

SUB-COMMITTEE ON POLLUTION  
PREVENTION AND RESPONSE  
7th session  
Agenda item 6

PPR 7/6/2  
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**AMENDMENT OF ANNEX 1 TO THE AFS CONVENTION TO INCLUDE CONTROLS ON  
CYBUTRYNE, AND CONSEQUENTIAL REVISION OF RELEVANT GUIDELINES**

**Issuance of the new International Anti-fouling System Certificate (IAFSC)**

**Submitted by IACS**

**SUMMARY**

*Executive summary:* This document proposes an operative paragraph be included in the draft resolution adopting the amendments to Annex 1 or Annex 4 to the AFS Convention with regard to issuance of the new International Anti-fouling System Certificate (IAFSC)

*Strategic direction, if applicable:* 2

*Output:* 2.19<sup>1</sup>

*Action to be taken:* Paragraph 13

*Related documents:* MEPC 74/10/9 and MEPC 74/18

**Background**

1 The Marine Environment Protection Committee, at its seventy-fourth session, agreed to refer the draft amendments to Annex 1 to the *International Convention on the Control of Harmful Anti-fouling Systems on Ships* (AFS Convention) to PPR 7 for further consideration, including addressing the potential conflict between article 4(2) of the AFS Convention and the proposed amendments to Annex 1 set out in document MEPC 74/10/9, and for the outcome to be reported to MEPC 75 as an urgent matter (MEPC 74/18, paragraph 10.19).

2 The Committee consequently agreed to defer consideration, inter alia, of item .14 of the actions requested of the Committee by PPR 6, as set out in document MEPC 74/10, relating to the amendments to the AFS Convention, to allow MEPC 75 to take into account the outcome of PPR 7 (MEPC 74/18, paragraph 10.21).

<sup>1</sup> Refers to the list of outputs for the 2018-2019 biennium.

**Discussion**

3 It is noted that paragraph 2.14 in document MEPC 74/10 stated:

"2 The Committee is invited to take action on the following matters emanating from PPR 6:

.14 approve the draft amendment to the model form of the International Anti-fouling System Certificate (IAFSC), with a view to subsequent adoption, having first considered the timing of the issuance of new Certificates following the entry into force of controls on cybutryne and of the amended form of the IAFSC (paragraphs 6.14 and 6.15 and annex 2 to annex 8);"

4 Article 4(2) of the AFS Convention states:

"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."

5 Regulation 2.3 of Annex 4 to the AFS Convention states:

"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."

6 Section 5.3 of the *2010 Guidelines for Survey and Certification of Anti-fouling Systems on Ships* (resolution MEPC.195(61)) provides for surveys of existing ships requesting only an International Anti-fouling System Certificate (IAFSC) to be issued, i.e. when there is no change to the anti-fouling system borne by the ship.

7 With regard to the timing of the issuance of new Certificates, IACS has a concern that, while there is effectively a requirement for a ship to update its IAFSC (draft model form provided in annex 2 to annex 8 to document PPR 6/20/Add.1), and for the updated IAFSC to be issued by the Administration within two years of the entry into force of these draft amendments, there is no requirement for the ship to undergo a periodical survey within two years of entry into force and after which a new Certificate would be automatically issued or endorsed.

8 IACS has given careful consideration to the issue identified in paragraph 7 above. To address this concern, IACS considers that there is a need for an operative paragraph in the draft resolution adopting the amendments to Annex 1 and Annex 4 to the AFS Convention, which will cause an Administration to require Companies to apply for a survey for the issuance of an updated IAFSC only. The survey referred to in section 5.3 of resolution MEPC.195(61) can be used for this purpose.

9 It is noted that the above issue is related to the timing of the issuance of an updated IAFSC by Administrations in compliance with regulation 2.3 of Annex 4 to the Convention. It does not affect the provisions of article 4(2), which provide for the retention of an 'existing' anti-fouling system that becomes controlled through amendments to Annex 1, for a period not exceeding 60 months after entry into force of the amendments.<sup>2</sup>

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<sup>2</sup> Unless the Marine Environment Protection Committee decides that exceptional circumstances exist to warrant earlier implementation of the control.

10 Hence the action to be taken according to the proposed additional operative paragraph would be independent of any action which would be necessary for Companies to comply with the amendments, but would facilitate the planning of the necessary surveys and issuance of Certificates, and their efficient delivery within two years of entry into force of the amendments.

### **Proposal**

11 Noting that action item .14 of document MEPC 74/10, i.e. "having first considered the timing of the issuance of new Certificates", will be addressed at MEPC 75, IACS recommends that the Sub-Committee provides MEPC 75 with appropriate advice on this issue.

12 In particular, and in light of the discussion and analysis provided in paragraphs 7 to 10 above, IACS proposes the insertion of the following operative paragraph in the draft resolution adopting the amendments to Annex 1 and Annex 4 to the AFS Convention:

"INVITES Parties to remind Companies with ships that fly their flag and to which the requirements of the Convention apply, to make a timely request for a survey for the issuance of an IAFSC, as amended, using the procedure outlined in paragraphs 4 and 5.3 of the annex to resolution MEPC.195(61); so ships have a valid IAFSC on board no later than 24 months after the entry into force of the amendments to Annex 1 to the AFS Convention provided in the present resolution."

### **Action requested of the Sub-Committee**

13 The Sub-Committee is invited to consider the foregoing and, in particular, the proposal in paragraph 12 above, and take action as appropriate.

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