

THIS CIRCULAR LETTER REQUIRES YOU TO VOTE

IHB File No. S3/8152

**CIRCULAR LETTER 44/2003
27 June 2003**

**WEND PRINCIPLES
Proposed Additional Rules**

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

- Ref: 1) IHB Circular Letter 58/2002 dated 26 November 2002
2) IHB Circular Letter 3/2003 dated 9 January 2003
3) IHO Technical Resolution K2.19

Dear Hydrographer,

Circular Letter 58/2002, subsequently corrected by CL 3/2003, forwarded proposed guidelines for the establishment of ENC production boundaries (Annex B to CL 58/2002). Member States were asked to approve these guidelines and their inclusion in the WEND Principles, now contained in IHO Technical Resolution K2.19. Member States were also requested to support the forwarding of the proposed guidance for the establishment of small-scale ENC production boundaries (Annex C to IHB CL58/2002) to the Chairs of all IHO Regional Hydrographic Commissions for consideration.

A table summarizing the replies received is provided in **Annex A**. The IHB is grateful to the 35 Member States who responded. As you will see, an overwhelming majority of the responses were supportive of the proposals. However, the number of responses is insufficient for these proposals to be adopted as, according to Article VI (paragraphs 5 and 6) of the IHO Convention, a simple majority of the total number of MS is required, i.e. 36 positive votes at the time CL 58/2002 was issued.

This matter was on the Agenda of the 7th meeting of the IHO WEND¹ Committee, Lima, Peru, 15-16 May 2003. It was assumed that those Member States who had not replied to CL 58/2002 would more or less vote in line with those who had already responded. Therefore, it was agreed that

¹ World-wide Electronic Navigational chart Database

the IHB would seek responses concerning these proposals from those Member States who had not replied to CL58/2002. Those Member States listed in **Annex B** are kindly requested to complete the response form and return it to the IHB **by 15 September 2003**.

On behalf of the Directing Committee
Yours sincerely,

(original signed)

Rear Admiral Kenneth BARBOR
Director

Encl: Annex A – Summary of Replies to CL 58/2002
 Annex B – Response Form

GUIDELINES FOR THE ESTABLISHMENT OF ENC PRODUCTION BOUNDARIES
Additional Rules to the WEND Principles

Summary of Replies to IHB Circular Letter 58/2002 (Subsequently corrected with CL 3/2003)

Member State	Question (1)	Question (2)	Question (3)	Comments
TOTAL (35 replies)	33 "Yes"	32 "Yes"	33 "Yes"	
Argentina	Yes	Yes	Yes	The proposal is very good and we believe that it will help to avoid duplication of manpower, increasing cooperation between States in order to facilitate ENC production in areas that have no coverage.
Australia	Yes	Yes	Yes	
Bahrain	Yes	Yes	Yes	
Brazil	Yes	Yes	Yes	
Canada	Yes	Yes	Yes	
Chile	Yes	Yes	Yes	Spanish wording of the CL and its annexes could be improved.
Colombia	Yes	Yes	Yes	The proposal in Annex B is clear and purposeful in that it recognises those country producers of ENC in their juridical waters.
Croatia	Yes	Yes	Yes	
Cyprus	Yes	Yes	Yes	
Denmark	Yes	Yes	Yes	
Ecuador	Yes	Yes	No	We need more details on "Guidance for the Establishment of small-scale ENC production boundaries".
Estonia	Yes	Yes	Yes	

¹ Do you approve the adoption of the "Guidelines for the Establishment of ENC Production Boundaries", as contained in Annex B to IHB CL58/2002?

² 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]?

³ Do you support that the "Guidance for the Establishment of Small-Scale ENC Production Boundaries", as in Annex C to IHB CL58/2002, be conveyed to the Chairs of all IHO Regional Hydrographic Commissions for consideration?

