of dry bulk cargo and cruise operations have been successfully carried out to date, but some projections estimate that the NWP will become usable on a regular basis by 2020-2025.<sup>4</sup> The Arctic Bridge is a potential route that links the Port of Churchill in northern Manitoba, Canada with western parts of Russia and Scandinavia. The Port of Churchill is ice-free in the summer months and it is served by a rail line extending to the Canadian national railway system<sup>5</sup> and the Transpolar Sea Route extends directly across the Arctic Ocean to link the Bering Strait with the North Atlantic. This route is currently hypothetical as it requires the essentially ice-free Arctic Ocean<sup>6</sup>.

Although accessibility of maritime activities has increased, the central part of the Arctic Ocean is still covered with ice throughout most of the year. The possibilities for the maritime industry are mainly divided into two coastal regions of the Arctic: Eurasia and North America, although the waters of Greenland also provide significant possibilities for the sector. The Northern Sea Route (NSR), which runs along the Russian Arctic coast, is currently the most well-developed, and has consequently seen the most extensive utilization. The North West Passage (NWP) in the Arctic Canada has seen limited development and maritime traffic.

#### THE NORTHERN SEA ROUTE

The NSR is a shipping route connecting Europe and Asia. The NSR has the potential to reduce the distance between Europe and Asia by up to 40 per cent, compared to the contemporary Suez Canal Route (SCR). In 2012 a total of 46 vessels operated along the route carrying a total cargo volume of almost 4 million

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<sup>3</sup> D.R. Bugajski, *Żegluga arktyczna w świetle międzynarodowego prawa morza i praktyki państw nadbrzeżnych*, [in:] *Arktyka na początku XX wieku. Między współpracą a rywalizacją*, M. Łuszczuk [ed.], Lublin 2013, p. 89.

<sup>4</sup> *Ibidem*.

<sup>5</sup> I. L. Head, *Canadian Claims to Territorial Sovereignty in the Arctic Regions*, "McGill Law Journal", vol. 9, No 3, 1991, pp. 201–206.

<sup>6</sup> "Cutting a Path in the Ice," Portnews, 6 October 2012, online: <http://en.portnews.ru/comments/1491/?searchref=%2Fsearch%2F%3Faction%3Dcontent%26page%3D14%26text%3Dicebreaker>.

tons of cargo. The number of commercial vessels operating on the route in 2013 increased to 71 vessels, with close to 30 of them transiting the entire route between Europe and the Pacific and some of the vessels yielding 60,000 gross tons or more<sup>7</sup>. In 2014, however, the traffic declined to 53 transits, and data concerning the fraction of those vessels, that navigated between Europe and Asia, is currently unavailable<sup>8</sup>.

The waters along the NSR between the Kara Gate and Cape Dezhnev are administered by the Russian Federal institution “Administration of the Northern Sea Route” (NSRA). The NSRA manages the Russian icebreaker fleet, which is currently the largest in the world, and evaluates if an icebreaker escort is needed and also administers fees related to the icebreaker escort service for vessels traversing the NSR. The NSRA provides short and long term ice cover forecasts and, on that basis, determines the necessity for icebreaker assistance along the planned route, given the ice classification of the vessel traversing the NSR. The NSRA has established requirements of the ice strengthening capabilities of vessels navigation the NSR, given the navigation season and general ice conditions at the time.

Russia has the most developed coastline infrastructure in the high Arctic, although the average distance between ports and SAR centers measures about 2000 kilometers. The largest port in the Russian Arctic is the port of Murmansk located on the Kola Peninsula, accessible throughout the entire year due to the Atlantic thermohaline current<sup>9</sup>.

