

澳門特別行政區

REGIÃO ADMINISTRATIVA ESPECIAL DE MACAU

第 54/2016 號行政長官批示

行政長官行使《澳門特別行政區基本法》第五十條賦予的職權，並根據第5/2016號行政法規《都市更新委員會》第四條第五款的規定，作出本批示。

一、委任下列人士為第5/2016號行政法規《都市更新委員會》第四條第四款（七）項所指的都市更新委員會委員，任期三年：

（一）王彬成；（二）石立妍；（三）李國豪；（四）吳在權；（五）余健楚；（六）林宇滔；（七）胡景光；（八）姚偉彬；（九）秦昶；（十）陸惠德；（十一）陳澤武；（十二）黃中原；（十三）黃承發；（十四）葉兆佳；（十五）鄧漢昌；（十六）劉雅煌；（十七）劉雅樂；（十八）鍾小健；（十九）鄭玉球；（二十）蕭東文；（二十一）Paulo Tse。

二、本批示自公佈翌日起生效。

二零一六年二月二十九日

行政長官 崔世安

第 9/2016 號行政長官公告

中華人民共和國於二零一一年三月三日就二零零一年十月五日訂於倫敦的《控制船舶有害防污底系統國際公約》（下稱“公約”）向國際海事組織秘書長交存加入書，並聲明公約適用於澳門特別行政區；

國際海事組織於二零一一年三月九日覆照確認，公約自二零一一年六月七日起對中華人民共和國生效，並對澳門特別行政區生效；

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第六條第一款的規定，命令公佈上述公約的中文及英文文本。

二零一六年二月十八日發佈。

行政長官 崔世安

Despacho do Chefe do Executivo n.º 54/2016

Usando da faculdade conferida pelo artigo 50.º da Lei Básica da Região Administrativa Especial de Macau e nos termos do disposto no n.º 5 do artigo 4.º do Regulamento Administrativo n.º 5/2016 (Conselho para a Renovação Urbana), o Chefe do Executivo manda:

1. São designados vogais do Conselho para a Renovação Urbana, a que se refere a alínea 7) do n.º 4 do artigo 4.º do Regulamento Administrativo n.º 5/2016 (Conselho para a Renovação Urbana), pelo período de três anos:

1) Wong Pan Seng; 2) Paulino do Lago Comandante; 3) Lee Kwok Hoo; 4) Ung Choi Kun; 5) U Kin Cho; 6) Lam U Tou; 7) Wu Keng Kuong; 8) Iu Vai Pan; 9) Chon Chong; 10) Lok Wai Tak; 11) Chan Chak Mo; 12) Wong Chung Yuen; 13) Wong Seng Fat; 14) Ip Sio Kai; 15) Tang Hon Cheong; 16) Lao Nga Wong; 17) Lau Nga Lok; 18) Chong Sio Kin; 19) Kuong Iok Kao; 20) Xiao Dongwen; 21) Paulo Tse.

2. O presente despacho entra em vigor no dia seguinte ao da sua publicação.

29 de Fevereiro de 2016.

O Chefe do Executivo, *Chui Sai On*.

Aviso do Chefe do Executivo n.º 9/2016

Considerando que a República Popular da China efectuou, em 3 de Março de 2011, junto do Secretário-Geral da Organização Marítima Internacional, o depósito do seu instrumento de adesão à Convenção Internacional relativa ao Controlo dos Sistemas Antivegetativos Nocivos nos Navios, concluída em Londres em 5 de Outubro de 2001, adiante designada por Convenção, tendo declarado que a mesma se aplica na Região Administrativa Especial de Macau;

Considerando igualmente que o Secretário-Geral da Organização Marítima Internacional, por nota datada de 9 de Março de 2011, confirmou que a Convenção entrou em vigor para a República Popular da China em 7 de Junho de 2011, incluindo a Região Administrativa Especial de Macau;

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), a referida Convenção nos seus textos em línguas chinesa e inglesa.

Promulgado em 18 de Fevereiro de 2016.

O Chefe do Executivo, *Chui Sai On*.

2001 年國際控制船舶有害防污底系統公約

本公約各當事國，

注意到各國政府和主管國際組織進行的科學研究和調查業已表明，船舶使用的某些防污底系統對生態上和經濟上重要的海洋生物造成重大毒性危害和其他長期影響，並且人體健康亦可能會因消費受影響的海產食品而受到損害，

特別注意到對使用有機錫混合物作為生物殺滅物的防污底系統的嚴重關注，並且確信必須逐步杜絕將此類有機錫引入環境中，

憶及 1992 年聯合國環境和發展會議通過的《21 世紀議程》第 17 章呼籲各國採取措施，以減少防污底系統中使用的有機錫混合物造成的污染，

還憶及國際海事組織大會於 1999 年 11 月 25 日通過的第 A.895 (21) 號決議敦促本組織海洋環境保護委員會 (MEPC)，作為緊急事項促成加速制定一項全球性法律約束文件，以處理防污底系統的有害影響，

