

**INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001 (AFS 2001)**

Done at London, 5 October 2001

Entry into force: 17 September 2008

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**Signature, ratification, acceptance, approval or accession**

**Article 17**

- (1) This Convention shall be open for signature by any State at the Headquarters of the Organization from 1 February 2002 to 31 December 2002 and shall thereafter remain open for accession by any State.
- (2) States may become Parties to this Convention by:
  - (a) signature not subject to ratification, acceptance or approval;
  - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
  - (c) accession
- (3) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.
- (4) If a State comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.
- (5) Any such declaration shall be notified to the Secretary-General and shall state expressly the territorial units to which this Convention applies.

**Entry into force**

**Article 18**

- (1) This Convention 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 world's merchant shipping, have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with article 17.
- (2) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force have been met, but prior to the date of entry in force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or three months after the date of deposit of the instrument, whichever is the later date.
- (3) Any instrument of ratification, acceptance, approval or accession deposited after the date on which this Convention enters into force shall take effect three months after the date of deposit.
- (4) After the date on which an amendment to this Convention is deemed to have been accepted under article 16, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention as amended.

**Amendments**

**Article 16**

- (1) This Convention may be amended by either of the procedures specified in the following paragraphs:
- (2) Amendments for consideration within the Organization:
  - (a) Any Party may propose an amendment to this Convention. A proposed amendment shall be submitted to the Secretary-General, who shall then circulate it to the Parties and Members of the Organization at least six months prior to its consideration. In the case of a proposal to amend Annex I, it shall be processed in accordance with article 6, prior to its consideration under this article.
  - (b) An amendment proposed and circulated as above shall be referred to the Committee for consideration. Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee for consideration and adoption of the amendment.
  - (c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Committee, on condition that at least one-third of the Parties shall be present at the time of voting.
  - (d) Amendments adopted in accordance with subparagraph (c) shall be communicated by the Secretary-General to the Parties for acceptance.
  - (e) An amendment shall be deemed to have been accepted in the following circumstances:
    - (i) An amendment to an article of this Convention shall be deemed to have been accepted on the date on which two-thirds of the Parties have notified the Secretary-General of their acceptance of it.
    - (ii) An amendment to an Annex shall be deemed to have been accepted at the end of twelve months after the date of adoption of such other date as determined by the Committee. However, if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
  - (f) An amendment shall enter into force under the following conditions:
    - (i) An amendment to an article to this Convention shall enter into force for those Parties that have declared that they have accepted it six months after the date on which it is deemed to have been accepted in accordance with subparagraph (e)(i).
    - (ii) An amendment to Annex I shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted except for any Party that has:
      - (1) notified its objection to the amendment in accordance with subparagraph (e)(ii) and has not withdrawn such objection;
      - (2) notified the Secretary-General, prior to the entry into force of such amendment, that the amendment shall enter into force for it only after a subsequent notification of its acceptance; or
      - (3) made a declaration at the time it deposits its instrument of ratification, acceptance or approval of, or accession to, this Convention that amendments to Annex I shall enter into force for it only after the notification to the Secretary-General of its acceptance with respect to such amendments.
    - (iii) An amendment to an Annex, other than Annex I shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for those Parties that have notified their objection to the amendment in accordance with subparagraph (e)(ii) and that have not withdrawn such objection.

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<sup>1</sup> The Marine Environment Protection Committee of the Organization.

- (g) (i) A Party that has notified an objection under subparagraph (f)(ii)(1) or (iii) may subsequently notify the Secretary-General that it accepts the amendment. Such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the latter date.
  - (ii) If a Party that has made a notification or declaration referred to in subparagraph (f)(ii)(2) or (3), respectively, notifies the Secretary-General of its acceptance with respect to an amendment, such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.
- (3) Amendment by a Conference:
- (a) Upon the request of a Party concurred by at least one-third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to this Convention.
  - (b) An amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all parties for acceptance;
  - (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs (2)(e) and (f) respectively of this article.
- (4) Any Party that has declined to accept an amendment to an Annex shall be treated as a non-Party only for the purpose of application of that amendment.
- (5) An addition of a new Annex shall be proposed and adopted and shall enter into force in accordance with the procedure applicable to an amendment to an article of this Convention.
- (6) Any notification or declaration under this article shall be made in writing to the Secretary-General.
- (7) The Secretary-General shall inform the Parties and Members of the Organization of:
- (a) any amendment that enters into force and the date of its entry into force generally and for each Party; and
  - (b) any notification or declaration made under this article.

