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INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT, 1969

Technical Committee

PROVISIONAL SUMMARY RECORD OF THE EIGHTH MEETING

held at Church House, Westminster, London, S.W.1,
on Wednesday, 4 June 1969, at 2.30 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.

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AGENDA ITEM 3 - CONSIDERATION OF MATTERS AS INSTRUCTED BY THE CONFERENCE (continued) (TM/CONF/3; TM/CONF/6; TM/CONF/7; TM/CONF/9/Add. 1; TM/CONF/C.2/1 to 3; TM/CONF/C.2/WP.1 to 9)

Mr. CHRISTIANSEN (Norway) said that he could not support formula 3 proposed by the United States delegation. He felt that Denmark's proposal was an interesting one, but he was not yet in a position to make a decision.

Mr. PROHASKA (Denmark) announced that his delegation would submit a written proposal to the next meeting of the Committee.

Mr. DE JONG (Netherlands) thought that the Committee might instruct a small group to examine formula 1, after which a working group might submit recommendations with regard to coefficient a.

Mr. PROHASKA (Denmark) recalled that in the opinion of some delegations the coefficient could vary according to the size of the ship. One third of the world's shipping fleet was made up of small ships, so care should be taken not to adopt a formula which would make it impossible to operate those ships. No-one knew the exact implications of the three formulae proposed, so it would perhaps be advisable to refer them to three working groups for consideration.

The CHAIRMAN said he did not agree with that view, as the problem of coefficients was the same for all three formulae.

Mr. ROCQUEMONT (France) was of the opinion that the Committee should concentrate on formula 1, which seemed to enjoy widespread support. His delegation had no objections to a variable coefficient based on volume alone, although a number of studies would have to be made. The Sub-Committee on Tonnage Measurement had not examined any formula with a variable coefficient, and

he himself was in favour of a constant coefficient as provided for in proposal C; he thought the value might be expressed in metric tons since the metric system was being increasingly used in all international conventions and agreements.

Mr. SOLDA (Italy) said that he was in favour of a simple solution based on the concept of total volume, but would be prepared to support the United States formula, since the working group would study the problem of coefficients according to very definite instructions from the Committee.

Mr. PRIVALON (USSR) felt that formula 2 raised problems of interpretation and was thus not readily acceptable; the Committee should therefore choose between formulas 1 and 3 and request the working group to study coefficients without insisting on the question of the number of crew members.

Mr. CHRISTIANSEN (Norway) pointed out that in formula 2 proposed by his delegation the coefficient was constant except in the case of small ships.

Mr. MURRAY SMITH (UK) agreed with the USSR representative that formula 2 seemed to command less support because of the difficulties of interpretation it raised. As to formula 3, his delegation understood that some delegations wished the concept of crew - either the number of crew members or the volume of crew spaces - to be included in gross tonnage calculations. As the crews of small ships were proportionately larger than those of big ships, the use of that concept would result in lower tonnages for small ships. However, it was a concept that went against

the crew's interests since it meant that crew space would be more restricted. There was a far more satisfactory way of calculating the gross tonnage value for different sizes of ships, namely the coefficient C = 0.135 + 0.035 log. V proposed by the Government of the Netherlands (TM/CONF/3, page 37).

Mr. PROHASKA (Denmark) drew the Committee's attention to the table in Appendix II of the United States document (TM/CONF/C.2/3).

Mr. DE JONG (Netherlands) said he wasagainst any formula involving the number of crew which he felt would add a further difficulty to the method of calculation.

Mr. CUNNINGHAM (USA) withdrew his proposal.

Mr. CHRISTIANSEN (Norway) requested a roll-call vote on formulae 1 and 2.

A roll-call vote was taken.

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

In favour of formula 1: Mexico, Netherlands, New Zealand, Philippines, Poland, Portugal, South Africa, Spain, USSR, United Arab Republic, United Kingdom, Yugoslavia, Argentina, Australia, Belgium, Brazil, Bulgaria, Canada, Czechoslovakia Federal Republic of Germany, France, Ireland, Israel, Italy and Kuwait.

In favour of formula 2: Norway, Sweden, United States, China, Denmark, Finland, Greece, India, Indonesia, Japan and Liberia.

There were 25 votes in favour of formula 1 and 11 votes in favour of formula 2.

Formula 1 was approved.

Mr. GUPTA (India) pointed out that the formula should no longer be written $GT = a_1V$, but $GT = aV$.

Mr. DE JONG (Netherlands) said he thought the Committee should vote on whether or not to choose a constant coefficient.

Mr. KING (Kuwait) and Mr. CHRISTIANSEN (Norway) considered that the working group should study that problem.

Mr. ROCQUEMONT (France) pointed out that all the delegations supporting Proposal C were in favour of a constant coefficient; only one delegation had suggested that the coefficient should vary according to volume.

