



IMCO

FOR PARTICIPANTS ONLY

INTERNATIONAL CONFERENCE
ON TONNAGE MEASUREMENT, 1969

PROVISIONAL SUMMARY RECORD OF THE TWELFTH MEETING
held at Church House, Westminster, London, S.W.1,
on Friday, 6 June 1969, at 2.35 p.m.

Chairman: Mr. F. SPINELLI (Italy)
Secretary: Mr. Y. SASAMURA

A list of participants is given in TM/CONF/INF.1.

N.B. Corrections to be incorporated in the final summary record of the meeting should be submitted in writing (two copies in French or English), preferably on the provisional summary record, to the Documents Officer, Committee Room 2 and after the Conference to the IMCO Secretariat, 22 Berners Street, London, W.1, not later than 8 July 1969.

CONTENTS

	<u>Page</u>
<u>Agenda item 4</u> - Consideration and preparation of proposed technical regulations on tonnage measurement and tonnage certificates (continued)	3

AGENDA ITEM 4 - CONSIDERATION AND PREPARATION OF PROPOSED
TECHNICAL REGULATIONS ON TONNAGE MEASUREMENT
AND TONNAGE CERTIFICATES (TM/CONF/6;
TM/CONF/C.2/2; TM/CONF/C.2/WP.12;
TM/CONF/C.2/WP.14) (continued)

The CHAIRMAN recalled that, at the previous meeting, the Committee had decided that the length of time which must elapse between two reductions in net tonnage for ships with only one load line should be one year instead of five. In view of the practical difficulties that arose for ships which had more than one load line (for example, those which carried passengers and cargo alternately), the Chairman suggested that the solution of that problem of detail should be deferred until the following Monday.

Mr. CHRISTIANSEN (Norway) stated that the new regulations envisaged would penalize certain ships, such as those just mentioned by the Chairman, which might, under the regulations currently in force, obtain new tonnage certificates up to three times a year. Thus there was a danger that the regulations might adversely affect the shipping industry by inducing owners to cancel their orders. The Norwegian delegation hoped that the new Convention would not cause too much disruption in the shipping industry and in the economic conditions of transport by sea. The displacement concept gave rise to many difficulties when used as a parameter, and should be the subject of thorough study by a small group. While realizing that it was not possible to reverse decisions taken by the Conference, he wished to emphasize the dangers involved in combining the load line concept (which was concerned with the safety of the ship) with that of the tonnage.

Mr. CONTOGEOORGIS (Greece), while seeing no objection to deferring the solution of the problem until the following Monday,

suggested that provision should be made for ships operating alternately as passenger ships and cargo ships to have two certificates, of which one only would be valid at any one time according to circumstances.

The CHAIRMAN pointed out that such a system would be very close to that of the tonnage mark which the Conference did not approve.

Turning to Progress Report No. 4 (TM/CONF/C.2/WP.12), he asked the Committee to state its views on sub-paragraph 2 of paragraph 5, which related to special craft.

Mr. JONES (New Zealand) remarked that moulded displacement, the principle of which had been adopted in sub-paragraph 1 of the same paragraph, was suitable for steel ships but not for wooden ones. Sub-paragraph 2 should therefore mention also ships other than metal ones.

Mr. CHRISTIANSEN (Norway) would like to see cargo submarines mentioned in sub-paragraph 2, since they might be used in the future.

The CHAIRMAN, supported by Mr. NOZIGLIA (Argentina), said that, in that connexion, the Committee would have to wait to see whether or not the Working Group decided to include water ballast in the calculation of net tonnage.

Mr. WILSON (UK) considered there was no need to include in the text of the Convention craft which might not come into existence for a long time.

Mr. MURPHY (USA) thought that since there were not many special craft, it might perhaps suffice to adopt a regulation similar to that of the Load Line Convention, which left it to the administration to determine their displacement. When such craft came into more general use, the Convention might be amended to take account of them.

Mr. BECKWITH (Liberia) supported that suggestion, especially since the note on Amendment Procedures of Conventions (TM/CONF/15) provided for amendments necessitated by technological change.

Mr. GUPTA (India) suggested making a distinction between existing special craft and those of the future.

Mr. SASAMURA (Committee Secretary) proposed a text similar to that of regulation 2, paragraph 4, of the Load Lines Convention which would read: "The tonnage of a ship whose constructional features are such as to render the application of the provisions of this Annexe unreasonable or impracticable shall be as determined by the Administration."

The CHAIRMAN put that text to the vote.

The text suggested by the Secretary of the Committee was approved by 32 votes to none.

Mr. VAN DER TOORN (Netherlands) suggested supplementing the sub-paragraph by a provision to the effect that (Governments which registered craft of that kind should so inform IMCO.)

The CHAIRMAN drew the Committee's attention to sub-paragraph 2 of paragraph 7 which had to be supplemented to indicate that the load line assigned was that on which the displacement was based in accordance with sub-paragraph 1. Sub-paragraph 3 of paragraph 7 would have to be amended to make it possible for a ship with more than one load line to change from one to the other if from being a cargo ship it became a passenger ship.

