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CIRCULAR LETTER 41/2017
19 June 2017

ADOPTION OF EDITION 3.0.0 OF IHO PUBLICATION S-11 PART A - GUIDANCE FOR THE PREPARATION AND MAINTENANCE OF INTERNATIONAL (INT) CHART AND ENC SCHEMES

Reference:

- A CL 19/2017 dated 13 February - *Call for Approval of Edition 3.0.0 of IHO Publication S-11 Part A – Guidance for the Preparation and Maintenance of International (INT) Chart and ENC Schemes.*

Dear Hydrographer,

1. Reference A proposed the adoption of a new Edition 3.0.0 of IHO Publication S-11 Part A - *Guidance for the Preparation and Maintenance of International (INT) Chart and ENC Schemes* – as recommended by the IHO Nautical Cartography Working Group (NCWG) and endorsed by the IHO Hydrographic Services and Standards Committee.
2. The Secretariat of the IHO thanks the 48 Member States who replied to Reference A: Argentina, Australia, Belgium, Brazil, Canada, Chile, Colombia, Croatia, Cuba, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, India, Iran, Ireland, Italy, Latvia, Malaysia, Mauritius, Mexico, Monaco, Morocco, Netherlands, New Zealand, Norway, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Singapore, Slovenia, South Africa, Spain, Sweden, Tunisia, Turkey, Ukraine, United Kingdom, United States and Uruguay.
3. All responding Member States, except one, supported the adoption of the proposed new edition of S-11 Part A. Five Member States offered comments in addition to their vote. Their comments and the outcome of their review by the Chair of the NCWG or by the IHO Secretariat, as appropriate, are provided in Annex A to this Circular Letter.
4. When Reference A was issued there were 86 Member States of the IHO with three States suspended. In accordance with the provisions of the Convention on the IHO as amended, the minimum number of affirmative votes required was therefore 28. As a result, and taking into account the clarifications reported in Annex A, the proposed new Edition 3.0.0 of S-11 Part A has been adopted.
5. The new Edition 3.0.0 (*English and French versions*) is available on the IHO website at: www.iho.int > Standards & Publications > S-11.

On behalf of the Secretary-General
Yours sincerely,

Gilles BESSERO
Director

Annex A: Member States' responses to IHO CL 19/2017 and comments from the Chair of the NCWG and from the IHO Secretariat.

Copy: Chair, NCWG

MEMBER STATES' RESPONSES TO IHO CL 19/2017 AND COMMENTS FROM THE CHAIR OF THE NAUTICAL CARTOGRAPHY WORKING GROUP (NCWG) AND FROM THE IHO SECRETARIAT

**ADOPTION OF REVISION 3.0.0 OF IHO PUBLICATION S-11 PART A
– GUIDANCE FOR THE PREPARATION AND MAINTENANCE OF INTERNATIONAL (INT) CHART AND ENC SCHEMES**

CHILE

Vote = NO

As we see at the IHO page, the name of the new S-11 edition would become:

“Guidance for the preparation and maintenance of International (INT) Chart and ENC schemes and catalogues of international charts and ENCs”.

The subject of the voting only corresponds to Part A (relationship with INT and ENC schemes). However, it seems that there is no mention on how is constituted the Part B of S-11 that, as it has been mentioned before, would include the Printer Nations and the Formats, but there is no text at all related to the INT and ENC Charts Catalogues. On another hand, including the ENC Catalogue in the Publication S-11 would seem a new topic, as we have found no reference to it.

Namely, it seems necessary to define clearly the purpose of the S-11 and its contents.

Comment from the IHO Secretariat:

Noting the comment relating to the title of S-11 Part B and reference to the catalogue of ENCs, it is acknowledged that the inclusion of an ENC catalogue in S-11 has not yet been considered. The title for S-11 Part B, as included in the title page for S-11, has therefore been changed back to “Catalogue of International Charts”.

Concerning the text contained in Part A, Sections 100 and 200.

- No comments on the Preface of Part A,
- No comments on the text of Section 100 **“Guidance for the Preparation and Maintenance of International (INT) Chart Schemes”**,
- Concerning the text of Section 200 of **“Guidance for the Preparation and Maintenance of International (INT) Chart Schemes”**, we have the following comments:

a) In the introduction 1.1 it reads:

“to extend the guidance developed for INT Charts to include guidelines for the development and maintenance of small and medium scale Electronic Navigational Chart (ENC) schemes”.

On another hand in 3.1 – Port selection, paragraph 3.1.1 reads:

“All ports that are selected for inclusion in the INT Chart scheme, in accordance with the guidance at paragraph 3.1.1 of Section 100, must be included in large scale (that is, Berthing or Harbour Navigational Purpose) ENC Schemes.”

It would seem that there is a contradiction as, on one hand, it is referred to small and medium scale schemes, however then the inclusion of large scale charts becomes mandatory. This requires a clarification or explanation so that the text be consequent.

