



IMCO

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INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT, 1969

Technical Committee

PROVISIONAL SUMMARY RECORD OF THE SEVENTEENTH MEETING

held at Church House, Westminster, London, S.W.1,
on Wednesday, 11 June 1969, at 9.35 a.m.

Chairman: Mr. F. SPINELLI (Italy)

Secretary: Mr. Y. SASAMURA

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

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AGENDA ITEM 4 - CONSIDERATION AND PREPARATION OF PROPOSED
TECHNICAL REGULATIONS ON TONNAGE MEASUREMENT AND
TONNAGE CERTIFICATES (TM/CONF/6; TM/CONF/C.2/WP.16;
TM/CONF/C.2/WP.20; TM/CONF/C.2/WP.22;
TM/CONF/C.2/WP.27)(continued)

Regulation 3 (TM/CONF/C.2/WP.22)

Paragraph 3

Sub-paragraph (a)

The CHAIRMAN invited the Committee to resume consideration of document TM/CONF/C.2/WP.22, beginning with paragraph 3 of Regulation 3, on page 5.

He reminded the Committee that there had been a proposal to insert the words "side to side" before the word "erections" in the first line of sub-paragraph (3)(a)(iii). It was not certain, however, that that was really what the Committee wanted and that, where there were two separate deck-houses close together, their volume should be deducted.

Mr. HABACHI (Suez Canal) considered that the separation to which the sub-paragraph referred applied only to superstructures and not to deck-houses.

Mr. CABARIBERE (France) said that what was meant by "an open well" in the first line of sub-paragraph (iii) was a space bounded on four sides, which implied two erections joined by a complete bulwark, and it was therefore unnecessary, in his view, to state that the two erections must extend from side to side, although he saw no objection to the statement. He considered, however, that a new sub-paragraph (iv) should be inserted, worded on the following lines: "No erection or part of an erection may be constructed at a distance less than $\frac{1}{2}$ from the opening which would permit a space to be considered as not being an enclosed space". He illustrated the reason for the amendment by a sketch on the blackboard.

Mr. WILSON (UK) supported by Mr. CHRISTIANSEN (Norway) agreed with the representative of France. The concept of a space between erections ought to correspond to an "open well", but in the case illustrated by the blackboard sketch there was no longer an "open well", and that space could not, therefore, be exempted from measurement.

He also pointed out a printing error in the fourth and fifth lines of the English text where the correct reading should be "breadth of the end opening".

The CHAIRMAN, summing up, said that the Drafting Group would have to insert the words "side to side" before the word "erections" in the first line of sub-paragraph (3)(a)(iii), and add a sub-paragraph (iv) proposed by the French delegation. He mentioned that the United States delegation had indicated its willingness to participate in the Drafting Group.

Sub-paragraphs (b) and (c)

The CHAIRMAN wondered whether it was necessary to distinguish between sub-paragraphs (b) and (c) and he referred the Committee to the figures illustrating Regulation 6, in Appendix III on page 153 of document TM/CONF/6.

Mr. WILSON (UK) thought that figure 1 of Appendix III applied to sub-paragraph (b) and figure 2 to sub-paragraph (c) and that, according to those figures, two different concepts were involved.

The CHAIRMAN reminded the Committee that it had decided to define a "side to side erection" and he requested the Drafting Group to devise such a definition.

Sub-paragraph (d)

Mr. CABARIBERE (France) pointed out an error in the third line of the French text. It was actually the opening which was exposed and not the deck, and the wording of that sub-paragraph would have to be revised. The English text could also be improved to clarify this point.

Mr. GUPTA (India) wondered whether those provisions applied to the wide lateral openings for ventilation and light in pilgrim ships.

Mr. HABACHI (Suez Canal Authority) considered that the spaces in question must meet two conditions: they must be covered by a roof and they must be covered at the sides, otherwise the space should not be measured.

Mr. KING (Kuwait) mentioned swimming pools as an example of such spaces.

Mr. WILSON (UK) said that while that was indeed the best example, there were others, such as the sports decks on passenger ships, which were covered all round as a protection against the wind but which were open to the sky.

He could reassure the representative of India about pilgrim ships. There was no doubt that in their case the space in question would be exempt from measurement.

The CHAIRMAN stated that only drafting changes would be made to sub-paragraph (d).

Mr. CHRISTIANSEN (Norway) referred the Committee to the Oslo Rules, which contained a clear definition of the case in question.