Mr. KING (Kuwait) suggested that the beginning of the sub-paragraph should be amended to read: "If the displacement should change due to the alteration of the position of the load line".

The CHAIRMAN proposed that, for sub-paragraphs 2 and 3, the Committee should approve in principle the amendment he had referred to, leaving it to the Secretariat to draft the exact wording.

It was so decided.

Mr. GUPTA (India) asked whether the last sentence of sub-paragraph 2 would apply to ships which carried passengers and cargo alternately. He hoped that was not the case. He supported the text suggested by the representative of Kuwait.

Mr. GRUNER (Finland), referring to sub-paragraph 3, suggested replacing the words "preceding certification" at the end of the first sentence by the words "preceding decreasing certification".

Mr. ROCQUEMONT (France) said that the intention of his delegation, which was the original author of sub-paragraph 3, had been that the last sentence should compensate for the rigidity of a five-year period. Since that period had been reduced to one year, and since changes of nationality might make frauds possible, he proposed the pure and simple deletion of the last sentence.

Mr. UGLAND (Norway) opposed the French proposal. It was the duty of IMCO to ensure that transport by sea should remain as economical as possible. If the new Convention should prevent changes in certification under which there might in existing circumstances be advantage to be gained, for instance, by ships which carried passengers and cargo alternately, shipowners would have to seek compensation at the expense of their customers.

Mr. GUPTA (India) proposed that this problem, which was not purely technical, should be referred to the General Committee.

Mr. SIMPSON (Liberia) supported by Mr. KING (Kuwait), considered that the provisions concerning large-scale modification should in any case be maintained. He thought, moreover, that changes of ownership should be considered on the same footing as changes of nationality.

Mr. GUPTA (India) suggested that the last sentence of sub-paragraph 3 should read as follows: "However, if the flag or ownership of the ship is changed or if the ship has undergone large-scale modification, the net tonnage may be decreased immediately".

Mr. MURPHY (USA) felt that, if the ship changed ownership or flag or underwent large-scale modification, the shipowner should be able to decrease the net tonnage without such a decision being described as "fraud".

Mr. ROSELL (Denmark) emphasized that the purpose of the Convention was certainly not to create difficulties for the shipping industry, and that an owner was free to operate his ship as he pleased.

Mr. ROCQUEMONT (France) considered that the Committee should vote separately on the three concepts: change of flag, change of ownership, large-scale modification.

At the request of Mr. CHRISTIANSEN (Norway) votes were taken by roll-call on the question whether the concepts of change of flag and change of ownership should be retained.

Sweden, having been drawn by lot by the Chairman, was called upon to vote first. The result of the vote was as follows:

In favour: Sweden, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia, Argentina, Australia, Brazil, Bulgaria, Canada, China, Denmark, Federal Republic of Germany, Finland, Greece, India, Indonesia, Ireland, Israel, Italy, Japan, Kuwait, Liberia, Netherlands, New Zealand, Nigeria, Norway, Philippines, Poland, Portugal, South Africa.

Against: Belgium, France.

Abstaining: Union of Soviet Socialist Republics.

The concept of change of flag was retained in paragraph 7 (3) of TM/CONF/C.2/WP.12 by 32 votes to 2, with one abstention.

A second roll-call by vote was taken on the concept of change of ownership.

Bulgaria, having been drawn by lot by the Chairman, was called upon to vote first. The result of the vote was as follows:

In favour: Denmark, Federal Republic of Germany, Finland, Greece, India, Indonesia, Ireland, Japan, Kuwait, Liberia, Netherlands, Nigeria, Norway, Poland, Portugal, South Africa, Union of Soviet Socialist Republics, United States of America, Yugoslavia, Brazil.

Against: Bulgaria, Canada, China, France, Israel, Italy, New Zealand, Philippines, Sweden, United Arab Republic, Venezuela, Australia, Belgium.

Abstaining: Argentina, United Kingdom of Great Britain and Northern Ireland.

The Committee decided to add the concept of change of ownership to paragraph 7 (3) of TM/CONF/C.2/WP.12 by 20 votes to 13, with 2 abstentions.

The CHAIRMAN noted that no delegation was opposed to the concept of "large-scale modification", which would therefore be retained in the text.

Mr. MUENCH (Israel) wondered whether the Committee's decisions were compatible with the text of Article 9 as approved by the General Committee (TM/CONF/C.1/WP.5).

The CHAIRMAN pointed out that, in accordance with its terms of reference, the Committee had dealt with technical problems, and that, if necessary, the Conference would bring the conclusions of the General Committee and of the Technical Committee into line.

In reply to a question by Mr. KING (Kuwait), he said that, in his opinion, an owner who bought a ship could decrease the tonnage even if it had been decreased already at the time of purchase.

Paragraph 8

Mr. ROCQUEMONT (France) remarked that in certain cases slight modifications could alter the scantling draught which every ship should have.

The CHAIRMAN said he feared that a definition of large-scale modification might necessitate complicated calculations and that, if a definition were adopted, everyone would try to interpret it to his own advantage.

Mr. ROSELL (Denmark) recalled that the Conference on Load Lines had had to abandon the idea of embodying such a definition in the text of the Convention. In his opinion, a modification could be classed as large-scale when it changed the displacement, volume or tonnage values.

