



DEPARTMENT OF ECONOMIC DEVELOPMENT

Anti-fouling Systems Convention

The International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention) entered into force internationally on 17 September 2008. The Isle of Man legislation giving effect to the AFS Convention came into effect on 1 April 2014. This MSN explains the AFS Convention and how the Convention impacts Isle of Man registered ships and foreign ships visiting an Isle of Man port.

Documents referred to in this notice:

International Convention on the Control of Harmful Anti-fouling Systems on ships, 2001 (AFS Convention);

Merchant Shipping (Control of Harmful Anti-fouling Systems) Order 2014 ("AFS Order");

MSN 020 Recognised Organisations;

REACH Enforcement Regulations 2008 (Application) Order 2010 (SD 306/10);

IMO Resolution MEPC.195(61); 2010 Guidelines for survey and certification of anti-fouling systems on ships;

IMO Resolution MEPC.208(62); 2011 Guidelines for inspection of anti-fouling systems on ships.

Most regulations and notices are available on the Isle of Man Government website: www.iomshipregistry.com or by contacting marine.survey@gov.im

1. What does the AFS Convention achieve?

Anti-fouling systems are used to keep the hulls of ships clean and free from fouling organisms to enable them to travel faster through the water and consume less fuel. Scientific studies have shown that some of the most active ingredients used in widespread anti-fouling systems are organotin compounds. Organotin compounds have been scientifically proven to have a chronic impact on ecologically and economically important marine organisms and human health may be harmed as a result of the consumption of affected seafood.

In recognising the importance of protecting the marine environment and human health from adverse effects of anti-fouling systems the International Maritime Organisation (IMO) adopted the AFS Convention.

2. Isle of Man Implementation of AFS Convention

Isle of Man (IOM) legislation implementing the AFS Convention entered into operation on 1 April 2014 and the Convention was extended to the IOM on 21 May 2014.

As the AFS Convention was adopted in 2001 and came into force internationally on 17 September 2008, all IOM registered merchant ships and commercial yachts should already comply with the requirements of the AFS Convention in order to make international voyages. Therefore, the main impact of the IOM adopting the Convention is that vessels of 400gt and over are required to replace their AFS Statement of Compliance with an International AFS Certificate. The Classification Societies recognised by the IOM have been requested to

arrange for International AFS Certificates to be issued to the ships concerned prior to 21 November 2014 (6 months after the AFS Convention was extended to Isle of Man).

3. Application

The Isle of Man AFS Order applies to -

- a. all Isle of Man registered ships, including fixed or floating platforms, floating storage units (FSUs) and floating production storage and off-loading units (FPSOs);
- b. foreign registered ships visiting IOM ports; and
- c. fixed or floating platforms engaged in the exploration and exploitation of the seabed and subsoil in Isle of Man territorial waters.

The AFS Order does not apply to warships, naval auxiliary or other ships owned or operated by a State and used only on government non-commercial services.

For vessels of less than 24 metres in length (mainly recreational craft and fishing vessels operating locally from IOM ports) there is no formal survey and certification regime. The AFS Order prohibits those vessels from using anti-fouling systems which are not compliant with the AFS Convention. All anti-fouling systems available on the Island comply with the AFS Convention due to the REACH Enforcement Regulations 2008 (Application) Order 2010, which prohibits the importation of products to the IOM which do not comply with the AFS Convention.

4. Controls on Anti-fouling Systems

Ship operators (see definition in paragraph 8) have a duty to ensure that if any ships they operate have an anti-fouling system it must meet the criteria set out in the table below. Ships must be maintained to a standard to ensure continued compliance with the requirements.

| Anti-fouling system | Control measures | Application |
|---|--|--|
| Organotin compounds which act as biocides in anti-fouling systems | Ships shall not apply or re-apply such compounds | All IOM Registered ships / All ships in IOM ports |
| Organotin compounds which act as biocides in anti-fouling systems | Ships either: 1. shall not bear such compounds on their hulls or external parts or surfaces; or 2. shall bear a coating that forms a barrier to such compounds leaching from the underlying non-compliant anti-fouling systems | All ships (for fixed and floating platforms, FSUs, and FPSOs see paragraph 11) |

5. Survey Requirements - Ships of 400gt and over

Ships of 400gt and over operating on international voyages (excluding fixed or floating platforms, FSUs and FPSOs) must be surveyed and on successful completion of the survey an International AFS Certificate will be issued. The survey requirements are as follows -

- a. an initial survey before the ship is put into service or when the ship is for the first time in dry dock for the application of an anti-fouling system; and
- b. a survey when the anti-fouling system is changed or replaced, undertaken to enable the endorsement of the International AFS Certificate.

All surveys should be carried out in accordance with IMO Resolution MEPC.195(61) Guidelines for Survey and Certification of Anti-fouling Systems on Ships.

Repairs do not generally require a survey. However, repairs affecting approximately 25% or more of the anti-fouling system are considered by the IOM to be a change or replacement of the anti-fouling system. An anti-fouling system that undergoes repair must be repaired or replaced with an anti-fouling system which is compliant with the AFS Convention.

6. Survey & Certification Arrangements

The survey and certification of anti-fouling systems for vessels of 400gt and over has been delegated to the recognised organisations stated in MSN 020 (available on the Ship Registry website).

When a ship transfers flag to the IOM Ship Registry a new International AFS Certificate may be issued based on the certificate issued by the previous Administration if the record of anti-fouling is up to date, the certificate was valid at the time of transfer and the previous Administration is a Party to the AFS Convention. If those criteria have not been met an initial survey must be carried out prior to the issue of a new International AFS Certificate.