Mr. PROHASKA (Denmark) recalled that in his opinion the coefficient should vary according to the freeboard; perhaps the working group could recommend an additional parameter.

Mr. SEAGO (UK) drew the Committee's attention to graph 5 in Annex 2 (TM/CONF/3.)

Mr. CONTOGEORGIS (Greece) considered that if the gross tonnage unit were the same for all types of ship, that would penalize some ships the characteristics of which had not been taken into consideration. Since the Committee wished to discontinue exemptions, his delegation proposed the adoption of higher coefficients for certain types of ship; in any case the gross tonnage value would have to be lower than the old value so as to make it easier for certain countries, which were anxious to safeguard their shipping industry, to ratify the Convention.

Mr. PROHASKA (Denmark) pointed out that a number of delegations had felt that the working group should be given a free hand to study all aspects of the question, so it would be better not to take any decisions for the time being. He also reminded the Netherlands representative that displacement was not the only parameter to be considered - there was nothing to prevent other factors from being taken into account.

Mr. PRIVALON (USSR) said it was his understanding too, that the Committee wished to set up a working group to make certain calculations which it was not itself in a position to carry out, so that it could subsequently examine the question more thoroughly. Any decision therefore seemed premature. Moreover, the working group should not have unlimited powers, but should concentrate on certain specific questions without going back over points already settled at plenary meetings of the Conference.

Mr. SEAGO (UK) agreed with the USSR representative on both points. The working group should confine itself to the question of whether the coefficient to be applied to total volume should be constant or variable.

Mr. ROCQUEMONT (France) said that his delegation, while definitely favouring a constant coefficient, was prepared to consider any suggestion which might seem more satisfactory. The Committee should, however, give the working group unequivocal instructions, indicating in particular, that the metric system should be used as the basis for its work and that if a variable coefficient was adopted, it should not be based on volume (in accordance with the decision already reached on that point).

His delegation also wanted the same coefficient to be used for all types of ship, as it felt that the Convention should make no distinction between the various types. However, since the Danish representative had announced that it was going to distribute a new document, it might be advisable to defer a decision until that document had been circulated.

Mr. DE JONG (Netherlands) said he still thought that it would be helpful to the working group if the Committee were to take a roll-call vote.

Mr. PROHASKA (Denmark) pointed out once again that the only decision taken by the Conference had been on the use of volume for calculating gross tonnage. It had neither excluded the introduction of a coefficient nor considered what effect the various formulae proposed might have on small ships. In any case, it was always entitled to reconsider a decision which it had already taken if another alternative appeared to be more suitable. He earnestly hoped that the document which his delegation would distribute the following morning would be submitted to the working group.

The CHAIRMAN suggested that the Committee should take a decision on the following four questions: should the coefficient be independent of draught, freeboard and volume, should it be independent of the crew space, should it be independent of the type of ship and finally should the metric system be used for the calculations?

Mr. PROHASKA (Denmark) remarked that to answer the third question forthwith would tie the hands of the working group and that a decision had already been taken in regard to crew space.

Mr. PROSSER (UK) endorsed the Danish representative's two comments. The working group already had all the data it required to enable it to carry out its task.

Mr. CHRISTIANSEN (Norway) thought that the working group should be given a free hand to determine the coefficient to be used in the formula selected.

Mr. GUPTA (India) shared the view of the representatives of the United Kingdom and of Norway. Since all the delegates who would constitute the working group had taken part in the current discussion, there could be no possibility of any misunderstanding.

Mr. PROSSER (UK) supported by Mr. PRIVALON (USSR) stressed that the working group would have to consider itself bound only by the decisions taken in plenary.

Mr. PROHASKA (Denmark) pointed out that the Conference had decided that the parameter to be used for gross tonnage should be the volume multiplied by a factor which would make it possible to arrive at values as close as possible to existing values.

Mr. CHRISTIANSEN (Norway) added that the Chairman had stressed in plenary that the Committee had "envisaged the possibility of applying other parameters in addition to the main parameters" (TM/CONF/SR.6, p.3).

The CHAIRMAN, noting that the majority of members preferred to leave the working group completely free to study all the aspects of the problem, proposed that its terms of reference

should be to make a study of how, in formula GT = aV, the coefficient a should be determined so as to ensure that the values obtained would be as close as possible to the existing values.

It was so decided.

The CHAIRMAN invited the Committee to examine the two formulae which had been proposed for net tonnage, namely

1. $NT = a_1 D + a_2 P - a_3 WB$ and

2. $NT = b_1 D + b_2 f(m) - b_3 WB$

where

D = displacement
P = volume of passenger space
n = number of passengers
WB = volume of water-ballast space.

