



IHB File N° S3/0104

IRCC CIRCULAR LETTER 01/2014
24 January 2014

To : IRCC Members
Copy: IRCC Observers

References A. CL 64/2013 dated 11 November 2013- *Outcome of the IRCC5*
B. IRCC CL01/2013, dated 13 November 2013

Dear Colleagues,

1. In accordance with Reference A, a draft proposal submitted by France (on behalf of NSHC) for the establishment of a Working Group for "IHO-EU Network" including its Terms of Reference and Rules of Procedure was circulated by Reference B.
2. The IRCC Secretariat has not received any objections and adverse comments from the IRCC Members. Canada, Chile and Iceland (as Observers) responded and provided comments on the draft proposal, which are reproduced in Annex A to this letter for your information together with comments from the IRCC Secretariat, as appropriate.
3. Amended Terms of Reference and Rules of Procedure of the IHO- EU Network Working Group taking into account the comments are provided at Annex B for approval by the IRCC Members.
4. IRCC Members are kindly requested to review Annex B and inform the IRCC Secretariat, by **03 February 2014** if they have any objections. If no objections are received, the Terms of Reference and Rules of Procedure of the IHO- EU Network Working Group will be considered as adopted by IRCC after that date.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Karsten', is written over a light blue circular stamp.

Rear Admiral Tom Karsten
Chair of IRCC

Annex A: Comments by Observers

Annex B: Terms of Reference and Rules of Procedure of the IHO-EU Network Working Group.

**COMMENTS BY THE IRCC OBSERVERS ON IRCC CL1/2013
PROPOSAL FOR “ESTABLISHMENT OF IHO-EU NETWORK WORKING GROUP”**

A. CANADA (Observer)

1. The TOR voting privileges of Full Members is implied but the TOR could be more explicit about privileges of Associate Members and Observers such as their ability to propose agenda items or not.

IRCC Secretariat comments:

There is no other restriction on the privileges of Associate Members and Observers than the restriction indicated in clause 3d. IRCC Secretariat does not consider a need to try to be more explicit, at the risk of restricting the privileges of the Associate Members and Observers. A similar “open” approach has been adopted to cover the privileges of observers and expert contributors in the TOR of HSSC Working Groups. No amendment required.

2. The term 'general agreement' in clause 3e is rather vague and could be understood in different ways. For instance, is 'general agreement' the same as 'consensus' or different? Vague references should be avoided in a TOR if possible.

IRCC Secretariat comments:

Agreed, “general agreement” has been replaced with “consensus” (editorial amendment).

B. CHILE (Observer)

1. We consider that the IHO – EC Memorandum of Understanding (MOU) is very interesting and it is necessary to implement actions aiming at taking advantage of the opportunities this MOU offers to the IHO.

IRCC Secretariat comments:

The opinion of Chile is noted. No amendment required.

2. It is our opinion that the establishment of a Working Group (WG) is an alternative, in the understanding that it is a WG open to all IHO Member States in equal conditions. However, we are concerned with the idea of establishing WGs to follow-up MOUs signed by the IHO with other organizations, as this might generate as many WGs as MOUs signed, to ensure the implementation of the MOU's objectives. Therefore, we would strongly prefer to have the IHB being the point of contact with the EC.

IRCC Secretariat comments:

The opinion of Chile is noted. However, the decision to create a Working Group rests with IRCC in accordance with IHO Resolution 11/1962 as amended (see article 6 c).

3. We have the following comments regarding Annex A:

- General Comments:

We think that within the Objectives, an indication should be made to the main reason that justifies the existence of the WG, which is to constitute the IHO body to monitor the impact of the marine and maritime EU policies over the Hydrographic Services.

IRCC Secretariat comments:

The WG is a subsidiary body of IRCC not a stand-alone IHO body. The consideration of the impact of EU policies is covered by clause 1f. Nevertheless, clause 1f has been amended as: “advise IRCC on the impact of EU policies, activities and processes in the maritime domain on the IHO programme of work”.

It must be expressly mentioned that representatives to the WG shall be supported by the nominating organizations. Also reference shall be made to the designation of a Vice Chair and probably the designation of a Secretary.

IRCC Secretariat comments:

1. *The support of representatives to IHO committees, sub-committees and working groups by their nominating organizations is standard practice. This is not explicitly mentioned in the ROP of other working groups.*
2. *Article 6c of Resolution 11/1962 does not require the systematic designation of a Vice-Chair and Secretary.*

-Comments on the Terms of Reference and Rules of Procedure
Regarding the Objectives:

a) It is our opinion that the achievement of this objective is subject to the existence of a mechanism through which the WG shall be aware of the subjects IHO Hydrographic Services and the EU are interested in. Under Procedures, letter c) it is indicated that information meetings will be organized, but the core should be to discuss matters of common interest and this concept we consider shall be included in the objectives.

IRCC Secretariat comments:

“matters of interest” is mentioned in objective 1a and this is consistent with procedure 3 c. No amendment required.

b) This objective is considered to be too wide in scope and therefore, difficult to achieve if the WG does not consider a representative of the EC.

IRCC Secretariat comments:

The interaction with the EC is covered by Procedure 3c. No amendment required.

c) This objective identifies three channels to interact with the EU – the RHC, the IRCC and the IHO in general – however the IHO/EC MOU indicates that each organization shall establish “one point of contact”.

