

**Incorporation of the International Convention on the Control of Harming  
Anti-Fouling Systems on Ships, 2001 into Maltese Law**

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**A LEGISLATIVE DRAFT**

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## Explanatory Note

*“In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”.*

**Principle 15 of the Rio Declaration on Environment and Development (1992).**

### Purpose

Anti-fouling systems consisting of the paint additive Tributyltin (hereinafter referred to as “TBT”) have been applied since the mid 1960s to ship hulls and fish farm nets to prevent fouling, that is, the growth of barnacles, seaweed, tubeworms, algae, barnacles and other organisms<sup>1</sup>. Fouling produces roughness that increases turbulent flow, acoustic noise, drag, and fuel consumption. In fact, a one-thousandth of a centimeter average increase in hull roughness can result in a 1% increase in fuel consumption, which in turn leads to increased air pollution. Consequently due to both economic and environmental benefits, TBT-based paints soon proved to be very effective and have been widely used for treating the hulls of both pleasure craft and larger commercial vessels.

Yet they also have long-term damaging impacts on the environment outweighing the benefits by far. The paint slowly releases toxic TBT oxide into the water killing or at least repelling potential fouling organisms. Furthermore, when the hulls are stripped for repainting more toxic wastes are discharged into the marine environment. Considering that the lifetime of TBT paints exceeds five years while alternatives last up to three years, the presence of toxic wastes in the marine environment is indeed of a long-term nature. Additionally, when exposed to air conditions, TBT takes one to three months to degrade. However, in airless conditions, namely silt, TBT can remain unchanged for more than two years and has been known to persist in sediments for as long as 15 years.

TBT was found to be very toxic to mollusks, especially since it weakens oyster and mussel shells and slows the growth of various species of aquatic snails so that their number has decreased due to a process known as imposex<sup>2</sup>. Human health may also be harmed from the consumption of seafood affected from the toxic TBT substances.

Environmental concerns have led to regulatory measures in the early to mid-eighties. For instance, the US Organotin Antifouling Paint Control Act (1988) restricted the use of TBT-based antifoulants to ships longer than 25 metres or those with aluminum hulls.

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<sup>1</sup> Without fouling, there is also the possibility of introduction of non-native species from one ecosystem to another, which are transported by ship hulls.

<sup>2</sup> The female snails develop male sex organs blocking the egg duct resulting in reduced fertility, possible sterility and population decline.

In 1990, the Marine Environment Protection Committee (MEPC) of the IMO adopted a resolution recommending that Governments adopt measures restricting the use and release rate of TBT-based antifouling paints. Some States, like Japan, which banned their use altogether, issued more stringent regulations than others, thereby incurring economic disadvantages.

In 1991, the Commission of the European Communities prohibited the use of TBT-based paints on vessels less than 25 metres in length<sup>3</sup>.

Meanwhile, Chapter 17 of Agenda 21 adopted by the UN Conference on Environment and Development, 1992, called upon States to take measures to reduce pollution caused by compounds used in anti-fouling systems in accordance with Principle 15 quoted above.

Worldwide regulations have been highly effective in reducing TBT concentrations. Thus, studies have shown that snail and oyster populations in France and Britain have recovered dramatically since regulations were issued.

Nevertheless, TBT-based antifoulants are still used by ship owners worldwide. Paint manufacturers estimate that over 70% of the world's ocean-going fleet uses TBT-based paints, especially since alternative tin-free paints were found less effective and more costly since they had to be re-applied every two or three years.

Consequently, a group of North Sea States, Japan, and certain environmental groups have pressurized IMO to further control the use of TBT-based antifouling paints at the international level.

In 1996, the MEPC drafted a proposal suggesting a gradual phase-out of TBT-based paints and other paints having harmful effects on the marine environment over the next 10 years with an ultimate ban to take effect in 2006. Nevertheless, several environmental groups and certain States, notably Japan advocated an immediate phase-out of these paints.

The IMO had to balance the environmental interest with the fact that the use of anti-fouling systems is of critical importance to efficient shipping and impedes the introduction of non-native species in other eco-systems. Therefore, it expressed the need to develop effective and environmentally safe anti-fouling systems and promote the substitution of harmful systems by less harmful systems or preferably harmless systems.

Accordingly, the International Convention on the Control of Harmful Anti-Fouling Systems on Ships was adopted by the IMO at an international conference held in October 2001, ensuring a global prohibition of the application or re-application of organotin compounds acting as biocides in anti-fouling systems by 1<sup>st</sup> January 2003 and their final elimination from the surface of ship

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<sup>3</sup> Subsequently in 1999, by means of Directive 1999/51/EC, the European Union prohibited the use of anti-fouling systems on

- ⊞ the hulls of boats of less than 25 m;
- ⊞ vessels of any length for use predominantly on inland waterways and lakes;
- ⊞ cages, floats, net and any other appliances or equipment used for fish or shellfish farming; and
- ⊞ any totally or partly submerged appliance or equipment.

hulls by 1<sup>st</sup> January 2008. Even the International Chamber of Shipping has accepted the need for a global ban on TBT because of the wider damage it can do to the environment.

On the other hand, while keeping in mind Principle 15 of the Rio Declaration, it encourages research for alternative anti-fouling systems which are harmless or less harmful to the environment.

Article 18 of the Convention states that it 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. Though the Convention might not enter into force by the 1<sup>st</sup> January 2003, it is submitted that the Convention should be ratified and implemented by the Government of Malta by that date, given the urgency of its subject matter. The damage to the marine environment, which is being continuously inflicted by the toxicity of the anti-fouling systems applied on ships should not be left uncontrolled but must be stopped immediately.

Besides, during the negotiations taking place at the MEPC meeting between the 23<sup>rd</sup> and the 27<sup>th</sup> April 2001, the Council of the European Union, to which Malta is currently a candidate for membership, highlighted its intention to contribute to the conclusion of a legally binding instrument prohibiting the use of antifouling systems on ships from 1<sup>st</sup> January 2003.