留意到關於環境和發展的《里約宣言》第 15 條原則中所述的預防辦法，並參考了 MEPC 於 1995 年 9 月 15 日通過的第 MEPC.67 (37) 號決議，

認識到保護海洋環境和人體健康不受防污底系統不利影響的重要性，

還認識到使用防污底系統防止船舶表面生物積聚對有效的貿易、航運和阻止有害水生物和病原體擴散的極端重要性，

進一步認識到繼續研製有效和對環境安全的防污底系統以及促進以較少有害系統或最好是無害系統代替有害系統的必要性，

茲協議如下：

第1條

一般義務

(1) 本公約每一當事國承諾充分和全面實施其規定，以便減少或消除防污底系統對海洋環境和人體健康造成的不利影響。

(2) 附件為本公約的組成部分。除另有明文規定外，凡提及本公約，同時即構成提及其附件。

(3) 本公約的任何規定均不得解釋為阻止某一國家單獨地或聯合地採取與國際法一致的減少或消除防污底系統對環境的不利影響的更嚴格措施。

(4) 當事國應盡力為旨在有效實施、遵守和執行本公約進行合作。

(5) 當事國承諾鼓勵持續研製有效和對環境安全的防污底系統。

第2條

定義

除另有明文規定外，就本公約而言：

(1) “主管機關”係指船舶在其授權下運作的國家的政府。對於有權懸掛某一國家國旗的船舶，主管機關係指該國政府。對在毗連於沿海國為其自然資源勘探和開發的目的行使主權的沿海從事海床及其底土勘探和開發的固定或浮動平臺，主管機關係指有關的沿海國政府。

(2) “防污底系統”係指用於船舶控制或防止有害生物附着的塗層、油漆、表層處理、表面或裝置。

(3) “委員會”係指本組織海洋環境保護委員會。

(4) “總噸位”係指按《1969年國際船舶噸位丈量公約》附件1所載的噸位丈量規則或任何後續公約計算的總噸位。

(5) “國際航行”係指有權懸掛某一國家國旗的船舶往返於另一國家管轄下的港口、船廠或近海碼頭的航行。

(6) “長度”係指經《1988年議定書修改的1966年國際載重線公約》或任何後續公約所定義的長度。

(7) “組織”係指國際海事組織。

(8) “秘書長”係指本組織秘書長。

(9) “船舶”係指在海洋環境中運作的無論何種類型的船舶，並包括水翼艇、氣墊船、可潛船、浮動艇筏、固定或浮動平臺、浮動儲藏裝置（FSUs）和浮動生產儲藏及卸載裝置（FPSOs）。

(10) “技術小組”係指由當事國、本組織會員國、聯合國及其專門機構、與本組織有協議的政府間組織、具有本組織授予的諮詢地位的非政府組織的代表組成的機構，它最好應包括從事防污

底系統分析的公共機構和實驗室的代表。這些代表應具有環境結局和影響、毒素影響、海洋生物學、人體健康、經濟分析、風險管理、國際航運、防污底系統塗層技術方面的專門知識，或客觀地審查綜合提案的技術性優缺點所需的其他方面的專門知識。

第3條

適用範圍

(1) 除非本公約中另有規定，本公約應適用於：

(a) 有權懸掛當事國國旗的船舶；

(b) 無權懸掛當事國國旗，但經當事國授權運作的船舶；和

(c) 進入當事國港口、船廠或近海碼頭，但不屬於第(a)或(b)項範圍內的船舶。

(2) 本公約應不適用於任何軍艦、海軍輔助船或當事國擁有或營運並暫時僅用於政府非商業服務的其他船舶。但是，每一當事國應以採用不損害其擁有或營運的此類船舶的作業或作業能力的適當措施，確保此類船舶儘量合理和可行地採取與本公約一致的方式行動。

(3) 對於非本公約當事國的船舶，當事國應視必要實施本公約的要求，以確保不給此類船舶更為優惠的待遇。

第 4 條

防污底系統的控制措施

(1) 按照附件 1 規定的要求，每一當事國應禁止和／或限制：

(a) 對第 3 (1) (a) 或 (b) 條所述船舶施用、再施用、安裝或使用有害防污底系統；和

(b) 當第 3 (1) (c) 條所述船舶在當事國港口、船廠或近海碼頭時，對其施用、再施用、安裝或使用此類系統，

並應採取有效措施，確保此類船舶符合那些要求。

(2) 在本公約生效後施用受附件 1 的修正案控制的防污底系統的船舶，除非委員會確定存在特殊情況需提早實施控制，否則，可將該系統保留至其下一個預定更換期，但是，無論如何不得超過施用後 60 個月的期限。

第 5 條

附件 1 廢料的控制

當事國應在計及國際規則、標準和要求的情況下在其領土內採取適當措施，要求以安全和無害環境的方式收集、對待、處理和銷毀因施用或清除附件 1 控制的防污底系統所產生的廢棄物，以保護人體健康和環境。

