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(Agenda item 11)**

**REVISED GUIDELINES FOR THE IDENTIFICATION AND DESIGNATION OF
PARTICULARLY SENSITIVE SEA AREAS**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety, the prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment,

RECALLING ALSO resolution A.720(17) by which the Assembly adopted the Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas and requested the Marine Environment Protection Committee and the Maritime Safety Committee to keep the Guidelines under review,

RECALLING FURTHER resolution A.885(21), by which the Assembly adopted “Procedures for the Identification of Particularly Sensitive Sea Areas and the Adoption of Associated Protective Measures” and “Amendments to the Guidelines Contained in Resolution A.720(17)” and also requested the Marine Environment Protection Committee and the Maritime Safety Committee to keep those Procedures and Guidelines under review,

NOTING resolution A.927(22), by which it adopted: (a) new “Guidelines for the Designation of Special Areas under MARPOL 73/78”, as set out in annex 1 to that resolution, which superseded chapter 2 of the annex to resolution A.720(17) and (b) new “Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas”, as set out in annex 2 to that resolution, which superseded chapter 3 of the annex to resolutions A.720(17) and A.885(21); and by which it also revoked resolutions A.720(17) and A.885(21) and requested the Marine Environment Protection Committee and the Maritime Safety Committee to keep the new Guidelines under review,

REAFFIRMING that these Guidelines are to be implemented in accordance with international law,

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RECOGNIZING the need to clarify and, where appropriate, strengthen certain aspects and procedures for the identification and subsequent designation of Particularly Sensitive Sea Areas and the adoption of associated protective measures through amendments to the Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas,

HAVING CONSIDERED the recommendations made by the Marine Environment Protection Committee at its fifty-third session:

1. ADOPTS the revised Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas as set out in the annex, which supersede those in annex 2 of resolution A.927(22);
2. REQUESTS both the Marine Environment Protection Committee and the Maritime Safety Committee to keep the revised Guidelines under review;
3. REVOKES annex 2 of resolution A.927(22).

ANNEX

REVISED GUIDELINES FOR THE IDENTIFICATION AND DESIGNATION OF PARTICULARLY SENSITIVE SEA AREAS

1 INTRODUCTION

1.1 The Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) began its study of the question of Particularly Sensitive Sea Areas (PSSAs) in response to a resolution of the International Conference on Tanker Safety and Pollution Prevention of 1978. The discussions of this concept from 1986 to 1991 culminated in the adoption of Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas by Assembly resolution A.720(17) in 1991. In a continuing effort to provide a clearer understanding of the concepts set forth in the Guidelines, the Assembly adopted resolutions A.885(21) and A.927(22). This document is intended to clarify and, where appropriate, strengthen certain aspects and procedures for the identification and designation of PSSAs and the adoption of associated protective measures. It sets forth revised Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas (the Guidelines or PSSA Guidelines).

1.2 A PSSA is an area that needs special protection through action by IMO because of its significance for recognized ecological, socio-economic, or scientific attributes where such attributes may be vulnerable to damage by international shipping activities. At the time of designation of a PSSA, an associated protective measure¹, which meets the requirements of the appropriate legal instrument establishing such measure, must have been approved or adopted by IMO to prevent, reduce, or eliminate the threat or identified vulnerability. Information on each of the PSSAs that has been designated by IMO is available at www.imo.org.

1.3 Many international and regional instruments encourage the protection of areas important for the conservation of biological diversity as well as other areas with high ecological, cultural, historical/archaeological, socio-economic or scientific significance. These instruments further call upon their Parties to protect such vulnerable areas from damage or degradation, including from shipping activities.

1.4 The purpose of these Guidelines is to:

- .1 provide guidance to IMO Member Governments in the formulation and submission of applications for designation of PSSAs;
- .2 ensure that in the process 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 regarding the area at risk of damage from international shipping activities and the associated protective measures to prevent, reduce, or eliminate that risk; and
- .3 provide for the assessment of such applications by IMO.

¹ The term “associated protective measure” or “measure” is used both in the singular and plural throughout these Guidelines. It is important to recognize that an identified vulnerability may be addressed by only one or by more than one associated protective measure and that therefore the use of this terminology in the singular or plural should not be taken as any indication to the contrary.