Moreover, it should be kept in mind that Malta's strategic position in the Mediterranean Sea, a relatively closed sea through which a substantial part of the maritime traffic passes, makes it even more vulnerable to this type of pollution.

### Method of Implementation

In this legislative draft, the implementation of this Convention is being proposed by means of an Act, the Ratification of Treaties (Control of Harmful Anti-Fouling Systems on Ships Convention) Act, 2002, empowering the Minister responsible for shipping to issue regulations giving effect to the Convention following its ratification by the Government in accordance with Article 308A of the Merchant Shipping Act which states:

*“(1) The Minister may make regulations as appear necessary to give effect to any provision of any of the following which have been ratified or acceded to or accepted by the Government of Malta:*

*...*

*(d) any international agreement not mentioned in paragraph (a) to (c) above which relates to the prevention, reduction or control of pollution of the sea or other waters by matter from ships or which regulates the liability of any person arising from pollution of the sea or other waters;...*

*(3) The powers conferred by subsection (1) of this section to make provision for the purpose of giving effect to an agreement include power to provide for the*

*provision to come into force notwithstanding that the agreement may not be in force.”*

The Act is followed by the Ships (Control of Harmful Anti-Fouling Systems) Regulations, issued by the Minister in consultation with the Minister responsible for the Environment implementing the Convention. There is consultation with the Minister responsible for the Environment due to the fact that the subject-matter overlaps with the latter’s jurisdiction, which covers the Convention for the Protection of the Mediterranean Sea Against Pollution and UNEP programmes. On the other hand the Minister responsible for Shipping is entrusted with all matters emanating from MARPOL and other IMO Conventions dealing with ship-source pollution. This is especially so in Regulation 11 empowering the Minister responsible for shipping to issue regulations dealing with the disposal of waste materials. In this case, he should act in consultation with the Minister responsible for the Environment before issuing the appropriate regulations.

The substantive articles of the Convention, that is, from Article 1 to 15, are then annexed to the regulations by means of a Schedule.

### *The Regulations*

It has been felt that a measure of certainty and in some cases an extension of the application of the Convention was needed in order to better safeguard Malta’s marine environment from pollution from anti-fouling systems. Hence, in Regulation 4, the definition of “shipyard” has been extended to dry-docking facilities and the phrase “and/or” in Article 10 of the Convention dealing with inspections of ships and detection of violations, which introduces ambiguity, was changed to “and”, thereby providing certainty and better enforcement. Regulation 5 extends the application of the Convention to cover domestic voyages as well.

Though warships and other ships operated by the Government of Malta were left to be regulated by the Minister in regulation 6 it was deemed that in issuing regulations he should do so in consultation with the Malta Maritime Authority, the Armed Forces of Malta and other entities operating these ships.

Regulations 8 and 9 were introduced since they are the provisions which specify the control of harmful anti-fouling systems on ships and the sanctions applied in cases of violation. Though Regulation 8 is largely taken from Article 4 of the Convention, its insertion is essential due to the fact that in Regulation 9 different sanctions are applied depending on whether the ship flies the Maltese flag or not.

Finally a Technical Committee has been set up in Regulations 11 and 12 in order to study possible alternatives to the present antifouling systems.

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**RATIFICATION OF TREATIES (Control of Harmful Anti-Fouling Systems on Ships Convention) ACT, 2002**

Act No.        of 2002

*AN Act authorizing the Government to ratify the International Convention on the Control of Harmful Anti-Fouling Systems on Ships done in London on the fifth day of October, 2001.*

Short Title.

**1.** This Act may be cited as the Ratification of Treaties (Control of Harmful Anti-Fouling Systems on Ships Convention) Act, 2002.

Interpretation.

**2.** In this Act unless the context otherwise requires:

“Convention” means the International Convention for the Control of Harmful Anti-Fouling Systems on Ships done in London on the fifth day of October, 2001, including the annexes, and as may be from time to time amended;

“Minister” means the Minister responsible for shipping and includes any person acting under his authority.

Authority to ratify Convention.  
Cap. 304.

**3.** For the purposes of the Ratification of Treaties Act, the Government is hereby authorized to ratify the Convention.

Power of Minister to issue Regulations.  
Cap. 234.

**4.** For the purposes of Article 308A of the Merchant Shipping Act, the Minister is hereby empowered to issue regulations to implement the provisions of the Convention.



L.N. of 2002

**MERCHANT SHIPPING ACT  
(CAP. 234)**

**Ships (Control of Harmful Anti-Fouling Systems) Regulations, 2002**

IN exercise of the powers conferred by article 308A of the Merchant Shipping Act (CAP. 234) and article 4 of the Ratification of Treaties (Control of Harmful Anti-Fouling Systems on Ships Convention) Act, 2002, the Minister for Transport and Communications, in consultation with the Minister responsible for Environment, has issued the following regulations:

Short Title and  
Commencement.

1. (1) These regulations may be cited as the Ships (Control of Harmful Anti-Fouling Systems) Regulations, 2002.

(2) These regulations shall come into force on the 1<sup>st</sup> January 2003.

Interpretation.

2. (1) In these regulations, unless the context otherwise requires:

“Authority” means the Malta Maritime Authority established by the Malta Maritime Authority Act, 1991;

“Convention” means the International Convention on the Control of Harming Anti-Fouling Systems on Ships, 2001 contained in the Schedule to these regulations, and any references to Annexes in these Regulations shall be deemed to refer to Annexes to the Convention;

“MEPC” means the Marine Environment Protection Committee of the International Maritime Organization;

“Minister” means the Minister responsible for shipping and includes any person acting under his authority;

“Organization” means the International Maritime Organization;

(2) Unless the context otherwise requires, words and expressions used in these regulations shall have the same meaning assigned to them in the Convention.

Provisions of the Convention given force of law in Malta. Cap. 234.

