

CIRCULAR No 59

PORTUGUESE MARITIME ADMINISTRATION

SUBJECT | Anti-Fouling Systems - Prohibition of organotin compounds on ships

To | Owners, Shipowners Associations, Companies, Operators, Recognized Organizations and Ship Inspectors, Masters and Skippers ships and vessels flying the Portuguese Flag

DISCLAIMER | This document is for information only and is not intended to interpret or replace the legal referenced documents published by official sources

***REFERENCIAS:** The International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS-Convention), adopted on 5 October 2001, which entered in force on 17 September 2008; Regulation (EC) No 782/2003 of the European Parliament and of the Council, of 14 April 2003, on prohibition of organotin compounds on ships, amended by Regulation (EC) No Parliament and of the Council of 11 March 2009; Decree No 26/2018, of 12 of December, which introduces the AFS Convention into our national legal system; Decree-Law No 141/2003, of 2 of July, amending Annex I of Decree-Law No 264/98, of 19 of August*

1. OBJECTIVE

The aim of the present circular is the explanation and the information, to all of the addressed above, of the application of both the AFS Convention and the Regulation No 782/2003 mentioned in *Referencias*, as well as give some information on how to obtain and keep the applicable certifications.

2. INTRODUCTION

The objective of both the International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS-Convention), hereunder mentioned as the *Convention* and the Regulation (EC) No 782/2003 of the European Parliament and of the Council, of 14 April 2003, is its most recent update, hereunder mentioned as the *Regulation*, is reducing or eliminating, for the marine environment and human health, the harmful effects of organotin compounds which act as active biocides in anti-fouling systems used on ships.

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Portugal is Part¹ to the Convention since 12 December 2018, and it entered into force on 8 April 2019.

3. SCOPE

Both the Convention and the Regulation apply to all ships which:

- a) are entitled to fly the Portuguese flag;
- b) flying the Portuguese flag, they operate under the authority of the Portuguese State;
- c) even though not covered by the above written in a) and b), they enter a port, shipyard or offshore terminal in the national territory.

4. CERTIFICATION

4.1 AFS CERTIFICATE

To all ships of 400 gross tonnage² and above engaged in international voyages and after the performing of the surveys described in title 5. Surveys, an AFS Certificate and a Record of Anti-Fouling Systems will be issued, as described in Annex I.

4.2. AFS DECLARATION

It will be required to all ships of 24 metres in length³ or above and gross tonnage under 400 engaged in international voyages to carry an AFS Declaration signed by the Owner or owner's authorized Agent.

Such Declaration shall be accompanied by appropriate shall be accompanied by appropriate documentation (such as a paint receipt or a contractor invoice) or contain appropriate endorsement or even a statement of facts issue by the applied anti-fouling system manufacturer.

DGRM puts available Online on its official website www.dgrm.mm.gov.pt the Forms to fill in and submit the AFS Declaration, as in Annex II.

After completion of the Declaration, it has to signed by the Owner or the owner's Agent and as applicable be stamped with the company seal and sent n digital format to DGRM via the email shown at the end of this circular.

¹ Decree No 26/2018, of 12 of December and Notice No 11/2019, of 11 of March.

² Calculated in accordance with the rugulations for determining Gross and Net Tonnages of ships drawn in Annex I to the Internationaç Convention on Tonnage Measurement of Ships, 1969, or any successor Convention.

³ As defined in the International Load Lines Convention, 1966 wit the amendmentas of the 1988 Protocol, or any successor Convention.

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4.3 AFS CERTIFICATE OR DECLARATION LOST OF VALIDITY

Both the AFS Certificate and the Declaration don't have a validity. However, these documents lose their validity in any of the following situations:

- a) When, due to any change or replaced and the Certificate has not been properly endorsed;
- b) Upon transfer of the ship to the flag of another State.

4.4 AFS CERTIFICATE AND DECLARATION AVAILABILITY

Both the AFS Certificate and the Declaration should, as applicable, be always available on board for consultation by the Authorities.

5. SURVEYS

5.1 For the issuance of the AFS Certificate the following surveys are necessary:

- 5.1.1. An initial survey before the ship is put into service or before entering into dry-dock to apply the anti-fouling system for the first time; and
- 5.2.1. A survey when the anti-fouling systems are changed or replaced.

5.2. APPLICATION FOR SURVEYS

The application for the above mentioned surveys may be done by the owner/company at DGRM, either personally or by email or at any of the DGRM offices in Madeira, Azores or Leixões. The application form may be obtained from the DGRM webpage

5.3. SURVEYS PERFORMED BY RO'S ON BEHALF OF THE PORTUGUESE ADMINISTRATION

The Portuguese Maritime Administration (DGRM) may, in all those cases where it is not feasible to undergo the surveys described in 5.1 above by Flag State Inspectors of the Administration, to delegate these surveys to any of the RO's with which a written agreement has been signed with the Portuguese Maritime Administration.

