



IMCO

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INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT, 1969
Technical Committee

PROVISIONAL SUMMARY RECORD OF THE TWENTY-FIRST MEETING

held at Church House, Westminster, London, S.W.1.,
on Friday, 13 June 1969, at 9.45 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/C.2/WP.37)
(continued)

The CHAIRMAN proposed that the Committee should examine the second draft of the regulations for determining gross and net tonnages of ships (TM/CONF/C.2/WP.37).

Regulation 1

Mr. GANTIOQUI (Philippines) proposed that the end of paragraph 1 should be amended to read: "consist of gross and net tonnages".

The CHAIRMAN stated that he would draw the attention of the Drafting Committee to that point.

Regulation 2

Mr. ROCQUEMONT (France) felt that, before considering the first two definitions (upper deck and moulded depth), it would be advisable to wait until the Working Group had made a more thorough study of the factor $\frac{D}{D_{LL}}$ contained in the formula approved the previous day (see TM/CONF/^{LL}C.2/SR.19). For the time being, indeed, those definitions applied only to ships without a free-board mark but they might have to be amended as a result of the Working Group's findings.

Mr. LEIBENFROST (Yugoslavia) considered that the last sentence of sub-paragraph (a) of paragraph 2(a) was not clear and gave rise to unnecessary complications. He therefore suggested either deleting that sentence or amending the text by substituting "... the prolongation of the side ..." for the words "the side of the keel".

Mr. SASAMURA (Committee Secretary) pointed out that the definition of moulded depth was reproduced word for word from the definition given in the Convention on Load Lines; it would therefore be difficult to change it.

Mr. WILSON (UK) shared that view, although he felt that the definition in question was not very clear.

Mr. PEREIRA (Brazil) wished the expression "midship section" to be replaced by "athwartship section".

Mr. GUPTA (India) said that he, too, could suggest amendments but that he supported the opinion expressed by the Committee Secretary and the United Kingdom representative.

The CHAIRMAN proposed that the Committee should approve paragraph (2)(a) in the form in which it was drafted in the document.

It was so decided.

Mr. GUPTA (India), referring to paragraph 3(a), proposed that, in order to obviate the possibility of a space being exempted from measurement as a result of the owner simply removing the hatchway covers, the end of sub-paragraph (a) should be replaced by "if such space is capable of being closed".

Mr. ROCQUEMONT (France) said that he shared the Indian representative's concern but felt that the text of sub-paragraph (a), in the form in which it was drafted, was satisfactory in that respect. If it gave rise to doubts, however, it should be made clearer.

Mr. WILSON (UK) thought it was difficult to draft a text excluding all possibility of abuse. It was for the Administration to be vigilant and, for instance, to inspect whether hatchways were provided with cleats for fixing covers that were not there. At all events, to prevent (the case mentioned by the representative of India) from occurring in the 'tween-deck, which was quite a possibility, the words "on or above the upper deck" which had figured in an earlier text and had been deleted, should be reintroduced in paragraph (3)(b).

Mr. SOLDA (Italy) suggested that the end of paragraph (3)(a) should be replaced by the words "if the openings are liable to be closed".

Mr. DE JONG (Netherlands) said he thought that the last part of paragraph (3)(a), from the words "if means are provided...", might give rise to difficulties and should therefore be deleted. What should be avoided in any case was that an opening should make it possible for the whole of a space to be exempted instead of part of it. The deletion he proposed presented no drawback, for paragraph (2)(b) specified all the spaces to which the exemption applied and the clause in question was a repetition of what was said under (b)(i).

Mr. WILSON (UK) was opposed to the deletion of that phrase which, in the view of the Working Group, served to establish a very important principle.

The CHAIRMAN wondered whether there was not a contradiction between sub-paragraph (a) and sub-paragraph (b), for, in the case of an opening in the 'tween-deck, under the former sub-paragraph, the whole deck would be exempted from measurement and, under the latter, only the space below the opening would be exempted.

Mr. ROCQUEMONT (France) said he shared the concern of the Netherlands representative but feared that the deletion of the end of sub-paragraph (a) might make the definition too restrictive: a roofless sun-deck situated in the superstructures (which was often to be found in liners) would then be included in the measurement.

Mr. ROSELL (Denmark) supported the suggestion made by the Netherlands representative as, if the phrase were retained, the cargo spaces of ships with no hatchway covers would be exempted.

The CHAIRMAN thought that, if the Committee accepted the Netherlands Proposal, it should ensure that the expression "not provided with means of closing", which occurred in the fifth and sixth lines of sub-paragraph (b)(i)(1), applied to the whole of that sub-paragraph.

Mr. KHABUR (USSR) thought that any possible abuse could be avoided if the end of sub-paragraph (a) were replaced by the words "if the construction permits of the closing of such an opening".

Mr. ROCQUEMONT (France) supported the proposals by the USSR and Italy which complemented one another perfectly.

The CHAIRMAN stressed the two-fold nature of the problem; there were two things to be avoided: first, that the end of sub-paragraph (a) should make it possible for an entire deck to be exempted from measurement and, secondly, that sub-paragraph (b) should permit of the unwarranted exemption of a space situated opposite an opening.

