



SUB-COMMITTEE ON STABILITY AND
LOAD LINES AND ON FISHING
VESSELS SAFETY - 38th session
Agenda item 10

AMENDMENTS TO, AND INTERPRETATION OF, TONNAGE
MEASUREMENT REQUIREMENTS

Interpretation of the provisions of the International Convention
on Tonnage Measurement of Ships, 1969

Submitted by Germany

1 During the thirty-seventh session of the SLF Sub-Committee an ad hoc drafting group discussed the tonnage problems affecting open-top containerships, the economic consequences of the entry into force of the Convention for existing ships, the practical application of certain Assembly resolutions as well as article 3(2)(d) of the Convention, tonnage aspects of new tanker designs and amendments to TM.5 circular. Reference is made to SLF 37/WP.2. Owing to the lack of time, the discussion could not finalize all items concerned and had to be postponed until SLF 38. A correspondence group was, however, organized in order to exchange information. Germany has collected suggestions and comments.

2 Clarification is still required for the following points for which Germany has drafted proposals and has prepared a draft TM.5 circular for consideration by the correspondence group:

- .1 tonnage measurement provisions for open-top containerships;
- .2 practical application of resolutions A.494(XII), A.540(13) and A.541(13) in relation to tonnage by 18 July 1994;
- .3 application of the 1969 TM Convention to livestock carriers and dockships;
- .4 interpretation of the provisions of the 1969 TM Convention;
- .5 possibility to develop a draft consolidated TM.5 circular to include newly-developed interpretations and the uniform application of provisions of the 1969 TM Convention with those contained in TM.5/Circ.1, TM.5/Circ.1/Corr.1 and TM.5/Circ.3 to supersede them.

Reference is made to SLF 37/25, paragraph 12.3, as well as to SLF 37/12/1 and SLF 36/WP.4.

3 We received comments from Australia, Denmark, Finland, France, Japan, Liberia, the Netherlands, Sweden and the United States, and from the classification societies: Det norske Veritas, Germanischer Lloyd, Lloyd's Register, Polski Regestr Statkow and Russian Register.

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- 4 Most of the comments fully agreed with the proposals made concerning:
- livestock carriers
 - dockships
 - stepped decks
 - masts, kingposts, etc.
 - small spaces
 - consolidated TM.5 circular, etc.

The original proposals have been revised and completed with comments of the correspondence group and are summarized in annex 1.

5 The following remarks have been made, however, and must additionally be mentioned as commented further in paragraphs 6.1 to 6.8.

- 5.1 .1 The terms "substantial variations" and "minor alterations" should be defined and included in the new consolidated TM.5 circular.
- .2 The 1% value of "minor alterations" may be within the limit of calculation accuracy.
- .3 A 10% (more or less) alteration should be taken into consideration.
- .4 Paragraph 3 of the draft Assembly resolution* (MSC 62/WP.19, annex, page 2) should be rewritten as follows:

"If on or after 18 July 1994 the ship undergoes alterations or modifications which increase either its gross or net tonnage measured according to the Convention, the old national tonnage figure should be deleted from the "REMARKS" column."

5.2 When interpretations are agreed on after a tonnage certificate has been issued, Administrations should be advised to amend the tonnages shown on an existing International Tonnage Certificate (1969) the next time the certificate requires renewal for any other purpose.

5.3 To ensure that the category of "stores" is also addressed under the term "excluded spaces" the corresponding paragraph should be:

"space which is intended for the transport or storage of cargo or store even if not fitted with shelves or other means for securing such items is not eligible to be treated as an excluded space in accordance with regulation 2(5)."

5.4 The proposal of regulation 6(3) should be revised as follows:

- .1 "inaccessible enclosed spaces, appendages and spaces open to the sea not exceeding 1 m³ should be disregarded"; and

* New Assembly resolution A.758(18).

