

Participant’s Country/Org:

Date Completed:

Length Definition (SLF 53/5, annex 4, issue No. 1)

Requirement/Interpretation TM Convention, Article 2(8) "Length" means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline. TM.5/Circ.5, Definitions, Paragraph Length should be calculated at 96% of the total length of a waterline at 85% of the least moulded depth measured from the top of the keel.

Description of Issue There are several areas where neither the TM Convention nor TM.5/Circ.5 provide sufficient information to permit assignment in a consistent manner of the length dimension, which is a determining factor for applicability of the TM Convention, and is widely used for applying design standards and, in some cases, fees. For example, the term “least moulded depth”, which is the basis for the length assignment, is undefined, and various interpretations of the term can lead to length dimensions varying on the order of 5% or more. Further, with the increasing use of trainable water-jet propulsion units and similar combination steering/propelling devices, many ships are no longer fitted with rudder stocks, which is a key input in the length determination. Also, length can vary depending on treatment of bulbous bows, raked bows, raked transoms, sloping transoms, etc.



Proposed Solutions

IACS (SLF 54/9) Define least moulded depth as "The least moulded depth is the smallest depth along the length of the vessel from the top of the keel to the upper deck as defined in regulation 2 of the Convention and corresponds to the length in the Load Line Convention". Accompanying sketches and figures will be required.

Assessment

Agree	Agree but with changes	Neither agree nor disagree	Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

IACS (SLF 54/9) Where a vessel does not have a rudder stock the length should be determined as follows: taken as 0.96 of the L.O.A. at 0.85D.

Assessment

Agree

Agree but
with changes

Neither agree
nor disagree

Disagree

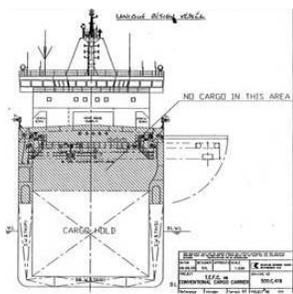
Comments

Draft

Issue 2 Novel Craft Provisions (SLF 53/5, annex 4, issue No. 2)

Requirement/Interpretation TM Convention, Article 2(4) "Gross tonnage" means the measure of the overall size of a ship determined in accordance with the provisions of the present Convention. TM Convention, Regulation 1(3) The gross tonnage and the net tonnage of novel types of craft whose constructional features are such as to render the application of the provisions of these Regulations unreasonable or impracticable shall be as determined by the Administration.

Description of Issue Regulation 1(3) has been construed as allowing a flag State to calculate gross tonnage based on economic and safety considerations, "exempting" fully enclosed spaces which would otherwise have been included in tonnage. The result is the assignment of gross tonnage not reflective of a ship's "overall size" as defined in Article 2(4). As reported to Contracting Governments via TM Circular, the reduction in gross tonnage was approximately 60% in this case. Applying novel craft provisions in this manner can result in assignment of gross/net tonnages that have no relationship to a ship's overall size/useful capacity.



Proposed Solutions

IACS (SLF 54/9) Define "novel craft" as "For the purposes of regulation 1(3) a novel craft is one which is novel in its design. It does not include general cargo ships, oil tankers, chemical carriers, container ships, passenger ships, offshore supply ships, yachts, tugs, barges or other craft of usual shape. Where ships include new types of structures fitted on board (for example loaders) that may impact on the tonnage measurements, these can also be considered novel craft".

Assessment

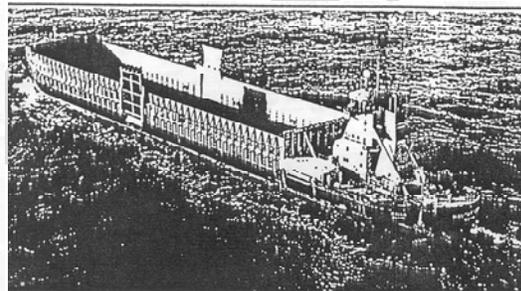
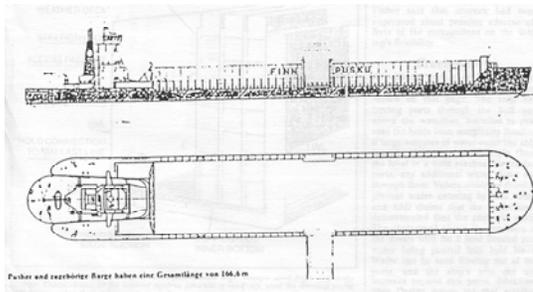
Agree	Agree but with changes	Neither agree nor disagree	Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

3.a Requirement for a Deck Above to Bound Enclosed Space (SLF 53/5, annex 4, issue No. 9)

Requirement/Interpretation TM Convention, Regulation 2(4) *Enclosed spaces are all those spaces which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, by decks or coverings other than permanent or movable awnings. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulk-head, shall preclude a space from being included in the enclosed space.*

Description of Issue Regulation 2(4) is unclear as to whether a space not within the ship's hull must be bounded by a deck above, in order for that space to be considered enclosed and therefore included in the total volume of all enclosed spaces (V). The issue was discussed at SLF 30 (document SLF 30/WP 4 dated 27 February 1985), and a decision made that, in effect, a deck above was required to bound an enclosed space, although there was not universal agreement on this interpretation. In theory, under this interpretation, the space bounded by the high coamings is not enclosed. Subsequently, IMO has taken different approaches, with volumes inside coamings of open-top containerships included in V, while volumes inside of coaming of dockships have been omitted.



Proposed Solutions

IACS (SLF 54/9) If a space is bounded on at least three sides and is not utilized for the storage of cargo and/or stores, etc., then it should be regarded as an excluded space. If it is utilized for the carriage of cargo and stores, etc., then it should be included in the calculation of V and Vc where applicable.

Assessment

Agree	Agree but with changes	Neither agree nor disagree	Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

3.b Treatment of Temporary Deck Equipment (SLF 53/5, annex 4, issue No. 10)

Requirement/Interpretation TM Convention, Regulation 2(4) *Enclosed spaces are all those spaces which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, by decks or coverings other than permanent or movable awnings. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulk-head, shall preclude a space from being included in the enclosed space. TM.5/Circ.5, Definitions, Paragraph 4.3 Tanks, permanently located on the upper deck, provided with removable pipe connections to the cargo system or the vent (de-airing) lines of the ship, should be included in V_c .*

Description of Issue Increasingly, ships in certain services are being fitted with temporary/semi-permanent tanks or modular installations such as portable quarters, seismic trailers, and processing facilities, which are sometimes referred to as “temporary deck equipment”. Per Regulation 2(4), spaces bounded by portable partitions are included in volume measurement for tonnage calculation, yet TM.5/Circ.5 implies that a tank on the upper deck that is connected to ship systems must be “permanent” in order for it to be included in tonnage. While at least one flag State treats temporary deck equipment in the same manner as any other enclosed structure, it is not clear how other flag States are treating such spaces, nor is it clear how such spaces are to be identified on International Tonnage Certificates.



