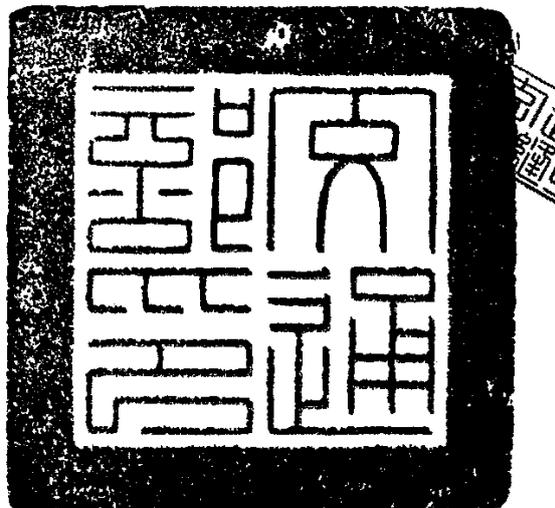


交通部 公告

發文日期：中華民國 97 年 7 月 31 日
發文字號：交航字第 0970007002 號



主旨：公告採用「2001 年管制船舶有害防污系統國際公約」(International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001)規定，並自 97 年 9 月 17 日生效施行。

依據：船舶法第 87-10 條規定。

公告事項：

- 一、「2001 年管制船舶有害防污系統國際公約」(International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001)係由國際海事組織公告自 97 年 9 月 17 日生效實施，本部依法報奉行政院 97 年 6 月 23 日院臺交字第 0970022509 號函准予採用，並自同日實施。
- 二、依本公約第 3 條規定適用之船舶，應依本公約第 4 條及其附件 1 之規定禁止及限制有機錫化合物施塗、安裝或使用於防污系統，其中下列船舶須具備相關合格文書：



(一)總噸位 400 以上航行國際航線之船舶（固定或浮動式平臺、浮動式儲存裝置及浮動式生產、儲存和卸貨裝置除外），應接受船舶防污系統相關檢驗，並持有有效的國際防污系統證書及其紀錄。

(二)船長 24 米以上且總噸位未滿 400 之航行國際航線船舶，應持有船東或其授權代理人簽署的防污系統聲明，並附有合適的證明文件。

三、本公約中、英文版相關內容請逕至交通部網站(航政司/公告事項)查詢，網址：http://www.motc.gov.tw/motchypage/hypage.cgi?HYPAGE=org_list.htm&classid=315005000&mp=1。

四、對本公告如有疑問，請洽交通部航政司船舶科，地址：台北市中正區 100 仁愛路一段 50 號，電話：(02)23492323。

部長 毛治國

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主旨：「2001 年管制船舶有害防污系統國際公約」(International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001)，業經本部於中華民國 97 年 7 月 31 日以交航字第 0970007002 號公告，茲檢附公告 1 份，請刊登行政院公報。

正本：行政院公報編印中心

副本：行政院環境保護署、行政院農業委員會、經濟部、中華民國輪船商業同業公會全國聯合會、台灣區造船工業同業公會、財團法人中國驗船中心、本部基隆港務局、臺中港務局、高雄港務局、花蓮港務局、法規委員會、航政司(以上均含附件)

裝

訂

線

2001年管制船舶有害防污系統國際公約

目 錄

第1條	一般義務	2
第2條	定義	2
第3條	適用範圍	3
第4條	防污系統的管制	4
第5條	對附件1廢棄材料的管制	4
第6條	提出修正防污系統管制的程序	4
第7條	技術組	5
第8條	科學和技術研究及監測	5
第9條	資訊交流及交換	6
第10條	檢驗及發證	6
第11條	船舶檢查和違規調查	6
第12條	違規	7
第13條	對船舶的不當延誤或滯留	7
第14條	爭議的解決	8
第15條	與國際海洋法的關係	8
第16條	修正案	8
第17條	簽署、批准、接受、認可和加入	9
第18條	生效	10
第19條	退出	10
第20條	保存人	10
第21條	語言	11
附件1	防污系統的管制	12
附件2	初始提議所要求的要素	13
附件3	全面提議中需具備的要素	14
附件4	防污系統的檢驗及發證要求	16

2001年管制船舶有害防污系統國際公約

本公約各締約國，

已注意到各國政府和權威國際組織的科學研究和調查聲明，某些用於船舶上的防污系統，對於具有重要生態和經濟價值的海洋生物，構成嚴重的毒性危險和其他慢性影響，並且由於消費海產食品，而導致人類健康可能受到危害，

特別關注到人們對採用有機錫作為防污系統的嚴重影響，確信必須逐步禁止此類有機錫進入環境，

1992年聯合國環境與發展大會通過的第21項議程第17章，即呼籲各國採取措施減少由於防污系統中使用有機錫化合物所造成的污染，

國際海事組織大會更於1999年11月25日通過A.895(21)大會決議，敦促本組織海洋環境保護委員會(簡稱MEPC)應儘快制訂針對防污系統有害影響的一個全球強制性法律文件，作為一個緊急事項。

此外，「里約環境與發展宣言」第15條已確立相關預防管制規定，並於1995年9月15日MEPC會議通過MEPC.67(37)號決議，

另確認到保護海洋環境和人類健康免受防污系統不利影響的重要性，

還體認到使用防污系統防止有機體附著在船舶表面，對於商業效率、航運和阻止有害水中有機體和病原體傳播的重要作用，

並進一步意識到，繼續開發有效且對環境安全的防污系統的必要性和倡導用毒害性較小的系統或最好是無害系統來代替有害系統的必要性，

茲協定如下：

第1條

一般義務

- (1) 爲了減少或消除防污系統對於海洋環境和人類健康的不利影響，本公約各締約國承諾全面充分地實施本公約的規定。
- (2) 附件與本公約構成一個整體。除非另有明文規定，提及本公約同時意味著提及其附件。
- (3) 本公約中的任何規定，都不得被解釋爲妨礙一國在符合國際法的前提下，獨自或與他國聯合就減少或消除防污系統，對於環境的不利影響採取更嚴格的措施。
- (4) 締約國須爲有效實施、符合和執行本公約進行通力合作。
- (5) 締約國承諾鼓勵繼續開發有效且對環境安全的防污系統。