Mr. ROCQUEMONT (France) said that his delegation, in line with its policy of simplification, considered that the displacement factor alone should be retained. It was clear that the omission of passenger spaces would handicap passenger ships, but since there were fewer and fewer such ships the drawback would not be so great. Moreover, if it was necessary to take account of the volume of passenger space, the gross tonnage as defined would meet that purpose. He reserved the right to revert to the question of water ballast at a later stage.

Mr. PROHASKA (Denmark) recalled that the United States representative, having stressed that the question of water

ballast had been studied by the Sub-Committee on Tonnage Measurement, had expressed the view that water-ballast space should be included in gross tonnage; there was some doubt, however, whether that solution would make it easier to obtain values as close as possible to existing values and that was a point that the working group should examine. The French representative had no doubt been right in stressing that, since the number of passenger ships was decreasing, no great harm would be done by omitting passenger space; but there were still many of them in existence and an excessive reduction of their tonnage would not serve the interests of shipowners. The Working Group should not overlook that aspect of the problem. Finally, the Danish delegation felt that the number of passengers should be taken into account; thus, it would prefer to see formula 2 adopted on the understanding that the certified number could mean only the maximum number of passengers which that ship could carry.

Mr. STITT (USA) said his delegation considered that it was essential to retain both the water-ballast space and the data - space and number - relating to passengers.

Mr. GUPTA (India) asked the United States representative to explain how his country dealt with water-ballast space.

Mr. STITT (USA) said that, in accordance with the regulations in force in his country, that space was included in the ship's gross tonnage and excluded from its net tonnage, provided that the water ballast space concerned was really essential.

Mr. SIMPSON (Liberia) said that the same rules were applied in his country as in the United States. His delegation could not accept any tonnage measurement system which did not exclude passenger space and water-ballast space.

Mr. ROCQUEMONT (France) said that the French delegation could not approve a proposal whereby displacement would be corrected by water-ballast space. It had been stated that in most systems, and particularly in the United States, that space was not excluded from gross tonnage but was deducted when net tonnage was calculated, and a continuation of that system had been advocated. That precedent could not be invoked however, since displacement was not the same thing as the present net tonnage. It was only for convenience that the term "net tonnage" had been used. In fact, shipowners used liquid ballast to give the ship stability and to increase its earning capacity. There was therefore no reason why the water-ballast space should be deducted. Why should liquid ballast and not solid ballast be deducted when some ships were ballasted with kentledge? It had been rightly observed that the concept of water ballast could lend itself to different interpretations. The United States representative had answered that it was a question solely of "essential" water ballast. It would, however, be difficult to define what was essential water ballast. The French delegation proposed that the formula for net tonnage should be based exclusively on displacement without any deduction for water-ballast space.

Mr. CHRISTIANSEN (Norway) pointed out that his country was a Party to the Oslo Convention, and in the course of several meetings, at which the signatories had discussed the question of water ballast, Norway had proposed the adoption of the rules followed in the United States, under which the water-ballast space was included in the gross tonnage and omitted from the net tonnage. There was no difficulty about defining those spaces. The rules which were applied both in the United States and by the signatories of the Oslo Convention were very strict and had never caused difficulties.

Mr. PROHASKA (Denmark) pointed out that water-ballast space might be indispensable for some ships, for example to balance fuel. The construction of water ballast tanks was costly, because it sometimes involved increasing the size of the ship. It was therefore reasonable that the owner should receive some compensation. For solid ballast, no compensation was necessary.

Mr. MUENCH (Israel) thought the Committee should not take any decision on equations 1 and 2 until the Working Group had considered the question. Stress had been laid on the fact that the adoption of the displacement concept ought to make it possible to produce figures close to those of present tonnages. But the Committee did not know what figures would be arrived at if the water-ballast space was deducted. It would therefore be preferable for the Working Group to make the necessary calculations, after which the Committee would be able to take a decision in full knowledge of the facts.

Mr. GUPTA (India) agreed that water-ballast spaces were necessary to certain types of vessels. If those spaces were to be deducted, there would have to be a uniform method for calculating them, to avoid giving an advantage to certain types of ship. There were of course some ships which had a ridiculous tonnage because they had huge water-ballast spaces. Moreover, it was difficult for the port authorities to discuss with owners the conditions necessary to ensure the safety of a ship. When the Working Group came to consider the question, it would have to work out a system which would prevent that parameter from being used to produce great variations in tonnage between different types of ship.

Mr. RUSSEL (South Africa) said he had been under the impression that the certified displacement did not include the water-ballast space. If that were the case, he wondered why there should be any question of excluding them.

Mr. WILSON (UK) held the same view as the representative of Israel. The question of deducting the water-ballast space from the net tonnage based on displacement had not been considered. Before taking a decision, the Committee should know what the effects of that deduction would be. The same was true of passenger spaces.

