

Participant's Country/Org:

Date Completed:

## ROUND 2 PROPOSED REVISIONS FORM INTRODUCTION

**1. OVERVIEW** In Round 2, the focus will be on converting ideas into proposed revisions (i.e., specific text changes) to the Unified Interpretations document (replacement for TM.5/Circ.5), and/or the TM Convention, if deemed necessary. Accordingly, if you wish to pursue implementation of such changes, or development of associated Resolutions, it is important that you use this form to recommend revisions to resolve the issues considered in Round 1, even if there was no consensus on solutions proposed in Round 1. Later in this Round, you will be invited to complete the Round 2 Questionnaire, which will give you an opportunity to evaluate the revisions and draft Resolutions that are before the group, and provide input on the broader questions of whether updated interpretations and/or amendments to the TM Convention are necessary. This, coupled with the Round 1 work, will provide the foundation for development of recommendations to the Sub-Committee, to be included in the group's report.

**2. NEED FOR WELL-DEVELOPED TEXT** Unlike the input for Round 1, the input for Round 2 should be well developed, and suitable for consideration by SLF Sub-Committee and subsequent incorporation into the Unified Interpretations and/or the TM Convention, as applicable. To best support the Sub-Committee and any working or drafting groups that it assigns, proposed revisions need to be carefully thought out, taking into account Round 1 assessments and comments. Specific text reserved for further development/discussion at SLF may be included in "square brackets" (e.g., ". . . change in net tonnage of [1] percent").

**3. CHANGED VIEWS/PERSPECTIVES** Round 1 focused on exchanging and developing ideas. Under this framework, your views or positions expressed in Round 1 on any given issue could easily have changed based on the contributions of others. With that understanding, in Round 2 there is no need to explicitly acknowledge that views have changed: you may simply choose to "remain silent" in this phase of Round 1 and "tacitly" withdraw a view by not submitting corresponding revisions. On the other hand, you are welcome to submit proposed revisions on an issue you feel strongly about, even if there was little Round 1 support for what you are seeking to implement. In the appropriate comment block of this form, you may express your reasons for any changed view, or otherwise comment on information exchanged in Round 1.

**4. COMMENTS ON SUMMARIZED INFORMATION** When developing the group's report, which will be finalized in Round 3, the Coordinator plans to include descriptions of issues, Round 1 proposals, and Round 1 Questionnaire responses as they have been summarized within this form. Please use the comment blocks on this form to offer corrections, clarifications, or other changes to this information, especially if you feel that it either inadequately, or incorrectly, reflects the Round 1 work.

**5. AVOIDING DUPLICATION** Due to schedule constraints, there is no opportunity to coordinate input to avoid duplication during this Round, such as can happen if different respondents recommend identical, or near-identical, text. That said, if you are unsure about whether to propose revisions to address an identified issue, be advised that the Coordinator will develop text for any issue upon which there was general agreement in Round 1 and for which no participant submits revisions during this Round, based on the Round 1 Questionnaire responses. If you are unsure, you could include a comment to this effect in this form requesting such development by the Coordinator.

**6. ELECTRONIC BASELINE DOCUMENTS** Microsoft Word versions of the draft Unified Interpretations and TM Convention are available in Microsoft Word versions on the Group's website at <http://www.uscg.mil/imo/slf/cgdocs.asp>. You are encouraged to electronically copy and paste text from these documents when proposing text changes. Please be aware that these electronic versions are not "official" copies of the respective parent documents (TM.5/Circ.5, as reformatted per SLF 54/9/1 Annex 2 in one case, and the TM Convention in the other): they were scanned from published copies, then digitally (OCR) converted with some manual clean-up involved. If you notice any errors in these electronic versions, please notify the Coordinator, so that the errors can be corrected.

**7. DIAGRAMS AND SKETCHES** Please submit proposed illustrative diagrams, or figures, including changes to existing figures and diagrams, as separate attachments to the email that submits your input. These can be hand-drawn sketches or more finished graphics, but in either case they should be clear, and include all proposed labeling. At the end of Round 2, the Coordinator will convert the graphics to a consistent format for inclusion in the group's report.

**8. DRAFTING RESOLUTIONS** Several of the solutions proposed in Round 1 involved development of draft IMO Resolutions by the group, for which this form is not particularly suited. If you wish to submit such a draft Resolution, please use the comment blocks on this form under the corresponding issues, and submit any draft Resolutions as attachments to your email (Microsoft Word preferred). Contact the Coordinator if you need a "template" for such a document.

**9. ADOBE FORMS "ISSUES"** This, and other Adobe .pdf documents circulated to the group, were designed to permit the reader to save a copy, and complete all input electronically. These forms were developed with an older version of Adobe (Adobe Acrobat 8 Professional), and may have "issues", especially in view of the many different versions of Adobe software globally in circulation. If you are having problems entering data, saving the form, etc., please contact the Coordinator for assistance.

**10. FORM DUE JUNE 29<sup>th</sup>** The due date for this form is the close of business Friday, June 29<sup>th</sup>. Please remember to copy all participants when submitting completed forms to the Coordinator.

## Issue 1 – Length Definition

### 1.a General 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 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. Column-stabilized units such as semi-submersible drilling units should be considered novel types of craft. Because the length under article 2(8) or the moulded breadth under regulation 2(3) for such units is misleading, it would, be appropriate for such units to use the overall length and breadth to the outside plating between fixed structures.

**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. Also, length can vary depending on treatment of bulbous bows, raked bows, raked transoms, sloping transoms, etc.



**Round 1 Proposals** The group considered four proposals. One proposal recommended applying the 96% factor to the overall length measurement on the 85% waterline, or to the measurement to the rudder stock (if fitted) on that waterline. Two proposals recommended using dimensions from the Load Line Certificate, with one suggesting the invocation of novel craft provisions where the definitions differ and including an accompanying remark on the International Tonnage Certificate (ITC), and the other suggesting simply that applicable Load Line interpretations be used. Another recommended applying the 96% factor in the case of column-stabilized units.

**Round 1 Questionnaire Responses** Most respondents agreed with the proposal to apply the 96% factor to the length, including applying this factor to column-stabilized units. Several respondents argued against use of the Load Line dimensions on the ITC, citing differences in definitions under the two Conventions, such as the treatment of the upper deck as opposed to the freeboard deck, especially for pure car carriers. One respondent also noted delays that could result because of the often late date of issuance of Load Line Certificates. One respondent suggested a remark on the ITC in cases where dimensions do not correspond to those on the Load Line Certificate. Another raised the issue of responsibility for an error in an assigned Load Line length that appears on an ITC. Another argued against invoking novel craft provisions for the length assignment, on the basis that such provisions only apply for the gross and net tonnage assignment. Another suggested that for ships not covered by the current definition, the length should be taken as 96% of ship's overall length, instead of applying novel craft provisions.

**Issue 1 – Length Definition**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

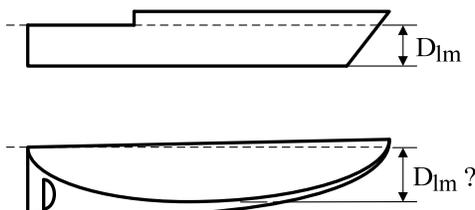
**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 1 – Length Definition

### 1.b Determining Least Moulded Depth (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** 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.



**Round 1 Proposals** The group considered six proposals. One proposal recommended taking the length measurement at the underside of the upper deck in cases where it was not possible to establish a minimum depth due to a curved keel. Two proposals recommended, in effect, that the least moulded depth be defined as the smallest moulded depth along the length of the ship (i.e., measured from the top of the keel to the upper deck). One proposal recommended that the least moulded depth be taken as the vertical distance between the top of the keel at its lowest point and the underside of the upper deck at its lowest point. One proposal recommended using the Load Line Convention moulded depth definition for ships with inclined keels.

**Round 1 Questionnaire Responses** Many different views were expressed on the various proposals. Most agreed, or agreed subject to changes, with the proposal to use the smallest depth along the length of the ship, with two respondents disagreeing on the grounds that the approach does not satisfactorily address configurations like those depicted in the lower of the two figures above, while several respondents made suggestions along the lines that in such cases, the least moulded depth could be taken at or near amidships. Another recommended using a tangent line approach instead, that takes into consideration raked straight keels, but with the moulded depth taken amidships in cases of curved keels. Two respondents highlighted differences between the TM Convention and Load Line Convention definitions related to least moulded depth, including the definitions of the upper and freeboard decks, with a third noting that the Load Line Convention also lacks a definition of least moulded depth, and a fourth describing a harmonization approach used by an Administration even for RO-RO ships to arrive at consistent treatment. Several cited the need for illustrative figures.

**Issue 1 – Length Definition**

**1.b Determining Least Moulded Depth (SLF 53/5, annex 4, issue No. 1)**

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**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 1 – Length Definition****1.c Trainable Rudders & Rudderless Ships (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.*

**Description of Issue** 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.



**Round 1 Proposals** The group considered seven proposals. Four proposals recommended applying the 96% factor to the overall length on an 85% waterline in cases where the ship is not fitted with a rudder stock. One proposal recommended establishing an interpretation that trainable units are not taken into consideration, commenting that they are occasionally replaced with different units that could affect the length measurement. Another addressed a related issue on the possible ambiguity in determining the length for situations where there are multiple rudders, recommending measurement to the axis of aftermost rudder. Another suggested establishing an equivalent structure aft in situations where a rudder stock is absent.

**Round 1 Questionnaire Responses** Most generally agreed with the application of the 96% factor to the overall length on an 85% waterline ships without rudder stocks, and on establishing the interpretation on trainable units and the use of the aftermost rudder when establishing length measurements. One respondent suggested that the vertical axis of rotation of a trainable unit should instead be taken as equivalent to the axis of the rudder stock. Another commented that the recertification of the length in the case of trainable unit replacement may be necessary only if modifications of a permanent nature are subsequently made. Another offered the opinion that the ship's overall length should not be used as the basis for applying the 96% factor due to large variations in interpretations of this parameter under various international and domestic regulations. Most respondents disagreed with the proposal to establish an equivalent after structure for a rudder stock, with one respondent commenting that it is unclear what "equivalent" structure could be used.

**Issue 1 – Length Definition**

**1.c Trainable Rudders & Rudderless Ships (SLF 53/5, annex 4, issue No. 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## 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.



**Round 1 Proposals** The group considered six proposals. Four proposals sought to define novel craft in terms of those of nontraditional or unusual types or shapes, including those fitted with certain types of novel structures onboard, such as loading devices, or those to which the existing interpretations could not be applied. One proposal recommended establishing a framework under which IMO would evaluate each novel craft determination by a flag Administration. If approved, IMO would include it in the Unified Interpretations. If disapproved, IMO would recommend that the method not be used. One proposal recommended interpretations to the effect that in applying novel craft provisions, the gross and net tonnages must be reflective of the ship's overall size and useful capacity, respectively, and that an accompanying remark be included on the ship's ITC. One proposal recommended that novel craft provisions not be construed as allowing exemption from measurement of those enclosed spaces which would otherwise have been included in tonnage, and proposed that Administrations be required to initiate IMO action to incorporate the novel craft determination into the Unified Interpretations. Another suggested that safety and economics not be used as a basis for novel craft determinations.

**Round 1 Questionnaire Responses** There was little agreement on the proposals to define novel craft using language along the lines of nontraditional or unusual, with nearly equal numbers of respondents agreeing, or agreeing with changes, as disagreeing. One respondent who agreed with comment expressed the view that the term "novel" should be used only when the measurement cannot be done using conventional methods. Respondents who disagreed highlighted the difficulties in the making such determinations in the absence of specific criteria for what constitutes an "unusual" ship or ship type. There was little agreement on the proposal for IMO evaluation of novel craft determinations, with most neither agreeing nor disagreeing. Several respondents noted in some fashion the possible deterrent effect of this approach, but expressed concerns over the possible need for issuance of temporary ITCs prior to a decision being made, the necessity of conducting this kind of work under planned outputs,

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

and the disadvantage of frequent changes to the Unified Interpretations. Most agreed, with some changes, to the proposal to link novel craft determinations to a ship's size and useful capacity, with one commenting that the corresponding remark on the ITC should not be included. Most agreed with the proposal to preclude exemptions and to incorporate determinations into the Unified Interpretations, with some expressing concerns along the lines of those expressed for the proposal recommending IMO evaluation. There was little agreement on the proposal related to safety and economics, with one respondent commenting that spaces where cargo is carried should not be excluded unilaterally. This respondent introduced the idea of creating a council of tonnage experts at SLF, while acknowledging the impracticality of such an approach. One respondent commented that due consideration for safety should not be ruled out when applying novel craft provisions.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read "The space between the side longitudinal boundary bulkhead of a deckhouse . . ."*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read "Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space."*)

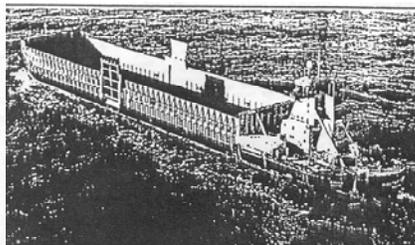
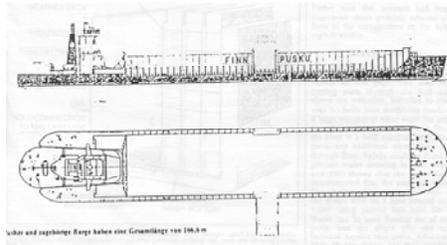
**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### Issue 3 – Enclosed Spaces

#### 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 bulkhead, 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), 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 coamings of dockships have been omitted.



**Round 1 Proposals** The group considered eight proposals. Several were along the lines of considering enclosed space to be bounded by the hull, by a deck, or by bulkheads or partitions without the need for a deck above to bound an enclosed space. Among these, various different approaches were recommended for establishing the number of “sides” of an uncovered space considered necessary to bound enclosed space, treating low-sided boundaries such as bulwarks, and accounting for the carriage of cargo or stores when deciding whether an uncovered space is eligible for exclusion. One proposal recommended that a space not within the hull must be bounded by a deck or covering above to be considered to be an enclosed space. One proposal recommended using novel craft provisions to apply an aspect ratio of height to width (a “1 in 4 rule”) to allow the upper portion of a large uncovered space to be treated as not enclosed, thereby eliminating the need for special treatment of certain ship types, including hopper barges, dockships, open-top containerships and offshore support ships. Another proposal recommended treating spaces bounded by coamings in both dockships and open-top containerships as enclosed spaces, noting the need for clarification.