Proposed Solutions

IACS Proposal (SLF 54/9) Temporary/semi-permanent spaces should be excluded in the calculation of V and recorded as a temporary space when listed on the ITC. A clear definition of permanent and temporary equipment is required. The securing arrangement for these spaces may be influential and this will require clarity also.

Assessment

Agree	Agree but with changes	Neither agree nor disagree	Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

3.c Treatment of Deck Cargo Bounded by Enclosing Structure (SLF 53/5, annex 4, issue No. 11)

Requirement/Interpretation TM Convention, Regulation 2(4) *Enclosed spaces are all those spaces which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, by decks or coverings other than permanent or movable awnings. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulk-head, shall preclude a space from being included in the enclosed space.*

Description of Issue Neither the TM Convention nor TM.5/Circ.5 specifically addresses treatment of deck cargo. The space associated with deck cargo that is containerized or otherwise bounded by enclosing structure (e.g., portable liquid cargo tanks) appears to meet the definition of “enclosed space” in the sense that the space is bounded by “portable partitions or bulkheads”. Therefore, it is unclear under what authority such enclosed deck cargo space may be ignored when calculating tonnage, as is typically the case, or why such spaces are treated differently from portable quarters and other temporary deck equipment spaces.



Proposed Solutions

IACS (SLF 54/9) Spaces which are bounded on at least three sides by wall sided ship's permanent structure and which are used to house cargo and/or stores, etc., should be included when calculating the gross and net tonnages.

Assessment

Agree

Agree but
with changes

Neither agree
nor disagree

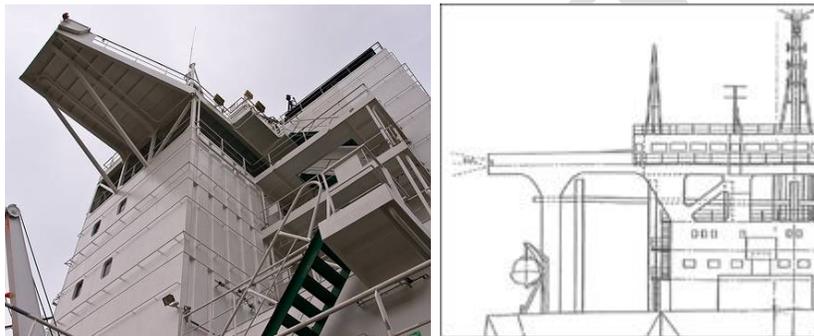
Disagree

Comments

3.d Treatment of Spaces Underneath Overhangs (SLF 53/5, annex 4, issue No. 12)

Requirement/Interpretation TM Convention Regulation 2(4) *Enclosed spaces are all those spaces which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, by decks or coverings other than permanent or movable awnings. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulk-head, shall preclude a space from being included in the enclosed space.*

Description of Issue Under the enclosed space definition of Regulation 2(4), space bounded by a deck above is considered enclosed space, and can be excluded only if it meets the excluded space requirements of Regulation 2(5). It appears that bridge wings and other overhangs do, in fact, bound enclosed space under this definition, even though as a matter of practice such spaces are generally ignored. Consideration should be given to developing generalized criteria (possibly under novel craft provisions) that could allow spaces with large height to breadth/depth aspect ratios, such as those bounded from above by bridge wings, to be considered as “unenclosed” and ignored from volume calculations.



Proposed Solutions

IACS (SLF 54/9) Open spaces below a bridge wing structure should not be considered as enclosed for the purposes of the tonnage calculation. This does not warrant any further consideration, or the development of any criteria.

Assessment

Agree

Agree but
with changes

Neither agree
nor disagree

Disagree

Comments

3.e Treatment of Topside Spaces of Complex Shape (SLF 53/5, annex 4, issue No. 22)

Requirement/Interpretation Convention, Regulation 6(2) Volumes of appendages shall be included in the total volume. TM Convention, Regulation 7(2) The volumes shall be calculated by generally accepted methods for the space concerned and with an accuracy acceptable to the Administration. TM.5/Circ.5, Definitions, Enclosed Spaces, Paragraph 4.6 Masts, kingposts, cranes, crane and container support structures, which are completely 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 m² may also be excluded under the before-mentioned conditions. TM.5/Circ.5, Calculation of Volumes, Paragraph 3 Enclosed spaces above the upper deck, appendages and spaces open to the sea not exceeding 1 m³ should not be measured.

Description of Issue Accounting for the volume measurement of miscellaneous topside spaces having complex shape can be problematic in terms of evaluating whether the space may be ignored under TM.5/Circ.5 guidance as “not exceeding not exceeding 1 m³”, and/or in the excessive amount of time involved in calculating the “enclosed volume”. Examples include shore gangway storage, double skin bulwarks, outside moulded seating (which may or may not be part of a bulwark), Jacuzzis and sun lounges, recessed swimming pools and spaces bounded from above by complex roof designs. These features are typically seen on yachts of modern construction, but may also be encountered in other ship types, including passenger



also be encountered in other ships.

Proposed Solutions

IACS (SLF 54/9) All spaces with a horizontal or vertical cross sectional area of 1m² or greater and a combined volume of 1 m³ or greater should be included in V. Accessibility to these spaces should be considered when determining if they should be included or excluded from the gross tonnage. There needs to be a consistent approach for all items (e.g. masts, king posts, vents, bulwarks, etc.).

Assessment

Agree

Agree but
 with changes

Neither agree
 nor disagree

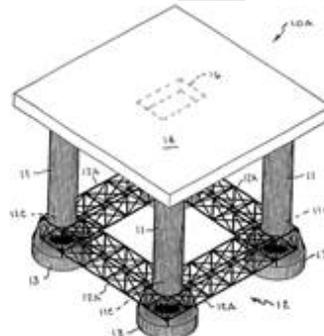
Disagree

Comments

3.f Treatment of Hull Spaces of Complex Shape (SLF 53/5, annex 4, issue No. 23)

Requirement/Interpretation Convention, Regulation 6(2) *Volumes of appendages shall be included in the total volume.* TM Convention, Regulation 7(2) *The volumes shall be calculated by generally accepted methods for the space concerned and with an accuracy acceptable to the Administration.* TM.5/Circ.5, Definitions, Enclosed Spaces, Paragraph 4.6 *Masts, kingposts, cranes, crane and container support structures, which are completely 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 m² may also be excluded under the before-mentioned conditions.* TM.5/Circ.5, Calculation of Volumes, Paragraph 3 *Enclosed spaces above the upper deck, appendages and spaces open to the sea not exceeding 1 m³ should not be measured.*

Description of Issue Column-stabilized units, such as semi-submersible drilling units, and ships of similar design are often fitted with cross-bracing, for which volumes can be extremely difficult to calculate. Consideration should be given to developing guidance on how to treat such volumes in an efficient and consistent manner.



Proposed Solutions

IACS (SLF 54/9) Develop clear definitions as to what should and should not be included into the measurement. The method for determining volumes should be left to the Naval Architect's discretion.

