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MSC-MEPC.5/Circ.4  
16 December 2008

**UNIFIED INTERPRETATION OF THE APPLICATION OF REGULATIONS  
GOVERNED BY THE BUILDING CONTRACT DATE, THE KEEL LAYING  
DATE AND THE DELIVERY DATE FOR THE REQUIREMENTS OF  
THE SOLAS AND MARPOL CONVENTIONS**

1 The Marine Environment Protection Committee, at its fifty-eighth session (6 to 10 October 2008), and the Maritime Safety Committee, at its eighty-fifth session (26 November to 5 December 2008), with a view to providing more specific guidance for application of the relevant requirements of the SOLAS and MARPOL Conventions, approved the unified interpretation, as set out in the annex.

2 Member Governments are invited to use the annexed interpretation when applying relevant provisions of the SOLAS and MARPOL Conventions and to bring it to the attention of all parties concerned.

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## ANNEX

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GOVERNED BY THE BUILDING CONTRACT DATE, THE KEEL LAYING  
DATE AND THE DELIVERY DATE FOR THE REQUIREMENTS OF  
THE SOLAS AND THE MARPOL CONVENTIONS**

1 Under certain provisions of the SOLAS and MARPOL Conventions, the application of regulations to a ship is governed by the dates:

- .1 for which the building contract is placed on or after dd/mm/yyyy; 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/yyyy; or
- .3 the delivery of which is on or after dd/mm/yyyy.

2 For the application of such provisions, the date on which the building contract is placed for optional ships should be interpreted to be the date on which the original building contract to construct the series of ships is signed between the shipowner and the shipbuilder provided:

- .1 the option for construction of the optional ship(s) is ultimately exercised within the period of one year after the date of the original building contract for the series of ships; and
- .2 the optional ships are of the same design plans and constructed by the same shipbuilder as that for the series of ships.

3 The application of regulations governed as described in paragraph 1, above, is to be applied as follows:

- .1 if a building contract signing date occurs on or after the contract date specified for a particular set of regulation amendments, then, that set of regulation amendments applies;
- .2 only in the absence of a building contract does the keel laying date criteria apply and, if a ship's keel laying date occurs on or after the keel laying date specified for a particular set of regulation amendments, then, that set of regulation amendments applies; and
- .3 regardless of the building contract signing date or keel laying date, if a ship's delivery date occurs on or after the delivery date specified for a particular set of regulation amendments, then, that set of regulation amendments applies except in the case where the Administration has accepted that the delivery of the ships was delayed due to unforeseen circumstances beyond the control of the shipbuilder and the owner\*.

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\* Refer to Unified Interpretation of "Unforeseen delay in the delivery of ships" (MSC.1/Circ.1247 and MARPOL Annex I, Unified Interpretation 4).