第 6 條

對防污底系統控制措施提出修正案的程序

(1) 任何當事國均可按照本條對附件 1 提出修正。

(2) 初始提案應包含附件 2 所要求的信息，並應提交給本組織。本組織收到提案時，應使當事國、本組織會員國、聯合國及其專門機構、與本組織有協議的政府間組織和具有本組織授予的諮詢地位的非政府組織注意到該提案，並應能提供給其使用。

(3) 委員會應決定是否有理由根據初始提案對有關防污底系統進行更深入的審查。如果委員會認定有理由進行進一步審查，則其應要求提案當事國向委員會提交包含附件 3 所要求信息的綜合提案，除非初始提案已包括有附件 3 所要求的所有信息。如果委員會認為具有嚴重或不可逆損害的徵兆，則不得以缺乏充分科學把握為由，阻止做出對提案進行評估的決定。委員會應按第 7 條設立技術小組。

(4) 技術小組應對綜合提案以及任何有關實體提交的任何補充資料進行審查，並應進行評估和向委員會報告，提案是否證明對非目標生物和人體健康的負面影響的潛在不合理風險達到有理由對附件 1 進行修正的程度。關於此事：

(a) 技術小組的審查應包括：

(i) 對在環境中或在人體健康(包括但不限於受影響的海產食品的消費)方面或通過根據附件 3 所規定的資料或所出現的其他任何相關資料進行的控制性研究所觀察到的相關防污底系統和有關負面影響之間的聯繫進行評估；

- (ii) 對由於建議的控制措施和技術小組可能考慮的任何其他控制措施而使潛在風險減少進行評估；
- (iii) 對涉及提案控制措施的技術可行性和成本效果的既有信息進行審議；
- (iv) 對因採用與下列各項有關的此類控制措施而產生的其他影響的既有信息進行審議：
 - 環境（包括但不限於無行動成本和對空氣品質的影響）；
 - 船廠衛生和安全事項（例如對船廠工人的影響）；
 - 對國際航運和其他相關部門引起的開支；和
- (v) 對適當替代措施的有效性進行審議，包括對替代措施的潛在風險進行審議。

(b) 技術小組的報告應為書面形式，並應計及第(a)項中所述的每一評估和審議，除非技術小組在評估了第(a)(i)項後決定無須對提案進行進一步審議，因而可能決定繼續進行第(a)(i)至(a)(v)項所述的評估和審議。

(c) 技術小組的報告應特別包括是否有理由對有關的防污底系統、綜合提案中所建議的具體控制措施或其認為更為適當的其他控制措施進行與本公約一致的國際控制的建議案。

(5) 技術小組的報告應在委員會對其進行審議前分發給當事國、本組織會員國、聯合國及其專門機構、與本組織有協議的政府間組織、具有本組織授予的諮詢地位的非政府組織。委員會應

在考慮到技術小組報告的情況下決定是否認可修正附件 1 的任何提案，以及如適當時，對其進行的任何修改。如果報告發現有嚴重或不可逆損害的徵兆，則不得以缺乏充分科學把握本身為由，阻止做出將某個防污底系統列入附件 1 的決定。如經委員會認可，則附件 1 的建議修正案應按第 16 (2) (a) 條項進行分發。不認可提案的決定不應妨礙如未來新情況出現時提交有關某個特定防污底系統的新提案。

(6) 只有當事國方可參與第 (3) 和 (5) 款中所述的委員會決策。

第 7 條

技術小組

(1) 當收到綜合提案時，委員會應設立符合第 6 條的技術小組。如同時或相繼收到幾個提案時，委員會可視需要設立一個或多個技術小組。

(2) 任何當事國均可參與技術小組的審議工作，並應利用該當事國所具有的專門知識。

(3) 委員會應決定技術小組的職責、組織和運作範圍。此類範圍應對保護可能提交的任何機密信息作出規定。技術小組可視需要召開會議，但應盡量通過書面或電子通訊或其他適當方式進行其工作。

(4) 只有當事國的代表方可參與根據第 6 條制定給委員會的任何建議案的工作。技術小組應盡力在當事國代表間達成一致。如果不能夠達成一致，技術小組應傳遞此類代表的任何少數派意見。

第 8 條

科學技術研究和監測

(1) 當事國應採取適當措施促進和便利對防污底系統的影響進行科學技術研究以及對此類影響進行監測。特別是，此類研究應包括對防污底系統的影響進行觀測、測量、取樣、評估和分析。

(2) 為促進達到本公約的目標，每一當事國均應促使要求下列信息的其他當事國獲得有關信息：

- (a) 按照本公約進行的科學技術活動；
- (b) 海洋科學技術方案及其目標；和
- (c) 從有關防污底系統的任何監測和評定方案觀察到的結果。

第 9 條

信息交流和交換

(1) 每一當事國承諾向本組織傳送：

- (a) 授權代表該當事國按照本公約管理涉及控制防污底系統事項的指定的驗船師或認可的組織的名單，以發送各當事國供其官員參考。因此，主管機關應通知本組織授予指定的驗船師或認可的組織的具體責任和授權條件；和

