

SUB-COMMITTEE ON SHIP DESIGN AND
CONSTRUCTION
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Agenda item 14

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**REVIEW OF THE GUIDELINES FOR THE REDUCTION OF UNDERWATER NOISE
(MEPC.1/CIRC.833) AND IDENTIFICATION OF NEXT STEPS**

Comments on documents SDC 8/14/1, SDC 8/14/2 and SDC 8/14/3

Submitted by ACOPS

SUMMARY

Executive summary: This document comments on documents SDC 8/14/1, SDC 8/14/2 and SDC 8/14/3 in the context of the review of the 2014 *Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life* (MEPC.1/Circ.833), to ensure the protection and preservation of the marine environment by IMO in accordance with the Law of the Sea Convention

Strategic direction, if applicable: 1, 2 and 3

Output: To be confirmed

Action to be taken: Paragraph 13

Related documents: MEPC 74/17/2; MEPC 75/14; MEPC 76/12, MEPC 76/12/1, MEPC 76/15; SDC 8/14, SDC 8/14/1, SDC 8/14/2, SDC 8/14/3 and SDC 8/INF.3

Introduction

1 This document is submitted in accordance with paragraph 6.12.5 of MSC-MEPC.1/Circ.5/Rev.2 on the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* and in line with the advice provided in Circular Letter No.3985/Rev.1. It primarily comments on document SDC 8/14/1 (Canada et al.), their compendium in document SDC 8/14/2, as well as some of the points made by Japan in document SDC 8/14/3.

2 ACOPS supports the overall approach proposed in document SDC 8/14/1 on the review of the Guidelines for the reduction of underwater noise. In the context of paragraph 8 on the scoping of this document, ACOPS notes the intention that, following the development of a proposal for a programme of action, next steps will be envisaged to further prevent and reduce underwater radiated noise (URN) based on the review of the 2014 Guidelines.

Deleterious effects from URN are a source of pollution under the LOSC

3 In this context, ACOPS would like to highlight that deleterious effects to the marine environment from URN qualify as pollution under the 1982 Law of the Sea Convention (LOSC, Article 1(4)). Accordingly, States have an obligation to prevent, reduce and control pollution from this source, which must be fulfilled with due diligence (LOSC, Article 192 and 194, *inter alia*).

Cumulative impacts and worsening effects triggered by climate change processes

4 Effects of URN add to the deleterious effects of other human activities as well as climate processes on the marine environment. As an example, new studies suggest that disappearing ice may increase the impact of the sound of wind and that ocean acidification would reduce sound absorption.

5 The obligation of States to protect and preserve the marine environment requires them to assess these cumulative impacts prior to determining how activities under their jurisdiction and control may be regulated so that they fulfil their obligations and ensure the protection and preservation of the marine environment.

Ensure that one type of pollution is not transformed into another

6 Document SDC 8/14/3 highlights the fact that measures developed to reduce noise might not result in GHG reduction.

7 This point must be considered in the context of the cumulative impacts from different sources of pollution and of Article 195 of the LOSC on the duty to not transfer damage or hazards or transform one type of pollution into another.

8 Measures that reduce both noise emissions and GHG emissions are therefore best placed to not transform a type of pollution into another.

Need to ensure that IMO measures inform other processes

9 As highlighted, *inter alia* (and most recently), in documents MEPC 76/12/1, SDC 8/14/2 and SDC 8/14/3, research and policy developed to prevent, reduce and control pollution from URN are progressing and are more and more numerous. They involve academia, the shipping industry, including class societies, as well as governments and some regional seas organizations.

10 By considering these processes and building the findings and lessons from them into the revised Guidelines, States will be well positioned to fulfil their obligations to protect and preserve the marine environment under the LOSC, with IMO fulfilling its role as competent organization for shipping activities under the LOSC.

Measure and reduce in the context of points 3 and 4 of the ToR

11 For adequate measures on URN from vessels to be possible, noise emitted from ships must be understood and monitored in the context of other noise sources as well as the sensitivity of different marine areas where it occurs.

12 Points 3 and 4 of the Terms of Reference contained in document SDC 8/14 address the above concerns. Accordingly, ACOPS supports the revision on the Guidelines and the inclusion of measures to monitor and assess URN from vessels, as well as the development of criteria and indicators for the identification of areas of particular sensitivity to URN.

Action requested of the Sub-Committee

13 The Sub-Committee is invited to consider the elements provided in paragraphs 2 to 12 while revising the Guidelines and take action, as appropriate.