- .2 "small hatches, manholes to tanks and companionways not exceeding 1 m³ and parts of spaces below should be disregarded."
- 5.5 The phrase "not exceeding 1 m²" should not be deleted.
- 5.6 The provisions of TM.5/Circ.3 (open-top containerships) should also apply to dockships.
- 5.7 A reduced tonnage or special arrangements should be introduced for dockships and livestock carriers and if necessary for car carriers and ferries. "Open spaces" could be mentioned separately.
- 5.8 .1 A simplified formula to calculate the tonnage should not be applied to vessels not required to be measured under the TM Convention.
- .2 The use of such a formula could encourage Administrations not to sign the Convention.
- .3 The application of a penal surcharge on port fees could be more effective.
- .4 For vessels flying the flag of States which are not Contracting Governments to the Convention a "non-Convention 1969 tonnage certificate" may be issued.
- .5 A national tonnage document may be issued in which the tonnages of the old national certificate are converted into preliminary 1969 tonnage figures.
- 6 Germany would like to comment on the above remarks as follows (paragraph 6.1 refers to paragraph 5.1, paragraph 6.2 refers to paragraph 5.2, etc.):
- 6.1 At least the term "minor alteration" should be mentioned in the revised TM.5 circular referring to the new Assembly resolution A.758(18) (MSC 62/25/Add.1, annex 3) to indicate that only very small alterations or modifications do not lead to cancellation of old tonnage entered in "Remarks" column (see TM.5 circular proposal).
- It may lead to considerable problems if we only delete the Remark with the old tonnage figures when the tonnages increase.
- The term "major alteration", as mentioned in article 3(2)(b), means, among other things, more than 10% of existing gross tonnage and is of no value after 18 July 1994 but may be mentioned in the revised TM.5 circular.
- 6.2 If we do not insist that the International Tonnage Certificate (1969) is updated without delay after having agreed on new interpretations, the ship may sail for the rest of its life with an incorrect - possibly too low - tonnage figure.
- 6.3 The category "stores" is addressed in the new paragraph 3 of regulation 6 - Proposals.
- 6.4 The term "1 m³" refers to all kinds of small spaces and cut-in areas. The proposed paragraph 3 (regulation 6) is more general.

6.5 Originally the term "1 m²" was introduced to exclude masts, kingposts, etc., with a smaller cross-section. Referring to the new paragraph 4.6 (enclosed spaces), the term "1 m²" may be valid for air trunks only.

6.6 The conditions for including spaces which are intended for the carriage of cargo, as requested for open-top containerships, are also proposed for dockships.

6.7 Special arrangements for dockships, livestock carriers, etc., are not necessary because:

- for existing ships the old gross tonnage may be mentioned on the reverse of the International Tonnage Certificate (1969);
- regulation 1(3) - novel types of craft - is normally not applicable to new ships of these types, as it is for open-top containerships.

6.8 A decision is urgently needed on how to deal with ships without an International Tonnage Certificate (1969) - ITC 69 - after the period of grace. A new gross tonnage must be available for all kinds of tonnage-based regulations after 18 July 1994. The use of a unified, simplified formula is the easiest way to estimate a preliminary gross tonnage, which in any case must be higher than the final figure. This is one way to penalize those ships not having an ITC 69 in due time.

A preliminary gross tonnage may be attested on a national statement that is limited for three years, for instance. An ITC 69 is to be submitted during this period.

7 Germany proposes that agreement should be reached on a draft TM.5 circular as given in annex 1 and on the use of tonnage certificates after 18 July 1994 as well.

8 At SLF 37 we agreed on remarks concerning the old national tonnages on the International Tonnage Certificate (1969). The Assembly agreed on these REMARKS - A.758(18) (MSC 62/25/Add.1, annex 3). We did not agree, however, on a proposal for a unified remark to be included in the Safety, MARPOL or other international certificates showing the old national tonnage instead of the 1969 gross tonnage.

9 Germany would like to propose the following wording:

"The above gross tonnage has been measured by the tonnage authorities of the Administration in accordance with the national tonnage rules which were in force prior to the entry into force of the International Convention on Tonnage Measurement of Ships, 1969, for existing ships and is still valid according to article 3(2)(d) of that Convention."

or shorter:

"See "Remark" column of the valid International Tonnage Certificate (1969)".

Reference is made to the Norwegian proposal MSC 61/10/7. A proposal for a draft Assembly resolution is shown in annex 2.

10 At SLF 37 we agreed on a provisional formula to calculate a reduced gross tonnage of open-top containerships. No further particulars are yet available. It is now no longer possible to revise the provisional formula.

11 Following the amended MARPOL Convention, regulation 13F, oil tankers may have "wing tanks or spaces" and/or "double-bottom tanks or spaces". These "spaces" are not necessarily segregated ballast tanks (SBT). The tonnage of these SBT is stated under "REMARKS" in the International Tonnage Certificate (1969). Can these "spaces" be considered as "tanks" under the provisions of resolution A.722(17)*?