**Round 1 Questionnaire Responses** Most agreed with the proposals recommending that a deck above not be a condition for a space to be considered enclosed, and disagreed with the proposal advocating that such a condition be applied. Respondents expressed different views regarding whether two or three “sides” were necessary to bound enclosed space and if the “sides” should be connected as a condition for such treatment. One respondent commented that in performing such an evaluation, a deck above was considered to be a “side” in this context. Two respondents questioned a proposed height criterion of 1.5 meters that was included in separate proposals, arguing against treating structures with low sides any differently, while one respondent recommended that any bulwarks required by the Load Line Convention

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

should not be considered “partitions”. Among those advocating a linkage treatment and the usage of the space, some argued in favor of including the space in tonnage if the space is used, or intended, for carriage or appropriation of cargo or stores, while another argued for inclusion on condition that the space is not equipped with lashing equipment. One respondent cautioned against developing detailed interpretations not rooted in the regulations of the TM Convention, while another argued for keeping rules general, because of the large number of different structures that must be addressed. Most disagreed with the proposed “1 in 4 rule”, with respondents expressing concerns over the proposal’s deviation from the TM Convention, its complexity, the possible misuse of novel craft provisions, and the potential for influencing future designs and adversely impacting safety.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### Issue 3 – Enclosed Spaces

#### 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 bulkhead, 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. Nor is it clear how such spaces are to be identified on International Tonnage Certificates.



**Round 1 Proposals** The group considered six proposals. One proposal recommended not including temporary/semi-permanent spaces in tonnage, if listed as temporary on the ITC. Two proposals recommended the inclusion of such spaces in tonnage, regardless of whether or not the spaces are considered “temporary”, with one recommending a remark be included on the ITC specifying a maximum allowance for such spaces upon request by the ship owner. One proposal recommended remeasurement of the ship after the temporary equipment is fitted or removed. One proposal recommended including in tonnage those temporary or semi-permanent spaces above the upper deck that are welded or bolted to ship structure, as well as those connected to ship systems, excepting containerized cargo with electrical connections for preservation of the contents. One proposal cited the current TM.5/Circ.5 interpretations, and suggested that equipment depicted in the photographs should be included if permanent. Two proposals included recommendations for development of precise definitions as to what constitutes a “temporary” space.

**Round 1 Questionnaire Responses** Respondents expressed a wide range of views on the various proposals, centering around whether the degree of permanency of attachment and /or connectivity to ship systems should cause temporary deck equipment to be treated differently from a tonnage measurement perspective, with little agreement on this issue. Most agreed with the proposal recommending inclusion of temporary deck equipment in tonnage without a required ITC remark, but many disagreed with remeasurement following the fitting or removal of these items, with one highlighting the impracticality of reissuing the ITC with each change, and well as implications for all statutory certificates of resulting changes in gross and net tonnage. There was little agreement on any of the other proposals, with agreement split between those favoring solutions based on the degree of permanency and/or connectivity to ship systems, and those favoring inclusion of all temporary deck equipment in tonnage, with differing views related to certification and recertification of this equipment as reflected on the ITC. One respondent

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

suggested that the proposal on remeasurement be modified to allow the Administration to decide on the need for remeasurement following temporary deck equipment removal. Another commented that a remark on the ITC specifying a space allowance should be mandatory, and should provide the number and a short description of the items. One respondent expressed concerns over distinguishing between a temporary generator not connected to ship's systems, and one that is part of the ship's electrical system, as well as the treatment of hull "bulges" on fishing vessels. Several respondents emphasized the need for precise definitions, with one maintaining that shipboard mobile cranes should not be categorized as temporary deck equipment, and are addressed under other interpretations. One respondent challenged the "portable enclosed space" terminology suggested in one proposal, expressing the view that this could be construed as encompassing freight containers, which are not be included in tonnage.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read "The space between the side longitudinal boundary bulkhead of a deckhouse . . ."*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read "Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space."*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### Issue 3 – Enclosed Spaces

#### 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 bulkhead, 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.



**Round 1 Proposals** The group considered five proposals, all of which recommended not including containerized deck cargo in tonnage. One proposal recommended that neither the deck cargo nor spaces bounded by deck cargo be included in tonnage. Another recommended establishing interpretations to the effect that deck cargo and life saving (and other craft) carried aboard a ship are not part of the ship, and therefore are not included in tonnage, offering a definition for “deck cargo” along the lines of freight that is transported and offloaded in its original container. Two proposals addressed ship spaces surrounding deck cargo, recommending that spaces bounded on at least three sides by wall-sided ship's permanent structure and which are used to house, or appropriated for, cargo should be included in tonnage. Of these, one proposal recommended that only extended ship's structures (i.e., those higher than standard side bulwarks) should be considered to enclose space in this context, with a need for clarifying diagrams.

**Round 1 Questionnaire Responses** Most respondents agreed with the proposals, or portions thereof, recommending that deck cargo not be included in tonnage. One respondent commented that those cargo containers without permanent connections should not be included. One respondent questioned why containers were not included in tonnage, noting that cargo inside a container is, in fact, bounded by partitions or bulkheads, and that including containers would solve the problem of the tonnage disparity between containerships and RO-ROs. There was little agreement on the proposals that also addressed spaces surrounding deck cargo. Two respondents commented to the effect that uncovered spaces appropriated for cargo and bounded by high (>1.5 m) wall-sided ship's structures should be included tonnage. Another commented on the need for a clear definition of “stores” in this context. In disagreeing, two respondents commented to effect that gross tonnage should represent overall size, without necessarily a linkage to whether that space is used to house cargo, and net tonnage should somehow represent the subset of that overall size that is dedicated to the “useful capacity”. One respondent offered the general comment that exclusion of deck cargo goes against the

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

meaning of net tonnage given in the Convention, as it does not represent the useful capacity, and expressed the view that not including deck cargo in tonnage is discouraging port authorities from using gross or net tonnage for charging purposes.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

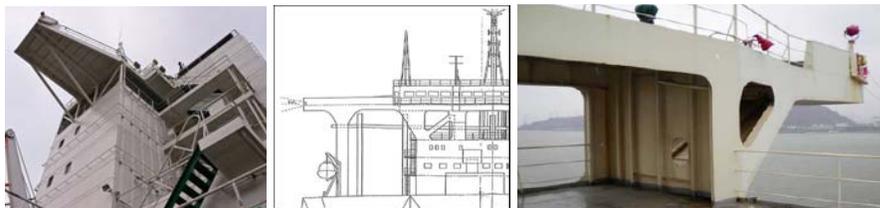
**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### Issue 3 – Enclosed Spaces

#### 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 bulkhead, 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.



**Round 1 Proposals** The group considered five proposals. Two proposals recommended that open spaces below bridge wing structures not be included in tonnage. One proposal offered an approach, discussed at SLF 29, that addresses treatment of spaces beneath a variety of overhanging structures, including those having supporting stanchions, without regard to whether the structure extends side-to-side. Under this approach, the space must meet the requirements of regulation 2(5) for an excluded space (e.g., not fitted with means of securing cargo or stores). Another proposal provided for excluding any space bounded by an overhang such as a bridge wing only if it satisfies all of the regulation 2(5)(b) or (c) conditions. Another recommended that, in general, any space beneath a cantilevered overhanging structure like a bridge wing (i.e., one connected to ship's structure on only one side and open both fore and aft) not be considered an enclosed space, whether or not fitted with means of securing cargo or stores.

**Round 1 Questionnaire Responses** A majority of respondents generally agreed with the proposals whose effect would be to not include spaces beneath bridge wings and similar structures regardless of whether or not fitted with means of securing cargo or stores. Expressing a contrary view, several respondents questioned the authority to treat any space below an overhead deck as, effectively, unenclosed. One respondent emphasized the difference in addressing space that is below a bridge wing that is immediately above a deck, as opposed to one that is several decks above. Several respondents expressed support for expanding interpretations to address structures that do not extend side-to-side. Two respondents commented on the effect of supporting stanchions, advocating a longitudinal maximum restriction of 0.6 m, instead of the 1 m<sup>2</sup> / 1m<sup>3</sup> restriction discussed at SLF 29.

**Issue 3 – Enclosed Spaces**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### Issue 3 – Enclosed Spaces

#### 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  $1 \text{ m}^2$  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  $1 \text{ m}^3$  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  $1 \text{ m}^3$ ”, 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 ships.



**Round 1 Proposals** The group considered five proposals. One proposal recommended that spaces with a combined volume of less than  $1 \text{ m}^3$  and a horizontal or vertical cross sectional area less than  $1 \text{ m}^2$  be included in V, with accessibility to the space taken into consideration. Along similar lines, another proposal recommended that inaccessible spaces separated on all their sides from other enclosed spaces, apart from the deck/surface contact, not be included in tonnage unless utilized for any purpose, provided their volume is less than  $1 \text{ m}^3$  or the contact area does not exceed  $1 \text{ m}^2$ , with some restrictions should the sectional area increase above the contact surface. Another proposal recommended that the evaluation of such spaces be based on location relative to the boundary plating (structural boundary surface if not constructed of metal). Under this proposal, spaces fitted external to the boundary plating, of volume not exceeding  $1 \text{ m}^3$  and having the largest cross-sectional area in the longitudinal direction of the structure not exceeding  $1 \text{ m}^2$  should not be included in tonnage. One proposal recommended establishing interpretations to approximate volumes of linear structures and similar parts of the ships of sectional areas less than  $1 \text{ m}^2$  (e.g., hollow deckhouse overhangs, cockpit coamings, settees, etc.) by multiplying an average (approximate) sectional area by an average (approximate) length. One proposal suggested that consideration should not be given to the amount of time needed to perform tonnage calculations, and that spaces such as those depicted in the photo appear eligible for exclusion unless the seats are considered a means of securing cargo (in this case the passengers).

**Round 1 Questionnaire Responses** Respondents generally agreed with elements of all the proposals, except for the proposal to approximate volumes, on which there was little agreement. Several respondents expressed opposition to establishing interpretations on a matter of

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

accuracy, which in their view is best left to each Administration. Several respondents questioned the application of both volume and area criteria under two of the proposals. Regarding the proposal on spaces separated on all sides from other plating, one respondent commented that this would result in inclusion of smaller spaces that are attached to a structure's boundary plating. Regarding the boundary plating proposal, one respondent commented that by applying the area criteria longitudinally, as in the case of boxed bulwarks, there could be a significant effect on the tonnage. Regarding the proposal on amount of time to perform calculations, two respondents agreed that calculation time should not be a consideration. Two respondents additionally commented that the presence of passenger seating should not be a consideration in this context, with one noting that it also should no bearing the eligibility of a space to be treated as an excluded space.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read "The space between the side longitudinal boundary bulkhead of a deckhouse . . . ."*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read "Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space."*)

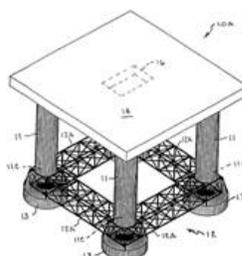
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### Issue 3 – Enclosed Spaces

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

**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. Air trunks having a cross-sectional area not exceeding 1 m<sup>2</sup> 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 m<sup>3</sup> 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.



**Round 1 Proposals** The group considered three proposals. One proposal recommended development of clear definitions as to what should and should not be included in tonnage, with the method for determining volumes left to the naval architect's discretion. Another proposal recommended specific definitions for the terms "hull" and "appendage" based on discussions at SLF 30, with appendages to include structures fitted on the outer surface of the hull, whether solid or bounded by a metal cover. Another recommended the inclusion in tonnage of all appendages, bracings, and other linear hull elements that are larger than 1 m<sup>3</sup> in volume, with provisions to approximate volumes of such items.

**Round 1 Questionnaire Responses** Most agree, with a number of comments, on the proposals to develop clear definitions and include in volume appendages and bracings larger than 1 m<sup>3</sup> in volume, with less agreement on the remaining proposal related to the specific definitions. Several respondents commented to the effect that if definitions are clear, interpretations regarding allowable computational approaches could add unnecessary complexity, while another cautioned against including definitions that are overly detailed. Several respondents questioned the application of both volume and area criteria in measuring smaller spaces, with one advocating inclusion of the space in tonnage if the volume and/or area criteria are exceeded. Another questioned the treatment under the proposed definitions of a hollow appendage fitted to the hull that is open to the hull at the point of connection.

**Issue 3 – Enclosed Spaces**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### Issue 3 – Enclosed Spaces

#### 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 m<sup>3</sup> 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.



**Round 1 Proposals** The group considered five proposals. Three proposals favored allowing some limited accessibility, depending on certain factors including whether the space is not readily accessible while the ship is undertaking its usual duties either at sea or in port, whether the access is needed only for repair, inspection or maintenance, or alternatively whether or not the space is accessible only through a bolted manhole or similar arrangement necessary for survey purposes. One of these proposals recommended expanding the list of structures included in these interpretations, while another recommended adding the criterion that the spaces in question not be fitted with means for securing cargo or stores. Two other proposals favored removing the accessibility criterion altogether, with one recommending that the area criterion also be eliminated, such all masts and similar spaces greater than 1 m<sup>3</sup> in volume greater are included in tonnage. A fifth proposal suggested that consideration should not be given to accessibility restrictions related to security requirements, as this could create a new kind of condition for exclusion of spaces that could be extended to other structures.

**Round 1 Questionnaire Responses** There was little agreement on the proposals. Regarding the proposals that favored some limited accessibility, one respondent commented that the existing requirement for “completely inaccessible” is not appropriate, and that a means of access for inspection or maintenance should not prevent exclusion from tonnage. Another respondent summarized the history of the treatment of the spaces in question, noting that STAB 22 agreed that mast and air trunk volumes be excluded for consistency with treatment under earlier measurement systems, that SLF 30 deleted this exclusion, and that it was subsequently reinstated at SLF 38 with the “completely inaccessible” restriction included in an effort to resolve the conflict with the older measurement systems. Consequently, modifying this approach to allow limited access without affecting the exclusion is appropriate. Another commented that the need for a bolted closure as an accessibility criterion could be overly restrictive. Among those

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

disagreeing, one commented that the inaccessibility of a space should not be taken into consideration when evaluating whether a partition bounds enclosed volume under regulation 2(5) of the TM Convention. Another expressed the view that it was inappropriate to apply regulation 2(5) restrictions on securing of cargo and stores in this situation, while others suggested combinations of, or other improvements to, the various proposals. Two respondents commented on the need to retain the area criterion, with one commenting that eliminating it could significantly increase tonnages.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### Issue 3 – Enclosed Spaces

#### 3.h Vertical Truss Structures (Russian Federation)

**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 bulkhead, shall preclude a space from being included in the enclosed space.* 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. Air trunks having a cross-sectional area not exceeding 1 m<sup>2</sup> 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 m<sup>3</sup> should not be measured.*

**Description of Issue** Self-elevating drilling units are often fitted with vertical truss structures (e.g., legs and rigs). Unfortunately, there are no clear instructions on measurement of the truss structures. Clarification would be helpful to ensure a uniform approach.



**Round 1 Proposals** The group considered a single proposed solution, recommending that truss structures such as the legs and rigs of self-elevating drilling units not be included in tonnage.