The application for the performance of the surveys by RO's should be done by the owner/company at DGRM, either personally or by email or at any of the DGRM offices of Madeira, Azores or Leixões, with the indication of the RO which will perform the survey.

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DGRM will instruct the RO in relation to the survey which apply and their scope and may, if applicable, instruct the RO concerning the conditions to observe in order to endorse the certificates.

5.4 SURVEYS PERFORMED BY THIRD COUNTRIES MARITIME AUTHORITIES

The Portuguese Maritime Administration (DGRM) may, on those cases where it is not possible to perform the surveys described in 5.1 by Portuguese Flag State Inspectors, delegate these surveys on a third country Maritime Authority, as long as the State concerned is Part to the AFS Convention. The application to the performance of the surveys by a third country Maritime Authority may be done by the owner/company at DGRM, either personally or by email or at any of the DGRM offices of Madeira, Azores or Leixões, stating which Maritime Authority will assume the survey.

DGRM will ask the third country Maritime Authority the surveys and the scope of them and may, if so necessary, ask for the endorsement of the Certificates.

Lisbon, 9th October 2019

The General Director of Natural Resources, Safety, and Maritime Services

For further information please contact:

Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos

Avenida Brasília 1449 - 030 Lisboa, Portugal

Tel.: +351 213 035 700

www.dgrm.mm.gov.pt

E-mail: dcn.secretaria@dgrm.mm.gov.pt

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ANNEX I

 REPÚBLICA PORTUGUESA <i>THE PORTUGUESE</i> <i>REPUBLIC</i>	<p>CERTIFICADO INTERNACIONAL DE SISTEMA ANTIVEGETATIVO <i>INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE</i></p> <p>N.º / Nr. AFS XX / XXXX</p>
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(O presente certificado deve ser complementado por um Registo de Sistemas Antivegetativos)
(This certificate shall be supplemented by a Record of Anti-fouling Systems)

Emitido segundo as disposições da Convenção Internacional relativa ao Controlo dos Sistemas Antivegetativos Nocivos nos Navios, sob a autoridade do Governo da República Portuguesa pela DIREÇÃO-GERAL DE RECURSOS NATURAIS, SEGURANÇA E SERVIÇOS MARÍTIMOS

Issued under the provisions of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships under the authority of the Government of the Portuguese Republic by DIREÇÃO-GERAL DE RECURSOS NATURAIS, SEGURANÇA E SERVIÇOS MARÍTIMOS.

Caso exista um Certificado anterior, este Certificado substitui o certificado com data de: **XX / XX / XXXX**

When a Certificate has been previously issued, this Certificate replaces the certificate dated:

Nome do Navio <i>Name of ship</i>	Distintivo do Navio em Número ou Letras <i>Distinctive number or letters</i>	Porto de Registo <i>Port of registry</i>	Arqueação Bruta <i>Gross tonnage</i>	Número IMO <i>IMO number</i>

- O navio não foi objeto da aplicação de qualquer sistema antivegetativo controlado em conformidade com o Anexo 1 da Convenção, durante ou após a sua construção.

An anti-fouling system controlled under Annex 1 to the Convention has not been applied during or after construction of this ship.

- O navio foi anteriormente objeto da aplicação de um sistema antivegetativo controlado em conformidade com o Anexo 1 da Convenção, o qual foi removido por (nome da instalação) em (data).

An anti-fouling system controlled under Annex 1 to the Convention has been applied on this ship previously, but has been removed by (insert name of the facility) on (date).

- O navio foi anteriormente objeto da aplicação de um sistema antivegetativo controlado em conformidade com o Anexo 1 da Convenção, ao qual foi aplicado um revestimento isolante por (nome da instalação) em (data).

An anti-fouling system controlled under Annex 1 to the Convention has been applied on this ship previously, but has been covered with a sealer coat applied by (insert name of the facility) on (date).

- O navio foi objeto da aplicação de um sistema antivegetativo controlado em conformidade com o Anexo 1 da Convenção, antes de 1 de janeiro de 2003, o qual deve ser removido ou ao qual deve ser aplicado um revestimento isolante até 17 de setembro de 2008.

An anti-fouling system controlled under Annex 1 to the Convention has been applied on this ship prior to 1 January 2003, but must be removed or covered with a sealer coat prior to 17 September 2008.

CIRCULAR N.º 59**PORTUGUESE MARITIME ADMINISTRATION****Certifica-se:***THIS IS TO CERTIFY THAT:*

1 - O navio foi vistoriado de acordo com a regra 1 do Anexo 4 à Convenção; e
The ship has been surveyed in accordance with regulation 1 of Annex 4 to the Convention; and

2 - A vistoria comprova que o sistema antivegetativo do navio cumpre com as prescrições aplicáveis do anexo 1 à Convenção.
The survey shows that the anti-fouling system on the ship complies with the applicable requirements of Annex 1 to the Convention.

