TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS

SUBJECT: Anti-Fouling Systems Convention

References:
(b) 2009 MODU Code, Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009, as amended
(c) IMO Resolution MEPC.104(49), Guidelines for Brief Sampling of Anti-Fouling Systems on Ships, adopted 18 July 2003
(d) IMO Resolution MEPC.195(61), 2010 Guidelines for Survey and Certification of Anti-Fouling Systems on Ships, adopted 01 October 2010
(e) IMO Resolution MEPC.208(62), 2011 Guidelines for Inspection of Anti-Fouling Systems on Ships, adopted 15 July 2011
(g) CG-CVC Policy Letter 12-08, 15 October 2012

PURPOSE

This Notice implements the International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS Convention). It supersedes version 12/12. The section on applicability has been amended with a footnote to clarify the applicability to Mobile Offshore Units (MOUs).

BACKGROUND

The AFS Convention entered into force 17 September 2008. Under the terms of the AFS Convention, the use of harmful anti-fouling systems on ships is prohibited or restricted. The Republic of the Marshall Islands (RMI) is a Party to the AFS Convention, having deposited its instrument of accession with the International Maritime Organization (IMO) on 09 May 2008.

APPLICABILITY

The AFS Convention applies to all ships registered in the RMI.

Ship, as defined by the AFS Convention, 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 platforms¹, floating storage units (FSUs), and floating production storage and off-loading units (FPSOs).

¹The Administrator recognizes that MOUs or Units as defined in MI-293 are included in these terms.
1.0 Prohibition on the Use of Organotin Compounds

The AFS Convention stipulates that effective 01 January 2008, ships (except fixed or floating platforms, FSUs, and FPSOs that have been constructed prior to 01 January 2003 and that have not been dry-docked on or after 01 January 2003) shall not bear any anti-fouling system containing organotin compounds on the hull or external surfaces. Where the non-compliant system has not been removed, a barrier or sealer coating must be applied to prevent the non-compliant system from leaching.

2.0 Survey and Certification Requirements

2.1 Ships of 400 gross tonnage (GT) and above engaged on international voyages, excluding fixed or floating platforms, FSUs, and FPSOs, are subject to the AFS Convention Annex 4 Regulation 1 (survey) and Regulation 2 (certification) requirements.

2.2 Ships of 24 meters or more in length, but less than 400 GT engaged on international voyages, excluding fixed or floating platforms, FSUs, and FPSOs, are required to carry a Declaration of Anti-Fouling System in accordance with Regulation 5 of Annex 4 of the AFS Convention.

2.3 The International Anti-Fouling System Certificate (IAFSC) or Declaration of Anti Fouling System, once issued, ceases to be valid when the associated anti-fouling system is changed or replaced and not properly endorsed accordingly, or when the ship transfers to the flag of another State.

3.0 Recognized Organizations

The AFS Convention’s survey and certification functions are fully delegated to the Administrator’s Recognized Organizations (ROs) in accordance with Regulation 1(4) of Annex 4 of the AFS Convention. See MG 2-11-15.

4.0 Repairs

Repairs to existing anti-fouling systems which affect more than 25% of the system must be considered a change or replacement of the anti-fouling system. Furthermore, any repairs to an existing anti-fouling system must be repaired or replaced with a compliant anti-fouling system.

5.0 Transfer of Flag

In the case of the transfer of a ship into the registry, the Administrator may issue a new IAFSC based on the certificate issued by the previous administration, provided:

- the previous administration is a Party to the Convention;
- the Record of Anti-fouling Systems is up to date; and
- the certificate was valid at the time of the transfer.

Otherwise, an Initial Survey will be required for the issuance of a new IAFSC.
6.0 Enforcement by PSC

6.1 Article 11 of the AFS Convention provides for inspection of ships and detection of violations. Ships to which the Convention applies may be inspected in any port, shipyard or offshore terminal of a Party.

6.2 Unless there are clear grounds for believing that a ship is in violation of the AFS Convention, inspectors are limited to:

6.2.1 verifying that there is a valid IAFSC or Declaration of Antifouling System on board and/or

6.2.2 a brief sampling of the ship’s anti-fouling system that does not affect the integrity, structure or operation of the anti-fouling system. See IMO Resolution MEPC.104(49) for guidance on sampling.

6.3 When there are clear grounds to believe that the ship does not substantially meet the requirements of the AFS Convention, PSC may conduct a more detailed inspection. A vessel found in violation may be issued a warning, detained, or excluded from port. Guidance on the conduct of a detailed inspection and actions that may be taken by a port State are contained in §3.0 of IMO Resolution MEPC.208(62).

6.4 Shipowners and operators are advised that the European Union (see Commission Regulation (EC) No 536/2008) and United States (see CG-CVC Policy Letter 12-08) are actively enforcing the provisions of the Convention.