Assessment

Agree

Agree but with changes

Neither agree nor disagree

Disagree

Comments

3.g Evaluating Accessibility of Mast, Kingposts and Support (SLF 53/5, annex 4, issue No. 24)

Requirement/Interpretation TM Convention, Regulation 6(2) *Volumes of appendages shall be included in the total volume.* TM Convention, Regulation 7(2) *The volumes shall be calculated by generally accepted methods for the space concerned and with an accuracy acceptable to the Administration.* TM.5/Circ.5, Definitions, Enclosed Spaces, Paragraph 4.6 *Masts, kingposts, cranes, crane and container support structures, which are completely 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.*

Description of Issue TM.5/Circ.5 allows masts, kingposts, cranes, crane and container support structures that are greater than 1 m³ in volume to ignored when calculating volume, if they are “completely inaccessible”. In practice, however, the majority of such spaces are accessible in some fashion for survey and maintenance, which brings the “accessibility” constraint into question. This matter should be reviewed in the interest of ensuring consist measurement treatment of such spaces.



Proposed Solutions

IACS (SLF 54/9) Define "completely inaccessible" as "Not readily accessible while the ship is undertaking its usual duties either at sea or in port". A space with an access panel held in position with a number of bolts would allow the space to qualify as not readily accessible, whereas, a space with quick release clips would be counted as accessible. IACS further suggests that 4.6 of TM.5/Circ.5 is amended "Masts, king posts, cranes, crane, container support structures and structures of those similar shape (e.g. dodger pillar) which are completely inaccessible ..."

Assessment

Agree	Agree but with changes	Neither agree nor disagree	Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

4.a Definition of Awning (SLF 53/5, annex 4, issue No. 13)

Requirement/Interpretation TM Convention Regulation 2(4) *Enclosed spaces are all those spaces which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, by decks or coverings other than permanent or movable awnings. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulk-head, shall preclude a space from being included in the enclosed space.*

Description of Issue The TM Convention treats spaces bounded by awnings differently than other spaces, but neither the TM Convention nor TM.5 Circ.5 defines what an awning is. For example, is an awning only cloth (e.g., canvas, tarpaulin), or does the term include other flexible solids such as plastic sheeting, or even materials such as Kevlar that have strength properties comparable to steel? Alternatively, should the term "awning" be defined on a functional basis (e.g., as a permanent or movable structure to protect the deck from the sun only). There have also be differences in interpretations as to whether, by extension, fabric covers and partitions are considered to bound space that would otherwise be enclosed. Depending on how this is interpreted, designers can obtain substantial reductions in tonnage through substitution of materials.



Proposed Solutions

IACS (SLF 54/9) Definitions for "awning" should be developed and agreed. As an initial suggestion IACS suggests "An awning is a completely flexible material such as canvas or tarpaulin or plastic sheeting, designed to reduce the impact of wind or water although not necessarily wind or water proof". A list of accepted awning materials should be developed and included in TM.5/Circ.5. However, IACS has the following concern over the maintenance of this list: How would it be ensured that all materials currently accepted as awnings are on it, and how would it be updated?

Assessment

Agree

Agree but
with changes

Neither agree
nor disagree

Disagree

Comments

4.b Treatment of Space Bounded by Awnings (SLF 53/5, annex 4, issue No. 14)

Requirement/Interpretation TM Convention, Regulation 2(4) *Enclosed spaces are all those spaces which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, by decks or coverings other than permanent or movable awnings.* TM.5/Circ.5, Definitions, Paragraph 4.2 *Space located within the boundaries of "permanent or movable awnings" should be subject to treatment under regulation 2(5).*

Description of Issue. While Regulation 2(4) indicates that a “permanent or movable awning” is not considered to bound an enclosed space, TM.5/Circ.5 treats space within the bounds of such awnings as enclosed spaces, which is excluded from volume calculations only if it meets certain conditions. It is possible that Paragraph 4.2 was referring to spaces bounded on the sides by fabric-like material. Either way, it appears that TM.5/Circ.5 requires clarification.



Proposed Solutions

IACS (SLF 54/9) A space bounded by an awning as defined in Issue 13 should under no circumstances be considered as an enclosed space.

Assessment

Agree

Agree but
with changes

Neither agree
nor disagree

Disagree

Comments

5.a Shelves or Other Means for Securing Cargo or Stores in Excluded Spaces (SLF 53/5, annex 4, issue No. 15)

Requirement/Interpretation TM Convention, Regulation 2(5) *Notwithstanding the provisions of paragraph (4) of this Regulation, the spaces referred to in subparagraphs (a) to (e) inclusive of this paragraph shall be called excluded spaces and shall not be included in the volume of enclosed spaces, except that any such space which fulfils at least one of the following three conditions shall be treated as an enclosed space: - the space is fitted with shelves or other means for securing cargo or stores; - the openings are fitted with any means of closure; - the construction provides any possibility of such openings being closed.*

Description of Issue Under Regulation 2(5), certain qualifying spaces may be excluded from tonnage calculations provided they are not “fitted with shelves or other means for securing or stores”, regardless of whether or not the spaces are appropriated for the carriage of cargo or stores. Consistent application of this provision has proven problematic, as designers have devised ways to effectively secure cargo without the need for the space to be “fitted” with any means of securing it. In addition, there has been disagreement on what constitutes “stores”, as under the equally authentic French version of the TM Convention, the term “provisions” is used. “Provisions” includes food and possibly other items of necessity, but not items such as ropes and life-jackets.



Proposed Solutions

IACS (SLF 54/9) Provide clarification that if a space is utilized in any way, regardless of whether or not shelves or other means for securing are provided, then it should be included in the tonnage calculations. Cargoes could be secured in place with air bags which can be inflated to keep the cargo in place during the voyage and deflated on arrival so that the cargo can be removed.

Assessment

Agree	Agree but with changes	Neither agree nor disagree	Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

5.b Impact of End Opening Obstructions on Excluded Spaces (SLF 53/5, annex 4, issue No. 16)

Requirement/Interpretation TM Convention, Regulation 2(5)(a) *Should the width of the space because of any arrangement except by convergence of the outside plating, become less than 90 per cent of the breadth of the deck, only the space between the line of the opening and a parallel line drawn through the point where the athwartships width of the space becomes equal to, or less than, 90 per cent of the breadth of the deck shall be excluded from the volume of enclosed spaces (Figures 2, 3 and 4 in Appendix 1).*

Description of Issue While Regulation 2(5)(a) addresses obstructions to end openings within a deck structure, neither this regulation nor TM.5/Circ.5 addresses the situation where there is an obstruction external to the opening. For example, gantry structures on fishing trawlers, large cable reels on certain towing and industrial vessels, and excessively high bulwarks extending on either side of the openings may serve to “protect” the openings, and are taken into consideration by some flag States. Guidance on how to address such situations would be helpful to ensure consistent treatment, and prevent exclusion of spaces that are effectively protected from the sea and weather.