12 Another question must be addressed. Oil tankers less than 5,000 tdw do not need a double hull construction. If they do have one, are there any objections to mentioning the double hull construction in the tonnage certificate under the SBT Remark if the construction is in accordance with the provisions of regulation 13F of Annex I to MARPOL 73/78? (For instance: "Oil tanker with double hull according to regulation 13F of Annex I to MARPOL 73/78.")

13 Referring to the proposal for ships without an International Tonnage Certificate (1969) - SLF 38/10 - Germany would additionally like to mention that out of 137 IMO Member States, 92 countries have ratified, accepted, etc., the TM Convention. Moreover, five non-IMO members have also ratified the convention, while 45 IMO Member States have not yet done so. Reference is made to MSC 61/10/5, annex 3, of 11 September 1992 which includes 173 States but does not mention the territories to which the Convention has been extended.

Germany would like to request that IMO takes action

- to extend the Convention to the States which have not yet ratified it; and
- to supplement the list of States that have ratified the TM Convention with all their territories (or separate registers). The list should also include all non-IMO member States which ratified the Convention.

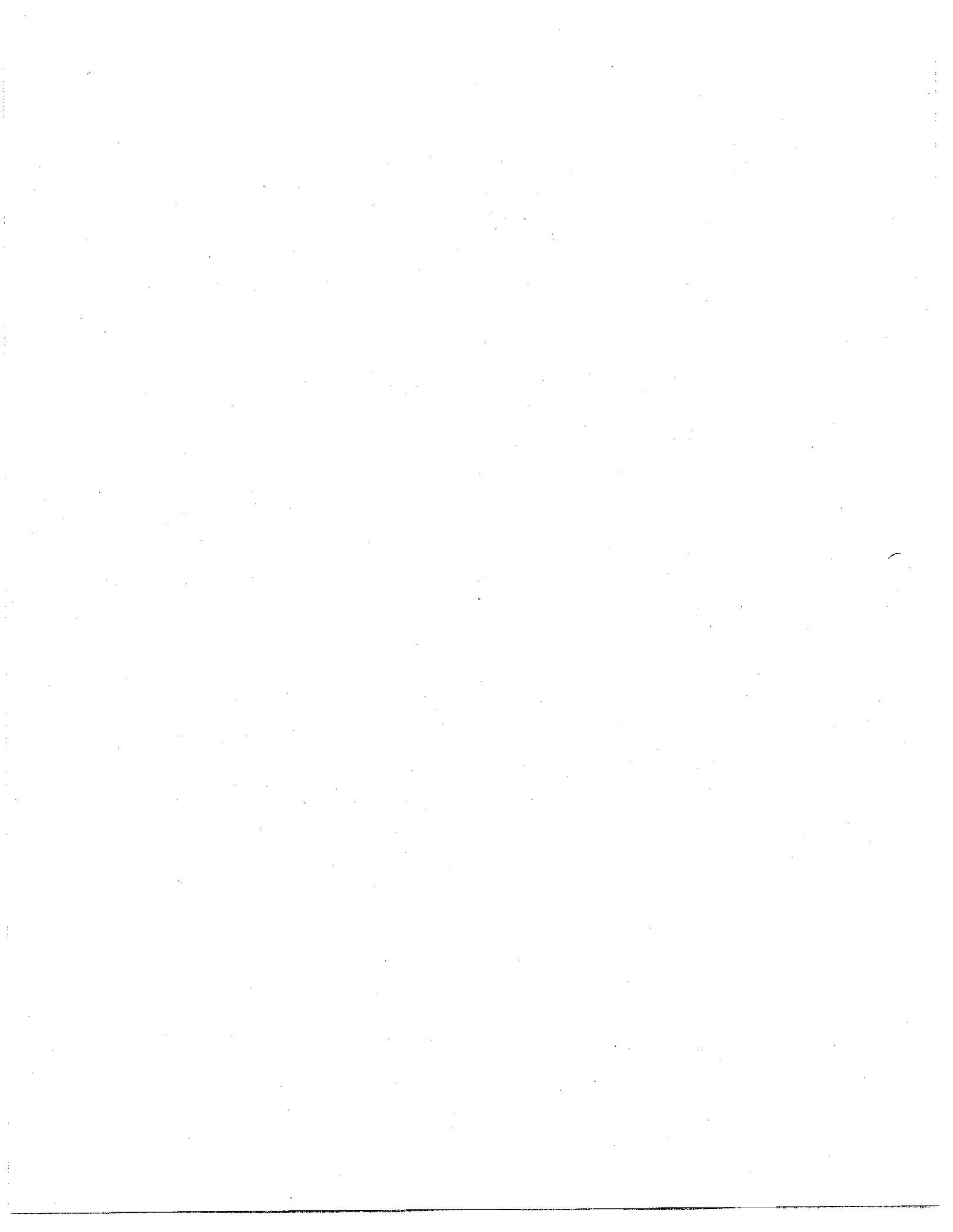
14 The TM Convention came into force on 18 July 1982. According to article 3(2)(d), the Convention shall apply to all existing ships "12 years after the date on which the Convention comes into force...". Some IMO papers, when referring to the final entry into force of the Convention mention: "comes fully into force on 18 July 1994..." and other papers mention: "after 18 July 1994..." (That would mean 19 July 1994, 00:01). It is, therefore, necessary to clarify the confusion about the deadline which may be important from a legal viewpoint.