7. Documentation Requirements - Ships of 24 metres or more in length but less than 400gt

Ships of 24 metres or more in length but less than 400gt (excluding fixed or floating platforms, FSUs and FPSOs) do not require a survey but must carry a Declaration on Anti-fouling System signed by the owner or authorised agent. The Declaration must be accompanied by appropriate documentation supporting the fact that the anti-fouling system is compliant with the AFS Convention; for example, a paint receipt or contractor invoice, or the endorsement section on the Declaration must be completed. Appendix 1 provides the model form for the Declaration on Anti-fouling System.

8. Ship Operator's responsibility

It is the responsibility of the operator to ensure ships comply with the requirements of the AFS Order and it is prohibited for a ship to go to sea without a valid International AFS Certificate or Declaration on AFS. Non-compliance will be an offence under the IOM AFS Order.

"Operator" in relation to a ship means the owner or any other person who has assumed responsibility for the operation of the ship from the owner and who on assuming that responsibility has agreed to take over all the duties and responsibilities imposed by the AFS Convention.

9. Enforcement

In addition to the offences in paragraph 8, a ship which fails to comply with the AFS Order may have its AFS certification withdrawn until any deficiencies raised have been rectified which may result in the vessel's sailing being delayed.

During International Safety Management inspections or Large Commercial Yacht Code Compliance inspections the IOM surveyor will check the International AFS Certificate or Declaration on AFS (whichever is applicable) to ensure the ship complies with the AFS Convention.

10. **Ships with no Anti-fouling Systems**

On the International AFS Certificate or Declaration on AFS, the part headed 'Details of anti-fouling system(s) applied' or 'Type(s) of anti-fouling system(s) used' should be filled out stating the ship does not have an anti-fouling system.

11. **Fixed or Floating Platforms, FSUs or FPSOs**

The AFS Convention applies to any fixed or floating platform, FSU or FPSO. They are therefore prohibited from having organotin compounds which act as biocides applied and from bearing such compounds. However the survey and certification regime does not apply to fixed or floating platforms, FSU or FPSO.

For the purpose of complying with the AFS Convention the following applies –

- a. Fixed or floating platforms, FSUs and FPSOs constructed on or after 01/01/2003 must not bear organotin compounds at all, or if they do they must have a barrier coating to prevent the compounds leaching from the underlying non-compliant anti-fouling system.
- b. Fixed or floating platforms, FSUs and FPSOs constructed before 01/01/2003 and which have been in dry dock on or after 01/01/2003 must not bear organotin compounds at all, or if they do they must have a barrier coating to prevent the compounds leaching from the underlying non-compliant anti-fouling systems.
- c. Fixed or floating platforms, FSUs and FPSOs constructed before 01/01/2003 which have not been in dry dock since 01/01/2003, the bans on application or bearing of organotin compounds will not be applicable, however as soon as they go into dry-dock paragraph 11b (above) applies.

All fixed or floating platforms, FSUs and FPSOs should have some form of documentary evidence readily available on board to demonstrate compliance with the AFS Convention.

12. **Port State Control - Inspection and Detention**

The application, re-application, installation or use of non-IMO compliant anti-fouling systems is not permitted in an IOM port or shipyard. A foreign ship may be inspected in an IOM port or shipyard in accordance with IMO Resolution MEPC.208(62) for the purpose of determining whether the ship is in compliance with the AFS Convention. Unless there are clear grounds for believing that a ship is in violation of this Convention, any such inspection shall be limited to -

- a. verifying that, where required, there is onboard a valid International AFS Certificate or a Declaration on AFS; and/or
- b. a brief sampling of the anti-fouling system that does not affect the integrity, structure or operation of the anti-fouling system. However if this is required the IOM will request the ship's operator to arrange for a sample to be taken, which will be witnessed by an IOM or Classification Society surveyor. The sample will be analysed by an accredited laboratory or facility and the results will be presented back to the

surveyor. The time required to process the results of such sampling shall not be used as a basis for preventing the movement and departure of the ship.

If the ship is detected to be in violation of the AFS Convention, the IOM Ship Registry may take steps to warn, detain, dismiss, or exclude the ship from an IOM port. The Ship Registry shall also inform the Administration of the ship concerned that the ship does not comply with the convention and give details of any further action taken.

Isle of Man Ship Registry

Please note - The Isle of Man Ship Registry cannot give Legal Advice. Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel. You should consider seeking independent legal advice if you are unsure of your own legal position.

APPENDIX 1

MODEL FORM OF DECLARATION ON ANTI-FOULING SYSTEM

DECLARATION ON ANTI-FOULING SYSTEM

Drawn up under the
International Convention on the Control of Harmful Anti-Fouling Systems on Ships

Name of ship.....

Distinctive number or letters.....

Port of registry.....

Length.....

Gross tonnage.....

IMO number (if applicable).....

I declare that the anti-fouling system used on this ship complies with Annex 1 of the Convention.

.....
(Date) (Signature of owner or owner's authorized agent)

Endorsement of anti-fouling system(s) applied

Type(s) of anti- fouling system(s) used and date(s) of application.....
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(Date) (Signature of owner or owner's authorized agent)

Type(s) of anti- fouling system(s) used and date(s) of application.....
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(Date) (Signature of owner or owner's authorized agent)

Type(s) of anti- fouling system(s) used and date(s) of application.....
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(Date) (Signature of owner or owner's authorized agent)