#### THE NORTH WEST PASSAGE

The NWP is defined as the combination of shipping lanes connecting the Atlantic Ocean with the Pacific Ocean through the North American Arctic waterways. The NSR is not a specific route but a combination of several routes due to the multitude of different straits and waterways. The ice conditions in the Canadian Arctic are generally more severe than those along the NSR, and the straits remain frozen for most of a year. Global warming has caused a reduction in the ice

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<sup>7</sup> A. Chirop, *Regulatory challenges for International Arctic Navigation and Shipping in an Evolving Governance Environment*, the paper presented at the Annual Meeting of the Comité Maritime International, [http://www.comitemaritime.org/Uploads/Aldo%20Chircop%20\(Regulatory%20Challenges%20for%20Arctic%20Navigation%20and%20Shipping\)%20\(Final\).pdf](http://www.comitemaritime.org/Uploads/Aldo%20Chircop%20(Regulatory%20Challenges%20for%20Arctic%20Navigation%20and%20Shipping)%20(Final).pdf).

<sup>8</sup> M. Evans, “*Northeast Passage: Russia Moves to Boost Arctic Shipping*”, *der Spiegel*, 22 August 2013, [www.spiegel.de/inetrantional/world/russia-moves-to-promote](http://www.spiegel.de/inetrantional/world/russia-moves-to-promote), *der Spiegel*, 22 August 2013, [www.spiegel.de/inetrantional/world/russia-moves-to-promote-northeastpassage-trough-arctic-ocean-a-917824.html](http://www.spiegel.de/inetrantional/world/russia-moves-to-promote-northeastpassage-trough-arctic-ocean-a-917824.html).

<sup>9</sup> *Ibidem*.

cover in the Canadian Arctic, the extent of summer sea-ice is volatile and several of the straits may still experience severe ice conditions even in summer.

Shipping in the Canadian Arctic is governed by the Canadian Coast Guard (CCG), which monitors the vessel's movements and provides radio services. Important ice and weather information is provided for vessels operating along the NWP through the NORDREG system. The CCG has divided the Canadian Arctic into various zones, where navigation is allowed depending on sufficient ice strengthening capabilities of vessels.<sup>10</sup>

Compared to the Russian Arctic the areas along the NWP are extremely underdeveloped, especially around the waterways of the Canadian Arctic. The largest and the only well-developed port in the Canadian Arctic is Churchill, located in the Hudson Bay close to the interior of the North American continent.

Still, according to the Government of the Northwest Territories, the volume of transit of the NWP has increased, and though the Arctic Marine Shipping Assessment (AMSA)<sup>11</sup> indicated in 2009 that the NWP would not become a viable-trans Arctic route till 2020<sup>12</sup>, even the smallest increase poses a risk to the marine safety and environment.

## 2. THE POLAR CODE

The Polar Code has been adopted by the International Maritime Organization (IMO) after years of difficult deliberations. The first polar shipping guidelines were adopted by IMO in 2002. But the guidelines were not mandatory, so in June 2009 the IMO's Maritime Safety Committee (MSC) instructed the DE sub-committee to develop the mandatory regulations for ships operating in the Arctic and Antarctic waters. The DE sub-committee subsequently commenced working on an "International Code of Safety for Ships Operating in Polar Waters" in February 2010 and established a correspondence group to work inter-sessionally. As part of ongoing international work on the Polar Code, an IMO Workshop on the Code's Environmental Aspects was held in Cambridge, the United Kingdom, in

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<sup>10</sup> M. Byers, *Canada's Arctic Nightmare Just Came True: The Northwest Passage is Commercial*, *The Globe and Mail*, 20 September, 2013, [www.theglobeandmail.com/globe-debate/canadas-arctic-nightmare-justcame-true-the-northwest-passage-is-commercial/article14432440/](http://www.theglobeandmail.com/globe-debate/canadas-arctic-nightmare-justcame-true-the-northwest-passage-is-commercial/article14432440/).

<sup>11</sup> Arctic Marine Shipping Assessment 2009 Report, Arctic Council (PAME), online: <http://www.pame.is/amsa-2009-report> (hereafter: AMSA Report).

