

# Merchant Shipping (Control of Anti-fouling System) Rules, 2016

UNION OF INDIA

India

## Merchant Shipping (Control of Anti-fouling System) Rules, 2016

### Rule

### MERCHANT-SHIPING-CONTROL-OF-ANTI-FOULING-SYSTEM-RULES of 2016

- Published on 19 January 2016
- Commenced on 19 January 2016
- [This is the version of this document from 19 January 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

Merchant Shipping (Control of Anti-fouling System) Rules, 2016Published vide Notification No. G.S.R. 84(E), dated 19th January, 2016Ministry of ShippingG.S.R. 84(E). - In exercise of the powers conferred by section 356Y of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules, namely:-

#### 1. Short title and commencement.

(1)These rules may be called the Merchant Shipping (Control of Anti-fouling System) Rules, 2016.(2)They shall come into force on the date of their publication in the Official Gazette.

#### 2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Merchant Shipping Act, 1958 (44 of 1958);(b)"Convention" shall have the same meaning assigned to it in clause (d) of section 356 Q of the Act;(c)"recognised organisation" means any organisation recognised by the Director General;(d)words and expressions used in these rules but not defined and defined in the Act shall have the respective meanings assigned to them in the Act.

#### 3. Controls on anti-fouling systems.

(1)Every Indian ship and other ships which are not entitled to fly the Indian flag but operating under the authority of India, shall comply with the requirements set forth in sub-rule (2) including the applicable standards and requirements as prescribed from time to time as well as effective measures

to ensure that such ships comply with the requirements, as may be specified by the Director General from time to time.(2)The applicable control measures referred to in sub rule (1) of this rule shall be as provided in Annex 1 of the Convention, which are specified in the Table below:Table

Anti-fouling system	Control measures	Application
Organotin compounds which act as biocides in anti-fouling systems	Ships shall not apply or re-apply such compounds	All ships constructed on or after the 1st January, 2003.
Organotin compounds which act as biocides in anti-fouling systems	Ships either, -(1) shall not bear such compounds on their hulls or external parts or surfaces; or (2) shall bear a coating that forms a barrier to such compounds leaching from the underlying non-compliant antifouling systems	All ships (except fixed and floating platforms, floating storage units, and floating production storage and offloading units that have been constructed prior to the 1st January, 2003 and that have not been in dry-docked on or after the 1st January, 2003).

#### 4. Procedure for survey and certification.

(1) Ships of 400 gross tonnage and above engaged in international voyages or plying along the coast of India, shall be subject to surveys as specified below: (a) an initial survey, before the ship has been put into service, or before the International Anti-Fouling System Certificate or, as the case may be, the Indian Anti-Fouling System Certificate is issued for the first time; and (b) a survey, when the anti-fouling systems have been changed or replaced, and such change or replacement has been endorsed on the International Anti-Fouling System Certificate or, as the case may be, the Indian Anti-Fouling System Certificate. (2) The surveys referred to in sub-rule (1) shall be such as to ensure that the ship's anti-fouling system is in accordance with and fully complies with the provisions of the Act and these rules. (3) (a) The surveys of the ships referred to in sub-rule (1) shall be carried out by officers authorised by the Director General or by recognised organisations. (b) The Director General shall authorise the surveyor or the recognised organisations to conduct surveys so as to - (i) verify whether the ships comply with the provisions of rule 3; and (ii) carry out surveys, if requested by the appropriate authorities of a port State that is a Party to the Convention. (c) When the Director General or a recognised organisation determines that the ship's anti-fouling system does not confirm either to the particulars of the International Anti-Fouling System Certificate, or the Indian Anti-Fouling System Certificate, or to the provisions of the Act or these rules, the surveyor or the recognised organisation shall immediately ensure that corrective action is taken to bring the ship into compliance, and the surveyor or the recognised organisation shall notify the Director General of any such determination. (d) If the corrective action referred to in clause (c) is not complied with, the Director General shall be informed in writing by the surveyor or the recognised organisation forthwith and the International Anti-Fouling System Certificate or the Indian Anti-Fouling System Certificate shall not be issued or if already issued, the respective certificate shall, by order, be withdrawn by the Director General. (e) In a situation specified in clause (c) of sub rule (3), if the ship is in the port of another Party, the appropriate authorities of the port State and Director General shall be informed forthwith in writing by the surveyor or recognized organisation.