(b) 以年度為基礎，根據其國內法認可、限制或禁止的任何防污底系統的有關信息。

(2) 本組織應通過任何適當途徑使根據第(1)款傳送給它的信息可供使用。

(3) 對於由某一當事國認可、登記或發照的防污底系統，該當事國應要麼由其本身，要麼要求此類防污底系統製造廠，對向其要求的當事國提供其作為決策根據的有關信息，包括附件 3 中規定的信息，或適合於對防污底系統作出適當評估的其他信息。受法律保護的信息不得提供。

第 10 條

檢驗和發證

當事國應確保有權懸掛其國旗或經其授權運作的船舶按照附件 4 中的規定進行了檢驗和發證。

第 11 條

船舶檢查和違規偵查

(1) 當事國授權的官員為確定船舶是否符合本公約，可對本公約適用的在該當事國任何港口、船廠或近海碼頭的船舶進行檢查。除非有明確根據認為船舶違反本公約，否則，任何此種檢查應限於：

(a) 如需要時，核實船上攜有有效的國際防污底系統證書或防污底系統聲明書；和／或

(b) 計及本組織制定的指南，*對船舶防污底系統進行不影響防污底系統完整性、結構或工作的簡單取樣。但是，為獲得此種樣品的結果所需的時間不得用作妨礙船舶運行和離開的根據。

(2) 如果有明確根據認為船舶違反本公約，則可計及本組織制定的指南，*進行徹底檢查。

(3) 如果偵查到船舶違反本公約，進行檢查的當事國可採取步驟警告、扣留、遣走或驅逐該船出港。因船舶不符合本公約而對該船採取此種行動的當事國應立即通知有關船舶的主管機關。

(4) 當事國應在違規偵查和公約執行中進行合作。如果某一當事國收到任何當事國的調查要求和某一船舶正在或已經違反本公約進行運作的充分證據，亦可在該船進入其管轄下的港口、船廠或近海碼頭時對其進行檢查。此種調查的報告應送交要求調查的當事國和有關船舶的主管機關的主管當局，以便可根據本公約採取適當的行動。

第 12 條

違反

(1) 禁止任何對本公約的違反；因此，無論在何處發生違反，均應根據有關船舶的主管機關的法律確定處罰。如果主管機關得

* 該指南有待制定。

知此種違反，應對此事進行調查，並可要求報告的當事國提供被指控的違反的補充證據。如果主管機關確信可獲得充分證據對被指控的違反進行訴訟，它應按照其法律促使儘快提起此種訴訟。主管機關應將所採取的任何行動迅速通知報告被指控的違反的當事國以及本組織。如果主管機關在收到信息後一年內仍未採取行動，則其應將此情況通知報告被指控的違反的當事國。

(2) 禁止在任何當事國的管轄範圍內發生對本公約的違反；因此，應根據該當事國的法律確定處罰。無論何時發生此種違反，該當事國均應：

(a) 按照其法律，促使提起訴訟；或

(b) 向有關船舶的主管機關提供其可能掌握的業已發生的違反的信息和證據。

(3) 根據當事國的法律所確定的與本條一致的處罰的嚴厲性應足以阻止在任何地方發生對本公約的違反。

第 13 條

不適當的延誤或扣船

(1) 應作出一切可能的努力，避免船舶經受第 11 或 12 條的檢查時受到不適當的扣留或延誤。

(2) 當船舶經受第 11 或 12 條的檢查時受到不適當的扣留或延誤時，則其應有權對所蒙受的任何損失或損害要求索賠。

第 14 條

爭議解決

當事國應以談判、調查、調解、和解、仲裁、司法解決、尋求地方機構或協議或其自身選擇的其他和平手段解決它們之間涉及本公約的解釋或應用的任何爭議。

第 15 條

與國際海洋法的關係

本公約中的任何規定均不應損害任何國家在《聯合國海洋法公約》中所反映的國際慣例法規定下的權利和義務。

第 16 條

修正案

(1) 本公約可以根據下列各款規定的任一程序進行修正。

(2) 本組織內審議後的修正案：

(a) 任何當事國均可提出本公約的修正案。建議的修正案應提交給秘書長，然後秘書長應在審議前至少六個月將其分發給各當事國和本組織各會員國。如係修正附件 1 的提案，在根據本條對其審議前，應按第 6 條進行處理。

(b) 如上提出和分發的修正案應提交給委員會供其審議。當事國，不論是否本組織會員國，均應有權參與委員會審議和通過修正案的進程。

(c) 修正案應由委員會中出席並參加投票的當事國三分之二多數通過，但在投票時應至少有三分之一的當事國出席。

(d) 按照第(c)款通過的修正案應由秘書長通知各當事國，以供接受。

(e) 修正案應在下列情況下視為已被接受：

(i) 本公約某一條款的修正案應在三分之二的當事國通知秘書長它們業已接受之日視為已被接受。

(ii) 附件的修正案應在通過之日後十二個月屆滿時或委員會確定的此種其他日期視為已被接受。但是，如果到該日期時，有三分之一以上的當事國通知秘書長它們反對該修正案，則其應視為未被接受。

