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INTERNATIONAL CONFERENCE ON THE  
CONTROL OF HARMFUL ANTI-FOULING  
SYSTEMS FOR SHIPS  
Agenda item 8

AFS/CONF/25  
8 October 2001  
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**ADOPTION OF THE FINAL ACT OF THE CONFERENCE AND ANY INSTRUMENTS,  
RECOMMENDATIONS AND RESOLUTIONS RESULTING FROM  
THE WORK OF THE CONFERENCE**

**FINAL ACT OF THE INTERNATIONAL CONFERENCE ON THE CONTROL OF  
HARMFUL ANTI-FOULING SYSTEMS FOR SHIPS, 2001**

**Text adopted by the Conference**

1 In accordance with Article 2(b) of the Convention on the International Maritime Organization, the Council of the Organization decided, at its twentieth extraordinary session in November 1999, to convene a diplomatic conference to consider the adoption of a draft international convention on the control of harmful anti-fouling systems. This decision was endorsed by the Assembly of the Organization at its twenty-first regular session by resolution A.877(21) of 25 November 1999 on the Work Programme and Budget for the Twenty-First Financial Period 2000-2001.

2 The Conference was held at the Headquarters of the International Maritime Organization in London from 1 to 5 October 2001.

3 Representatives of 75 States participated in the Conference, namely the representatives of:

ALGERIA	CYPRUS
ARGENTINA	DEMOCRATIC PEOPLE'S
AUSTRALIA	REPUBLIC OF KOREA
BAHAMAS	DENMARK
BANGLADESH	ECUADOR
BELGIUM	EGYPT
BELIZE	ESTONIA
BRAZIL	FINLAND
BULGARIA	FRANCE
CANADA	GERMANY
CHILE	GREECE
CHINA	GUATEMALA
COLOMBIA	HONDURAS
CROATIA	ICELAND
CUBA	INDIA

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INDONESIA	PHILIPPINES
IRAN (ISLAMIC REPUBLIC OF)	POLAND
IRELAND	PORTUGAL
ITALY	REPUBLIC OF KOREA
JAMAICA	ROMANIA
JAPAN	RUSSIAN FEDERATION
KENYA	SAUDI ARABIA
LATVIA	SINGAPORE
LEBANON	SOUTH AFRICA
LIBERIA	SPAIN
LUXEMBOURG	SRI LANKA
MALAYSIA	SWEDEN
MALTA	SYRIAN ARAB REPUBLIC
MARSHALL ISLANDS	TONGA
MEXICO	TRINIDAD AND TOBAGO
MONACO	TUNISIA
MOROCCO	TURKEY
NETHERLANDS	UKRAINE
NIGERIA	UNITED KINGDOM
NORWAY	UNITED STATES
PAKISTAN	URUGUAY
PANAMA	VANUATU
PERU	VENEZUELA

4 The following Associate Member of the Organization sent observers to the Conference:

HONG KONG, CHINA

5 The following intergovernmental organizations sent observers to the Conference:

EUROPEAN COMMISSION (EC)  
LEAGUE OF ARAB STATES

6 The following non-governmental international organizations sent observers to the Conference:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)  
INTERNATIONAL SHIPPING FEDERATION LTD (ISF)  
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)  
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)  
BALTIC AND INTERNATIONAL MARITIME COUNCIL (BIMCO)  
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)  
EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)  
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)  
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)  
INTERNATIONAL ASSOCIATION OF THE INSTITUTES OF NAVIGATION (IAIN)  
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)  
INTERNATIONAL ASSOCIATION OF OIL AND GAS PRODUCERS (OGP)  
ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS (AWES)  
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS  
(INTERTANKO)

INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LIMITED  
 (ITOPF)  
 INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL  
 RESOURCES (IUCN)  
 GREENPEACE INTERNATIONAL  
 INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)  
 INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS  
 (INTERCARGO)  
 WORLD WIDE FUND FOR NATURE (WWF)  
 THE INSTITUTE OF MARINE ENGINEERS (IME)  
 INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)  
 INTERNATIONAL SAILING FEDERATION (ISAF)  
 WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)

7 The Conference was opened by Mr. W.A. O’Neil, Secretary-General of the International Maritime Organization.

8 Captain Arturo Ojeda Zernott (Chile) was elected President of the Conference.

9 The Vice-Presidents elected by the Conference were:

Mr. Essam Gamal Eldin Roushdy (Egypt)  
 Mr. Gérard Gasc (France); and  
 H.E. Ambassador Nana S. Sutresna (Indonesia)