Sub-paragraph (e)

The CHAIRMAN pointed out that on the previous day the question had been raised of inserting the words "side to side" in the first line of that sub-paragraph. He thought, however, that that was no longer necessary, and he asked whether the Committee could agree to keep the text of sub-paragraph (e) as set out in document TM/CONF/C.2/WP.22.

It was so decided.

Paragraph 4

Mr. ROCQUEMONT (France) drew the Committee's attention to document TM/CONF/C.2/WP.20, submitted by the French delegation. The proposal was to insert a new paragraph 4 (the present paragraph 4 then becoming paragraph 5) setting out the principle that in no case could the volume below the freeboard deck or the volume of the superstructures be excluded from the total volume.

The CHAIRMAN asked whether the reference should be to "superstructures" or to "closed superstructures".

Mr. ROCQUEMONT (France) said that the Load Line Convention gave a definition of "superstructures" but that in his view closed superstructures were involved.

The CHAIRMAN read out the definition given in the Load Line Convention and invited the Committee to consider the question.

Mr. MUNTZ (Netherlands) thought that the provisions of paragraph 4 should be included in Article 3 rather than in Regulation 3.

Mr. WILSON (UK) opposed the inclusion of TM/CONF/C.2/WP.20 in the existing text for two reasons: in the first place, it seemed to him to serve no useful purpose, and secondly, the Committee should as far as possible avoid referring in the text

to the Load Line Convention. Such a connexion between the two Conventions might in fact cause difficulties in practice.

Mr. FILIPPOVITCH (USSR), Mr. CHRISTIANSEN (Norway), Mr. GUPTA (India), Mr. BORG (Sweden), and Mr. MUNTZ (Netherlands) agreed with the United Kingdom representative.

Mr. ROCQUEMONT (France) said he was prepared to withdraw his proposal. A number of delegations appeared to be in agreement on the point, and he had noted the arguments presented against his proposal.

Mr. SOLDA (Italy) considered it generally advisable for the two Conventions to be independent of each other, although that principle could not be absolute.

The CHAIRMAN stated that the Committee wished to keep paragraph (4) as drafted in TM/CONF/C.2/WP.22, but that one delegation had felt that paragraph (4) should be incorporated in an Article instead.

Regulation 2

Mr. CARARIBERE (France), reverting to the question of water ballast spaces, said he thought paragraph (6) of Regulation 2 should specify that the water ballast spaces to be incorporated in the formula for net tonnage would not include those situated in the double bottom.

The CHAIRMAN drew the Committee's attention, in that connexion, to the new definitions prepared by the Drafting Group (TM/CONF/C.2/WP.27) which modified certain paragraphs of the draft of Regulation 2 contained in document TM/CONF/C.2/WP.22. He thought it preferable to postpone consideration of that document until the next meeting but suggested that the words "or change of trade approved by the Administration" be inserted at the end of the last paragraph relating to water ballast space.

Regulation 4, (3)

The CHAIRMAN stated that paragraph (3) was applicable both to the Norwegian Proposal and to net tonnage determined on the basis of displacement. The Committee could therefore discuss it forthwith.

Mr. WILSON (UK) said he would like sub-paragraphs (i) and (ii) to make it clearer that, in the case of ships with two load lines, it was always the higher one that would be taken into consideration.

The CHAIRMAN observed that paragraph (3) of Regulation 5 covered that point.

Mr. GUPTA (India) said he was in favour of that principle, provided it was quite clear that net tonnage would be linked with conditions of operation.

Mr. ROSELL (Denmark) thought that paragraph (3) restricted the alteration of tonnage too much.

In regard to sub-paragraphs (iii) and (iv) of Regulation 4(3), he would prefer the reference to national requirements to appear in a separate recommendation (as in Recommendation 2 of the Convention on Load Lines) rather than in the actual text of the Convention.

The CHAIRMAN emphasized that those sub-paragraphs applied only to international voyages by ships which were not subject to the Convention on Load Lines in order not to penalise them by application of sub-paragraph (v), if this was the case.

In regard to paragraph (3) of Regulation 5, he reminded the Committee that it had only been discussed and no decision had been taken. The paragraph applied mainly to Indian ships which carried pilgrims and goods alternately and to certain Norwegian ships.

