



IHB File N° S3/0104

CIRCULAR LETTER 69/2010
25 October 2010

**APPROVAL OF AMENDMENTS
TO A402.1 IN S-4 AND RESOLUTION 2/1997 IN M-3**

Reference: IHB CL50/2010 dated 09 August

Dear Hydrographer,

1. The IHB would like to thank the following 45 Member States who replied to the above-referenced Circular Letter: Algeria, Argentina, Australia, Bahrain, Bangladesh, Belgium, Brazil, Canada, Chile, Croatia, Cuba, Ecuador, Estonia, Fiji, Finland, France, Germany, Iceland, India, Ireland, Italy, Japan, Latvia, Mexico, Netherlands, New Zealand, Nigeria, Norway, Oman, Sultanate of, Pakistan, Papua New Guinea, Peru, Portugal, Qatar, Romania, Russian Federation, Singapore, Slovenia, South Africa, Spain, Sweden, Turkey, UK, Uruguay and Venezuela.
2. The proposed amendments to A402.1 in S-4 and Resolution 2/1997 in M-3 have been approved by the required simple majority, i.e. 40 Member States. Eight Member States provided comments which are reproduced in Annex A for your information.
3. These amendments will be made to the relevant publications (S-4 and M-3).

On behalf of the Directing Committee
Yours sincerely,

Captain Hugo GORZIGLIA
IHB Director and IRCC Secretary

Annex A: Comments by Member States

COMMENTS BY MEMBER STATES**ALGERIA:**

Voted **NO** to the change to Regulation A-402.1 of S-4, and made the following comments:

“We consider that the first sentence of the proposed replacement text changes nothing of substance compared to the text which it is proposed to replace. Furthermore, we consider that the intention of the second sentence of the replacement text is, to say the least, unclear: indeed the services (institutions) responsible for hydrography at the national level are, as part of their role, called upon to collect, process and disseminate the relevant data for the compilation, production and updating of nautical charts; the exchange of these data with a foreign party can only be done through these services (institutions).”

IHB Comment:

We agree that the substance of the first sentence has not been changed and that was the intention. Nevertheless the proposed sentence aims at amplifying and making the existing text more self explanatory.

It seems that the intention of the second sentence has not been clearly understood. Its intention is to draw the attention of the IHO MSs to the possibility (by the way confirmed by several RHCs and in particular the HCA) that other national organizations hold valuable data of which HOs are not aware and therefore such data is not reaching the INT Chart Producer nations. It is an invitation to all HOs to bear in mind the fact that this unfortunate situation exists.

BANGLADESH:

Voted **NO** to the change to Regulation A-402.1 of S-4, and made the following comments:

“ The last sentence of A-402.1 has given a general guideline about the data sharing with the chart producer nation. Again, the new proposed text is also a sort of guideline for it. Therefore, it can be presumed that the new text will not also resolve the issue. The real fact is that the Hydrographic data sharing problem arises due to the non-availability of bilateral agreement among the nations. Again, implementing a data exchange agreement is not a simple and easy process in every part of the world. Therefore, to reduce the data exchange problem for publishing INT charts the following points may be incorporated in the suitable place of S-4:

- a. While planning the INT charts scheme, specially in the bordering area, minimum overlapping is to be ensured. In this case, concerned nations should agree upon the overlapping areas.
- b. Only for the sake of INT coverage, the chart producer nation may be authorized to use the data from neighbouring country's published charts with due notification if data cannot be exchanged otherwise.
- c. In case the overlapping data cannot be obtained due to the uncertain/disputed maritime boundary, joint survey should be arranged on a high priority basis to resolve the issue.”

IHB Comment:

Based on IHO recommendations, data exchange takes place in many cases automatically, despite the absence of a specific agreement between the parties. If bilateral agreements are needed, that is up to the relevant parties to decide upon. With regard to the points suggested to be incorporated in S-4: (a) it is our understanding that INT Chart Schemes are the result of an agreement between the concerned nations and that the overlap issue has been properly addressed and agreed; (b) and (c) are proposals that would appear to require further discussion within the IHO and Bangladesh is invited to make a formal proposal on these two aspects.