**3.** Subject to the provisions of any regulation contained hereunder, and notwithstanding any provision of the Merchant Shipping Act, articles 1 to 15 of the Convention and its annexes contained in the Schedule to these regulations shall form part of and be enforceable as the law of Malta.

Interpretation of certain terms applied by the Convention.

**4. (1)** In the Convention, unless the context otherwise requires:

“Administration” shall mean the Authority as defined in these regulations, where the term refers to the Maltese administration;

“shipyard” shall also include any dry-docking facilities.

**(2)** For the purposes of article 11 of the Convention, the term “and/or” shall be construed as having the meaning of “and”.

Application to Types of Vessels.

**5.** Unless otherwise specified herein, these regulations shall apply to ships, whether engaged in international voyages or not, being:

- (a) ships entitled to fly the flag of Malta;
- (b) ships not entitled to fly the flag of Malta, but which operate under the authority of Malta;
- (c) other ships when entering a port, shipyard or off-shore terminal, whether or not the State whose flag they fly is party to the Convention:

Provided that the “International Anti-fouling System Certificate” referred to in the Convention shall be construed as applying also to ships of 400 gross tonnage and above not engaged in international voyages.

Warships and ships owned or operated by the Government of Malta.

**6.** The Minister, acting in consultation with the Authority, the Armed Forces of Malta and other entities operating warships, naval auxiliary, patrol boats or other ships owned or operated by the Government of Malta and used only on government non-commercial service, shall adopt by means of regulations appropriate measures for such ships consistent with these regulations, while not impairing their operations or operational capabilities, as far as is reasonably possible.

Survey and  
Certification.

7. The Authority shall ensure that ships entitled to fly the flag of Malta or operating under its authority are surveyed and certified in accordance with the regulations in Annex 4.

Controls on Anti-  
Fouling Systems.

8. (1) In accordance with the requirements specified in Annex 1, the following shall be prohibited:

- (a) the application, re-application, installation, or use of harmful anti-fouling systems on ships referred to in paragraphs (a) and (b) of sub-paragraph (1) of regulation 5; and
- (b) the application, re-application, installation or use of such systems, whilst in a Maltese port, shipyard, or offshore terminal, on ships referred to in paragraph (c) of sub-paragraph (1) of regulation 5.

(2) Ships bearing an anti-fouling system which is controlled by Annex 1 or an amendment to it, may retain that system until the next scheduled renewal of that system, but in no event for a period exceeding 60 months following application:

Provided that the Authority may decide that exceptional circumstances exist to warrant an earlier removal of the system.

(3) In order to determine whether an exceptional circumstance exists in accordance with the proviso to sub-paragraph (2) of this regulation, the Authority shall consult the MEPC and, where appropriate, local entities engaged in studies of the local marine environment.

Violations and  
Sanctions.

9. (1) Any violation of the Convention and these regulations shall be prohibited.

(2) Where the Authority is informed of a violation, it shall investigate the matter and may request the reporting State to furnish additional evidence of the alleged violation.

(3) With regard to ships entitled to fly the flag of Malta or operating under its authority, the Authority shall take the following measures in cases of violations of the Convention and these regulations:

- (a) the ship shall be warned and such warning shall be entered in the margin on the International Anti-Fouling System

Certificate contained in Appendix 1 to Annex 4;

- (b) if following one month, the ship is still not in compliance with the Convention and these regulations, and the Authority is satisfied that sufficient evidence is available in respect of the alleged violation, proceedings shall be taken as soon as possible in accordance with the laws of Malta for the ship to be detained:

Provided that the Authority shall promptly inform any State reporting the alleged violation, as well as the Organization, of any action taken.

Provided further that if the Authority has not taken any action within one year after receiving the information, it shall so inform the State which reported the alleged violation.

- (c) the ship-owner or the person responsible for the ship shall be liable to a penalty of Lm for every day during which the default remains, and also to any fees incurred for the detention of the ship;
- (d) if the default continues for a period exceeding one month and the ship-owner or the person responsible for the ship has not taken steps in order to comply with the Convention and these regulations, the Authority shall take the necessary steps to remove the harmful anti-fouling system.
- (e) any expenses incurred by the Authority under paragraph (d) of this sub-paragraph together with any fees incurred for the detention of the ship shall be paid by the ship-owner and the ship in question shall be detained till the ship-owner complies with the Convention and these regulations.

(4) With regards to any ship referred to in paragraph (c) of sub-paragraph (1) of regulation 5, the Authority shall take the following measures in case of violation of the Convention or of these regulations:

- (a) the ship concerned shall be warned and such warning shall be entered in the margin on the International Anti-Fouling System Certificate contained in Appendix 1 to Annex 4;

- (b) if on a second entry in a Maltese port, shipyard or off-shore terminal or if following one month, where the ship remained in a Maltese port, shipyard or off-shore terminal, the ship is still not in compliance with the Convention and these regulations and the Authority is satisfied that sufficient evidence is available in respect of the alleged violation, proceedings shall be taken as soon as possible in accordance with the laws of Malta for the ship to be detained till the anti-fouling system is removed and a harmless or less harmful one is applied:

Provided that the Authority shall furnish to the administration of the ship concerned a copy of such information and evidence as may be in its possession, whenever proceedings have been taken against a ship.

Provided further that the Authority shall promptly inform the administration of the ship concerned, any State reporting the alleged violation, as well as the Organization, of any action taken.

Provided further that if the Authority has not taken any action within one year after receiving the information, it shall so inform the State which reported the alleged violation.

- (c) the ship-owner shall be liable to a penalty of Lm for every day during which the default remains, and also to any fees incurred for the detention of the ship;
- (d) if the default continues for a period exceeding one month and the ship-owner has not taken steps in order to comply with the Convention and these regulations, the Authority shall take the necessary steps to remove the harmful anti-fouling system;
- (e) any expenses incurred by the Authority under paragraph (d) of this sub-regulation together with any fees incurred for the detention of the ship shall be paid by the ship-owner and the ship in question shall be detained till the ship-owner complies with the Convention and these regulations.