Germany would like to propose the following wording:

"The International Convention on Tonnage Measurement of Ships, 1969, came into force on 18 July 1982. The 12-year period of grace after which the Convention fully comes into force ends on 18 July 1994 - 24.00 hours."

15 Germany recommends that an ad hoc drafting group of tonnage experts prepare all the necessary amendments to TM.5 circulars and formulate other necessary proposals.

* Revoked by resolution A.747(18).



ANNEX 1

DRAFT TM.5 CIRCULAR

INTERPRETATION OF THE PROVISIONS OF THE INTERNATIONAL
CONVENTION ON TONNAGE MEASUREMENT OF SHIPS, 19691 Amendment to TM.5/Circ.1 of 4 July 1983

1.1 Before the headline "Form of Certificate" a new paragraph is to be inserted:

Application (article 3(2)(d))

"Alterations or modifications which affect its tonnage" in Assembly resolution A.758(18) (MSC 62/25/Add.1, annex 3) means increase or decrease of more than 1% in either existing or 1969 gross tonnage.

1.2 Cancellation of Certificate, cancel paragraph (2) and read now:

Cancellation of Certificate (Article 10)

The old paragraph becomes paragraph 1.

A second paragraph should be added:

"2 Ships, the International Tonnage Certificates (1969) of which do not comply with interpretations agreed on the regulations of the Convention, should be remeasured. The new characteristics should be determined and applied without delay."

1.3 Definition of terms used in the Annexes (regulation 2)

Paragraph 1, "Upper deck", should be changed as follows:

"1 "Upper deck" - the following should be observed:

1.1 A discontinuity in the upper deck which extends over the full breadth of the ship and is in excess of 1 m in length should be treated as a step as defined in regulation 2(1) (see figure 4 in appendix 2(a)).

1.2 Steps situated outside the "length" (article 2(8)) should not be considered.

1.3 In a ship with two or more decks having openings in the side of the ship below the uppermost deck, which are not closed but limited inboard by weathertight bulkheads and decks, the first deck below such openings should be considered the upper deck (see figure 1 in appendix 2).

1.4 A discontinuity in the upper deck which does not extend to the side of the ship should be treated as a recess under the upper deck level (see figure 5 in appendix 2(a))."

Paragraph 4, "Enclosed spaces" - a new paragraph 4.6 is added:

"4.6 Masts, kingposts, cranes, crane and container support-structures, which are inaccessible and above the upper deck, separated on all their sides from other enclosed spaces should not be included in the total volume of all enclosed spaces. Air trunks having a cross-sectional area not exceeding 1 m^2 may also be excluded under the before-mentioned conditions.

All mobile cranes have to be exempted."

Paragraph 5, "Excluded spaces" - a new paragraph 5.3 is added:

"5.3 Open spaces according to regulation 2(5) can only be excluded when they are not meant to store cargo or stores."

1.4 Calculation of volumes (regulation 6)

TM.5/Circ.1/Corr.1 of 13 February 1986 will be cancelled.

Paragraph 3 is replaced by the following:

"3 Enclosed spaces above the upper deck, appendages and spaces open to the sea not exceeding 1 m^3 should not be measured."

2 Special types of ships

2.1 Livestock carriers

2.1.1 Livestock carriers are most often converted ships. Above the existing upper deck, one or more decks are constructed. Between these decks, the livestock corrals and their associated spaces are arranged, separated by, for example, railings, fences or gangways. The corrals are open to the air.

2.1.2 Stanchions, fences and railings to keep livestock in the corrals are "other means for securing cargo" according to regulation 2(5).