1.5 Identification and designation of any PSSA and the adoption of associated protective measures require consideration of three integral components: the particular attributes of the proposed area, the vulnerability of such an area to damage by international shipping activities, and the availability of associated protective measures within the competence of IMO to prevent, reduce, or eliminate risks from these shipping activities.

2 INTERNATIONAL SHIPPING ACTIVITIES AND THE MARINE ENVIRONMENT

2.1 Shipping activity can constitute an environmental hazard to the marine environment in general and consequently even more so to environmentally and/or ecologically sensitive areas. Environmental hazards associated with shipping include:

- .1 operational discharges;
- .2 accidental or intentional pollution; and
- .3 physical damage to marine habitats or organisms.

2.2 Adverse effects and damage may occur to the marine environment and the living resources of the sea as a result of shipping activities. With the increase in global trade, shipping activities are also increasing, thus including greater potential for adverse effects and damage. In the course of routine operations, accidents, and wilful acts of pollution, ships may release a wide variety of substances either directly into the marine environment or indirectly through the atmosphere. Such releases include oil and oily mixtures, noxious liquid substances, sewage, garbage, noxious solid substances, anti-fouling systems, harmful aquatic organisms and pathogens, and even noise. In addition, ships may cause harm to marine organisms and their habitats through physical impact. These impacts may include the smothering of habitats, contamination by anti-fouling systems or other substances through groundings, and ship strikes of marine mammals.

3 PROCESS FOR THE DESIGNATION OF PARTICULARLY SENSITIVE SEA AREAS

3.1 The IMO is the only international body responsible for designating areas as Particularly Sensitive Sea Areas and adopting associated protective measures. An application to IMO for designation of a PSSA and the adoption of associated protective measures, or an amendment thereto, may be submitted only by a Member Government. Where two or more Governments have a common interest in a particular area, they should formulate a co-ordinated proposal². The proposal should contain integrated measures and procedures for co-operation between the jurisdictions of the proposing Member Governments.

3.2 Member Governments wishing to have IMO designate a PSSA should submit an application to MEPC based on the criteria outlined in section 4, provide information pertaining to the vulnerability of this area to damage from international shipping activities as called for in section 5, and include the proposed associated protective measures as outlined in section 6 to prevent, reduce or eliminate the identified vulnerability. Applications should be submitted in accordance with the procedures set forth in section 7 and the rules adopted by IMO for submission of documents.

² It is clear that the Guidelines recognize that an application for designation of a PSSA may be submitted by one or more Governments. For ease of drafting, however, the use of the word "Government" will be used throughout the text and it should be recognized that this term applies equally to applications where there is more than one Government involved.

3.3 If, in preparing its submission for a PSSA proposal, a Member Government requires technical assistance, that Government is encouraged to request such assistance from IMO.

4 ECOLOGICAL, SOCIO-ECONOMIC, OR SCIENTIFIC CRITERIA FOR THE IDENTIFICATION OF A PARTICULARLY SENSITIVE SEA AREA

4.1 The following criteria apply to the identification of PSSAs only with respect to the adoption of measures to protect such areas against damage, or the identified threat of damage, from international shipping activities.

4.2 These criteria do not, therefore, apply to the identification of such areas for the purpose of establishing whether they should be protected from dumping activities, since that is implicitly covered by the London Convention 1972 (the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972) and the 1996 Protocol to that Convention.

4.3 The criteria relate to PSSAs within and beyond the limits of the territorial sea. They can be used by IMO to designate PSSAs beyond the territorial sea with a view to the adoption of international protective measures regarding pollution and other damage caused by ships. They may also be used by national administrations to identify areas within their territorial seas that may have certain attributes reflected in the criteria and be vulnerable to damage by shipping activities.

4.4 In order to be identified as a PSSA, the area should meet at least one of the criteria listed below and information and supporting documentation should be provided to establish that at least one of the criteria exists throughout the entire proposed area, though the same criterion need not be present throughout the entire area. These criteria can be divided into three categories: ecological criteria; social, cultural, and economic criteria; and scientific and educational criteria.

Ecological criteria

4.4.1 Uniqueness or rarity – An area or ecosystem is unique if it is “the only one of its kind”. Habitats of rare, threatened, or endangered species that occur only in one area are an example. An area or ecosystem is rare if it only occurs in a few locations or has been seriously depleted across its range. An ecosystem may extend beyond country borders, assuming regional or international significance. Nurseries or certain feeding, breeding, or spawning areas may also be rare or unique.