第2條

定義

除非另有明文規定，就本公約而言：

- (1) “**主管機關**”係指船舶在其權限下營運的國家政府。對於有權懸掛某國船旗的船舶而言，主管機關係指該國政府。對於在沿岸國行使自然資源勘探和開發擁有主權的海岸附近水域，從事海床和底土勘探和開發的固定式或浮動式平臺，主管機關係指有關沿岸國的政府。
- (2) “**防污系統**”係指用於船舶以管制和防止有機體附著的塗層、油漆、表面處理、表面或裝置。
- (3) “**委員會**”係指本組織的海上環境保護委員會。
- (4) “**總噸位**”係指根據「1969年國際噸位丈量公約」附件1或任何後續公約中的噸位丈量規定而計算出的總噸位。
- (5) “**國際航線**”係指懸掛一國船旗的船舶到另一國管轄下的港口、船廠或近海裝卸站的往來路線。
- (6) “**長度**”係指經1988年議定書修訂的「1966年國際載重線公約」或任何後續公約所定義的船舶長度。
- (7) “**本組織**”係指國際海事組織。
- (8) “**秘書長**”係指本組織的秘書長。
- (9) “**船舶**”係指航行於海洋環境的任何類型船舶，包括水翼船、氣墊船、潛水艇、浮動艇筏、固定或浮動式平臺、浮動式儲存裝置(FSU)以及浮動式生產、儲存和卸貨裝置(FPSO)。
- (10) “**技術組**”係指由締約國、本組織成員、聯合國及其專門機構、與本組織有協定的政府間國際組織和在本組織享有諮詢地位的非政府國際組織的代表組成的一個機構，其中最好包括從事防污系統分析的研究機構和試驗室的代表。這些代表應具有環境命運和效應、毒性效應、海洋生態、人類健康、經濟分析、風險管理、國際航運、防污系統塗層技術方面的專業背景，或客觀審議其全面提議的技術價值所需的其他專業背景。

第3條

適用範圍

- (1) 除非在本公約中另行指明，本公約須適用於：
 - (a) 有權懸掛締約國船旗的船舶；
 - (b) 無權懸掛締約國船旗，但在該締約國的權限下營運的船舶；以及
 - (c) 進入締約國的港口、船廠、或近海裝卸站但不屬於第(a)或(b)項的船舶。
- (2) 本公約不適用於任何軍艦、軍用輔助船舶，或締約國所擁有或營運的只用於政府非商業服務目的的其他船舶。然而，各締約國須通過採取不妨礙其所擁有或營運此類船舶的操作或操作性能的適當措施，保證此類船舶在合理和可行時符合本公約。
- (3) 對於本公約非締約國的船舶，各締約國可在必要時適用本公約的要求，保證不給此種船舶更優惠的待遇。

第4條

防污系統的管制

- (1) 根據附件1中規定的要求，各締約國須禁止和/或限制：
 - (a) 在第3條第1款(a)或(b)所述的船舶上施塗、重塗、安裝或使用有害防污系統；以及
 - (b) 在締約國的港口、船廠或近海裝卸站內，在第3條第(1)款(c)所述的船舶上施塗、重塗、或使用此類系統，並須採取有效措施確保此類船舶符合附件1的要求。
- (2) 除非委員會決定由於情況的特殊性構成了提早實施的理由，塗有受到本公約生效後對附件1的修正案所管制的防污系統的船舶，可保留該系統直至下一次計畫換新，但在任何情況下不得超出施塗後60個月。

第5條

對附件1廢棄材料的管制

考慮到國際規則、標準和要求，締約國須在其領土內採取適當措施要求，以安全和對環境無害的方式，收集、操作、處理和處置在施塗或清除附件1所管制的防污系統時產生的廢棄物，以保護人類健康和環境。

第6條

提出修正防污系統管制的程序

- (1) 任一締約國均可根據本條對附件1提出修正。
- (2) 初始提議須含有附件2所要求的資訊，並須提交給本組織。本組織收到提議後，須將該提議通知各締約國、本組織成員、聯合國及其專門機構、與本組織有協定的政府間國際組織和在本組織享有諮詢地位的非政府國際組織，並向它們提供該提議。
- (3) 委員會須根據初始提議就是否有必要對有關防污系統作更進一步審議作出決定。如果委員會決定有必要進一步審議，須要求提出該提議的締約國向委員會提出一份全面提議，提議中要包括附件3中要求的資訊，除非初始提議也包含了附件3所要求的全部資訊。如果委員會認為存在嚴重或不可逆轉損害的威脅，缺乏全面的科學確定性，不得作為阻止做出對提議繼續評估決定的理由。委員會須根據第7條成立一個技術組。
- (4) 技術組須對該全面提議連同任何相關機構提交的任何額外的資料進行審議，並對該提議是否證明了對非目標生物或人類健康，有過度潛在不利影響的風險，因而構成修改附件1的理由進行評估，並向委員會報告，在此方面：
 - (a) 技術組的審議須包括：
 - (i) 對有關防污系統與所發現的對環境或人類健康，包括但不限於消費受影響的海產品的相關有害影響間聯繫的評估，或通過基於附件3中所述的資料和已知的其他相關資料的管制研究進行評估；

(ii) 對提議中建議的管制措施和技術組可能考慮的其他管制措施使風險降低的可能性進行評估；

(iii) 對關於管制措施的技術可行性和提議的成本效益比的已有資訊進行審議；

(iv) 對關於引入此種管制措施在以下方面的其他影響的已有資訊的審議：

- 環境(包括不限於不採取行動的代價以及對空氣品質的影響)；
- 船廠內的健康和安全問題(對船廠工人的影響)；
- 給國際航運和其他相關行業造成的費用；以及

(v) 對有無恰當的替代產品的審議，包括對替代產品潛在風險的審議。

(b) 技術組的報告須為書面報告，並須考慮到(a)項中所提及的每一種評估和審議，但如果技術組在完成(a)(i)項的評估後認為沒有理由進一步審議該提議時，可決定不再繼續進行(a)(ii)至(a)(v)項的評估。

(c) 技術組的報告須特別包括關於是否有正當理由對有關防污系統依照本公約進行國際性限制、全面提議中建議的具體管制措施的恰當性、或其所認為更恰當的其他管制措施的建議。

(5) 技術組的報告須在委員會審議前散發給締約國、本組織成員、聯合國及其專門機構、與本組織有協定的政府間國際組織和在本組織享有諮詢地位的非政府組織。委員會在考慮到技術組報告的基礎上，須對是否批准修正附件1的任何提議及對其加以適當修改做出決定。如果報告發現嚴重或不可逆轉的損害威脅，缺乏充分的科學確定性，本身不得作為阻止做出將某一防污系統列入附件1的決定的理由。如果委員會批准了對附件1的建議修正案，須按第16條第2(a)款予以散發。對提議不予批准的決定，不得妨礙將來在獲得了新的資訊後，就某一特定防污系統提出新的提議。

