

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1996 Nr. 222

A. TITEL

*Internationaal Verdrag betreffende de meting van schepen, 1969,
met bijlagen;
Londen, 23 juni 1969*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1970, 122.

C. VERTALING

Zie *Trb.* 1970, 194.

D. PARLEMENT

Zie *Trb.* 1981, 148.

E. BEKRACHTIGING

Zie *Trb.* 1970, 122¹⁾ en *Trb.* 1981, 148.

Behalve de aldaar genoemde hebben nog de volgende Staten in over-
eenstemming met artikel 16, tweede lid, van het Verdrag een akte van
bekrachtiging of aanvaarding nedergelegd bij de Internationale Mari-
tieme Organisatie:

Denemarken ²⁾	22 juni 1982
Bulgarije ³⁾	14 oktober 1982
de Verenigde Staten ⁴⁾	10 november 1982
Koeweit	2 maart 1983
Venezuela	6 juli 1983
Griekenland	19 augustus 1983
Ierland	11 april 1985
Portugal	1 juni 1987
Indonesië	14 maart 1989
Canada	18 juli 1994

Pakistan	17 oktober 1994
Libanon	16 december 1994

¹⁾ De bekrachtiging door de Sovjet-Unie van het Verdrag is vanaf 26 december 1991 voortgezet door de Russische Federatie.

²⁾ Onder de volgende verklaring:

“Even though the Convention has not yet entered into force for Denmark the Danish Government will apply the provisions of the Convention already as of July 18, 1982, insofar as regards both Danish ships and ships of states for which the Convention will enter into force on July 18, 1982 or at any date between the said date and the date of the formal entry into force of the Convention for Denmark.”

³⁾ Onder de volgende verklaringen:

a) The People’s Republic of Bulgaria declares that the provisions of Article 16 of the Convention are in contradiction with the principle of sovereign equality of states and are not in line with the internationally adopted practice of concluding international treaties of universal significance;

b) The People’s Republic of Bulgaria declares that the provisions of Article 20 of the Convention concerning its application by the states-Parties on the territories of the international relations of which they are responsible, do not correspond to the Declaration of the United Nations General Assembly on Granting Independence to Colonial Countries and Peoples (Resolution 1514 (XV)) of December 14, 1960.” (*vertaling*)

⁴⁾ Onder de volgende verklaring:

“That in the assessment of tolls for transit of the Panama Canal, the United States will continue to have the right to apply the present Panama Canal tonnage system or to adopt any other basis, in computing tonnages derived from volumes or other measures developed in connection with the said Convention.”

F. TOETREDING

Zie *Trb.* 1981, 148¹⁾.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 16, tweede lid, van het Verdrag een akte van toetreding nedergelegd bij de Intergouvernementele Maritieme Consultatieve Organisatie c.q. de Internationale Maritieme Organisatie:

Bangladesh	6 november 1981
Australië	21 mei 1982
Peru	16 juli 1982
Barbados	1 september 1982
Cuba ²⁾	9 november 1982
Chili ³⁾	22 november 1982
Zuid-Afrika	24 november 1982
de Maldiven	2 juni 1983
Saint Vincent en de Grenadines	28 oktober 1983
de Verenigde Arabische Emiraten	15 december 1983
Maleisië	24 april 1984
Nigeria	13 november 1984

Singapore	6 juni 1985
Ethiopië	18 juli 1985
Tuvalu	22 augustus 1985
Bahrein	21 oktober 1985
Benin	1 november 1985
Qatar	3 februari 1986
Cyprus	9 mei 1986
Brunei	23 oktober 1986
Antigua en Barbuda	3 maart 1987
Ivoorkust	5 oktober 1987
Birma	4 mei 1988
Mauritius	11 oktober 1988
Vanuatu	13 januari 1989
Uruguay	3 februari 1989
Malta	20 maart 1989
Haiti	6 april 1989
de Marshalleilanden	25 april 1989
Togo	19 juli 1989
Noord-Korea	18 oktober 1989
Marokko	28 juni 1990
Oman	24 september 1990
Vietnam	18 december 1990
Luxemburg	14 februari 1991
Belize	9 april 1991
Mozambique	30 oktober 1991
Gambia	1 november 1991
Litouwen	4 december 1991
Estland	16 december 1991
Sri Lanka	11 maart 1992
Kenya	15 december 1992
Oekraïne	25 oktober 1993
Papoea-Nieuw-Guinea	25 oktober 1993
Nicaragua	2 februari 1994
Kazachstan	7 maart 1994
Georgië	19 april 1994
Cambodja	28 november 1994
Ecuador	21 september 1995
Jordanië	3 oktober 1995
Eritrea	22 april 1996
Equatoriaal-Guinea	24 april 1996

¹⁾ Op 3 oktober 1990 is de Duitse Democratische Republic toegetreden tot de Bondsrepubliek Duitsland.

