

Dossier del BHI No. S3/3057

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| CIRCULAR No. 24/2000 20 de Junio del 2000 |
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COMITE DE LA SEGURIDAD MARITIMA DE LA OMI
72ª SESION, MAYO DEL 2000

ENMIENDAS DEL CAPITULO V DE SOLAS

Referencia: Circular No. 18/2000 del 14.4.2000

Muy Señor nuestro,

Se adjuntan como Anexo A las enmiendas del Capítulo V de SOLAS, que fueron adoptadas durante el Comité de la Seguridad Marítima de la OMI(MSC 72). Los temas pendientes, que tienen que ser completados durante la reunión del MSC 73, en Noviembre del 2000, se indican entre corchetes.

El texto de la Regla 2.2, que fue considerado y aceptado casi por unanimidad en la Reunión Informal de los Estados Miembros, celebrada justo antes de la 2ª Conferencia Hidrográfica Internacional Extraordinaria, fue sometido por el BHI como documento No. MSC72/10/14 al MSC 72, en Mayo del 2000. Durante la Reunión Informal de la OHI, se utilizó un texto Inglés, que había sido traducido a partir del texto Español, y aceptado en aquel momento por los Estados Miembros de habla hispana de la OHI. El artículo indeterminado ‘un’ fue sustituido por el artículo determinado ‘el’, leyéndose lo siguiente:

*“ Carta Náutica [Oficial] o Publicación Náutica [Oficial] es una carta o publicación con un objetivo especial, o una base de datos compilada especialmente a partir de la cual tal carta o publicación es producida, y que oficialmente es publicada por o con la autoridad **del** Gobierno, del Servicio Hidrográfico autorizado u otras instituciones gubernamentales pertinentes, y que está concebida para satisfacer los requisitos de la navegación marítima.”*

(NB: el texto en negrita se usa sólo para indicar el cambio que ha sido efectuado y no apareció en negrita en la sumisión a la OMI).

Aunque este fue el texto que fue presentado a la Reunión de la OHI, sólo se discutió en esta reunión el significado del término ‘oficial’. Como ‘el’ no había sido indicado entre corchetes, el MSC 72 decidió que ‘el’ no podría sustituir a ‘un’ y que ‘un’ sería indicado entre corchetes para una decisión en el MSC 73, en Noviembre del 2000.

El Presidente del MSC informó al BHI que el MSC 73 tiene ya un orden del día extremadamente denso y, si los Estados Miembros se encuentran implicados en largas discusiones por una palabra, esto no facilitaría la finalización de las enmiendas del Capítulo V de SOLAS. Solicitó al BHI que resolviese el asunto en la OHI y que sometiese luego, de ser posible, un documento de la OHI que refleje el consenso de la OHI sobre el tema. Mientras que seguirá siendo prerrogativa de los Estados Miembros someter artículos al MSC, se solicita muy seriamente que se hagan los máximos esfuerzos para resolver este último punto pendiente en la OHI.

Como explicación, el uso del texto incluyendo ‘un’ tiene la desventaja de no ser específico referente a qué Gobierno puede autorizar la publicación de la carta oficialmente.

El BHI ha sido informado de que el uso de ‘el’ crea también un problema en la OMI, ya que, igualmente, éste no es tampoco específico, por cuanto tampoco indica qué Gobierno. ¿Es acaso el Gobierno del Estado del Pabellón, el Gobierno del Estado Costero, o el Gobierno del Estado Contratante? Muchos Estados Miembros expresaron su preocupación por este aspecto en el MSC72.

Además, algunos Servicios Hidrográficos proporcionan hojas para zonas en las que no hay Servicios Hidrográficos y donde los Estados no son miembros de la OHI. Si se requiriese que se obtenga el permiso de todos los Gobiernos antes de que una carta pueda ser publicada oficialmente, esto significaría que en extensas zonas del mundo, particularmente alrededor de Africa, no habrá cartografía disponible hasta que hayan tenido lugar amplias negociaciones. El BHI piensa que, mientras los intereses de aquellos Estados con datos deberían protegerse, no será beneficioso para los navegantes incluir una disposición que haga extremadamente difícil una cobertura cartográfica mundial.

Tomando en consideración las preocupaciones obvias de todos los Estados Miembros, la introducción de una nota de pie de página podría resolver el tema. Esta nota de pie de página podría ser similar a las de las Reglas 9.3, 18.1, 18.2 18.4 19.1.2.5, 20, y 34.1.