4.4.2 Critical habitat – A sea area that may be essential for the survival, function, or recovery of fish stocks or rare or endangered marine species, or for the support of large marine ecosystems.

4.4.3 Dependency – An area where ecological processes are highly dependent on biotically structured systems (e.g. coral reefs, kelp forests, mangrove forests, seagrass beds). Such ecosystems often have high diversity, which is dependent on the structuring organisms. Dependency also embraces the migratory routes of fish, reptiles, birds, mammals, and invertebrates.

4.4.4 Representativeness – An area that is an outstanding and illustrative example of specific biodiversity, ecosystems, ecological or physiographic processes, or community or habitat types or other natural characteristics.

- 4.4.5 Diversity – An area that may have an exceptional variety of species or genetic diversity or includes highly varied ecosystems, habitats, and communities.
- 4.4.6 Productivity – An area that has a particularly high rate of natural biological production. Such productivity is the net result of biological and physical processes which result in an increase in biomass in areas such as oceanic fronts, upwelling areas and some gyres.
- 4.4.7 Spawning or breeding grounds – An area that may be a critical spawning or breeding ground or nursery area for marine species which may spend the rest of their life-cycle elsewhere, or is recognized as migratory routes for fish, reptiles, birds, mammals, or invertebrates.
- 4.4.8 Naturalness – An area that has experienced a relative lack of human-induced disturbance or degradation.
- 4.4.9 Integrity – An area that is a biologically functional unit, an effective, self-sustaining ecological entity.
- 4.4.10 Fragility – An area that is highly susceptible to degradation by natural events or by the activities of people. Biotic communities associated with coastal habitats may have a low tolerance to changes in environmental conditions, or they may exist close to the limits of their tolerance (e.g., water temperature, salinity, turbidity or depth). Such communities may suffer natural stresses such as storms or other natural conditions (e.g., circulation patterns) that concentrate harmful substances in water or sediments, low flushing rates, and/or oxygen depletion. Additional stress may be caused by human influences such as pollution and changes in salinity. Thus, an area already subject to stress from natural and/or human factors may be in need of special protection from further stress, including that arising from international shipping activities.
- 4.4.11 Bio-geographic importance – An area that either contains rare biogeographic qualities or is representative of a biogeographic “type” or types, or contains unique or unusual biological, chemical, physical, or geological features.

Social, cultural and economic criteria

- 4.4.12 Social or economic dependency – An area where the environmental quality and the use of living marine resources are of particular social or economic importance, including fishing, recreation, tourism, and the livelihoods of people who depend on access to the area.
- 4.4.13 Human dependency – An area that is of particular importance for the support of traditional subsistence or food production activities or for the protection of the cultural resources of the local human populations.
- 4.4.14 Cultural heritage – An area that is of particular importance because of the presence of significant historical and archaeological sites.

Scientific and educational criteria

- 4.4.15 Research – An area that has high scientific interest.

4.4.16 Baseline for monitoring studies – An area that provides suitable baseline conditions with regard to biota or environmental characteristics, because it has not had substantial perturbations or has been in such a state for a long period of time such that it is considered to be in a natural or near-natural condition.

4.4.17 Education – An area that offers an exceptional opportunity to demonstrate particular natural phenomena.

4.5 In some cases a PSSA may be identified within a Special Area and vice versa. It should be noted that the criteria with respect to the identification of PSSAs and the criteria for the designation of Special Areas are not mutually exclusive.

5 VULNERABILITY TO IMPACTS FROM INTERNATIONAL SHIPPING

5.1 In addition to meeting at least one of the criteria listed in 4.4, the recognized attributes of the area should be at risk from international shipping activities. This involves consideration of the following factors:

Vessel traffic characteristics

5.1.1 Operational factors – Types of maritime activities (e.g. small fishing boats, small pleasure craft, oil and gas rigs) in the proposed area that by their presence may reduce the safety of navigation.

5.1.2 Vessel types – Types of vessels passing through or adjacent to the area (e.g. high-speed vessels, large tankers, or bulk carriers with small under-keel clearance).

5.1.3 Traffic characteristics – Volume or concentration of traffic, vessel interaction, distance offshore or other dangers to navigation, are such as to involve greater risk of collision or grounding.

5.1.4 Harmful substances carried – Type and quantity of substances on board, whether cargo, fuel or stores, that would be harmful if released into the sea.