²⁾ Onder de volgende verklaringen:

“The Government of the Republic of Cuba considers that the provisions contained in Article 2(3), Article 3(1)(b) and Article 20 of the Convention, to the extent that they accept that the international relations of any territory may be the

responsibility of another Government, are not applicable in that respect because they are contrary to the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 adopted by the General Assembly of the United Nations on 14 December 1960), which proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations.

The Government of the Republic of Cuba considers that Article 16(1) of the Convention, despite the fact that its provisions deal with questions of interest for all States, is of a discriminatory nature that it withholds from a number of States of rights of signature and accession, which is contrary to the principle of universality.” (*vertaling*)

³⁾ Onder het volgende voorbehoud:

“... amendments referred to in article 18 of the Convention shall not be binding on Chile until such time as it has brought into operation the internal procedure established by the Political Constitution of the Republic for the approval of international treaties.” (*vertaling*)

Verklaring van voortgezette gebondenheid

De volgende Staten hebben verklaard zich gebonden te achten aan de bepalingen van het Verdrag:

Kroatië	27 juli 1992
Slovenië	12 november 1992
Tsjechië ¹⁾	19 oktober 1993
Slowakijë	30 januari 1995

¹⁾ De Regering van de Tsjechische Republiek heeft op 13 juni 1995 medege-deeld dat zij vanaf die datum de door Tsjechoslowakije bij de toetreding tot het Verdrag afgelegde verklaring met betrekking tot de artikelen 16 en 20 (zie *Trb.* 1981 , 148) beschouwt als verouderd en niet meer van toepassing.

G. INWERKINGTREDING

Zie *Trb.* 1981, 148.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1981, 148.

De bepalingen van het Verdrag zijn in overeenstemming met artikel 20, eerste lid, letter a, door het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland toepasselijk verklaard op:

Bermuda	11 november 1982 (m.i.v. 6 december 1982)
het eiland Man	11 oktober 1984 (m.i.v. 19 oktober 1984)
Gibraltar	7 december 1988 (m.i.v. 1 december 1988)

Guernsey	30 december 1988 (m.i.v. 1 januari 1989)
de Falklandeilanden ¹⁾	16 juni 1995 (m.i.v. 16 juni 1995)

¹⁾ De Regering van Argentinië heeft op 11 augustus 1995 de volgende mededeling gedaan:

“The Argentine Republic rejects the statement by the United Kingdom of Great Britain and Northern Ireland in connection with the International Convention on Tonnage Measurement of Ships, 1969, to the effect that the provisions of the Convention shall apply to the Malvinas Islands, South Georgia and South Sandwich Islands “with immediate effect”. The Argentine Republic reaffirms its sovereignty over these islands and their surrounding maritime spaces, which constitute an integral part of its national territory.

The Argentine Republic recalls the adoption, by the General Assembly of the United Nations, of resolutions 2065(XX), 3160(XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 42/19 and 43/25, acknowledging the existence of a dispute concerning sovereignty and urging the Governments of the Argentine Republic and of the United Kingdom of Great Britain and Northern Ireland to enter into negotiations with a view to identifying means of pacific and final settlement of the outstanding problems between the two countries, including all matters concerning the future of the Malvinas Islands, in accordance with the Charter of the United Nations.”

J. GEDEVENS

Zie *Trb.* 1970, 122 en *Trb.* 1981, 148.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties zie ook, laatstelijk, *Trb.* 1994, 277.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Statuut van het Internationale Gerechtshof zie ook, laatstelijk, *Trb.* 1987, 114.

Voor het op 10 juni 1947 te Oslo tot stand gekomen Verdrag nopens een eenvormig stelsel voor de meting van zeeschepen zie ook *Trb.* 1985, 87.

Voor het op 6 maart 1948 te Genève tot stand gekomen Verdrag nopens de Intergouvernementele Maritieme Consultatieve Organisatie (na mei 1982 geheten: Internationale Maritieme Organisatie) zie ook, laatstelijk, *Trb.* 1994, 44.

Voor het op 26 oktober 1956 te New York tot stand gekomen Statuut van de Internationale Organisatie voor Atoomenergie zie ook, laatstelijk, *Trb.* 1990, 51.