<sup>12</sup> S. Lalonde, *The Northwest Passage and the Northern Sea Route: Sovereignty and responsibilities* [in:] *Global challenges in the Arctic Region: Sovereignty, environment and geopolitical balance*, ed. E. Conde, S.I. Sanchez, p. 32.

September 2011. Later, in February 2012, IMO MSC released a report detailing progress on the Polar Code. As of 2012, the MSC decided to keep any decision on environmental requirements to be included in the Code in abeyance, pending further consideration. In May 2014, the MSC approved the Introduction and the mandatory and recommendatory safety provisions (Part I-A and I-B) during its 93<sup>rd</sup> session. The Committee also approved the new Chapter XIV of the SOLAS<sup>13</sup> Convention on “Safety measures for ships operating in polar waters”, making the Code mandatory. These proposals were also adopted during the 94<sup>th</sup> MSC session (17-21 November 2014.) The preamble, the introduction, the mandatory and recommendatory environmental provisions (Part II- A and B) and the amendments to the MARPOL 73/78 Annexes were discussed by MEPC 66 in May 2014 and later approved by the Committee during its 67<sup>th</sup> session (13-17 October 2014). The Marine Environment Protection Committee (MEPC) of IMO subsequently met for the 68<sup>th</sup> session (11-15 May 2015) at IMO Headquarters in London and completed the process to make the Code mandatory under both the SOLAS and MARPOL treaties. The amendments to SOLAS and MARPOL entered into force on 1 January 2017.

The Polar Code is the centerpiece in the regulatory architecture of polar shipping. It is holistic, goal-oriented, and risk-based. It starts with the premise that the general safety and environmental regulations apply to polar shipping and that the Code adds additional requirements. The rules are goal-oriented so that ship owners are expected not just to comply with a standard or a rule, but also to produce the expected safety and environment protection outcomes. The Polar Code begins with a common preambular and introductory text which lays down the principles, objectives, key definitions, and the sources of hazards considered. The Code is divided into parts, the first on maritime safety (Part I) and the second on marine environment protection (Part II). Each part has separate sections of mandatory rules (Part IA and Part IB) and recommendations (Part IB and Part IIB)<sup>14</sup>.

The rules in Part I concern a broad range of matters including design, construction, and equipping (certification and surveying, ship structure, stability and

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<sup>13</sup> Among the international safety instruments the International Convention on Safety of Life at Sea 1974 (SOLAS), is of key importance, which has seen several amendments to address the needs of polar shipping. SOLAS is divided into 14 chapters, all of which apply to polar shipping, as they do for all ships. However, Chapters II, V, VII and XIV contain additional rules specifically adopted for polar shipping. Chapter II's rules on intact stability of ships were adapted in 2008 to provide for icing allowances pertinent to ice build-up on the superstructure which could pose a threat to a ship's stability. Chapter V changes addressed various matters, starting in 2006 when the area covered by the North Atlantic Ice Patrol, established in the wake of the *Titanic* as an iceberg warning system for ships in that region, was partially extended into the Arctic waters.

<sup>14</sup> <http://www.imo.org/en/MediaCentre/HotTopics/polar/Documents/POLAR%20CODE%20TEXT%20AS%20ADOPTED.pdf>.

subdivision, watertight and weathertight integrity, machinery installations, fire safety, life-saving appliances and arrangements), operations (manual on board, safety of navigation, communication, voyage planning), and crewing (manning and training familiarity). Novelties include the mandatory surveying of ships and issuance of a Polar Ship Certificate, Polar Service Temperature as a standard for equipping and operations, and a Polar Water Operational Manual to be kept on board. Part II rules consist of amendments to MARPOL annexes I (oil pollution), II (harmful substances carried in bulk), IV (sewage) and V (garbage). The changes include zero discharges for oil and noxious liquid substances, higher standards for equipment and discharge of sewage (but grey water is not addressed), and restrictions on the discharge of garbage, such as food waste, and prohibition of discharge of animal carcasses<sup>15</sup>.