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- I. Signatories**
  - II. Contracting States**
  - III. Declarations, Reservations and Statements**
  - IV. Amendments**
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**I. Signatories**

Australia	Subject to ratification
Belgium	Subject to ratification
Brazil	Subject to ratification
Denmark	
Finland	Subject to ratification
Morocco	Subject to ratification
Sweden	Subject to ratification
United States	Subject to ratification

## II. Contracting States

	Date of deposit of instrument	Date of entry into force
Antigua and Barbuda (accession)	6 January 2003	17 September 2008
Australia (ratification)	9 January 2007	17 September 2008
Bahamas (accession)	30 January 2008	17 September 2008
Barbados (accession)	30 January 2012	30 April 2012
Belgium (ratification)	15 April 2009	15 July 2009
Brazil (ratification)	20 February 2012	20 May 2012
Bulgaria (accession)	3 December 2004	17 September 2008
Canada (accession)	8 April 2010	8 July 2010
Chile (accession)	6 October 2016	6 January 2017
China (accession) <sup>3</sup>	7 March 2011	7 June 2011
Congo (accession)	19 May 2019	19 August 2014
Cook Islands (accession)	12 March 2007	17 September 2008
Croatia (accession)	15 December 2006	17 September 2008
Cyprus (accession)	23 December 2005	17 September 2008
Denmark (signature) <sup>1</sup>	19 December 2002	17 September 2008
Egypt (accession) <sup>1</sup>	26 September 2012	26 December 2012
Estonia (accession)	23 January 2009	23 April 2009
Ethiopia (accession)	14 July 2009	14 October 2009
Finland (acceptance)	9 July 2010	9 October 2010
Fiji (accession)	8 March 2016	8 June 2016
France (accession)	12 March 2007	17 September 2008
Germany (accession)	20 August 2008	20 November 2008
Greece (accession)	22 December 2005	17 September 2008
Hungary (accession)	30 January 2008	17 September 2008
India (accession)	24 April 2015	24 July 2015
Indonesia (accession)	11 September 2014	11 December 2014
Iran (accession) <sup>1</sup>	6 April 2011	6 July 2011
Ireland (accession)	20 October 2011	20 January 2012
Italy (accession)	21 January 2013	21 April 2013
Japan (accession)	8 July 2003	17 September 2008
Jordan (accession)	24 March 2010	24 June 2010
Kenya (accession)	7 July 2015	7 October 2015
Kiribati (accession)	5 February 2007	17 September 2008
Latvia (accession)	9 December 2003	17 September 2008
Lebanon (accession)	2 December 2010	2 March 2011
Liberia (accession)	17 September 2008	17 December 2008
Lithuania (accession)	29 January 2007	17 September 2008
Luxembourg (accession)	21 November 2005	17 September 2008
Malaysia (accession)	27 September 2010	27 December 2010
Malta (accession)	27 March 2009	27 June 2009
Marshall Islands (accession)	9 May 2008	17 September 2008
Mexico (accession)	7 July 2006	17 September 2008
Mongolia (accession)	28 September 2011	28 December 2011
Montenegro (accession)	29 November 2011	29 February 2012
Morocco (ratification)	14 April 2010	14 July 2010
Netherlands (accession) <sup>1,2</sup>	16 April 2008	17 September 2008
Nigeria (accession)	5 March 2003	17 September 2008
Niue (accession)	18 May 2012	18 August 2012
Norway (accession)	5 September 2003	17 September 2008
Palau (accession)	28 September 2011	28 December 2011
Panama (accession)	17 September 2007	17 September 2008
Poland (accession)	9 August 2004	17 September 2008
Republic of Korea (accession)	24 July 2008	24 October 2008

<sup>1</sup> Extended to Bonaire, Sint Eustatius and Saba (the Caribbean part of the Netherlands) with effect from 10 October 2010. For details on the restructuring of the Netherlands see footnote 4, in section II of SOLAS 1974.

<sup>2</sup> Extended to Macau Special Administrative Region from the same date, i.e. 7 June 2011. Also extended to the Hong Kong Special Administrative Region with effect from 15 February 2016.