Proposed Solutions

IACS (SLF 54/9) For obstructions external to the opening, it is suggested that these are ignored when the separation is at least half the breadth (B/2) of the deckhouse/deck structure. The breadth should be taken at deck level. If the obstruction is closer than this, but has a height or breadth of less than a metre, then it should be ignored. Obstructions with a height or breadth of at least 1 m which are located closer than B/2 will disallow the space for consideration as an end opening. It is recommended that B/2 be applied within the regulations to maintain consistency throughout. Supporting diagrams are required.

Assessment

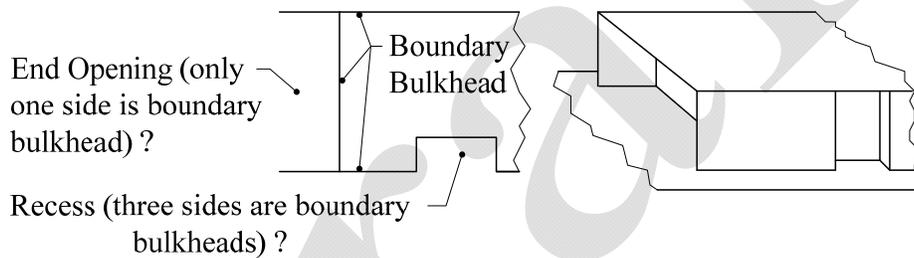
Agree	Agree but with changes	Neither agree nor disagree	Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

5.c Excluding Space Opposite an End Opening as a Recess (SLF 53/5, annex 4, issue No. 17)

Requirement/Interpretation TM Convention, Regulation 2(5)(a) *This provision shall be applied so as to exclude from the enclosed spaces only the space between the actual end opening and a line drawn parallel to the line or face of the opening at a distance from the opening equal to one half of the width of the deck at the line of the opening (Figure 1 in Appendix 1).* TM Convention, Regulation 2(5)(e) *A recess in the boundary bulkhead of an erection which is exposed to the weather and the opening of which extends from deck to deck without means of closing, provided that the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance (Figure 10 in Appendix 1).*

Description of Issue If an opening in the end of a structure is treated as a “recess” under Regulation 2(5)(e) instead of a “space opposite an end opening” under Regulation 2(5)(a), up to twice the amount of space may be excluded. Various approaches have been used to address this issue, including the establishment of definitions for the term “boundary bulkhead” that would preclude treatment of a “typical” end opening as a recess. Clarification would be helpful to ensure consistency and avoid misuse.



Proposed Solutions

IACS (SLF 54/9) Clarify the definition of "recess" to cover only spaces bounded by three bulkheads which themselves form a boundary to an enclosed space. To qualify as an excluded space there must be a deck over as a space without a deck over would not be included anyway. The distinction between a recess and an end opening needs to be clarified.

Assessment

Agree	Agree but with changes	Neither agree nor disagree	Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

5.d Characteristics of End and Side Openings for Excluded Spaces (SLF 53/5, annex 4, issue No. 18)

Requirement/Interpretation Example: TM Convention, Regulation 2(5)(b) *A space under an overhead deck covering open to the sea and weather, having no other connexion on the exposed sides with the body of the ship than the stanchions necessary for its support. In such a space, open rails or a bulwark and curtain plate may be fitted or stanchions fitted at the ship's side, provided that the distance between the top of the rails or the bulwark and the curtain plate is not less than 0.75 metres (2.5 feet) or one-third of the height of the space, whichever is the greater (Figure 7 in Appendix 1).*

Description of Issue Under Regulation 2(5), the criteria for excluding space opposite end and side openings are largely prescriptive in nature, and can result in substantively different tonnage assignment on ships for which the physical arrangement varies only on the order of centimeters. Examples include: 1) criteria based on deck beam size under 2(5)(a); 2) requirements for a structure to be “side-to-side” under 2(5)(c); 3) impact of fitting of rails (allowed under 2(5)(b) but not under 2(5)(c)); and 4) prohibition against fitting of fashion plating to stanchions under 2(5)(b). Consideration should be given to development of functional requirements (possible under novel craft provisions). This would provide a more accurate indication of spaces that are sufficiently open to qualify for exclusion from tonnage where prescriptive requirements are inadequate and could adversely affect ship design.



Proposed Solutions

IACS Proposal (SLF 54/9) The current requirement should be more clearly defined and supported by a comprehensive set of diagrams to clarify the overall position.

Assessment

Agree

Agree but with changes

Neither agree nor disagree

Disagree

Comments

5.e Deck Structure Height Requirements for Excluded Space Side Openings (SLF 53/5, annex 4, issue No. 19)

Requirement/Interpretation TM Convention, Regulation 2(5)(c) *A space in a side-to-side erection directly in way of opposite side openings not less in height than 0.75 metres (2.5 feet) or one-third of the height of the erection, whichever is the greater. If the opening in such an erection is provided on one side only, the space to be excluded.*

Description of Issue Increasingly, ships of certain types (e.g., cruise ships, car carriers) have spaces opposite large side openings that may not qualify for exclusion as recesses under Regulation 2(5)(e), but could possibly be considered for exclusion under 2(5)(c). However, 2(5)(c) requires side openings to be at least “one third of the height” of the associated deck structure (erection) in order to allow a qualifying space to be excluded from volume calculations. It is unclear whether this height is taken to the top of the entire structure (the most “conservative” approach), or to an internal deck within the structure (an approach which could lead to fitting of “false” decks within the ship to allow smaller openings).



Proposed Solutions

IACS (SLF 54/9) A clear definition of what constitutes a deck as opposed to an intermediate platform is required. Diagrams are also required.

Assessment

Agree

Agree but
 with changes

Neither agree
 nor disagree

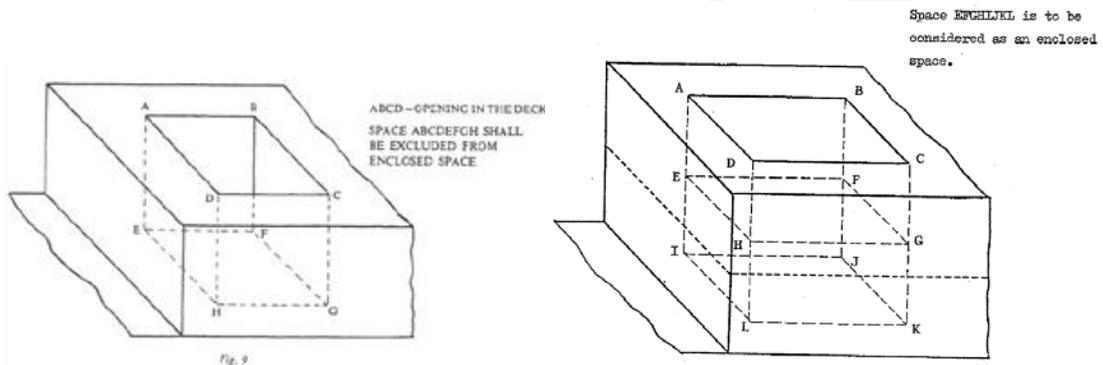
Disagree

Comments

5.f Restrictions on Excluding Space Below Uncovered Openings (SLF 53/5, annex 4, issue No. 20)

Requirement/Interpretation TM Convention, Regulation 2(5)(d) *A space in an erection immediately below an uncovered opening in the deck overhead, provided that such an opening is exposed to the weather and the space excluded from enclosed spaces is limited to the area of the opening (Figure 9 in Appendix 1)*

Description of Issue The text of Regulation 2(5)(d) and the accompanying figure leave it unclear as to the extent to which a space “immediately below” a deck opening may be excluded. A question along these lines was raised by a flag State in document SLF 29/10 (3 November 1983), but was not resolved. Clarification would be helpful to ensure consistency and avoid misuse.



