



IMCO

INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT OF SHIPS, 1969
General Committee

SUMMARY RECORD OF THE FIFTEENTH MEETING

held at Church House, Westminster, London, S.W.1,
on Wednesday, 18 June 1969, at 9.45 a.m.

Chairman: Mr. R. VANCRAEYNEST (Belgium)
Vice-Chairman: Mr. P. NIKOLIĆ (Yugoslavia)
Committee Secretary: Mr. V. NADEINSKI

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

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AGENDA ITEM 6 - ANY OTHER MATTERS REFERRED TO THE COMMITTEE
(concluded): RECOMMENDATION ON ACCEPTANCE
OF THE CONVENTION (TM/CONF/6)

The CHAIRMAN drew the Committee's attention to the text of a Recommendation on the acceptance of the prospective Convention (TM/CONF/6, page 129). He said that the text should be corrected by the addition of the words "of ships" after the word "measurement".

Mr. de JONG (Netherlands) said that Governments which became Parties to the prospective Convention could not be expected to denounce prior treaties, conventions and arrangements in respect of existing ships. The Oslo Convention was an example of an instrument which could not be denounced as long as there were existing ships.

Mr. OSMAN (United Arab Republic) said that the proposed Recommendation affected a convention and arrangements concerning the tonnage of ships passing through the Suez Canal. His country could not denounce that convention or the arrangements.

Mr. MURPHY (USA) agreed that the part of the proposed Recommendation objected to by the previous speakers could be a source of difficulty. He thought the question of prior treaties was adequately covered by Article 14 of the prospective Convention. His delegation therefore proposed that the Recommendation should end at the word "possible" and that the remainder of the text should be deleted.

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

Mr. BACHE (Denmark) said that the provisions of Article 14 would safeguard the status of existing ships.

The CHAIRMAN put the United States proposal to the vote.

The proposal was adopted by 26 votes to none.

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The CHAIRMAN said that the full text of the Recommendation, as corrected and amended, read:

"The Conference recommends that Governments should accept the International Convention on Tonnage Measurement of Ships, 1969, at as early a date as possible".

The text of the Recommendation, as read out by the Chairman, was approved.

The CHAIRMAN said that the Committee should approve a title for the Recommendation. It had been suggested that the title should read: "Acceptance of the International Convention on Tonnage Measurement of Ships, 1969".

The title read out by the Chairman was approved.

AGENDA ITEM 4 - EXAMINATION OF THE TEXT OF REGULATIONS AS WELL AS RECOMMENDATIONS AND RESOLUTIONS PREPARED BY THE TECHNICAL COMMITTEE (TM/CONF/C.3/4; TM/CONF/C.1/7).

Text of Regulations (TM/CONF/C.3/4)

The CHAIRMAN invited the Committee to consider the text approved by the Drafting Committee. He reminded the Committee that its terms of reference precluded the discussion of anything but the legal and administrative aspects of the Regulations.

Mr. MADJGAN (UK), Chairman of the Drafting Committee, enumerated various editorial changes which he thought should be made in the text of the Regulations. Firstly, throughout the Regulations, Arabic numerals should replace Roman numerals for the numbering of the Appendices.

Secondly, several changes were necessary in Regulation 2: in the seventh line of paragraph (4)(b)(i)(1), the words "the line of the opening of the space" should be added after the

word "at" and in the eighth line the letter "s" should be deleted from the word "Figures"; in the fourth line of paragraph (4)(b)(i)(2), the word "then" should be deleted; in paragraph (4)(b)(ii), the bracket needed to be closed in the last line; in paragraph (4)(b)(iii), a comma was required after the word "only" in the sixth line; and in paragraph (6) the word "enclosed" should be inserted before the word "spaces" in the second line. Thirdly, in Regulation 4(1)(iii), the word "or" needed to be inserted between the opening of the bracket and the word "as" in the line relating to the coefficient K_2 . Lastly, in Appendix 1, Figure 2 was to be headed "Reg.2(4)(b)(i)(2)".

The changes enumerated by the Chairman of the Drafting Committee were approved.

The CHAIRMAN invited the Committee to consider the modified text regulation by regulation.

Regulation 1

Approved without comment.