Comment from the Chair of the NCWG:

While the tasking by the HSSC included the words “small and medium scale ENC schemes”, there is no mention of ENC scale in the title of S-11 Part A or in the title of Section 200. There is therefore no contradiction in the context of the document.

- b) The paragraphs 3.3.1 and 3.4.1 outline that the scheme and the scales must meet the needs of the international mariner and the international transport, respectively. (... scales and numbers of ENC's likely to be appropriate for the international mariner..) and (... depend upon the navigational requirements of international shipping...), making an equivalence of the ENC's with the INT Charts concept, not knowing or at least not mentioning that Member States are obliged to provide nautical cartography to meet multiple needs and not only those of an international user. The need to count on a scheme for the INT Charts has its logic in the concept underpinning the existence of INT Charts, which is to solve an international need. This logic does not necessarily apply to ENC schemes, which must solve mainly the national needs, in which is included the supply of a service to all users, including, but not exclusively, the international community, whether the latter benefits the mariner or the transport.

It is recommended that the text be amended in order not to concentrate exclusively on the international component.

Comment from the Chair of the NCWG:

Both paragraphs 3.1.1 and 3.2.1 mention navigational requirements beyond the requirements of the international mariner. There is also mention of meeting national requirements in paragraph 2.4.

- c) We do not agree with contents of item 3.9 Consultation.

The consultations to avoid overlapping between cells must be carried out amongst the parties involved in the ENC charts production. We do not agree in having the RHC Coordinator to continue following a consultation and approval process and asking for comments to all ICCWG members, RENCs, other Working Groups and the IHO Secretariat, amongst others. As mentioned before, the ENC Scheme cannot have the same existing treatment to agree and maintain the INT Chart Scheme. The text must be duly amended.

Comment from the Chair of the NCWG:

As stated in paragraph 3.9, the need for consultation extends beyond just the resolution of overlaps between producers. In addition to overlaps, there are other considerations to be made that extend beyond the scope of the "traditional" INT paper chart considerations. These include considerations such as scales of adjoining ENC cells within Navigational Purposes; consistent use of the SCAMIN attribute; depth contour intervals; and specific encoding consistency (e.g. for routing measures). Such considerations may require consultation within various bodies. The guidance in this paragraph does not mandate that all the bodies listed must be consulted, rather that "Draft ENC schemes should be circulated for comment to the following, as appropriate" (noting that "should" does not imply a mandatory requirement).

- d) We do not agree with the use of the term "allocate" the production of a defined ENC. It is the task of MS in compliance of its duties, to produce an ENC, either directly or through the person designed by the MS. Again here it is about making use of the principle governing INT Charts in the ENC production, and this does not correspond. The concept of Printer Nation applies to INT Chart but not necessarily to the ENC. We think that the ENC production must be undertaken by the MS having the obligation to do it according to the international standards and, in case he does not have the means to do it, it must be invited to choose the necessary agreements in order not to originate gaps, nominating the country that will represent it to produce the required ENC.

The text must be amended to mention clearly this difference between INT charts and ENC's.

Comment from the Chair of the NCWG:

The NCWG agrees with the comment of Chile with regard to the allocation of producers for ENC. A determination of the Working Group when re-drafting S-11 Part A so as to separate out the guidance for ENC's from the guidance for INT (paper) charts was that each Section of the document would be fully inclusive, such that there would be no requirement for the reader to look at one Section (e.g.

Section 100) to find information relating to ENC (Section 200), even when the information is common to both Sections. It is considered that the guidance contained in clause 3.10 of Section 200 is consistent with the views of Chile. Chile's reference in its comment to "Printer Nation", which is not included in the Guidance, is not fully understood. Chile is invited to correspond directly with the NCWG as to its concerns in this regard.

- e) We esteem that the contents of item 3.11 **Review** corresponds to the involved parties. Being about ports, probably the own MS will have to decide about its cartographic scheme, as it is an internal subject. If any change should affect others, the scheme will have to be amended between the involved parties, without the interference or participation of other third parties.

Comment from the Chair of the NCWG:

Paragraph 3.11.2 has been clarified to take into account the comment of Chile, particularly with regard to large scale ENCs for which no other Producer Nation is impacted.

Even if we recognize that an effort has been made to separate in two sections, the 100 and the 200, all that is related with the preparation and the maintenance of the INT Charts and the ENCs, respectively, there is still a type of homologation of both of them, leading to confusion and making even assume that the ENCs are also international charts, which is an error. Another aspect without explanation is the inclusion in the title of the publication S-11 the reference to INT Chart and ENCs Catalogues.

Comment from the Chair of the NCWG:

The NCWG Chair thanks Chile for their observations, and invites Chile to correspond directly with the NCWG so as to take into account its views for a future revision of S-11 Part A. See also the comment from the IHO Secretariat above.

COLOMBIA

Vote = YES

We congratulate the Nautical Cartography Working Group (NCWG) for this careful and accurate update.

