

THIS CIRCULAR LETTER REQUIRES YOU TO VOTE

IHB File S3/8152

CIRCULAR LETTER 58/2002
26 November 2002

WEND PRINCIPLES
Proposed Additional Rules

GUIDELINES FOR THE ESTABLISHMENT OF ENC PRODUCTION BOUNDARIES

Dear Hydrographer,

1. At the 13th CHRIS Meeting (Athens, Greece, 17-19 September 2001), France advised of a proposal for additional rules to the WEND Principles (see **Annex A**) to accommodate the problem of ENC coverage in non-national waters¹. While acknowledging that this was a WEND issue, the Meeting felt that the views of the Meeting on this proposal would be helpful to France before the matter was referred to WEND. CHRIS Members subsequently commented on the French proposal, and France drafted a revised proposal taking into account the comments received. This was forwarded to WEND Members, for consideration, via WEND Letter 1/2002, dated 25 March 2002.
2. Responses / comments to WEND Letter 1/2002 were received from Australia, Brazil, Chile, Finland, Greece, India, Indonesia, Malaysia, Netherlands, Portugal, South Africa, Spain and UK. While responses were generally in favour of the need for additional rules to the WEND Principles, on ENC production boundaries, several responders expressed their preference for a similar proposal which had been submitted earlier by Australia² to the 6th WEND Meeting (Norfolk, Virginia, USA, 18-19 May 2001). As a result, France and Australia were invited to work out a consolidated proposal, which is in **Annex B**. If adopted by Member States, these guidelines would be appended to the WEND Principles, which were made IHO Technical Resolution K2.19 by Decision 17 (a) of the 16th International Hydrographic Conference in April 2002.
3. France, further considering that the case of small-scale ENCs was not properly covered by the Guidelines in Annex B, has proposed that the guidance in **Annex C** be taken into consideration by Regional Hydrographic Commissions when dealing with the establishment of small-scale ENC production boundaries.

¹ Doc. CHRIS/13/4B, available from the IHO website (www.iho.shom.fr/general/ecdis/ecdisnew1.html).

² Doc. WEND/6/8A, available from the IHO website (www.iho.shom.fr/msonly/msonly.htm).

4. You are therefore kindly requested to consider these proposals and to provide your agreement / comments to the IHB, by filling in the **Voting Paper at Annex D, before 1st February 2003.**

On behalf of the Directing Committee,
Yours sincerely,

(original signed)

Rear Admiral Kenneth BARBOR
Director

Encls: Annexes A-D

WEND PRINCIPLES
(IHO Technical Resolution K2.19)

1. OWNERSHIP AND RESPONSIBILITY

- 1.1 A Member State has responsibility for the preparation and provision of digital data and its subsequent updating for waters of national jurisdiction.
- 1.2 The Member State responsible for originating the data should validate it.
- 1.3 A Member State responsible for any subsequent integration of a country's data into a regional, or larger, database is responsible for validating the results of that integration.
- 1.4 Responsibilities for providing digital data outside areas of national jurisdiction should be established.
- 1.5 The INT chart system is a useful basis for areal selection.
- 1.6 Legal liability must be recognized by participants.

2. COOPERATION AND COORDINATION

- 2.1. In the interests of safety at sea and to respond to the increasing demand for ENC, Member States are encouraged to work together in establishing and maintaining a WEND system as soon as possible, to share in common experience and reduce expenditure, and to ensure the greatest possible standardization and reliability.
- 2.2. Terms of Cooperation Arrangement for the Northern Europe RECC may be useful in arranging transactions between other RECCs and national HOs.
- 2.3. HOs are strongly recommended to provide data to HO data base organizations pursuing databases within the WEND concept.
- 2.4. Member States are encouraged to work together on data capture or management.
- 2.5. Neighbouring Member States are encouraged to cooperate in boundary areas.
- 2.6. The Member States should strive for harmonization between RENC's in respect of data standards and service practices in order to ensure the provision of consistent ENC services to users. Wherever appropriate, this should be achieved by adoption of IHO Standards.
- 2.7. Advantage should be taken and shared of all experience gained.
- 2.8. Member States planning to incorporate data that must be obtained from another Member State into an integrated database should inform those countries well in advance.
- 2.9 The development of overlapping data sets from different sources should be avoided if possible.

3. LANGUAGES

- 3.1. The need to have data associated with different languages should be considered.

4. STANDARDS AND QUALITY MANAGEMENT

- 4.1. A recognized standard of quality management (e.g. ISO 9000) should be employed to ensure a high quality of the ENC services.
- 4.2. There should be compliance with all relevant IHO and IMO standards and criteria (including IHO S-57, IHO S-52, or their replacements).

