

*These notes refer to the Antarctic Act 2013 (c.15)  
which received Royal Assent on 26 March 2013*

# **ANTARCTIC ACT 2013**

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## **EXPLANATORY NOTES**

### **BACKGROUND**

#### *Liability Annex*

Annex VI to the Protocol, “*Liability Arising from Environmental Emergencies*” (“the Liability Annex”), was adopted by the Antarctic Treaty Consultative Parties in 2005. It obliges States Parties to require their Antarctic operators (governmental and non-governmental) to take preventative measures to reduce the risk of environmental emergencies in Antarctica, to establish contingency plans and to take prompt and effective response action to environmental emergencies arising from their activities. It imposes financial liability on operators which fail to take such response action, effectively establishing a “polluter pays” mechanism. The primary aim of the Annex is to act as a deterrent for those who might operate irresponsibly in Antarctica. In accordance with the Provisions of Article 9(2) of the Protocol, and Article IX of the Antarctic Treaty, the Liability Annex will enter into force once it has been approved by all of the 28 Consultative Parties which adopted it in 2005. The approval of each Consultative Party takes place when it deposits a note signifying its approval of the Annex with the Depositary Government of the Antarctic Treaty. The text of the Liability Annex is available at: [http://www.ats.aq/documents/recatt/Att249\\_e.pdf](http://www.ats.aq/documents/recatt/Att249_e.pdf).