Natural factors

5.1.5 Hydrographical – Water depth, bottom and coastline topography, lack of proximate safe anchorages and other factors which call for increased navigational caution.

5.1.6 Meteorological – Prevailing weather, wind strength and direction, atmospheric visibility and other factors which increase the risk of collision and grounding and also the risk of damage to the sea area from discharges.

5.1.7 Oceanographic – Tidal streams, ocean currents, ice, and other factors which increase the risk of collision and grounding and also the risk of damage to the sea area from discharges.

5.2 In proposing an area as a PSSA and in considering the associated protective measures to prevent, reduce, or eliminate the identified vulnerability, other information that might be helpful includes the following:

- .1 any evidence that international shipping activities are causing or may cause damage to the attributes of the proposed area, including the significance or risk of the potential damage, the degree of harm that may be expected to cause damage, and whether such damage is reasonably foreseeable, as well as whether damage is of a recurring or cumulative nature;
- .2 any history of groundings, collisions, or spills in the area and any consequences of such incidents;
- .3 any adverse impacts to the environment outside the proposed PSSA expected to be caused by changes to international shipping activities as a result of PSSA designation;
- .4 stresses from other environmental sources; and
- .5 any measures already in effect and their actual or anticipated beneficial impact.

6 ASSOCIATED PROTECTIVE MEASURES

6.1 In the context of these Guidelines, associated protective measures for PSSAs are limited to actions that are to be, or have been, approved or adopted by IMO and include the following options:

- 6.1.1 designation of an area as a Special Area under MARPOL Annexes I, II or V, or a SO_x emission control area under MARPOL Annex VI, or application of special discharge restrictions to vessels operating in a PSSA. Procedures and criteria for the designation of Special Areas are contained in the Guidelines for the Designation of Special Areas set forth in annex 1 of Assembly resolution A.927(22). Criteria and procedures for the designation of SO_x emission control areas are found in Appendix 3 to MARPOL Annex VI;
- 6.1.2 adoption of ships' routeing and reporting systems near or in the area, under the International Convention for the Safety of Life at Sea (SOLAS) and in accordance with the General Provisions on Ships' Routeing and the Guidelines and Criteria for Ship Reporting Systems. For example, a PSSA may be designated as an area to be avoided or it may be protected by other ships' routeing or reporting systems; and
- 6.1.3 development and adoption of other measures aimed at protecting specific sea areas against environmental damage from ships, provided that they have an identified legal basis.

6.2 Consideration should also be given to the potential for the area to be listed on the World Heritage List, declared a Biosphere Reserve, or included on a list of areas of international, regional, or national importance, or if the area is already the subject of such international, regional, or national conservation action or agreements.

6.3 In some circumstances, a proposed PSSA may include within its boundaries a buffer zone, in other words, an area contiguous to the site-specific feature (core area) for which specific protection from shipping is sought. However, the need for such a buffer zone should be justified in terms of how it would directly contribute to the adequate protection of the core area.

7 PROCEDURE FOR THE DESIGNATION OF PARTICULARLY SENSITIVE SEA AREAS AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES

7.1 An application for PSSA designation should contain a proposal for an associated protective measure that the proposing Member Government intends to submit to the appropriate IMO body. If the measure is not already available under an IMO instrument, the proposal should set forth the steps that the proposing Member Government has taken or will take to have the measure approved or adopted by IMO pursuant to an identified legal basis (see paragraph 7.5.2.3).

7.2 Alternatively, if no new associated protective measure is being proposed because IMO measures are already associated with the area to protect it, then the application should identify the threat of damage or damage being caused to the area by international shipping activities and show how the area is already being protected from such identified vulnerability by the associated protective measures. Amendments to existing measures may be introduced to address identified vulnerabilities.

7.3 In the future, additional associated protective measures may also be introduced to address identified vulnerabilities.

7.4 The application should first clearly set forth a summary of the objectives of the proposed PSSA designation, the location of the area, the need for protection, the associated protective measures, and demonstrate how the identified vulnerability will be addressed by existing or proposed associated protective measures. The summary should include the reasons why the associated protective measures are the preferred method for providing protection for the area to be identified as a PSSA.