Regulation 2

Paragraphs (1)-(3)

Approved without comment.

Paragraph (4)

Sub-paragraph (a)

Mr. OVERGAAUW (Netherlands) proposed that the words "or by fixed or portable partitions or bulkheads" in the first sentence should be placed after the word "coverings" instead of at the end of the sentence.

Mr. CONTOGEOGIS (Greece) supported the Netherlands proposal.

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Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, said that the change proposed by the Netherlands did not result in a thoroughly satisfactory text. He proposed that the first sentence of the sub-paragraph should read: "Enclosed spaces are all those spaces which are bounded by the ship's hull, by fixed or portable partitions or bulkheads or by decks or coverings other than permanent or moveable awnings".

Mr. PROHASKA (Denmark) pointed out that the wording proposed by Mr. Spinelli would define enclosed spaces in undimensional terms, which was an impossibility.

Mr. OVERGAAUW (Netherlands) said that the objection raised by the Danish representative could be overcome by replacing the third "or" in Mr. Spinelli's wording by a comma. If that was done, his delegation would withdraw its proposal. He suggested that Mr. Spinelli's proposal be amended in that way.

It was so decided.

Mr. OVERGAAUW (Netherlands) withdrew his delegation's proposal.

The CHAIRMAN put Mr. Spinelli's proposal, as amended, to the vote.

The proposal was adopted by 29 votes to none.

Sub-paragraph (a), as amended, was approved.

Sub-paragraph (b)

Introductory wording

Mr. GLUKHOV (USSR) said that in the third line of the introductory wording, the words "and shall not therefore be included" had been omitted after the words "as enclosed". He thought the omission was due to a typing error and proposed that the words in question should be reinstated.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, supported the Soviet proposal.

The Soviet proposal was approved.

A discussion took place between Mr. de JONG (Netherlands), Mr. MURPHY (USA), Mr. HINZ (Federal Republic of Germany), Mr. PROHASKA (Denmark) and Mr. GUPTA (India), in which considerable doubt was expressed as to whether the wording of sub-paragraph (b) correctly reflected the balance which the Technical Committee had intended to establish between the various conditions stipulated in the introductory wording.

Mr. ROCQUEMONT (France) said that it had been the Technical Committee's intention that the conditions introduced by the words "unless" and "provided" should be parallel conditions. He therefore proposed that the words "unless they are" be replaced by the words "provided that they are not".

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, and Mr. de JONG (Netherlands) supported the French proposal.

The CHAIRMAN put the French proposal to the vote.

The proposal was adopted by 28 votes to none.

Mr. ROCQUEMONT (France) observed that the text approved by the Committee for the introductory wording to (4)(b), was still not completely in line with the wording used in the figures in Appendix 1 and in the draft certificate itself. His delegation therefore intended to submit a new draft of that paragraph for consideration by the Conference.

Sub-subparagraph (i)(1)

Mr. GLUKHOV (USSR) proposed that the first reference in parenthesis to Figure I in Appendix 1, at the end of the first sentence should be deleted, and the second sentence be placed immediately after the first to form one whole paragraph.

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Mr. MURPHY (USA) supported the proposal.

Sub-subparagraph (i)(1), as amended, was approved.

Sub-subparagraph (i)(2)

Approved without comment.

Sub-subparagraph (i)(3)

Mr. HABACHI (Observer for the Suez Canal Authority) drew attention to Figure 6 (Appendix 1), to which reference was made in that paragraph. Referring to the construction indicated in the middle of the deck, he pointed out that, according to the Suez Canal regulations, a hatch could not invalidate the open space unless it was higher than half the height of the superstructure to the side, wherever it was placed within that space. Since the normal height for a hatch was 3 feet 6 inches, he considered that inclusion of the word 'hatch' in Figure 6 was misleading and suggested that the central construction in the diagram should be labelled "Erection" only.

With regard to Annex II (page 15 of TM/CONF/C.3/4), he noted that although the Technical Committee had originally intended that the date of construction of the ship be recorded in the draft certificate, that reference had not finally been made in the proposed text. Since the data provided, in certain cases, the only means of distinguishing between two vessels of the same name, he suggested that it should be re-inserted in the certificate.

Mr. WILSON (UK), replying to the first point raised by Mr. Habachi, explained that Figure 6 of Appendix 1 was intended to illustrate the case where a hatch or erection was within a distance less than half the breadth of any adjacent side-to-side erection. Such a construction would, he believed, be taken to 'close' the entrance to the superstructure and thus invalidate

the open space. His delegation would not object to deletion of the words "Hatch or" in Figure 6, provided that the text of paragraph (4)(6)(i)(3) was amended in some way to make it clear that the hatch could not be in line with the opening in the side-to-side erection nor partially within the side-to-side erection.

The CHAIRMAN ruled that since there was no formal proposal on the issue, there could be no further discussion.

Sub-subparagraph (i)(3) was approved without change.

Sub-subparagraph (ii)

Mr. GRUNER (Finland) observed that in the seventh line, the phrase "the open space between the top of the rails" was geometrically imprecise and proposed that "open space" be changed to "vertical distance".

Sub-subparagraph (ii), thus amended, was approved.

Sub-paragraphs (iii) and (iv)

Approved without comment.

Sub-paragraph (v)

Mr. de JONG (Netherlands) pointed out that the wording was ambiguous. He understood that the sub-paragraph was intended to apply to corridors, but it appeared from the text that a large opening or recess of any width could invalidate the space. He therefore suggested that a limitation of 1.5 metres should be fixed for the width of the recess, and proposed the following opening to the paragraph "A recess with a width not greater than 1.5 metres in the bulkhead of an erection... etc."

The matter was left for discussion by the Conference.

Sub-paragraph (v) was approved without change.

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Paragraph (5)

Approved without comment.

Paragraph (6)

Mr. PROHASKA (Denmark) introduced TM/CONF/C.1/7 and explained that his delegation had submitted the two definitions of cargo spaces contained therein to draw attention to the fact that ambiguities could occur in the interpretation of paragraph (6). He proposed, firstly, that the last part of the first sentence, as modified, after "discharged from the ship", should be deleted, because the reference to "spaces included in the computation of gross tonnage" was superfluous.

His delegation nevertheless preferred that the whole of the paragraph be redrafted to take account of spaces where cargo was not stowed, but was handled or treated in some way; such spaces might be of considerable size and importance in the case of such vessels as refrigerated ships, tankers, fish factory ships and whalers, cattle ships, car ferries and ore carriers.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, observed that the problem raised by the Danish delegation had been discussed at length both in the Technical Committee and its Working Group. The changes proposed undoubtedly constituted a matter of substance. Surely the Danish representative's objection to the Drafting Committee's text was exaggerated since, as far as passenger ships were concerned, the result of his amendment would be that the first term in the net tonnage formula would be 0.25 GT.

Speaking on behalf of his delegation, he stated that the Drafting Committee's text should be left unchanged.

Mr. PRIVALOV (USSR) said that although he understood the Danish representative's desire to devise a more precise definition of cargo spaces his suggestion would lead to grave complications.

For example, supposing Alternative I were chosen, owners of refrigerated ships might choose to install cooler-ducts between decks which would have an adverse effect on construction methods. Similarly, he feared that practical problems would arise over the inclusion of a reference to partitions, machinery and apparatus for the treatment of cargo. Cases when such apparatus was placed in the hold would be rare because of the effect that would have on cargo description.

Again, should Alternative I be approved, problems would arise in respect of fish factory ships and ore carriers, because of the difficulty of establishing a satisfactory definition of factory decks in fish factory ships where fish would be processed for carriage as cargo, or conveyors in ore carriers. Such spaces could not be regarded as holds. It was also difficult to achieve a satisfactory definition of machinery and apparatus, as experience had demonstrated in the application of existing regulations.

The Conference had rightly aimed at simplicity in the wording of the Regulations, and the Drafting Committee's text for paragraph (6) was satisfactory for the time being. At a later stage, improvements or more detailed clauses could be considered, as had been done in the case of the Safety Convention and the 1966 International Convention on Load Lines.

The Danish suggestions were not comprehensive enough to cover all contingencies, and if approved would destroy the agreement already reached on some extremely intricate problems.

He had no objection to the addition at the end of paragraph (6) of the words "by the letters CS".

Mr. ROCQUEMONT (France) said that the Danish representative's paper (TM/CONF/C.1/7) had confirmed his doubts about paragraph (6). The definition of cargo spaces in the Drafting Committee's text

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was somewhat unsatisfactory, and it was desirable to devise something more precise. Admittedly, the Drafting Committee had followed the Technical Committee's instructions, but the text ought to be expanded by examples that should not be limitative, so as to illustrate what was meant. The addition of the words "by the letters CS" at the end of the paragraph was acceptable provided that the letters chosen were appropriate in both English and French.

Mr. MURPHY (USA) said that the main problems raised in the Danish paper had been exhaustively discussed in the Technical Committee and its Working Group, and were covered in Regulation 6. Accordingly, he agreed with the Technical Committee's Chairman that the suggested changes were of a substantive nature. The Drafting Committee's text should be approved as it stood.

Mr. OVERGAAUW (Netherlands) supported the Danish representative's suggestions to amplify paragraph (6), as that would make for greater clarity and render Regulation 6 easier to apply.

Mr. WILSON (UK) endorsed the Soviet representative's statement. Acceptance of the Danish suggestions would require re-consideration of the K_2 factor in the net tonnage formula which had been based on moulded volumes. It was extremely difficult to arrive at a satisfactory definition of cargo spaces, and the result achieved after long discussion was the best in the circumstances. The Danish suggestion would greatly complicate matters.

Mr. RUSSEL (South Africa) said that he was in favour of greater precision in the text of paragraph (6). It gave no indication as to how bilges, tank tops or open floors should be treated for purposes of measurement.

Mr. PROHASKA (Denmark) reiterated that unless the words "provided that such spaces have been included in the computation of gross tonnage" were deleted the Drafting Committee's text could only create confusion, since enclosed spaces were always included in computing gross tonnage.

As for the permanent marking, he proposed that the letters CM be used, since they would be appropriate both in English and in French.

Mr. FLEISCHER (Norway) agreed with the Technical Committee's Chairman: the Drafting Committee's text was satisfactory as it stood. A perusal of Regulation 6 would indicate how the proviso at the end of paragraph (6) was to be interpreted, i.e. it was intended to cover containers.

Mr. ERIKSSON (Sweden) said that the text of paragraph (6) and of Regulation 6 might be clear to members of the Technical and Drafting Committees, but the meaning might not necessarily be clear to ship surveyors at some future date. Perhaps a brief explanatory memorandum might be prepared summarizing the foregoing discussion.

Mr. PROHASKA (Denmark) observed that in any event empty containers could not be regarded as enclosed spaces. He withdrew the two alternative texts put forward for discussion in his paper (TM/CONF/C.1/7) for purposes of achieving a clearer definition. However, he maintained his proposal to delete the proviso at the end of the first sentence in the Drafting Committee's text and to add the words "by the letters CM" at the end of the second sentence.

Mr. NOZIGLIA (Argentina) said that a point should be taken into account: such cargoes as fodder were consumed but not discharged from the ship.

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Mr. ROCQUEMONT (France) emphasized the need to retain the proviso in the first sentence of the Drafting Committee's text. It would then be clear that containers on deck had not been overlooked.

Mr. PROHASKA (Denmark) said that he fully agreed with what had been said by the Argentine representative; the words "which is to be discharged from the ship" were totally superfluous and should be dropped.

The CHAIRMAN pointed out that there seemed to be no support for the Danish representative's modified amendment. That being so, he presumed that the General Committee wished to approve the Drafting Committee's text unchanged, except for the insertion of the word "enclosed" before the words "spaces appropriated" in the first sentence, which had been omitted from the text in error.

It was so decided.

Paragraph (6) was approved with that amendment.

Paragraph (7)

Mr. QUARTEY (Ghana) questioned whether the word "conditions" should be used in the plural.

Mr. NADEINSKI (Committee Secretary) explained that exactly the same wording had been used in Regulation 3, paragraph (12) of the 1966 International Convention on Load Lines.

Paragraph (7) was approved without change.

Regulation 2, as a whole and as amended, was approved.

Regulation 3

Regulation 3 was approved without change.

The meeting rose at 12.25 p.m.