**10.** For the purposes of article 5 of the Convention, the Minister, in consultation with the Minister responsible for the Environment shall issue regulations, taking into account international rules, standards and requirements, providing that wastes from the application or removal of an anti-fouling system controlled in Annex 1 are collected, handled, treated and disposed of in a safe and environmentally sound manner to protect human health and the environment.

**11.** (1) A Technical Committee shall be set up in order to propose amendments for the purposes of article 6 of the Convention.

(2) The Technical Committee shall be made up of a representative of the Authority, who shall act as Chairman, and an equal number of marine environment experts and paint experts. It shall study and perform tests containing the information required in Annex 2 in order to find alternative systems which are harmless or less harmful to those controlled by Annex 1.

(3) The Technical Committee may hold its meetings as required, but shall conduct its work through written or electronic correspondence or other media as appropriate. A copy of its work shall be transmitted to the Minister, the Minister responsible for the Environment and the Authority.

(4) Each member shall have one vote. The Technical Committee shall endeavour to achieve unanimity among its members and where this is not possible, decisions shall be taken by majority vote, and any minority views shall be communicated.

(5) In its analysis in accordance with sub-paragraph (1) of this regulation, the Technical Committee shall take into account any proposal brought to the attention of the Minister or the Authority by the Organization or the MEPC and any other information submitted by other interested parties.

(6) Any confidential information submitted in accordance with sub-paragraph (5) of this regulation shall be protected.

(7) Where the MEPC decides that further review is warranted according to sub-article 3 of article 6 of the Convention, the Technical Committee shall prepare a comprehensive proposal containing the information contained in Annex 3, provided that the initial proposal did not also contain it.

(8) The Technical Committee shall present a Report at the

conclusion of its analysis to the Minister, who, if he deems appropriate, shall issue regulations amending Annex 1.

(9) In issuing the regulations prescribed by sub-paragraph (8), the Minister shall take into account any recommendation of the MEPC or any technical group formed by it.

Scientific and  
Technical Research  
and Monitoring.

**12.** (1) The scientific and technical research and monitoring prescribed by article 8 of the Convention shall be conducted by the Technical Committee, aided where necessary by the Authority.

(2) The Technical Committee in collaboration with the Authority, shall request any relevant information from other Parties to the Convention in accordance with sub-article (3) of article 8 of the Convention.

## **SCHEDULE**

### **INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001**

#### **ARTICLE 1**

##### **General Obligations**

- (1) Each Party to this Convention undertakes to give full and complete effect to its provisions in order to reduce or eliminate adverse effects on the marine environment and human health caused by anti-fouling systems.
- (2) The Annexes form an integral part of this Convention. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to its Annexes.
- (3) No provision of this Convention shall be interpreted as preventing a State from taking, individually or jointly, more stringent measures with respect to the reduction or elimination of adverse effects of anti-fouling systems on the environment, consistent with international law.
- (4) Parties shall endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of this Convention.
- (5) The Parties undertake to encourage the continued development of anti-fouling systems that are effectively and environmentally safe.

#### **ARTICLE 2**

##### **Definitions**

For the purposes of this Convention, unless expressly provided otherwise:

- (1) “Administration” means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of a State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.
- (2) “Anti-fouling system” means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms.
- (3) “Committee” means the Marine Environment Protection Committee of the Organization.



- (4) “Gross tonnage” means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 to the International Convention in Tonnage Measurement of Ships, 1969, or any successor Convention.
- (5) “International voyage” means a voyage by a ship entitled to fly the flag of one State to or form a port, shipyard, or offshore terminal under the jurisdiction of another State.
- (6) “Length” means the length as defined in the International Convention on Load Lines, 1966, as modified by the Protocol of 1988 relating thereto, or any successor Convention.
- (7) “Organization” means the International Maritime Organization.
- (8) “Secretary-General” means the Secretary-General of the Organization.
- (9) “Ship” means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units (FSUs) and floating production storage and off-loading units (FPSOs).
- (10) “Technical Group” is a body comprised of representatives of the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization, and non-governmental organizations in consultative status with the Organization, which should preferably include representatives of institutions and laboratories that engage in anti-fouling system analysis. These representatives shall have expertise in environmental fate and effects, toxicological effects, marine biology, human health, economic analysis, risk management, international shipping, anti-fouling systems coating technology, or other fields of expertise necessary to objectively review the technical merits of a comprehensive proposal.

### **ARTICLE 3** Application

- (1) Unless otherwise specified in this Convention, this Convention shall apply to:
- (a) ships entitled to fly the flag of a Party;
  - (b) ships not entitled to fly the flag of a Party, but which operate under the authority of a Party; and
  - (c) ships that enter a port, shipyard, or offshore terminal of a Party, but do not fall within subparagraph (a) or (b).
- (2) This Convention shall not apply to any warships, naval auxiliary, or other ships owned or operated by a Party and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing

operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention.

(3) With respect to the ships of non-Parties to this Convention, Parties shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

#### **ARTICLE 4**

##### **Controls on Anti-Fouling Systems**

(1) In accordance with the requirements specified in annex 1, each Party shall prohibit and/or restrict:

- (a) the application, re-application, installation, or use of harmful anti-fouling systems on ships referred to in article 3(1)(a) or (b); and
- (b) the application, re-application, installation or use of such systems, whilst in a Party's port, shipyard, or offshore terminal, on ships referred to in article 3 (1)(c),

and shall take effective measures to ensure that such ships comply with those requirements.

(2) Ships bearing an anti-fouling system which is controlled through an amendment to Annex 1 following entry into force of this Convention may retain that system until the next scheduled renewal of that system, but in no event for a period exceeding 60 months following application, unless the Committee decides that exceptional circumstances exist to warrant earlier implementation of the control.

#### **ARTICLE 5**

##### **Control of Annex 1 Waste Materials**

Taking into account international rules, standards and requirements, a Party shall take appropriate measures in its territory to require that wastes from the application or removal of an anti-fouling system controlled in Annex 1 are collected, handled, treated and disposed of in a safe and environmentally sound manner to protect human health and the environment.

