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MARITIME SAFETY COMMITTEE  
84th session  
Agenda item 19

MSC 84/19/1  
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## IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

### Building contract dates

Submitted by the International Association of Classification Societies (IACS)

#### SUMMARY

<b><i>Executive summary:</i></b>	This document addresses the application of the building contract date when so referenced by regulations in SOLAS and MARPOL for contracts containing an option for the construction of additional vessels and requests that consideration be given to the development of appropriate guidance on the issue
<b><i>Strategic direction:</i></b>	2
<b><i>High-Level action:</i></b>	2.1.1
<b><i>Planned output:</i></b>	2.1.1.4 and 2.1.1.5
<b><i>Action to be taken:</i></b>	Paragraph 7
<b><i>Related document:</i></b>	None

#### Introduction

1 Many regulations contain the following application scheme in MARPOL:

“A ship delivered on or after *dd/mm/yy* means a ship:

- .1 for which the building contract is placed on or after *dd/mm/yy*; or
- .2 in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after *dd/mm/yy*; or
- .3 the delivery of which is on or after *dd/mm/yy*.”

2 The above scheme has, for the first time, been introduced for SOLAS regulation II-1/3-2 regarding the corrosion prevention of seawater ballast tanks in all types of ships and double-skin spaces of bulk carriers.

#### Discussion

3 IACS members have been presented with an increasing number of contracts for an initial number of vessels with an option to build additional vessels.

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4 While the building contract date to use for the determination of the regulations containing an application as noted in paragraph 1 above, for the initial vessel(s) is clear, the date to be used for the optional vessels is not.

5 Two different arguments have been received with respect to the building contract date for determining the application of relevant statutory regulations to the optional vessels:

- .1 the building contract date for all vessels, including the optional vessels, is the date of the contract for the series of vessels; and
- .2 the building contract date for optional vessels is the date when the option to build the optional vessels is exercised (i.e., after the contract signing date for the initial vessel).

6 Most IACS Unified Requirements and Interpretations are applied based on the vessel's date of contract for construction. The date of contract for construction of a series of vessels, including specified optional vessels for which the option is ultimately exercised, is the date on which the contract to build the series is signed between the prospective owner and the shipbuilder. The optional vessels are considered part of the same series of vessels with the same contract date if the option is exercised not later than 1 year after the contract to build the series was signed.

#### **Action requested of the Committee**

7 The Committee is invited to consider the issues raised above and the desirability/necessity of developing IMO approved and disseminated guidance on this matter, in the form of a joint MSC/MEPC circular, based on the proposal contained in paragraph 6 above. In this regard, the Committee is advised that a copy of this paper has also been submitted to MEPC 57.

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