**Round 1 Questionnaire Responses** A majority of respondents agreed with the proposal, with one respondent commenting on the acceptability of the approach for any truss structures for which it is not possible to identify an enclosed volume. Among those who disagreed, one respondent preferred that the volume of such structures be included in tonnage if the entire assembly is greater than 1 m<sup>3</sup> in volume, without regard to whether or not the structure is movable. Another commented that truss structures on some semi-submersible drill rigs are used to adjust buoyancy during towing, and therefore should be included in tonnage. Another questioned whether these ships could be treated under novel craft provisions, noting that the structures in question occupy “space” both above and below the waterline.

**Issue 3 – Enclosed Spaces**

**3.h Vertical Truss Structures (Russian Federation)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

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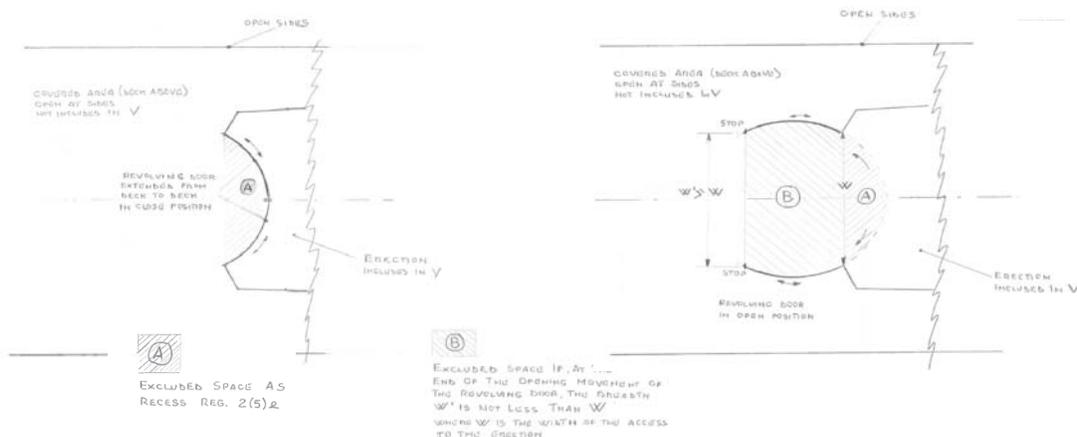
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**Issue 3 – Enclosed Spaces**

**3.i Revolving Door Within a Covered Space (Italy)**

**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 bulkhead, shall preclude a space from being included in the enclosed space.* 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** In applying excluded space provisions to a revolving door assembly that is within a covered space open on the side, it is unclear as to whether the door assembly itself is considered to be a partition that bounds enclosed space, or otherwise affects the exclusion of the surrounding space. In this case, the assembly extends from deck to deck. Figure A (left) shows the revolving door in the closed position. Figure B (right) shows the revolving door in the open position, effectively creating the new space B, which covered and protected on its sides.



**Round 1 Proposals** The group considered a single proposal, recommending that if the breadth ( $W'$ ) at the maximum opening movement of the revolving door assembly is not less than ( $W$ ), the width of the access to the erection, the spaces A and B are not included in tonnage, assuming that the doors are not portable partitions or bulkheads.

**Round 1 Questionnaire Responses** A majority of respondents disagreed with the proposal, with one respondent expressing the view that the doors are, in fact, partitions. Another took issue with the characterization of A as a recess in a boundary bulkhead, expressing the view that the door assembly does not constitute a bulkhead. This respondent provided a history of development of the language at the TM Convention, observing that the adjective “portable” originally applied only to the word “partition” with “bulkhead” added later, and commenting that it remains unclear as to whether the adjective applies to both bulkheads and partitions. One respondent agreed with the exclusion of A but not B, as B extends into the deckhouse in excess of the one half the breadth criteria, which equals  $W$  in this case.

**Issue 3 – Enclosed Spaces**

**3.i Revolving Door Within a Covered Space (Italy)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

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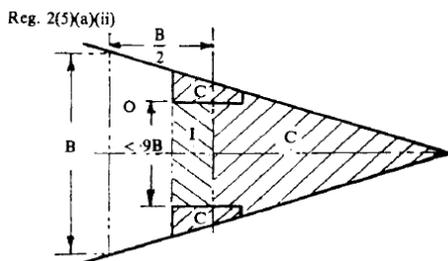
**Issue 3 – Enclosed Spaces**

**3.j Enclosed Space Versus Excluded Space (CG Round 1)**

**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 bulkhead, shall preclude a space from being included in the enclosed space.* 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 . . .* TM Convention, Regulation 6(3) *Volumes of spaces open to the sea may be excluded from the total volume.* TM Convention Annex II Certificate *An asterisk (\*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.*

**Description of Issue** The TM Convention is inconsistent in how it describes and treats spaces that are “excluded” from tonnage. The Convention states, in effect, that “excluded” means “excluded from the total volume of all enclosed spaces (V)”. However, associated figures indicate that “excluded” means “not enclosed”. It appears that the labeling in the figures (“O” (for “Open”), “C” (for “Closed”) and “I” (for “Included”)) derive from that used in Proposals A & C discussed at the 1969 Tonnage Conference, which eventually became the basis for the gross tonnage measurement of the Convention, but which did not use the term “excluded”.

In the following figures: O = excluded space  
 C = enclosed space  
 I = space to be considered as an enclosed space  
 Hatched in parts to be included as enclosed spaces.



**Round 1 Proposals** The group considered two proposals. One proposal recommended establishing the interpretation that an excluded space is an enclosed space in all cases, and revising the Appendix 1 figures accordingly if the TM Convention is amended for other reasons. A second proposal recommended, if there is agreement, to amend the TM Convention with a broader definition with details on how to identify and address excluded spaces, knowing that in all cases such space are “indoors” (enclosed).

**Round 1 Questionnaire Responses** A majority of respondents agreed in principle with the first proposal, with one commenting that the matter could be satisfactorily treated through interpretations and other suggesting specifically the term “excluded” be interpreted as “enclosed but excluded”. Most agreed with the second proposal, with no disagreement, although two respondents expressed preference for addressing the matter through interpretations. Another participant expressed the view that an interpretation cannot supersede a provision of the TM Convention, and that the text and figures in the Convention need to be amended accordingly.

**Issue 3 – Enclosed Spaces**

**3.j Enclosed Space Versus Excluded Space (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

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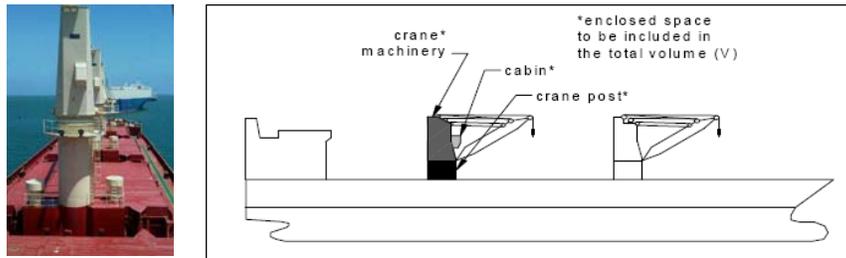
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**Issue 3 – Enclosed Spaces**

**3. k Mobile Cranes (CG Round 1)**

**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 bulkhead, shall preclude a space from being included in the enclosed space. 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. All mobile cranes should be exempted.**

**Description of Issue** A clear definition of the term “mobile” should be given, as the term, as it is, leads to misunderstanding. A generally-accepted definition of mobile crane is one that is easily moved from one location to another. On cranes like the one shown in the picture below, the upper part rotates in its own axis; it does not actually “move” from its location so should be included in the total volume of all enclosed spaces (V).



**Round 1 Proposals** The group considered a single proposal. The proposal recommended that only those cranes of a type which displace from one point to another (e.g., gantry cranes) should be exempted.

**Round 1 Questionnaire Responses** There was little agreement on the proposal. A respondent who agreed, with changes, recommended establishing a detailed definition of mobile crane along the lines of a machine mounted on a non- or self-propelled, crawler- or wheel-mounted, mobile base, that is capable of travelling over a supporting surface without the need for fixed runways. One respondent who disagreed commented that machinery, meaning revolving cranes, movable loading/unloading equipment and other similar items or structures, should not be included in tonnage. Another expressed the view that crane structures, regardless of type, should be included in tonnage. Another questioned why the term “mobile crane”, rather than a more generic term, is used, citing the example of spreader beam for a heavy lift ship, which is portable, but stowed on deck.

**Issue 3 – Enclosed Spaces**

**3. k Mobile Cranes (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

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**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### Issue 3 – Enclosed Spaces

#### 3.1 Spaces Like Ventilators and Air Trunks Exceeding 1 m<sup>3</sup> (CG Round 1)

**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 bulkhead, shall preclude a space from being included in the enclosed space.* 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 m<sup>2</sup> 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 m<sup>3</sup> should not be measured.*

**Description of Issue** Some flag states do not include this type of structures in tonnage. This type of structure does not represent a significant volume on most ship types; however, they can constitute a significant volume on ships like vehicle carriers.



**Round 1 Proposals** The group considered a single proposal. The proposal recommended that such structures not be included in tonnage when the cross-sectional area is less than 1m<sup>2</sup>.

**Round 1 Questionnaire Responses** A majority of the respondents agreed with the proposal, although several were in disagreement. One respondent expressed agreement only with applying the 1m<sup>2</sup> area criterion to air trunks, noting that a 1m<sup>3</sup> volume criterion should be applied to other spaces. Three respondents commented to the effect that for this situation, a 1m<sup>3</sup> volume criterion should be applied per the paragraph 3 interpretations of TM.5/Circ.5 (regulation 6).

**Issue 3 – Enclosed Spaces**

**3.I Spaces Like Ventilators and Air Trunks Exceeding 1 m<sup>3</sup> (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

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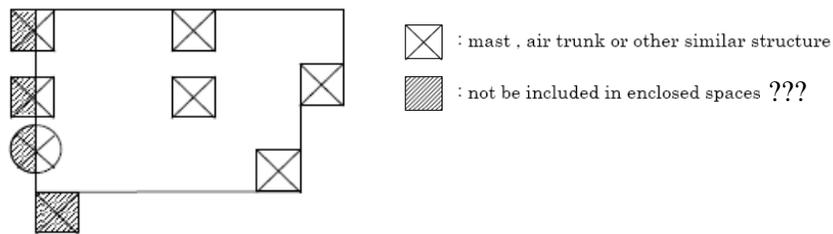
**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 3 – Enclosed Spaces**

**3. m Spaces Fitted to Outer Structure Boundary (CG Round 1)**

**Requirement/Interpretation** 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 m<sup>2</sup> 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 m<sup>3</sup> should not be measured.**

**Description of Issue** Clarification is required regarding treatment of the part of the mast, air trunk and other similar space fitted to the outer surface of a structure’s boundary.



**Round 1 Proposals** The group considered a single proposal. The proposal recommended that the part of space fitted to the outer surface of structure’s boundary having at least three exposed sides and having the largest cross-sectional area in the longitudinal direction of the structure not exceeding 1m<sup>2</sup> should not be included in tonnage.

**Round 1 Questionnaire Responses** An equal number of respondents agreed, or agreed with changes, as disagreed with the proposal. Three respondents commented that per the paragraph 4.6 interpretations of TM.5/Circ.5 (regulation 2(4)), spaces not separated on all their sides should be included in tonnage. Another respondent expressed preference for removing the sectional area criterion from the existing interpretations altogether to avoid impacts on ship designs, but recommended that the proposal should be modified to take the cross sectional area in a direction perpendicular to its longitudinal axis, should this view not prevail.

**Issue 3 – Enclosed Spaces**

**3. m Spaces Fitted to Outer Structure Boundary (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### Issue 3 – Enclosed Spaces

#### 3.n Devices for Safety, Fire Protection and Pollution Prevention (CG Round 1)

**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 bulkhead, shall preclude a space from being included in the enclosed space. 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 m<sup>3</sup> should not be measured.*

**Description of Issue** Clarification is required regarding treatment of devices for safety, fire protection, prevention of pollution and other similar equipment which is required by other conventions.



**Round 1 Proposals** The group considered a single proposal, recommending that such equipment not be included in tonnage.

**Round 1 Questionnaire Responses** An equal number of respondents agreed, or agreed with changes, as disagreed with the proposal. One respondent commented that if equipment is enclosed and fixed in place, it is included, whereas equipment intended as moveable is not included. One respondent expressed the view that the TM Convention only addresses enclosed spaces, not devices, and questioned the need to clarify that devices are not included in tonnage. Two respondents expressed concern over the potential for effectively introducing a new category of excluded space under the proposal, with one expressing the view spaces such as those for NO<sub>2</sub> scrubbers could occupy considerable volume, and commented that excluding them would be outside the scope of the planned output. Another observed that Safety should not be linked to the determination of the size of a ship. One participant suggested that lifesaving craft be treated as vessels, on which basis they are not included in the tonnage of the “parent” ship. Another expressed general agreement with excluding the volumes associated with such devices, provided that spaces containing the devices (e.g., fire stations) that are themselves deckhouses are included in tonnage.

**Issue 3 – Enclosed Spaces**

**3.n Devices for Safety, Fire Protection and Pollution Prevention (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### Issue 3 – Enclosed Spaces

#### 3.o Width of End Openings (CG Round 1)

**Requirement/Interpretation:** TM Convention, Regulation 2(5)(a)(i) *A space within an erection opposite an end opening extending from deck to deck except for a curtain plate of a depth not exceeding by more than 25 millimetres (one inch) the depth of the adjoining deck beams, such opening having a breadth equal to or greater than 90 per cent of the breadth of the deck at the line of the opening of the space. 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)(a)(ii) *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).* TM Convention, Regulation 2(5)(a)(iii) *Where an interval which is completely open except for bulwarks or open rails separates any two spaces, the exclusion of one or both of which is permitted under sub-paragraphs (a) (i) and/or (a) (ii), such exclusion shall not apply if the separation between the two spaces is less than the least half breadth of the deck in way of the separation (Figures 5 and 6 in Appendix 1).*

**Description of Issue:** Additional clarification is needed to for the treatment of opposite end openings under regulation 2(5)(a)(i-iii). Specifically, it is not clear whether, in order for a space opposite such an opening to be excluded, the erection must extend side-to-side (width = beam of the ship), or if a similar space might be excluded in a structure which is not side-to-side (e.g., a round house).



**Round 1 Proposals** There were no proposals offered to the group for consideration for this issue, which was identified during the group's Round 1 work.

**Round 1 Questionnaire Responses** Respondents offered various comments on addressing the identified issue, with two respondents commenting that clarification is needed, and another expressing the need to expand the regulation 2(5) interpretations to structures that are not side-to-side, in addition to erections that extend side-to-side. One respondent noted that while the Annex I figures of the TM Convention show side-to-side spaces, nothing in the text of the Convention rules out similar treatment of spaces that are not side-to-side. One respondent commented along similar lines that the text is relevant to erections, and not only side-to-side erections, with the focus being on the breadth. Another commented that the breadth referred to in the text can be construed to mean the breadth of the deck structure at deck level at the line of the opening, which allows consideration of excluded space treatment for the spaces pictured above. Another referred to documents from the 1969 TM Conference, suggesting that term "outside plating" in regulation 2(5)(a)(ii) was originally used in the context only of side-to-side erections.