(6) 只有締約國才可參與本條第3段和第5段中所述委員會的決策。

第7條

技術組

(1) 在收到全面提議後，委員會須根據第6條成立一個技術組。在同時或陸續收到幾份提議的情況下，委員會可視需要成立一個或幾個技術組。

(2) 任何締約國均可參加技術組的工作，並應選派其所擁有的相關技術專家。

(3) 委員會須決定技術組的工作內容、組織和工作方式。這些安排須能夠使可能提交的任何保密資訊得到保護。技術組可能按要求的召開會議，但須盡力通過書面或電子通信方式或其他適當媒體開展工作。

(4) 只有締約國的代表才可參加起草根據第6條向委員會提交的任何建議。技術組應努力在締約國的代表之間達成一致。如果不可能達成一致，技術組應將那些少數代表意見告知委員會。

第8條

科學和技術研究及監測

(1) 締約國須採取適當措施，倡導和推動有關對防污系統影響的科學和技術研究，以及相關影響監測。這些研究特別應包括對防污系統影響的觀察、量測、取樣、評估和分析。

(2) 爲了進一步達到本公約的目標，各締約國須提倡向提出要求的其他締約國提供以下方面的有關資訊：

- (a) 根據本公約所開展的科學和技術活動；
- (b) 海洋科學和技術專案及其目標；
- (c) 通過任何與防污系統有關的監測和評估專案所發現的影響。

第9條

資訊交流及交換

(1) 各締約國承諾向本組織提交：

- (a) 一份經授權根據本公約規定在管理防污系統管制有關事宜方面代表其行事的指定驗船師或認可機構的清單，以便散發給各締約國供其官員知悉。因此，主管機關須將授權給指定驗船師和認可機構的具體職責和權利條件通知本組織，以及
- (b) 關於任何根據其國內法所認可、限制或禁止的防污系統的資訊，按年度提交。

(2) 本組織須通過任何適當方式提供根據本條第1款所提交的資訊。

(3) 對於一締約國認可、登記或給予許可的防污系統，如果其他締約國提出請求，該締約國須向其他締約國提供，或要求防污系統的製造商提供，其做出此決定所依據的相關資訊，包括附件3中規定的資訊或適合於對防污系統做出適當評估的其他資訊。受法律保護的資訊不得提供。

第10條

檢驗及發證

締約國須保證根據附件4中的規定對有權懸掛其船旗的船舶或在其權限下營運的船舶進行檢驗及發證。

第11條

船舶檢查和違規調查

(1) 凡適用本公約的船舶，在締約國的任何港口、船廠或近海裝卸站，均可受到該締約國授權官員的檢查，以確定該船是否符合本公約。除非有明確理由相信某船舶違反了本公約，任何此類檢查須限於：

- (a) 驗證船上攜帶所要求的有效「國際防污系統證書」或「防污系統聲明」；以及/或

(b) 根據本組織制訂的準則^{*}對船舶防污系統進行不影響防污系統的完整性、結構或功能的簡單取樣。但是，處理取樣結果所需的時間不得構成阻止船舶的運作和離港的理由。

(2) 如果有明確理由相信船舶違反了本公約，可以進行全面的檢查，該檢查要考慮到本組織制訂的準則^{*}。

(3) 如果發現船舶違反本公約，實施檢查的締約國可以採取措施對船舶予以警告、滯留、驅除或拒絕船舶停靠其港口。因船舶不符合本公約而對其採取上述措施的締約國須立即通知該船舶的主管機關。

(4) 各締約國須在調查違規和執行本公約方面進行合作。如果一締約國收到另一締約國請其進行調查的請求和有關某船正在或曾經違反本公約操作的充分證據，也可以在船舶進入其港口、船廠或其管轄下的近海裝卸站時對船舶進行檢查。這種調查的報告應送交請求調查的締約國以及有關船舶的主管機關，以便根據本公約採取適當措施。

第12條

違規

(1) 任何違反本公約要求的事件，不論其發生在何處，都須予以禁止並根據主管機關的法律給予制裁。如果主管機關被告知有違規事件發生，須對事件進行調查，並可要求報告事件的締約國提供所指認違規的額外證據。如果主管機關確認有充分的證據可對被指認的違規事件予以起訴，則須按照其法律使這種起訴儘速進行。主管機關須將所採取的任何措施立即通知報告違規的締約國以及本組織。如果主管機關在接到資訊後1年內未採取任何行動，須通知曾報告指認違規的締約國。

(2) 在任一締約國管轄下的任何違反本公約的事件均須予以禁止並根據締約國的法律予以制裁。在此類違規事件發生時，締約國須：

(a) 根據其法律提起起訴，或

(b) 將其可能掌握的關於已發生違規事件的情況和證據提供給該船的主管機關。

(3) 締約國的法律就本條所規定的處罰，其嚴厲程度須足以遏止對本公約的違反，無論其發生於何處。

第13條

對船舶的不當延誤或滯留

(1) 在執行本公約第11和12條時須盡力避免使船舶受到不當的滯留或延誤。

(2) 如果在執行本公約第11和12條時船舶受到不當滯留或延誤，該船有權要求對其受到的任何損失或損害予以賠償。

^{*} 準則制訂中。

第14條

爭議的解決

締約國須以談判、調查、調停、和解、仲裁、司法解決、訴諸區域機構或安排或其自己選擇的其他和平方式解決他們之間對本公約的解釋或適用發生的爭議。

第15條

與國際海洋法的關係

本公約的任何規定都不得妨礙任何國家在「聯合國海洋法公約」所反映的國際習慣法下的權利和義務。

第16條

修正案

- (1) 本公約可通過下文所規定的任一程序予以修正。
- (2) 經本組織審議的修正案：
 - (a) 任一締約國均可對本公約提出修正。建議修正案須提交給秘書長，秘書長則須在審議該建議前不少於6個月分發給締約國和本組織成員。如果是修正附件1的建議，在根據本條對其審議前，還須遵從第6條的程序。
 - (b) 按上述要求建議和散發的修正案須提交委員會審議。各締約國，無論其是否為本組織成員，都有權參加委員會審議和通過修正案的會議。
 - (c) 修正案須由出席委員會並投票的締約國三分之二多數通過，條件是投票時至少有三分之一的締約國出席。
 - (d) 按第(c)項通過的修正案由秘書長發給各締約國供接受。
 - (e) 在以下情況下視為修正案已被接受：
 - (i) 對公約正文的修正案在三分之二的締約國通知秘書長其接受修正案之日視為已被接受。
 - (ii) 對公約附件的修正案在通過之日12個月後或委員會確定的其他日期視為已被接受。但是，如果截止該日有三分之一的締約國通知秘書長反對修正案，則視為修正案未被接受。
 - (f) 修正案在下述條件下生效：
 - (i) 對公約正文的修正案在根據第(e)(i)項確定的視為被接受日期六個月後對聲明接受修正案的締約國生效。
 - (ii) 對附件1的修正案在其視為被接受之日6個月以後對所有締約國生效，但以下締約國除外：