Mr. WILSON (UK) stated that the authors of the draft before the Committee had taken as their basis the rules applied by the authorities of the Panama Canal. Those rules had never given rise to any difficulties and did not encourage the building of "undesirable" ships. Starting out from the concept that any space^{the openings of which were provided with means of closing} was to be considered as an enclosed space, they had sought to define enclosed spaces and not open spaces.

Mr. DE JONG (Netherlands) remarked that the last two lines of sub-paragraph (a) were liable to lead to misunderstandings, whereas their deletion could do no harm.

The CHAIRMAN thought the deletion feasible, provided that the necessary clause was added to sub-paragraph (b).

Mr. GUPTA (India) was in favour of the wording proposed by the delegate of the USSR which practically met the wishes of the representatives of Italy and France) and also seemed likely to satisfy the Netherlands representative.

Mr. DE JONG (Netherlands) commented that the lengthy discussion which had taken place was sufficient evidence of the fact that the phrase in question might give rise to difficulties. It would be better to set out those concepts clearly in sub-paragraph (b), as the Chairman had suggested.

The CHAIRMAN noted that it seemed to be unanimously agreed that only the 'tween-deck spaces situated below openings should be exempted. A proviso should therefore be inserted in sub-paragraph (b) after the words "as enclosed spaces" as follows: "unless means are provided for closing the openings" or "if the ship's construction does not permit of their being closed."

Mr. WILSON (UK) suggested the wording: "if no means are provided for closing the openings."

The CHAIRMAN proposed that it should be left to the Drafting Committee to prepare a final text incorporating in sub-paragraph (b) the idea "that the openings not provided with means of closing) and that (the ship's construction does not permit of their being closed" and that the last two lines of sub-paragraph (a) (from the words "enclosed space" onwards) should be deleted.

It was so decided.

Mr. DE JONG (Netherlands) said that on constructional grounds he would have liked to see the provisions of sub-paragraph (b)(i)(1), governing the height of the opening, replaced by a provision restricting it to 100 per cent of the width of the opening. But he agreed with the Chairman, who said that that formula might give either excessive or inadequate results and might well give rise to involved argument, and he would withdraw his proposal.

With regard to sub-paragraph (b)(i)(3), he wondered what would happen in the case of an open well separating two spaces, only one of which was excluded.

Mr. CABARIBERE (France) remarked that the difficulty arose in part from the use of the expression "open well" to designate a space cutting the deck from side to side between two superstructures, whereas one would have assumed that there could only be a "well" if the two superstructures were joined by complete bulwarks. He would prefer to see the sub-paragraph drafted as follows:

"Where a completely open interval separates any two spaces ..."

Mr. WILSON (UK) thought that the last objection raised by Mr. de Jong might be met by inserting the words "either or both of which" in the second line. The observation made by the representative of France, on the other hand, appeared to concern only the French text, since British shipping men found the expression "open well" perfectly comprehensible.

The CHAIRMAN asked whether the concept of the "open well" applied to the case where two superstructures were joined by bulwarks of the same height as the superstructures. Would not that interpretation contradict the provisions of sub-paragraph (b)(iv)?

Mr. HABACHI (Observer, Suez Canal Authority) said that under the Suez Canal rules the exemption required a break in the covering and the walls, in other words, a complete separation of the two superstructures.

Mr. LEIBENFROST (Yugoslavia) considered that the concept of the "open well" applied whether the two superstructures were joined by bulwarks or by open guard-rails.

Mr. WILSON (UK) suggested overcoming the difficulties by adding sketches to the final texts. The height of the bulwarks seemed to him to be immaterial for the application of the provisions. Sub-paragraphs (i)(3) and (iv) were not contradictory, because they dealt with different problems.

Illustrating his remarks with a sketch, he showed that the exemption granted, for example, to a certain part of a poop or gangway adjoining an open well would depend entirely on the relation between the breadth of the open well (the distance between the two superstructures) and half the breadth of the deck; but the existence of bulwarks played no part in deciding whether an exemption were possible.

Mr. DE JONG (Netherlands) proposed that in order to avoid difficulties, the words "considered as enclosed spaces and shall not therefore be" should be deleted from lines 2 and 3 of sub-paragraph (b).

It was so decided.

Mr. CABARIBERE (France) pointed out another drafting difficulty. In (b)(v) the word "redan" was used for the English word "recess". Since an inside space was concerned, it would have been better to use the word "niche".

Mr. GRUNER (Finland) said he did not fully understand the meaning of the first sentence of (b)(ii).

The CHAIRMAN said he would submit the various observations on paragraph (3) to the Drafting Committee and would ask the Secretariat to take particular account of the French representative's comments when drawing up the French text.

Paragraph 4 (TM/CONF/C.2/WP.37)

Mr. YU-SHANG-LI (China) wondered whether it might not be necessary to include a definition of "berthed passengers" and "unberthed passengers" in the paragraph, because that distinction was made in Regulation 4 on page 7 of the same document.