**Issue 3 – Enclosed Spaces**

**3.o Width of End Openings (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### Issue 3 – Enclosed Spaces

#### 3.p Machinery as Enclosed Space (CG Round 1)

**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 bulkhead, shall preclude a space from being included in the enclosed space. 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. 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 m<sup>3</sup> should not be measured.**

**Description of Issue:** It is unclear as to whether machinery should be included as enclosed space.



**Round 1 Proposals** The group considered a single proposal, recommending that machinery should not be included in tonnage, where machinery means revolving cranes, movable loading/unloading equipment and other similar items or structures.

**Round 1 Questionnaire Responses** Most respondents either agreed with the proposal, or agreed subject to comment. One respondent commented that machinery, in general, should not be included, with machinery to include cranes with truss structures, mooring equipment, towing equipment on tug and supply and other similar items, but that closed machinery structural foundations should be included. Two respondents agreed on condition that the TM.5/Cir.5 accessibility prohibitions are extended to include machinery, with one recommending that the requirement that the machinery be separated on all sides from other enclosed spaces be similarly extended. Another respondent expressed the view that a clear definition is needed (e.g., the item must be “stand alone”). A respondent who disagreed argued that machinery should be included if it occupies a volume greater than 1m<sup>3</sup> on the basis of the text of the TM Convention, expressing the view that machinery has been traditionally omitted because it was exempted under earlier measurement systems and as a matter of computational convenience.

**Issue 3 – Enclosed Spaces**

**3.p Machinery as Enclosed Space (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 3 – Enclosed Spaces

### 3.q Machinery Support Structures (Japan)

**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 bulkhead, shall preclude a space from being included in the enclosed space.* 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 m<sup>2</sup> 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 m<sup>3</sup> should not be measured.*

**Description of Issue:** It is unclear as to whether machinery support structures should be included in tonnage.



**Round 1 Proposals** The group considered a single proposal, recommending that machinery support structures having a volume not exceeding 1m<sup>3</sup> should not be included in tonnage. Similar support structures having the largest cross-sectional area in the longitudinal direction of the structure not exceeding 1m<sup>2</sup> should also not be included in tonnage.

**Round 1 Questionnaire Responses** Most respondents either agreed with the proposal, or agreed with changes. One respondent emphasized that the current 1m<sup>2</sup> exclusion applies only to air trunks. Two respondents commented that a support structure not exceeding the 1m<sup>2</sup> sectional area criterion in either the transverse or longitudinal direction should also not be included. Another respondent commented to the effect that when such structures are completely inaccessible, above the upper deck, and separated on all their sides from other enclosed spaces, they should not be included, regardless of their sectional area or volume. Another, which disagreed with the proposal, expressed preference for treating machinery and their support structures in an identical manner to any other structures.

**Issue 3 – Enclosed Spaces**

**3.q Machinery Support Structures (Japan)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 4 – Definition of Deck, Cover and Partition

### 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 bulkhead, shall preclude a space from being included in the enclosed space.*

**Description of Issue** 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)? Interpretations are needed to determine whether fabric covers and partitions are considered to bound space that would otherwise not be enclosed.



**Round 1 Proposals** The group considered six proposals. The proposals addressed various aspects of possible definitions for the term “awning”, focusing principally on the function (e.g. protection from sun, rain, weather, etc.), its constructional features (e.g., rigid vs. flexible, material type, weathertight properties, whether or not it is foldable, etc.) and orientation (e.g., overhead, horizontal, vertical, fitting of drop/skirt, etc.). One proposal suggested that a list of accepted awning materials be developed and included in TM.5/Circ.5, recognizing the difficulty of maintaining such a list.

**Round 1 Questionnaire Responses** A majority of respondents agreed, or agreed subject to changes, with five of the proposals. A majority disagreed with the remaining proposal, which recommended that an awning be considered only as cloth, or possibly a plastic light structure. The proposals receiving the most support recommended establishing a definition along the lines of an overhead covering, with roughly equal support for variants related to the awning’s function (i.e., reduce impact of wind or water, offer shelter from the sun or weather, protect the deck from the sun only). Among the many comments provided, one respondent suggested using a dictionary definition for “awning”, one recommended that the function be limited to protection from the sun, several respondents questioned restrictions on the material, including those relating to flexibility (e.g., sunroof blinds should qualify), one highlighted the difficulty of maintaining a list of materials, one recommended that vertical partitions not be excluded from the definition and questioned at what angle would a horizontal partition effectively become a vertical partition, one disagreed that the fitting of a drop should cause the space beneath the awning to be included in tonnage, and one expressed the view that the TM Convention provides for permanent awnings, which could be of rigid material.

**Issue 4 – Definition of Deck, Cover and Partition**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 4 – Definition of Deck, Cover and Partition****4.b Treatment of Exterior Spaces 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.



**Round 1 Proposals** The group considered seven proposals. Three proposals supported the interpretation that a space bounded by an awning cannot be construed as enclosed space under regulations 2(4) of the TM Convention, of which one proposal recommended removing the current interpretation on this matter from TM.5/Circ.5. Two proposals sought, in effect, to treat all side structures or partitions the same in this context, regardless of function or material, so that the presence or absence of an awning overhead would have no effect on whether such spaces were eligible for exclusion under regulation 2(5). Another proposal recommended that a space beneath an awning used to protect cargo or stores should be included in tonnage. Another urged agreement on the apparent contradiction identified in the description of this issue.

**Round 1 Questionnaire Responses** Most respondents agreed with the two proposals that supported interpreting a space bounded by an awning as unenclosed space and did not remove the associated language from TM.5/Circ.5. The proposal that sought to remove this language receive little agreement, with those not in agreement noting that such a space could still be an enclosed space depending on the characteristics of any side partitions beneath the awning. Most respondents agreed with the two proposals that addressed side structures beneath awnings. One respondent who disagreed commented that regardless of whether an awning is considered to bound the space from overhead or on the side, the space bounded by the awning is not treated as enclosed. Most respondents disagreed with the proposal to include in tonnage space below and awning used to protect cargo. One respondent observed that as a result of discussions at the 1969 TM Conference, the term "awning" was inserted to exclude "sunshade" from "cover", with the issue revisited at SLF 28, including treatment of awnings covering deck cargo. Based on a review of this information, the participant concluded that a space beneath an awning, bounded by fences, coamings, or other similar partitions used for cargo securing should be treated as enclosed space. Most respondents also agreed with the need to address the apparent contradiction in the interpretations, although one respondent who disagreed commented that there is no contradiction if one considers that an enclosed space may be within the bounds of an awning (a space within another space).

**Issue 4 – Definition of Deck, Cover and Partition**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 4 – Definition of Deck, Cover and Partition****4.c Treatment of Interior Spaces Bounded by Awning-Like Materials (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 unclear how the presence of a boundary consisting of an awning-like material within an enclosed spaces affects the extent to which the space may be excluded.



**Round 1 Proposals** The group considered a single proposal, recommending that the presence of awning-like or other non-structural partitions that are located within excluded spaces (e.g., flexible partitions, false ceilings, etc.), other than when the ship is moored, will prevent the further "progression" of excludable space past the partition.

**Round 1 Questionnaire Responses** A majority of respondents agreed with the proposal. Among those who agreed, one respondent observed that a cover used to protect the hull of a yacht from weather while moored should be ignored. Among those who disagreed, one respondent cited proposals for Issues 4.a and 4.b, noting the need for amending interpretations on awnings and their relationship to enclosed spaces.

**Issue 4 – Definition of Deck, Cover and Partition**

**4.c Treatment of Interior Spaces Bounded by Awning-Like Materials (SLF 53/5, annex 4, issue No. 14)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

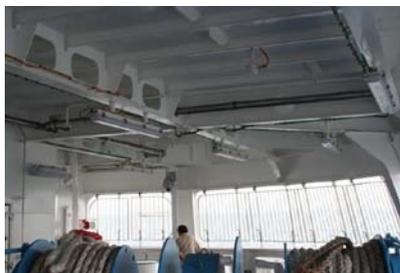
**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 4 – Definition of Deck, Cover and Partition****4.d Fitting of Grates Over Side/End Openings (CG Round 1)**

**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.* 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** Due to different reasons (not the least of which are concerns over piracy), it is becoming more frequent to see the fitting of grates and similar devices fitted at external openings. to provide a barrier against intrusion. The picture below provides an example of this kind of arrangement.



**Round 1 Proposals** The group considered a single proposal, recommending that the presence of grates that are fitted at side or end openings for spaces should not be considered a means of closure when applying the provisions of regulation 2(5).

**Round 1 Questionnaire Responses** Most respondents agreed with the proposal. In agreeing, two respondents expressed the view that this issue should probably be addressed in the TM Convention if amended for other reasons, with one commenting that the fitting of such gratings effectively does not protect spaces from the sea or weather, and was probably not envisioned at the time when the TM Convention was developed. Another respondent noted that, while not directly a tonnage matter, consideration should be given how such gratings impact the means of escape through the opening in case of emergency.

**Issue 4 – Definition of Deck, Cover and Partition**

**4.d Fitting of Grates Over Side/End Openings (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

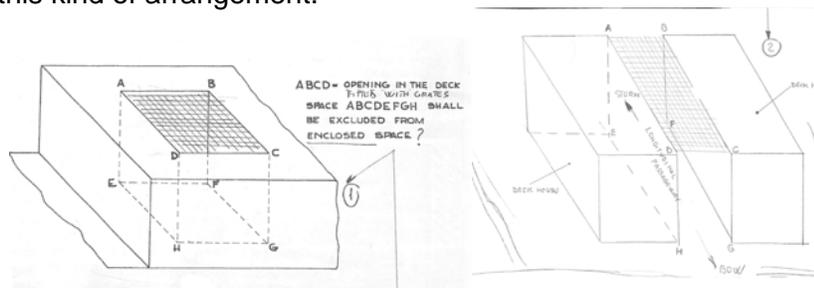
**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 4 – Definition of Deck, Cover and Partition**

**4.e Fitting of Grates Over Deck Openings (CG Round 1)**

**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** Spaces that can be excluded in accordance to the Regulation 2(5)(d), are frequently fitted with grates (e.g., in order to allow crossing). Also longitudinal passageways between deck houses are sometimes fitted with grates on the top. The following figures provide examples of this kind of arrangement.



**Round 1 Proposals** The group considered a single proposal, recommending that the presence of deck grates provide a means of closure under regulations 2(5)(d), and therefore would preclude any space below from exclusion from tonnage.

**Round 1 Questionnaire Responses** There was little agreement on the proposal. One respondent agreed that a grating could constitute a means of closure, such that the space ABCDEFGH in the left hand figure cannot be excluded, but that a grating is not a deck, and therefore the space ABCDEFGH in the right hand figure is not an enclosed space. Two respondents expressed views along the lines that grates may not constitute partitions or decks, and if this is the case, the presence of a deck grate should not cause the space below to be included in tonnage. Another respondent commented that the presence of grates whose only purpose is to provide safe access and prevent risk of injury to crew members should not change the status of the space.

**Issue 4 – Definition of Deck, Cover and Partition**

**4.e Fitting of Grates Over Deck Openings (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 5 – Excluded Spaces

### 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 cargo or stores”, regardless of whether or not the spaces are appropriated for the carriage of cargo or stores. Interpretations are needed for consistent application of the provision for “means for securing cargo or stores” and the definition of “stores”.



**Round 1 Proposals** The group considered ten proposals. Four proposals sought in some way to include in tonnage all spaces utilized, appropriated or otherwise intended for the carriage of cargo or stores, regardless of whether fitted with means of securing cargo or stores. One proposal recommended interpretations to clarify that a space must be fitted with means designed for securing cargo or stores to be rendered ineligible for exclusion in this context. Another proposal recommended removing altogether the prohibition against the fitting of “means of securing cargo or stores” from regulation 2(5), citing unnecessary safety risks when such devices are not fitted in order reduce tonnage, and the absence of any linkage between a ship’s overall size and whether or not an otherwise open space is fitted with such devices. The remaining proposals focused on what constitutes “stores”. The first of these proposals recommended defining stores in terms of items of necessity required to sustain the crew , as well as ship maintenance items. A second proposal recommended defining stores along the lines of food and other provisions for the consumption of passengers and crew. A third proposal recommended that equipment required by safety or pollution prevention Conventions not be treated as stores, and the final proposal recommended similar treatment for tools for navigation, maintenance, repair and similar operations.

**Round 1 Questionnaire Responses** Most agreed, to varying degrees, with the proposals recommending inclusion in tonnage of cargo or stores spaces, without regard to the fitting of securing devices, excepting the proposal recommending that boundary structures (e.g., bulkheads or partitions) be interpreted as meeting this cargo securing condition, for which there was little agreement. A majority agreed with the proposal to interpret the cargo/stores securing restriction in terms of the space being fitted with means “designed” for securing these items, and for removing the restriction altogether if the TM Convention is amended for other reasons.

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

A majority expressed agreement with all of the proposals regarding the definition of stores, with the most support expressed for the proposal to define stores in terms of food for the consumption of passengers and crew, and the least support expressed for the proposal to exclude tools for navigation and maintenance from classification as stores. Among the many comments provided, several respondents stressed the need for, and importance of, linking all enclosed spaces containing cargo to the gross and net tonnages. One respondent commented that spaces utilized in any way other than sheltering personnel should be included in tonnage. Another respondent commented that spaces dedicated to crew accommodation or safety should not be included in tonnage. Another respondent expressed the view that ship maintenance items are not stores, while another expressed a similar view about safety and pollution control equipment, and another argued in favor of relying on the presence of boundary structures for containing cargo or stores when interpreting regulations 2(5). Another suggested that some regulations for concerning cargo stowage and securing could be useful for tonnage clarifications.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 5 – Excluded Spaces

### 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 ships, 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.



**Round 1 Proposals** The group considered five proposals. Three proposals recommended ignoring all obstructions external to the opening where the separation is at least half the breadth ( $B/2$ ) of the structure, while another proposal recommended a similar approach for those obstructions having a “reasonable” interval of separation. In addressing obstructions closer than the specified interval, all of these proposals recommended either ignoring the obstruction altogether or considering it to render the associated space ineligible for exclusion depending on its characteristics, with one proposal recommending that obstructions with a height or breadth less than 1 meter be ignored, two proposals recommending ignoring those obstructions that were not included in tonnage, and a fourth recommending applying the 90% criterion to the unobstructed portion of the opening. The remaining proposal recommended applying an approach discussed at SLF 29 that ignores smaller spaces not exceeding  $1\text{m}^2$  in cross sectional area or  $1\text{m}^3$  in volume, unless their projected area exceeds 25% of the opening. Under this proposal, masts, air trunks, machinery and similar spaces not included in tonnage are also ignored.

