



# NIUE SHIP REGISTRY

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## INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS (AFS CONVENTION) (Circular NMC8.2013 (rev2))

**PURPOSE:** To provide guidance on the implementation of the AFS Convention 2001 with amended 2022 Guidelines for Survey and Certification of Anti-Fouling Systems adopted by IMO under Resolution MEPC.358(78), which supersedes the 2010 guidelines (MEPC.195(61)).

### RELATED DOCUMENTS:

1. The International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS 2001), as amended
2. IMO Resolution MEPC. 331 (76), Amendments to the International Convention on the Control of Harmful Anti-Fouling System on Ship, 2001
3. IMO Resolution MEPC. 358 (78), Guidelines for Survey and Certification of Anti-fouling Systems on Ships

### INTRODUCTION:

The International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention) which was adopted on 5 October 2001 prohibits the use of harmful and toxic substances in anti-fouling paints used on ships and aims to establish a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems. The Convention entered into force in Niue with effect from 18 August 2012.

### DEFINITIONS:

The following abbreviations and terms stand for:

- "AFS" – Anti-fouling system, a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms.
- "FPSO" – Floating Production, Storage and Offloading Units
- "FSU" – Floating Storage Unit
- "GT" – Gross Tonnage, 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.
- "IMO" – International Maritime Organization
- "International Voyage" – a voyage by a Niue flagged ship to or from a port, shipyard, or offshore terminal under the jurisdiction of another State.
- "ITC 69" – International Convention on the Tonnage Measurement of Ships, 1969
- "Length" - 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.
- "MEPC" – Marine Environment Protection Committee
- "PSC" – Port State Control
- "RO" – Recognized Organization as defined by MSC.349(92) / MEPC.237(65)
- "Ship" - 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, FSUs and FPSOs.

The term "Administration" shall mean the Niue Ship Registry.

### APPLICATION:

All ships, including fixed and floating platforms, FSUs, and FPSOs, are prohibited from applying or using harmful anti-fouling systems on their ships or craft.

## CONTENTS:

### A. SURVEY AND CERTIFICATION REQUIREMENTS:

1. **Ships of 400 gross tonnage and above engaged in international voyages** (excluding fixed or floating platforms, FSUs and FPSOs) will be required to undergo an initial survey before the ship is put into service or before the International Anti-fouling System Certificate is issued for the first time; and a survey when the anti-fouling systems are changed or replaced.
2. **Ships of less than 400 gross tonnage but 24 metres or more in length** engaged in international voyages (excluding fixed or floating platforms, FSUs and FPSOs) shall carry a Declaration on Anti-fouling Systems (Appendix I) signed by the owner or authorised agent. The Declaration will have to be accompanied by appropriate documentation such as a paint receipt or contractor invoice.
3. **Ships of less than 400 gross tonnage and less than 24 metres in length** are not subject to formal survey or certification, however, they may be subject to PSC inspections carried out; owners are reminded to maintain appropriate documentation, e.g. paint receipts, on board.

### B. RECOGNIZED ORGANIZATION (RO):

In accordance with Regulation 1(4) of Annex 4 of the AFS Convention, the survey and certification functions of the AFS Convention are fully delegated to the ROs authorised to act on behalf of the Administration.

### C. CHANGE IN THE AFS OR FLAG:

1. An AFS Certificate, once issued, ceases to be valid when the associated anti-fouling system is changed or replaced and not properly endorsed accordingly, or when the ship transfers to the flag of another state.
2. In the case of the transfer of a ship into Niue, a new AFS certificate shall be issued based on the certificate issued by the previous administration, provided the previous administration is a Party to the Convention, the Record of Anti-fouling Systems is up-to-date and the certificate was valid at the time of the transfer. Otherwise, an Initial Survey will be required for the issuance for a new AFS certificate.

### D. IMPLEMENTATION OF IMO RESOLUTION MEPC.358(78) (2022 GUIDELINES):

1. The control of biocides expanded to include cybutryne and other harmful substances to incorporate the AFS Convention 2022 amendments;
2. Survey scope includes surveys for all regulated biocides, risk-based evaluation, and verification of compliance with updated biocide regulations;
3. Certification is to be updated to the new International AFS Certificate format and AFS declaration of all regulated biocides on board;
4. Enhanced guidance on sampling, testing, and reporting procedures for all regulated biocides including cybutryne, as per updated Annex I of AFS Convention;
5. Enhanced RO responsibilities, including review of updated declarations, assessment of anti-fouling coating compatibility, and documentation of biocide types used;
6. Updated record keeping requirements to include detailed information on all biocides, application methods, and compliance verification steps; and
7. Implementation date effective as from 1 January 2023 for new amendments and mandatory for all Niue-flagged ships at next renewal survey or earlier if applicable.

Please do not hesitate to contact the Registry at [technical@niueship.com](mailto:technical@niueship.com) or call: +65 6226-2001 for further assistance.