Proposed Solutions

IACS (SLF 54/9) Define "immediately below" as extending from the deck in which the opening occurs to the next complete structural deck below. For definition of structural deck see issue 19. A supporting diagram should be included.

Assessment

Agree

Agree but with changes

Neither agree nor disagree

Disagree

Comments

6.a Treatment of Spaces Inside the Hull as Open to the Sea (SLF 53/5, annex 4, issue No. 25)

Requirement/Interpretation TM Convention, Regulation 6(3) *Volumes of spaces open to the sea may be excluded from the total volume.* TM.5/Circ.5, Calculation of Volumes, Paragraph 2 *Hawse pipes, sea-valve recesses, thruster tunnels, stern chutes in fishing vessels, dredging wells in dredgers and other similar spaces fitted in the ship's hull should be dealt with as spaces open to the sea.*

Description of Issue Regulation 6(3) allows volumes of spaces open to the sea to be excluded from tonnage. The degree to which a normally flooded or free-flooding space inside the hull is considered “open” has required interpretation, in view of the criteria of Regulation 2(5) that requires spaces above the upper deck to be reasonably “open” before they may be excluded. Further, designers have sought to reduce tonnage or principal dimensions through contrivances to treat otherwise enclosed spaces as spaces that are “open spaces to the sea”. Examples include: 1) standpipes in underdeck voids and ballast spaces; 2) holes in bows and sterns of ships of all types; and 3) holes in cross-deck structures on multi-hull ships. Consideration should be given to developing guidance on how to treat such volumes in a consistent manner



Proposed Solutions

IACS (SLF 54/9) For a space inside the hull to be considered as open to the sea, it has to be in free communication with the sea and the clear opening (i.e. not including any grating) must be more than [75]% of the bounded space to which it provides access. A hole, holes or pipe openings are not sufficient to consider a space for exclusion.

Assessment

Agree

Agree but with changes

Neither agree nor disagree

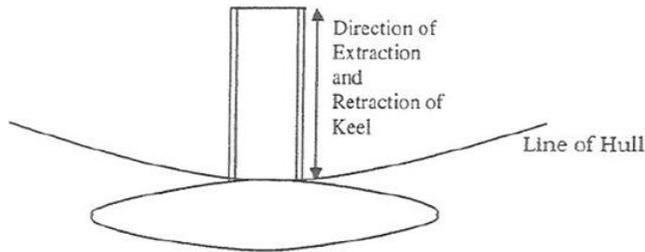
Disagree

Comments

6.b Treatment of Spaces Outside the Hull as Open to the Sea (SLF 53/5, annex 4, issue No. 26)

Requirement/Interpretation TM Convention, Regulation 6(3) *Volumes of spaces open to the sea may be excluded from the total volume.* TM.5/Circ.5, Calculation of Volumes, Paragraph 2 *Hawse pipes, sea-valve recesses, thruster tunnels, stern chutes in fishing vessels, dredging wells in dredgers and other similar spaces fitted in the ship's hull should be dealt with as spaces open to the sea.*

Description of Issue Regulation 6(3) allows volumes of spaces open to the sea to be excluded from tonnage. The degree to which a space outside the hull is considered open to the sea has required interpretation in cases where free communication between the space and the sea is in some way restricted. Examples include: 1) “wells” or “pockets” for retractable keels and stabilizers with fairing plates; 2) semi-weatherproof storage spaces in the stern step areas of yachts that are protected from the sea non-watertight closures; 3) bow thrusters tunnels fitted with doors to reduce underwater resistance; and 4) sea valve recesses (“sea chests”) fitted with fine mesh strainers.



Proposed Solutions

IACS (SLF 54/9) If a space has the capability of being closed by a closing device which can be either watertight or non-watertight then it should be included in the calculation for gross and net tonnage where applicable.

Assessment

Agree

Agree but with changes

Neither agree nor disagree

Disagree

Comments

6.c Treatment of Moon Pools (SLF 53/5, annex 4, issue No. 27)

Requirement/Interpretation TM Convention, Regulation 6(3) *Volumes of spaces open to the sea may be excluded from the total volume.* TM.5/Circ.5, Calculation of Volumes, Paragraph 2 *Hawse pipes, sea-valve recesses, thruster tunnels, stern chutes in fishing vessels, dredging wells in dredgers and other similar spaces fitted in the ship's hull should be dealt with as spaces open to the sea.*

Description of Issue Moon pools and similar large “though hull” openings that are sometimes fitted with covers or are otherwise covered from above by enclosing structure within the ship’s hull or above the upper deck. In addition, some moon pool wells are fitted with retractable doors at their lower extremities, or at some distance from the keel, which in some cases serve as non-watertight fairings and in others as watertight closures. It is unclear as to whether spaces fitted with such covers or doors may be excluded as open to the sea under Regulation 6(3), and if so, to the extent the space above the doors may be treated as excluded.



Proposed Solutions

IACS (SLF 54/9) Where moon pools are fitted with closing devices which can be watertight or non-watertight only that portion below the closing device should be excluded. Supporting diagrams should be included.

Assessment

Agree

Agree but
 with changes

Neither agree
 nor disagree

Disagree

Comments

6.d Large Volumes of Spaces Open to the Sea (SLF 53/9/5)

Requirement/Interpretation TM Convention, Regulation 6(3) *Volumes of spaces open to the sea may be excluded from the total volume.* TM.5/Circ.5, Calculation of Volumes, Paragraph 2 *Hawse pipes, sea-valve recesses, thruster tunnels, stern chutes in fishing vessels, dredging wells in dredgers and other similar spaces fitted in the ship's hull should be dealt with as spaces open to the sea.*

Description of Issue Some ship designs have been developed to obtain additional buoyancy or an additional cargo capacity with less gross tonnage, making use of regulation 6(3). Examples of such designs are: 1) ships with open bottom spaces between the inner skin and outer shell to hold air to gain additional buoyancy (figure 1); and 2) ships with cargo spaces between cross-deck structures with gratings openings to the sea (figure 2). The existing unified interpretations do not cover the situation. The volumes of spaces open to sea in the ship designs mentioned in the previous paragraph are dominant, compared against the total volume of the ships. Therefore, lack of unified interpretations and inconsistent treatment by Administrations are to lead to inconsistent implementation of the TM Convention, and allow some designers to attempt to gain certain tonnage reduction by treating spaces as "spaces open to the sea."