**Round 1 Questionnaire Responses** Most respondents either agreed, or agreed with changes, with all of the proposals. The most support was expressed for the proposal offering the approach discussed at SLF 29 and the least support was expressed for the proposal recommending use of the 90% criterion. One respondent supported application of the 25% criterion in all cases, expressing the view that it was unreasonable that a small space (i.e., slightly exceeding 1m on each side) could cause the entire space opposite an end opening on a large ship to be excluded. Another participant expressed the need for clarifying diagrams.

**Issue 5 – Excluded Spaces**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

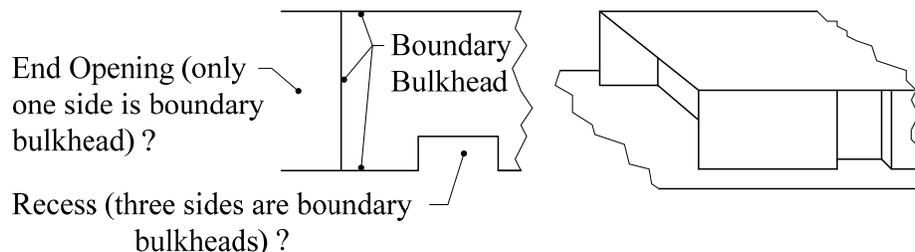
**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 5 – Excluded Spaces

### 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.



**Round 1 Proposals** The group considered seven proposals. Three proposals recommended that a recess be defined in terms of a space bounded on three sides by boundary bulkheads, with one of these proposals recommending an additional condition that a recess also be bounded by a deck above, on the basis that otherwise the space would not be considered enclosed. One proposal recommended that a recess be defined in terms of space bounded on at least two sides by boundary bulkheads, and offered a definition of the boundary bulkhead along the lines of a bulkhead separating an enclosed interior space from the surrounding weather. One proposal cited the Figure 10 of Annex 1 of the TM Convention, and questioned whether the two boundary bulkheads shown in the right hand portion of the figure, in fact, bound a “real” recess, and if not, whether the requirement should be for three boundary bulkheads. Another proposal offered a number of diagrams to be used in evaluating a variety of spaces, including recesses, reflecting views offered at an international meeting of tonnage experts held in 1990. The remaining proposal recommended that a recess opening be considered to extend from deck to deck notwithstanding the fitting of a curtain plate of a depth not exceeding by more than 25 millimeters the depth of the adjoining deck beams.

**Round 1 Questionnaire Responses** A majority of respondents agreed with all of the proposals. The proposal receiving the most support was the one recommending that three boundary bulkheads along with a deck above be considered as necessary conditions for bounding a recess. One respondent expressed support for the linkage to boundary bulkheads, but disagreed with the stipulation for three, instead of two, bulkheads without amending the TM Convention to revise Figure 10. Along similar lines, another respondent cited the need to amend the TM Convention to implement this proposal, and commented to the effect that Figure 10 illustrates a “real” two-sided recess. Among the other comments provided, one respondent expressed the view that a recess extending for more than one tier should be not included as enclosed space. Another respondent commented that regulation 2(5) should be expanded

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

in the context of applying recess provisions, to ensure that gross tonnage is reflective of overall size. Another commented that certain open spaces whose purpose is simply to provide protection for the crew should not be penalized (i.e., by including them in tonnage).

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 5 – Excluded Spaces

### 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).



**Round 1 Proposals** The group considered five proposals. One proposal recommended that the current requirement be more clearly defined and supported by a comprehensive set of diagrams, with another advocating better documentation for structures that cannot be treated as prescribed under regulation 2(5). A third proposal also advocated a set of diagrams or pictures for clarity. Another proposal recommended new interpretations to comprehensively address end and side openings (including recesses) that ignore the following obstructions: 1) small spaces not exceeding 1m<sup>3</sup> or with cross sectional areas no exceeding 1m<sup>2</sup>, provided their combined area does not obstruct more than 25% of the opening area; 2) masts, air trunks, machinery and similar structures that are not included in tonnage; and 3) curtain plates meeting the requirements of regulations 2(5)(b). The remaining proposal recommended replacing the current prescriptive requirements with more generalized criteria if the TM Convention is amended for other reasons (e.g., excluding spaces “in way of” openings to a depth not exceeding half of the opening length/width, ignoring railings, etc.).

**Round 1 Questionnaire Responses** Most respondents agreed with the proposals urging clearer definitions, and supporting documentation and diagrams, and a majority agreed with the remaining proposals. One respondent cautioned that more complex diagrams and interpretations could further complicate the matter, but acknowledged the need for illustrative guidance given the increasing complexity of ships, and expressed support for giving consideration to adoption of functional requirements. Two respondents commented that the 25% criterion should be further discussed. Another respondent commented that requirements on rails and stanchions should be met, excepting barriers against intrusion.

**Issue 5 – Excluded Spaces**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 5 – Excluded Spaces

### 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).



**Round 1 Proposals** The group considered seven proposals. One proposal recommended that a clear definition be established as to what constitutes a deck as opposed to an intermediate platform in this context. A second proposal recommended that the opening height be evaluated against the height of continuous and/or complete decks in each tier. Another proposal recommended a similar approach to that of the second proposal, but provided detailed criteria with illustrative figures for evaluating breaks, openings, or steps, including steps in a structure’s uppermost (exterior) deck, and proposed that liftable or removable decks be ignored. Another proposal recommended that the height be taken from structural decks, with false or removable decks ignored, recognizing the need for a clear definition of what constitutes a structural deck as opposed to an intermediate deck. Another proposal highlighted the difference between the regulation 2(5)(b) and 2(5)(c) language regarding height measurements, and expressed the view that the “height of the erection” means the “height to the top of the superstructure”, recommending interpretations and an accompanying figure to illustrate this effect. Another proposal recommended harmonizing the regulation 2(5)(b) and 2(5)(c) language in this regard if the TM Convention is amended for other reasons. Another recommended that the height measurement be applied to the height of constructions between two decks.

**Round 1 Questionnaire Responses** Most respondents agreed with the proposal to harmonize language of regulations 2(5)(b) and 2(5)(c). While most also agreed with the proposal to establish a clear definition of a deck as opposed to an intermediate platform in this context, there was little agreement on the remaining proposals that offered more specific definitions. One respondent expressed support for development of illustrative guidance. Another respondent questioned possible differences between the term “erection” and the related term in the equally authentic French version of the TM Convention, suggesting that understanding this difference could help resolve this issue.

**Issue 5 – Excluded Spaces**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

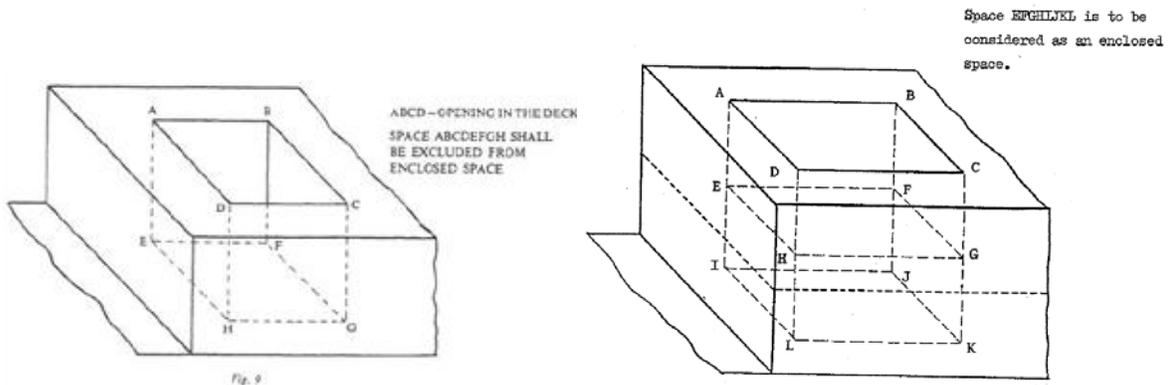
**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 5 – Excluded Spaces**

**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.



**Round 1 Proposals** The group considered six proposals. Two proposals made recommendations along the lines of defining “immediately below” as extending to the next complete structural deck underneath the deck with the opening, with both indicating the need for a definition of “structural deck”, and one recommending inclusion of a supporting diagram. One proposal recommended that the space lettered ABCDEFGH should be construed as “immediately below”, while another, citing discussions at SLF 29, recommended that the space lettered ABCDLIJK should be similarly construed. Another proposal recommended establishing the interpretation that “immediately below” means to a depth not exceeding the distance to the deck below, or one-fourth the breadth of the ship, whichever is less. Another simply recommended better documentation.

**Round 1 Questionnaire Responses** Most disagreed with the proposal that applied the one-fourth the breadth criterion. Also, there was little agreement on the remaining proposals, other than the proposal for better documentation, with which most respondents agreed. One respondent commented that if the space is above the upper deck, then ABCDLIJKL should be excluded. Another respondent commented that account should be taken of whether or not the space is utilized and for what purpose. Another commented to the effect that consistent treatment is required, and that gross tonnage should express the measure of the ship’s overall size.

**Issue 5 – Excluded Spaces**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 5 – Excluded Spaces****5.g Structures Along the Line of an Opening (CG Round 1)**

**Requirement/Interpretation** TM Convention, Regulation 2(5)(a)(i) *A space within an erection opposite an end opening extending from deck to deck except for a curtain plate of a depth not exceeding by more than 25 millimeters (one inch) the depth of the adjoining deck beams, such opening having a breadth equal to or greater than 90 per cent of the breadth of the deck at the line of the opening of the space.*

**Description of Issue** The text of regulation 2(5)(a)(i) and the accompanying figure leave it unclear as to whether the curtain plate depth at the line of the opening is the only consideration that should be taken into account when evaluating the eligibility of the space for exclusion. For example, how would a deck beam or horizontal plate at the bottom of the opening that spans the opening be treated?



**Round 1 Proposals** The group considered a single proposal, recommending the amendment of regulation 2(5)(a) to reflect that structures at the line of the opening such as a transverse bulkhead, but excepting stanchions necessary for its support, will disqualify the associated space from treatment as an excluded space.

**Round 1 Questionnaire Responses** There was little agreement on the proposal. One respondent commented that during discussions at SLF 29, there was agreement that structures not included in enclosed space and located at the line of the opening should be ignored. This respondent further recommended that a 25% area criterion be applied to such structures when evaluating whether they are considered to close the opening. Another respondent suggested that the same criterion as applied to curtain plates under this regulation could be applied to similar structures at deck level, and that a provision along these lines should be added to the regulation.

**Issue 5 – Excluded Spaces**

**5.g Structures Along the Line of an Opening (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 5 – Excluded Spaces****5.h Adjoining Deck Beams on End Openings (CG Round 1)**

**Requirement/Interpretation** TM Convention, Regulation 2(5)(a)(i) *A space within an erection opposite an end opening extending from deck to deck except for a curtain plate of a depth not exceeding by more than 25 millimeters (one inch) the depth of the adjoining deck beams, such opening having a breadth equal to or greater than 90 per cent of the breadth of the deck at the line of the opening of the space.*

**Description of Issue** In applying the 25 millimeter curtain plate depth criterion of regulation 2(5)(a)(i), it is unclear how to treat additional plates that extend below the bottom edge of an adjoining deck beam and act as stiffeners to the curtain plate, as shown in the pictures below.



**Round 1 Proposals** The group considered a single proposal, recommending that sketches be provided to illustrate that the depth criterion is applied to the portion of the curtain plate below the lowest extremity of the adjoining plate stiffeners.

**Round 1 Questionnaire Responses** Most respondents agreed with the proposal, or agreed subject to changes, and no respondents disagreed. One respondent who agreed commented that this criterion might be circumvented through the fitting of excessively deep brackets, and suggested that the current criterion be replaced with something less prescriptive based on the structure's height (e.g., 90%) if the TM Convention is amended for other reasons. One respondent commented that general guidance on this matter would be helpful.

**Issue 5 – Excluded Spaces**

**5.h Adjoining Deck Beams on End Openings (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 5 – Excluded Spaces****5.i Rails and Fashion Plating for Side Openings (CG Round 1)**

**Requirement/Interpretation** TM Convention, Regulation 2(5)(b) *A space under an overhead deck covering open to the sea and weather, having no other connection on the exposed sides with the body of the ship other 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 meters (25 feet) or one-third of the height of the space, whichever is the greater (Figure 7 in Appendix 1).*

**Description of Issue** Regulation 2(5)(b) provides no specific details as to what extent rails or fashion plating may be fitted at an opening in order for the space to eligible for treatment as an excluded space.



**Round 1 Proposals** The group considered a single proposal, recommending that rails or solid plates fitted at the opening and that occupy more than three frame spaces will disqualify the associated space from treatment as an excluded space.

**Round 1 Questionnaire Responses** Most respondents either disagreed or expressed neither agreement nor disagreement with the proposal. One respondent, who agreed with changes, recommended that a 25% area criterion be applied to such structures when evaluating whether they will disqualify the associated space. One respondent commented that using a frame spacing criterion may be problematic in fiberglass ships or those with complex framing systems, and suggested removal of reference to “open rails” altogether in this regulation if the TM Convention is amended for other reasons. One respondent commented that the space pictured should be treated as an excluded space. Another respondent commented that the space should be excluded only if the opening is fitted with solid plates as oppose to rails. Another expressed the view that if rails and/or grates are fitted as devices intended as a barrier against intrusion, they should not be considered as a means of closure under this regulation.

**Issue 5 – Excluded Spaces**

**5.i Rails and Fashion Plating for Side Openings (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

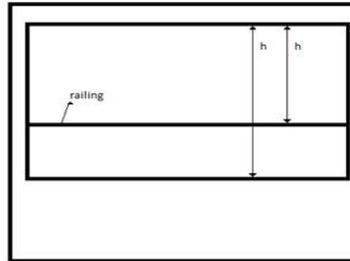
**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 5 – Excluded Spaces

### 5.j Height of Side Opening Railings (CG Round 1)

**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** Under regulation 2(5)(c), it is not clear, in the case where a horizontal railing is present, whether the opening height above the railing should be considered when applying the one-third height criterion, along the lines of treatment of railings under regulation 2(5)(b).



**Round 1 Proposals** The group considered a single proposal, recommending that the existence of a horizontal railing should be taken into consideration when applying height criteria, in the same manner as is done under regulation 2(5)(b).

**Round 1 Questionnaire Responses** Most respondents disagreed with the proposed solution. Two respondents highlighted the differences in the language of regulations 2(5)(b) and 2(5)(c) on the matter of railings, concluding that because rails are not called out in regulations 2(5)(c), they should be ignored under these provisions. One respondent commented that a railing should not be treated as a part of the bulwark/side shell in this context, while another commented that a simple railing (2 or 3 cm) should not be considered as a closing structure. Another respondent commented that the provision of a safety feature should not be penalized. One respondent who agreed with the proposal, with changes, expressed the view that the height should be measured from the top of the railing to the top of the erection (below the deck plate).