Romania (accession)	16 February 2005	17 September 2008
Russian Federation (accession)	19 October 2012	19 January 2013
Saint Kitts and Nevis (accession)	30 August 2005	17 September 2008
Serbia (accession)	8 July 2010	8 October 2010
Sierra Leone (accession)	21 November 2007	17 September/2008
Singapore (accession)	31 December 2009	31 March 2010
Slovenia (accession)	18 May 2007	17 September 2008
South Africa (accession)	2 July 2008	2 October 2008
Spain (accession)	16 February 2004	17 September 2008
Sweden (ratification)	10 December 2003	17 September 2008
Switzerland (accession)	24 September 2013	24 December 2013
Syrian Arab Republic (accession) <sup>1</sup>	24 April 2009	24 July 2009
Togo (accession)	6 February 2017	6 May 2017
Tonga (accession)	16 April 2014	16 July 2014
Trinidad and Tobago (accession)	3 January 2012	3 April 2012
Tunisia (accession)	5 September 2011	5 December 2011
Tuvalu (accession)	2 December 2005	17 September 2008
Ukraine (accession)	15 June 2017	15 September 2017
United Kingdom (accession) <sup>4</sup>	7 June 2010	7 September 2010
United States of America (ratification) <sup>1</sup>	21 August 2012	21 November 2012
Uruguay (accession)	26 March 2013	26 June 2013
Vanuatu (accession)	20 August 2008	20 November 2008
Viet Nam (accession)	27 November 2015	27 February 2016

Number of Contracting States: 76  
(the combined merchant fleets of which constitute approximately 93.70% of the gross tonnage of the world's merchant fleet)

For the text of a declaration, reservation, see section III.

<sup>4</sup> Extended to Gibraltar on 2 January 2013, to the British Virgin Islands on 9 September 2013 and to the Isle of Man on 21 May 2014.

### III. Declarations, Reservations and Statements

#### BELGIUM

The signature for Belgium was accompanied by the following declaration:

"Cette signature engage également la Région Wallonne, la Région Flamande et la Région de Bruxelles-Capitale."

#### DENMARK

The signature for Denmark was accompanied by the following declaration:

"... with reservation for application to the Faroes and Greenland."

On 4 June 2010, the depositary received a further communication from the Royal Danish Embassy, as follows:

"... Denmark withdraws its declaration in respect of the Faroes with regards to the International Convention on the Control of Harmful Anti Fouling Systems on Ships, 2001."

#### EGYPT

The instrument contained the following declaration:

"In accordance with the Regulations for Navigation and Traffic in the Suez Canal, and in order to ensure the freedom to use the canal, the Arab Republic of Egypt declares the non-application of the Convention to the Suez Canal maritime facility and to ships entering or departing its ports when using the Suez Canal."

#### IRAN

The instrument of accession of the Islamic Republic of Iran contained the following declaration:

"... the implementation of the provisions of article 14 of the Convention, relating to Settlement of Disputes is subject to fulfilment of the requirements of the relevant domestic rules and regulations"

**NETHERLANDS**

The instrument contained the following declaration:

"The Embassy has the honour to inform the Secretary-General that, in accordance with article 9, paragraph 1, under a. of the Convention, the Kingdom of the Netherlands declares that the institutions which are competent to make decisions in the administration of matters relating to the control of anti-fouling systems are:

- a. American Bureau of Shipping (ABS) Houston Ltd;
- b. Bureau Veritas (BV);
- c. Det Norske Veritas (DNV);
- d. Germanischer Lloyd (GL) AG;
- e. Lloyd's Register of Shipping (LR);
- f. Nippon Kaiji Kyokai (NKK);
- g. Registro Italiano Navale (RINA).

The surveys by Lloyd's Register of Shipping (LR) shall be carried out by Lloyd's Register EMEA."

**SYRIAN ARAB REPUBLIC**

The instrument contained the following declaration:

"The Syrian Arab Republic by joining this Treaty does not in any way recognise Israel and will not enter into any dealings with it as prescribed by the Treaty."

**UKRAINE**

The instrument contained the following declaration:

"In accordance with article 16(2)(f)(ii)(2) of this Convention, an amendment to annex 1 shall enter into force for Ukraine only after the Secretary-General, prior to the entry into force of such amendment, is given a subsequent notification of such an acceptance."

**UNITED STATES OF AMERICA**

The instrument contained the following declaration:

"... pursuant to article 16(2)(f)(ii)(3) of the Convention, amendments to Annex 1 of the Convention shall enter into force for the United States of America only after notification to the Secretary-General of its acceptance with respect to such amendments."