#### **ARTICLE 6**

##### **Process for Proposing Amendments to Controls on Anti-Fouling Systems**

- (1) Any Party may propose an amendment to Annex 1 in accordance with this article.
- (2) An initial proposal shall contain the information required in Annex 2, and shall be submitted to the Organization. When the Organization receives a proposal, it shall bring the

proposal to the attention of the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization and non-governmental organizations in consultative status with the Organization and shall make it available to them.

(3) The Committee shall decide whether the anti-fouling system in question warrants a more in-depth review based on the initial proposal. If the Committee decides that further review is warranted, it shall require the proposing Party to submit to the Committee a comprehensive proposal containing the information required in Annex 3, except where the initial proposal also includes all the information required in Annex 3. Where the Committee is of the view that there is a threat of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason to prevent a decision to proceed with the evaluation of the proposal. The Committee shall establish a technical group in accordance with article 7.

(4) The technical group shall review the comprehensive proposal along with any additional data submitted by any interested entity and shall evaluate and report to the Committee whether the proposal has demonstrated a potential for unreasonable risk of adverse effects on non-target organisms or human health such that the amendment of Annex 1 is warranted. In this regard:

- (a) The technical group's review shall include:
  - (i) an evaluation of the association between the anti-fouling system in question and the related adverse effects observed either in the environment or on human health, including, but not limited to, the consumption of affected seafood, or through controlled studies based on the data described in Annex 3 and any other relevant data which come to light;
  - (ii) an evaluation of the potential risk reduction attributable to the proposed control measures and any other control measures that may be considered by the technical group;
  - (iii) consideration of available information on the technical feasibility of control measures and the cost-effectiveness of the proposal;
  - (iv) consideration of available information on other effects from the introduction of such control measures relating to:
    - the environment (including, but not limited to, the cost of inaction and the impact on air quality);
    - shipyard health and safety concerns (i.e. effects on shipyard workers);
    - the cost to international shipping and other relevant sectors; and

- (v) consideration of the availability of suitable alternatives, including a consideration of the potential risks of alternatives.
- (b) The technical group's report shall be in writing and shall take into account each of the evaluations and considerations referred to in subparagraph (a), except that the technical group may decide not to proceed with the evaluations and considerations described in subparagraph (a)(ii) through (a)(v) if it determines after the evaluation in subparagraph (a)(i) that the proposal does not warrant further consideration.
- (c) The technical group's report shall include, *inter alia*, a recommendation on whether international controls pursuant to this Convention are warranted on the anti-fouling system in question, on the suitability of the specific control measures suggested in the comprehensive proposal, or on other control measures which it believes to be more suitable.

(5) The technical group's report shall be circulated to the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization and non-governmental organizations in consultative status with the Organization, prior to its consideration by the Committee. The Committee shall decide whether to approve any proposal to amend Annex 1, and any modifications thereto, if appropriate, taking into account the technical group's report. If the report finds a threat of serious or irreversible damage, lack of full scientific certainty shall not, itself, be used as a reason to prevent a decision from being taken to list an anti-fouling system in Annex 1. The proposed amendments to Annex 1, if approved by the Committee, shall be circulated in accordance with article 16(2)(a). A decision not to approve the proposal shall not preclude future submission of a new proposal with respect to a particular anti-fouling system if new information comes to light.

(6) Only Parties may participate in decisions taken by the Committee described in paragraphs (3) and (5).

## **ARTICLE 7**

### Technical Groups

(1) The Committee shall establish a technical group pursuant to article 6 when a comprehensive proposal is received. In circumstances where several proposals are received concurrently or sequentially, the Committee may establish one or more technical groups as needed.

(2) Any Party may participate in the deliberations of a technical group, and should draw on the relevant expertise available to that Party.

(3) The Committee shall decide on the terms of reference, organization and operation of the technical groups. Such terms shall provide for protection of any confidential information that

may be submitted. Technical groups may hold such meetings as required, but shall endeavour to conduct their work through written or electronic correspondence or other media as appropriate.

(4) Only the representatives of Parties may participate in formulating any recommendation to the Committee pursuant to article 6. A technical group shall endeavour to achieve unanimity among the representatives of the Parties. If unanimity is not possible, the technical group shall communicate any minority views of such representatives.

## **ARTICLE 8**

### **Scientific and Technical Research and Monitoring**

(1) The Parties shall take appropriate measures to promote and facilitate scientific and technical research on the effects of anti-fouling systems as well as monitoring of such effects. In particular, such research should include observation, measurement, sampling, evaluation and analysis of the effects of anti-fouling systems.

(2) Each Party shall, to further the objectives of this Convention, promote the availability of relevant information to other Parties who request it on:

- (a) scientific and technical activities undertaken in accordance with this Convention;
- (b) marine scientific and technological programmes and their objectives; and
- (c) the effects observed from any monitoring and assessment programmes relating to anti-fouling systems.

## **ARTICLE 9**

### **Communication and Exchange of Information**

(1) Each Party undertakes to communicate to the Organization:

- (a) a list of the nominated surveyors or recognized organizations which are authorized to act on behalf of that Party in the administration of matters relating to the control of anti-fouling systems in accordance with this Convention for circulation to the Parties for the information of their officers. The Administration shall therefore notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors of recognized organizations; and
- (b) on an annual basis, information regarding any anti-fouling systems approved, restricted, or prohibited under its domestic law.

(2) The Organization shall make available, through any appropriate means, information communicated to it under paragraph (1).

(3) For those anti-fouling systems approved, registered or licensed by a Party, such Party shall either provide, or require the manufacturers of such anti-fouling systems to provide, to those Parties which request it, relevant information on which its decision was based, including information provided for in Annex 3, or other information suitable for making an appropriate evaluation of the anti-fouling system. No information shall be provided that is protected by law.