Se sugiere pues, para resolver el tema del uso del término ‘un’ respecto de ‘el’, que los Estados Miembros consideren el siguiente texto:

Regla 2.2

*“Carta Náutica o Publicación Náutica es una carta o publicación con un objetivo especial, o una base de datos compilada especialmente a partir de la cual tal carta o publicación es producida, y que oficialmente es publicada por o con la autoridad de un Gobierno, de un Servicio Hidrográfico autorizado u otras instituciones gubernamentales pertinentes, y que está concebida para satisfacer los requisitos de la navegación marítima.” .**

**Referirse a las resoluciones y recomendaciones apropiadas de la Organización Hidrográfica Internacional relativas al uso y transferencia de datos.*

El BHI opina que la adición de la nota de pie de página anterior protegería los intereses de los derechos de autor de aquellos Estados que normalmente producen, distribuyen y mantienen cartas de las zonas marítimas bajo su responsabilidad, tanto como es posible, en las circunstancias actuales y, al mismo tiempo, protege los intereses del navegante en otros lugares del mundo.

Se ruega a los Estados Miembros que devuelvan la Papeleta de Voto adjunta (Anexo B) al BHI **antes del 31 de Agosto del 2000.**

On behalf of the Directing Committee
Yours sincerely,


Rear Admiral Neil GUY
Director

Anexos: Capítulo V de SOLAS (Anexo A - *en Inglés únicamente*)
Papeleta de Voto (Anexo B)

**AMENDMENTS TO SOLAS CHAPTER V
AS ADOPTED AT MSC 72, MAY 2000**

**Regulation 1
Application**

- 1 Unless expressly provided otherwise, this chapter shall apply to all ships on all voyages, except:
 - .1 ~~ships of war~~ warships, naval auxiliary or other ~~vessels~~ ships owned or operated by a Contracting Government and used ~~for the time being~~ only on government non-commercial service; ~~and~~
 - .2 ~~ships~~ solely navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.

However, warships, naval auxiliaries or other ships owned or operated by a Contracting Government and used only on government non-commercial service are encouraged to act in a manner consistent so far as reasonable and practicable, with this chapter.

2 The Administration may decide to what extent this chapter shall apply to ships operating solely in waters landward of the baselines which are established in accordance with international law.

3 A rigidly connected composite unit of a pushing vessel and associated pushed vessel, when designed as a dedicated and integrated tug and barge combination, shall be regarded as a single ship for the purpose of this chapter.

4 The Administration shall determine to what extent the provisions of regulations 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 shall not apply to the following categories of ships:

- .1 ships below 150 gross tonnage of all voyages; ~~and~~
- .2 ships below 500 gross tonnage not engaged on international voyages ~~and~~;
and
- .3 fishing vessels. ~~and~~

**Regulation 2
Definitions and clarifications**

For the purpose of this chapter:

1 *Constructed* in respect of a ship means a stage of construction where:

- .1 the keel is laid; or
- .2 construction identifiable with a specific ship begins; or
- .3 assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material whichever is less.

2. ~~Official~~ *Nautical chart* or ~~official~~ *Nautical publication* is a special-purpose map or book, or a specially compiled database from which such a map or book is derived, that is issued officially by or on the authority of [a] Government, authorized Hydrographic Office, or other relevant government institution, and is designed to meet the requirements of marine navigation.

3 *All ships* means any ship, vessel or craft irrespective of type and purpose.

Regulation 9

Hydrographic services

1 Contracting Governments undertake to arrange for the collection and compilation of hydrographic data and the publication, dissemination and keeping up to date of all nautical information necessary for safe navigation.

2 In particular, Contracting Governments undertake to co-operate in carrying out, as far as possible, the following nautical and hydrographic services, in the manner most suitable for the purpose of aiding navigation:

- .1 to ensure that hydrographic surveying is carried out, as far as possible, adequate to the requirements of safe navigation;
- .2 to prepare and issue ~~official~~ nautical charts, sailing directions, lists of lights, tide tables and other ~~official~~ nautical publications, where applicable, ~~satisfying the needs of~~ ~~necessary for~~ safe navigation;
- .3 to promulgate notices to mariners in order that nautical charts and publications are kept, as far as possible, up to date.
- .4 to provide data management arrangements to support these services.