Mr. ERICSSON (Sweden) stressed the need to prevent shipowners from using the new regulations for the purpose of calculating a lower tonnage, for example, by using water-ballast spaces for transporting oil. From that point of view, the positioning of tanks on ships might be of great importance and the question merited study.

Mr. DE JONG (Netherlands) said there were at present three systems of tonnage measurement. If a universal system was the aim, the tonnage certificate must relate to the total volume, the displacement, the total volume of water-ballast spaces and the total volume of passenger spaces.

Mr. ROCQUEMONT (France) pointed out that the certified displacement would be determined at the ship's summer load-line.

Reference had been made to the interaction between the various conventions and, in particular, the Convention for the Prevention of Pollution of the Sea by Oil. That Convention had been drawn up in 1954 and revised in 1962. Amendments had been proposed in 1968 and there was a question of further amendments. The French delegation was of course against pollution of the sea, but considered that that question, and more particularly the question whether a ship should have water ballast tanks separate from its fuel bunkers should be contained in the Convention mentioned. In the future tonnage measurement system it was not appropriate to raise matters relating to the fight against pollution. That would be a dangerous precedent.

It was of course desirable to come back to figures close to the present tonnages, but that was a secondary consideration, especially where net tonnage was concerned. It was a point which should not be taken into account.

Mr. ERICSSON (Sweden) also considered that the new certificates should be used by all countries and also by the Suez Canal authorities, and if the Conference wished to help those authorities to use the new certificates, it would be

better not to include the water-ballast spaces in the net tonnage. The certificate should indicate the total volume and the displacement with or without the water-ballast spaces.

Mr. PROHASKA (Denmark) wondered whether the water-ballast spaces should be deducted in their entirety. It was questionable whether the deduction of the whole of those spaces would make it possible to arrive at figures close to the existing values, but the United States representative had, a few days previously, suggested a formula which would make possible an automatic limitation of the deduction.

Mr. SABET HABACHI (Suez Canal Authority) said that, under the Canal regulations, water-ballast spaces outside the hull were not included in the tonnage, but all spaces within the hull were included in the gross tonnage. Indeed, the Constantinople Convention prohibited the exclusion of anything situated within the hull.

Mr. GRUNER (Finland) asked for the addition to the proposed equation of the term "-IR (ice-reinforcement)".

The CHAIRMAN proposed that the working group should be instructed to seek a formula for net tonnage using the parameters of displacement, volume of passenger spaces or number of passengers volume of water-ballast spaces and ice reinforcement. The working group would consider those various factors and would propose a formula by which it would be possible to obtain net tonnages as near as possible to the existing tonnages.

It was so decided.

Mr. ROCQUEMONT (France) felt he should make it clear that he was not convinced by the various arguments which had been advanced, and in particular with reference to ice reinforcement. He was afraid that the way might thus be opened for further deductions, which would make net tonnage quite meaningless.

Mr. CHRISTIANSEN (Norway) wondered whether it would not be better to set up two working groups, one for gross tonnage and the other for net tonnage.

The CHAIRMAN feared that would be difficult.

Mr. NADEINSKI (Executive Secretary) said that if two working groups were set up, only one of them could be provided with simultaneous interpretation; the other would have to meet, without interpreters, in the Berners Street premises.

Mr. PROHASKA (Denmark) suggested proceeding forthwith to set up a single working group, composed of representatives of Norway, the Union of Soviet Socialist Republics, the United Kingdom and the United States. Japan might be invited to be represented if it so desired.

Mr. NOZIGLIA (Argentina) proposed that France also should be represented.

Mr. GUPTA (India) considered that every country should be allowed to send a representative if it so desired.

The CHAIRMAN confirmed that every delegation had the right to participate in the working group.

Mr. PROHASKA (Denmark) maintained that only a very small group would be able to do useful work.

Mr. MURRAY SMITH (UK) did not think that a limit could be set to the number of delegations represented in a working group whose conclusions would be of great importance to all countries. He considered moreover that to be able to study the question of net tonnage, the working group would require more precise terms of reference and thought that the Committee ought to devote further time to that point.

Mr. GUPTA (India) shared the view of the United Kingdom representative. The discussion should be taken up again the next morning.

Mr. DE JONG (Netherlands) thought the Committee would be unable to make useful progress until the Working Group had submitted its conclusions. It would therefore be better for the Working Group to meet the following morning, while the Committee would begin consideration of Proposal C. The important thing was to reach solutions that would be acceptable to all, including the Suez Canal and Panama Canal authorities.

Mr. BORG (Sweden) agreed with the United Kingdom representative that the terms of reference given to the Working Group on the question of net tonnage were not sufficiently precise to enable it to reach satisfactory conclusions.

The CHAIRMAN proposed that the discussion should be continued the following morning.

It was so decided.

The meeting rose at 6 p.m.