Figure 1: A ship fitted with spaces between the inner skin and the outer shell to fill air for buoyancy

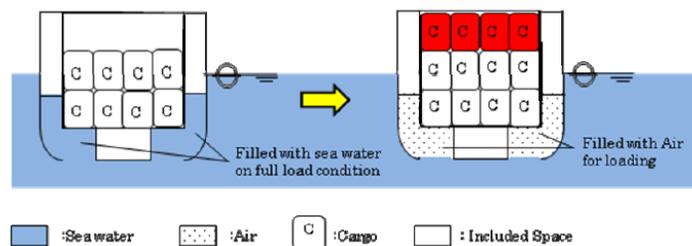
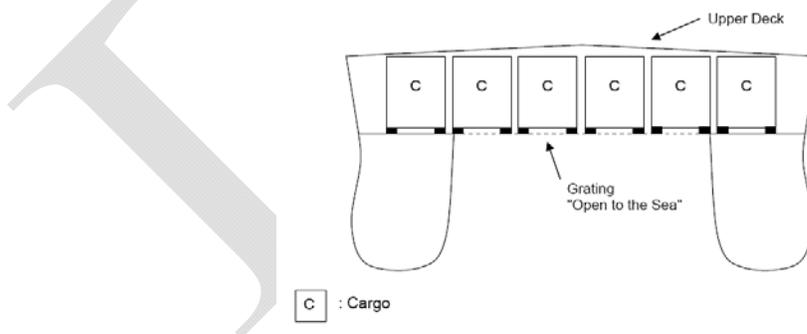


Figure 2: A ship fitted with grating cross-deck for securing cargo in multi-hull case



Proposed Solutions

Japan and Korea (SLF 54/9/5) Spaces open to the sea, which are used for holding cargo and/or are contributing to buoyancy, shall not be excluded from the total volume of the ship. In other words, "gross tonnage" and "net tonnage" must be reflective of the ship's overall size and useful capacity. Taking this into account, we propose the following new interpretation of regulation 6(3) to the unified interpretations being developed: *"Volumes open to the sea should not be excluded from the total volume if the spaces are appropriated for holding cargo and/or contributing to obtain buoyancy of the ship."*

Assessment

Agree

Agree but
with changes

Neither agree
nor disagree

Disagree

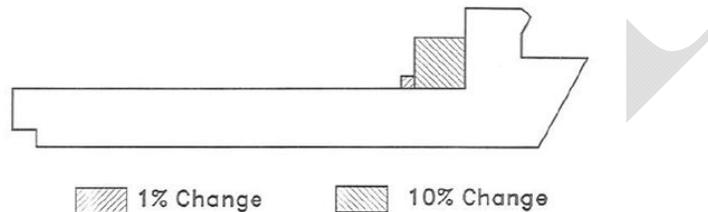
Comments

Draft

7.a Remeasurement Following Alterations (SLF 53/5, annex 4, issue No. 7; SLF 54/INF.11)

Requirement/Interpretation TM Convention, Article 10(1) *Subject to any exceptions provided in the Regulations, an International Tonnage Certificate (1969) shall cease to be valid and shall be cancelled by the Administration if alterations have taken place in the arrangement, construction, capacity, use of spaces, total number of passengers the ship is permitted to carry as indicated in the ship's passenger certificate, assigned load line or permitted draught of the ship, such as would necessitate an increase in gross tonnage or net tonnage.*

Description of Issue There are no universally accepted criteria for remeasuring a ship following alterations/modifications. Different administrations apply different criteria: tonnage changes of unity, 1%, 2%, 5% and 10% have all been quoted, which can be problematic when a ship changes flag. Even small changes in assigned gross tonnage can cause ships to exceed critical regulatory breakpoints, affecting the design and operating standards that apply to the ship (e.g., SOLAS, MARPOL, and STCW tonnage-based requirements). Further, it is unclear why a decrease in gross or net tonnage does not necessitate the remeasurement of a ship, if these parameters are to remain reflective of the ship's overall size and useful capacity, respectively.



Proposed Solutions

IACS (SLF 54/9)

The following alternative solutions may be proposed by IACS:

Option 1

Set the criteria for requiring remeasurement at [1]% for ships of 500 GT and over and [2]% for ships less than 500 GT to cover both increases and decreases. Changes which result in a difference of less than the agreed limit should be recorded on the ITC in the "Remarks" area on page 2 or in a designated box on the addendum to the ITC to ensure that cumulative minor changes are recorded traced. If the addendum is utilized for recording changes then a reference to this should be included in the appropriate box on the ITC.

Option 2

Require any changes to the parameters used to calculate tonnage to require the reissue of the ITC such that the ITC always reflects the actual arrangements on board the ship. In the case of a tonnage decrease, it should be the owner's decision whether the tonnage certificate is reissued.

Option 3

Require the remeasurement after increase/decrease of 1% for all ships.

Assessment

Agree

Agree but
with changes

Neither agree
nor disagree

Disagree

Comments

Draft

7.b Remeasurement Following Net Tonnage Change (SLF 53/5, annex 4, issue No. 21; SLF 54/INF.11)

Requirement/Interpretation TM Convention, Regulation 5(1) *When the characteristics of a ship, such as V, Vc, d, N₁ or N₂ as defined in Regulations 3 and 4, are altered and where such an alteration results in an increase in its net tonnage as determined in accordance with the provisions of Regulation 4, the net tonnage of the ship corresponding to the new characteristics shall be determined and shall be applied without delay.* TM Convention, Regulation 5(3) *When the characteristics of a ship such as V, Vc, d, N₁ or N₂ as defined in Regulations 3 and 4 are altered or when the appropriate assigned load line referred to in paragraph (2) of this Regulation is altered due to the change of the trade in which the ship is engaged, and where such an alteration results in a decrease in its net tonnage as determined in accordance with the provisions of Regulation 4, a new International Tonnage Certificate (1969) incorporating the net tonnage so determined shall not be issued until twelve months have elapsed from the date on which the current Certificate was issued; provided that this requirement shall not apply: (a) if the ship is transferred to the flag of another State, or (b) if the ship undergoes alterations or modifications which are deemed by the Administration to be of a major character, such as the removal of a superstructure which requires an alteration of the assigned load line, or (c) to passenger ships which are employed in the carriage of large numbers of unberthed passengers in special trades, such, for example, as the pilgrim trade.*

Description of Issue It is unclear how the Regulation 5 language relates to the language in Article 10 of the Convention, which also addresses remeasurement. For example, if a change in the characteristics cited in Regulation 5 causes net tonnage to change by an amount of unity (one unit of net tonnage), does the Regulation 5 language require both gross and net tonnage to be recalculated and recertified, even if the gross tonnage change is not of sufficient magnitude to cause remeasurement?

Proposed Solutions

IACS (SLF 54/9) Any changes to the net tonnage should result in the reissue of a new ITC. If the principal dimensions or passenger numbers change, then regardless of the magnitude of the change in the tonnage, the tonnage certificate should be re-issued immediately. This should be implemented even when there is no change to the gross or net tonnage. In the case of a tonnage decrease, it should be the owner's decision whether the tonnage certificate is reissued.