(f) 修正案應在下列條件下生效：

(i) 本公約條款的修正案應在其按照第(e)(i)項視為已被接受之日後六個月對宣佈業已接受該修正案的當事國生效。

(ii) 附件 1 的修正案應在其視為已被接受之日後六個月對所有當事國生效，但作出下列表示的任何當事國除外：

(1) 業已按第(e)(ii)項對修正案表示反對並且未撤銷此種反對；

(2) 在此種修正案生效前業已通知秘書長，該修正案僅應在其後續的接受通知之後對其生效；或

(3) 在其交存批准、接受、核准或加入本公約的文件時業已聲明，附件 1 的修正案僅應在通知秘書長其接受此種修正案之後對其生效。

(iii) 除附件 1 之外的附件的修正案應在其視為已被接受之日後六個月對所有當事國生效，但業已按第 (e) (ii) 項對修正案表示反對並且未撤銷此種反對的當事國除外。

(g) (i) 業已表示第 (f) (ii) (1) 或 (iii) 項所述的反對的當事國可在後來通知秘書長其接受該修正案。此修正案應於該當事國通知其接受之日後六個月或該修正案生效之日後六個月對其生效，以晚者為準。

(ii) 如果分別作出第 (f) (ii) (2) 或 (3) 項所述通知或聲明的當事國通知秘書長其接受某一修正案，則此修正案應於該當事國通知其接受之日後六個月或該修正案生效之日後六個月對其生效，以晚者為準。

(3) 會議通過的修正案：

(a) 某一當事國的要求獲得至少三分之一的當事國贊成時，本組織應召開當事國會議審議本公約的修正案。

(b) 由此種會議出席並參加投票的當事國的三分之二多數通過的修正案應由秘書長通知所有當事國，以供接受。

(c) 除會議另有決定外，修正案應分別按本條第 (2) (e) 和 (f) 款中規定的程序視為已被接受和應予生效。

(4) 任何拒絕接受某一附件的某一修正案的當事國僅應就該修正案的執行而言視為非當事國。

(5) 新增附件應按適用於本公約條款的修正程序提出、通過和生效。

(6) 本條規定的任何通知或聲明應以書面形式向秘書長作出。

(7) 秘書長應通知各當事國和本組織會員國：

(a) 生效的修正案及其總的生效日期和對每一當事國的生效日期；和

(b) 根據本條作出的任何通知或聲明。

第 17 條

簽署、批准、接受、核准和加入

(1) 本公約應從 2002 年 2 月 1 日至 2002 年 12 月 31 日在本組織總部開放供任何國家簽署，並應於此後繼續開放供任何國家加入。

(2) 各國可以下列方式成為本公約當事國：

(a) 簽署並對批准、接受或核准無保留；或

(b) 簽署而有待批准、接受或核准，隨後予以批准、接受或核准；或

(c) 加入。

(3) 批准、接受、核准或加入應通過向秘書長交存有關文件作出。

(4) 如果一國對本公約中處理的事項具有適用不同法律制度的兩個或更多領土單元，則它可在簽署、批准、接受、核准或加入時聲明，本公約應擴大適用於其所有領土單元，或僅適用於其中一個或多個單元，並可隨時提交另一個聲明對該聲明加以修改。

(5) 任何此種聲明均應通知秘書長，並應說明本公約適用的領土單元。

第 18 條

生效

(1) 本公約應於合計商船隊不少於世界商船總噸位百分之二十五的不少於二十五個國家，按照第 17 條簽署公約並對批准、接受或核准無保留或交存批准、接受、核准或加入所需文件之日後十二個月生效。

(2) 對於本公約生效條件得到滿足後但在生效日期前交存批准、接受、核准或加入本公約文件的國家，批准、接受、核准或加入應於本公約生效之日或交存該文件之日後三個月生效，以晚者為準。