- (1) 根據第(e)(ii)項通知了反對修正案，且後來沒有撤消該反對；
 - (2) 在該修正案生效前通知秘書長，只有在其隨後通知接受修正案後該修正案才能對其生效；或
 - (3) 在遞交批准、接受、認可或加入公約文件時聲明只有在其向秘書長通知接受附件1的修正案後該修正案才能對其生效。
- (iii) 除附件1以外附件的修正案從其被視為接受之日6個月後對所有締約國生效，但那些根據第(e)(ii)項通知了反對修正案且後來沒有撤消該反對的締約國除外。
- (g) (i) 按第(f)(ii)(1)或(iii)項所述通知了反對修正案的締約國可隨後通知秘書長其接受修正案。修正案將於該接受通知6個月後對該締約國生效，或於修正案生效之日對該締約國生效，以晚者為準。
- (ii) 如果分別做出了第(f)(ii)(2)或(3)項所述通知或聲明的某締約國通知秘書長其接受修正案，修正案將於該接受聲明6個月後對該締約國生效，或於修正案生效之日對該締約國生效，以晚者為準。
- (3) 由大會修正：
- (a) 應一締約國要求並得到三分之一締約國的同意，本組織須召開締約國大會審議對公約的修正案。
 - (b) 在此種大會上由出席並表決的締約國三分之二多數締約國通過的修正案須由秘書長發給各締約國以供接受。
 - (c) 除非大會另作決定，修正案將分別根據本條第2(e)和(f)項所述的程序視為已被接受和生效。
- (4) 對於拒絕接受某附件的某項修正案的締約國，僅就該項修正案的適用而言，以非締約國論。
- (5) 增加新附件的提議、通過和生效須根據修正公約正文所適用的程序來進行。
- (6) 按本條所做的通知或聲明須以書面形式通知秘書長。
- (7) 秘書長須將以下情況通知各締約國和本組織成員：
- (a) 任何生效的修正案、修正案的總體生效日期和對各締約國的生效日期；和
 - (b) 任何根據本條做出的通知或聲明。

第17條

簽署、批准、接受、認可和加入

- (1) 本公約自2002年2月1日起至2002年12月31日在本組織總部開放供各國簽署，以後繼續開放供各國加入。
- (2) 各國可按下列方式成為本公約的締約國：
 - (a) 簽署而無需批准、接受或認可；或
 - (b) 簽署但有待批准、接受或認可，隨後予以批准、接受或認可；或

(c) 加入。

(3) 批准、接受、認可或加入應以向本組織秘書長遞交一份文件來實現。

(4) 如果一個國家就公約有關事項包含兩個或兩個以上適用不同法律制度的領土單元，該國家可以在簽署、批准、接受、認可或加入時，聲明本公約將適用於其所有領土或只適用於一個或幾個領土單元，並可以在以後任何時間提交另一份聲明，來對前一項聲明加以修改。

(5) 任何此種聲明須通知秘書長並須明確指出本公約將適用的領土單元。

第18條

生效

(1) 本公約將在合計商船總噸位不少於世界商船總噸位25%的至少25個國家按第17條簽署本公約並對批准、接受或認可無保留，或遞交了必要的批准、接受、認可或加入文件12個月後生效。

(2) 對於在本公約生效條件滿足後但在生效日期之前遞交批准、接受、認可或加入文件的國家，其批准、接受、認可或加入將於公約的生效日期或遞交文件3個月後生效，以晚者為準。

(3) 凡在本公約生效之日以後遞交的批准、接受、認可或加入文件，應在遞交之日起3個月後生效。

(4) 本公約的某一修正案依照公約第16條視為已被接受之日後遞交的任何批准、接受、認可或加入文件應適用於經修訂的本公約。

第19條

退出

(1) 任何締約國在本公約對其生效滿2年後可隨時退出本公約。

(2) 對公約的退出須以向秘書長提出書面通知來實現，在收到該通知一年後或通知中所指明的較此為長的一段時間後生效。

第20條

保存人

(1) 本公約由秘書長保存，秘書長須將本公約核證無誤副本發給所有簽署本公約或加入本公約的國家。

(2) 除本公約具體規定的其他職能外，秘書長還須：

(a) 將下述情況通知所有簽署或加入本公約的國家：

(i) 每一新的簽署或批准、接受、認可或加入文件的遞交及其日期；

(ii) 本公約的生效日期；和

- (iii) 任何退出本公約文件的遞交，以及該文件的收到日期和退出生效的日期；以及
- (b) 本公約一經生效，即按照「聯合國憲章」第102條的規定，將其文本送聯合國秘書處登記並公佈。

第21條

語言

本公約正本一份，由阿拉伯文、中文、英文、法文、俄文和西班牙文寫成，每種文本具有同等效力。

下列具名的經政府正式授權代表特簽署本公約，以昭公信。

二〇〇一年十月五日訂於倫敦。

附件1

防污系統的管制

防污系統	管制措施	適用範圍	生效日期
在防污系統中充當殺蟲劑的有機錫化合物	船舶不得施塗或重新施塗此類化合物	所有船舶	2003年1月1日
在防污系統中充當殺蟲劑的有機錫化合物	船舶須： (1) 在船殼上或外部構件或表面上不得有此類化合物；或 (2) 應有一個阻擋底層不符合要求防污系統滲出此類化合物的隔離層	所有船舶(2003年1月1日前建造並在2003年1月1日或以後未曾塢修的固定或浮動式平臺、浮動式儲存裝置(FSU)、浮動式生產、儲存和卸貨裝置(FPSO)除外)	2008年1月1日