## **5. Issue or endorsement of an International Anti-Fouling System Certificate or Indian Anti-Fouling System Certificate.**

(1)The Director General or a recognised organisation shall require, after the successful completion of a survey in accordance with rule 4, to issue or endorse:(i)International Anti-Fouling System Certificate to an Indian ship or other ships entitled to fly Indian flag or operating under its authority, which is of 400 gross tonnage and above and engaged in International voyage; and(ii)Indian Anti-Fouling System Certificate to a ship Indian ships entitled to fly Indian flag which are of 400 gross tonnage and above, with appropriate conditions as applicable for each type of ships and not engaged in international voyage and are required to be registered under this Act, as the case may be.(2)The Certificate and record shall be drawn up in the form corresponding to the model given in schedule 1 or as the case may be, schedule 2, appended to these rules.

## **6. Issue or Endorsement of an International Anti-Fouling System Certificate by Director General or another country which is party to Convention.**

(1)At the request of the Director General of Shipping, the Government of a country to which the Convention applies or vice versa, may cause a ship to be surveyed and, if satisfied, shall issue or authorise the issue of the International Anti-Fouling System Certificate to the ship and, where appropriate, endorse or authorise the endorsement of the International Anti-Fouling System Certificate for the ship in accordance with the Convention.(2)Upon complying with sub-rule (1) of this rule, a copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the Director General, or to the Government of another country which is party to the Convention, as the case may be.(3)The certificate so issued shall contain a statement that it has been issued at the request, of the Director General, or of the Government of another country which is party to the Convention, as the case may be.

## **7. Validity of an International Anti-Fouling System Certificate or Indian Anti-Fouling System Certificate.**

(1)The International Anti-Fouling System Certificate or the Indian Anti-Fouling System Certificate issued under rule 5, or the International Anti-Fouling System Certificate issued under rule 6, shall cease to be valid in the following cases, namely:-(a)if the anti-fouling system is changed or replaced and the certificate is not endorsed in accordance with the provisions of these rules; and(b)upon transfer of the ship to the flag of another State.(2)The issue of a new certificate to a ship transferred from another flag shall be based on a valid certificate issued by the previous flag.

## **8. Declaration on anti-fouling system.**

(1)A ship of 24 meters or more in length, but less than 400 gross tonnage, engaged in international voyages(excluding fixed or floating platforms, floating storage units, and floating production storage and off-loading units), shall be required to carry a declaration signed by the owner or owner's authorised agent, and such declaration shall be accompanied by appropriate documentation (such

as a paint receipt or a contractor invoice) or contain appropriate endorsement.(2)The declaration referred in sub rule (1) shall be drawn up in the form corresponding to the model given in Schedule 3.

## 9. Procedure for control of waste anti-fouling materials.

- The waste from the application or removal of anti-fouling system are collected, handled, treated and disposed of in a safe and environmentally sound manner in accordance with Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 as notified by the Central Government in the Ministry of Environment and Forests, vide notification number S.O. 2265 dated the 24th September, 2008.

## 10. Fees.

- The fees which may be levied for survey, inspection and certification under these rules shall be as specified in the Schedule 4.

## 11. Penalty.

- Whoever contravenes any provisions of these rules shall be punished in accordance with the provisions contained under sub section (2) of section 458 of the Act.

## Schedule 1

[See sub-rule (2) of the rule 5]International Anti-Fouling System Certificate(This certificate shall be supplemented by a Record of Anti-fouling Systems)Issued under the International Convention on the Control of Harmful Anti-Fouling Systems on ShipsUnder the authority of the Government of.....(name of the State) by .....(Person or organisation authorised)When a Certificate has been previously issued, this Certificate replaces the certificate dated.....[Particulars of ship] [Alternatively, the particulars of the ship may be placed horizontally in boxes.]Name of ship.....Distinctive number or letters.....Port of registry.....Gross tonnage.....[IMO Number] [In accordance with International Maritime Organisation ship Identification Number Scheme adopted by the Organisation by resolution A.600 (15).].....