## **ARTICLE 10**

### Survey and Certification

A Party shall ensure that ships entitled to fly its flag or operating under its authority are surveyed and certified in accordance with the regulations in Annex 4.

## **ARTICLE 11**

### Inspections of Ships and Detection of Violations

(1) A ship to which this Convention applies may, in any port, shipyard, or offshore terminal of a Party, be inspected by officers authorized by that Party for the purpose of determining whether the ship is in compliance with this 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 Anti-fouling System Certificate or a Declaration on anti-fouling System; and/or
- (b) a brief sampling of the ship's anti-fouling system that does not affect the integrity, structure, or operation of the anti-fouling system taking into account guidelines developed by the Organization.\* However, 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.

(2) If there are clear grounds to believe that the ship is in violation of this Convention, a thorough inspection may be carried out taking into account guidelines developed by the Organization.\*

(3) If the ship is detected to be in violation of this Convention, the Party carrying out the inspection may take steps to warn, detain, dismiss, or exclude the ship from its ports. A Party taking such action against a ship for the reason that the ship does not comply with this Convention shall immediately inform the Administration of the ship concerned.

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\* Guidelines to be developed.

(4) Parties shall co-operate in the detection of violations and the enforcement of this Convention. A Party may also inspect a ship when it enters the ports, shipyards, or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party, together with sufficient evidence that a ship is operating or has operated in violation of this Convention. The report of such investigation shall be sent to the Party requesting it and to the competent authority of the Administration of the ship concerned so that the appropriate action may be taken under this Convention.

## **ARTICLE 12**

### Violations

(1) Any violation of this Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its laws. The Administration shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Administration has not taken any action within one year after receiving the information, it shall so inform the Party which reported the alleged violation.

(2) Any violation of this Convention within the jurisdiction of any Party shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:

- (a) cause proceedings to be taken in accordance with its law; or
- (b) furnish to the Administration of the ship concerned such information and evidence as may be in its possession that a violation has occurred.

(3) The sanctions established under the laws of a Party pursuant to this article shall be adequate in severity to discourage violations of this Convention wherever they occur.

## **ARTICLE 13**

### Undue Delay or Detention of Ships

(1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under article 11 or 12.

(2) When a ship is unduly detained or delayed under article 11 or 12, it shall be entitled to compensation for any loss or damage suffered.

**ARTICLE 14**  
Dispute Settlement

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

**ARTICLE 15**  
Relationship to International Law of the Sea

Nothing in this Convention shall prejudice the rights and obligations of any State under customary international law as reflected in the United Nations Convention on the Law of the Sea.

\* \* \*



ANNEX 1

**CONTROLS ON ANTI-FOULING SYSTEMS**

<b>Anti-fouling system</b>	<b>Control measures</b>	<b>Application</b>	<b>Effective date</b>
Organotin compounds which act as biocides in anti-fouling systems	Ships shall not apply or re-apply such compounds	All ships	1 January 2003
Organotin compounds which act as biocides in anti-fouling systems	Ships either:  (1) shall not bear such compounds on their hulls or external parts of 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 (except fixed and floating platforms, FSUs, and FPSOs that have been constructed prior to 1 January 2003 and that have not been in dry-dock on or after 1 January 2003)	1 January 2008

\* \* \*

## ANNEX 2

### **REQUIRED ELEMENTS FOR AN INITIAL PROPOSAL**

- (1) An initial proposal shall include adequate documentation containing at least the following:
  - (a) identification of the anti-fouling system addressed in the proposal: name of the anti-fouling system; name of active ingredients and Chemical Abstract Services Registry Number (CAS number), as applicable; or components of the system which are suspected of causing the adverse effects of concern;
  - (b) characterization of the information which suggests that the anti-fouling system or its transformation products may pose a risk to human health or may cause adverse effects in non-target organisms at concentrations likely to be found in the environment (e.g., the results of toxicity studies on representative species or bioaccumulation data);
  - (c) material supporting the potential of the toxic components in the anti-fouling system, or its transformation products, to occur in the environment at concentrations which could result in adverse effects to non-target organisms, human health, or water quality (e.g., data on persistence in the water column, sediments and biota; the release rate of toxic components from treated surfaces in studies or under actual use conditions; or monitoring data, if available);
  - (d) an analysis of the association between the anti-fouling system, the related adverse effects and the environmental concentrations observed or anticipated; and
  - (e) a preliminary recommendation on the type of restrictions that could be effective in reducing the risks associated with the anti-fouling system.
- (2) An initial proposal shall be submitted in accordance with rules and procedures of the Organization.

\* \* \*

## ANNEX 3

### REQUIRED ELEMENTS OF A COMPREHENSIVE PROPOSAL

(1) A comprehensive proposal shall include adequate documentation containing the following:

- (a) developments in the data cited in the initial proposal;
- (b) findings from the categories of data set out in paragraphs (3)(a), (b) and (c), as applicable, depending on the subject of the proposal and the identification or description of the methodologies under which the data were developed;
- (c) a summary of the results of studies conducted on the adverse effects of the anti-fouling system;
- (d) if any monitoring has been conducted, a summary of the results of that monitoring, including information on ship traffic and a general description of the area monitored;
- (e) a summary of the available data on environmental or ecological exposure and any estimates of environmental concentrations developed through the application of mathematical models, using all available environmental fate parameters, preferably those which were determined experimentally, along with an identification or description of the modelling methodology;
- (f) an evaluation of the association between the anti-fouling system in question, the related adverse effects and the environmental concentrations, either observed or expected;
- (g) a qualitative statement of the level of uncertainty in the evaluation referred to in subparagraph (f);
- (h) a recommendation of specific control measures to reduce the risks associated with the anti-fouling system; and
- (i) a summary of the results of any available studies on the potential effects of the recommended control measures relating to air quality, shipyard conditions, international shipping and other relevant sectors, as well as the availability of suitable alternatives.