附件2

初始提議所要求的要素

- (1) 初始提議應當包括充分的文件，其中至少包括以下內容：
 - (a) 防污系統產品提案鑑定：防污系統的名稱；活性成份的名稱和化學文摘社(CAS)登記號碼，或是該系統成份被懷疑可能會造成不利影響；
 - (b) 關於防污系統或其轉化生成物，會對人類健康構成危險，或在其環境中可能發現的濃度，會對非目標有機體造成不利影響的資訊的描述(例如有代表性物種的毒性研究結果和生物積累資料)；
 - (c) 防污系統中的毒性成份或其轉化生成物在環境中出現可能導致對非目標有機體、人類健康或水質產生不利影響濃度的可能性的佐證材料(例如有關在水體、沈澱物和生物群中長期存在；在研究或實際使用情況下從處理過的表面釋放毒性成份的速率；或監測資料，如果有的話)；
 - (d) 對防污系統、有關不利影響和所觀測或預測到的環境濃度之間聯繫的分析；以及
 - (e) 關於何種限制能有效減少與防污系統有關風險的初步建議。
- (2) 初始提議須根據本組織的規定和程序來提交。

附件3

全面提議中需具備的要素

- (1) 一份全面性的提議，應包括下列充分文件：
 - (a) 初始提議中引用資料的新發展；
 - (b) 在第3(a)、(b)和(c)款中列舉的數據類別中發現的問題(視建議的內容而定)及取得資料方法的鑑定和描述；
 - (c) 就防污系統不利影響開展研究的結果概述；
 - (d) 如果進行過任何監測，對監測結果的概述，其中包括船舶交通量的資訊和所監測區域的總體描述；
 - (e) 關於已有的環境或生態風險資料的概述，和通過使用數學模型所取得的對環境濃度的預測以及對數學模型的鑑定和描述。數學模型採用所有已知的環境命運參數，最好是通過實驗而確定的參數；
 - (f) 對該防污系統、相關不利影響和環境濃度(不論其為觀測結果還是預測結果)之間的聯繫的評估；
 - (g) 對上述(f)段所述評估中的不確定性水準的定性陳述；
 - (h) 關於為減少與防污系統有關的風險需採取的具體管制措施的建議，和
 - (i) 關於任何已有研究成果的概述，說明建議的管制措施對空氣品質、船廠條件、國際航運及其它行業的潛在影響，以及是否存在合適的替代品。
- (2) 全面提議還須包括關於有關成分的以下物理及化學特性方面的資訊(如適用)：
 - 熔點；
 - 沸點；
 - 密度(相對密度)；
 - 蒸氣壓力；
 - 水溶性/pH值/解離常數(pK_a)值；
 - 氧化/還原 電位；
 - 分子質量；
 - 分子結構；和
 - 在初始提議中確定的其他物理及化學特性。
- (3) 就上文(1)(b)款而言，數據種類為：
 - (a) 關於環境命運和影響的數據：
 - 降解/消散方式(例如水解/光降解/生物降解)；
 - 在相關介質(例如水體/沈澱物/生物群)中的持久性；

- 沈澱物/水的分配；
- 殺蟲劑或活性成份的滲出率；
- 質量平衡；
- 生物積累、分配係數、辛烷/水係數；和
- 任何在釋放時新發生的反應或已知的相互作用效應。

(b) 對於水生植物、無脊椎動物、魚類、海鳥、海洋哺乳動物、瀕危物種、其他生物群落、水質、海床或非目標有機體，包括敏感和代表性有機體棲息地的非故意影響的數據；

- 劇毒性；
- 慢性毒性；
- 對於繁衍和繁殖的毒性；
- 內分泌紊亂；
- 沈澱物毒性；
- 生物吸收性/生物擴大/生物濃縮；
- 食物鏈/種群效應；
- 現場所發現的負面作用/魚類死亡/擱淺/組織分析；和
- 海產食品中的殘留物；

上述資料須與一種或幾種非目標有機體相關，例如水生植物、無脊椎動物、魚類、鳥類、哺乳動物和瀕危物種。

(c) 關於對人類健康潛在影響的資料(包括但不限於食用受影響的海產品)。

(4) 全面提議中要包括對所採用的研究方法的描述以及對研究所採取的任何相關品質認證措施和開展的任何同等評審。

附件4

防污系統的檢驗及發證要求

第1條

檢驗

(1) 公約第(3)(1)(a)條所述之從事國際航線的400總噸及以上的船舶，不包括固定或浮動式平臺、浮動式存儲裝置(FSU)、浮動式生產、儲存和卸貨裝置(FPSO)，須接受下面規定的檢驗：

(a) 船舶投入營運前或在本附件第2或3條所要求的「國際防污證書」(證書)第一次簽發前的初次檢驗。

(b) 改變或替換防污系統時的一次檢驗。此種檢驗須簽證在根據本附件第2或3條所要求的證書上。

(2) 檢驗須能夠保證船舶的防污系統完全符合本公約。

(3) 爲了保證符合本公約，主管機關須爲不受本條第1款規定約束的船舶作出適當的安排。

(4) (a) 爲實施本公約而對船舶進行的檢驗須由主管機關正式授權的官員，或考慮到本組織制訂的檢驗準則*按本附件第3條第1款的規定來進行。主管機關也可以將本公約要求的檢驗委託給專門指定的驗船師或主管機關認可的機構來進行。

(b) 指定驗船師或認可機構**進行檢驗的主管機關須至少對所指定的驗船師或認可機構授權，使其能：

(i) 要求其檢驗的船舶符合本公約附件1的要求；以及

(ii) 應本公約締約國的港口有關當局的要求實施檢驗。

(c) 如果主管機關、指定的驗船師或認可的機構確定船舶的防污系統與本附件第2或3條所要求證書的內容不符，或不符合本公約的要求，該主管機關、驗船師和機構須確保立即採取糾正措施以使船舶符合要求。驗船師或機構還須及時將該決定通知主管機關。如果船舶沒有採取所要求的糾正措施，須立即通知主管機關，而主管機關則須保證不簽發證書或將證書予以吊銷。

(d) 在(c)項所述的情況下，如果船舶處在另一締約國的港口，須立即通知港口國的有關當局。如果主管機關、指定的驗船師或認可的機構通知了港口國的有關當局，則有關港口國政府須對該主管機關、驗船師或機構給以一切必要的協助，幫助他們根據本條規定行使職責，包括採取本公約第11或12條所規定的任何行動。

第2條

國際防污系統證書的簽發和簽證

(1) 主管機關應要求本附件第1條所適用的船舶，在通過了根據本附件第1條進行的檢驗後獲得一份證書。由本公約一締約國簽發的證書須被其他締約國接受，並在本公約所涉及的各方面被視爲與其自己簽發的證書同樣有效。

