

Entry into Force of Anti-Fouling Systems Convention

Marine Notice 25/2002 provided information for ship owners, operators and service providers regarding the status both internationally and in Australia of the International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001 (AFS Convention), noting in particular that Australia had signed the Convention, subject to ratification. Legislation to give effect to the Convention in Australia has since been passed in the form of the *Protection of the Sea (Harmful Anti-fouling Systems) Act 2006*, and Australia ratified the Convention in January 2007. The purpose of this Marine Notice is to advise that the entry into force requirements for the AFS Convention have now been met, and the Convention will enter into force internationally and for Australia on 17 September 2008.

A “harmful anti-fouling system” is currently defined as any system that includes organotin compounds which act as biocides, although there is provision for additional harmful systems to be included in the future. Compliance with the convention is achieved if the ship:

- Does not bear such compounds on its hull or external parts or surfaces; or
- Bears a coating that forms a barrier to such compounds leaching from the underlying non-compliant anti-fouling systems.

This applies to all ships except fixed or floating platforms, floating storage units (FSUs), and floating production storage and off-loading units (FPSOs) that have been constructed prior to 1 January 2003 and that have not been in dry-dock on or after 1 January 2003. While fixed or floating platforms,

FSUs and FPSOs which have been constructed prior to 1 July 2003, but have not been into dry dock on or after that date, are not legally required to comply with the ban on bearing harmful anti-fouling systems, it is recommended that they do so as soon as is reasonably practicable.

The legislation includes a number of offences and should be examined to ensure the various offences are clearly understood. In summary, however, it will be an offence for:

- Any person (including master or owner) to apply or re-apply a harmful anti-fouling compound to any Australian ship;
- Any person (including master or owner) to apply or re-apply a harmful anti-fouling compound to any foreign ship in an Australian port, shipyard or offshore terminal;
- The master or owner of a ship that does not comply with the Convention to take the ship to an Australian port, shipyard or offshore terminal;
- The master or owner of a ship that does not comply with the Convention to permit the ship to remain in an Australian port, shipyard or offshore terminal.

Survey and Certification

The survey and certification requirements of the AFS Convention are different to other IMO conventions, such as MARPOL. Only ships of 400 gross tonnage and above (excluding fixed, floating platforms, FSUs and FPSOs) **engaged in international voyages** are subject to surveys under the Convention.



Surveys are required as follows:

- 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, undertaken to enable the endorsement of the Anti-Fouling System Certificate.

In order to ease the burden on industry, the initial survey of the anti-fouling system on existing ships may best be carried out in connection with the first available drydock survey.

Similarly, only ships of 400 gross tonnage and above engaged in international voyages are required to have an International Anti-Fouling System Certificate. These certificates will be issued after a required survey, as outlined above, is completed by a recognised classification society in accordance with Marine Orders.

Ships of 24 metres or more in length but less than 400 gross tonnage (excluding fixed or floating platforms, FSUs and FPSOs) must carry a Declaration on Anti-Fouling Systems signed by the owner or authorized agent. The Declaration will have to be accompanied by appropriate documentation supporting the fact that the ships' anti-fouling system is compliant with the AFS Convention, e.g. a paint receipt or contractor invoice. The format for such declarations is available on the AMSA web site, at www.amsa.gov.au/Forms/AMSA238.

Owners of Australian ships of 24 metres or more in length but less than 400 gross tonnage should ensure that the required declaration is on board by 17 September 2008.

Waste Materials

The Convention specifies that a Party shall take appropriate measures in its territory to require that wastes from the application or removal of harmful anti-fouling systems are collected, handled, treated and disposed of in a safe and environmentally sound manner to protect human health and the environment. Operators of shipyards are urged to

take early action to ensure that collection, handling and disposal of harmful anti-fouling systems are carried out in a safe and environmentally sound manner to protect human health and the environment in accordance with applicable local, State or Federal requirements.

Additional Information

Additional information can be obtained by sending an email to eps@amsa.gov.au

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