



Maritime and Coastguard Agency

MIN 291 (M+F)

Control of Anti-Fouling Systems on Ships

Notice to all Shipowners, Masters, Owners and Skippers of Fishing Vessels, Owners and Skippers of Yachts, Floating Storage Units, Floating Production Storage and Off Loading Units, Ship Builders and Ship Repairers, Classification Societies and Marine Surveyors

This notice should be read in conjunction with Regulation (EC) No 782/2003 of The European Parliament and of the Council of 14th April 2003 on the prohibition of organotin compounds on ships and The International Convention on the Control of Harmful Anti-Fouling Systems on Ships.

This MIN expires 31st July 2008.

PLEASE NOTE:-

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 and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

- Reminder of the requirements of Regulation (EC) No 782/2003
- The UK Regulations in development will:
 - provide for offences and penalties in relation to EC Regulation 782/2003; and;
 - bring in to force the International Convention on the Control of Harmful Anti-Fouling Systems on Ships.

1. Introduction & Background

- 1.1 In 2001 the International Maritime Organization (IMO) adopted the International Convention on the Control of Harmful Anti-Fouling Systems on Ships to introduce control measures on the use of organotin compounds which act as biocides. As an immediate follow up the European Commission adopted Directive 2002/62/EC.
- 1.2 The purpose of this Directive was to prohibit the marketing and use of organostannic compounds in anti-fouling systems for all ships, irrespective of length. Due to the slow progress of ratification of the International Convention the Commission decided to adopt EC Regulation 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships. This brought in requirements for all European Economic Area members States regarding the application of Anti-Fouling Systems as from 1 July 2003.

1.3 The provisions in the EC Regulation regarding the use of organotin biocides are outlined in the table below.

Effective Date	Anti-fouling system**	Control Measures	Application
From 1 st July 2003	Organotin compounds which act as biocides in anti-fouling systems	Such compounds must not be applied or reapplied on ships	All ships*
From 1 st July 2003 until 1 st January 2008 (interim period)	Organotin compounds which act as biocides in anti-fouling systems	Must bear a coating that acts as a barrier to prevent leaching of such compounds	All ships* / **
From 1 st January 2008	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 system	All ships**

The UK is developing a set of domestic Regulations to “top up” the EC Regulation.

* The UK Regulations will apply to any UK ship, any ship registered in another EEA State but which is within UK waters and ships operated under the authority of the UK government in UK waters. They do not apply to non-EEA ships entering a UK port or offshore terminal during the Interim Period.

** Does not apply to fixed or floating platforms, FSU's or FPSO's constructed prior to 2003, that have not been in dry dock on or after that date.

2. Survey & Certification

2.1 Annex I of EC Regulation 782/2003 sets out the requirements for survey and certification.

Survey Requirements - Ships of 24 metres or more in length but less than 400gt

2.2 Ships of 24 metres or more in length but less than 400 gross tonnage (excluding fixed or floating platforms, FSUs and FPSOs), excepting those to which the Regulations do not apply, must carry a Declaration on Anti-Fouling Systems signed by the owner or authorised agent. The Declaration will have to be accompanied by appropriate documentation supporting the fact that the AFS is compliant with the AFS Convention, e.g. a paint receipt or contractor's invoice.

Survey Requirements - Ships 400gt and Over

- 2.3 Ships of 400gt and over (excluding fixed, floating platforms, FSUs and FPSOs), excepting those to which the Regulations do not apply, must be surveyed under the following regime:
- (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 AFS Certificate.
- 2.4 Survey and Certification of anti-fouling systems for UK registered vessels has been delegated to all UK recognised Classification Societies. Statements of Compliance were issued from the 1st July 2003 but replaced by AFS certificates and declarations from 1 July 2004.
- 2.5 Owners of non-classed vessels should contact their local Marine Office to make arrangements for AFS certification/declaration, if they have not already done so.
- 2.6 Applications for survey should be made direct to the relevant classification society / Marine Office.

3. Fixed or Floating Platforms, FSU's and FPSO's

UK or other EEA Fixed or Floating Platforms, FSU's and FPSO's.

- 3.1 The ban on applying Anti-Fouling Systems which contain organotin compounds (Tributyltin, (TBT) also applies to all UK and other EEA Fixed or Floating Platforms, FSU's and FPSO's.
- 3.2 Fixed or Floating Platforms, FSU's and FPSO's constructed on or after 1 July 2003 must not bear TBT compounds on or after 1 January 2008, unless they have a barrier coating.
- 3.3 Fixed or Floating Platforms, FSU's and FPSO's which were constructed prior to 1 July 2003, and have been in dry dock on or after that date and have had their AFS applied, changed or replaced, must not bear TBT as from the date of having their AFS applied, changed or replaced, unless they have a barrier coating.
- 3.4 Fixed or Floating Platforms, FSU's and FPSO's which were constructed prior to 1 July 2003, and have been in dry dock on or after 1 July 2003 (but have not had their AFS applied, changed or replaced after that date), must not bear TBT compounds on or after 1 January 2008 unless they have a barrier coating.
- 3.5 Fixed or Floating Platforms, FSU's and FPSO's 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 TBT compounds, but are recommended to do so as soon as is reasonably practicable.

Non EEA Fixed or Floating Platforms, FSU's and FPSO's

3.6 The same applies to non EEA Fixed or Floating Platforms, FSU's and FPSO's. However, the ban on applying Anti-Fouling Systems which contain TBT compounds applies only from the date when the AFS Convention enters into force.

4. UK Legislation

4.1 UK Regulations are being drafted to provide the legal framework for the offences and penalties for enforcing the requirements of EC Regulation 782/2003 on the prohibition of organotin compounds on ships in the UK. Consultation of the UK Regulations should take place by the end of the year.

4.2 If at any time on or after 1st July 2003 a ship has been put into service, or gone into dry dock to have an anti-fouling system applied, etc, it must not set off on a voyage on or after the date of the Regulations coming into force unless it has been surveyed and the AFS certificate has been issued for the ship.

More Information

Environmental Quality
Maritime and Coastguard Agency
Bay 2/01
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel : +44 (0) 23 8032 9503
Fax : +44 (0) 23 8032 9204
e-mail: environment.environment@mcga.gov.uk

General Inquiries: 24 Hour Infoline
infoline@mcga.gov.uk
0870 600 6505

MCA Website Address: www.mcga.gov.uk

File Ref: MS 34/001/0113

Published: July 2007

© Crown Copyright 2007

Safer Lives, Safer Ships, Cleaner Seas

Printed on material containing minimum 75% post-consumer waste paper



*An executive agency of the
Department for
Transport*