2.1.3 In applying the regulations of the 1969 Tonnage Convention, livestock structures should be included in the gross tonnage.

2.2 Dockships

2.2.1 A dockship may include in its main structural characteristics the absence of hatch covers above the cargo space but may have a dock deck above the moulded draught together with side erections (see figure 1).

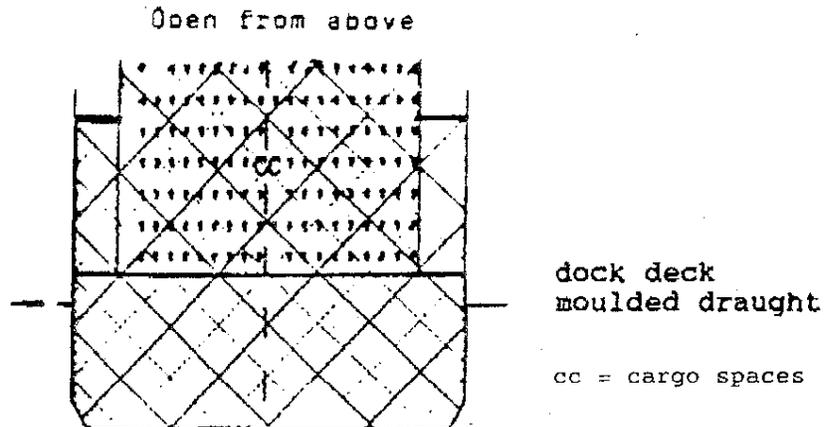


Figure 1

2.2.2 The dockships considered are described as:

- .1 a dockship open-ended at the stern;
- .2 a dockship fitted with a stern door or a grill stern door



(1) type of dock
ship
(aft end open)



(2) equipped
with stern flap
or aft bulkhead

2.2.3 The space above the dock deck, bounded on at least three sides by erections and intended for the carriage of cargo is included.

2.2.4 In this context an erection is defined as being an enclosed space bounded by bulkheads and a deck above.

3 Amendments of TM.5/Circ.3 of 5 July 1990 - "Open-top containerships"

A new paragraph 2.3 should be added:

"2.3 Shelter above containerstacks

In the case of open-top containerships having movable non-load-bearing covers (shelter) of light construction above the containerstacks, the space above the hatch coamings up to the covers does not qualify as an excluded space according to regulation 2(5). For this particular design, however, an exception can be made in accordance with regulation 1(3). The space can be excluded provided that this type of vessel meets the requirements of an open-top containership without such covers."

APPENDIX 2(a)

