



IMCO

INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT OF SHIPS, 1969

General Committee

SUMMARY RECORD OF THE SIXTEENTH MEETING
held at Church House, Westminster, London, S.W.1,
on Wednesday, 18 June, 1969, at 2.40 p.m.

Chairman: Mr. R. VANCRAEYNEST (Belgium)
Vice-Chairman: Mr. P. NIKOLIĆ (Yugoslavia)
Committee Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2 and Corr.1.

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AGENDA ITEM 4 - EXAMINATION OF THE TEXT OF REGULATIONS AS WELL AS RECOMMENDATIONS AND RESOLUTIONS PREPARED BY THE TECHNICAL COMMITTEE (TM/CONF/C.3/4) (concluded)

Regulation 5

Paragraphs (1) and (2)

Approved without comment.

Paragraph (3)

Mr. MADIGAN (UK) said his delegation considered the procedure outlined in paragraph (3) (to which the Drafting Committee had drawn attention on page 1 of its report), to be excessively cumbersome. In their view, it would be more satisfactory to omit the provision for the issue of an "intermediate" Certificate so that there would be no change of certificate until the expiry of the twelve-month period, when a new Certificate would be issued bearing the actual gross and net tonnages. The United Kingdom delegation therefore proposed the deletion of the words "a new International Tonnage Certificate (1969) shall be issued, but the value of the net tonnage shown in that Certificate shall be identical with that shown in the previous Certificate" in lines 8 - 11 of paragraph (3), and their replacement by a new sentence reading as follows: "The net tonnage so determined shall not be incorporated in a new International Tonnage Certificate (1969) for that ship until twelve months ...". The word "previous" in line 12 of the same paragraph would then be replaced by the word "current".

Mr. GUPTA (India) and Mr. GLUKHOV (USSR) supported that proposal.

Mr. MADIGAN (UK), replying to Mr. ERIKSSON (Sweden) said that the proposed amendment would apply only to net tonnage. A new Certificate would have to be issued if the gross tonnage was altered.

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Mr. ROCQUEMONT (France) enquired what Certificate the ship would carry during the interim period under the United Kingdom proposal - the old or the new.

Mr. MADIGAN (UK) explained that under his delegation's proposal, the original Certificate would continue in force until the expiry of the twelve-month period. It was true that during that period the characteristics shown on page 2 of the Certificate would not correspond exactly with the net tonnage indicated on page 1, but the same objection could be raised in regard to the intermediate Certificate proposed in the original document.

Mr. MUENCH (Israel) suggested that the intention of the United Kingdom proposal could be made clearer by modifying the amendment to read: "A new International Tonnage Certificate (1969) incorporating the net tonnage so determined shall not be issued until twelve months ...".

Mr. ROCQUEMONT (France) agreed that the wording proposed by the representative of Israel made the proposal clear. Nevertheless, the French delegation considered that difficulties might arise during the interim period. To obviate those difficulties, it would be wise to provide a space on the original Certificate in which the Administration could indicate that the characteristics of the ship had been modified.

Mr. MADIGAN (UK) pointed out that there was already a space for remarks on page 2 of the draft Certificate; Administrations could use that space in the way suggested by Mr. Rocquemont.

Mr. CHRISTIANSEN (Norway) strongly supported the United Kingdom proposal, as amended by the representative of Israel, particularly in view of the provisions of Article 12(3), which stated that any discrepancy between the Certificate and

the actual characteristics of the ship must be reported.

Mr. MADIGAN (UK) said he could accept the amendment to his delegation's proposal suggested by the representative of Israel.

The United Kingdom proposal, as amended, was adopted.

Mr. ROCQUEMONT (France) suggested that lines 3 to 5 of paragraph (3) were superfluous, in view of the fact that draught (d) was already included in the characteristics of the ship mentioned in line 1.

Mr. MURRAY SMITH (UK) said it appeared at first glance that the French proposal might permit a passenger ship to change its draught frequently without incurring the time penalty. If that was the case, the United Kingdom delegation would oppose the suggestion.

Mr. PROHASKA (Denmark) considered that the apprehensions expressed by Mr. Murray Smith were unjustified. The Danish delegation supported the French proposal.

Mr. E. SPINELLI (Italy), Chairman of the Technical Committee, said that the Technical Committee had thought it advisable to underline the point concerning a change of trade in the case of passenger ships. He could see no objection to the retention of the phrase in question.

Mr. ROCQUEMONT (France) withdrew his proposal.

Paragraph (3), as amended was approved.

Regulation 5, as a whole and as amended, was approved.

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Regulation 6.