3 Contracting Governments undertake to ensure the greatest possible uniformity in charts and nautical publications and to take into account, whenever possible, relevant international resolutions and recommendations.*

** Footnote reads: Refer to the appropriate resolutions and recommendations adopted by the International Hydrographic Organization.*

4 Contracting Governments undertake to co-ordinate their activities to the greatest possible degree in order to ensure that hydrographic and nautical information is made available on a world-wide scale as timely, reliably, and unambiguously as possible.

Regulation 18

Approval and surveys of navigational systems and equipment, and performance standards

1 Navigational systems and equipment required to meet the requirements of this chapter shall be of a type approved by the Administration.*

2 Navigational systems and equipment, including associated back-up arrangements, where applicable, ~~required~~ installed ~~to perform the onboard functional requirements of this chapter~~ on or after [1 July 2002] to perform the functional requirements of this chapter shall conform to appropriate performance standards not inferior to those adopted by the Organization. *

** Footnote includes: Refer to the following recommendations adopted by the Organization by the resolutions indicated:*

.....
Recommendation on performance standards for Electronic Chart Display and Information Systems (ECDIS) (resolution A.817(19), as amended;

3 When navigational systems and equipment are replaced or added to on ships constructed before [1 July 2002], such navigational systems and equipment shall, in so far as is reasonable and practicable, comply with the requirements of paragraph 2.

~~3 Navigational systems and equipment fitted prior to the adoption by the Organization of related performance standards, except for Electronic Chart Display and Information System (ECDIS) fitted to comply with regulation 19.20.1.2.4, may be exempted from full compliance with such standards at the discretion of the Administration, having due regard to any recommended criteria the Organization might adopt in connection with the standards concerned.~~

4 Navigational systems and equipment installed prior to the adoption of performance standards by the Organization may subsequently be exempted from full compliance with such standards at the discretion of the Administration, having due regard to the recommended criteria adopted by the Organization. However, for an Electronic Chart Display and Information System (ECDIS) to be accepted as satisfying the chart carriage requirement of regulation 19.1.2.4, that system shall conform to the relevant performance standards not inferior to those adopted by the Organization in effect on the date of installation, or, for systems installed before 1 January 1999, not inferior to the performance standards adopted by the Organization on 23 November 1995*.

* Footnote: Recommendation of Performance Standards for Electronic Chart Display and Information Systems (ECDIS) (resolution A.817(19)), as amended, and resolution MSC.86(70).

54 The Administration shall require that the manufacturers have a quality control system audited by a competent authority to ensure continuous compliance with the type approval conditions. Alternatively, the Administration may use final product verification procedures where the compliance with the type approval certificate is verified by a competent authority before the product is installed on board ships.

65 Before giving approval to navigational systems or equipment embodying new features not covered by this chapter, the Administration shall ensure that such features support function at least as effective as those required by this chapter.

76 When equipment for which performance standards have been developed by the Organization, is carried on ships subject to the carriage requirements under regulation 19.1 in addition to those items of equipment required by regulation 19.1, such equipment shall be subject to approval and shall as far as practicable comply with performance standards not inferior to those adopted by the Organization.

Regulation 19

Carriage requirements ~~and performance standards~~ for shipborne navigational systems and equipment

1.1 Application and requirements

Subject to the provisions of regulation 1.4:

1.1.1 Ships constructed on or after [1 July 2002] shall be fitted with navigational systems and equipment which will fulfil the requirements as prescribed in paragraphs 1.2 to 1.10.

1.1.2 Ships constructed before [1 July 2002] shall:

.1 subject to the provisions of paragraphs 1.1.2.2 and 1.1.2.3, unless they comply fully with this regulation, continue to be fitted with equipment which fulfils the requirements prescribed in regulations V/11, V/12 and V/20 of the International Convention for the Safety of Life at Sea, 1974 in force prior to [1 July 2002];

- .2 be fitted with the equipment or systems required in paragraph 1.2.6 not later than the first survey after [1 July 2002] at which time the radio direction-finding apparatus referred to in V/12 (p) of the International Convention for the Safety of Life at Sea, 1974 in force prior to [1 July 2002] shall no longer be required; and
- .3 be fitted with the system required in paragraph 1.5 not later ~~that~~ than the dates specified in paragraph 1.5.1.2 and .1.5.1.3.