Member State	Question (1)	Question (2)	Question (3)	Comments
Finland	Yes	Yes	Yes	
France	Yes	Yes	Yes	
Germany	Yes	Yes	Yes	
Greece	Yes	Yes	Yes	Although we approve the adoption of the guidelines and their inclusion as an appendix of the WEND Principles, we still believe that the whole issue is globally covered by the current WEND Principles.
Iceland	Yes	Yes	Yes	
Italy	Yes	Yes	Yes	
Japan	Yes	Yes	Yes	
Korea, Rep of	Yes	Yes	Yes	
Kuwait	Yes	Yes	Yes	
Mexico	Yes	Yes	Yes	These new Guidelines will be of great assistance to ease ENC production, establishing with clarity those rights and obligations of participating countries.
Netherlands	Yes	Yes	Yes	Revision by CL 3/2003 was taken into account.
New Zealand	Yes	Yes	Yes	
Norway	Yes	Yes	Yes	
Poland	Yes	Yes	Yes	
Portugal	Yes	Yes	Yes	However Portugal does not agree with the proposed guidance, as in Annex C.
Russian Federation	No	-	Yes	Any State has the right to have its national collection of ENCs and use it in its own interest.
South Africa	Yes	Yes	Yes	
Spain	Yes	Yes	Yes	Spain believes that the approval of these Guidelines will lighten the process of establishing ENC production boundaries.
Sweden	Yes	Yes	Yes	
Tunisia	Yes	Yes	Yes	Tunisia approves the adoption of the Guidelines, as in Annex B, but has comments on two points: - Paragraph 3: We think that the acceptance of this point can reduce cooperation and mutual assistance between HOs in the production of ENCs. - Paragraph 7: We think that the determination of an ENC producer nation in waters under national jurisdiction may cause a disclosure of classified information.

Member State	Question (1)	Question (2)	Question (3)	Comments
Turkey	No	-	No	<p>1) Even though the INT Chart Scheme could provide a good starting point for the establishment of ENC Production Boundaries, it should also be noted that there are still disagreements for the allocation of the production responsibility of some INT charts such as: INT 3706, 3710, 3712, 3716 and 3604. That's why prior to the adoption of INT Chart Scheme for the Establishment of ENC production Boundaries in international waters, these issues must be solved, otherwise there will be no producing country for these areas in the near future.</p> <p>2) In order to make it more specific, Paragraph 1 of the proposed Guidelines should have the following wording: "ENC duplication should be avoided. A single ENC producing country should exist in any given area for each Scale Band" Subsequently, this will raise the issue of defining the range of scales for Navigational Purposes, at least for the INT Charts (considering that many of the countries have already produced quite a number of ENC cells based on their national definition of Scale Bands)</p> <p>3) Taking into account that the term "International Waters" (See International Hydrographic Dictionary), might cause confusion, Paragraph 5 of the proposed Guidelines should have the following wording; "In international waters beyond national jurisdiction, 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.</p>
Ukraine	Yes	Yes	Yes	Ukraine plans to produce data sets in accordance with WEND Principles.
UK	Yes	No	Yes	<p>Whilst we support in principle the inclusion of guidelines as an appendix to the WEND principles, we are unable to support the guidelines/guidance as they stand. We need to avoid having both guidelines (Annex B) and guidance (Annex C) particularly when there is inconsistency between them. Annex C states that guidelines (Annex B) do not apply to the small scales described and that the INT producing country is the ENC producer, whereas in reality production responsibilities may need to be delegated as suggested in Annex C paragraph B. The wording used in Annex B paragraph 5 (the INT chart producer nation shall be assumed to be the producer of corresponding ENC) is therefore preferable. There is no indication within Annex B of an exclusion of certain categories (the small scales) from the guidelines.</p> <p>It would be less confusing if the guidelines covered all eventualities including, as</p>

Member State	Question (1)	Question (2)	Question (3)	Comments
				<p>necessary, small scales. Therefore an amalgamation of Annexes B and C is required. Once this has been done we can then vote on the inclusion of the expanded guidelines in TR K 2.19.</p>

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

*[to be returned to the IHB by 15 September 2003
E-mail: info@ihb.mc - Fax: +377 93 10 81 40]*

Note: IHO Member States, listed at the bottom of this page², are requested to vote.

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:

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Name / Signature Date:

² Algeria, Bangladesh, Belgium, China, Cuba, DPR Korea, Egypt, Fiji, Guatemala, India, Indonesia, Iran, Jamaica, Malaysia, Monaco, Morocco, Mozambique, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Singapore, Slovenia, Sri Lanka, Syrian Arab Republic, Thailand, Tonga, Trinidad & Tobago, United Arab Emirates, USA, Uruguay, Venezuela, Serbia & Montenegro.