Emitido em: **XXXXXXXXXXXXXXXXXX***Issued at:*

(Local de emissão do Certificado)
(Place of issue of the Certificate)

Aos: **XX / XX / XXXX***(Data de emissão)**(Date of issue)*

.....
(Assinatura da pessoa autorizada a emitir o Certificado)
(Signature of authorized official issuing the Certificate)

Data de conclusão da vistoria com base na qual o presente Certificado é emitido: **XX / XX / XXXX**.*Date of completion of the survey on which this certificate is issued:*NOTA: Registos dos Sistemas Antivegetativos n.º **AFR XX / XXXX***Note: Record of Anti-Fouling Systems nr.*

CIRCULAR N.º 59**PORTUGUESE MARITIME ADMINISTRATION****REGISTO DOS SISTEMAS ANTIVEGETATIVOS**
*RECORD OF ANTI-FOULING SYSTEMS*N.º / Nr. **AFR XX/XXXX**

O presente Registo será anexado ao Certificado Internacional de Sistema Antivegetativo n.º: **AFS XX/XXXX**
This Record shall be permanently attached to the Statement of Compliance on Anti-Fouling System nr

Nome do Navio <i>Name of ship</i>	Distintivo do Navio em Número ou Letras <i>Distinctive number or letters</i>	Número IMO <i>IMO number</i>

Elementos relativos ao sistema (s) antivegetativo aplicado:*Details of anti-fouling system(s) applied*

Tipo (s) de sistema (s) antivegetativo utilizado:
Type(s) of anti-fouling system(s) used

Data (s) de aplicação do sistema (s) antivegetativo:
Date(s) of application of anti-fouling system(s)

Denominação da empresa (s) e instalação/local de aplicação:
Name(s) of company (ies) and facility (ies)/location(s) where applied

Nome do fabricante (s) do sistema (s) antivegetativo:
Name(s) of anti-fouling system manufacturer(s)

Denominação e cor do sistema (s) antivegetativo:
Name(s) and colour(s) of anti-fouling system(s)

Ingrediente (s) ativo e respetivo número(s) CAS:
*Active ingredient(s) and their Chemical Abstract Services Registry
Number(s) (CAS number(s))*

Tipo de revestimento (s) isolante, se aplicável:
Type(s) of sealer coat, if applicable

Denominação e cor do revestimento (s) isolante, se aplicável:
Name(s) and colour(s) of sealer coat applied, if applicable

Data de aplicação do revestimento isolante, se aplicável:
Date of application of sealer coat, if applicable

Certifica-se que o presente Registo está correto em todos os seus elementos.
THIS IS TO CERTIFY that this Record is correct in all respects.

Emitido em: **XXXXXXXXXXXXXXXX**
Issued at:

(Local de emissão do Certificado)
(Place of issue of the Certificate)

Aos: **XX / XX / XXXX**
(Data de emissão)
(Date of issue)

.....
(Assinatura da pessoa autorizada a emitir o Registo)
(Signature of authorized official issuing the Record)

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ANNEX II

DECLARAÇÃO DO SISTEMA ANTIVEGETATIVO DECLARATION ON ANTI-FOULING SYSTEM

Elaborada nos termos da Convenção Internacional relativa ao Controlo dos Sistemas Antivegetativos Nocivos nos Navios.
Drawn up under the International Convention on the Control of Harmful Anti-Fouling Systems on Ships.

Nome do Navio <i>Name of ship</i>	Distintivo do Navio em Número ou Letras <i>Distinctive number or letters</i>	Porto de Registo <i>Port of registry</i>	Comprimento <i>Length</i>	Arqueação Bruta <i>Gross tonnage</i>	Número IMO <i>IMO number</i>

Declaro que o sistema antivegetativo utilizado neste navio cumpre com o anexo 1 da Convenção.
I declare that the anti-fouling system used on this ship complies with annex 1 of the Convention.

Aos: ___ / ___ / ____

(Data)

(Assinatura do proprietário ou do agente autorizado)

(Date)

(Signature of owner or owner's authorized agent)

Endosso dos sistemas antivegetativos aplicados Endorsement of anti-fouling system(s) applied

Tipo de sistema(s) antivegetativo usado e data(s) de aplicação:
Type(s) of anti-fouling system(s) used and date(s) of application

Aos: ___ / ___ / ____

(Data)

(Assinatura do proprietário ou do agente autorizado)

(Date)

(Signature of owner or owner's authorized agent)

Tipo de sistema(s) antivegetativo usado e data(s) de aplicação:
Type(s) of anti-fouling system(s) used and date(s) of application

Aos: ___ / ___ / ____

(Data)

(Assinatura do proprietário ou do agente autorizado)

(Date)

(Signature of owner or owner's authorized agent)

Tipo de sistema(s) antivegetativo usado e data(s) de aplicação:
Type(s) of anti-fouling system(s) used and date(s) of application

Aos: ___ / ___ / ____

(Data)

(Assinatura do proprietário ou do agente autorizado)

(Date)

(Signature of owner or owner's authorized agent)