

	<p style="text-align: center;">Director's Directives</p> <p style="text-align: center;">The Merchant Shipping (Anti-Fouling System) Directive</p> <p style="text-align: center;">To all ship owners, ship managers, ship operators, filing agents and ships' crewing agents</p>	Directive	01-2003
		Revision	02
		Page	1 - 4
		Reference	Merchant Shipping Act

The Director of the Department of Marine Services and Merchant Shipping, in exercise of the powers conferred by Section 7, subsection (3) of the Merchant Shipping Act, 2006, and of all other powers enabling him in that behalf, hereby makes the following directive:

1. Citation and Commencement

- 1.1 This directive may be cited as the Merchant Shipping (Anti-Fouling System) Directive and shall come into force on 6 January 2003.
- 1.2 The International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS) which was adopted on 5 October 2001, will enter into force on 17 September 2008.

2. Interpretation

In this directive

"Antigua and Barbuda Ship" means a ship which is registered or licensed under this Act.

"Administration" means maritime Administration of the State whose flag the ship flies, and in relation to Antigua and Barbuda includes ADOMS and the Director.

"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.

"Company" means the owner of a ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility has agreed to take over all the duties and responsibilities imposed on the company by these regulations.

"IMO" means the International Maritime Organization;

"International voyage" means a voyage from a port in one country to a port in another country.

"Records" means all documents, internal and external audit reports and checklists connected with the Document of Compliance and Safety Management Certificates.

"Ship" includes every description of vessel used in navigation and not propelled by oars.

"Gross tons" means gross tonnage in accordance with International Convention on Tonnage Measurement of Ships, 1969 or any successor convention.

"Yacht" includes all yachts, whether engaged in trade or not.

3. Application

3.1 This directive applies to:

- (a) all Antigua and Barbuda ships operating on international voyages
- (b) all other ships operating in Antigua and Barbuda waters whilst on international voyages
- (c) yachts engaged in trade
- (d) pleasure yachts

3.2 This directive does not apply to warships, government owned or operated ships used on government non-commercial activities. However, the Antigua and Barbuda Government requests that these ships should be aware of the requirements of this directive and phase out the use of harmful anti-fouling systems not later than 17 September 2008.

3.3 Ships of non-parties to the Anti-Fouling System Convention shall be required to comply with the requirements of this directive whilst in Antigua and Barbuda waters.

4. Controls

4.1 It is prohibited for any company to apply, re-apply or install any harmful anti-fouling system on an Antigua and Barbuda ship after the 6 January 2003.

4.2 It is prohibited for any company to apply, re-apply, install or use harmful anti-fouling systems in any Antigua and Barbuda port, shipyard, slipway or offshore terminal to non Antigua and Barbuda flagged ships.

4.3 All waste materials generated in the activities of removing or applying anti-fouling systems to ships shall be collected, handled, treated and disposed of in a safe and environmentally sound manner.

4.4 Not later than 17 September 2008 (effective date) ships either:

- (a) shall not bear such compounds on their hulls or external parts or surfaces

or

- (b) shall bear a coating that forms a barrier to such compounds leading from the underlying non-compliant anti-fouling system.

5. Surveys

5.1 Ships of 400 gross tons and above on international voyages shall be subject to surveys as specified below:

- (a) an initial survey before the ship is put into service or before the International Anti-Fouling System certificate required under section 6 or 7 is issued for the first time;
- (b) when the anti-fouling systems are changed or replaced. Such surveys shall be endorsed on the certificate issued under section 6 or 7.

5.2 The survey shall ensure that the ship's anti-fouling system fully complies with the AFS Convention.

- 5.3 For ships of less than 400 gross tons on international voyages, surveys shall be carried out on the anti-fouling paint systems to ensure that no harmful anti-fouling systems are in use. Existing anti-fouling systems must be replaced with acceptable systems during the first dry dock due after 6 January 2003.
- 5.4 For all yachts, whether engaged in trade or not, the present anti-fouling systems must be replaced with an acceptable anti-fouling system during the first dry dock due after 6 January 2003.
- 5.5 Where ships and yachts, dry-dock before the 6 January 2003 and elect to use a sealing coat to completely halt all leaching of their existing anti-fouling systems before applying an acceptable anti-fouling system, they shall comply fully with this directive not later than 17 September 2008.
- 5.6 Where a survey establishes that a ship is not in compliance with the Anti-Fouling Convention, this information shall immediately be brought to the attention of the owner or operator or manager and the dry-dock and corrective action be immediately taken to bring the ship into compliance.
 - (a) If corrective action is not taken, the Certificate may not be issued or may be withdrawn.
 - (b) If the ship is in a port of another party, the appropriate authorities in that Port State shall be notified.

6. Certification

International Anti-Fouling System Certificate

- 6.1 An International Anti-Fouling System Certificate shall be issued, in the form as described in Annex 1, to all ships over 400 gross tons after a successful survey has been carried out.
- 6.2 Where the certificate is issued by a recognized organization, the Antigua and Barbuda administration will be fully responsible for that certificate.
- 6.3 Antigua and Barbuda may request the issue of an International Anti-Fouling System Certificate by another party where all the conditions of section 5 above have been satisfied. Such certificate shall have the same standing as a certificate issued by Antigua and Barbuda.
- 6.4 No certificate will be issued to a ship flying the flag of a non-party to the Anti-Fouling System Convention.

7. Validity

- 7.1 An International Anti-Fouling System Certificate shall cease to be valid when:
 - (a) the anti-fouling system is changed or replaced and the certificate is not endorsed;
 - (b) where a ship is transferred to another party **unless**:
 - (i) a request is made within three months by the Antigua and Barbuda administration to the previous party for a copy of the previous certificate and survey reports.
 - (ii) the Antigua and Barbuda administration is satisfied with the certificate and survey reports.

7.2 A new certificate issued by the Antigua and Barbuda administration may be based on a new survey or the valid certificate issued by the previous Party administration.

8. Declaration on Anti-Fouling Systems

- 8.1 Antigua and Barbuda requires all ships less than 400 gross tons, yachts and pleasure craft, whether engaged in trade or not, to carry a declaration on the anti-fouling system used on board.
- 8.2 The declaration shall be signed by the owner or the owner's agent and shall be accompanied by the appropriate paint receipt or contractor's invoice.
- 8.3 The declaration shall be in the form as attached at Annex 2 and shall be in the English language.