7.5 Each application should then consist of two parts.

7.5.1 Part I – *Description, significance of the area and vulnerability*

- .1 *Description* – a detailed description of the location of the proposed area, along with a nautical chart on which the location of the area and any associated protective measures are clearly marked, should be submitted with the application.
- .2 *Significance of the area* – the application should state the significance of the area on the basis of recognized ecological, socio-economic, or scientific attributes and should explicitly refer to the criteria listed above in section 4.
- .3 *Vulnerability of the area to damage by international shipping activities* – the application should provide an explanation of the nature and extent of the risks that international shipping activities pose to the environment of the proposed area, noting the factors listed in section 5. The application should describe the particular current or future international shipping activities that are causing or may be expected to cause damage to the proposed area, including the significance of the damage and degree of harm that may result from such activities, either from such activity alone or in combination with other threats.

7.5.2 Part II – *Appropriate associated protective measures and IMO's competence to approve or adopt such measures*

- .1 The application should identify the existing and/or proposed associated protective measures and describe how they provide the needed protection from the threats of damage posed by international maritime activities occurring in and around the area. The application should specifically describe how the associated protective measures protect the area from the identified vulnerability.
- .2 If the application identifies a new associated protective measure, then the proposing Member Government must append a draft of the proposal which is intended to be submitted to the appropriate Sub-Committee or Committee or, if the measures are not already available in an IMO instrument, information must be provided with regard to its legal basis and/or the steps that the proposing Member Government has taken or will take to establish the legal basis.
- .3 The application should identify the legal basis for each measure. The legal bases for such measures are:
 - (i) any measure that is already available under an existing IMO instrument; or
 - (ii) any measure that does not yet exist but could become available through amendment of an IMO instrument or adoption of a new IMO instrument. The legal basis for any such measure would only be available after the IMO instrument was amended or adopted, as appropriate; or
 - (iii) any measure proposed for adoption in the territorial sea^{*}, or pursuant to Article 211(6) of the United Nations Convention on the Law of the Sea where existing measures or a generally applicable measure (as set forth in subparagraph (ii) above) would not adequately address the particularized need of the proposed area.
- .4 These measures may include ships' routing measures; reporting requirements discharge restrictions; operational criteria; and prohibited activities, and should be specifically tailored to meet the need of the area to prevent, reduce, or eliminate the identified vulnerability of the area from international shipping activities.
- .5 The application should clearly specify the category or categories of ships to which the proposed associated protective measures would apply, consistent with the provisions of the United Nations Convention on the Law of the Sea, including those related to vessels entitled to sovereign immunity, and other pertinent instruments.

7.6 The application should indicate the possible impact of any proposed measures on the safety and efficiency of navigation, taking into account the area of the ocean in which the proposed measures are to be implemented. The application should set forth such information as:

- .1 consistency with the legal instrument under which the associated protective measure is being proposed;

* This provision does not derogate from the rights and duties of coastal States in the territorial sea as provided for in the United Nations Convention on the Law of the Sea.

- .2 implications for vessel safety; and
- .3 impact on vessel operations, such as existing traffic patterns or usage of the proposed area.

7.7 An application for PSSA designation should address all relevant considerations and criteria in these Guidelines, and should include relevant supporting information for each such item.

7.8 The application should contain a summary of steps taken, if any, by the proposing Member Government to date to protect the proposed area.

7.9 The proposing Member Government should also include in the application the details of action to be taken pursuant to domestic law for the failure of a ship to comply with the requirements of the associated protective measures. Any action taken should be consistent with international law as reflected in the United Nations Convention on the Law of the Sea.

7.10 The proposing Member Government should submit a separate proposal to the appropriate Sub-Committee or Committee to obtain the approval of any new associated protective measure. Such a proposal must comply with the requirements of the legal instrument relied upon to establish the measure.

8 CRITERIA FOR ASSESSMENT OF APPLICATIONS FOR DESIGNATION OF PARTICULARLY SENSITIVE SEA AREAS AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES

8.1 IMO should consider each application, or amendment thereto, submitted to it by a proposing Member Government on a case-by-case basis to determine whether the area fulfils at least one of the criteria set forth in section 4, the attributes of the area meeting section 4 criteria are vulnerable to damage by international shipping activities as set forth in section 5, and associated protective measures exist or are proposed to prevent, reduce, or eliminate the identified vulnerability.