Mr. GUPTA (India) explaining the way in which Simla ships operated, said that, in general, they were only converted from passenger ships to cargo ships once a year because the pilgrimage season usually lasted between four and six months. He did not therefore think it necessary to specify a fixed delay for those ships; they could merely be exempted from the delay of twelve months.

Mr. SOLDA (Italy) did not see any need for such ships to obtain new certificates every time their tonnage changed, as it was principally the change in freeboard which was important, for safety reasons.

Mr. CUNNINGHAM (USA) drew the Committee's attention to the draft submitted by his delegation concerning alteration of net tonnage (TM/CONF/C.2/WP.16), in which the case of passenger ships converted to cargo ships was dealt with in sub-paragraph (c), which he thought would resolve the difficulty.

Mr. ROCQUEMONT (France) recalled that the question of exempting convertible passenger ships from the twelve month delay had arisen out of the problem of pilgrim ships. His delegation, while it was prepared to recognise the special situation of those ships, particularly as it also came within the purview of the Committee on the Revision of the Simla Rules, would not like the Committee to be sidetracked by that exemption into reconsidering the principle adopted by the Conference that changes in net tonnage should be infrequent. He therefore proposed that, apart from the exception in the case of Simla ships, which would have to be carefully defined, all other ships should be subject to the delay of a year, the highest tonnage being taken into consideration in the case of ships with two freeboards.

Mr. ROSELL (Denmark) said he was in favour of the United States proposal but would prefer the text to be less specific, because the conversion from a passenger ship into a cargo ship might not be complete or might not entail any modification.

Mr. NOZIGLIA (Argentina) supported the French proposal but wished to know what sort of change of freeboard was undergone by Simla ships.

Mr. GUPTA (India) stated that, at the moment, the variations were fairly slight but that such might not always be the case, due to the improvements incorporated in new ships. Although not opposed to the United States proposal, the Indian delegation therefore distinctly preferred the French proposal.

The CHAIRMAN pointed out that variations in the case of Simla ships would probably be fairly slight because the decrease in draught would doubtless be offset, in the determination of the tonnage, by the addition of passenger space. On the other hand, they might be much greater in the case of the Norwegian ships which operated alternately as cargo ships and ferries, or as passenger and cargo ships.

Mr. CHRISTIANSEN (Norway) stated that the deadweight tonnage of those ships could indeed be as much as 10,000 tons; during the summer, some of them carried both passengers and cargo (cars, for example) and the variations in tonnage could be as much as 900 to 1000 tons, which was a very considerable amount. In the case of those ships, therefore, he was in favour of reducing the delay between changes of tonnage to six months.

Mr. PRIVALOV (USSR) wondered whether it was not largely a matter of local shipping problems involving two or three countries rather than international shipping in general. If that were so, such problems would be better dealt with at a regional level and not within the framework of an international convention.

The CHAIRMAN stated that the problem was more far-reaching: for example, some Italian ships which carried passengers between Italy and Greece in summer, became cargo ships which travelled all over the world in winter.

He therefore called on the Committee to decide between the United States proposal (TM/CONF/C.2/WP.16), under which a ship could obtain a new net tonnage certificate every time it underwent conversion, and the French proposal, under which net tonnage could only be decreased once a year, except in the case of pilgrim ships.

Mr. ROCQUEMONT (France) did not think that a ship should be authorized to change its tonnage every time it changed its service. A shipowner might build a ship for 13 passengers, make provision for a very few bulkheads, well spaced and not very high; the load line would be very low, the passenger correction almost negligible and the figure for the net tonnage consequently higher. If the same ship were considered as a cargo ship, the load line would be lower, the figure for the net tonnage higher, and the result would be just what the Conference wished to avoid, namely, the existence of two net tonnages.

Mr. PEREIRA (Brazil) considered that, before giving its opinion on the amendments, the Committee should examine the net tonnage formula which was to be proposed by the Working Group. In any case, as the representative of France had said, too frequent changes of tonnage were to be avoided.

Mr. CONTOGEOORGIS (Greece) recalled that his delegation had proposed a time-limit of six months, and Norway one of four months. The Committee might take a decision later on the question of the time-limit, but it could not compel a ship which changed its type of service to wait twelve months before changing its tonnage.

The CHAIRMAN observed that no regulation of the Convention should encourage an owner to reduce the net tonnage of a ship at the expense of safety.

Mr. UGLAND (Norway) remarked that the observations by the representative of France referred only to Proposal C; under the Norwegian Proposal, the 'tween-deck was still considered as cargo space.

