

**INTERNATIONAL CONFERENCE ON THE
CONTROL OF HARMFUL ANTI-FOULING
SYSTEMS FOR SHIPS**

AFS/CONF/-

Agenda item 6

**CONSIDERATION AND ADOPTION OF THE INTERNATIONAL
CONVENTION ON THE CONTROL OF HARMFUL
ANTI-FOULING SYSTEMS**

**Note by the International Chamber of Shipping (ICS),
Baltic and International Maritime Council (BIMCO), International Association of
Dry Cargo Shipowners (INTERCARGO), International Association of Independent
Tanker Owners (INTERTANKO), Oil Companies International Marine Forum
(OCIMF), and Society of International Gas Tankers and Terminal Operators
(SIGTTO).**

SUMMARY

Executive summary: This document comments on the draft text of the International Convention on the Control of Harmful Anti-fouling Systems.

Action to be taken: The Conference is invited to note the comments when considering the draft text and take action as appropriate.

Related documents: AFS/CONF/2/Rev.1, Resolution A.895(21)

1. Background

.1 Ship operators have followed the debate on the use of anti-fouling paints and have accepted the evidence that has been presented demonstrating the adverse effects organotin based paints have on local marine life, and the compelling need to control their use.

.2 Furthermore, ship operators have understood the content of Assembly resolution A.895(21) and, in particular, operative paragraph 2 as being a commitment by governments to ensuring a global prohibition of the application of organotin compounds, which act as biocides in anti-fouling systems on ships, by 1 January 2003, and a complete prohibition of the presence of such compounds by 1 January 2008.

.3 While supporting the objective of eliminating harmful anti-fouling paints, ship operators also recognise the importance of the development, evaluation and

testing of anti-fouling systems which do not adversely impact on non-target species and otherwise degrade the marine environment.

.4 Against the above background, the organisations have the following comments on the draft text of the Convention.

2. ARTICLE 4: Controls on anti-fouling systems

.1 The draft text of Annex I provides for two options. ‘Option A’ would require the removal of existing coatings, and ‘Option B’ would allow such coatings to be sealed so as to provide a barrier against leaching from the underlying non-compliant anti-fouling systems.

.2 In the belief that the proposed period of five years between prohibition on use and elimination of presence will be sufficient to ensure that the effectiveness of the prohibited coating will be minimal to non-existent, the organisations strongly recommend that the Conference accepts Option B as providing the most practical alternative.

.3 Removal of existing coatings will undoubtedly present significant environmental and practical problems, and certainly entail high costs. Furthermore, the imposition of such a requirement has not been supported by cost benefit analysis.

3. ARTICLES 14, 15 and 16: Amendments

.1 The draft texts of the above article provide for amendments to be made to the Convention and its annexes. These procedures are undoubtedly important. However, from a practical standpoint it is considered essential that any amendments proposed and accepted should not impose unreasonable conditions, such as requiring either discontinuation of use or the removal of previously acceptable coatings, in too short a period.

.2 The organisations accordingly recommend that any amendments to the Convention or its annexes that prohibit the use of anti-fouling systems should provide for a minimum period of five years between a prohibition of use and protection against its presence.

4. ARTICLE 18: Entry into Force

.1 The draft text of this article is still “To be developed”. The reason is almost certainly due to difficulties in reaching agreement on the criteria that normally feature in instruments of this sort. However, such difficulties are hard to understand given the repeated commitment by governments to ensure a global prohibition of the application of organotin compounds by 1 January 2003.

.2 At the twenty-first session of the IMO Assembly, in November 1999, governments made their intentions quite clear in agreeing that the legally binding instrument to be developed should ensure a global prohibition on the use of organotin based anti-fouling paints from 1 January 2003. It would therefore, surely be inconsistent to adopt an instrument incorporating such a requirement without also intending that it should have entered into force by that date.

.3 In short, the organisations accordingly suggest that the criteria for entry into force should follow the model provided in Article 16 of the OPRC Convention. That is, to enter into force twelve months after the date on which not less than fifteen States have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instruments of ratification, acceptance, approval or accession.

5. The Conference is invited to consider the above points when considering the draft Convention and take action as appropriate.