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

|-| 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)|

|-| 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)|

|-| An anti-fouling system controlled under Annex 1 to the convention was applied on this ship prior to.....[(date)] [Date of entry into force of the control measure.], but must be removed or covered with a sealer coat prior to.....[(date)] [Date of expiration of any implementation period specified in article 4(2) or Annex 1 to the Convention.]]

|} This is to Certify that: (1) the ship has been surveyed in accordance with regulation 1 of Annex 4 to the Convention; and (2) the survey shows that the anti-fouling system on the ship complies with the applicable requirements of Annex 1 to the Convention. Issued at.....(Place of issue of Certificate)

.....

(Date of issue) (Signature of authorized official issuing the Certificate)

Date of completion of the survey on which this certificate is issued:.....Record of Anti-Fouling Systems This Record shall be permanently attached to the International Anti-Fouling System Certificate. Particulars of ship Name of ship : .....Distinctive number or letters : .....IMO number: .....Details of anti-fouling system(s) applied Type(s) of anti-fouling system(s) used.....Date(s) of application of anti-fouling system(s).....Name(s) of company(ies) and facility(ies)/location(s) where applied.....Name(s) of anti-fouling system manufacturer(s).....Name(s) and colour(s) of anti-fouling system(s).....Active ingredient(s) and their Chemical Abstract Services Registry Number(s) (CAS number(s)).....Type(s) of sealer coat, if applicable.....Name(s) and colour(s) of sealer coat applied, if applicable.....Date of application of sealer coat .....THIS IS TO CERTIFY that this Record is correct in all respects. Issued at.....(Place of issue of Record)

.....

(Date of issue) (Signature of authorized official issuing the Record)

[Endorsement of the Records] [This page of record shall be reproduced and added to the Record as considered necessary by the Administration.] THIS IS TO CERTIFY that a survey required in

accordance with regulation 1(1)(b) of Annex 4 to the convention found that the ship was in compliance with the Convention Details of anti-fouling system(s) applied Type(s) of anti-fouling system(s) used.....Date(s) of application of anti-fouling system(s).....Name(s) of company(ies) and facility(ies) location(s) where applied.....Name(s) of anti-fouling system(s) manufacturer(s).....Name(s) and colour(s) of anti-fouling system(s).....Active ingredient(s) and their Chemical Abstract Services Registry Number(s) (CAS number(s)).....Type(s) of sealer coat, if applicable.....Name(s) and colour(s) of sealer coat applied, if applicable.....Date of application of sealer

coat.....Signed:.....(Signature of authorised official issuing the Record) Place : .....[Date] [Date of completion of the survey on

which this endorsement is made.] :.....(Seal or stamp of the authority)

## Schedule 2

[See sub-rule (2) of the rule 5] Indian Anti-Fouling System Certificate (This certificate shall be supplemented by a Record of Anti-fouling Systems) Issued under Merchant Shipping (Control of Anti Fouling System) Rules, 2016 on Ships under the authority of the Government of India by..... (Person or organisation authorised) When a Certificate has been previously issued, this Certificate replaces the certificate dated.....[Particulars of ship] [Alternatively, the particulars of the ship may be placed horizontally in boxes.] Name of ship.....Distinctive number or letters.....Port of registry.....Gross tonnage.....[IMO Number] [In accordance with International Maritime Organisation ship Identification Number Scheme adopted by the Organisation by resolution A.600 (15).].....

An anti-fouling system controlled under rule 3 has not been applied during or after construction of this ship { |

| - | An anti-fouling system controlled under rule 3 has been applied on this ship previously, but has been removed by.....(insert name of the facility) on.....(date) |

| - | An anti-fouling system controlled under rule 3 has been applied on this ship previously, but has been covered with a sealer coat applied by .....(insert name of the facility) on.....(date) |

| - | An anti-fouling system controlled under rule 3 was applied on this ship prior to.....[(date)] [Date of entry into force of the control measure.], but must be removed or covered with a sealer coat prior to.....[(date)] [Date of expiration of any implementation period specified in article 4(2) or Annex 1 to the Convention.] |

| } This is to Certify that: (1) the ship has been surveyed in accordance with rule 4 of the Merchant Shipping (Control of Anti-Fouling System) Rules, 2016; and (2) the survey shows that the anti-fouling system on the ship complies with the applicable requirements of Merchant Shipping (Control of Anti-Fouling System) Rules, 2016. Issued at.....(Place of issue of Certificate)

.....