5. DISTRIBUTION

- 5.1 Distribution of products may be separate from the data base management.
- 5.2 Methods to be adopted should ensure that data bear a stamp or seal of approval of the issuing HO.
- 5.3 Member States should work together in safeguarding national copyright in ENC data to protect the mariner from falsified products.
- 5.4 When an encryption mechanism is employed to protect data, a failure of contractual obligations by the user should not result in a complete termination of the service, being assured that the safety of the vessel is not compromised.

6. UPDATING

- 6.1 Technically and economically effective solutions for updating should be established.
- 6.2 National HOs providing source data are responsible for advising the issuing HO of update information in a timely manner.
- 6.3 The issuing HO is responsible for providing timely updates to the ENC for the mariner.
- 6.4 Updating information to regional or greater area ENC datasets should be available worldwide.

7. REIMBURSEMENT AND FINANCIAL ARRANGEMENTS

- 7.1 HOs should not give commercial companies better conditions than they offer to other HOs.
- 7.2 Reimbursement, including financial arrangements, payment in kind etc. for providing data, should be a matter for bilateral agreement between the parties involved.

8. ASSISTANCE AND TRAINING

- 8.1 Member States' HOs are strongly recommended to provide, upon request, training and advice to HOs which require it to start developing their own national data base.

GUIDELINES FOR THE ESTABLISHMENT OF ENC PRODUCTION BOUNDARIES

Additional Rules to the Wend Principles

Joint Proposal by Australia and France

1. ENC duplication should be avoided. A single ENC producing country should exist in any given area.
 2. A country is normally the ENC producing country for waters within its national jurisdiction.
 3. Responsibility for the production of ENC can be delegated in whole or in part by a country to another country, which then becomes the producing country in the considered area.
 4. When the limits of waters of national jurisdiction between two neighbouring countries are not established, or it is more convenient to establish boundaries other than established national boundaries, producing countries should define the boundaries for ENC production within a technical arrangement. These limits would be for cartographic convenience only and shall not be construed as having any significance or status regarding political or other jurisdictional boundaries.
 5. In international waters, the INT chart producer nation shall be assumed to be the producer of the corresponding ENC. Where the offshore limits of waters under national jurisdiction have not yet been established, clause 4 should apply.
 6. In areas where the paper INT charts overlap, neighbouring producer nations should agree a common limit of ENC production in the overlapping areas. Cartographic boundaries should be as simple as possible. for example: a succession of straight segments and turning points corresponding to such things as meridians, parallels, or chart limits.
 7. In areas of national jurisdiction for which there is no recognised ENC producer nation, the Regional Hydrographic Commission (or similar body) should determine the ENC producer nation. ENCs produced under such arrangements should be offered for transfer to the Coastal State in the event that the Coastal State subsequently develops the capacity to maintain the ENCs. Such transfer should respect the moral rights of the Coastal State and the commercial rights of the producer nation.
 8. When the production limits are the official limits for national jurisdiction waters, commercial rights shall belong to the ENC producing country.
 9. When the production limits are cartographic boundaries as opposed to national boundaries, the commercial rights shall normally belong to the ENC producing country but may possibly be encumbered by the payment of royalties to the relevant country through a technical arrangement (see clause 4).
-

**GUIDANCE FOR THE ESTABLISHMENT OF SMALL-SCALE ENC PRODUCTION
BOUNDARIES**

For consideration by Regional Hydrographic Commissions

Proposal by France

At small scale (typically scale less than 1: 2 000 000 : see also comment b), the ENC producing country is the country producer of the INT chart. Guidelines appended to the WEND Principles do not apply. However, the neighbouring producing countries in view of the present rule will set up an arrangement to define the common limit of ENC production in the paper INT charts overlapping area.

Comment :

- a- It is generally recommended that the commercial rights for the ENCs at this scale belong to the ENC producing country (no royalties retrocession).*

 - b- The scale limit for this rule may be greater in the case when, in a given area and at the compilation scale, the surfaces of the national jurisdiction waters are too small to avoid an important parcelling out between several producing countries, and only if all of these countries agree on that scale.*
-

**GUIDELINES FOR THE ESTABLISHMENT OF ENC PRODUCTION BOUNDARIES
VOTING PAPER**

*[to be returned to the IHB by 1st February 2003
E-mail: info@ihb.mc - Fax: +377 93 10 81 40]*

Member State:

1) Do you approve the adoption of the "**Guidelines for the Establishment of ENC Production Boundaries**", as contained in Annex B to IHB CL 58/2002?

YES NO

2) If YES, do you agree that these Guidelines be made an **Appendix of the WEND Principles**, now contained in IHO Technical Resolution K2.19 [Decision 17 (a) of IHC-XVI]?

YES NO

3) Do you support that the "**Guidance for the Establishment of Small-Scale ENC Production Boundaries**", as in Annex C to IHB CL 58/2002, be conveyed to the Chairs of all IHO Regional Hydrographic Commissions for consideration?

YES NO

Comments:

.....
.....
.....
.....
.....
.....
.....

Name / Signature Date: