

Ships' anti-fouling systems

Anti-fouling systems are coatings, paints, surface treatments or measures applied to ships in order to control or prevent unwanted mechanisms sticking to the hull, such as alga or barnacles.

The prohibition against the presence of TBT (tributyltin) paints on ships' hulls applies irrespective of the size of the ship (or the recreational craft) and irrespective of its type. "Application" refers to the application, changing or replacement of an anti-fouling system. These provisions also apply to ships flying other EU member States' flags, as well as ships calling at EU ports.

From 1 January 2008, organic tin compounds acting as biocides are strictly prohibited in ships' anti-fouling systems. This means that all ships registered in the EU or calling at EU ports must – irrespective of their size or trading area – have these anti-fouling systems removed. An alternative could be to cover them in a sealing coating preventing the organic tin compounds from being washed off.

At present, organic tin compounds acting as biocides are only found in anti-fouling systems that are strictly prohibited in the EU. Anti-fouling systems also contain other substances that act as biocides, but there is no prohibition against them in the EU at the moment. Other substances may be prohibited in the future as a consequence of the biocide directive (directive 98/8/EC).

Inspection, certification and declarations

The provisions on anti-fouling systems do not distinguish between recreational craft and ships used for commercial purposes as regards inspection, certification and declarations on anti-fouling systems. The provisions are related to the ship's length or its length and gross tonnage. As regards the contents of the paints and the release of antifouling biocides, special regulations do however apply to recreational craft in Denmark (order no. 1215 of 10 December 2008).

Ships with a gross tonnage of or above 400

From 1 July 2003, ships with a gross tonnage of or above 400 must be surveyed and be in possession of an International Anti-Fouling Systems (AFS) Certificate. Surveys are performed by and certificates are issued by the Danish Maritime Authority to ships that are not in class and, as regards ships that are in class, by recognised organisations with which the Danish Maritime Authority has concluded formal agreements. A request for a survey must contain the information about the ship stipulated in MEPC.102(48). The validity of the AFS Certificate expires if the anti-fouling system is changed or replaced by another system and at the ship's transfer to another flag or another State.

Ships with a length of or above 24 metres, but a gross tonnage below 400

From 1 July 2003, ships with a length of or above 24 metres, but with a gross tonnage below 400, must hold a declaration on anti-fouling systems for ships with a length of or above 24 metres, but a gross tonnage below 400 as evidence that the ship meets the requirements for the application of organic tin compounds acting as biocides. The declaration is to be filled in by the ship owner. The declaration must be accompanied by any relevant documentation, such as a confirmation of receipt of paint or coating or the supplier's invoice.

Ships below 24 metres

Ships below 24 metres, i.e. primarily recreational craft and fishing vessels, are not required to be inspected and certified. These must, however, apply coatings or anti-fouling systems that have been approved in accordance with current legislation (EU Council directive 76/69/EEC that will be replaced by the biocide directive, directive 98/8/EC).

Exemptions

Warships, naval auxiliaries and other ships owned or operated by the a State are exempted from the current regulations on anti-fouling systems. Fixed or floating platforms, floating storage units (FSUs) and floating production storage and offloading units (FPSOs) built prior to 1 July 2003 which have not been dry-docked since this date are also exempted.

Transfer of ships to the Danish flag

Ships transferred to Denmark from a register of shipping in a non-EU country can keep prohibited anti-fouling systems (i.e. systems containing organic tin compounds) that have been applied before 1 July 2003 until the first dry-docking after which an approved anti-fouling system must be used. If the ship applies a prohibited anti-fouling system after 1 July 2003, it must be removed or sealed in before the ship can fly the Danish flag.