De Maritieme Veiligheidscommissie heeft in haar achtenveertigste zitting de kwestie van toepassing van het onderhavige Verdrag door Staten die het aanvaarden of ertoe toetreden na de datum van inwerkingtreding van het Verdrag op 18 juli 1982, bezien en is tot de volgende interpretatie van artikel 2, zesde lid, van het Verdrag gekomen:

“The Committee agreed that Article 2(6) which defines a “new” ship as a ship the keel of which is laid or which is at a similar stage of construction on or after the date of coming into force of the present Convention and Article 3(2)(a) which provides for the Convention applica-

tion to such “new” ships, are indications of the retroactivity of application to 18 July 1982, in relation to Governments becoming parties to the Convention after that date.”

De Maritieme Veiligheidscommissie heeft voorts in haar zesenveertigste en achtenveertigste zitting de volgende interpretaties van technische termen welke in het Verdrag voorkomen, goedgekeurd:

Definitions (Article 2(8))

1 When establishing the length of a rudder-less flat top barge, the length should be calculated at 96 per cent of the total length of a waterline at 85 per cent of the least moulded depth measured from the top of the keel.

2 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 ships is misleading, it would be appropriate for such ships to use the overall length and breadth to the outside plating between fixed structures. The citation of the length (Article 2(8)) and breadth (Regulation 2(3)) in the respective boxes of the International Tonnage Certificate (1969) should be deleted and a notation in “Remarks” should be made to identify the ship as, *inter alia*, a “semi-submersible drilling unit”, etc.

Application (Article 3(2)(b))

1 “Alterations or modifications” are those which change the principal dimensions or involve structural changes. An existing ship may continue to operate under its existing tonnage without remeasurement in either an open or closed condition under resolution A.48(III).

2 If structural modifications are necessary to permit an open shelter-deck ship to become a closed shelter-deck ship, the ship should be considered as new under this Convention. The sealing of a tonnage opening should however not be considered a structural modification for the purpose of this interpretation.

3 Existing ships which regularly alter load line and tonnage marks in order to change from higher to lower tonnage and *vice versa*, are dealt with in MSC/Circ.253 which is reproduced at Appendix 1.

- 4 In the case of “alterations or modifications” the following applies:
- .1 the Convention requirements apply when the conversion is commenced on or after 18 July 1982;
 - .2 Where several sister ships are to be substantially altered and the additional steel work is prefabricated before 18 July 1982 but work on the individual ship commenced on or after that date, the Administration should consider the application of the Convention bearing in mind the circumstances of each case but resist any misuse of such prefabrication measures which might

prevent the application of the Convention to ships converted after 18 July 1982.

5 The term “substantial variation” needs no interpretation because of the continued use of tonnage values under present measurement systems to determine the applicability of the SOLAS Regulations to an altered existing ship until 1985, or if below 1,600 GRT up to 1994.

6 An existing ship during the Convention transition period is not required to be measured under the Convention rules until 1994. An existing ship may be remeasured under existing national rules if it is modified affecting the net tonnage, provided the existing gross tonnage is not substantially changed.

Form of Certificate (Article 9(2))

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, the month and day should also be described.

2 Information inserted in the “location” columns on the reverse of the International Tonnage Certificate (1969) should not be too detailed.

3 The phrase “Date and place of original measurement” should refer to the issue of the original International Tonnage Certificate (1969) and should have no reference to measurement under pre-existing national systems.

4 The phrase “Date and place of last previous remeasurement” should refer to the date and place of issue of the last International Tonnage Certificate.

Cancellation of Certificate (Article 10(2))

The term “certificate” in Article 10(2) refers to the International Tonnage Certificate (1969) and existing ships as defined in Article 2(7) need not be measured under the 1969 Tonnage Convention on change of flag but may be measured under present national rules.

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.

Definition of terms used in the Annexes (Regulation 2)

The following interpretations apply to the terms given in the paragraphs of Regulation 2:

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

2 “Watertight” – The Administration may decide on this term as a special definition for tonnage purposes is not needed.

3 “Amidships” – This term should be considered as the midpoint of the length as defined in Article 2(8) where the forward terminal of that length coincides with the fore side of the stem.

4 “Enclosed Spaces” – the following should be observed:

4.1 In paragraph (4) there is no contradiction between the definition of enclosed spaces as being “bounded by the ship’s hull, by fixed or portable partitions ...” and “... nor the absence of a partition shall preclude a space from being included in the enclosed space”;

4.2 Space located within the boundaries of “permanent or movable awnings” should be subject to treatment under Regulation 2(5).