~~1.1.3 When navigational systems and equipment are replaced or added to on ships constructed before [1 July 2002], such navigational systems and equipment shall, in so far as is reasonable and practicable, comply with the requirements of regulation 19-18 of this chapter.~~

Shipborne navigational equipment and systems

Subject to the provisions of paragraph 1.1:

1.2 All ships irrespective of size shall have:

- .1 a properly adjusted standard magnetic compass, or other means, independent of any power supply to determine the ship's heading and display the reading at the main steering position;
- .2 a pelorus or compass bearing device, or other means, independent of any power supply to take bearings over an arc of the horizon of 360°;
- .3 means of correcting heading and bearings to true at all times;
- .4 ~~[official] paper~~ nautical charts ~~or an Electronic Chart Display and Information System (ECDIS)~~ and ~~[official]~~ nautical publications to plan and display the ship's route for the intended voyage and to plot and monitor positions throughout the voyage; an Electronic Chart Display and Information System (ECDIS) may be accepted as meeting the chart carriage requirements of this subparagraph;
- .5 ~~means to~~ back up arrangements to meet the functional requirements of sub-paragraph .4, if this function is partly or fully fulfilled by electronic means;*

** Footnote: An appropriate folio of paper nautical charts may be used as a back-up arrangement for ECDIS. Back-up arrangements not inferior to resolution A.817(19), as amended, Recommendation of Performance Standards for Electronic Chart Display and Information Systems (ECDIS) are also acceptable.*

- .6 a receiver for a global navigation satellite system or a terrestrial radionavigation system, or other means, suitable for use at all times throughout the intended voyage to establish and update the ship's position by automatic means;
- .7 if less than 150 gross tonnage and if practicable, a radar reflector~~*~~, or other means, to enable detection by ships navigating by radar at both 9 and 3 GHz;
- .8 when the ship's bridge is totally enclosed and unless the Administration determines otherwise, a sound reception system, or other means, to enable

the officer in charge of the navigational watch to hear sound signals and determine their direction;

- .9 a telephone, or other means, to communicate heading information to the emergency steering position, if provided.

1.3

1.4

Automatic identification systems (AIS)

- .1 All ships of 300 gross tonnage and upwards engaged on international voyages and cargo ships of 500 gross tonnage and upwards not engaged on international voyages and passenger ships, irrespective of size, shall be fitted with AIS, as follows:
 - .1.1 ships constructed on or after {1 July 2002};
 - .1.2 ships engaged on international voyages constructed before {1 July 2002}:
 - .1.2.1 in the case of passenger ships ~~irrespective of size and tankers of all sizes~~, not later than {1 July 2003};
 - .1.2.1bis in the case of tankers, not later than the first [safety equipment survey] after 1 July 2003;
 - .1.2.2 in the case of ships, other than passenger ships and tankers, of 50,000 gross tonnage and upwards, not later than {1 July 2004};
 - .1.2.3 in the case of ships, other than passenger ships and tankers, of 10,000 gross tonnage and upwards but less than 50,000 gross tonnage, not later than {1 July 2005};
 - .1.2.4 in the case of ships, other than passenger ships and tankers, of 3,000 gross tonnage and upwards but less than 10,000 gross tonnage, not later than {1 July 2006};
 - .1.2.5 in the case of ships, other than passenger ships and tankers, of 3000 gross tonnage and upwards but less than 3,000 gross tonnage, not later than {1 July 2007}; and
 - .1.3 ships not engaged on international voyages constructed before [1 July 2002], not later than [1 July 2008].
- .2 The Administration may exempt ships from the application of the requirements of this paragraph when such ships will be taken permanently out of service within two years after the implementation date specified in paragraph .1. Additionally, an Administration may exempt vessels flying its flag on its domestic trade where the density of shipping in the judgement of the Administration does not justify AIS.
- .3 AIS shall:
 - .1 provide automatically to appropriately equipped shore stations, other ships and aircraft information, including the ship's identity, type, position, course, speed, navigational status and other safety-related information;
 - .2 receive automatically such information from similarly fitted ships;
 - .3 monitor and track ships; and

- .4 exchange data with shore-based facilities.
- .4 The requirements of ~~this~~ paragraph 1.5.3 shall not be applied to cases where international agreements, rules or standards provide for the protection of navigational information.
- .5 AIS shall be operated taking into account the guidelines adopted by the Organization.
- 1.6

Regulation 20
Voyage Data Recorders (VDR)*

** Footnote: Refer to resolution A.861(20) – Recommendation on Performance Standards for Voyage Data Recorders (VDRs).*

1 To assist in casualty investigations, ships, when engaged on international voyages shall be fitted with a Voyage Data Recorder (VDR) as follows:

- .1 passenger ships constructed on or after ~~[1 July 2002]~~;
- .2 ro-ro passenger ships constructed before [1 July 2002] not later than the first survey after ~~[1 July 2002]~~;
- .3 passenger ships other than ro-ro passenger ships constructed before ~~[1 July 2002]~~ not later than ~~[1 January 2004]~~;
- ~~[.4 all ships other than passenger ships of 20,000 gross tonnage and over constructed on or after [1 July 2002] not later than [1 January 2004];~~
- .54 all ships other than passenger ships of 3,000 gross tonnage and ~~over~~ upwards (~~but less than 20,000~~) constructed on or after ~~[1 July 2002]~~ ~~not later than [1 January 2006]~~;
- ~~.6 all ships other than passenger ships of 20,000 gross tonnage and over constructed before [1 July 2002] not later than [1 January 2007]; and~~
- ~~.7 all ships other than passenger ships of 3,000 gross tonnage and over (but less than 20,000) constructed before [1 July 2002] not later than [1 January 2009].]~~
- 2 The VDR required by this regulation shall meet performance standards which are not inferior to those adopted by the Organization and shall be of a type approved in accordance with regulation 18 of this chapter.
- 3 Administrations may exempt ships, other than ro-ro passenger ships, constructed before [1 July 2002] from being fitted with a VDR where it can be demonstrated that interfacing a VDR with the existing equipment on the ship is unreasonable and impracticable.
- 4 The voyage data recorder (VDR) system, including all sensors, shall be subjected to an annual performance test. The test shall be conducted by an approved testing or servicing facility to verify the accuracy, duration and recoverability of the recorded data. In addition, tests and inspections shall be conducted to determine the serviceability of all protective enclosures and devices fitted to aid location. A copy of a certificate of compliance issued by the testing facility stating the date of compliance and the ~~[applicable]~~ performance standards, shall be retained on board the ship.

Regulation 27
~~[Official]~~ Nautical charts and nautical publications

~~[Official]~~ Nautical charts and ~~[official]~~ nautical publications, such as sailing directions, lists of lights, notices to mariners, tide tables, and all other ~~[official]~~ nautical publications necessary for the intended voyage shall be adequate and up to date.

Regulation 34

Safe navigation and avoidance of dangerous situations

~~[1] The master and the officer in charge of the navigational watch shall plan and conduct each voyage to keep their ship clear of obstructions to navigation and, dangerous shoals, and take due notice of relevant nautical information. To this end, they shall make appropriate use of the navigational systems and equipment at their disposal. When receiving ice warnings or in dangerous weather, the master and the officer in charge of the navigational watch shall take such measures as necessary to avoid dangers, particularly to the safety of the persons on board, and to the safety of navigation or to the marine environment.*]~~

1 Prior to proceeding to sea, the master shall ensure that the intended voyage has been planned using the appropriate nautical charts and nautical publications for the area concerned, taking into account the guidelines and recommendations developed by the Organization*.

* Footnote: Refer to the Guidelines for Voyage Planning, resolution A.893(21).

2 The voyage plan shall identify a route which:

- .1 makes proper use of available routeing measures;
- .2 ensures sufficient sea room for the safe passage of the ship throughout the voyage;
- .3 anticipates all known navigational hazards and adverse weather conditions; and
- .4 takes into account the marine environmental protection measures that apply, and avoids as far as possible actions and activities which could cause damage to the environment.

23 The owner, charterer, or manager of a ship or any other person, shall not prevent or restrict the master of the ship from taking or executing any decision which, in the master's professional judgement, is necessary for safe navigation and protection of the marine environment.

PAPELETA DE VOTO
(a devolver al BHI antes del 31 de Agosto del 2000)

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Estado Miembro _____

Fecha de respuesta _____

ENMIENDAS DEL CAPITULO V DE SOLAS

¿ESTAN DE ACUERDO CON EL SIGUIENTE TEXTO PARA LA REGLA 2.2,
AÑADIENDO LA NOTA DE PIE DE PAGINA?

Regla 2.2

*“ Carta Náutica o Publicación Náutica es una carta o publicación con un objetivo especial, o una base de datos compilada especialmente a partir de la cual tal carta o publicación es producida, y que oficialmente es publicada por o con la autoridad de un Gobierno, de un Servicio Hidrográfico autorizado u otras instituciones gubernamentales pertinentes, y que está concebida para satisfacer los requisitos de la navegación marítima.” .**

**Referirse a las resoluciones y recomendaciones apropiadas de la Organización Hidrográfica Internacional relativas al uso y transferencia de datos.*

SI NO

COMENTARIOS:

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Firma :