Mr. GUPTA (India) considered that there were two problems (according to whether the ship was operating as a cargo ship or as a passenger ship): one problem was that of load lines and the other that of the two tonnages.

Mr. ROCQUEMONT (France) said that if a ship changed its service, it must obviously have two load lines, but the tonnage should be fixed at its higher value, except in the case of pilgrim ships.

Mr. ROSELL (Denmark) and Mr. WILSON (UK) agreed with the representative of France.

Mr. MUNNICH (Federal Republic of Germany) thought that the time-limit could be six months, in order to allow ships which changed service seasonally to change their tonnage accordingly.

The CHAIRMAN put to the vote the proposal to reduce the time-limit of one year for changes in net tonnage.

The proposal was rejected by 18 votes to 11.

Mr. GUPTA (India) said he would like the exception applying to pilgrim ships to be included in the text of the Regulation.

Mr. ROCQUEMONT (France) pointed out that that exception appeared in the Convention for the Safety of Life at Sea.

The CHAIRMAN said that that question could be dealt with by the Drafting Group.

Regulation 5

Mr. CUNNINGHAM (USA) said that if modifications were regarded as major when they "result in the change of the gross tonnage of the ship by at least 10 per cent" (TM/CONF/C.2/WP.22), the mere removal of part of the deck-house on a large ship would be sufficient to change the gross tonnage. To obviate that disadvantage, the United States delegation had proposed a new text (TM/CONF/C.2/WP.16) under the terms of which the net tonnage could be decreased "when large structural alterations such as removal of a superstructure would require modification of the assigned freeboard".

The CHAIRMAN, replying to a question by Mr. MUENCH (Israel) said that the time-limit of 12 months specified in paragraph 2 (WP.22, page 10) was to be understood as from the date of the tonnage certificate.

Mr. ROCQUEMONT (France) said that if, by removing a hatch cover or some part of a cover, it was possible to change the gross tonnage by 10 per cent, then the regulations applicable to gross tonnage might usefully be reconsidered.

Mr. CHRISTIANSEN (Norway), Mr. BECKWITH (Liberia), Mr. BONN (Canada) and Mr. CONTOGEOGRIS (Greece) supported the United States proposal.

Mr. MUNTZ (Netherlands) also was in favour of the proposal, but suggested replacing the expression "large structural alterations" by "major structural alterations".

Mr. ROCQUEMONT (France) was also inclined to support the United States text, but the French delegation wished to reflect on the definition of gross tonnage to see whether that definition did not permit of reductions in tonnage which were in principle prohibited.

Mr. WILSON (UK) supported the United States proposal.

The draft Regulation 5 was approved, with the amendment submitted by the United States.

The CHAIRMAN said that the Drafting Group would be instructed to draw up the text which would then be submitted to the General Committee.

Regulation 6

Mr. WILSON (UK) proposed the following amendment: in the first paragraph, to replace the end of the sentence after "metal plating" by the following text "... and the outer surface of the shell in ships constituted of any other material", and, in the second paragraph, to replace the words "bulges in the ships sides" by the word "appendages", and the words "propeller bossings" by the word "shafts".

Mr. GUPTA (India) did not think that paragraph 2 served any useful purpose.

The CHAIRMAN, referring to the amendment proposed by the United Kingdom, said he thought that the use of the word "shell" might give rise to confusion.

Mr. WILSON (UK) agreed and said he was prepared to replace "shell" by "boundary bulkhead".

Mr. BECKWITH (Liberia) thought that in this Regulation a distinction should be drawn between the calculation of the gross tonnage and that of the net tonnage.

The CHAIRMAN pointed out that texts were being adopted provisionally; certain problems remained for solution later, for instance, that of the cargo spaces.

He invited the Committee to take a decision on the United Kingdom amendments.

The amendments proposed by the United Kingdom were approved.

Mr. MUNTZ (Netherlands) considered that spaces open to the sea, with a volume of less than 2 cubic metres, should be excluded from the total volume and from the displacement.

Mr. RICHARD (Sweden) thought it would be useful to define spaces open to the sea.

Mr. NOZIGLIA (Argentina) proposed that, in paragraph 3, the words "may be" should be replaced by "shall be".

Mr. WILSON (UK) thought that the formula should not be too positive.

The meeting rose at 12.35 p.m.