

Republic of Latvia
Cabinet
Regulation No. 57
Adopted 19 January 2010

Regulations Regarding the Use of Anti-Fouling Systems on Ships

*Issued pursuant to
Section 11, Paragraph four,
Section 12, Paragraph three, Clauses 1 and 2,
Section 15, Paragraph three and
Section 17, Paragraph four of
the Maritime Administration and Marine Safety Law*

I. General Provisions

1. These Regulations prescribe:

1.1. the requirements for anti-fouling systems used on Latvian ships, the procedures for the implementation of supervision by the ship's flag State in relation to inspections carried out on Latvian ships regarding the anti-fouling systems used on such Latvian ships, the procedures for port State control in relation to the anti-fouling systems used on foreign ships entering Latvian ports, as well as the requirements for certificates and declarations to be issued; and

1.2. the functions and rights of ship and port control inspectors (hereinafter – inspector) of the Maritime Safety Inspectorate of the State stock company “Maritime Administration of Latvia” (hereinafter – the Inspectorate) in performing surveys of Latvian ships and port State control inspections on foreign ships entering Latvian ports in relation to the anti-fouling systems used on such ships.

2. These Regulations shall not apply to government (non-commercial) ships.

II. Requirements for Anti-Fouling Systems Used on Latvian Ships

3. If an anti-fouling system is used on a Latvian ship, it shall comply with the requirements set forth in the International Convention on the Control of Harmful Anti-Fouling Systems on Ships of 2001 (hereinafter – the AFS Convention) and Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships (hereinafter – Council Regulation No 782/2003).

4. During annual flag State surveys carried out on Latvian ships, the Inspectorate shall inspect the conformity of the anti-fouling system with the requirements of the AFS Convention and Council Regulation No 782/2003.

5. Any Latvian ship of 400 gross tonnage and above engaged in international voyages shall have the international anti-fouling system certificate. The certificate shall be supplemented with a description of the anti-fouling system issued by a recognised organisation in accordance with the requirements of Appendix 1 of Annex 4 to the AFS Convention and Annex II to Council Regulation No 782/2003.

6. Any Latvian ship of 400 gross tonnage and above not engaged in international voyages shall have the international anti-fouling system certificate. The certificate shall be supplemented with a description of the anti-fouling system issued, upon the choice of the shipowner, by a recognised organisation or the Inspectorate in accordance with the requirements of Annex II to Council Regulation No 782/2003.

7. For any Latvian ship of less than 400 gross tonnage, the information regarding the compatibility of the anti-fouling system with the requirements of the AFS Convention and Council Regulation No 782/2003 shall be recorded by the Inspectorate in the annex to the sailing capability certificate issued in accordance with the procedures specified in the regulatory enactments regarding marine safety.

8. The shipowner shall submit documents to the Inspectorate specifying the coating applied to the ship in order to make an entry in annex to the sailing capability certificate regarding the compatibility of the anti-fouling system of the ship with the requirements of the AFS Convention and Council Regulation No 782/2003. The documents shall comprise the following information:

8.1. the name of the producer of the anti-fouling system and an entry acknowledging the conformity of the anti-fouling system with the requirements of the AFS Convention and Council Regulation No 782/2003;

8.2. the name and colour of the anti-fouling system;

8.3. the name of active ingredients and the Chemical Abstracts Service Registry number (CAS number);

8.4. the type of the sealer coat (if any); and

8.5. the name and colour of the sealer coat applied (if any).

9. Latvian ships of 24 metres or more in length but less than 400 gross tonnage, irrespective of the navigation area thereof, shall carry a declaration of the anti-fouling system issued by the shipowner in accordance with the requirements of Appendix 1 of Annex 4 to the AFS Convention and Annex III to Council Regulation No 782/2003.

III. Port State Control of the Anti-Fouling Systems Used on Ships

10. Port State control with regard to the conformity of the anti-fouling system of foreign ships entering Latvian ports with the requirements of the AFS Convention and Council Regulation No 782/2003 shall be carried out by the Inspectorate in accordance with Annex 1 (Port State Control Procedures) to the Paris Memorandum.

11. Inspection of the international anti-fouling system certificate, the description of the anti-fouling system or the anti-fouling system declaration (hereinafter – documentation of the anti-fouling system) for foreign ships entering Latvian ports shall be take place during the regular port State control inspections. The regular port State control inspections shall be carried out in accordance with the regulatory enactments regarding port State control procedures.

