

13th CHRIS MEETING
17-19 September 2001, Athens, Greece

PROPOSITION FOR « ADDITIONAL RULES FOR THE WEND PRINCIPLES »
(Jean-Louis Bouet-Leboeuf, France)

As it was yet discussed in the last WEND meeting, it is proposed to add some additional rules for the WEND principles to help HO's in implementing ENC production limits in some areas where there is several potential producers.

Rules for the large and medium scales ENC's (Scale > 1 : 2 000 000).

Rule N° 1 :

A single ENC producing country exists in a given area.

Rule N° 2 :

A country is normally the ENC producing country for waters within its national jurisdiction. Responsibility for the production of ENC can be delegated to another country which then becomes the producing country in the considered area.

Rule N° 3 :

When the limits of waters of national jurisdiction of two neighbouring countries are not established, these countries will define an ENC production limit within a technical arrangement. This limit will be purely cartographic.

Rule N° 4 :

In the international waters, the ENC producing country is the country producer of the INT chart. When the offshore limits of the national jurisdiction waters are not established, rule n° 3 is applied. Possibly, 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 charts overlapping area.

Rule N° 5 :

Rule N° 2 must be applied in priority. However, for particular reasons, one of the producing countries may wish to define a purely cartographic ENC production limit although a limit of national jurisdiction already exists. Provided an agreement is reached with the other country, this cartographic limit becomes the ENC production limit between the two producing countries. Without any specific arrangement, Rule N° 2 is applied.

Rule N° 6 :

The purely cartographic limits have no influence on the possible establishment of a maritime boundary in the considered area.

The cartographic limits should be as simple as possible. eg : succession of straight segments (in loxodromy) which may correspond to a meridian or a parallel, charts limits, ENC cells limits.

Rule N° 7 :

When the production limits are the official limits for national jurisdiction waters, the commercial rights belong to the ENC producing country.

Rule N° 8 :

When the production limits are purely cartographic limits, the commercial rights belong to the ENC producing country but may be accompanied with the payment of royalties to the other producing country. These royalties are negotiated by the two countries and are the subject of an arrangement based on the rules usually applied for the paper nautical documents.

Rules for the small scales ENCs (Scale \leq 1 : 2 000 000).

At small scales, the surface of the national jurisdiction waters is usually too small to avoid an important indentation near the coastal areas. The above rules do not apply. Here is the proposed rule : The ENC producing country is the country producer of the INT chart. 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 charts overlapping area. *Moreover, it is generally recommended that the commercial rights for the ENCs at these scales belong to the ENC producing country (no royalties retrocession).*

The last sentence of this rule, which aims at simplifying the administrative management of the distribution still has to undergo an evaluation of the financial stakes. This evaluation could be lead, for instance, by the RENC-NE Marketing group. Besides, this evaluation may only be relevant for some sort of distribution (case of SOLAS ships stocking up from a RENC) and not for other (direct arrangement between a ENCs producing country and a private distributor). The sentence is written in italic to underline its exploratory character.

Annexe

Reminder of the WEND principles

3 Rd WEND Committee Meeting, Goa, India, 14-16 January 1998 :

1. OWNERSHIP AND RESPONSIBILITY

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

2. COOPERATION AND COORDINATION

- a) 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.
- b) Terms of Cooperation Arrangement for the Northern Europe RECC may be useful in arranging transactions between other RECCs and national HOs.
- c) HOs are strongly recommended to provide data to HO data base organizations pursuing data bases within the WEND concept.
- d) Member States are encouraged to work together on data capture or management.
- e) Neighbouring Member States are encouraged to cooperate in boundary areas.
- f) Advantage should be taken and shared of all experience gained.
- g) Member States planning to incorporate data that must be obtained from another Member State into an integrated data base should inform those countries well in advance.
- h) The development of overlapping data sets from different sources should be avoided if possible.

3. LANGUAGES

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

4. STANDARDS AND QUALITY MANAGEMENT

- a) A recognized standard of quality management (e.g. ISO 9000) should be employed to ensure a high quality of the ENC services.
- b) 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

- a) Distribution of products may be separate from the data base management.
- b) Methods to be adopted should ensure that data bear a stamp or seal of approval of the issuing HO.
- c) Member States should work together in safeguarding national copyright in ENC data to protect the mariner from falsified products.

6. UPDATING

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

7. REIMBURSEMENT AND FINANCIAL ARRANGEMENTS

- a) HOs should not give commercial companies better conditions than they offer to other HOs.
- b) 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

- a) 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.