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Agenda item 5

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**CONSIDERATION AND ADOPTION OF AMENDMENTS
TO MANDATORY INSTRUMENTS**

**Proposal to amend Guidelines for the Designation of Special Areas under
MARPOL 73/78 (Assembly Resolution A.927(22))**

**Submitted by Denmark, Estonia, Finland, Germany, Lithuania, Latvia, Poland,
the Russian Federation and Sweden**

SUMMARY

Executive summary: This document contains a proposal to amend the Guidelines for the Designation of Special Areas under MARPOL 73/78 (Assembly Resolution A.927(22)) to cover also the designation of special areas under MARPOL Annex IV (sewage).

Strategic direction: 7.1

High level action: 7.1.2

Planned output: 7.1.2.1

Action to be taken: Paragraph 5

Related documents: MEPC 60/5/x1 and MEPC 60/5/INF.x

Background and purpose of the document

1 The current Assembly Resolution A.927(22) "Guidelines for the Designation of Special Areas under MARPOL 73/78 and Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas" and its Annex I covers the guidelines for designation of special areas under MARPOL 73/78 Annexes I, II and V.

2 In the document MEPC 60/5/x1 Denmark, Estonia, Finland, Germany, Lithuania, Latvia, Poland, the Russian Federation and Sweden have made a proposal to designate the Baltic Sea as a Special Area in MARPOL Annex IV.

3 In addition to amendments to MARPOL Annex IV, the Guidelines for the Designation of Special Areas under MARPOL 73/78 (Resolution A.927(22)) would also have to be amended, since the current Guidelines can only be applied for special areas to be designated under MARPOL Annexes I, II and V.

4 We consider that only minor editorial changes to Annex 1 of the guidelines are needed for this purpose, see the underlined amendments in sections 1.1, 2.1, 3.3 and 3.5 in Annex 1 of this document.

Action requested of the Committee

5 The Committee is invited to consider the proposals above and decide as appropriate.

ANNEX 1

GUIDELINES FOR THE DESIGNATION OF SPECIAL AREAS UNDER MARPOL 73/78

1 INTRODUCTION

1.1 The purpose of these Guidelines is to provide guidance to Contracting Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) in the formulation and submission of applications for the designation of Special Areas under Annexes I, II, IV and V to the Convention.

These Guidelines also ensure that all interests - those of the coastal State, flag State, and the environmental and shipping communities - are thoroughly considered on the basis of relevant scientific, technical, economic, and environmental information and provide for the assessment of such applications by IMO. Contracting Parties should also review and comply with the applicable provisions of Annexes I, II, IV and V to the Convention in addition to these Guidelines.

2 ENVIRONMENTAL PROTECTION FOR SPECIAL AREAS UNDER MARPOL 73/78

General

2.1 MARPOL 73/78, in Annexes I, II, IV and V, defines certain sea areas as Special Areas in relation to the type of pollution covered by each Annex. A Special Area is defined as "a sea area where for recognised technical reasons in relation to its oceanographical and ecological conditions and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil, noxious liquid substances, sewage or garbage, as applicable, is required." Under the Convention, these Special Areas are provided with a higher level of protection than other areas of the sea.

2.2 A Special Area may encompass the maritime zones of several States, or even an entire enclosed or semi-enclosed area. Special Area designation should be made on the basis of the criteria and characteristics listed in paragraphs 2.3 to 2.6 to avoid the proliferation of such areas.

Criteria for the designation of a Special Area

2.3 The criteria which must be satisfied for an area to be given Special Area status are grouped into the following categories:

- oceanographic conditions;
- ecological conditions; and
- vessel traffic characteristics.

Generally, information on each category should be provided in a proposal for designation. Additional information that does not fall within these categories may also be considered.

Oceanographic conditions

2.4 The area possesses oceanographic conditions which may cause the concentration or retention of harmful substances in the waters or sediments of the area, including:

- 1 particular circulation patterns (e.g. convergence zones and gyres) or temperature and salinity stratification;
- 2 long residence time caused by low flushing rates;
- 3 extreme ice state; and
- 4 adverse wind conditions.

Ecological conditions

2.5 Conditions indicating that protection of the area from harmful substances is needed to preserve:

- 1 depleted, threatened or endangered marine species;
- 2 areas of high natural productivity (such as fronts, upwelling areas, gyres);
- 3 spawning, breeding and nursery areas for important marine species and areas representing migratory routes for sea-birds and marine mammals;
- 4 rare or fragile ecosystems such as coral reefs, mangroves, seagrass beds and wetlands; and
- 5 critical habitats for marine resources including fish stocks and/or areas of critical importance for the support of large marine ecosystems.

Vessel traffic characteristics

2.6 The sea area is used by ships to an extent that the discharge of harmful substances by ships when operating in accordance with the requirements of MARPOL 73/78 for areas other than Special Areas would be unacceptable in the light of the existing oceanographic and ecological conditions in the area.

Implementation

2.7 The requirements of a Special Area designation can only become effective when adequate reception facilities are provided for ships in accordance with the provisions of MARPOL 73/78.

Other considerations

2.8 The threat to amenities posed by the discharge of harmful substances from ships operating in accordance with the MARPOL 73/78 requirements for areas other than Special Areas may strengthen the argument for designating an area a Special Area.

2.9 The extent to which the condition of a sea area is influenced by other sources of pollution such as pollution from land-based sources, dumping of wastes and dredged materials, as well as atmospheric deposition should be taken into account. Proposals would be strengthened if measures are being, or will be, taken to prevent, reduce and control pollution of the marine environment by these sources of pollution.

2.10 Consideration should be given to the extent to which a management regime is used in managing the area. Proposals for designation of a Special Area would be strengthened if measures are being taken to manage the area's resources.

3 PROCEDURES FOR THE DESIGNATION OF A SPECIAL AREA

3.1 A proposal to designate a given sea area as a Special Area should be submitted to the Marine Environment Protection Committee (MEPC) for its consideration in accordance with the rules adopted by the IMO for submission of papers.

3.2 A proposal to designate a sea area as a Special Area should contain:

- 1 a draft amendment to MARPOL 73/78 as the formal basis for the designation; and
- 2 a background document setting forth all the relevant information to explain the need for the designation.

3.3 The background document should contain the following information:

- 1 a definition of the area proposed for designation, including its precise geographical co-ordinates. A reference chart is essential.
- 2 an indication of the type of Special Area proposed. Proposals may be made simultaneously with respect to Annexes I, II, IV and V of MARPOL 73/78, but proposals for each Annex should be presented and evaluated separately.
- 3 a general description of the area, including information regarding:
 - oceanography
 - ecological characteristics
 - social and economic value
 - scientific and cultural significance
 - environmental pressures from ship-generated pollution
 - other environmental pressures
 - measures already taken to protect the area.

This general description may be supported by annexes containing more detailed material, or by references to readily available documentation.

- 4 an analysis of how the sea area in question fulfils the criteria for the designation of Special Areas set out in paragraphs 2.3 to 2.6.
- 5 information on the availability of adequate reception facilities in the proposed Special Area.

3.4 The formal amendment procedure applicable to proposals for the designation of Special Areas is set out in article 16 of MARPOL 73/78.

Detailed discharge requirements

3.5 For detailed requirements relating to discharges under Annexes I, II, IV and V to MARPOL 73/78, please refer to the latest version of the Convention in force.
