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INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT OF SHIPS, 1969

SUMMARY RECORD OF THE SEVENTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Tuesday, 3 June 1969, at 3.10 p.m.

President: Admiral E.J. ROLAND (USA)
Secretary-General: Mr. Colin GOAD
Executive Secretary: Mr. V. NADEINSKI

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

TM/CONF/SR.7

CONTENTS

	<u>Page</u>
<u>Agenda item 8</u> - Examination of Reports of Committees (continued) First Report of the Technical Committee to the Conference (concluded)	3

TM/CONF/SR.7

AGENDA ITEM 8 - EXAMINATION OF REPORTS OF COMMITTEES (continued)

First Report of the Technical Committee to the Conference
(TM/CONF/C.2/4) (concluded)

The PRESIDENT reminded the Conference that a roll-call vote had been requested on paragraph 2(f) of the Technical Committee's Report, namely: "The open shelter-deck concept for new ships should apply to net tonnage only".

Mr. ROCQUEMONT (France) pointed out that the procedural difficulty which the Conference had encountered in connexion with the application of the shelter-deck concept to new ships might very possibly occur again during its later discussions. As the Netherlands representative had remarked, it was important to make sure that questions were formulated in such a way as to avoid any risk of ambiguity. If, in the matter under consideration, the question had been formulated as: "Must the open shelter-deck concept for new ships apply to gross tonnage?", the Conference would have been able to give a negative answer without there being any need to have recourse to the two-thirds majority.

The PRESIDENT remarked that if the required two-thirds majority was not obtained, it would be considered that the Conference had not reached a decision on that point and the matter would be referred back to the Technical Committee for further consideration. He called for a roll-call vote on paragraph 2(f) of the Technical Committee's Report.

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

In favour: Spain, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Venezuela, Argentina, Australia, Belgium

TM/CONF/SR.7

Bulgaria, Cameroon, Canada, Czechoslovakia, Federal Republic of Germany, France, Ireland, Italy, Kuwait, Mexico, Netherlands, New Zealand, Nigeria, Pakistan, Poland, Portugal, South Africa.

Against: United States of America, Brazil, China, Denmark, Finland, Ghana, Greece, India, Indonesia, Japan, Liberia, Norway.

Abstentions: Viet-Nam, Yugoslavia, Israel, Philippines.

There were 26 votes in favour and 12 against, with 4 abstentions. Having obtained the required two-thirds majority, paragraph 2(f) was adopted.

Paragraph 2(g)

Mr. GUPTA (India) was afraid the introduction of a time-limit would reduce the importance shipowners would attach to the decision to keep the open shelter-deck concept.

Mr. PROHASKA (Denmark) supported the Indian representative's view. He recalled moreover that, when paragraph 2(d) was being considered, he had stressed the need to make clear whether paragraph 2(g) referred only to new ships or whether it applied equally to existing ships.

Mr. QUARTEY (Ghana) considered that by limiting the possibilities for change, the Conference would be acting against the interests of shipowners, which it was important to safeguard. Responsibility for the decision should be left to the administrative authorities.

Mr. ROCQUEMONT (France) said it had been clear to all the members of the Technical Committee that paragraph 2(g) concerned only new ships. It would doubtless have been preferable to say so in the Report.

TM/CONF/SR.7

The French delegation's opposition to frequent changes was based essentially on the Melbourne recommendation and on the fact that port authorities did not want a ship to be able to change its tonnage during a voyage. In that respect, the case of oil tankers was particularly significant since, although they were heavily laden on the outward passage and light for the return, they kept the same set of tonnages. Once a shipowner had chosen a value, he should keep to it for a reasonable period, which in the French Government's opinion might be fixed at five years.

Mr. PROHASKA (Denmark) pointed out that the question had a legal aspect which should not be overlooked. In point of fact, no one had the right to forbid a shipowner to change from a closed to an open shelter-deck and vice versa; and if the port authorities refused to issue him a new tonnage certificate, he would keep his old certificate with a tonnage lower than the one certified. The solution would therefore be to allow him to obtain a new certificate if his tonnage increased, but not if it decreased.

Mr. ROCQUEMONT (France) pointed out that the French delegation, in its amendments to Proposal C, had given all the clarifications required on that point, since it had suggested that reductions in certified displacement should be prohibited for five years, but not increases.

The PRESIDENT, recalling the statement made by one of the delegates that the recommendation of the Technical Committee extended only to new ships, noted that there was no indication to that effect in the Report. That point was important.

TM/CONF/SR.7

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, admitted that the point had not been explicitly dealt with during the debate. Perhaps the Conference could take a double vote, dealing first with new ships and then with existing ships.

Mr. GRUNER (Finland) noted that the representative of France had referred to the fact that ships should not alter their tonnage during a voyage. That might be feasible in the case of long-distance voyages, but what about the coasting trade?

Mr. KING (Kuwait) pointed out that the decision taken on paragraph 2(d) implied the possibility of changing from open to closed shelter-deck and vice versa.

Mr. GUPTA (India) endorsed that view.

Mr. ROCQUEMONT (France) explained, for the benefit of the representative of Finland, that he had spoken of "voyage" **only** in passing. In fact, the French Government's proposal did not make use of that term; its intention was merely to fix the minimum period which should separate two alterations of certificate leading to a reduction in certified displacement, except in the case of a change of flag or extensive modifications to the ship.

As far as voting on the question of existing ships was concerned, that was a matter of secondary importance; transitional provisions could not be placed on the same footing as permanent provisions.

Mr. ERIKSSON (Sweden) supported the latter remark made by the French representative. All the details had been clearly set out in documents distributed a year earlier, and it would be inappropriate to reopen the question.