(Date of issue) (Signature of authorized official issuing the Certificate)

Date of completion of the survey on which this certificate is issued:.....Record of Anti-Fouling Systems This Record shall be permanently attached to the International Anti-Fouling System Certificate. Particulars of ship Name of ship :.....Distinctive number

or letters :.....IMO number:.....Details of anti-fouling system(s) applied Type(s) of anti-fouling system(s) used.....Date(s) of application of anti-fouling system(s).....Name(s) of company(ies) and facility(ies)/location(s) where applied.....Name(s) of anti-fouling system

manufacturer(s).....Name(s) and colour(s) of anti-fouling  
 system(s).....Active ingredient(s) and their Chemical Abstract Services Registry  
 Number(s) (CAS  
 number(s)).....Type(s)  
 of sealer coat, if applicable.....Name(s) and colour(s) of sealer coat applied, if  
 applicable.....Date of application of sealer coat .....THIS IS  
 TO CERTIFY that this Record is correct in all respects.Issued at.....(Place of issue of Record)  
 .....  
 (Date of issue) (Signature of authorized official issuing theRecord)  
 [Endorsement of the Records] [This page of record shall be reproduced and added to the Record as  
 considered necessary by the Administration.]THIS IS TO CERTIFY that a survey required in  
 accordance with rule 4(1)(b) of the Merchant Shipping (Control of Anti-Fouling System) Rules, 2016  
 found that the ship was in compliance with the ConventionDetails of anti-fouling system(s)  
 appliedType(s) of anti-fouling system(s) used.....Date(s) of application of  
 anti-fouling system(s).....Name(s) of company(ies) and facility(ies) location(s) where  
 applied.....Name(s) of anti-fouling system(s) manufacturer(s).....Name(s)  
 and colour(s) of anti-fouling system(s).....Active ingredient(s) and their Chemical  
 Abstract Services Registry Number(s)(CAS number(s)).....Type(s) of sealer coat, if  
 applicable.....Name(s) and colour(s) of sealer coat applied, if applicable  
 .....Date of application of sealer  
 coat.....Signed:.....(Signature of authorised  
 official issuing the Record)Place :.....[Date] [Date of completion of the survey on  
 which this endorsement is made.] :.....(Seal or stamp of the authority)

### Schedule 3

[See sub-rule (2) of the rule 8]Model from of Declaration on Anti-Fouling System While Engaged in  
 International VoyageDeclaration on Anti-Fouling SystemDrawn up under theInternational  
 Convention on the Control of Harmful Anti-Fouling Systems on ShipsName of  
 ship.....Distinctive number or letters.....Port of  
 registry.....Length.....Gross  
 tonnage.....IMO number (if applicable).....I declare  
 that the anti-fouling system used on this ship complies with Annex 1 of the Convention.

.....  
 (Date) (Signature of owner or owner's authorised agent)  
 Endorsement of anti-fouling system(s) appliedType(s) of anti-fouling systems(s) used and date(s) of  
 application.....

.....  
 (Date) (Signature of owner or owner's authorised agent)  
 Type(s) of anti-fouling system(s) used and date(s) of  
 application.....

(Date) (Signature of owner or owner's authorised agent)

Type(s) of anti-fouling system(s) used and date(s) of application.....

.....

(Date) (Signature of owner or owner's authorised agent)

## Schedule 4

(See rule 10)

Serial Nos.	Description of survey, inspection and certification	Fee to be levied (Rupees)
(1)	(2)	(3)
1.	Gross Tonnage of Ships up to 500 tons Initial Survey and any subsequent survey for endorsement	10,000
2.	Gross Tonnage of Ships 501 to 20,000 tons Initial Survey and any subsequent survey for endorsement	30,000
3.	Gross Tonnage of Ships 20001 to tons 30000 tons Initial Survey and any subsequent survey for endorsement	40,000
4.	Gross Tonnage of Ships 30001 to tons 50000 tons Initial Survey and any subsequent survey for endorsement	50,000
5.	Gross Tonnage of Ships 50001 to tons 100000 tons Initial Survey and any subsequent survey for endorsement	60,000
6.	Gross Tonnage of Ships 100000 tons and above Initial Survey and any subsequent survey for endorsement	70,000
7.	Issuance of certificate	3,000
8.	Issuance of endorsement	2,000