The training of polar seafarers was also an important matter, especially given the crucial role of the human factor in maritime casualties. The first step in this direction was in 2010 with the adoption of a resolution that provides guidance on training of masters and officers of ships operating in polar waters. This initiative was followed, in 2015, by specific amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (STCW) and related STCW Code, providing for mandatory training and certification requirements for officers and crew serving on vessels operating in polar waters, to reflect the training requirements in the Polar Code.

In addition to the amendments to various conventions, IMO adopted in 2007 important recommendations for cruise ships. These consisted of guidelines (not rules) on voyage planning for passenger ships navigating in remote areas providing for appraisal, planning and execution of lists of measures for the voyage and passage plans.

The Polar Code contents are aligned in a manner that allows for a logical integration into the parent IMO instruments. It was recognized that SOLAS was the most appropriate venue for making the Code's safety-related provisions mandatory and MARPOL could be used to incorporate the additional environmental regulations.

In general, the Polar Code is mandatory for all ships, both new and existing, operating on international or domestic voyages within the IMO-defined boundaries of Arctic waters and the Antarctic area. Polar waters generally cover the areas north of 60°N or south of 60°S, although there are slight deviations for Arctic waters intended to include the entire southern exposure of Greenland while excluding Iceland and the Norwegian coastline. These geographical limits were decided

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<sup>15</sup> *Ibidem*.

early at IMO and are a result of the extensive international negotiations balancing vessel traffic, ice cover, safety considerations, and environmental ecosystems.

### 3. OTHER SHIPPING RESTRICTIONS

The legal work of IMO on the governance of the Arctic shipping has been further complemented by the Arctic Council. While the Council is not a regulatory body, it has played a significant role in facilitating the development and adoption of regional agreements and furthering cooperation among its members. Softer contributions of the Arctic Council include offshore oil and gas activities guidelines (2009) and guidelines for marine tourism best practices (2015). The PAME and the Emergency Preparedness, Prevention and Response working groups have contributed much to the Council's work on the governance of shipping.

The Arctic Council, a regional body established by the Ottawa Declaration in 1996,<sup>16</sup> is essentially a political and not a regulatory body. Its objective is to “[p]romote cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic indigenous communities and other Arctic inhabitants on common Arctic issues (non-military security), in particular issues of sustainable development and environmental protection in the Arctic” with particular consideration of the interests and well-being of the region's indigenous peoples<sup>17</sup>. The Council functions through a system of six working groups: the Arctic Contaminants Action Program (ACAP); the Arctic Monitoring and Assessment Programme (AMAP); the Conservation of Arctic Flora and Fauna (CAFF); the Emergency Prevention, Preparedness and Response (EPPR); the Protection of the Arctic Marine Environment (PAME); and the Sustainable Development Working Group<sup>18</sup>.

The PAME Working Group was established to consider the impact of shipping on the Arctic marine environment. PAME eventually had launched the Arctic Marine Shipping Assessment (AMSA) study under the leadership of Canada, Finland and the United States and a final report was presented to the Arctic Ministers

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<sup>16</sup> Declaration on the Establishment of the Arctic Council, Ottawa, 19 September 1996, adopted by Canada, Denmark (for Greenland), Finland, Iceland, Norway, Russian Federation, Sweden and United States. Online: <http://www.arctic-council.org/index.php/en/about/documents/category/5-declarations>.

<sup>17</sup> *Ibidem*.

<sup>18</sup> Arctic Council, online: <http://www.arctic-council.org/index.php/en/about-us/working-groups>.



at the Trømso meeting in 2009<sup>19</sup>. AMSA constitutes a recent comprehensive treatment of issues facing the future of shipping in the region at a time of change. The report identifies gaps and issues in the existing governance and legal framework for international navigation and shipping and including infrastructure. The report is effectively a roadmap for the development of a suitable legal framework for safer shipping in the region taking into account the sensitive marine environment and interests of indigenous peoples<sup>20</sup>.

