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IMO

MARITIME SAFETY COMMITTEE -  
61st session  
Agenda item 10.4

FLAG STATE COMPLIANCE

Implementation of instruments and related matters

Practical application of IMO resolutions A.494(XII), A.540(13)  
and A.541(13) in relation to tonnage by 18 July 1994

Submitted by Norway

At the MSC meeting in 1985, agreement was reached on how to deal with requirements for ships based on the gross tonnage of the ship. However, some doubts have arisen as to how to deal with this agreement when it is to be applied in practice. The agreement at the fiftieth session of the MSC with regard to the interpretations of the resolutions A.494(XII), A.540(13) and A.541(13) under item 23.7 is as follows:

1. All ships to which resolution A.494(XII) applies and which are assigned a certain value of gross tonnage, as determined by national systems, may retain that tonnage value for the purposes of the application of the 1974 SOLAS Convention for the life of the ship.
2. Under resolution A.540(13) the same principle applies in relation to "gross register tons" for the 1978 STCW Convention.
3. All ships to which resolution A.541(13) applies and which are assigned a certain value of gross tonnage, as determined by national systems, may retain that tonnage value for the purposes of the application of MARPOL 73/78 for the life of the ship."

The first question is how gross tonnage which complies with expired tonnage regulations is to be verified in each case. In Norwegian opinion, it should not be necessary to verify this tonnage by a separate tonnage certificate. Any tonnage certificate complying with national regulations before the International Convention on Tonnage Measurement of Ships, 1969, comes fully into force on 18 July 1994, should be invalidated by that point in time.

Instead of a separate tonnage certificate a declaration might be added to the safety certificate, for instance as follows:

"The applicable gross tonnage for this certificate is according to the tonnage certificate issued on behalf of the Government of ..... and valid on 17 July 1994."

This gross tonnage should be applicable for the SOLAS Convention, the STCW Convention and for the MARPOL Convention 73/78, as set out in resolutions A.494(XII), A.540(13) and A.541(13).

Furthermore, another condition related to this problem should be explicitly expressed. In case the gross tonnage of the ship according to the TM 69 Convention is increased after 18 July 1994, then the gross tonnage derived according to pre-1969 gross tonnage should no longer be applied.

If some action is not taken by IMO in this field, some types of ships and also ships of certain sizes will have to be measured according to old tonnage rules perhaps for another 50 years.

This was evidently not the aim when the TM 69 Convention was established and this kind of situation should be avoided. If this problem is not rationally solved, the international shipping industry would be adversely and unnecessarily affected in economic terms.

It seems satisfactory for its purpose to include the aforementioned declaration in the safety certificate. The gross tonnage thus stated would not be more reliable if it were verified by a special certificate since the statement and any special tonnage certificate are to be issued by the same governmental body.

In addition, Norway finds it reasonable that gross tonnage which complies with "old" rules valid until 17 July 1994 should be valid for safety purposes even if that tonnage is based on tonnage regulations which are not applied in a State to which the vessel might be transferred.