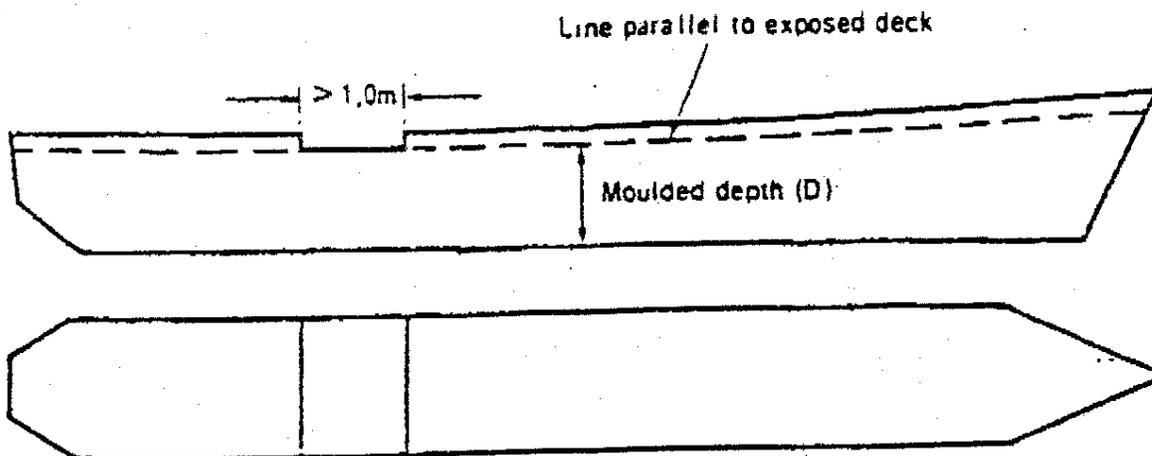


Figure 4

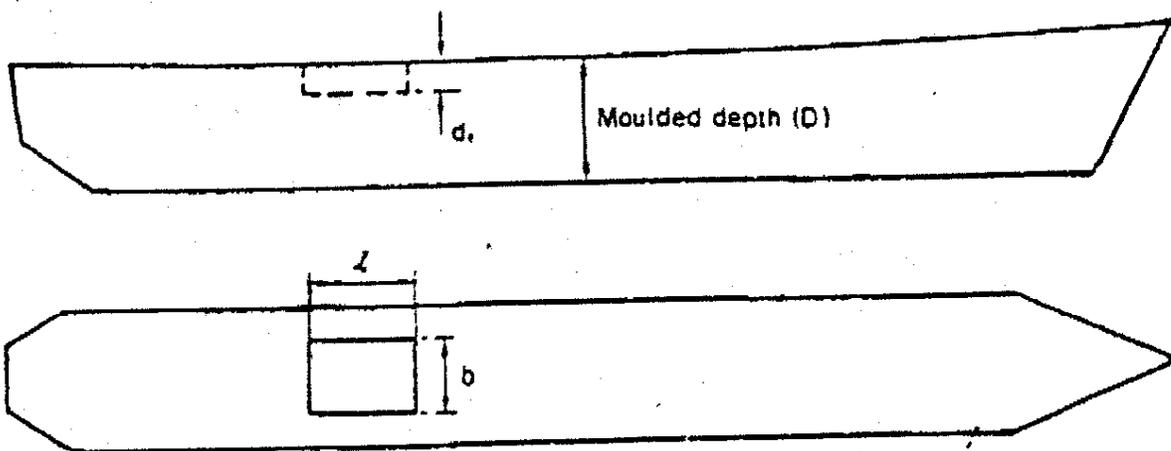


Figure 5

ANNEX 2

DRAFT ASSEMBLY RESOLUTION

FINAL COMING INTO FORCE OF THE INTERNATIONAL CONVENTION
ON TONNAGE MEASUREMENT OF SHIPS, 1969

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning functions of the Assembly in relation to regulations and guidelines concerning maritime safety and marine pollution,

NOTING that the International Convention on Tonnage Measurement of Ships, 1969 (1969 Tonnage Convention) shall apply to existing ships as from 18 July 1994,

NOTING FURTHER that existing ships to which the Convention shall apply after 18 July 1994 shall retain their then existing tonnages for the purpose of the application to them of relevant requirements under other existing international conventions,

REALIZING that tonnages determined under the 1969 Tonnage Convention can be sufficiently different from those determined under the old national tonnage regulations to create difficulties in connection with the application of:

- the International Convention for the Safety of Life at Sea (SOLAS), 1974,
- the International Convention on Standards of Training, Certification and Watchkeeping of Seafarers (STCW), 1978,
- the International Convention for Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78),

BEARING IN MIND that the International Convention for the Safety of Life at Sea, 1974, and the other international Conventions do not specifically define the gross tonnage of ships which should be measured for the purpose of application of the provisions of these Conventions,

BEARING IN MIND ALSO resolution A.494(XII) on Revised interim scheme for tonnage measurement for certain ships, resolution A.540(13) on Tonnage measurement of certain ships relevant to the International Convention on Standards of Training, Certification and Watchkeeping of Seafarers, 1978, resolution A.541(13) on Interim scheme for tonnage measurement for certain ships for the purposes of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto,

BEING AWARE that difficulties will arise in respect of relevant provisions of the SOLAS and the other Conventions which are activated at 150, 200 and 500 tons gross tonnage,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee at its [...] session and the Marine Environment Protection Committee at its [...] session,

1. AGREES that the gross tonnage of an existing ship, which was valid prior to the coming into force of the 1969 Tonnage Convention and which is stated under the "Remark" column of the International Tonnage Certificate (1969) for such a ship, the appropriate box in the pertinent Ship Safety Certificate, the International Oil Pollution Prevention Certificate or other such official certificates issued by the Administration, may show only that old gross tonnage with one of the following footnotes:

"The above gross tonnage has been determined by the tonnage authorities of the Administration in accordance with the national tonnage rules which were in force prior to the coming into force for existing ships of the International Convention on Tonnage Measurement of Ships, 1969", or

"see REMARK column of the valid International Tonnage Certificate (1969)";

2. INVITES Member Governments and Governments of States parties to the aforementioned conventions to take cognizance and to accept the use of this scheme for the purpose of application of the provisions of SOLAS 1974, MARPOL 73/78 and STCW 1978.