(2) 證書應由主管機關或經其正式授權的任何人員或機構簽發或簽證。不論那種情況，主管機關對證書負有全部責任。

(3) 對於在附件1中所述的一項在管制生效前塗有該防污系統的船舶，主管機關應不遲於該管制生效後兩年內根據本條第2或3款簽發證書。本款不得影響任何關於船舶須滿足附件1的要求。

(4) 證書須按本附件附錄1中所規定的格式，至少用英文、法文或西班牙文寫成。如果證書中還使用了發證國的官方語言，在出現爭議或不一致的情況時，以發證國的官方語言為準。

第3條

由另一締約國簽發或簽證的國際防污系統證書

(1) 應主管機關的要求，另一締約國可指派人員對船舶進行檢驗，並且如果認為符合本公約，應根據本公約向該船舶簽發或授權簽發證書，並在適當時根據本公約為船舶的證書簽證或授權為其簽證。

(2) 須儘速將一份證書副本和一份檢驗報告副本送交要求進行該項檢驗的主管機關。

(3) 這樣簽發的證書應載明該證書是應本條第1款中所述的主管機關的請求簽發的，應與主管機關簽發的證書具有同等效力和得到同樣承認。

(4) 對懸掛非締約國船旗的船舶，不得發給證書。

第4條

國際防污系統證書的有效性

(1) 按本附件第2或3條簽發的證書在下面任一情況下均不再有效。

(a) 如果改變或替換了防污系統而證書未根據本公約加以簽證；

(b) 在船舶改掛另一國國旗時。只有在簽發新證書的締約國確認該船業已滿足本公約時才能簽發新證書。如果變更船旗系在兩個締約國之間進行，如果在變更船旗後的三個月內收到請求，前一個船旗國政府應儘速將變更船旗前該船所攜的證書副本一份送交該船的新主管機關。如果有相關檢驗報告，也應將其副本一份送交新的主管機關。

(2) 一締約國可以根據一次新的檢驗或船舶以前的船旗國所簽發的有效證書向從另一締約國轉來的船舶簽發新證書。

第5條

防污系統聲明

(1) 主管機關須要求本公約3條(1)(a)款所適用的長度24米及以上但小於400總噸的國際航線船舶(不包括固定或浮動式平臺、FSU和FPSO)攜帶一份由船舶所有人或船舶所有人的授權代理所簽署的聲明。該聲明還須輔以適當的文件(例如油漆收據或承包商的發票)或包括適當的簽字。

(2) 聲明須按本附件附錄2中所規定的格式，至少用英文、法文或西班牙文寫成。如果聲明中還使用了船旗國的官方語言，在出現爭議或不一致的情況時，以船旗國的官方語言為準。

國際防污系統證書
INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE

中華民國
REPUBLIC OF CHINA

(本證書應附有防污系統紀錄)
(This certificate shall be supplemented by a Record of Anti-fouling Systems)
茲由中華民國交通部委託 依照管制船舶有害防污系統國際公約發給本證書
Issued under the
International Convention on the Control of Harmful Anti-Fouling Systems on Ships
under the authority of the Government of
the REPUBLIC OF CHINA by

證書號碼 Certificate No. _____

若以前曾簽發過證書，本證書取代前證書，其簽發日期為 _____。
When a Certificate has been previously issued, this Certificate replaces the certificate dated _____.

船名 Name of ship	船舶號數或信號符字 Distinctive number or letters	船籍港 Port of registry	總噸位 Gross tonnage	IMO編號 IMO number

本船在建造中或建造完成後未使用過附錄1所管制的防污系統。
An anti-fouling system controlled under annex 1 has not been applied during or after construction of this ship.....

本船以前曾使用過附錄1所管制的防污系統，但已由
An anti-fouling system controlled under annex 1 has been applied on this ship previously, but has been removed by
於 _____ 清除。
on _____
(填入施工廠家名稱 insert name of the facility) (日期 date)

本船以前曾使用過附錄1所管制的防污系統，但已由
An anti-fouling system controlled under annex 1 has been applied on this ship previously, but has been covered with a
sealer coat applied by
於 _____ 以封閉層覆蓋。
on _____
(填入施工廠家名稱 insert name of the facility) (日期 date)

本船在 _____ 1 以前
An anti-fouling system controlled under annex 1 was applied on this ship prior to _____
(日期 date)
使用附錄1所管制的防污系統，但必須於 _____ 2 以前予以清除或以封閉層覆蓋。
must be removed or covered with a sealer coat prior to _____
(日期 date)

- 1 管制措施生效之日期。
Date of entry into force of the control measure.
- 2 公約第 4(2)條或附錄 1 中規定的任何實施期限到期日。
Date of expiration of any implementation period specified in article 4(2) or annex 1.

證書號碼 Certificate No.

茲 證 明

THIS IS TO CERTIFY THAT:

1. 本船業已依照本公約附錄4規則第1條檢驗；且
the ship has been surveyed in accordance with regulation 1 of annex 4 to the Convention ; and
2. 經檢驗顯示本船之防污系統符合本公約附錄1所適用之要求。
the survey shows that the anti-fouling system on the ship complies with the applicable requirements of annex 1 to the Convention.

發證地點

Issued at

發證日期

Date of issue

本證書所依據之檢驗完成日期

Date of completion of the survey

on which this certificate is

issued:

.....
受委託驗船機構驗船師簽名處
(Signature of authorized official issuing the Record)

防污系統紀錄
RECORD OF ANTI-FOULING SYSTEMS

本紀錄必須永久依附在國際防污系統證書

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

船舶要目

Particulars of ship

船名
Name of ship : _____
船舶號數或信號符字
Distinctive number or letters : _____
IMO編號
IMO number : _____

所用防污系統之細目

Details of anti-fouling system(s) applied

所用防污系統的類型
Type(s) of anti-fouling system(s) used _____

防污系統的施工日期
Date(s) of application of anti-fouling system(s) _____

公司名稱和施工廠家名稱/地點
Name(s) of company(ies) and facility(ies)/location(s) where applied _____

防污系統廠家名稱
Name(s) of anti-fouling system manufacturer(s) _____

防污系統之名稱及顏色
Name(s) and colour(s) of anti-fouling system(s) _____

活性成分及其化學摘要服務社登記碼(CAS登記碼)
Active ingredient(s) and their Chemical Abstracts Service Registry Number(s) (CAS number(s))

封閉層的類型(如適用)
Type(s) of sealer coat, if applicable _____

所用封閉層的名稱及顏色(如適用)
Name(s) and colour(s) of sealer coat applied, if applicable _____

封閉層的施工日期
Date of application of sealer coat _____

茲證明 本紀錄在所有各方面均屬正確
THIS IS TO CERTIFY that this Record is correct in all respects.