12. If during a port State control inspection there are any doubts regarding the conformity of the ship's anti-fouling system with the requirements of the AFS Convention and Council Regulation No 782/2003, a detailed inspection shall be carried out on the ship, by checking the supplementary information related to the anti-fouling system and, if necessary, the performance of an analysis of samples from the used anti-fouling system shall be requested.

IV. Survey and Sampling of the Anti-Fouling System

13. A request for a survey and approval of an anti-fouling system (hereinafter – request) in respect of the ships referred to in Paragraphs 6 and 7 of these Regulations shall be submitted by the shipowner to the Inspectorate, specifying the following ship-related data:

- 13.1. name of the ship;
- 13.2. identification number of the International Maritime Organisation (IMO);
- 13.3. home port;
- 13.4. gross tonnage; and
- 13.5. call sign.

14. Such request shall be supplemented with an accompanying document approved by the producer of the anti-fouling system, as well as other information confirming the conformity of the system with the requirements of the AFS Convention and Council Regulation No 782/2003.

15. During the survey and certification of the ship and prior to application of the anti-fouling system on the ship, the inspector shall review the conformity thereof with the requirements of the AFS Convention and Council Regulation No 782/2003, as well as the accuracy of the information provided in the request. During the survey:

- 15.1. anti-fouling products shall be identified and checked whether they conform with the information provided in the request; and
- 15.2. sampling of the anti-fouling system shall be carried out.

16. Removal of the anti-fouling system applied on the ship shall be controlled by inspectors of the Inspectorate or a recognised organisation.

17. Prior to the application of the sealer coat on the ship, inspectors shall examine the name, type, colour and compatibility of the coating with the requirements of the AFS Convention and Council Regulation No 782/2003, as well as check whether the referred to information has been provided in the submitted request.

18. In case of doubts regarding the conformity of the anti-fouling system of the ship with the requirements of the AFS Convention and Council Regulation No 782/2003, analysis of samples from the anti-fouling system shall be carried out.

19. The sample analysis referred to in Paragraphs 12 and 18 of these Regulations shall, upon notification by the Inspectorate, be carried out by a testing and calibration laboratory accredited by the limited liability company “Standardisation, Accreditation and Metrology Centre” in accordance with the standard LVS EN ISO/IEC 17025:2005/AC:2008 L *General requirements for the competence of testing and calibration laboratories*. Sampling and analysis shall be carried out in accordance with the requirements of the AFS Convention and Council Regulation No 782/2003.

20. If the results of the sampling analysis of the anti-fouling system indicate to non-conformity with the requirements of the AFS Convention and Council Regulation No 782/2003, the anti-fouling system shall be completely replaced or covered by a sealer coat. Otherwise, it is prohibited for the ship to carry out further operations.

V. Issuance of Certificates or Declarations of the Anti-fouling System

21. If during a survey of the anti-fouling system of a ship the conformity thereof with the requirements of the AFS Convention and Council Regulation No 782/2003 is detected, the Inspectorate shall issue respective documentation of the anti-fouling system, taking into account the gross tonnage and length of the ship.

22. The documentation of the anti-fouling system issued in accordance with Paragraph 21 of these Regulations shall become null and void:

22.1. if the anti-fouling system of the ship has been replaced without reflecting such fact in the respective documentation; or

22.2. if the ship is being re-registered from the register another flag State in the Latvian Ship Register.

23. The Inspectorate shall issue new documentation of the anti-fouling system only if a recognised organisation or the Inspectorate has completed a survey of the anti-fouling system of the ship and has established the conformity thereof with the requirements of the AFS Convention and Council Regulation No 782/2003.

24. The issuance of a new documentation of the anti-fouling system of a ship, registration of which with another flag State has been replaced with registration in the Latvian Ship Register, may be based upon a valid International Anti-Fouling System Certificate issued by the relevant institution or a recognised organisation of that State, provided that such certificate meets the requirements of Appendix 1 of Annex 4 to the AFS Convention and Annex II to Council Regulation No 782/2003.

VI. Application of the Anti-Fouling System and Waste Control

25. A merchant applying the anti-fouling system on the ship shall only use materials complying with the requirements of the AFS Convention and Council Regulation No 782/2003.

26. Any actions related to the waste resulting from removal of the old anti-fouling system shall be carried out in accordance with the requirements of Article 5 of the AFS Convention.

Prime Minister

V. Dombrovskis

Minister for Transport

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