Paragraph (1)

Mr. PROHASKA (Denmark) said he considered it illogical that the volume of a wooden ship should be calculated to the outer surface of the shell, whereas the volume of a metal ship was to be calculated to the inner side of the shell. He wondered whether that provision had not in fact been intended to apply at a time when displacement was envisaged as the criterion for net tonnage.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, suggested that the paragraph should be amended to allow for the measurement of cargo space to the inner surface of the ship in the case of wooden ships.

Mr. MURRAY SMITH (UK) agreed with the previous speaker.

Mr. ERIKSSON (Sweden) said it was his impression that the Technical Committee had agreed that moulded volume should be used in the case of cargo space as well as in the case of total volume.

The CHAIRMAN enquired whether the Committee wished to reconsider the substance of the paragraph.

It was decided, by a large majority, to approve paragraph (1) without change.

Paragraphs (2) and (3)

Approved without comment.

Regulation 6 was approved.

Regulation 7

Approved without comment.

Appendix 1

Approved without comment.

Appendix 2

Mr. ROCQUEMONT (France) pointed out that in the French version, the decimal point should be replaced by a comma throughout.

The CHAIRMAN said that that would be done.

Appendix 2 was approved, as modified in the French version.

Annex II (Draft Tonnage Certificate)

Mr. MADIGAN (UK), Chairman of the Drafting Committee, drew attention to the note on page 2 of TM/CONF/C.3/4. He explained that the Drafting Committee had been unable to find any cogent reason for requiring the insertion of the date on which the keel had been laid or on which alterations had been carried out.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, said that a majority of the members of the working group which had prepared the draft Certificate had been in favour of including a space for the insertion of that date.

Mr. ROCQUEMONT (France) considered that the Drafting Committee was not empowered to make a substantive change of that nature.

The CHAIRMAN said he personally agreed with the previous speaker.

Mr. MADIGAN (UK), Chairman of the Drafting Committee, said that, as it appeared to be the view of the General Committee that a matter of substance was involved, he would propose the restoration of the date "box".

It was so decided.

Mr. BACHE (Denmark) proposed that some means should be found of indicating that page 2 also formed part of the document.

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Mr. GUPTA (India), supporting the proposal, suggested that a note in brackets should be inserted on page 1, after the headings "GROSS TONNAGE" and "NET TONNAGE", to the effect that details would be found on the following page.

Mr. OMAR (United Arab Republic) pointed out that page 2 did not contain the full information required for calculating gross and net tonnage: the Technical Committee had decided that the location, but not the volume, of the spaces should be indicated.

Mr. NICHOLSON (Australia) said that he would prefer the form to be left as it was. Australia, for instance, might want to print the whole certificate on one side of the page.

Mr. MILEWSKI (Poland) agreed with the Australian representative.

During a discussion in which a number of suggestions were made, Mr. DARAM (France) said that a reference to page 2 was needed on page 1 because signature of the certificate involved responsibility for the information contained in the certificate.

Mr. CHRISTIANSEN (Norway) said that the certificate was merely a model; its presentation was a matter for the countries using it.

The CHAIRMAN put to the vote the proposal to insert on page 1 a reference to page 2.

The proposal was rejected by 15 votes to 8.

Mr. HINZ (Federal Republic of Germany) questioned the need for two signatures on the certificate. The second signature seemed meaningless.

The CHAIRMAN explained that the certificate had been prepared on the model of the International Load Line Certificate (page 128 of the 1966 Load Line Convention).

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Mr. DARAM (France) agreed with the representative of the Federal Republic of Germany, and proposed the deletion of the last three lines on page 1.

Mr. WIE (Norway) pointed out that there would not necessarily be two signatures, in view of the words: "and/or (seal of issuing authority)" under the space for the first signature.

Mr. OVERGAAUW (Netherlands) and Mr. DARAM (France) concurred.

Mr. GUPTA (India) suggested that the second signature should be retained, with a suitable note to provide for the case of signature by an official of a government other than the one named.

Mr. NICHOLSON (Australia) thought that that might give rise to legal problems at a later stage.

The CHAIRMAN asked whether, in view of the comment by the Norwegian representative, the Committee accepted Annex II, with the amendments agreed upon earlier.

It was so decided.

Annex II was approved as amended.

Regulation 4

Mr. PROHASKA (Denmark) proposed the following amendments to paragraph (1): the semicolon at the end of the first sentence should be replaced by a comma; the next phrase should be amended to read: "in which formula"; and the first word on page 9 should be replaced by the words: "and in which".

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, and Mr. MUENCH (Israel) supported the amendments.

Regulation 4, thus amended, was approved.