4.3 Tanks, permanently located on the upper deck, provided with removable pipe connexions to the cargo system or the vent (de-airing) lines or the ship, should be included in V_c ;

4.4 The volume of weathertight steel pontoon covers on hatchway coamings should be included in the calculations of the total volume (\bar{V}) of the ship. If such covers are open on the underside, their volume should also be included in V_c ;

4.5 Multi-purpose vessels which have the facility to trade with cargo hatches open or closed should always be measured with the hatch covers considered to be closed.

5 “Excluded Spaces”

5.1 The space between the side longitudinal bulkhead of a deckhouse and the bulwark below a deck extending from side to side supported by stanchions or vertical plates connected to the bulwarks, should be treated as an excluded space in accordance with Regulation 2(5)(b) and (c) (see Figure 2 in Appendix 2);

5.2 In the case of a ro/ro ship, for example, where the space at the end of an erection is fitted with means for securing cargo, the space should be included in V in accordance with the first condition of Regulation 2(5).

6 “Passenger” – N_1 and N_2 should be obtained from the Administration’s maritime safety authority.

7 “Cargo Spaces”

7.1 The volumes of the segregated ballast tanks should not be included in V_c provided they are not to be used for cargo.

7.2 The volumes of clean ballast tanks in oil tankers should be included in V_c when the ship is fitted with a crude oil washing system which would permit dual purpose cargo/clean ballast tank use of these tanks.

7.3 The volumes of dedicated clean ballast tanks should not be included in V_c provided that the:

- .1 tanks are not used for cargo;
- .2 ship carries a single IOPP Certificate which indicates it is operating with dedicated clean ballast tanks in accordance with Regulation 13A, Annex I, MARPOL 1973/78;
- .3 following notation is inserted in the “Remarks” column on the International Tonnage Certificate (1969):
“This ship carries on IOPP Certificate in conformity with Regulation 13A, Annex I, MARPOL 1973/78. The following tanks are dedicated solely to the carriage of clean ballast water: —”.

7.4 The volumes of slop tanks for cargo residues should be included in V_c .

7.5 In fishing vessels, the volumes of fish processing spaces for fish-meal, liver oil and canning, tanks for re-cooling fish, wet fish bunkers, stores for salt, spices, oil and tare should be included in V_c . Fishing gear stores should not be included in V_c .

7.6 The volume of refrigerating machinery used for refrigerating cargoes and situated within the boundaries of the cargo spaces should be included in V_c .

7.7 The volumes of mail rooms, baggage compartments separate from passenger accommodation, and bonded stores for passengers should be included in V_c . The volume of provision rooms for crew or passengers and bonded stores for crew should not be included in V_c .

7.8 On combination carriers, where the owners request to have the dual purpose oil/ballast tanks converted to ballast tanks and excluded from V_c , the ballast tanks should be required to be permanently disconnected from the oil cargo system and not used for the carriage of cargo. The ship should then be remeasured in accordance with Regulation 5(3). Any ballast tanks not to be included in V_c should be solely allocated to ballast, connected to an independent ballast system, and not used to carry cargo.

7.9 When determining the volumes of cargo spaces, no account should be taken of insulation, sparring or ceiling which is fitted within the

boundaries of the space concerned. For ships which have permanent independent cargo tanks constructed within the ship, e.g. gas tankers, the volume to be included in V_c should be calculated to the structural boundary of such tanks, irrespective of insulation which may be fitted on the inside or outside of the tank boundary.

7.10 The volumes of dual purpose spaces such as those used for both ballast and cargo should be included V_c .

Gross and Net Tonnage (Regulations 3 and 4)

1 The K_1 and K_2 coefficients used in the gross and net tonnage calculations may be derived from either the table in Appendix 2 of the Convention or from the formula in Regulation 3 or 4 respectively at the discretion of the Administration.

2 The final tonnage figures determined in accordance with Regulations 3 and 4 and stated in the tonnage certificate should be given in rounded down figures without decimals.

3 Spaces allocated to passenger automobiles should be included in V_c .

Calculation of Volumes (Regulation 6)

1 Bulbs, fairwaters, propeller shaft bossings or other structures should be treated as appendages.

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.

3 In reference to Regulation 6(2), inaccessible masts, kingposts, air trunks and similar erections outside of and separated on all their sides from enclosed spaces and having cross-sectional areas not exceeding one square metre should not be measured; other similarly independent enclosed spaces of a volume not exceeding one cubic metre should not be measured.

