

SUB-COMMITTEE ON STABILITY AND
LOAD LINES AND ON FISHING VESSELS
SAFETY
54th session
Agenda item 9

SLF 54/9/4
11 November 2011
Original: ENGLISH

**DEVELOPMENT OF PROVISIONS TO ENSURE THE INTEGRITY AND UNIFORM
IMPLEMENTATION OF THE 1969 TM CONVENTION**

**Review of the 1969 Tonnage Measurement Convention,
including crew well-being considerations**

Submitted by the International Transport Workers' Federation (ITF)

SUMMARY

Executive summary: This document contains proposals for the comprehensive review of the 1969 Tonnage Measurement Convention to remain open and willing to assess additional proposals like those contained in documents MSC 89/9/5 (Germany) and MSC 89/9/8 (ILO), as well as a comprehensive review of article 18. Moreover, the document recalls the importance of considering human element issues whilst reviewing the Convention.

Strategic direction: 2.0

High-level action: 2.0.1

Planned output: 2.0.1.8

Action to be taken: Paragraph 18

Related documents: SLF 53/5, SLF 53/19 (section 5); MSC 89/25 (sections 9 and 22), MSC 89/9/5 and MSC 89/9/8

General

1 At the fifty-third session of the SLF Sub-Committee (10 to 14 January 2011), the Correspondence Group on Development of Options to Improve the Effect on Ship Design and Safety of the 1969 TM Convention proposed to undertake a comprehensive review of the 1969 Tonnage Measurement Convention. This review is aimed at expanding and strengthening the interpretations of tonnage measurement in order to "ensure integrity and uniform implementation of the 1969 TM Convention".

2 The scope of this planned examination focuses on different interpretations of the 1969 TM Convention, revisions to TM.5/Circ.5 and the identification of potential amendments which could be further developed.

3 Such a review is advantageous, as it avoids disrupting the system. However, the main drawbacks of this initiative were highlighted in annex 2 of document SLF 53/5:

- .1 relies on the voluntary implementation of interpretations by flag States, over which the IMO has no control;
- .2 does not remove the incentive to minimize the size of crew accommodation spaces in order to reduce gross tonnage (GT), for all ship types; and
- .3 only partially addresses the underlying deck cargo concerns, e.g. the tonnage disincentive for carrying cargo in enclosed spaces remains, as is typically the case for ro-ro ships.

4 A number of delegations established and documented numerous adverse impacts of the 1969 TM Convention on: vessel safety and security, e.g. reduced freeboard, excessive deck load; crew well-being, e.g. reduced size of accommodations; lack of berths for trainees; innovative design, e.g. disincentive for open-top containerships); and level playing field (e.g. disincentive to operate ro-ro vessels).

5 These detrimental effects exist because a large number of operational expenditures as well as numerous IMO and ILO Convention thresholds depend on tonnage figures, particularly on GT. This interrelationship between tonnage measurement and operational costs of ships has an obvious impact on vessels.

6 When such a link exists, GT becomes the primary target figure for reduction in order to cut operational expenditures. Thenceforth, and despite the willingness of the 1969 TM Convention to avoid hampering good design, the assignment of economical parameters on GT has created incentive to modify ship design in order to reduce gross tonnage.

7 In short, the 1969 TM Convention impacts ships by jeopardizing good design. Instead, there should be economic incentives for shipowners to promote safety and security, as well as improving working and living conditions on board ships, such as increasing the number of available berths on board.

Recent development

8 The Maritime Safety Committee, at its eighty-ninth session (11 to 20 May 2011), considered documents submitted by Germany (MSC 89/9/5) and ILO (MSC 89/9/8) together with the proposal by SLF 53 for a new output in the 2012-2013 biennial agenda of the Sub-Committee, and in the provisional agenda for SLF 54, on "Development of provisions to ensure the integrity and uniform implementation of the 1969 TM Convention", and agreed to forward the above documents to SLF 54 for consideration under the new output. This move demonstrates that the MSC remains open to proposals that could address the underlying issues of the 1969 TM Convention.

9 The ITF supports MSC 89's stance which could be interpreted as the promotion of an opened review of 1969 Tonnage Measurement Convention, which would include crew well-being considerations.

10 Moreover, to address the root causes of the detrimental effects of the 1969 Tonnage Measurement Convention, the ITF deems it necessary to promote wide open discussions on Tonnage Measurement which would then include discussions on its amendment process.

Amendment procedures of the 1969 TM Convention

11 Designed in the 1960s to cope with past shipping realities but also to address flaws and additional needs discovered in the early and mid-twentieth century, the 1969 TM Convention has never been amended, mainly due to the absence of tacit amendment procedures.

12 Despite major transformations in ship design and shipping structures, the 1969 TM Convention has remained unchanged since its adoption. As a result, this Convention fails to keep pace with changing realities in shipping.

13 If ever the outcome of the review identifies recommendations requiring amendments, it would require a long and an uncertain process to be initiated in order to evaluate and adopt such amendments.

14 The need for stability on tariffs and thresholds currently set on gross tonnage figures should not prevent the necessary change to the 1969 TM Convention. To avoid additional detrimental effects of the present Convention, some flexibility should be permitted in order to cope with the latest shipping developments and innovations, as well as to counteract the adverse effects of the tonnage calculation, in particular, on safety and crew well-being issues.

Proposals to insert in action plan

15 The ITF proposes that the comprehensive review of the 1969 Tonnage Measurement remains open and willing to assess additional proposals like those contained in documents MSC 89/9/5 (Germany) and MSC 89/9/8 (ILO), and any other proposal that could present itself at a later date.

16 In addition, to remain in line with the latest IMO and industry standards, the ITF wishes to recall that the Sub-Committee should conduct the review keeping in mind human element issues and safety concerns.

17 In order to keep pace with shipping realities, the ITF proposes that the review undertakes a comprehensive impact-analysis of article 18 (Amendments) of the Convention and investigates the feasibility to introduce appropriate tacit amendment procedures, with due regard to the effects.

Action requested of the Sub-Committee

18 The Sub-Committee is requested to consider the aforementioned information and to take action as deemed necessary.
