

Circular 270/ 2022

To: Owners, Technical Managers, Deputy Registrars, Fleet Managers, Surveyors, Recognized Organizations.

Subject: International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 – Prohibition of Cybutryne in Anti-Fouling Coating Systems.

Date: 18th October 2022

Summary:

On the 1st January 2023 amendments to the Anti-Fouling Systems (AFS) Convention, adopted through Resolution MEPC.331(76) will enter into force. The amendments introduce new requirements that ban the future installation of anti-fouling systems which contain a toxic substance called cybutryne (CAS No. 28159-98-0).

Ships shall not apply or re-apply anti-fouling systems containing cybutryne on or after 1st January 2023.

Ships bearing an anti-fouling system that contains cybutryne in the external coating layer of their hulls or external parts or surfaces on the 1st January 2023 shall either:

1. Remove the anti-fouling system; or
2. Apply a coating that forms a barrier to this substance leaching from the underlying non-compliant anti-fouling system.

The measures listed above must be put in place at the next scheduled renewal of the anti-fouling system after 1st January 2023, but no later than 60 months following the last application to the ship of an anti-fouling system containing cybutryne.

Existing coatings on the following ships are excepted from the requirements:

1. Fixed and floating platforms, Floating Storage Units, and Floating Production Storage and Offloading installations that have been constructed prior to 1st January 2023 and that have not been in dry-dock on or after 1st January 2023;
2. Ships not engaged in international voyages; and
3. Ships of less than 400 gross tonnage engaged in international voyages, if accepted by the coastal State(s).

Actions for ship owners and managers

Owners and managers of vessels with anti-fouling systems containing cybutryne are urged to get in touch with Maritime Cook Islands, in order to arrange for an AFS survey and the issuance of a new revised AFS certificate.

**For further enquiries, please contact Maritime Cook Islands
at technical@maritimecookislands.com**

ANNEX 4

**RESOLUTION MEPC.331(76)
(adopted on 17 June 2021)**

**AMENDMENTS TO THE INTERNATIONAL CONVENTION ON THE
CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001**

Amendments to Annexes 1 and 4

(Controls on cybutryne and form of the International Anti-fouling System Certificate)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO article 16 of the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (the AFS Convention), which specifies the amendment procedure and confers upon the Marine Environment Protection Committee of the Organization the function of considering amendments thereto for adoption by the Parties,

HAVING CONSIDERED, at its seventy-sixth session, proposed amendments to the AFS Convention regarding controls on cybutryne and the form of the International Anti-fouling System Certificate,

1 ADOPTS, in accordance with article 16(2)(c) of the AFS Convention, amendments to Annexes 1 and 4, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article 16(2)(e)(ii) of the AFS Convention, that the amendments shall be deemed to have been accepted on 1 July 2022 unless prior to that date more than one third of the Parties have notified the Secretary-General that they object to the amendments;

3 INVITES the Parties to note that, in accordance with articles 16(2)(f)(ii) and (iii) of the AFS Convention, the said amendments shall enter into force on 1 January 2023 upon their acceptance in accordance with paragraph 2 above;

4 INVITES ALSO the Parties to remind ships that fly their flag and that are confirmed to be affected by the amendments to Annex 1 to the AFS Convention adopted through the present resolution to make a timely request for a survey for the issuance of an International Anti-fouling System Certificate, in the amended model form adopted through the present resolution, using the procedure outlined in paragraphs 4 and 5.3 of the annex to resolution MEPC.195(61), as may be amended by the Organization, so that ships have a valid International Anti-fouling System Certificate on board not later than 24 months after the entry into force of the amendments to Annex 1 to the AFS Convention adopted through the present resolution;

5 INVITES FURTHER the Parties to issue new International Anti-fouling System Certificates, in the amended model form adopted through the present resolution, at the next anti-fouling system application, in the case of ships that are confirmed not to be affected by the amendments to Annex 1 to the AFS Convention adopted through the present resolution;

6 REQUESTS the Secretary-General, for the purposes of article 16(2)(d) of the AFS Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the AFS Convention;

7 REQUESTS ALSO the Secretary-General to transmit copies of the present resolution and its annex to Members of the Organization which are not Parties to the AFS Convention;

8 REQUESTS FURTHER the Secretary-General to prepare a consolidated certified text of the AFS Convention.

ANNEX

**AMENDMENTS TO THE INTERNATIONAL CONVENTION ON THE
CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001**

**Annex 1
Controls on anti-fouling systems**

1 The following rows are added to the table in Annex 1 to the 2001 AFS Convention:
"

Anti-fouling system	Control measures	Application	Effective date
Cybutryne CAS No. 28159-98-0	Ships shall not apply or re-apply anti-fouling systems containing this substance	All ships	1 January 2023
Cybutryne CAS No. 28159-98-0	Ships bearing an anti-fouling system that contains this substance in the external coating layer of their hulls or external parts or surfaces on 1 January 2023 shall either: (1) remove the anti-fouling system; or (2) apply a coating that forms a barrier to this substance leaching from the underlying non-compliant anti-fouling system	All ships except: (1) fixed and floating platforms, FSUs, and FPSOs that have been constructed prior to 1 January 2023 and that have not been in dry-dock on or after 1 January 2023; (2) ships not engaged in international voyages; and (3) ships of less than 400 gross tonnage engaged in international voyages, if accepted by the coastal State(s)	At the next scheduled renewal of the anti-fouling system after 1 January 2023, but no later than 60 months following the last application to the ship of an anti-fouling system containing cybutryne

Annex 4
Surveys and certification requirements for anti-fouling systems

2 Regulation 2(3) is replaced by the following:

"(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 (1) and (2) 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."

Appendix 1 to Annex 4
Model form of International Anti-fouling System Certificate

3 The section of the model form of the International Anti-fouling System Certificate (appendix 1) listing the compliance options for controlled anti-fouling systems on the ship is replaced by the following:

"An anti-fouling system controlled under Annex 1 containing:

	Has not been applied during or after construction of this ship	Has been applied on this ship previously, but has been removed by	Has been applied on this ship previously, but has been covered with a sealer coat applied by	Has been applied on this ship previously, but is not in the external coating layer of the hull or external parts or surfaces on	Was applied on this ship prior to
Organotin compounds which act as biocides	<input type="checkbox"/> <i>(insert name of the facility)</i> on <i>(dd/mm/yyyy)</i> <input type="checkbox"/> <i>(insert name of the facility)</i> on <i>(dd/mm/yyyy)</i> <input type="checkbox"/>	Not applicable	Not applicable
Cybutryne	<input type="checkbox"/> <i>(insert name of the facility)</i> on <i>(dd/mm/yyyy)</i> <input type="checkbox"/> <i>(insert name of the facility)</i> on <i>(dd/mm/yyyy)</i> <input type="checkbox"/>	1 January 2023 <input type="checkbox"/>	1 January 2023, but must be removed or covered with a sealer coat prior to <i>(dd/mm/yyyy)</i> <input type="checkbox"/>