The CHAIRMAN agreed that the definition was not included in paragraph 4 of Regulation 2, but said that was precisely because it had been considered that the details given in Regulation 4, on page 7, would suffice.

Mr. WASILEWSKI (Poland) proposed that, in the interests of simplicity, where a ship carried not more than 12 passengers in accommodation other than cabins, that accommodation should not be included in the tonnage calculations.

Mr. GUPTA (India) felt that the reference on page 7 was not enough and that some definition of "unberthed passengers" must be provided. The Simla Regulations which were currently being revised, at present designated those passengers by the expression "special trade passenger."

He thought that the maximum number of such passengers carried in accommodation other than cabins should be fixed at 8. If such other accommodation contained fewer than 8 persons, then those persons should be considered as cabin passengers.

Mr. KHABUR (USSR) said he thought the difficulty arose from the fact that the term employed was incorrect. Instead of "unberthed passengers" - a concept which was now out of date - the term "passengers without cabins" should be employed, and that expression could then be defined as applying to "a passenger provided with a separate berth in accommodation capable of holding a maximum of 8 persons."

Mr. KING (Kuwait) considered that the term "passengers" should apply to any fare-paying person.

Mr. MURRAY SMITH (UK) thought that under the terms of paragraph 3 that interpretation would in fact be correct, but he too felt that the concept of "unberthed passengers" was outdated. It would in fact be preferable to distinguish three sorts of passengers on page 7 of the document, namely:

N = number of passengers in cabins
N₁ = number of passengers in dormitories
N₂ = number of genuinely unberthed passengers
(e.g. aboard cross-Channel ships)

Mr. GUPTA (India) said he was broadly in agreement with the United Kingdom proposal, which would cover all the possibilities, but thought it might perhaps be preferable to replace $\frac{N}{10}$ by $\frac{N}{6}$ in the formula on page 6 of document TM/CONF/C.2/WP.37.

Mr. DE JONG (Netherlands) wondered whether, in that case it might not perhaps be necessary, (in the case of unberthed passengers,) to keep the total number shown on the safety certificate.

The CHAIRMAN thought there would be no objection to adding a phrase on the lines of: "as indicated by the ship's safety certificate."

Mr. GUPTA (India) said he would prefer the following wording: "the number of passengers, as certified by the Administration and shown on the ship's safety certificate."

The CHAIRMAN proposed that the Committee adopt the term $N + \frac{N_1}{6} + \frac{N_2}{10}$ in the formula for net tonnage.

It was so decided.

Mr. KHABUR (USSR) proposed that the Committee notify the Working Group immediately of that decision, which might alter its calculations.

Paragraph 5

Mr. ROCQUEMONT (France) proposed that consideration of the paragraph should be restricted for the time being to the first four lines. Changes in the use to which certain spaces were put ^{not} might involve a change of tonnage, possibly accompanied by a change of draught.

Mr. CUNNINGHAM (USA) reminded the Committee that the text had given rise to a lengthy debate. On the one hand, the definition took no account of the provisions consumed aboard the ship. On the other hand, it had been thought that those spaces should be identified by permanent markings, making it possible to carry out certain checks, and to apply certain penalties where there were changes of use which had not been reported.

The CHAIRMAN thought that consideration of that wording should be deferred until the Committee came to study Regulation 8, which dealt with the matter.

Request for instructions by the Chairman of the Working Group on Tonnage Certificates.

Mr. SEAGO (UK) stated that the Working Group needed certain instructions to be able to carry out its work. In the first place, the Group was of the opinion that, for the purposes of the Convention, an entirely new form of tonnage certificate should be prepared for existing ships, showing both gross tonnage and net tonnage. Secondly, the Technical Committee should inform the Working Group whether, during a transitional period, the tonnage certificate should show the tonnage figures resulting from the old and from the new systems. The Working Group was asking for instructions on those two points.

Mr. ROSELL (Denmark) wondered whether those questions, which might have certain legal aspects, should not be put to the General Committee.

The CHAIRMAN pointed out that the Working Group in question was in fact a Working Group of the Technical Committee.

Mr. ROCQUEMONT (France) recalled that the French delegation had made specific proposals in that connexion. They would be found in TM/CONF/3, at pages 17 to 20. His delegation did

indeed take the view that, for a certain transitional period - for example, ten years - , tonnage certificates should contain both sets of figures. However, it left it to the operators of the system to consider the date of application of the new tonnages.

Mr. CHRISTIANSEN (Norway) said he partly shared the French representative's opinion but was afraid that the inclusion of dual tonnages might give rise to some difficulties.

Mr. DE JONG (Netherlands) approved of the intention of the French delegation. However, since the idea was to keep the new tonnage figures as close as possible to the old ones, would it not be feasible for ships to retain the same tonnage figures on the certificate during that period?

Mr. HABACHI (Observer, Suez Canal Authority) proposed that the tonnage calculations should be appended as an annex to the tonnage certificate itself.

The CHAIRMAN said he feared the Committee was departing from its terms of reference.

The meeting rose at 12.35 p.m.