Assessment

Agree	Agree but with changes	Neither agree nor disagree	Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

8 Criterion for Use of “Existing” Tonnage (SLF 53/5, annex 4, issue No. 3)

Requirement/Interpretation TM Convention, Article 3(2) *The present Convention shall apply to (a) new ships; (b) existing ships which undergo alterations or modifications which the Administration deems to be a substantial variation in their existing gross tonnage; (c) existing ships if the owner so requests; and (d) all existing ships, twelve years after the date on which the Convention comes into force, except that such ships, apart from those mentioned in (b) and (c) of this paragraph, shall retain their then existing tonnages for the purpose of the application to them of relevant requirements under other existing International Conventions.* TM.5/Circ.5, Application (Article 3(2)(d)) *The term "alterations or modifications which affect its tonnage" in Resolution A.758(18) means increase or decrease of more than 1% in either existing gross tonnage or gross tonnage calculated in accordance with the 1969 Tonnage Convention.*

Description of Issue Articles 3(2)(b) and (d) grant grandfathering privileges to certain older ships that have not undergone alterations “deemed by the Administration” to be a “substantial variation in their existing gross tonnage”. This provision allows a qualifying ship’s owner to use the preexisting national tonnage (GRT) to apply older breakpoints in international conventions, including SOLAS and MARPOL. As described in document SLF 38/10/1 dated 16 December 1993, there appeared to be broad agreement that “substantial variation” meant a gross tonnage change on the order of 10%, and that a 1% change was effectively within the limit of calculation accuracy. Nonetheless, TM.5/Circ.5 established a 1% change as the breakpoint for loss of grandfathering privileges, creating confusion among ship owners, presenting difficulties in ensuring compliance, and raising the possibility of legal challenge.



Proposed Solutions

IACS (SLF 54/9) Define a "substantial change" as "For the purposes of articles 3(2)(b) and (d) a "substantial change" is one where the gross tonnage is changed by more than 1% of the original gross tonnage. Where the gross tonnage changes by more than this value then the new gross tonnage should be used for all purposes."

Assessment

Agree	Agree but with changes	Neither agree nor disagree	Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

9.a Listing of Spaces on the International Tonnage Certificate (ITC) (SLF 53/5, annex 4, issue No. 4)

Requirement/Interpretation TM Convention, Article 9(2) *The form of the certificate shall correspond to that of the model given in Annex II. TM.5/Circ.5, Form of Certificate, Paragraph 2 Information inserted in the "location" columns on the reverse of the International Tonnage Certificate (1969) should not be detailed.*

Description of Issue The reverse side of the ITC form provides for the listing of information on included spaces (both cargo and non-cargo spaces) and excluded spaces. Presumably, this was to permit ready verification that a ship has not undergone changes since the ITC was issued, and that spaces used for carrying cargo and stores had been properly accounted for in tonnage. However, with advances in ship designs and resulting complex hull and superstructure geometries, the practice of listing enclosed spaces by “tiers” is becoming increasingly difficult to maintain and consistently apply. Also, it is unclear whether smaller individual spaces (e.g., masts, deck lockers, settees) should be listed separately on the ITC. Additional guidance on this subject would help ensure consistency among flag States.



Name of Space	Location	Length (m)
Hull	----	----
Superstr 02-04 Lvl	Fr 35-68	37.22
Superstr 05-06 Lvl	40-52	16.31

For illustrative purposes only. TM Convention does not apply to warships

Proposed Solutions

IACS (SLF 54/9) A separate section providing guidance on the completion of the relevant sections of the ITC should be developed for inclusion in the modified TM.5/Circ.5 with completed sample certificates.

Assessment

Agree

Agree but with changes

Neither agree nor disagree

Disagree

Comments

9.b Specifying Lengths of Spaces on the International Tonnage Certificate (ITC) (SLF 53/5, annex 4, issue No. 5)

Requirement/Interpretation TM Convention, Article 9(2) *The form of the certificate shall correspond to that of the model given in Annex II.* TM.5/Circ.5, Form of Certificate, Paragraph 2 *Information inserted in the "location" columns on the reverse of the International Tonnage Certificate (1969) should not be detailed.*

Description of Issue The reverse side of the ITC form provides for specifying the length of all listed spaces, presumably to assist in verification that a ship has not undergone changes since the tonnages were certified. However, in many cases it is difficult to establish the length of a deckhouse or other above-deck space, as the ends of deck structures are frequently stepped, fitted with deck overhangs, have lockers or seating that is built into or otherwise attached to the structure, etc. This has led to inconsistent application, both within and between flag States.



Proposed Solutions

IACS (SLF 54/9) The length should include the overall length of the measured space. Typical diagrams would clarify the requirements. A separate section providing guidance on the completion of the relevant sections of the ITC should be developed for inclusion in the modified TM.5/Circ.5.

Assessment

Agree

Agree but
with changes

Neither agree
nor disagree

Disagree

Comments

9.c Listing Excluded Spaces on the International Tonnage Certificate (ITC) (SLF 53/5, annex 4, issue No. 6)

Requirement/Interpretation TM Convention, Article 9(2) *The form of the certificate shall correspond to that of the model given in Annex II. TM.5/Circ.5, Form of Certificate, Paragraph 2*
Information inserted in the "location" columns on the reverse of the International Tonnage Certificate (1969) should not be detailed.

Description of Issue The reverse side of the ITC form provides a space for listing excluded spaces, but lacks sufficient room for specifying all excluded spaces on larger ships of complex design (e.g. cruise ships). Nor is it clear that the mere listing of an excluded space provides sufficient information to permit meaningful verification without access to associated tonnage calculations. Finally, space limitations on the form, and confusion regarding the need to even list excluded spaces, has resulted in different approaches among flag States, ranging from the attachment of addenda to the ITC, to omitting reference to the spaces altogether. Consideration should be given to either expanding this information (perhaps through use of a “standardized” addendum), or deleting the requirement altogether.

EXCLUDED SPACES (Regulation 2(5))	
Bow Thruster	3rd Tier Recess Stbd
1st Tier Fantail	3rd Tier Recess Stbd
1st Tier Dk Recess	See Addendum
An asterisk (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.	

Proposed Solutions

IACS (SLF 54/9) The requirement to list excluded spaces should be removed.

Assessment

Agree

Agree but with changes

Neither agree nor disagree

Disagree

Comments

10 Acceptance of Interpretations (SLF 53/5, annex 4, issue No. 8)

Requirement/Interpretation TM Convention, Article 10(2) *A certificate issued to a ship by an Administration shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (3) of this Article.* TM Convention, Article 13 *The privileges of the present Convention may not be claimed in favour of any ship unless it holds a valid certificate under the Convention.* TM.5/Circ.5, Cancellation of Certificate (Article 10(2)) *Ships holding an International Tonnage Certificate (1969), which do not comply with agreed interpretations of the provisions of the Convention, should be remeasured. The new characteristics should be determined and applied without delay.*

Description of Issue Article 13 precludes the claiming of the privileges of the TM Convention unless the ship holds a “valid” certificate under the Convention; however, the term “valid” is not defined in this context. The circumstances under which a port State could consider an International Tonnage Certificate (ITC) invalid, and therefore detain a ship, are unclear. TM.5/Circ.5 provides related interpretative language referring to Article 10(2), which appears to make the interpretations of TM.5/Circ.5 binding if a ship is undergoing a flag change. Consideration should be given to expanding this provision of TM.5/Circ.5 to include all ships, provided the interpretations are not applied retroactively.