發證地點
Issued at _____
發證日期
Date of issue _____

受委託驗船機構驗船師簽名處
(Signature of authorized official issuing the Record)

紀錄之簽證³
Endorsement of the Record³

茲證明 本船依本公約附錄4規則第1(1)(b)條之規定實施檢驗符合本公約之有關要求。
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.

所用防污系統之細目

Details of anti-fouling system(s) applied

所用防污系統的類型

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

防污系統的施工日期

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

公司名稱和施工廠家名稱/地點

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

防污系統廠家名稱

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

防污系統之名稱及顏色

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

活性成分及其化學摘要服務社登記碼(CAS登記碼)

Active ingredient(s) and their Chemical Abstracts Service Registry Number(s) (CAS number(s)) _____

封閉層的類型(如適用)

Type(s) of sealer coat, if applicable _____

所用封閉層的名稱及顏色(如適用)

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

封閉層的施工日期

Date of application of sealer coat _____

簽名 Signed: _____

受委託驗船機構驗船師簽名處
(Signature of authorized official issuing the Record)

地點 Place: _____

日期 Date: ⁴ _____

³ 本頁紀錄由主管機關視需要複製後附於本紀錄後。

This page of the Record shall be reproduced and added to the Record as considered necessary by the Administration.

⁴ 檢驗完成後之簽署日期。

Date of completion of the survey on which this endorsement is made.

防污系統聲明
DECLARATION ON ANTI-FOULING SYSTEM

本聲明依照管制船舶有害防污系統國際公約制定

Drawn up under the
International Convention on the Control of Harmful Anti-Fouling Systems on Ships

船名
Name of ship : _____
船舶號數或信號符字
Distinctive number or letters : _____
船籍港
Port of registry : _____
船舶長度
Length : _____
總噸位
Gross tonnage : _____
IMO編號(僅就適用者)
IMO number(if applicable) : _____

本人(公司)聲明本船舶防污系統符合管制船舶有害防污系統國際公約附件1之規定

I declare that the anti-fouling system used on this ship complies with Annex 1 of the Convention

.....
日期(Date) 船舶所有人或授權代理人簽名處 (Signature of owner or owner's authorized agent)

所用防污系統之簽證 (Endorsement of anti-fouling system(s) applied)

所用防污系統的類型及施工日期 (Type(s) of anti- fouling system(s) used and date(s) of application

.....
日期(Date) 船舶所有人或授權代理人簽名處 (Signature of owner or owner's authorized agent)

所用防污系統的類型及施工日期 (Type(s) of anti- fouling system(s) used and date(s) of application

.....
日期(Date) 船舶所有人或授權代理人簽名處 (Signature of owner or owner's authorized agent)

所用防污系統的類型及施工日期 (Type(s) of anti- fouling system(s) used and date(s) of application

.....
日期(Date) 船舶所有人或授權代理人簽名處 (Signature of owner or owner's authorized agent)

所用防污系統的類型及施工日期 (Type(s) of anti- fouling system(s) used and date(s) of application

.....
日期(Date) 船舶所有人或授權代理人簽名處 (Signature of owner or owner's authorized agent)



INTERNATIONAL CONFERENCE ON THE
CONTROL OF HARMFUL ANTI-FOULING
SYSTEMS FOR SHIPS
Agenda item 8

AFS/CONF/26
18 October 2001
Original: ENGLISH

**ADOPTION OF THE FINAL ACT OF THE CONFERENCE AND ANY INSTRUMENTS,
RECOMMENDATIONS AND RESOLUTIONS RESULTING FROM
THE WORK OF THE CONFERENCE**

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

Text adopted by the Conference

1 As a result of its deliberations, as recorded in the Record of Decisions of the Plenary (AFS/CONF/RD/2) and in the Final Act of the Conference (AFS/CONF/25), the Conference adopted the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001.

2 The above-mentioned Convention, as adopted by the Conference, is annexed hereto.

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

ANNEX**INTERNATIONAL CONVENTION ON THE CONTROL OF
HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001****THE PARTIES TO THIS CONVENTION,**

NOTING that scientific studies and investigations by Governments and competent international organizations have shown that certain anti-fouling systems used on ships pose a substantial risk of toxicity and other chronic impacts to ecologically and economically important marine organisms and also that human health may be harmed as a result of the consumption of affected seafood,

NOTING IN PARTICULAR the serious concern regarding anti-fouling systems that use organotin compounds as biocides and being convinced that the introduction of such organotins into the environment must be phased-out,

RECALLING that Chapter 17 of Agenda 21 adopted by the United Nations Conference on Environment and Development, 1992, calls upon States to take measures to reduce pollution caused by organotin compounds used in anti-fouling systems,

RECALLING ALSO that resolution A.895(21), adopted by the Assembly of the International Maritime Organization on 25 November 1999, urges the Organization's Marine Environment Protection Committee (MEPC) to work towards the expeditious development of a global legally binding instrument to address the harmful effects of anti-fouling systems as a matter of urgency,

MINDFUL OF the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development and referred to in resolution MEPC.67(37) adopted by MEPC on 15 September 1995,

RECOGNIZING the importance of protecting the marine environment and human health from adverse effects of anti-fouling systems,

RECOGNIZING ALSO that the use of anti-fouling systems to prevent the build-up of organisms on the surface of ships is of critical importance to efficient commerce, shipping and impeding the spread of harmful aquatic organisms and pathogens,

RECOGNIZING FURTHER the need to continue to develop anti-fouling systems which are effective and environmentally safe and to promote the substitution of harmful systems by less harmful systems or preferably harmless systems,

HAVE AGREED as follows:

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 effective 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 on 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 from 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
Controls 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 or 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.

(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.

* Guidelines to be developed.
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(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.