(3) 在本公約生效之日後交存的任何批准、接受、核准或加入文件，應於交存之日後三個月生效。

(4) 在本公約修正案根據第 16 條視為已被接受之日後交存的任何批准、接受、核准或加入文件，應適用於經修正的本公約。

第 19 條

退出

(1) 任何當事國，在本公約對該當事國生效之日兩年屆滿後，可隨時退出本公約。

(2) 退出應以向秘書長交存書面通知作出，在收到通知後一年或通知中可能規定的更長期限生效。

第 20 條

保存人

(1) 本公約應由秘書長保存，秘書長應將本公約的核證副本發送簽署或加入本公約的所有國家。

(2) 除本公約其他地方規定的職責外，秘書長應：

(a) 將下列事項通知簽署或加入本公約的所有國家：

(i) 每一新的簽署或批准、接受、核准或加入文件的交存及其日期；

(ii) 本公約的生效日期；和

(iii) 本公約的任何退出文件的交存及其收到日期和退出生效日期；和

(b) 本公約一經生效，即按《聯合國憲章》第 102 條將其文本發送聯合國秘書處，以供登記和公佈。

第 21 條

語文

本公約正本一份，用阿拉伯文、中文、英文、法文、俄文和西班牙文寫成，每一文本具有同等效力。

下列具名者，均經各自政府正式授權，特簽署本公約，以昭信守。

二千零一年十月五日訂於倫敦。

附件 1

防污底系統的控制措施

防污底系統	控制措施	適用範圍	生效日期
防污底系統中起生物殺滅劑作用的有機錫混合物	船舶不得施用或再施用此類混合物	所有船舶	2003年1月1日
防污底系統中起生物殺滅劑作用的有機錫混合物	船舶或者： （1）不得在船體或外露部件上或表面施有此類混合物；或者 （2）應施有對此類混合物形成障礙作用的塗層，從底下濾去不符合要求的防污底系統	所有船舶（2003年1月1日以前建造和2003年1月1日或以後未進乾塢的固定和浮動平臺、FSUs 和 FPSOs 除外）	2008年1月1日

附件 2

初始提案要求的要素

(1) 初始提案應包括至少載有下列各項的適當文件：

(a) 提案中所涉及的防污底系統的識別：防污底系統的名稱；活性組分的名稱和化學提取物服務登記號（CAS 號），如適用，或該系統中被懷疑造成所關注的不利影響的成份；

(b) 在環境中可能被發現的顯示防污底系統或其轉化物可能集中對人體健康帶來危險或對非目標生物產生不利影響的信息的特性（例如對代表性物種或生物累積資料進行毒性研究的結果）；

(c) 在環境中集中出現的可能對非目標生物、人體健康或水質產生不利影響的防污底系統或其轉化物中毒性成份的可能性的輔助材料（例如關於在水柱、沉積物和生物群中存留的資料；研究中或處於實際使用狀況的經處理表面的有毒成份的釋放率；或如可獲得時，監測資料）；

(d) 觀測或預計到的防污底系統、有關的不利影響和環境濃度之間的聯繫的分析；和

(e) 對在減少與防污底系統相關的危險中可能有效的限制的類型的初步建議。

(2) 初始提案應按本組織的議事規則提交。

附件 3

綜合提案要求的要素

(1) 綜合提案應包括至少載有下列各項的適當文件：

- (a) 初始提案中列舉的資料的發展；
- (b) 從第(3)(a)、(b)和(c)款(視情而定)所述資料類別中得出的結果，依提案的議題和編製資料所依據的方法的鑑別或說明確定；
- (c) 對防污底系統的不利影響進行的研究結果概要；
- (d) 如果進行了監測，該監測結果概要，包括監測區域的船舶交通和一般說明的信息；
- (e) 通過應用數學模式，使用所有可利用的環境結局參數，特別是以實驗性方法確定的參數，以及模式方法的鑑別或說明，所編製的可利用環境或生態暴露資料概要和任何環境濃度評價；
- (f) 觀測或預計到的相關防污底系統、有關的不利影響和環境濃度之間的聯繫的評估；
- (g) 第(f)項中所述的評估中不確定程度的定性說明；
- (h) 減少與防污底系統相關危險的具體控制措施的建議；
和
- (i) 對涉及空氣質量、船廠條件、國際航運和其他相關領域的建議的控制措施的潛在影響的任何可利用研究結果的概要，以及適當替代方案的有效性。

(2) 綜合提案還應包括受關注的成份的下列物理和化學性質(如適用時):

- 熔點;
- 沸點;
- 密度(相對密度);
- 蒸汽壓力;
- 水溶性/pH/電解常數(pKa);
- 氧化作用/還原勢;
- 分子質量;
- 分子結構; 和
- 初始提案中確定的其他物理和化學性質。

(3) 就上述第(1)(b)款而言, 資料類別為:

(a) 環境結局和影響資料:

- 降級/消散方式(例如水解/光降解/生物降解);
- 在有關介質中的存留(例如水柱/沉積物/生物群);
- 沉積物/水隔離物;
- 生物殺滅劑或活性組分的過濾率;
- 質量平衡;
- 生物累積、分配係數、辛醇/水係數; 和

— 釋放或已知相互作用方面的任何新奇反應。

(b) 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、水質、海床或非目標生物包括敏感和代表性生物的生境的任何非預期影響的資料：

- 急性毒性；
- 慢性毒性；
- 發育性和再生性毒性；
- 內分泌破壞；
- 沉積物毒性；
- 生物利用率／生物放大率／生物濃度；
- 食物網／種群量影響；
- 漁場／魚群死亡／擱淺／（細胞）組織分析方面不利影響的觀測；和
- 海產食品中的殘餘物。

這些資料應涉及一種或多種非目標生物，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) 有關人體健康影響的潛在資料（包括但不限於對受影響海產食品的消費）。