IRCC Secretariat comments:

The existence of the WG does not preclude the establishment of the “one point of contact” under the IHO/EC MOU. As reported in IHO CL 87/2012, the IHB is the formal point of contact for the implementation of the MOU. No amendment required.

d) No comments

e) Will it be a direct liaison or will it be through the IRCC?

IRCC Secretariat comments:

It can be one or the other depending on the subject. No amendment required.

f) No comments

Regarding the Composition and Chairmanship

a) Reference should be made to the WG not to the Network.

IRCC Secretariat comments:

Agreed (editorial amendment).

a) and b) We consider that all IHO Member States willing to participate in the WG shall have the same status. The existing wording is discriminatory.

IRCC Secretariat comments:

The opinion of Chile is noted. The issue is not raised by any Members of IRCC. Also, it is considered that HCA, which is a special RHC and one of the subsidiary bodies of IRCC, has similar restrictions for membership. No amendment required.

c) The Chairmanship is voided to those IHO Member States whose RHC does not have an EU/EEA Member State. This is also discriminatory.

IRCC Secretariat comments:

The opinion of Chile is noted. The issue is not raised by any Members of IRCC. Also, it is considered that HCA, which is a special RHC and one of the subsidiary bodies of IRCC, has similar restrictions for Chairmanship. No amendment required.

d) It is our opinion that the WG will be much effective and efficient if it includes an EC representative as an observer.

IRCC Secretariat comments:

The opinion of Chile is noted. However the experience of the NSHC EU2MP WG has confirmed the need to meet outside the presence of an EC representative to discuss and prepare positions. No amendment required.

e) No comment.

Regarding the Procedures:

a) There is an inconsistency between a) that indicates that the work will be conducted mainly by correspondence and b) which reads that meetings will be organized with EC representatives. That is to say those meetings constitute the normal working procedure and the WG shall consider annual meetings. This periodicity is in line with the MOU. But also the MOU indicates that meetings are open and will be announced to IHO Member States and the Commission Services.

IRCC Secretariat comments:

Meetings are the normal procedure to interact with the EC but the work of the WG itself is conducted mainly by correspondence. The existence of the WG does not preclude formal IHO-EC meetings in accordance with the MOU. No amendment required.

b) No comment

c) Does this consider only WG or WG with EC or open meetings? It is necessary to clarify this as there might be financial implications to be considered by MSs and the IHB.

IRCC Secretariat comments:

See comment on a) above. No amendment required.

d) As it is not defined the composition of the WG, it is not defined the opportunity when consensus is achieved as well. Subjects considered by correspondence or at meetings will have the same approach? Consensus of those MSs replying or attending? We think this need to be clarified.

IRCC Secretariat comments:

In the absence of specific arrangement for meeting, the consensus relates to the full members as defined in article 2 a. If a full member is not present at a meeting then consensus will need to be confirmed by correspondence. No amendment required.

e) No comment.

C. ICELAND (Observer)

Iceland has studied the draft on "Establishment of an IHO-EU Network" and do not have any comments to them.

IRCC Secretariat comments:

Noted.

IHO-EU NETWORK WORKING GROUP

Terms of Reference

Reference:

5th IRCC meeting (Wollongong, June 2013), Decision 14 and Action IRCC5/30

1. Objectives

- a. Identify EU activities and processes on matters of interest to Hydrographic Offices (HOs).
- b. Establish a common understanding of the issues when possible.
- c. Consider and propose the ways and channels to interface with EU policies, activities and processes (mechanisms) through Regional Hydrographic Commissions (RHCs) initiatives, through the IRCC or through the IHO in general.
- d. Facilitate common actions of HOs related to EU programmes.
- e. Liaise with relevant Hydrographic Services and Standards Committee (HSSC) WGs for technical matters (e.g. standardization).
- f. Advise IRCC on the impact of EU policies, activities and processes in the maritime domain on the IHO programme of work.

2. Authority

This WG is a subsidiary of the Inter-Regional Coordination Committee (IRCC). Its work is subject to IRCC approval.

3. Procedures

- a. The WG will work mainly by correspondence and its Chair will report on its findings and recommendations at each IRCC meeting.
- b. A representative from a RHC will act as a focal point for the RHC, i.e.:
 - informing in due time other members on the RHC of IHO-EU relations that are of interest for the RHC and for its members.
 - bringing to the WG awareness of specific regional aspects and projects, of interest to the IHO-EU relationship.
 - reporting to the RHC meeting.
- c. The WG should organize meetings with the EC representatives for mutual information and discussion on matters of common interest for IHO MS and EC.
- d. Decisions of the WG shall be made by its full members' consensus.
- e. Working language will be English. Other working languages can be chosen from the working languages of the RHC with EU/EEA member States when accepted by consensus.

4. Composition and Chairmanship

- a. The IHO-EU Network WG shall be composed of a representative from each RHC of which at least one EU/EEA Member State (MS) is a member. It is recommended that this representative be from an IHO MS from the EU/EEA.

- b. Other RHCs or any IHO MS may be represented in the WG as associate members.

- c. The Chair shall be a representative from RHCs with EU/EEA Member States and shall be elected by vote of the full members of the WG, for a period of three years.

- d. The WG shall include observers, as selected by the IRCC, and an observer from the IHB.

- e. Expert contributors may participate in the work of the WG at the invitation of the Chair.