Mr. WILSON (UK) proposed that any modification involving a change of at least ten per cent in gross tonnage should be considered as a large-scale modification.

Mr. GUPTA (India) supported the United Kingdom proposal

and Mr. ROCQUEMONT (France) thought that it provided an excellent basis for drafting.

Mr. CONTOGEOGIS (Greece) suggested that the interval of one year should not be imposed if the ship had undergone large-scale modification or modification considered as such by the Administration.

Mr. ERIKSSON (Sweden) and Mr. SIMPSON (Liberia) were in favour of the suggestion made by the Greek delegation.

Mr. MURPHY (USA) said that he would like the Committee to approve that suggestion, and to illustrate it with an example.

The CHAIRMAN requested the United Kingdom and United States representatives each to prepare a text to be submitted to the next meeting of the Committee.

He reminded the Committee that a small group had considered certain questions left in abeyance in connexion with Regulation 6 and that its conclusions were given in TM/CONF/C.2/WP.14. He called for a member of the group to be kind enough to introduce that document to the Technical Committee.

Mr. WILSON (UK) said that the group had had several possibilities: either to take up the Netherlands proposal which was very similar to the Panama Canal Rules - and was broader than the provisions contained in TM/CONF/6 - or not to exempt from measurement any space provided with any means of closing whatsoever. As the United Kingdom proposal (TM/CONF/C.2/2) had seemed to take a middle line, the Group had adopted it as a working basis.

The wording of paragraph (2) was in line with the Panama Canal rules concerning enclosed spaces.

The Group had been unanimously in favour of inserting in paragraph (3), after the words: "shall not be considered as enclosed spaces" the words "unless they are provided with shelves or other means for stowing cargo or stores."

In paragraph (3)(a), the Group had replaced the words "a curtain plate not exceeding 1.6 ft. in depth" by the words "a curtain plate not exceeding in depth the adjoining deck-beams." In the third line, it had replaced the words "than
TM/CONF/C.2/SR.12

half the breadth of the deck" by the words "than 90 per cent of the breadth of the deck". It had also deleted the whole of the last phrase starting with the words "provided that...."

Lastly, in the second sub-paragraph of paragraph (3)(a), it had replaced "convergence of fore and aft bulkheads" by "convergence of the shell plating" and further on, the concept of "half the breadth of the deck" and "the least half breadth of the deck" by "90 per cent of the breadth of the deck".

In paragraphs (3)(b) and (c), some members of the group had been in favour of replacing "3 ft./(0.9 metres)" by "2.5 ft./(0.75 metres)" and the United Kingdom delegation had willingly fallen in with that viewpoint. In addition, the group had decided to delete the phrase in brackets in sub-paragraph (c).

Lastly, the speaker drew attention to the fact that sub-paragraph (f) had been retained but might nevertheless seem superfluous.

Mr. CHRISTIANSEN (Norway) pointed out that there had never been an attempt to define open and closed spaces simultaneously. It would perhaps be preferable to have a definition of open spaces. Moreover, in the passage in paragraph (3) relating to spaces provided with shelves or other means for securing cargo or stores, it was questionable whether such spaces should not be considered as open but he did not think so himself. Lastly, he thought those provisions should be accompanied by diagrams.

Mr. LEIBENFROST (Yugoslavia), referring to superstructures, asked whether a deck-house equal to, or less than, 90 per cent of the breadth of the deck should be considered as an open space.

Mr. VAN DER TOORN (Netherlands) observed that the Committee hoped to have the adherence of canal authorities. Since the regulations were similar to those of the Panama Canal it might

be as well to have the opinion of the representative of the authorities of that canal.

Mr. HABACHI (Suez Canal Authority) supported the idea put forward by the Norwegian representative as to the need to illustrate the exemptions by diagrams.

Mr. WILSON (UK) replying to the comments by the representatives of Norway and Yugoslavia explained that the Group had not tried to define what should be included or excluded. As to stowage arrangements the Group was unanimously of the opinion that they would cancel out the exemption. He recognized that diagrams would indeed be very useful.

In regard to superstructures extending from one side of the ship to the other, the Group thought it better to retain the criterion of 90 per cent but that criterion would not apply to the deck-house. Some delegations had thought it would be better to apply the Panama Canal rules; however, it seemed to him preferable to have as few exemptions as possible.

After a short discussion on the organization of the Committee's work in which Mr. ROCQUEMONT (France), Mr. MURPHY (USA), and Mr. GUPTA (India) took part, the CHAIRMAN reminded the Committee that, according to its terms of reference, the Technical Committee could not deal with matters such as the "transitional provisions" or the definition of "new ships".

Replying to questions put by Mr. YU-SHANG LI (China) and Mr. SIMPSON (Liberia) concerning paragraph 4 of TM/CONF/C.2/WP.15, the CHAIRMAN stated that what was referred to was the summer load line in the case of ships plying in tropical waters and that that should be clearly stated; moreover the load line referred to was the summer load line as defined by the national regulations.

The meeting rose at 5.15 p.m.