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Ministry of Maritime Affairs



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To: Operators and Owners of Gibraltar Registered vessels

Anti-Fouling Systems – Regulation (EC) No. 782/2003
Prohibition of Organotin compounds on ships

1. Introduction

Anti-fouling systems are applied on vessels to keep the hulls of ships clean from fouling organisms. Scientific studies have concluded that some of the most widespread active ingredients in AFS are organotin compounds. Organotin compounds have been scientifically proven to have adverse effects on ecologically and economically important marine organisms.

The purpose of Regulation (EC) No. 782/2003 is “to reduce or eliminate adverse effects on the marine environment and human health caused by organotin compounds”.

2. Application

The EC regulations No. 782/2003 **apply to**:

- a. All Gibraltar registered vessels;
- b. To other EU/EEA ships within British Gibraltar Territorial Waters (BGTW);
- c. To other ships operating within British Gibraltar Territorial Waters (BGTW).

The EC regulations **do not apply** to:

- a. Warships, naval auxiliary or other ships owned or operated by a State and used only on government non-commercial services.

3. Controls on Anti-Fouling systems

Owners and Masters have a duty to ensure that the AFS meet the criteria set out in the EC Regulation and that the ships are maintained to a standard to ensure continued compliance with the EC Regulation.

The provisions of the EC Regulations regarding the use of organotin compounds can be found in Annex 1 (attached).

Gibraltar registered vessels which operate within EU/EEA ports or in ports which are party to the AFS Convention may be detained under the Port State Control regime if they do not hold the appropriate Certification/Documentation.

4. Survey & Certification

AFS Survey and Certification requirements for Classed vessels have been delegated to the six recognised Classification Societies (i.e. ABS; BV; DNVGL; LR; NKK; RINA).

Vessels which are not classed should apply to the GMA for survey and certification.

5. Requirement for Gibraltar registered vessels of 400 GT and over

Ships 400 GT and over must be surveyed under the following regime:

- a. An initial survey before the ship is put into service or when the ship is for the first time in dry dock for the application of an anti-fouling system; and
- b. A survey when the anti-fouling system is changed or replaced, undertaken to enable the endorsement of the Certificate.

****Important Note:** Vessels not in compliance with the relevant regulations should not operate until such time that she has been surveyed and issued with the necessary certification/documentation.*

Repairs (“touch ups”) do not generally require a survey.

Repairs affecting approximately 25% or more of the anti-fouling system are considered by the GMA to be a change or replacement of the anti-fouling system. An anti-fouling system that undergoes repair must be repaired or replaced with a compliant anti-fouling system.

6. Requirements for Gibraltar registered ships of 24 metres or more in Loadline length (LL) but less than 400 GT

Ships of 24 metres or more in length (LL) but less than 400 GT must carry:

- a. Declaration on AFS signed by the owner or authorised agent.
- b. Declaration must be accompanied by appropriate documentation e.g. a paint receipt or contractor invoice) or contain an appropriate endorsement.

A template Declaration on AFS may be obtained from the GMA.

7. Ships less than 24 metres in Loadline length (LL)

Ships less than 24 metres in length are not required to provide a specific survey or declaration as these ships (mainly recreational craft and fishing vessels) have been considered by the EU regulations to be adequately covered under the provisions of Directive 76/769/EEC.

8. Ships with no anti-fouling systems

To avoid potential problems with Port State Control inspections, ships which trade internationally and which fall within the survey/certification regime but have no AFS applied should also carry a:

- a. AFS Certificate (for vessels of 400 GT or over) – relevant note within the Certificate should contain a statement to the effect that “the vessel does not have an AFS system”;
- b. AFS Declaration (for vessels of 24m or more in LL) – relevant note within the Declaration should contain a statement to the effect that “the vessel does not an AFS system”.

Failure to comply with the requirements of the EC regulation may result in the vessel encountering problems with Port State Control authorities and may result in additional scrutiny and/or deficiencies being raised during a PSC inspection.

Richard Montado
Maritime Administrator

Issue date: 31 August 2014

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Annex 1

Provision of EC Regulation regarding the use of organotin compounds

Effective Date	Anti-fouling system	Control Measures	Application
From 1st July 2003	Organotin compounds which act as biocides in anti-fouling systems	Such compounds must not be applied or reapplied on ships	All EU/EEA ships *
From 1st January 2008	Organotin compounds which act as biocides in anti-fouling systems	Ships must not bear such compounds on their hulls or external parts or surfaces unless they bear a coating that forms a barrier to such compounds leaching from the underlying non-compliant anti-fouling system	All ships while inEU/EEA ports/terminals*