**Issue 5 – Excluded Spaces**

**5.j Height of Side Opening Railings (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 6 – Spaces Open to the Sea

### 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.



**Round 1 Proposals** The group considered seven proposals. Four of the proposals in some way sought to establish, as a condition for exclusion, the free communication with, or unrestricted influx of water to, the space. Of these, one proposal recommended establishment of an area criterion for the opening relative to the area of the bounded space (e.g., 75%), and two recommended that the space not contribute to the buoyancy of the ship nor be fitted with means for securing cargo or stores as a condition for exclusion, with one recommending the additional restrictions that the space not be appropriated for the stowage of cargo or stores in any form. Two proposals recommended that an interpretation of the term “hull” be developed, with one suggesting that this term not include fairings of a non-structural nature. Another proposal recommended that if the TM Convention is amended for other reasons, the exclusion of space open to the sea be made mandatory, rather than optional, to help ensure uniformity. Another recommended that the existing TM.5/Circ.5 interpretations be expanded to provide more precise examples, in order to reduce the number of “similar spaces” not yet defined.

**Round 1 Questionnaire Responses** Most respondents either agreed with the four proposals related to establishing a free communication condition, or agreed with these proposals subject to changes. Among the many comments provided on these four proposals, three respondents questioned how the area of a bounded space would be ascertained and the specific percentage to be used, two expressed the view that the presence of gratings should not cause an otherwise excludable space to be included in tonnage, one cautioned about overly prescriptive requirements, one commented that spaces of less than 1m<sup>3</sup> in volume should be ignored, and three expressed the need for further development of the proposals. One respondent questioned the need to develop a definition for the term “hull”, suggesting instead that in interpreting the regulation 6(3) “open to sea” language, the focus should be on the regulation 2(4) language

## Issue 6 – Spaces Open to the Sea

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

about “partitions” that bound enclosed space. This respondent also expressed the view that no space above the upper deck should be excluded as open to the sea, and that the TM Convention does not establish a linkage between space open to sea, and the fitting of means of securing cargo or stores, or a ship’s buoyancy. Most respondents agreed with the proposal to make spaces open to the sea mandatory. A majority agreed, or agreed with changes, to the proposal to expand the list of spaces open to the sea, with two respondents commenting that examples should be used primarily to illustrate the interpretation, one respondent commenting that such a list could prevent technical innovation, and another expressing the view that performance and function should be considered, and not just rigid specific cases.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

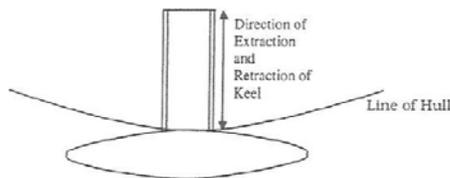
**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 6 – Spaces Open to the Sea

### 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.



**Round 1 Proposals** The group considered four proposals. Two proposals recommended that if the space is capable of being closed by a closing device, then the space should be included in tonnage, with one of these proposals stipulating that such a closure could either be watertight or non-watertight, and the other stipulating that the presence of a grating should not preclude treatment as open to the sea (e.g., sea chest recesses are always treated as open to the sea). Another proposal recommended establishing interpretations to the effect that for a space to be considered open to the sea, the space must be below the upper deck, in free communication with the sea, and without constructional features that could prevent the free exchange of water. This proposal suggested allowing Administrations flexibility in evaluating such spaces, to include outflow calculations and area ratios, with the possibility of establishing related guidelines (e.g., one second for a space to empty). The remaining proposal recommended use of a comprehensive approach that was offered in a proposal under Issue 6.a.

**Round 1 Questionnaire Responses** Most respondents either agreed with all of the proposals, or agreed subject to changes. One respondent expressed the view that the presence of a grate should not preclude a space from exclusion. Another respondent expressed support for further development of the proposal related to constructional features limiting free exchange of water, but commented that a prescriptive one second outflow guideline that might be suitable for a yacht is unreasonable for a large commercial ship.

**Issue 6 – Spaces Open to the Sea**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 6 – Spaces Open to the Sea

### 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 “through 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.



**Round 1 Proposals** The group considered four proposals. Two proposals recommended that when moon pools are fitted with any closing device, only that portion of the space below the closing device should be excluded, with one of these proposals stipulating that such a closure could either be watertight or non-watertight. Along similar lines, another proposal was, recommending the exclusion of the space underneath, provided the space is without means for securing cargo or use for cargo and entirely open. The remaining proposal referred to a comprehensive approach proposed under Issue 6.a.

**Round 1 Questionnaire Responses** Most respondents either agreed with all of the proposals, or agreed subject to changes. One respondent commented that closure criteria should address free communication with the sea, and referred to a proposal offered under Issue 6.b. Another respondent expressed the view that closure devices fitted solely for safety should not be penalized, highlighting the difference between a closing device for a space carrying cargo, and one provided simply to prevent water egress on deck.

**Issue 6 – Spaces Open to the Sea**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 6 – Spaces Open to the Sea**

**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 no increase in the gross tonnage, making use of the open to the sea provisions regulation 6(3) to effectively reduce the ship's gross tonnage. 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 volumes of such spaces can be substantial relative to the total volume of the ship.

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

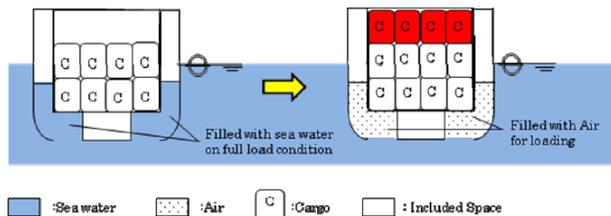
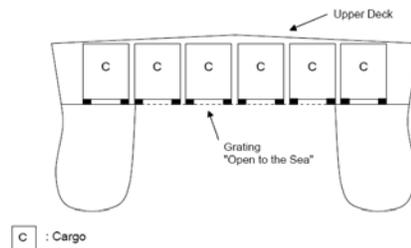


Figure 2: A ship fitted with grating cross-deck for securing cargo in multi-hull case



**Round 1 Proposals** The group considered four proposals. Two proposals recommended the interpretation along the lines that spaces open to the sea, used or appropriated for holding cargo, and/or contributing to the buoyancy of the ship should be included in tonnage. One proposal recommended the interpretation that the space must be in free communication with the sea at all times. The remaining proposal recommended that tonnage not be calculated with respect to the use of a space, but that spaces that are not always open to sea or are fitted with a means of securing cargo cannot be excluded.

**Round 1 Questionnaire Responses** Most respondents either agreed with all of the proposals, or agreed subject to changes. In commenting on the proposal regarding free communication with the sea, one respondent cautioned that the language must address stern chutes and hawse pipes. Another respondent stated agreement in principle with this proposal, subject to including the provision that a space open to sea may not be excluded if used for the carriage of cargo, and noting that this approach would address situations where trapped air could prevent water from entering a tank. Another participant expressed the view that there should be no linkage between exclusion of a space as open to sea and whether or not the space is buoyant or carries cargo or stores.

**Issue 6 – Spaces Open to the Sea**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 7 – Re-Certification for Changes Affecting Tonnage

### 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 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.



**Round 1 Proposals** The group considered nine proposals. One proposal recommended establishing a [2%] criterion for ships of less than 500 gross tonnage and a [1%] criterion for larger ships. Two proposals recommended that any change to parameters used to calculate tonnage should require remeasurement, such that the ITC always reflects the ship's actual arrangements, with one of these proposals stipulating that the reissuance of the ITC in the event of a tonnage decrease should be at the owner's option. Another proposal recommended remeasurement after a tonnage increase or decrease of 1% or more. Two proposals recommended that the matter be left to the Administration, with one of these proposals recommending use of a 1% change in gross or net tonnage in the absence of established criteria from the Administration. One proposal recommended amending article 10(1) to require remeasurement following tonnage decreases as well as increases, if the TM Convention is amended for other reasons. Another proposal recommended that an increase or decrease in gross or net tonnage of 1% or more should require remeasurement, with changes of less than 1% noted as a remark on the ITC to account for cumulative changes over time. Another proposal addressed one flag Administration's approach, under which a gross tonnage increase of unity (e.g., 500 GT to 501 GT) requires issuance of a new ITC reflecting the increase.

**Round 1 Questionnaire Responses** There was little agreement on any of the proposals, excepting the proposal to address remeasurement following tonnage decreases as well as increases if the TM Convention is amended for other reasons, with which most respondents agreed. Regarding the proposals related to establishing criteria based on the percentage of tonnage change, one respondent who disagreed observed that for a ship of 150,000 gross tonnage, a 1% change means 1,500 gross tonnage (6000 m<sup>3</sup>), another expressed support for using 2% for ships of less than 500 gross tonnage, another suggested a combination of percent tonnage change and changes to other information on the ITC, and another urged that practical limits be adopted. Regarding the proposals related to remeasurement after a decrease in tonnage without necessarily amending the TM Convention, two respondents observed that this could be left to the Administration, with one noting that requiring such a remeasurement would contradict article 10(1), and another observing that use of a 1% criterion for both tonnage increases and decreases

**Issue 7 – Re-Certification for Changes Affecting Tonnage****7.a Remeasurement Following Alterations (SLF 53/5, annex 4, issue No. 7; SLF 54/INF.11)**

might be the simplest solution. Regarding the proposals related to requiring remeasurement following any change affecting information on the ITC, two respondents noted this approach would effectively require remeasurement regardless of an increase or decrease in tonnage, another commented that reissuance following tonnage decreases could be at the owner's option, another commented that not reflecting such changes on the ITC could be problematic in situations involving a change of flag or owner, two expressed the view that only appreciable changes should necessitate certificate reissuance, and another commented that small changes within agreed to limits should be recordable/notable on the existing certificate. Regarding the proposals that the matter be left to the flag Administration, one participant commented to the effect that for reasons of uniformity, all Administrations should follow the same rules, another expressed the view that a 1% tonnage increase should be the official mandatory IMO cutoff, and another commented that clarification would be helpful provided that the limits developed are practical for the ship type/size, and that Administrations have some discretion for non-standard arrangements.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read "The space between the side longitudinal boundary bulkhead of a deckhouse . . . ."*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read "Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space."*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 7 – Re-Certification for Changes Affecting Tonnage****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, V<sub>c</sub>, d, N<sub>1</sub> or N<sub>2</sub> 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, V<sub>c</sub>, d, N<sub>1</sub> or N<sub>2</sub> 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?

**Round 1 Proposals** The group considered five proposals. One proposal recommended reissuance of the ITC following any net tonnage change, with immediate reissuance if the principal dimensions or passenger numbers change, regardless of the magnitude of the tonnage change, and reissuance at the owner's option following changes involving tonnage decreases. On similar lines, another proposal recommended that any changes to the ship's characteristics (e.g., affecting V, V<sub>c</sub>, D, d, N<sub>1</sub>, N<sub>2</sub>) should require reissuance, taking into account the regulation 5(3) waiting period provisions in the case of net tonnage decreases. One proposal recommended establishing interpretations to the effect that tonnage decreases would be reflected in a remark on a reissued ITC indicating the twelve month waiting period. Another proposed leaving the matter to the Administration, another referred to a comprehensive proposal under Issue 7.a that would address this matter, and the remaining proposal recommended recertification following changes only affecting net tonnage, as opposed to gross tonnage, in this context.

**Round 1 Questionnaire Responses** There was little agreement on any of the proposals, although a majority of respondents agreed, or agreed subject to changes, with the proposal for reissuance following any net tonnage change involving immediate reissuance upon principal dimension or passenger number changes. Among those agreeing with this latter proposal subject to changes, two respondents commented that the twelve month waiting period of regulation 5(3) should also be applied, and one commented that this should be left to the Administration. Among those disagreeing with this latter proposal, two respondents expressed the need to justify the benefits, with one expressing the view that its implementation could substantively increase costs for owners or flag States. Among the comments on the remaining proposals, one respondent referred to the article 12(1) and 12(3) provisions related to flag State

**Issue 7 – Re-Certification for Changes Affecting Tonnage****7.b Remeasurement Following Net Tonnage Change (SLF 53/5, annex 4, issue No. 21; SLF 54/INF.11)**

inspections, and another suggested an approach to accommodate Administrations that apply more restrictive criteria than the 1%.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 7 – Re-Certification for Changes Affecting Tonnage****7.c Alterations to Tonnage Following Remeasurement by Another Body (CG Round 1)**

**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. TM Convention, Regulation 5(3) When the characteristics of a ship such as V, V<sub>c</sub>, d, N<sub>1</sub> or N<sub>2</sub> 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** Consideration should be given for inclusion of criteria (e.g., percent change in the gross tonnage) due to a remeasurement carried out by another entity (e.g., the Panama Canal Authority (ACP)) of a ship that has not undergone alterations or modifications. For example, an ACP remeasurement that alters the PC/UMS net tonnage, in general, has no effect on the TM Convention gross tonnage assignment. If a flag Administration chooses to adjust the gross or net tonnage as a result, a classification society or other authorized organization must reissue the ITC accordingly if acting on the flag Administration's behalf.

**Round 1 Proposals** The group considered a single proposal, recommending that where a body other than a flag Administration (e.g., the Panama Canal Authority) recalculates the net tonnage based on its inspection of the ship, the ITC should be reissued if the net tonnage change exceeds [1%].

**Round 1 Questionnaire Responses** A majority of respondents disagreed with the proposal, with many commenting to the effect that verification and correction of errors identified in this manner is the responsibility of the flag Administration.

**Issue 7 – Re-Certification for Changes Affecting Tonnage**

**7.c Alterations to Tonnage Following Remeasurement by Another Body (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

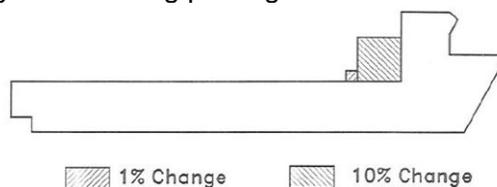
**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 8 – Use of National Tonnage

### 8.a 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, 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% criterion for a “substantial variation” and hence the breakpoint for loss of GRT grandfathering privileges.



**Round 1 Proposals** The group considered five proposals. One proposal recommended that a substantial variation in the existing tonnage be defined as one where the gross tonnage is changed by more than 1% of the original gross tonnage. A second proposal was along similar lines, but recommended including a clarification that the tonnage change should apply to both the ship’s original national (GRT) gross tonnage as well as the gross tonnage (GT) measured under the TM Convention. Another proposal sought a distinction between two cases: 1) existing ships during the 12 year transition period ending in 1994 for which a 10% criterion applied to GRT should be used as the determinant for measurement under the TM Convention; and 2) existing ships and others covered by Interim Schemes after that period for which a 1% criterion applied to GT should be used as the determinant for loss of GRT grandfathering privileges. Another proposal recommended removal of an interpretation of “substantial variation” from the Unified Interpretations, citing agreement at the 1969 Tonnage Conference as documented in SLF 54/INF 11 that a specific criterion would not be established, and instead suggested a guideline giving a range of values that have been considered acceptable in the past (e.g 1% to 10% of GRT). The remaining proposal expressed support for the existing TM.5/Circ.5 interpretations, noting that a SLF 38 drafting group chose the 1% criterion in view of the pending full coming into force of the TM Convention, so that there would be no confusion.

**Round 1 Questionnaire Responses** A majority of respondents agreed with the proposal recommending the criterion of a 1% change in the original gross tonnage, or agreed with changes. Among those not in agreement, one participant questioned how in situations involving flag changes, a country proves the “existing tonnage” and by which means a new flag Administration can verify that the ship has not “substantially” changed since 1994, while another commented that it is not reasonable to change provisions under which a ship operates on the

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

basis of changes acknowledged to be within the margin of measurement error. Regarding the other proposals, one respondent expressed the view that because the TM Convention is now applicable to all ships, any discussion of applying a 10% cut-off for the purpose of article 3(2)(b) has become irrelevant. Another participant commented that article 3(2)(b) does not make a distinction about alterations to “existing” ships before or after 1994 in the context of loss of grandfathering privileges, and that amendments to the TM Convention would be necessary to include such distinction. Another questioned whether it was relevant to continue to assess substantial variations based on GRT tonnage 18 years after the full entry into force of the TM Convention, and commented that creating such guidelines at present seems unreasonable.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 8 – Use of National Tonnage****8.b Use of National Tonnage Under Interim Schemes (CG Round 1)**

**Requirement/Interpretation** TM Convention, Article 3(2)(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** Clarifications, corrections and updates are needed regarding the use of national (GRT) tonnages under the older Interim Schemes (e.g., Resolutions A.494(XII) and A.540(13)). This stems from their original 1994 expiry dates, which was only later extended to the "life of the" ship per MSC 50/27, and the fact that they did not apply to ships covered by article 3(2)(d) of the TM Convention. As a consequence, the Interim Schemes do not address the loss of GRT tonnage grandfathering upon alteration or modification, are unclear as to whether they apply to ships addressed by article 3(2)(d) of the TM Convention, and appear to extend GRT tonnage grandfathering, not just to older tonnage-based provisions of SOLAS and MARPOL, but newer tonnage-based ones as well, requiring additional interpretations (e.g., MSC.1/Circ. 1231 and MSC/Circ.1157). Further, the STCW Interim Scheme was effectively canceled with the coming into force of the 1995 amendments, but continues to be referenced by documents that remain in effect (e.g., resolution A.791(19)).

**Round 1 Proposals** The group considered a single proposal, recommending that a draft Assembly resolution be developed that supersedes existing resolutions where appropriate and explains and consolidates updated requirements on GRT tonnage grandfathering for Interim Scheme ships.

**Round 1 Questionnaire Responses** Most respondents agreed with the proposal. One respondent who agreed nonetheless questioned whether the drafting of such a resolution was within the group's terms of reference, while another respondent commented that a new resolution could be developed after consideration by the Sub-Committee.

**Issue 8 – Use of National Tonnage**

**8.b Use of National Tonnage Under Interim Schemes (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 8 – Use of National Tonnage****8.c Loss of Tonnage Grandfathering Under Interim Schemes ( CG Round 1)**

**Requirement/Interpretation** TM Convention, Article 3(2)(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** Resolution A.758(18) provides for removal of the national (GRT) tonnages from ITC certificates if a ship undergoes "alterations or modifications which affect its tonnage". This implies, but does not explicitly state, that GRT grandfathering is lost upon such alterations or modifications. Further, the language used in this resolution is different than "substantial alteration" language in article 3(2)(b). TM.5/Circ.5 appears - indirectly - to "interpret" the resolution as if the language were the same, but there has been confusion on this subject.

**Round 1 Proposals** The group considered two proposals. One recommended that a draft Assembly resolution be developed in conjunction with development of a new Assembly resolution under Issue 8.b, that provides for loss of GRT grandfathering for Interim Scheme ships identical to that provided for "existing ships" under articles 3(2)(b) and (d). A second proposal along similar lines recommended development of a draft Assembly resolution to harmonize approaches.

**Round 1 Questionnaire Responses** Most respondents agreed with both proposals. One respondent commented that a new resolution could be developed after consideration by the Sub-Committee.

**Issue 8 – Use of National Tonnage**

**8.c Loss of Tonnage Grandfathering Under Interim Schemes (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 9 – International Tonnage Certificates**

**9.a Listing of Spaces on the Certificate (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 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.



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*

**Round 1 Proposals** The group considered five proposals. One proposal recommended establishing a new section of the Unified Interpretations providing appropriate guidance, with completed sample ITCs. Another proposal recommended development of interpretations that provide for the listing of individual tiers as separate “spaces”, along with a sample ITC and associated outboard profile to illustrate the appropriate level of detail. Another proposal suggested that the information should not be overly detailed, citing the complexity of the Suez Canal tonnage certificate. Another proposal recommended use of the remarks area for separate listing of spaces, such as crew accommodation spaces, and spaces needed to satisfy safety, security and operational needs, including those for cadets, pilots, and riding gangs and maintenance personnel. The remaining proposal recommended listing all spaces on the ITC to permit verification by Port states and for use when changing flag.

**Round 1 Questionnaire Responses** Most respondents agreed with the two proposals to develop guidelines or interpretations and provide sample certificates, although one respondent commented that volumes should be listed as well, which when coupled with the calculations, could provide for easy spot checking, as well as verification when a ship changes flag. There was little agreement on the other proposals. Regarding the proposal to list all spaces on the ITC, three respondents commented to the effect that this level of detail was not appropriate, with two respondents noting that such information is captured on the calculation sheets, and the third citing decisions at the 1969 Tonnage Conference on this matter, with inclusion of a sketch voted down and the listing of volumes specifically rejected. One respondent also commented that excluded spaces should not be listed, while another commented that in applying the provisions of article 11 (acceptance of ITCs) and article 12 (valid ITC on board), the term “valid” has a different meaning than “having exact calculations” in this context. Regarding the proposal to use the remarks area for separate listings, three respondents commented along the lines that unnecessary remarks should not be included, with one noting the limited space available and

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

suggested the use of the calculation sheets for this purpose, while another expressed the view that consideration of such a listing might be premature and could possibly be outside the terms of reference.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

## Issue 9 –International Tonnage Certificates

### 9.b Specifying Lengths of Spaces on the Certificate (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.



**Round 1 Proposals** The group considered four proposals. Two proposals recommended that the length should be the overall length of the space, with one of these proposals additionally recommending inclusion of illustrative diagrams and a new section of the Unified Interpretations to provide appropriate guidance. Another proposal recommended establishing the interpretation that the length of the space is the longitudinal dimension to its extremities, including excluded spaces, and using a sample ITC and accompanying outboard profile to illustrate. The remaining proposal recommended that the length should be that of the space for which the volume is calculated.

**Round 1 Questionnaire Responses** Most respondents agreed with all of the proposals, or agreed with changes. Among the comments provided, one respondent suggested that an average length be specified in lieu of an overall length, as in some cases the length can vary linearly in relation to the breadth and/or height of the space, and another questioned the meaning of the expression “measured space”, expressing the view that the length should be the length of a tier, where a tier is the space bounded by a deck and can include excluded space. Another respondent commented more generally that the concept of tiers should also be taken into consideration. Another expressed the view that while guidance in the form of diagrams might be helpful, the increasing complexity of ships will mean that further prescriptive definitions will lead to a need for further interpretations.

**Issue 9 –International Tonnage Certificates**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 9 –International Tonnage Certificates**

**9.c Listing Excluded Spaces on the Certificate (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.

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.	

**Round 1 Proposals** The group considered five proposals. Three proposals recommended that the requirement for listing excluded spaces on the ITC be deleted, with one of these proposals stipulating that the requirement be deleted only if the TM Convention is amended for other reasons. Another proposal recommended that interpretations be developed to simply list the type or category of space, with spaces open to the sea not listed. The remaining proposal recommended that the listing of excluded spaces be sufficiently detailed to permit verification by port authorities, or when the ship changes flag.

**Round 1 Questionnaire Responses** A majority of respondents disagreed with the proposal to provide sufficient detail to permit verification, and there was little agreement on any of the other proposals. One participant expressed the view that interpretations to not list excluded spaces on the ITC could be used in lieu of amending the TM Convention if there was agreement on this matter. Another respondent expressed the view that article 2(9) does not limit the size of the blocks on the ITC or the number of pages, as long as the ITC contains all of the required information. Another respondent suggested using addenda to the ITC to capture the excluded space information if the excluded space block is deleted, and that detailed information on excluded spaces could be provided on the calculation sheets for use during flag transfer. Another respondent expressed the view that excluded spaces should be identified in the calculations. Another commented that further consideration needs to be given to the appropriate documentation and recording of calculations and associated ITC information with respect to excluded spaces.

**Issue 9 – International Tonnage Certificates**

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 9 – International Tonnage Certificates****9.d Keel Laid or Alteration Date on the Certificate (CG Round 1)**

**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 1 The "Date" shown on the front of the International Tonnage Certificate (1969) refers to the year when the keel was laid or the ship was at a similar stage of construction (article 2(6)) or the ship underwent alterations or modifications as defined in article 3(2)(b) but when the year of construction or alteration or modification is 1982 or 1994, the month and day should also be described.*

**Description of Issue** Article 3(2)(b) is relevant to: existing ships which undergo alterations or modifications which the Administration deems to be a substantial variation in their existing gross tonnage; and is relevant to the alterations or modifications carried out on an existing ship (not yet measured with the ITC'69) during the 12 years transition period in order to apply the ITC'69 before the expiry of the transition period. There is no uniform interpretation relevant to the date that is necessary to be shown on the front of the ITC when a ship, already measured under the TM Convention undergoes alterations or modifications of a "major character" as indicated in the asterisked note on the certificate.

**Round 1 Proposals** The group considered a single proposal, which recommended that the date on the ITC be the same date as shown on the Cargo Ship Safety Construction Certificate or the Passenger Ship Safety Certificate, reflecting the date on which a conversion, or alteration or modification work of a major character, commenced.

**Round 1 Questionnaire Responses** There was little agreement on the proposal. One respondent who disagreed commented that these could be different dates, as alterations/modifications are defined differently in the TM and the other Conventions. One respondent who also disagreed suggested addressing the issue instead by correcting the phrasing of the asterisked note via interpretations to refer to the date of either substantial alterations or alterations of a major character, and expressed support for minor technical amendments to the TM Convention to clarify this matter if the Convention is amended for other reasons. Another respondent focused on the use of the past tense term "underwent" in the ITC in referring to the alterations, and noted that most ITCs currently specify a year only for this date, another respondent stressed the need to define "major character", while another supported correcting the language in the TM Convention only if it is otherwise being amended.

**Issue 9 – International Tonnage Certificates**

**9.d Keel Laid or Alteration Date on the Certificate (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 9 – International Tonnage Certificates****9.e Certificate Attachments (CG Round 1)**

**Requirement/Interpretation** TM Convention, Article 7(1) and (2) *An International Tonnage Certificate (1969) shall be issued to every ship, the gross and net tonnages of which have been determined in accordance with the present Convention. Such certificate shall be issued by the Administration or by any person or organization duly authorized by it. In every case, the Administration shall assume full responsibility for the certificate. TM.5/Circ.5, Measurement and Calculation (Regulation 7) When a tonnage certificate and a copy of the calculations of the tonnages are transmitted to another Government in accordance with article 8(2) or 10(3) of the Convention, they should be accompanied by a form as shown in appendix 2, showing the main particulars of the tonnage calculations for easy reference. When listing underdeck volumes, the volumes may be combined (e.g., underdeck/extended forecastle, etc.) on the form.*

**Description of Issue** Some flag States have authorized attachments (including addenda) to International Tonnage Certificates (ITCs) that contain volume and other ship information to supplement that which appears on the ITC. In some cases these documents are modeled on the TM.5/Circ.5 Appendix 2 format for transferring calculations to other Administrations. Because the TM Convention is silent on such documents, their legal status is not clear, and there has been confusion as a result. For example, if there is no remark or other indication on the ITC referring to the attachment, is this document, in fact, a part or extension of the ITC itself, and therefore must it be retained on board the ship when engaged on an international voyage and presented to boarding officials? If so, does the flag State become legally responsible for the accuracy of that information, as is the case with the ITC itself? If a flag State audit is performed on the ship, are the attachments audited as well, and is it necessary to reissue these attachments when information changes or is found to be in error, even if the ITC itself does not have to be reissued? Note that there may be a need for an attachment or continuation sheet to accommodate the growing number of Remarks required by some flag States

**Round 1 Proposals** The group considered two proposals. One proposal recommended establishing an interpretation to the effect that ITC addenda are not legally part of the ITC, while stipulating an allowance for continuation sheets should there be insufficient space on the ITC to include the required information. Another proposal recommended amendments to the TM Convention to change to the ITC form to be more reflective of new ship designs, taking into consideration input on practical experience with these documents from Administrations and recognized organizations.

**Round 1 Questionnaire Responses** A majority of respondents agreed with the proposal addressing addenda to the ITC, and disagreed with the proposal recommending changing the ITC form, although one participant expressed agreement with the latter proposal if the TM Convention is amended for other reasons. Noting that appendix 2 of TM.5/Circ.5 does not define “molded volume”, one participant questioned whether it could be deleted altogether, while another expressed the view that the calculation sheets are a necessity for determining the validity and accuracy of tonnage calculations upon flag transfer. Another expressed the view that if formal documents are to be carried onboard a ship, then their status needs to be clear.

**Issue 9 – International Tonnage Certificates**

**9.e Certificate Attachments ( CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 9 – International Tonnage Certificates****9.f Transmitting Copies of Calculations and Certificates Upon Flag Change (CG Round 1)**

**Requirement/Interpretation** TM Convention Article 10(3) *Upon transfer of a ship to the flag of another State the Government of which is a Contracting Government, the International Tonnage Certificate (1969) shall remain in force for a period not exceeding three months, or until the Administration issues another International Tonnage Certificate (1969) to replace it, whichever is the earlier. The Contracting Government of the State whose flag the ship was flying hitherto shall transmit to the Administration as soon as possible after the transfer takes place a copy of the certificate carried by the ship at the time of transfer and a copy of the relevant tonnage calculations. TM.5/Circ.5, Inspection, Article 12 A copy of the tonnage calculations may be provided together with the International Tonnage Certificate (1969) to the ship's master. Although not a requirement, nothing in the Convention would prevent Administrations from providing these calculations to ships flying their flag.*

**Description of Issue** In accordance with article 10(3), upon changing the flag, the former flag Administration must transfer a copy of the ITC and relevant calculations to the new flag Administration. However, the former flag Administration does not transmit the documents in all cases. In some cases the certificate is issued by an organization authorized by the flag Administration, and the documents are transferred between organizations.