In 2011 Arctic States adopted a regional agreement concerning cooperation in aeronautical and maritime search and rescue in the region<sup>21</sup>. This agreement goes some way to enable the Arctic States to pool and coordinate their limited resources to provide assistance at sea. The cooperation includes undertaking the regional search and rescue exercises known as SAREX. Two years later, in 2013, the same States adopted a second agreement on marine oil pollution preparedness and response, as well as operation guidelines. The agreement's aim is to: "plan and prepare for response to accidents; develop strategies and tasks to prevent accidents; enhance best practices; facilitate exchange of information; and focus on the environmental implications of emergencies involving oil, hazardous and noxious substances (HNS), radiation, and natural disasters in the Arctic"<sup>22</sup>. Again, this is intended to enable the regional States to cooperate within environmental emergency response.

The regulatory architecture for Arctic shipping is not complete without mentioning unilateral national legislation. UNCLOS provides the Arctic States with a unique parallel power to regulate shipping for the purposes of prevention, reduction and control of pollution in ice covered areas, on the basis of scientific evidence and with due regard to navigation<sup>23</sup>.

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<sup>19</sup> Arctic Marine Shipping Assessment 2009 Report, Arctic Council (PAME), online: <http://www.pame.is/amsa-2009-report>.

<sup>20</sup> *Ibidem*.

<sup>21</sup> Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic, Nuuk, 2 May 2011.

<sup>22</sup> Emergency Prevention, Preparedness, Response (EPPR) Progress Report to the Senior Arctic Officials, March 2012, Arctic Council, online: <http://www.arctic-council.org>.

<sup>23</sup> United Nations Convention on the Law of the Sea, Montego Bay, 10 December 1982, UN Doc. A/CONF.62/122, 7 October 1982, Art. 234: "Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence."

Russia's and Canada's respective positions regarding the NWP and the NSR are well established. Canada's legislation dates back to 1970 when it enacted the Arctic Waters Pollution Prevention Act.<sup>24</sup> The Canadian government declared that all of the waters within Canada's Arctic Archipelago were Canadian historic internal waters, which means that Canada exercised full sovereignty over them<sup>25</sup>. Those declarations have been repeated in Canada's "Northern Strategy" and "Canada's Arctic Foreign Policy"<sup>26</sup>. Canada has also various federal departments responsible for supporting safe and efficient navigation in the Arctic. One of them is Transport Canada, which is the lead authority for implementing and enforcing the Arctic Water Pollution Prevention Act and the Canada Shipping Act. The Canadian Coast Guard is responsible for providing marine communications and for supporting safe navigation by providing icebreaking services. The CCG is also responsible for implementing the Northern Canada Vessel Traffic Services Zone Regulations (NORDREG)<sup>27</sup> – regulations establishing mandatory reporting requirements for vessels of 300 gross tonnage or more, vessels engaged in towing and vessels carrying pollutants or dangerous goods entering or leaving Canadian Arctic waters.

Similarly, the Russian Federation has the Rules of Navigation of the Water Area of the Northern Sea Route. The Soviet government claimed in 1960 that a number of strategic straits in the NSR belonged historically to the Soviet Union. The State regulated standards on construction design, equipment and manning, and have safety, environment protection and reporting rules. The Russian Federation has made the Arctic a strategic priority in aspect of national security<sup>28</sup>. Russia's Arctic policy is based on two documents – "The Fundamentals of state Policy of the Russian Federation in the Arctic for the period up to 2020" and "The strategy for the Development of the Arctic Zone of the Russian Federation and National Security up to 2020". Similarly to Canada, Russia created an administrative body, the Northern Sea Route Administration (NSRA), which is responsible for ensuring

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<sup>24</sup> Act to Prevent Pollution of Areas of the Arctic Waters Adjacent to the Mainland and Islands of the Canadian Arctic (Arctic Waters Pollution Prevention Act), c.47, 1969–70 S.C. 653 (1970) (Can.) [in:] The Northern Canada Vessel Traffic Services Zone Regulations (NORDREG) and the Law of the Sea, J. Kraska, *The International Journal of Marine and Coastal Law* 30 (2015), p. 226.