TM/CONF/SR.7

Mr. QUARTEY (Ghana), noting that the proposed restrictions would apply only in the case of an increase of tonnage and not of a reduction, wondered what point the paragraph would have if it referred only to new ships.

Mr. SIMPSON (Liberia) urged the Conference not to lose sight of the fact mentioned by the representative of Kuwait that the shelter-deck concept itself, which the Conference had decided to retain for existing ships and apply to new ships for net tonnage, implied that the shipowner could change from open to closed shelter-deck and vice versa. Considerable caution should be exercised in interpreting that concept.

Mr. Rocquemont had quoted the case of tankers in support of the French argument; but tankers could have two freeboards and they were continually changing them.

Mr. CHRISTIANSEN (Norway) shared the view of the representative of Liberia. He did not see how the Conference could limit the application of the provisions of the 1966 International Convention on Load Lines.

Mr. WILSON (UK) said that the ships which the Conference was discussing had more or less disappeared. The comments in the documents before the Conference showed that most maritime countries applied the tonnage mark system, and with that system the load line no longer changed. The question under discussion, namely changes of the load line, arose when there were tonnage openings. When tonnage openings existed, it was sometimes necessary to change the load line for each voyage the ship made, and that created enormous administrative difficulties.

TM/CONF/SR.7

Mr. CHRISTIANSEN (Norway) recalled that the Conference had decided to abolish the tonnage mark. Norway, too, had tried the open shelter-deck system and, in its opinion, that system had never given any trouble to shipowners. The application of the tonnage mark system should have put an end to all administrative formalities, but the system had not proved to be effective. Many shipowners had begun, in all good faith to reduce their tonnage, but they had lost a lot of money as a result. Endeavours were now being made to prevent too frequent changes from closed to open shelter-deck. In the Norwegian delegation's view, shipowners should be left free to decide for themselves in that regard. That would entail more complex formalities, but formalities had never prevented a ship from putting to sea.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee pointed out that there was a difference between a load line certificate and a tonnage certificate. The main point was that a tonnage certificate should not be changed to a lower figure before a certain time had elapsed, except in very special circumstances.

The PRESIDENT said he was in favour of adding the words "for new ships" to the text of paragraph 2(g); but he would prefer such a proposal to be put forward by the Chairman of the Technical Committee.

Mr. L. SPINELLI (Italy) Chairman of the Technical Committee, mentioned that he had already made that proposal.

Mr. ROCQUEMONT (France) endorsed Mr. Spinelli's remarks on the subject of load line marks. It had been said that the resultant measurements were likely to be out of step with the International Convention on Load Lines, 1966. That problem had been investigated, and what was being proposed did not run counter to the provisions of that Convention. Should the

load line be lowered within the set period, the displacement would not be lowered; it would have to remain constant. The shipowner would not ask for the load line to be lowered either.

To his mind, what was needed was to simplify the terms of paragraph 2(g). It was being asked whether the paragraph applied to new ships; furthermore, when the paragraph was being drafted, no one knew what the Conference would decide on the preceding paragraphs. It had been decided that the shelter-deck concept should be retained solely for whatever was used to replace net tonnage, and that net tonnage should be replaced by displacement. Therefore, **what was now at issue** was a question of displacement. Accordingly, the question might be framed as follows: "Should frequent reductions in certified displacement be allowed in the case of new ships?"

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, supported the French proposal, but said he would prefer to see the expression "certified displacement" replaced by the expression "net tonnage", which had been used hitherto.

Mr. ROCQUEMONT (France) accepted that amendment to his proposal.

The PRESIDENT noted that the Conference had before it two texts, one proposed by the Technical Committee and the other submitted by France. It should, therefore, decide which one it wished to vote on.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, considered that, for procedural reasons, the Conference would be better advised to vote on the Committee's text. In that case, **the** words "for new ships" should be added, and the interpretation given by the representative of France should be accepted.

TM/CONF/SR.7

Mr. GRUNER (Finland) wondered what construction should be placed on the word "frequently".

Mr. PROHASKA (Denmark) said it must be made quite clear that an increase could always be granted, should the shipowner so request. There should be no restrictions.

Mr. GUPTA (India) also wondered what was the exact meaning of the word "frequently".

Mr. MUENCH (Israel) supported the amendment of the representative of Italy. In his view, the Conference was not required at the present juncture to give a definition of the word "frequently". Its task was merely to give general guidance to the Technical Committee.

Mr. ROCQUEMONT (France) pointed out that the French and English versions of paragraph 2(g) were not absolutely identical.

Mr. QUARTEY (Ghana) asked to which authorities paragraph 2(g) was addressed.

The PRESIDENT said that the Conference had the task of drawing up a Convention and it would be for the Parties to that Convention to see that it was applied.

Mr. NADEINSKI (Executive Secretary) reminded the Conference that, in accordance with its Rules of Procedure, the Conference had first to vote on the Italian amendment, which was furthest removed from the original text, and then on the text of paragraph 2(g) itself, unless it decided to adopt some other procedure.

After an exchange of views, the PRESIDENT put the Italian amendment to the vote.

The amendment was adopted.

TM/CONF/SR.7

The PRESIDENT proposed that the Conference vote on the following text:

"For new ships changes from closed to open shelter-deck conditions should not be allowed at frequent intervals".

He added that members of the Conference voting in favour of that text would be declaring themselves opposed to frequent changes.

That text was adopted by 29 votes to 11.

Paragraph 3

The PRESIDENT remarked that paragraph 3 had been submitted to the Conference for information only. The Technical Committee could now continue its work on the basis of the decisions of the Conference.

The meeting rose at 4.20 p.m.