CROATIA

Vote = YES

Croatia has several suggestions concerning Part A, section 200 as follows:

1) Point 3.9.3 [Line3]:

- to replace the word "agreement" with "draft"
- after the word "obtained" to add: "by full consensus among all the IHO Member States responsible for charting their respective areas where their data adjoin or overlap."

Explanation: With this change the term Final Draft is introduced and precisely defined. Note that it can be considered as final only if obtained by full consensus among all the IHO Member States responsible for charting their respective areas where their data adjoin or overlap.

Comment from the Chair of the NCWG:

Paragraph 3.9.3 suggests an iterative process for all parties involved in the consultative process in order to refine a draft ENC scheme until final agreement is reached. Once this agreement is reached the final draft scheme is submitted to the RHC by the Regional Coordinator for approval. It is considered that there is no change required to this paragraph in order to define a "Final Draft". It is also considered that there is no requirement to add additional wording to the paragraph as the consensus among IHO Member States responsible for charting areas where their data adjoins or overlaps is implicit from the bodies involved in the consultative process listed in paragraph 3.9.2.

2) Point 3.9.3 [Line 3]:

- to delete the sentence “In general, the smaller the scale the more necessary it is to obtain a wide consensus.”, or optionally
- to amend that sentence to read: “In general, the smaller the scale the more necessary it is to obtain a full consensus among the IHO Member States responsible for charting their respective areas where their data adjoin or overlap.”

Point 3.10.2 [Line 2]:

- to delete part of the sentence: “For most medium- and large-scale ENC’s,”

Explanation: With these changes (3.9.3 and 3.10.2) a possible misconception is removed, considering the fact that production of small-scale ENC’s is also the primary right and obligation of the IHO Member State with the responsibility for charting the waters within its national jurisdiction. The proposed change does not exclude the following alternative – charting of a certain area can be delegated to another country if the countries in question have agreed so. These changes are also in accordance with the “no data limits” principle which is derived from other relevant legal provisions and should be taken into consideration before planning an ENC scheme and ENC production. Unlike INT paper chart schemes, there are no (technical) limitations for application of the “no data limits” principle within ENC schemes because of ENC technical characteristics.

Comment from the Chair of the NCWG:

It is considered that this comment is addressed by the content of the list of groups included in the consultative process provided in paragraph 3.9.2. There is no statement in this paragraph implying that an ENC producer delegated by a national authority to produce its ENC’s will not be included in the consultative process.

3) Point 3.10.4 [Line 4]:

- after the word “arrangement” to add: “to be approved by the competent national authorities of the countries concerned.”

Explanation: Regardless of the explanation that cartographic boundaries for ENC within a technical arrangement are for cartographic convenience only and do not have any significance, legal effect or status regarding political or other jurisdictional boundaries, Croatia, well aware of worldwide cases concerning these issues, considers that the proposed solution may involve risks. Therefore, Croatia considers that such “technical arrangement” requires approval from the competent national authorities of the countries concerned.

Comment from the Chair of the NCWG:

It is considered that the approval of the national authorities of the countries concerned is already implied in this sentence. This paragraph has been derived from the Annex to IHO Resolution 1/1997 (as amended) – Principles of the Worldwide Electronic Navigational Chart Database (WEND), and has been included in S-11 Part A as suggested by the WENDWG.

In addition, Croatia has some editorial remarks concerning Part A, Section 200 as follows:

1) Point 3.4.3

- bullet 5, [Line 1]: To change from “(ENC Navigational Purpose 2)” to “(Navigational Purpose 2)”
- bullet 5 [Line 2]: To change from “For ENC’s, the General Navigational Purpose is ...” to “The General Navigational Purpose is ...”
- bullet 6, [Line 1]: To change from “(ENC Navigational Purpose 1)” to “(Navigational Purpose 1)”
- bullet 6 [Line 2]: To change from “For ENC’s, the Overview Navigational Purpose is ...” to “The Overview Navigational Purpose is ...”

2) Point 3.4.4

Editorial observation by our cartographers: the value of small scale (1 : 350000) given in the example of a Coastal band as a deviation from the suggested value in 3.4.3 the Navigational Purpose 3 (1 : 349999) is numerically very similar, and may cause confusion at first glance. The given value (in 3.4.4) should be adjusted to avoid any possibility of confusion.

Comment from the Chair of the NCWG:

The editorial changes suggested above for 3.4.3 have been applied as suggested. After consideration, and to be consistent with the guidance for INT charts in Section 100, it has been decided to retain the 1:350000 scale in 3.4.4.

MEXICO

Vote = YES

It is convenient for the Member States to follow the production procedures for international charts currently being carried out and to meet the international standards established by the IHO.

PERU

Vote = YES

We have noted the new elements to be included in Section A of Publication S-11 - *Guidance for the Preparation and Maintenance of International (INT) Chart and ENC Schemes*, concerning its extension to ENC Charts due to the increase in their production, adopting similar principles to those that are being applied currently for paper charts, in addition to a rearrangement of its sections and annexes.

We recommend an AFFIRMATIVE vote for the publication of the 3rd edition of this publication.