
UK Accession to the International Convention on the Control of Harmful Anti-Fouling Systems

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 etc

*This notice should be read in conjunction with: Statutory Instrument (SI) 2009 No.2796 The Merchant Shipping (Anti-Fouling Systems) Regulations 2009.
MGN 398 Guidance on the Merchant Shipping (Anti-Fouling Systems) Regulations 2009.
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 20 December 2010

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

Update on the UK's accession to the International Convention on the Control of Harmful Anti-Fouling Systems on Ships (referred to as the "International Convention").

1. Introduction & Background

1.1 In 2001, the International Convention was adopted to introduce control measures on the use of organotin compounds which act as biocides. Due to limited progress in the International Convention being ratified, on 14 April 2003, the European Parliament and the Council of the European Union (EU) adopted Regulation (EC) 782/2003 on the prohibition of organotin compounds on ships. From the 1 July 2003 it became a requirement for all European Economic Areas (EEA) ships to comply with this EC Regulation. MGN 398 provides further guidance on this and the UK Regulations.

1.2 The UK Regulations entered into force on 1 December 2009 and provides the legal framework for the offences and penalties which will be used to enforce the provisions of the EC Regulation on the prohibition of organotin compounds on ships in the UK. One of the purposes of that EC Regulation was to put Member States in the best possible position to ratify the International Convention on the Control of Harmful Anti-Fouling Systems on Ships. The UK Regulations implement both the International Convention and the EC Regulation.

1.4 With the UK Regulations now in place, the UK is in a position to progress with the accession to the International Convention and it is anticipated that this will be completed in the 1st quarter of 2010.

2. Survey & Certification

2.1 All UK registered ships which require survey and certification under the UK Regulations (see MGN 398) must at the moment carry a Statement of Compliance to show compliance with the International Convention and an AFS certificate to show compliance with the EC Regulation.

2.2 The Survey and Certification of AFS has been delegated to the following UK Recognised Classification Societies:

- American Bureau of Shipping;
- Bureau Veritas;
- Nippon Kaiji Kyokai;
- Det Norske Veritas;
- Germanischer Lloyd;
- Lloyds Register; and
- RINA.

The Maritime and Coastguard Agency will inform the above Classification Societies as soon as is practicable that the UK has become a signatory to the International Convention. Once notification has been given, the Classification Societies will be able to change ship certification for AFS from a Statement of Compliance to an International AFS certificate.

More Information

Environmental Policy Branch
Maritime and Coastguard Agency
Bay Bay 2/08
Spring Place
105 Commercial Road
Southampton
SO15 1EG

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

General Inquiries: infoline@mcga.gov.uk

MCA Website Address: www.mcga.gov.uk

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*An executive agency of the
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