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Regulation 8: Penalties (page 2 of TM/CONF/C.3/4)

The CHAIRMAN invited the Chairman of the Drafting Committee to state the position taken up by that Committee with regard to Regulation 8, concerning the penalties that might possibly be provided for in the event of cargoes being discovered in non-open spaces.

Mr. GLUKHOV (USSR), speaking in his capacity as Vice-Chairman of the Drafting Committee, said that, in view of the Technical Committee's feeling that a provision on the lines of Regulation 8 should be included in the Articles rather than in the Regulations, the Drafting Committee had not wished to prejudge the decision of the General Committee. The Drafting Committee's own view was that no such clause should be included either in the Regulations or in the Articles, on the ground that it might give rise to practical difficulties at the diplomatic level. However, it was not for the Drafting Committee to take a decision on that point. It was for the General Committee to state whether it wished a draft recommendation to be drawn up and, if so, whether it wished to instruct the Drafting Committee to prepare one.

Mr. MURPHY (USA) recalled his delegation's position, which was that it considered that the wording of Article 1 sufficed to give Governments the necessary weapons, and that it was not desirable to include a clause relating to penalties either in the Regulations or in the Articles.

Mr. HINZ (Federal Republic of Germany) shared the view expressed by Mr. Murphy.

The CHAIRMAN took note of the fact that there appeared to be general agreement in that sense.

Regulation 5 (Change of net tonnage) (resumed)

Mr. ROCQUEMONT (France) reminded the Committee that it had previously held in abeyance the question of the manner in which a change of net tonnage should be shown on the Tonnage Certificate.

The CHAIRMAN suggested that it might be enough if the space left blank on the tonnage certificate were used to enter the necessary particulars during the transitional period.

Mr. ROCQUEMONT (France) urged that the problem should be explicitly solved in one way or another, either by means of a footnote to page 1 of the Tonnage Certificate or preferably by the inclusion of a suitable provision in the Regulations.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, saw no point in mentioning a reduction in net tonnage. A shipowner who was unable to use certain spaces for a given period after the tonnage certificate had been changed, was in the same situation as if he were not using his ship to its load line. In that event, there was no need for an intervention by the authorities.

Mr. ROCQUEMONT (France) thought, on the contrary, that any lack of clarity should be avoided in the case of inspection. In the absence of any mention, the condition of the ship did not correspond to the entries made on the Tonnage Certificate and that was regrettable.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, still thought that, although it was natural to indicate a modification which entailed an increase in net tonnage, there was no need to mention one which entailed a reduction.

Mr. PROHASKA (Denmark) observed that some modifications might have the effect of increasing gross tonnage and decreasing net tonnage. In such cases the issue of a provisional certificate was essential.

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Mr. MURPHY (USA) recognized that such cases might arise, but they would be very rare. He supported Mr. Spinelli's views, and thought that no mention was required.

The CHAIRMAN noted that there was no support for the French proposal and that consequently there was no need to continue the discussion.

Mr. BACHE (Denmark) was anxious to know, before the Committee rose, whether a standing committee would be made responsible, if not for interpreting the Regulations of the Convention in course of preparation, at least for recording such difficulties of implementation as might emerge in practice and for taking action thereon. That had been done in the case of the Oslo Convention, (vide the Netherlands' comments in TM/CONF/3, page 34), and it would be useful to envisage similar provisions within the framework of IMCO. When delegations returned home and had to digest what the Committee had voted upon, many loose ends would doubtless be found which it would be natural to submit to such an international body. Mr. Bache also recalled, in that connexion, the Swedish representative's comments, during the Committee's fifteenth meeting, on a possible explanatory memorandum for the guidance of ship surveyors.

Mr. NADEINSKI (Committee Secretary) stated that, since nothing to that effect had been included either in the Articles of the Convention or in the Recommendations, no such arrangement had been made. The same question had arisen after the signature of the Load Lines Convention, and IMCO had instructed the Maritime Safety Committee to deal with any problems that might result from the implementation of that Convention. If the Convention on Tonnage Measurement so required, similar action might be taken.

The CHAIRMAN announced that the General Committee had completed its work in the time allotted to it. He wished to express his thanks to the members of the General Committee and to IMCO.

Mr. KASBEKAR (India) expressed gratification at the efficient way in which the work had been conducted, thanks to the spirit of understanding shown by the great historic sea-going nations. He thanked the Chairman and the members of the General Committee, as well as all the delegations and IMCO, whose efficiency had been remarkable.

Mr. DUBCHAK (USSR) associated his delegation with the thanks addressed to the Chairman and to the Secretary-General of IMCO.

Mr. MURPHY (USA) added his thanks to those which had just been expressed.

The meeting rose at 5.25 p.m.