(4) 綜合提案除為質量保證採取的任何有關措施和研究中進行的任何同等審查外，還應包括所使用方法的說明。

附件 4

防污底系統檢驗和發證要求

第一條

檢驗

(1) 第 3 (1) (a) 條所述的從事國際航行的 400 總噸及以上的船舶，不包括固定或浮動式平臺、FSUs 和 FPSOs，應接受如下規定的檢驗：

(a) 船舶投入使用前或首次頒發第 2 或 3 條要求的國際防污底系統證書（證書）前的初次檢驗；和

(b) 更改或更換防污底系統的檢驗。此類檢驗應在根據第 2 或 3 條頒發的證書上簽註。

(2) 檢驗應能確保船舶防污底系統完全符合本公約。

(3) 主管機關應為不受本條第 (1) 款的規定約束的船舶制定適當措施，以便確保本公約得到遵守。

(4) (a) 關於本公約的執行，船舶的檢驗應在計及本組織制定的檢驗指南*的情況下，由主管機關正式授權的官員或按第 3 (1) 條的規定進行。或者，主管機關亦可委託為此目的指定的驗船師或經其認可的組織進行本公約要求的檢驗。

* 指南有待制定。

(b) 指定驗船師或認可組織**進行檢驗的主管機關應最低限度地授權任何指定的驗船師或認可的組織：

(i) 要求其檢驗的船舶符合附件 1 的規定；和

(ii) 如係本公約當事國的港口國有關當局要求時，進行檢驗。

(c) 當主管機關、指定的驗船師或認可的組織確定船舶的防污底系統不符合第 2 或 3 條要求的證書的細節或本公約的要求時，該主管機關、驗船師或組織應立即確保採取使該船符合的糾正行動。驗船師或組織還應在適當時通知主管機關任何此種決定。如未採取要求的糾正行動，則應立即通知主管機關，而主管機關應確保視情不發或撤銷證書。

(d) 在第 (c) 款所述的情況下，如船舶處於另一當事國的港口，則應立即通知港口國的有關當局。當主管機關、指定的驗船師或認可的組織通知了港口國的有關當局時，有關的港口國政府應給予該主管機關、驗船師或組織履行本條規定的其義務的任何必要援助，包括第 11 或 12 條所述的任何行動。

第 2 條

國際防污底系統證書的頒發或簽註

(1) 主管機關應要求在對第 1 條適用的船舶成功完成第 1 條規定的檢驗後，頒發證書。其他當事國應接受某一當事國授權頒發

** 參閱本組織以第 A.739 (18) 號決議通過可能經本組織修正的指南和本組織以第 A.789 (19) 號決議通過的可能經本組織修正的規範。

的證書，並視為與其本身為本公約所涉及的所有目的而頒發的證書具有相同的效力。

(2) 證書應由主管機關或其正式授權的人員或組織頒發或簽註。在每一情況下，主管機關均對證書承擔全部責任。

(3) 對於施有在防污底系統的控制措施生效之日前施用的由附件 1 控制的防污底系統的船舶，主管機關應在該控制措施生效後不晚於兩年時按照本條第 (2) 和 (3) 款頒發證書。本款不得影響船舶符合附件 1 的任何要求。

(4) 證書應以與本附件的附錄 1 中所給示範相一致的格式予以編製，並應至少以英文、法文或西班牙文書寫。如同時使用頒發國的一種官方語言，則在發生爭議或不一致的情況下，應以此為準。

第 3 條

另一當事國頒發或簽註國際防污底系統證書

(1) 應主管機關要求，另一當事國可促使船舶接受檢驗，並且如確信符合本公約，則其應按本公約向該船頒發或授權頒發證書，以及如適當時，為該船簽註或授權簽註該證書。

(2) 證書副本和檢驗報告副本應儘快送交提出要求的主管機關。

(3) 如此頒發的證書應載有一個說明，表示該證書是應第 (1) 款中所述的主管機關的要求頒發的，並且該證書應與該主管機關頒發的證書具有相同效力和獲得同樣承認。

(4) 不得向懸掛非當事國國旗的船舶頒發證書。

第 4 條

國際防污底系統證書的效力

(1) 根據第 2 或 3 條頒發的證書應在下列任一情況下失效：

(a) 如防污底系統被更改或更換，並且證書未按本公約簽註；和

(b) 船舶被轉讓給另一船旗國時。只有在頒發新證書的當事國完全確信船舶符合本公約時，方能發給新證書。如屬在當事國之間轉讓，並且係在進行轉讓後三個月內提出要求，則船舶原先有權懸掛的國旗所屬的當事國應儘快向主管機關轉交該船在轉讓前攜帶的證書的副本，並且如可得到時，轉交相關檢驗報告的副本。