(2) A comprehensive proposal shall also include information on each of the following physical and chemical properties of the component(s) of concern, if applicable:

- melting point;
- boiling point;
- density (relative density);
- vapour pressure;

- water solubility / pH / dissociation constant (pKa);
- oxidation/reduction potential;
- molecular mass;
- molecular structure; and
- other physical and chemical properties identified in the initial proposal.

(3) For the purposes of paragraph (1)(b) above, the categories of data are:

(a) Data on environmental fate and effect:

- modes of degradation/dissipation (e.g., hydrolysis/photodegradation/biodegradation);
- persistence in the relevant media (e.g., watercolumn/sediments/biota);
- sediments/water partitioning;
- leaching rates of biocides or active ingredients;
- mass balance;
- bioaccumulation, partition coefficient, octanol/watercoefficient; and
- any novel reactions on release or known interactive effects.

(b) Data on any unintended effects in aquatic plants, invertebrates, fish, seabirds, marine mammals, endangered species, other biota, water quality, the seabed, or habitat of non-target organisms, including sensitive and representative organisms:

- acute toxicity;
- chronic toxicity;
- developmental and reproductive toxicity;
- endocrine disruption;
- sediment toxicity;
- bioavailability/biomagnification/bioconcentration;
- foodweb/population effects;
- observation of adverse effects in the field/fish kills/ strandings/ tissue analysis; and
- residues in seafood.

These data shall relate to one or more types of non-target organisms such as aquatic plants, invertebrates, fish, birds, mammals and endangered species.

(c) Data on the potential for human health effects (including, but not limited to, consumption of affected seafood).

(4) A comprehensive proposal shall include a description for the methodologies used, as well as any relevant measures taken for quality assurance and any peer review conducted of the studies.

\* \* \*

## ANNEX 4

### SURVEYS AND CERTIFICATION REQUIREMENTS FOR ANTI-FOULING SYSTEMS

#### REGULATION 1

##### Surveys

(1) Ships of 400 gross tonnage and above referred to in article 3(1)(a) engaged in international voyages, excluding fixed or floating platforms, FSUs, and FPSOs, shall be subject to surveys specified below:

- (a) an initial survey before the ship is put into service or before the International Anti-fouling System Certificate (Certificate) required under regulation 2 or 3 is issued for the first time; and
- (b) a survey when the anti-fouling systems are changed or replaced. Such surveys shall be endorsed on the Certificate issued under regulation 2 or 3.

(2) The survey shall be such as to ensure that the ship's anti-fouling system fully complies with this Convention.

(3) The Administration shall establish appropriate measures for ships that are not subject to the provisions of paragraph (1) of this regulation in order to ensure that this Convention is complied with.

(4)

- (a) As regards the enforcement of this Convention, surveys of ships shall be carried out by officers duly authorized by the Administration or as provided in regulation 3(1), taking into account guidelines for surveys developed by the Organization\*. Alternatively, the Administration may entrust surveys required by this Convention either to surveyors nominated for that purpose or to organizations recognized by it.
- (b) An Administration nominating surveyors or recognizing organizations\*\* to conduct surveys shall, as a minimum, empower any nominated surveyor or recognized organization to:
  - (i) require a ship that it surveys to comply with the provisions of Annex 1; and

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\* Guidelines to be developed.

\*\* Refer to the guidelines adopted by the Organization by resolution A.739(18), as may be amended by the Organization by resolution A. 789(19), as may be amended by the Organization.

- (ii) carry out surveys if requested by the appropriate authorities of a port State that is a Party to this Convention.
- (c) When the Administration, a nominated surveyor, or a recognized organization determines that the ship's anti-fouling system does not conform either to the particulars of a Certificate required under regulation 2 or 3, or to the requirements of this Convention, such Administration, surveyor or organization shall immediately ensure that corrective action is taken to bring the ship into compliance. A surveyor or organization shall also in due course notify the Administration of any such determination. If the required corrective action is not taken, the Administration shall be notified forthwith and it shall ensure that the Certificate is not issued or is withdrawn as appropriate.
- (d) In the situation described in subparagraph (c), if the ship is in the port of another Party, the appropriate authorities of the port State shall be notified forthwith. When the Administration, a nominated surveyor, or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such Administration, surveyor, or organization any necessary assistance to carry out their obligations under this regulation, including any action described in article 11 or 12.

## **REGULATION 2**

### Issue or Endorsement of an International Anti-fouling System Certificate

- (1) The Administration shall require that a ship to which regulation 1 applies is issued with a Certificate after successful completion of a survey in accordance with regulation 1. A Certificate issued under the authority of a Party shall be accepted by the other Parties and regarded for all purposes covered by this Convention as having the same validity as a Certificate issued by them.
- (2) Certificates shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the Certificate.
- (3) For ships bearing an anti-fouling system controlled under Annex 1 that was applied before the date of entry into force of a control for such a system, the Administration shall issue a Certificate in accordance with paragraphs (2) and (3) of this regulation not later than two years after entry into force of that control. This paragraph shall not affect any requirement for ships to comply with Annex 1.
- (4) The Certificate shall be drawn up in the form corresponding to the model given in Appendix 1 to this Annex and shall be written at least in English, French or Spanish. If an official language of the issuing State is also used this shall prevail in the case of the dispute or discrepancy.

### **REGULATION 3**

#### Issue or Endorsement of an International Anti-fouling System Certificate by Another Party

- (1) At the request of the Administration, another Party may cause a ship to be surveyed and, if satisfied that this Convention has been complied with, it shall issue or authorize the issue of a Certificate to the ship and, where appropriate, endorse or authorize the endorsement of that Certificate for the ship, in accordance with this Convention.
- (2) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.
- (3) A Certificate so issued shall contain a statement that it has been issued at the request of the Administration referred to in paragraph (1) and it shall have the same force and receive the same recognition as a Certificate issued by the Administration.
- (4) No Certificate shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

### **REGULATION 4**

#### Validity of an International Anti-fouling system Certificate

- (1) A Certificate issued under regulation 2 or 3 shall cease to be valid in either of the following cases:
  - (a) if the anti-fouling system is changed or replaced and the Certificate is not endorsed in accordance with this Convention; and
  - (b) upon transfer of a ship to the flag of another State. A new Certificate shall only be issued when the Party issuing the new Certificate is fully satisfied that the ship is in compliance with this Convention. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration a copy of the Certificates carried by the ship before the transfer and, if available, a copy of the relevant survey reports.
- (2) The issue by a Party of a new Certificate to a ship transferred from another Party may be based on a new survey or on a valid Certificate issued by the previous Party whose flag the ship was entitled to fly.