10 The Secretariat of the Conference consisted of the following officers:

Secretary-General:	Mr. W.A. O’Neil Secretary-General of the Organization
Executive Secretary:	Mr. K. Sekimizu Director, Marine Environment Division
Deputy Executive Secretaries:	Mr. J-C. Sainlos Senior Deputy Director, Marine Environment Division  Mr. Du Dachang Senior Deputy Director, Marine Environment Division

11 The Conference established a Committee of the Whole with the mandate to consider a draft International Convention on the Control of Harmful Anti-fouling Systems.

12 A Credentials Committee was appointed to examine the credentials of representatives attending the Conference. The Committee was composed of representatives of the following States:

CANADA	RUSSIAN FEDERATION
INDIA	SWEDEN
JAPAN	

Ms. Natalia Kutaeva (Russian Federation) was elected Chairman for the Credentials Committee.

13 The Committee of the Whole established a Working Group and a Drafting Group.

14 The officers elected for the Committee of the Whole and for the Working Group and the Drafting Group were as follows:

#### **Committee of the Whole**

Chairman: Mr. Michael Julian (Australia)

Vice-Chairmen: Capt. Angel Suarez Vallejo (Mexico)  
Mr. Sveinung Oftedal (Norway)

#### **Working Group**

Chairman: Mr. Bryan Wood-Thomas (United States)

#### **Drafting Group**

Chairman: Mr. Lex Burgel (The Netherlands)

15 The Conference used as the basis of its work the following document proposed by the Marine Environment Protection Committee:

The draft text of the International Convention on the Control of Harmful Anti-fouling Systems.

16 Also before the Conference were a number of documents containing proposals and comments submitted by Governments and interested organizations.

17 As a result of its deliberations the Conference adopted the following instrument:

#### **INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS**

18 The Conference also adopted the following resolutions, which are contained in the Attachment to this Final Act:

Resolution 1: Early and effective application of the International Convention on the Control of Harmful Anti-fouling Systems on Ships

Resolution 2: Future work by the Organization pertaining to the International Convention on the Control of Harmful Anti-fouling Systems on Ships

Resolution 3: Approval and test methodologies for anti-fouling systems on ships

Resolution 4: Promotion of technical co-operation

19 This Final Act is established in a single original text in the Arabic, Chinese, English, French, Russian and Spanish languages that is to be deposited with the Secretary-General of the Organization.

20 The Secretary-General shall send certified copies of this Final Act with its Attachment, and certified copies of the authentic text of the Convention referred to in paragraph 17 above to the Governments of the States invited to be represented at the Conference in accordance with the wishes of those Governments.

IN WITNESS WHEREOF the undersigned have affixed their signatures to this Final Act.

DONE IN LONDON this fifth day of October, two thousand and one.

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**ATTACHMENT**  
**RESOLUTIONS ADOPTED BY THE CONFERENCE**

**Resolution 1**

*Early and effective application of the International Convention on the Control of Harmful Anti-fouling Systems on Ships*

THE CONFERENCE,

HAVING ADOPTED the International Convention on the Control of Harmful Anti-fouling Systems on Ships,

RECALLING that resolution A.895(21), adopted by the Assembly of the International Maritime Organization on 25 November 1999, *inter alia*, agrees that a legally binding instrument should ensure a global prohibition of the application of organotin compounds which act as biocides in anti-fouling systems on ships by 1 January 2003,

NOTING that article 18 of the Convention provides that it shall enter into force twelve months after the date on which not less than twenty-five States, the combined merchant fleets of which constitute not less than twenty-five percent of the gross tonnage of the world's merchant shipping, have become Parties to it in accordance with article 17 of the Convention,

NOTING ALSO that Annex 1 of the Convention stipulates that organotin compounds which act as biocides in anti-fouling systems shall not be applied or re-applied on ships on or after 1 January 2003,

BEING AWARE that the time remaining until 1 January 2003 may not be sufficient to enable entry into force of the Convention by that date,

DESIRING that the substances addressed by Annex 1 of the Convention will cease to be applied on ships as from 1 January 2003,

1. REQUESTS Member States of the Organization to do the utmost to prepare for consent to be bound by the Convention as a matter of urgency;
2. URGES ALSO the relevant industries involved to refrain from marketing, sale and application of the substances controlled by Annex 1 of the Convention.

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## **Resolution 2**

*Future work by the organization pertaining to the international convention on the control of harmful anti-fouling systems on ships*

THE CONFERENCE,

HAVING ADOPTED the International Convention on the Control of Harmful Anti-fouling Systems on Ships,

NOTING that article 11(1)(b) and (2) and regulation 1(4)(a) of Annex 4 of the Convention refer to guidelines to be developed by the Organization for a brief sampling of anti-fouling systems, for thorough inspection and for surveys,

RECOGNIZING the need for the development of these Guidelines in order to ensure global and uniform application of the relevant requirements of the Convention,

INVITES the Organization to develop as a matter of urgency:

- (a) guidelines for brief sampling of anti-fouling systems under article 11(1)(b);
- (b) guidelines for inspection of ships under article 11(2); and
- (c) guidelines for surveys of ships under regulation 1(4)(a) of Annex 4,

and adopt them in time before the entry into force of the Convention with a view to facilitating global and uniform implementation of the Convention.

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**Resolution 3***Approval and test methodologies for anti-fouling systems on ships*

THE CONFERENCE,

HAVING ADOPTED the International Convention on the Control of Harmful Anti-fouling Systems on Ships,

NOTING the procedures set out in the Convention for the addition of controlled anti-fouling systems in Annex 1, and the time necessary to consider, adopt, and bring into force such amendments,

MINDFUL OF the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development,

RECOGNIZING the importance of preventing the introduction and use of environmentally harmful anti-fouling systems,

1 INVITES States to approve, register or license anti-fouling systems applied in their territories, bearing in mind the information contained in Annex 3 of the Convention;

2 ENCOURAGES States to make use of the provisions of article 9(3) of the Convention when considering anti-fouling systems for approval, registration or licensing for use on ships;

3 URGES States to continue the work, in appropriate international fora, for the harmonization of test methods, assessment methodologies, and performance standards for anti-fouling systems containing biocides;

4 REQUESTS the Organization to monitor and, as appropriate, participate in the initiatives described in the above paragraphs.

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## **Resolution 4**

### *Promotion of technical co-operation*

THE CONFERENCE,

HAVING ADOPTED the International Convention on the Control of Harmful Anti-fouling Systems on Ships,

BEING AWARE that the comprehensive protection of the marine environment requires *inter alia*, broad international co-operation to prevent, reduce and control marine pollution from ships,

RECOGNIZING that Parties to this Convention will be called upon to give full and complete effect to its provisions, in order to reduce or eliminate adverse effects on the marine environment and human health caused by anti-fouling systems on ships,

BEING CONVINCED that the promotion of technical co-operation will expedite the acceptance, uniform implementation and enforcement of this Convention by States,

NOTING WITH APPRECIATION that, through the adoption of resolution A.901(21), the Assembly of the International Maritime Organization (IMO):

- (a) affirmed that IMO's work in developing global maritime standards and in providing technical co-operation for their effective implementation and enforcement, can and does, contribute to sustainable development; and
- (b) decided that IMO's mission statement, in relation to technical co-operation, is to help developing countries improve their ability to comply with international rules and standards relating to maritime safety and the prevention and control of marine pollution, giving priority to technical assistance programmes that focus on human resource development, particularly through training and institutional capacity-building,

1. REQUESTS Member States, in co-operation with IMO, other interested States, competent international or regional organizations and industry programmes, to promote and provide directly, or through IMO, support to States that request technical assistance for:

- (a) the assessment of the implications of ratifying, accepting, approving, or acceding to, as well as implementing and enforcing this Convention;
- (b) the development of national legislation to give effect to this Convention;
- (c) the introduction of other measures, including the training of personnel, for the effective implementation and enforcement of this Convention; and
- (d) the introduction of environmentally sound measures to collect, handle, treat and dispose of wastes generated in applying or removing anti-fouling systems;

2. REQUESTS ALSO Member States, in co-operation with IMO, other interested States, competent international and regional organizations and industry programmes, to promote co-operation for scientific and technical research on the effects of anti-fouling systems as well as monitoring such effects in particular among Member States which have access to appropriate technology and those which do not;

3. URGES all States to initiate action in connection with the above-mentioned technical co-operation measures without awaiting the entry into force of this Convention.

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