BELGIUM

“As Hydrographic Office we are only in a limited way involved in MSI (Maritime Safety Information) activities, the most important activity is the production and publication of Notices to Mariners. Most of the activities mentioned in the WWNWS template are performed by other governmental entities.”

IHB Comment:

None.

CANADA

“ Re: A-402.1: Canada formalizes this updating process through bilateral agreements.”

IHB Comment:

None.

FINLAND

1. Note to the procedure of amending S-4: in our understanding the IHO Standard S-4 belongs to HSSC and its CSPCWG. Also the CSPCWG has a special mandate to issue IHO CLs together with the IHB on approval of the amendments to the S-4 specifications. However in this case the proposed amendment has been issued by the IRCC and according to our knowledge without any consultation with the CSPCWG. Nor do the minutes of the IRCC2 mention any communication with the CSPCWG. The proposed amendments to the procedures for approving IHO standards – as in document HSSC2-04B – do not propose any change to this issue. A clarification to this procedure is asked.
2. Comment to the MSI reporting: the NAVAREA report template seems to be comprehensive. In national reports may need only relevant items to be reported.

IHB Comment:

1.- There is no doubt on the role HSSC and CSPCWG shall play in amending standards.

The report submitted by the HCA to the IRCC2 prompted this body, after lengthy discussions, to approve the proposal and to request the IHB to take forward the IRCC recommendation. It is worth mentioning that the text agreed at, and proposed by, IRCC was felt to be only of an administrative and coordination nature without any impact on any “standard” set by S-4. Document HSSC2-04B proposing amendments to IHO Resolution 2/2007 “Principles and procedures for making changes to IHO Technical Standards and Specifications”, under “Scope” indicates that “These principles and procedures are intended to be applied to all proposals for changes to IHO technical standards and for new work items that will require significant resources to resolve or will potentially impact on those who need to apply the standards. They are not intended for IHO publications, catalogues or supporting documentation of guidance, general or non-technical nature”. The IHB accepts that there might be different opinions.

2.- The template covers all items and the IHB agrees that some might not be relevant at a certain point.

INDIA

Voted **NO** to the change to Regulation A-402.1 of S-4, and made the following comments:

“ If a Member State has a bilateral Government to Government agreement with another Member State of the RHC to undertake Hydrographic survey and production of Nautical Chart / ENC, then the requirement of a third Member State being the Producer Nation need to be reviewed. The reason for the third Member State to be Producer Nation in the first place was because of inability of the Member State to undertake Hydrographic survey and produce chart. Hence this amendment would not be in the interest of small Member States who have obtained Hydrographic assistance from the Government of another Member State who has large Hydrographic capability and willing to provide Hydrographic assistance and support.”

IHB Comment:

In the context of this Regulation, a Producer Nation, as defined, can only exist for the purpose of producing INT Charts that are part of an agreed INT Chart Scheme. The proposed text only relates to INT Charts and has no intention at all to interfere with bilateral agreements, but to highlight that, outside the IHO community, other national institutions might have valuable information to improve INT Charts of which HOs are not aware.

PERU

“After having reviewed the mentioned changes, we conclude that the first amendment concerns more the form than the substance whereas the second change is aimed at proposing clearer national reports when filling the Maritime Safety Information (MSI), which will be useful to use the model (WWNWS). For this reason, this Directorate approves the above mentioned changes for your consideration.”

IHB Comment:

None.

SWEDEN

Voted **NO** to the insertion of note in Resolution 2/1997 in M-3, and made the following comments:

“ The existing template is used for the NAVAREA Co-ordinator’s Report to Regional Hydrographic Commissions and NOT for National Reports to Regional Hydrographic Commissions. If an additional template is needed, it should be adjusted to better suit National Reports concerning MSI (directly to the Regional Commission or via the NAVAREA or Sub-Area Coordinator).”

IHB Comment:

We are referring to just one template, which was developed to standardize the NAVAREA Coordinators’ Report to RHCs Meetings, and it is proposed that this same template should be used, when individual countries prepare their National Reports to RHC Meetings.

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