## **REGULATION 5**

### **Declaration on Anti-fouling System**

(1) The Administration shall require a ship of 24 meters or more in length, but less than 400 gross tonnage engaged in international voyages and to which article 3(1)(a) applies (excluding fixed or floating platforms, FSUs, and FPSOs) to carry a Declaration signed by the owner or owner's authorized agent. Such Declaration shall be accompanied by appropriate documentation (such as a paint receipt or a contractor invoice) or contain appropriate endorsement.

(2) The Declaration shall be drawn up in the form corresponding to the model given in Appendix 2 to this Annex and shall be written at least in English, French, or Spanish. If an official language of the State whose flag the ship is entitled to fly is also used, this shall prevail in the case of a dispute or discrepancy.



**APPENDIX 1 TO ANNEX 4**

*MODEL FORM OF INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE*

**INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE**

(This certificate shall be supplemented by a Record of Anti-fouling Systems)

*(Official seal)*

*(State)*

*Issued under the*  
**International Convention on the Control of Harmful Anti-Fouling Systems on Ships**  
*under the authority of the Government of*

.....  
*(name of the State)*

*by*

.....  
*(person or organization authorized)*

When a Certificate has been previously issued, this certificate replaces the certificate dated.....

*Particulars of ship<sup>4</sup>*

Name of ship .....

Distinctive number or letters .....

Port of registry .....

Gross tonnage .....

IMO number<sup>5</sup> .....

An anti-fouling system controlled under annex 1 has not been applied during or after construction of this ship .....

An anti-fouling system controlled under annex 1 has been applied on this ship previously, but has been removed by ..... *(insert name of the facility)*.....on.....*(date)* .....

An anti-fouling system controlled under Annex 1 was applied on this ship prior to ....*(date)*<sup>6</sup>, but must be removed or covered with a sealer coat prior to .....*(date)*<sup>7</sup>.....

<sup>4</sup> Alternatively, the particulars of the ship may be placed horizontally in boxes.

<sup>5</sup> In accordance with the IMO Ship Identification Number Scheme adopted by the Organization with Assembly resolution A.600(15).

<sup>6</sup> Date of entry into force of the control measure.

<sup>7</sup> Date of expiration of any implementation period specified in article 4(2) or Annex 1.

THIS IS TO CERTIFY THAT:

1 the ship has been surveyed in accordance with regulation 1 of annex 4 to the Convention;  
and

2 the survey shows that the anti-fouling system on the ship complies with the applicable requirements of annex 1 to the Convention.

Issued at.....  
*(Place of issue of Certificate)*

.....  
*(Date of issue)*

.....  
*(Signature of authorized official issuing the Certificate)*

Date of completion of the survey  
On which this certificate is issued: .....

*MODEL FORM OF RECORD OF ANTI-FOULING SYSTEMS*

**RECORD OF ANTI-FOULING SYSTEMS**

This Record shall be permanently attached to the International Anti-fouling System Certificate

Particulars of ship

Name of ship: .....  
Distinctive number or letters: .....  
IMO number: .....

*Details of anti-fouling system(s) applied*

Type(s) of anti-fouling system(s) used .....

Date(s) of application of anti-fouling system(s).....

Name(s) of company(ies) and facility(ies)/location(s) where applied.....  
.....

Name(s) of anti-fouling system manufacturer(s).....  
.....

Name(s) and colour(s) of anti-fouling system(s).....  
.....

Active ingredient(s) and their Chemical Abstract Services Registry Number(s) (CAS number(s))  
.....

Type(s) of sealer coat, if applicable .....

Name(s) and colour(s) of sealer coat applied, if applicable  
.....

Date of application of sealer coat.....

THIS IS TO CERTIFY that this record is correct in all respects.

Issued at.....  
(Place of issue of Record)

.....  
(Date of issue)

.....  
(Signature of authorized official issuing the record)

**Endorsement of the Records<sup>8</sup>**

THIS IS TO CERTIFY that a survey required in accordance with regulation 1(1)(b) of Annex 4 to the Convention found that the ship was in compliance with the Convention

*Details of anti-fouling system(s) applied*

Type(s) of anti-fouling system(s)used .....

Date(s) of application of anti-fouling system(s) .....

Name(s) of company(ies) and facility(ies) location(s) where applied.....

Name(s) of anti-fouling system(s) manufacturer(s).....

Name(s) and colour(s) of anti-fouling system(s).....

Active ingredient(s)and their Chemical Abstract Services Registry Number(s) (CAS number(s))..

Type(s) of sealer coat, if applicable .....

Name(s) and colour(s) of sealer coat applied, if applicable .....

Date of application of sealer coat .....

Signed:.....  
*(Signature of authorized official issuing the Record)*

Place: .....

Date<sup>9</sup>: .....

*(Seal or stamp of the authority)*

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<sup>8</sup> This page of the Record shall be reproduced and added to the Record as considered necessary by the Administration.

<sup>9</sup> Date of completion of the survey on which this endorsement is made.

**APPENDIX 2 TO ANNEX 4**

*MODEL FORM OF DECLARATION ON ANTI-FOULING SYSTEM*

**DECLARATION ON ANTI-FOULING SYSTEM**

*Drawn under the*

**International Convention on the Control of Harming 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 this 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.....  
.....

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

Type(s) of anti-fouling system(s) used and date(s) of application.....  
.....

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

Type(s) of anti-fouling system(s) used and date(s) of application.....  
.....

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

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