**Round 1 Proposals** The group considered two proposals. Both recommended transfer of a copy of the ITC and relevant calculations via the ship owner and/or authorized organization, with one stipulating transfer of copies of calculation sheets excepting the underdeck calculations, and the other recommending that these documents be subject to recertification inspections by officials in the new Administration.

**Round 1 Questionnaire Responses** Most respondents agreed with both proposals, or agreed subject to changes. One respondent commented that the matter should be left to the flag Administrations, and referenced resolutions A.739 and A.787. Another respondent commented on the need to define what constitutes calculations when computer models are used, and questioned the authority under the existing language of the TM Convention to delegate the responsibility for transferring calculations to a third party. Another respondent suggested that a recognized organization should transfer the copies without flag Administration involvement, while another commented that the ship owner should be responsible for this transfer.

**Issue 9 – International Tonnage Certificates**

**9.f Transmitting Copies of Calculations and Certificates Upon Flag Change (CG Round 1)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 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 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.

**Round 1 Proposals** The group considered six proposals. One proposal recommended developing a draft circular making interpretations mandatory for all new ships and ships which undergo major modification, as an interim measure until related amendments to the TM Conventions could be implemented. Another proposal recommended amending the TM.5/Circ.5 interpretations to require mandatory application of new interpretations based on the keel laid date or date of alterations or modifications affecting tonnage. Another proposal recommended similar non-retroactive application, but on a non-mandatory basis and using the ship’s keel laid date or substantial alteration date as the determining factors. One proposal recommended simply that the new interpretations not be applied retroactively. Another proposal recommended that the existing TM.5/Circ.5 provision on retroactive application following flag change be deleted. In referring to this provision, another proposal suggested that it may have been included to address special ship types that were the subject of the interpretations.

**Round 1 Questionnaire Responses** Most respondents agreed with the two proposals to make interpretations mandatory, or agreed with changes. Among those who disagreed, two respondents commented that the existing TM Convention provided no authority to make interpretations mandatory, another respondent commenting along similar lines that a circular providing interpretations is non-binding. One participant expressed the view that the Sub-Committee should decide on the effective date to be used for new interpretations. Another commented in favor of using a circular as a preliminary measure, and another recommended that an MSC resolution be used as the vehicle to making the interpretations mandatory, noting that a circular might not be suitable for this purpose. Most respondents agreed with the proposal that new interpretations should not be applied retroactively, or agreed with changes, with one respondent commenting that new interpretations should be applied following alterations deemed to be substantial by the flag Administration. There was little agreement on the remaining proposals. Among the many comments provided, one respondent expressed the view that in applying new interpretations to newly modified ships, they should be applied only to the portion of the ship being modified, while another commented that in considering retroactive application, the flag Administration should take into consideration a ship’s building or operating schedule. Another respondent commented more generally that the difficulty and complexity of the debate highlights the need for practical guidance rather than further mandatory interpretations.

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 11 – Impact on Working and Living Conditions****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 onboard 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?

**Round 1 Proposals** The group considered five proposals. One proposal recommended limiting reduced gross tonnage for crew spaces to those ships to which the Maritime Labor Convention is applied, should the introduction of this new parameter be deemed necessary, and advising port authorities to use the parameter for assessing fees. Another proposal recommended development of an Assembly resolution to implement crew space reduced gross tonnage, citing possible influence of labour groups with port authorities in facilitating its voluntary adoption. Another proposal recommended development of an Assembly resolution to implement crew space reduced gross tonnage as an alternative to a preferred implementation on a compulsory (permanent) basis, with the resolution to be relayed to ports, port authorities, classification societies, shipbuilders and ship owners by flag Administrations. Another proposal recommended that this issue not be considered as a tonnage related matter. The remaining proposal recommended that this issue be addressed by ensuring that acceptable minimum standards for such spaces are provided in other applicable International Conventions.

**Round 1 Questionnaire Responses** Most respondents agreed with the first two proposals described above, or agreed with changes. Among the many comments provided on these proposals, two respondents commented that the reduced gross tonnage should be applicable to all ships (e.g., including fishing vessels), one commented that port authorities should be advised to use net tonnage instead for fee assessment, another expressed the view that spaces dedicated solely to crew accommodation and safety should be excluded on a mandatory basis, another expressed the view that a voluntary measure will not help and could be detrimental to the current concept of gross tonnage as the measure of the overall size of a ship, another commented that it would be better to directly relate port fees to the Maritime Labor Convention, while another commented to the effect that a decision should first be made on whether to develop reduced gross tonnage parameter for crew space before deciding on the issue of linkage to the Maritime Labor Convention. There was little agreement on the remaining proposals. Two respondents cited the precedent of establishing reduced gross tonnage parameters for segregated ballast tanks and open-top containerships and another cited the

**Issue 11 – Impact on Working and Living Conditions****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)**

discussion of this matter at SLF 54, when considering extension of this approach to crew spaces. Three respondents commented to the effect that mandating the use of reduced gross tonnage for fee assessment was outside of the group's terms of reference, one questioned the practicality of ensuring minimum standards in other instruments, and another further commented that the proposal to ensure minimum standards does not address the penalization of proactive provisions for crew accommodation and safety.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read "The space between the side longitudinal boundary bulkhead of a deckhouse . . ."*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read "Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space."*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 11 – Impact on Working and Living Conditions****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, it is unclear how crew spaces should be defined for purposes of the volume calculations? 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?

**Round 1 Proposals** The group considered six proposals. One proposal recommended that reduced gross tonnage be calculated in a similar matter to segregated ballast tankers and open-top containerships by applying the  $K_1$  factor of the TM Convention to the total volume of all enclosed spaces less volumes of spaces for the accommodation or provision of the crew, including cabins, passageways, staircases, galleys, provision stores, mess rooms, change rooms, hospitals, gymnasiums, recreation rooms, laundry, etc. Another proposal recommended that reduced gross tonnage be calculated by subtracting from the gross tonnage a crew space tonnage determined by applying the  $K_1$  factor and a newly established  $K_c$  factor to the total number of crew rooms on the ship to which the Maritime Labour Convention applies. Another recommended defining crew spaces in terms of those spaces used only by the crew, excluding spaces used for navigation matters, while another proposal simply recommended that specific rules for crew spaces be developed. One proposal recommended that specific eligibility criteria for crew spaces be developed to ensure they meet some minimum standard that will benefit the mariners involved. Another proposal recommended that this issue not be considered as a tonnage related matter.

**Round 1 Questionnaire Responses** Excepting the two proposals to develop specific rules on crew spaces and to link eligibility to minimum standards, with which most agreed or agreed with changes, there was little agreement on any of the proposals,. Among the many comments provided, two respondents expressed concern over the complexity of the formula related to the number of crew rooms, one questioned how the  $K_c$  factor was to be derived, and one expressed support for this approach, noting that it avoids the difficulty of categorizing the many ancillary crew related spaces. Two respondents commented that the rules on crew spaces should be as simple as possible, while another expressed the view that widespread adoption of net tonnage for fee assessment would resolve the underlying concerns of this issue. Another commented that the proposals seeking to account for individual volumes of all crew-related spaces could be simplified by not including the purpose of the spaces. Another participant questioned the difference between one of the proposed approaches, which involves subtracting volumes of crew spaces before calculating reduced gross tonnage, and the approach used for establishing segregated ballast reduced gross tonnage, which involves calculating tonnage of segregated ballast spaces, and subtracting this tonnage from gross to obtain reduced gross tonnage.

**Issue 11 – Impact on Working and Living Conditions**

**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)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 11 – Impact on Working and Living Conditions****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 t9nnage 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?

**Round 1 Proposals** The group considered a single proposed solution, recommending that each reduced tonnage and the total reduced tonnage be shown on the ITC.

**Round 1 Questionnaire Responses** Most respondents agreed with the proposal. One respondent commented to the effect that crew space reduced gross tonnage could appear as additional remarks on ITCs for segregate ballast tankers and open-top containerships. Another respondent highlighted the difference in approach for calculating reduced gross tonnage for segregated ballast tankers and open-top containerships, and in the latter case, suggested calculating the open-top reduced gross tonnage first, on which the crew space reduction is applied. Another expressed the view that widespread adoption of net tonnage for fee assessment would resolve the underlying concerns of this issue.

**Issue 11 – Impact on Working and Living Conditions**

**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)**

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

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**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**Issue 11 – Impact on Working and Living Conditions****11.d Treatment of Crew Accommodation Spaces (ICS)****Requirement/Interpretation** TM Convention, Regulation 2(5) Excluded Spaces

*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:*
  - (a) (i) *A space within an erection opposite an end opening.....*
  - (a) (ii) *Should the width of the space because of any arrangement.....*
  - (a) (iii) *Where an interval which is completely open except for*
  - (b) *A space under an overhead deck covering open to the sea*
  - (c) *A space in a side-to-side erection directly in way of.....*
  - (d) *A space in an erection immediately below an uncovered opening....*
  - (e) *A recess in the boundary bulkhead of an erection which is exposed to...*

**Description of Issue** The provisions of the TM Convention as currently implemented provide a significant commercial disincentive for the improvement of facilities for crew accommodation. This is a matter of concern in relation to the improvement of living and social conditions for seafarers who are on board for significant periods of their working life; the provision of sufficient accommodation to facilitate additional crew or contractors as necessary; the provision of sufficient accommodation to facilitate supernumerary and training positions; and the need to facilitate the implementation of the provisions of the ILO Maritime Labour Convention 2006.

**Round 1 Proposals** The group considered four proposals. One proposal recommended amending the regulation 2(5) provisions of the TM Convention to provide for excluding from tonnage all spaces exclusively dedicated to crew accommodation. Another proposal recommended separate listings in the remarks block on the ITC for segregated ballast tanks, crew accommodation spaces as required by SOLAS (including ISPS Code), STCW and the Maritime Labour Convention, and other spaces needed to comply with relevant international requirements regarding safety, security and the safe operation of the ship. Another proposal recommended the development of a generalized framework for listing volumes under the various reduced gross tonnage provisions, allowing interested parties to apply tonnage reduction as they see fit. Another proposal recommended assimilating crew space reduced gross tonnage with the tanker segregated ballast reduced gross tonnage, defining and then subtracting the volume, but that for open-top containerships, only the final reduced gross tonnage be shown.

**Round 1 Questionnaire Responses** A majority of respondents disagreed with the proposal to amend the TM Convention to exclude crew spaces. Regarding this proposal, two respondents commented to the effect that implementation would cause the gross tonnage to not be reflective of the ship's overall size, with one expressing the view that further pursuit of such amendments is beyond the scope of the planned output. One respondent commented that this could create a precedent for similar treatment of other spaces, but suggested language for inclusion in the Unified Interpretations should this proposal be carried forward. Another respondent commented that such a change would only remove a disincentive and not add a stimulus to provide better crew accommodations, such as could be done through introduction of mandatory crew accommodation requirements. Another expressed the view that the TM Convention should not be altered in this manner, and that a reduced gross tonnage approach was acceptable. There was little agreement on the remaining proposals. In commenting on the

**Issue 11 – Impact on Working and Living Conditions****11.d Treatment of Crew Accommodation Spaces (ICS)**

proposal to list spaces in the remarks block, one participant expressed the view that unnecessary information should not appear on the ITC, with another stating agreement but adding that there was a need to address the matter in a more substantive manner. Two respondents expressed opposing views on whether it was possible to harmonize the various reduced gross tonnages through the listing of individual reductions on the ITC.

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read “The space between the side longitudinal boundary bulkhead of a deckhouse . . . .”*)

**Proposed Revision to TM Convention** (e.g., *Revise Reg 6(3) to read “Volumes of spaces that are open to the sea shall not be included in the volume of enclosed space.”*)

**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

**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** Under articles 2(3), 3(1), 7(1) and 12(1)(a), a ship flying the flag of a country that is party to the TM Convention is subject to the Convention and must have an ITC on board the ship when engaged on an international voyage. Consideration should be given to exempting ships from these requirements when engaged on a single international voyage between the originating country and the ship's flag State for purposes of ship delivery (e.g., after the ship is initially constructed or otherwise obtained).

**Round 1 Proposals** The group considered two proposals. One proposal recommended establishing interpretations to provide for the use of simplified formula to calculate gross tonnage based on the product of principle dimensions and a coefficient to be established by the Sub-Committee, which would be valid for a single voyage to the flag State. The other proposal recommended development of a simplified formula for calculating the tonnage value, and the use of an accompanying single International voyage standard exemption certificate.

**Round 1 Questionnaire Responses** There was little agreement on the two proposals. In disagreeing with both, one respondent expressed the view that neither approach should be implemented through interpretations, but rather would require amendments to the TM Convention. Another respondent expressed possible support for both proposals should the Convention be amended for other reasons. Another respondent highlighted provisions of articles 10 and 12 regarding validity of ITCs, and noted the current TM.5/Circ.5 provisions requiring use of the latest interpretations following flag transfer. Another respondent commented to the effect that such provisions appear unnecessary, as based on experience, new buildings are known and can be handled in due time.

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

**Proposed Revision to Draft Unified Interpretations** (e.g., *Revise Interpretation R.2(5) to read "The space between the side longitudinal boundary bulkhead of a deckhouse . . ."*)

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**Comments** (use this block to explain or further justify revisions, if not clear from the Round 1 work and/or if agreement was lacking, comment on descriptions/summaries, etc.)

### 13 Cargo Spaces in Tonnage (CG Round 1)

**Requirement/Interpretation** TM Convention, Article 2(5) "Net tonnage" means the measure of the useful capacity of a ship determined in accordance with the provisions of the present Convention; TM Convention, Regulation 2(7) Cargo spaces to be included in the computation of net tonnage are enclosed spaces appropriated for the transport of cargo which is to be discharged from the ship, provided that such spaces have been included in the computation of gross tonnage. 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.

**Description of Issue** Regulation 2(7) provides for including in the net tonnage computation only those enclosed cargo spaces that were also included in the gross tonnage computation. As such, spaces used for carriage of deck cargo are not included in the net tonnage computation, nor are they in the gross tonnage computation. For some types of ships, this can give a substantially reduced figure for the net tonnage, which per article 2(5) is the measure of the useful capacity of a ship, which in turn can discourage the use of net tonnage as a basis for charging port, lighthouse and other fees, in favor of other parameter that may provide a more realistic basis for charging. This brings into question the significance of the current method of determining tonnage without fully including the cargo spaces.



**Round 1 Proposals** Amend the definition of cargo space in regulation 2(7) of the TM Convention to reflect the changes in ship design, new types of ships, and carriage of cargo, over the period of time since the late 1960's when the TM Convention was prepared.

#### Round 1 Questionnaire Responses

(under development pending receipt of additional responses  
due to extended deadline of 29Jun2012 of this issue)

### 13 Cargo Spaces in Tonnage (CG Round 1)

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