8.2 In assessing each proposal, IMO should in particular consider:

- .1 the full range of protective measures available and determine whether the proposed or existing associated protective measures are appropriate to prevent, reduce, or eliminate the identified vulnerability of the area from international shipping activities;
- .2 whether such measures might result in an increased potential for significant adverse effects by international shipping activities on the environment outside the proposed PSSA; and
- .3 the linkage between the recognized attributes, the identified vulnerability, the associated protective measure to prevent, reduce, or eliminate that vulnerability, and the overall size of the area, including whether the size is commensurate with that necessary to address the identified need.

8.3 The procedure for considering a PSSA application by IMO is as follows:

- .1 the MEPC should bear primary responsibility within IMO for considering PSSA applications and all applications should first be submitted to the MEPC:
 - .1 the Committee should assess the elements of the proposal against the Guidelines and, as appropriate, should establish a technical group, comprising representatives with appropriate environmental, scientific, maritime, and legal expertise;
 - .2 the proposing Member Government is encouraged to make a presentation of the proposal, along with nautical charts and other supporting information on the required elements for PSSA designation;
 - .3 any technical group formed should prepare a brief report to the Committee summarizing their findings and the outcome of its assessment; and
 - .4 the outcome of the assessment of a PSSA application should be duly reflected in the report of the MEPC;
- .2 if appropriate following its assessment, the MEPC should designate the area “in principle” and inform the appropriate Sub-Committee, Committee (which could be the MEPC itself), or the Assembly that is responsible for addressing the particular associated protective measures proposed for the area of the outcome of this assessment;
- .3 the appropriate Sub-Committee or Committee which has received a submission by a proposing Member Government for an associated protective measure should review the proposal to determine whether it meets the procedures, criteria, and other requirements of the legal instrument under which the measure is proposed. The Sub-Committee may seek the advice of the MEPC on issues pertinent to the application;
- .4 the MEPC should not designate a PSSA until after the associated protective measures are considered and approved by the pertinent Sub-Committee, Committee, or Assembly. If the associated protective measures are not approved by the pertinent IMO body, then the MEPC may reject the PSSA application entirely or request that the proposing Member Government submit new proposals for associated protective measures. A proper record of the proceedings should be included in the report of the MEPC;
- .5 for measures that require approval by the Maritime Safety Committee (MSC), the Sub-Committee should forward its recommendation for approval of the associated protective measures to the MSC or, if the Sub-Committee rejects the measures, it should inform the MSC and MEPC and provide a statement of reasons for its decision. The MSC should consider any such recommendations and, if the measures are to be adopted, it should notify the MEPC of its decision;
- .6 if the application is rejected, the MEPC shall notify the proposing Member Government, provide a statement of reasons for its decision and, if appropriate, request the Member Government to submit additional information; and

.7 after approval by the appropriate Sub-Committee, Committee, or, where necessary, the Assembly of the associated protective measures, the MEPC may designate the area as a PSSA.

8.4 IMO should provide a forum for the review and re-evaluation of any associated protective measure adopted, as necessary, taking into account pertinent comments, reports, and observations of the associated protective measures. Member Governments which have ships operating in the area of the designated PSSA are encouraged to bring any concerns with the associated protective measures to IMO so that any necessary adjustments may be made. Member Governments that originally submitted the application for designation with the associated protective measures, should also bring any concerns and proposals for additional measures or modifications to any associated protective measure or the PSSA itself to IMO.

8.5 After the designation of a PSSA and its associated protective measures, IMO should ensure that the effective date of implementation is as soon as possible based on the rules of IMO and consistent with international law.

8.6 IMO should, in assessing applications for designation of PSSAs and their associated protective measures, take into account the technical and financial resources available to developing Member Governments and those with economies in transition.

9 IMPLEMENTATION OF DESIGNATED PSSAs AND THE ASSOCIATED PROTECTIVE MEASURES

9.1 When a PSSA receives final designation, all associated protective measures should be identified on charts in accordance with the symbols and methods of the International Hydrographic Organization (IHO).

9.2 A proposing Member Government should ensure that any associated protective measure is implemented in accordance with international law as reflected in the United Nations Convention on the Law of the Sea.

9.3 Member Governments should take all appropriate steps to ensure that ships flying their flag comply with the associated protective measures adopted to protect the designated PSSA. Those Member Governments which have received information of an alleged violation of an associated protective measure by a ship flying their flag should provide the Government which has reported the offence with the details of any appropriate action taken.

