

B-6:INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS

Name of the Convention: International Convention on the Control of Harmful Anti-Fouling Systems on Ships

Acronym or short name: AFS

International organisation in charge of it: International Maritime Organization (IMO)

Summary description (in plain language): This Convention prohibits the use of harmful organotin in anti-fouling paints used on ships and at establishing a mechanism to prevent the potential future of other harmful substances in anti-fouling systems ([art.1](#)). This Convention applies to damage caused on the territory, including territorial sea, and the exclusive economic zones of States Parties. The Convention defines “anti-fouling systems” as “a coating, paint, surface treatment, surface or device that is used on a ship to control or prevent attachment of unwanted organisms” ([art.2](#)).

Under the terms of this Convention, Contracting States are required to prohibit and/or restrict the use of harmful anti-fouling systems on ships flying their flag, as well as ships not entitled to fly their flag but which operate under their authority and all ships that enter a port, shipyard or offshore terminal of a Party ([art.3](#)). A ship to which this Convention applies may be inspected by authorized officers of the Party in any ports, shipyards or offshore terminals of a Party.(Article 11) The Convention also provides for the establishment of a “technical group” to include people with relevant expertise, to review proposals for other substances used in anti-fouling systems to be prohibited or restricted ([art.7](#)).

Ships above 400 gross tonnage and above engaged in international voyages (excluding fixed or floating platforms, floating storage units (FSUs), floating production storage and take-off units (FPSOs)) are required to undergo an initial survey before the ship is put into service or before the international anti-fouling system certificate is issued for the first time; and a survey when the anti-fouling systems are changed or replaced.(Annex 4, Regulation 1)

An International Anti-fouling System Certificate will be issued or endorsed by the Administration or by any person or organization duly authorized by the Administration to show the surveyed ship conforms to the Convention. (Annex 4, Regulation 2)

Ships of 24 metres or more in length but less than 400 gross tonnage engaged in international voyages (excluding fixed or floating platforms, floating storage units (FSUs), floating production storage and take-off units (FPSOs)) have to carry a Declaration on anti-fouling systems signed by the owner or authorized agent. The Declaration will have to be accompanied by appropriate documentation such as a paint receipt or contractor invoice. (Annex 4, Regulation 5)

Anti-fouling systems to be prohibited or controlled are listed in an Annex I to the Convention as:

Effective from 1 January 2003: All ships are prohibited to apply or re-apply organotin compounds in anti-fouling systems

Effective from 1 January 2008: All ships (except fixed and floating platforms, FSUs and FPSOs that have been constructed prior to 1 January 2003) are 1) prohibited to bear organotin compounds on their hulls or external parts or surfaces or 2) shall bear a coating that forms a barrier to organotin compounds.

It requests member States, in co-operation with IMO, other interested States, competent international and regional organizations, and industry programmes to promote collaboration in scientific and technical research on the effects of anti-fouling systems as well as monitoring these effects ([art.8](#)).

Date of first approval: 5 October 2001

Date of coming into force: 17 September 2008

Dates of revision: not applicable

Reasons of revisions: not applicable

Applicability (situation of ratification): This convention shall enter into force 12 months after the date on which not less than 25 states, the combined merchant fleets of which constitute not less than 25% of the gross tonnage of the world's merchant shipping, have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession ([art.18](#)).

Ratification Situation: (as at 30 September 2008) 35 States, 62.69% of world tonnage

Stakes for ports: This Convention is of relevance for ports. Port State Control is involved in the control of an international anti-fouling system certificate. Port State Control officers have to proceed to an inspection of ships ([art.11](#)), ([Annex, art 4\(a\)](#)).

In case of clear grounds to suspect violation of the Convention, a thorough inspection of a ship may be carried out and if the ship is detected to be in violation of the Convention, the Party carrying out the inspection may exclude, detain or dismiss the ship from its ports ([art.11.al 3](#)). Port State Control must avoid detaining or delaying a ship unduly and a ship shall be entitled to claim for compensation of loss if unduly detained or delayed([art.13](#))

Links with other conventions: [UNCLOS](#) (art.15), [chapter 17 of Agenda 21](#)

Key-words: anti-fouling system, anti-fouling paint, harmful substances, technical groups

Internet hyperlink with other website:

<http://www.imo.org/>

<http://www.un.org/>

<http://www.comitemaritime.org/>

(full text) <http://www.austlii.edu.au/au/other/dfat/treaties/2008/15.html>