ARTICLE 16
Amendments

- (1) This Convention may be amended by either of the procedures specified in the following paragraphs.
- (2) Amendments after consideration within the Organization:
 - (a) Any Party may propose an amendment to this Convention. A proposed amendment shall be submitted to the Secretary-General, who shall then circulate it to the Parties and Members of the Organization at least six months prior to its consideration. In the case of a proposal to amend Annex 1, it shall be processed in accordance with article 6, prior to its consideration under this article.
 - (b) An amendment proposed and circulated as above shall be referred to the Committee for consideration. Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee for consideration and adoption of the amendment.
 - (c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Committee, on condition that at least one-third of the Parties shall be present at the time of voting.
 - (d) Amendments adopted in accordance with subparagraph (c) shall be communicated by the Secretary-General to the Parties for acceptance.
 - (e) An amendment shall be deemed to have been accepted in the following circumstances:
 - (i) An amendment to an article of this Convention shall be deemed to have been accepted on the date on which two-thirds of the Parties have notified the Secretary-General of their acceptance of it.
 - (ii) An amendment to an Annex shall be deemed to have been accepted at the end of twelve months after the date of adoption or such other date as determined by the Committee. However, if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
 - (f) An amendment shall enter into force under the following conditions:
 - (i) An amendment to an article of this Convention shall enter into force for those Parties that have declared that they have accepted it six months after the date on which it is deemed to have been accepted in accordance with subparagraph (e)(i).

- (ii) An amendment to Annex 1 shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for any Party that has:
 - (1) notified its objection to the amendment in accordance with subparagraph (e)(ii) and that has not withdrawn such objection;
 - (2) notified the Secretary-General, prior to the entry into force of such amendment, that the amendment shall enter into force for it only after a subsequent notification of its acceptance; or
 - (3) made a declaration at the time it deposits its instrument of ratification, acceptance or approval of, or accession to, this Convention that amendments to Annex 1 shall enter into force for it only after the notification to the Secretary-General of its acceptance with respect to such amendments.
- (iii) An amendment to an Annex other than Annex 1 shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for those Parties that have notified their objection to the amendment in accordance with subparagraph (e)(ii) and that have not withdrawn such objection.
- (g)
 - (i) A Party that has notified an objection under subparagraph (f)(ii)(1) or (iii) may subsequently notify the Secretary-General that it accepts the amendment. Such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.
 - (ii) If a Party that has made a notification or declaration referred to in subparagraph (f)(ii)(2) or (3), respectively, notifies the Secretary-General of its acceptance with respect to an amendment, such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.
- (3) Amendment by a Conference:
 - (a) Upon the request of a Party concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to this Convention.
 - (b) An amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance.
 - (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs (2)(e) and (f) respectively of this article.

- (4) Any Party that has declined to accept an amendment to an Annex shall be treated as a non-Party only for the purpose of application of that amendment.
- (5) An addition of a new Annex shall be proposed and adopted and shall enter into force in accordance with the procedure applicable to an amendment to an article of this Convention.
- (6) Any notification or declaration under this article shall be made in writing to the Secretary-General.
- (7) The Secretary-General shall inform the Parties and Members of the Organization of:
 - (a) any amendment that enters into force and the date of its entry into force generally and for each Party; and
 - (b) any notification or declaration made under this article.

ARTICLE 17

Signature, Ratification, Acceptance, Approval and Accession

- (1) This Convention shall be open for signature by any State at the Headquarters of the Organization from 1 February 2002 to 31 December 2002 and shall thereafter remain open for accession by any State.
- (2) States may become Parties to this Convention by:
 - (a) signature not subject to ratification, acceptance, or approval; or
 - (b) signature subject to ratification, acceptance, or approval, followed by ratification, acceptance, or approval; or
 - (c) accession.
- (3) Ratification, acceptance, approval, or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.
- (4) If a State comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval, or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.
- (5) Any such declaration shall be notified to the Secretary-General and shall state expressly the territorial units to which this Convention applies.

ARTICLE 18
Entry into force

- (1) This Convention shall enter into force twelve months after the date on which not less than twenty-five States, the combined merchant fleets of which constitute not less than twenty-five percent of the gross tonnage of the world's merchant shipping, have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with article 17.
- (2) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force thereof have been met, but prior to the date of entry in force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention or three months after the date of deposit of instrument, whichever is the later date.
- (3) Any instrument of ratification, acceptance, approval or accession deposited after the date on which this Convention enters into force shall take effect three months after the date of deposit.
- (4) After the date on which an amendment to this Convention is deemed to have been accepted under article 16, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention as amended.

ARTICLE 19
Denunciation

- (1) This Convention may be denounced by any Party at any time after the expiry of two years from the date on which this Convention enters into force for that Party.
- (2) Denunciation shall be effected by the deposit of written notification with the Secretary-General, to take effect one year after receipt or such longer period as may be specified in that notification.

ARTICLE 20
Depositary

- (1) This Convention shall be deposited with the Secretary-General, who shall transmit certified copies of this Convention to all States which have signed this Convention or acceded thereto.
- (2) In addition to the functions specified elsewhere in this Convention, the Secretary-General shall:
 - (a) inform all States which have signed this Convention or acceded thereto of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval, or accession, together with the date thereof;

- (ii) the date of entry into force of this Convention; and
 - (iii) the deposit of any instrument of denunciation of this Convention, together with the date on which it was received and the date on which the denunciation takes effect; and
- (b) as soon as this Convention enters into force, transmit the text thereof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 21

Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Convention.

DONE AT LONDON, this fifth day of October, two thousand and one.

* * *

ANNEX 1

CONTROLS ON ANTI-FOULING SYSTEMS

Anti-fouling system	Control measures	Application	Effective date
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 or 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., water column/sediments/biota);
- sediments/water partitioning;
- leaching rates of biocides or active ingredients;
- mass balance;
- bioaccumulation, partition coefficient, octanol/water coefficient; 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;
- food web/population effects;
- observations 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 of 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
 - (ii) carry out surveys if requested by the appropriate authorities of a port State that is a Party to this Convention.

* Guidelines to be developed.

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

- (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 the 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*¹

Name of ship

Distinctive number or letters

Port of registry

Gross tonnage

IMO number²

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 has been applied on this ship previously, but has been covered with a sealer coat applied by *(insert name of the facility)* on.....*(date)*.....

An anti-fouling system controlled under Annex 1 was applied on this ship prior to.... *(date)*³, but must be removed or covered with a sealer coat prior to*(date)*⁴

¹ Alternatively, the particulars of the ship may be placed horizontally in boxes.

² In accordance with the IMO Ship Identification Number Scheme adopted by the Organization with Assembly resolution A.600(15).

³ Date of entry into force of the control measure.

⁴ 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 Records⁵

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:

Date⁶:

(Seal or stamp of the authority)

⁵ This page of the Record shall be reproduced and added to the Record as considered necessary by the Administration.

⁶ 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 up under the
International Convention on the Control of Harmful 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 the 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)