(2) 當事國向從另一當事國轉讓的船舶頒發新的證書，可根據新的檢驗或船舶有權懸掛其國旗的原先當事國頒發的有效證書來決定。

第 5 條

防污底系統聲明書

(1) 主管機關應要求從事國際航行並適用於公約第 3 (1) (a) 條的長度為 24 米或以上但小於 400 總噸的船舶（不包括固定或

浮動平臺、FSUs 和 FPSOs)，攜帶船舶所有人或所有人授權的代理簽發的聲明書。此種聲明書應附有適當的文件（例如油漆收據或合同人憑證）或載有適當的簽註。

（2）聲明書應以與本附件的附錄 2 中所給示範一致的格式予以編製，並應至少以英文、法文或西班牙文書寫。如同時使用船舶有權懸掛其國旗的國家的一種官方語言，則在發生爭議和不一致的情況下，應以此為準。

附件 4 的附錄 1

國際防污底系統證書示範格式

國際防污底系統證書

(本證書應附有防污底系統記錄)

(公章)

(國籍)

本證書由.....政府授權

(國家名稱)

.....

(被授權人員或組織)

根據《國際控制船舶有害防污底系統公約》頒發

原先發有證書時，此證書代替日為.....的證書

船舶資料¹

船名.....

船舶編號或呼號.....

船籍港.....

總噸位.....

海事組織編號².....

¹ 船舶資料亦可以表格橫向排列。

² 按照本組織以第 A.600 (15) 號大會決議通過的《海事組織船舶編號體系》。

該船在建造期間或之後未曾施用受附件 1 控制的防污底系統..□

該船原先曾施用受附件 1 控制的防污底系統，但已使用.....(填入設施名稱)於.....(日期)清除.....□

該船原先曾施用受附件 1 控制的防污底系統，但已使用.....(填入設施名稱)於.....(日期)施以保護層覆蓋.....□

該船在.....(日期)³之前曾施用受附件 1 控制的防污底系統，但必須於.....(日期)⁴之前予以清除或施以保護層覆蓋.....□

茲證明：

- 1 該船業已按照公約附件 4 第 1 條進行檢驗；和
- 2 檢驗表明船舶防污底系統符合公約附件 1 的有關要求。

.....頒發於.....

(發證日期)

(發證地點)

.....

(經授權發證官員簽名)

發證檢驗的完成日期.....

3 控制措施的生效日期。

4 第 4 (2) 條或附件 1 中規定的任何實施期限的失效日期。

防污底系統記錄示範格式

防污底系統記錄

本記錄應永久附於《國際防污底系統證書》

船舶資料

船名：

船舶編號或呼號：

海事組織編號：

施用的防污底系統細節

施用的一種或多種防污底系統的類型

.....

施用一種或多種防污底系統的日期

.....

如已施用，一個或多個公司和設施名稱 / 位置

.....

防污底系統的一個或多個製造廠名稱

.....

一種或多種防污底系統名稱和顏色

一種或多種活性組分及其化學提取物服務登記號 (CAS 號)

.....

如適用，保護層的一種或多種類型

.....

如適用，施用的保護層的一種或多種名稱和顏色

.....

保護層的施用日期

茲證明本記錄在各個方面均正確。

.....頒發於

(記錄簽發日期)

(記錄簽發地點)

.....

(經授權簽發記錄的官員簽名)

記錄的簽註⁵

茲證明按公約附件 4 第 1 (1) (b) 條要求的檢驗表明該船符合公約

施用的一種或多種防污底系統的細節

施用的一種或多種防污底系統的類型.....

.....

施用一種或多種防污底系統的日期.....

如已施用，一個或多個公司和設施名稱 / 位置.....

.....

防污底系統的一個或多個製造廠名稱.....

.....

一種或多種防污底系統名稱和顏色.....

.....

一種或多種活性組分及其化學提取物服務登記號 (CAS 號)

.....

如適用，保護層的一種或多種類型.....

.....

⁵ 主管機關認為必要時，記錄的這一頁應複製並附於記錄後。

如適用，施用的保護層的一種或多種名稱和顏色

.....

保護層的施用日期

簽名：

(經授權簽發記錄的官員簽名)

地點：

日期⁶：

(發給記錄當局的鋼印或蓋章)

⁶ 進行本簽註的檢驗的完成日期。

附件 4 的附錄 2

防污底系統聲明示範格式

防污底系統聲明書

根據《國際控制船舶有害防污底系統公約》

編製

船名

船舶編號或呼號

船籍港

船長

總噸位

海事組織編號（如適用）

我聲明本船施用的防污底系統符合公約附件 1。

.....

（日期）

（所有人或所有人授權的代理簽名）

施用的防污底系統的簽註

施用的一種或多種防污底系統的類型和施用日期

.....

.....

.....

（日期）

（所有人或所有人授權的代理簽名）

施用的一種或多種防污底系統的類型和施用日期.....

.....

.....

(日期)

(所有人或所有人授權的代理簽名)

施用的一種或多種防污底系統的類型和施用日期.....

.....

.....

(日期)

(所有人或所有人授權的代理簽名)

**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.

(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)*