<sup>25</sup> D. Pharand, *The Arctic Waters and the Northwest Passage: A final Revisit*, *Ocean Development and International Law* 38 (2007), p. 30.

<sup>26</sup> S. Lalonde, *The Northwest...*, p.38.

<sup>27</sup> Northern Canada Vessel Traffic Services Zone Regulations <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2010-127/FullText.html>.

<sup>28</sup> Vladimir Putin, Meeting of the Security Council on State Policy in the Arctic, The Kremlin website, <http://en.kremlin.ru/events/president/news/20845>.

safe navigation and protection of the marine environment in the waters of NSR, by assistance of icebreakers, weather information and navigation maps<sup>29</sup>.

## CONCLUSION

The Code entered into force on 1 January 2017 and applies to new ships constructed after the entry date. The ships constructed before the entry date will be required to meet the relevant requirement of the Polar Code by the first intermediate or renewal survey, whichever occurs first, after 1 January 2018. In its first phase, the Code will apply to passenger and cargo vessels covered by SOLAS. In the second phase, anticipated approximately in 2016, it will extend to reach non-SOLAS vessels including fishing vessels and pleasure crafts.

Once agreed, this would mean that all parties to those treaties, which represent a high percentage of the world merchant shipping tonnage, would have an obligation to ensure that all ships engaged in international voyages and operating in polar waters comply with the Polar Code.

Marine traffic in the Polar regions is expected to grow as reduced ice cover presents new opportunities for shorter shipping routes, access to natural resource deposits, and increased cruise ship tourism. To support the increased traffic, a modern and effective international regulatory framework is essential. The adoption of the IMO Polar Code represents the culmination of a long-term effort by IMO to promote safety and reduce environmental pollution from the increasing number of vessels.

The development of the Polar Code has been a major challenge for IMO and it will take time for industry to catch up with the regulations. The Polar Code is not a perfect instrument, but it is a necessary start, and there will be improvements made in the future. As prof. Lawson Brigham puts it “it is a new, historic, seminal regime for the Arctic and Antarctic because it is putting into effect rules and regulations which don’t exist”.

## KODEKS POLARNY PO WEJŚCIU W ŻYCIE

**Słowa kluczowe:** Kodeks polarny, IMO, Północna Droga Morska, Przejście Północno-Zachodnie, Żegluga w Arktyce, Rada Arktyczna, Prawo Morza, Kanada, Rosja.

<sup>29</sup> [http://www.nsra.ru/en/ofitsialnaya\\_informatsiya/pravila\\_plavaniya.html](http://www.nsra.ru/en/ofitsialnaya_informatsiya/pravila_plavaniya.html).

### Abstrakt

Jednym ze skutków zmian klimatycznych i topnienia lodów arktycznych jest otwarcie nowych szlaków żeglugowych, które skracają drogę z Dalekiego Wschodu do państw basenu północnego Atlantyku nawet o 40%. Transport morski wodami arktycznymi mimo wciąż trudnych warunków nawigacji i komunikacji rozwija się dynamicznie. Brak wystarczających regulacji prawnych dla regionu i duże zagrożenie dla środowiska naturalnego stały się przyczyną do prac nad normami regulującymi żeglugę na obszarach polarnych. Z dniem 1 stycznia 2017 roku w życie wszedł opracowany przez Międzynarodową Organizację Morską Międzynarodowy Kodeks dla Statków Uprawiających Żeglugę na Wodach Polarnych, zwany Kodeksem Polarnym. Celem Kodeksu Polarnego jest zapewnienie bezpieczeństwa i ochrona środowiska morskiego.