Proposed Solutions

IACS (SLF 54/9) Draft a circular which makes interpretations given in TM.5/Circ.5 (as amended) mandatory for all new ships, and ships which undergo major modification. IACS notes that the ideal solution would be to amend the ITC, however in view of the time that would be necessary to get changes to the ITC agreed, it is suggested that a circular be used as a preliminary measure.

Assessment

Agree

Agree but
with changes

Neither agree
nor disagree

Disagree

Comments

11.a Extending Reduced Gross Tonnage to Crew Spaces (SLF 54/9/1, annex 3, issue 11; SLF 54/9/3, SLF 54/9/4; MSC 89/9/5; MSC 89/9/8)

Requirement/Interpretation TM Convention, Recommendation 2 *The Conference recommends that Contracting Governments, port authorities, and all other agencies which use tonnage as a basis for charges should carefully consider which parameter is most appropriate for their use in the light of their present practice. A 747(18) The Assembly invites governments to advise the port and harbour authorities to apply this Recommendation when assessing fees based on the reduced gross tonnage for all tankers with segregated ballast capacity in accordance with regulation 13 of Annex I of MARPOL 73/78. MSC 234(82) The Maritime Safety Committee invites governments to advise the ports and harbours authorities to apply the Recommendations when assessing fees based on reduced gross tonnage for open-top containerships.*

Description of Issue The concept of calculating a "reduced gross tonnage" for optional use in assessing fees has been adopted with respect to oil tanker segregated ballast spaces and open-top containerships that meet certain criteria, and could be extended to crew spaces as well, with the view toward improving working and living conditions on board ships and fishing vessels. However, it is unclear whether the development of a reduced gross tonnage parameter for crew spaces would have the desired effect of improving the impact on working and living conditions on ships and fishing vessels, depending on the extent to which this new parameter would be used. For example, if this new calculation is to be voluntary, will it be used by any of the bodies which set tonnage-related fees (registration, harbour dues, etc.) and, consequently, not deliver the desired practical benefits?

Proposed Solutions

11.b Calculating a Reduced Gross Tonnage Parameter for Crew Spaces (SLF 54/9/1, annex 3, issue 11; SLF 54/9/3, SLF 54/9/4; MSC 89/9/5; MSC 89/9/8)

Requirement/Interpretation A 747(18) *The segregated ballast tanks comply with regulation 13 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1973 relating thereto, and the total tonnage of such tanks exclusively for the carriage of segregated water ballast is _____).*

Description of Issue If a reduced gross tonnage parameter for crew spaces is developed, how should the crew spaces be defined for purposes of the volume calculations ? adopted? For example, should the total volume of all enclosed spaces, which are necessary for the accommodation and provision of the crew, be calculated as a basis for this new parameter? One approach would be to include cabins, passageways, staircases, galleys, provision stores, mess rooms change rooms, hospitals, gymnasiums, recreation rooms, laundry, etc.

Proposed Solutions

Germany (SLF 54/9/5) Similar to what has been accepted for the measurement of open-top container ships and segregated water ballast systems on tankers – a reduction for accommodation and crew provision be covered under remarks in the last page of the TM Certificates. Such deduction may be calculated as follows:

$$GT' = K1 \times (V - V_{crew})$$

where:

V = Total volume of all enclosed spaces of the ship in cubic metres;

V crew = Total volume of all enclosed spaces, which are necessary for the accommodation and provision of the crew, including cabins, passageways, staircases, galleys, provision stores, mess rooms change rooms, hospitals, gymnasiums, recreation rooms, laundry, etc.; and

$$K1 = 0,2 + 0,02 \log 10 V$$

As described above, the thus amended gross tonnage should be shown as a remark on page 4 of the International Tonnage Certificate (ITC 69), thus inviting flag States and/or port authorities to make use of this additional figure in the Certificate when incentives for better working and living conditions are sought. The gross tonnage as described by the 1969 TM Convention would remain unchanged.

Assessment

Agree	Agree but with changes	Neither agree nor disagree	Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

11.c Use of Multiple Reduced Gross Tonnage Parameters (SLF 54/9/1, annex 3, issue 11, SLF 54/9/3; SLF 54/9/4; MSC 89/9/5; MSC 89/9/8)

Requirement/Interpretation A 747(18) *The segregated ballast tanks comply with regulation 13 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1973 relating thereto, and the total tonnage of such tanks exclusively for the carriage of segregated water ballast is _____. The reduced gross tonnage which should be used for the calculation of tonnage based fees is _____. MSC 234(82) In accordance with resolution MSC.234(82), the reduced gross tonnage which should be used for the calculation of tonnage-based fees is _____.*

Description of Issue If a reduced gross tonnage parameter is developed for crew spaces, it is unclear how this parameter would be applied for segregated oil tankers and open-top containerships, for which a reduced gross tonnage is also calculated. For example, should the volumes be combined in a single parameter, or should they be listed separately, with separate reduced gross tonnages calculated?

Proposed Solutions

12 Exemption from Certificate Requirements (SLF 53/5, annex 4, issue No. 29)

Requirement/Interpretation TM Convention, Article 10(2) *A certificate issued to a ship by an Administration shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (3) of this Article.* TM Convention, Article 13 *The privileges of the present Convention may not be claimed in favour of any ship unless it holds a valid certificate under the Convention.* TM.5/Circ.5, Cancellation of Certificate (Article 10(2)) *Ships holding an International Tonnage Certificate (1969), which do not comply with agreed interpretations of the provisions of the Convention, should be remeasured. The new characteristics should be determined and applied without delay.*

Description of Issue Article 13 precludes the claiming of the privileges of the TM Convention unless the ship holds a “valid” certificate under the Convention; however, the term “valid” is not defined in this context. The circumstances under which a port State could consider an International Tonnage Certificate (ITC) invalid, and therefore detain a ship, are unclear. TM.5/Circ.5 provides related interpretative language referring to Article 10(2), which appears to make the interpretations of TM.5/Circ.5 binding if a ship is undergoing a flag change. Consideration should be given to expanding this provision of TM.5/Circ.5 to include all ships, provided the interpretations are not applied retroactively.

Proposed Solutions

IACS (SLF 54/9) Draft a circular which makes interpretations given in TM.5/Circ.5 (as amended) mandatory for all new ships, and ships which undergo major modification. IACS notes that the ideal solution would be to amend the ITC, however in view of the time that would be necessary to get changes to the ITC agreed, it is suggested that a circular be used as a preliminary measure.

Assessment

Agree

Agree but
with changes

Neither agree
nor disagree

Disagree

Comments