4 Volumes within the hulls of ships, such as split-hull barges and dredgers, should be retained in V and V_c notwithstanding that the space within the hull is temporarily opened to the sea when discharging cargo (see Figure 3 in Appendix 2).

Measurement and Calculation (Regulation 7)

1 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 3, 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.

2 Administrations should decide on the degree of accuracy required for the tonnage calculations.

APPENDIX 1

RECOMMENDATION ON SHIPS WHICH REGULARLY ALTER LOAD LINES AND TONNAGE MARKS

The Maritime Safety Committee reconsidered at its fortieth session the situation of ships which regularly alter their load lines and tonnage marks. Having recalled its decision taken at the thirty-ninth session the Maritime Safety Committee agreed on the following:

The attention of the Maritime Safety Committee at its thirty-ninth session was drawn to the case of ships which regularly altered their load lines and tonnage marks in order to change from higher to lower tonnage and *vice versa* without any modification to such ships.

The Committee noted that this practice existed although the Recommendation annexed to resolution A.48(III) provided for a single tonnage certificate showing both higher and lower tonnages without the necessity to alter load lines and tonnage marks.

The Committee decided that after the coming into force of the 1969 Tonnage Convention the change from higher to lower tonnage or *vice versa* will not constitute a "substantial variation" for the purposes of Article 3(2)(b) of that Convention.

The Committee also decided that the higher tonnage should be used for the application of the SOLAS Convention, both at present and when the 1969 Convention comes into force.

APPENDIX 2

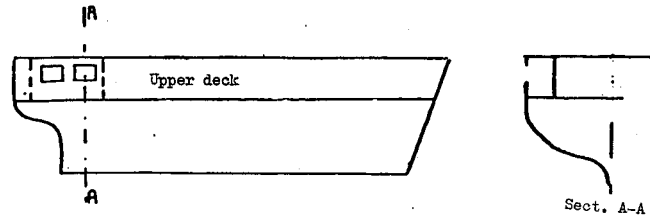


Figure 1

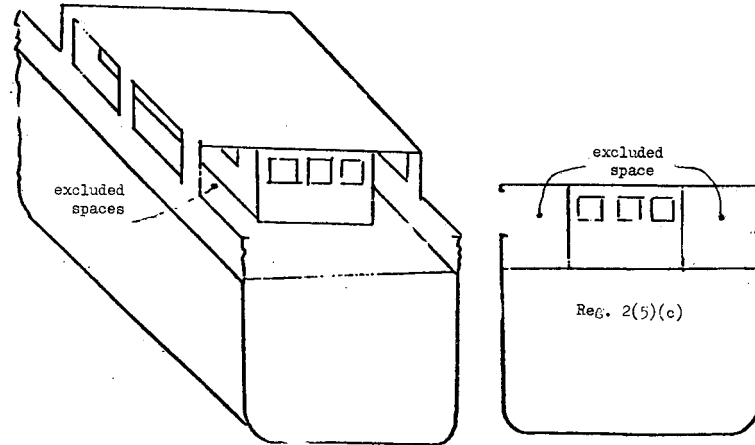
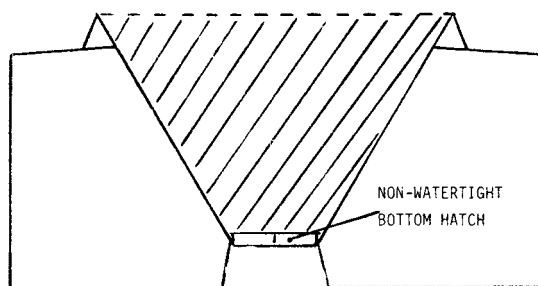


Figure 2



Shaded volumes included in V and V_0

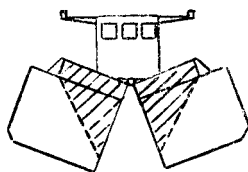


Figure 3

APPENDIX 3

FORM GIVING PARTICULARS OF UNIFORM TONNAGE
CALCULATION

GROSS TONNAGE

Item No.	Name of Space	Location	Length	Moulded Volume
	Underdeck Poop Bridge Forecastle Deckhouses Hatches, etc.			
		Total Volume		
NET TONNAGE				
	No. 1 Hold No. 2 Hold, etc. No. 1 Tween Decks No. 2 Tween Decks Hatches, etc.			
		Total Volume		

Uitgegeven de *drieëntwintigste* augustus 1996.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO