

Paper for consideration by WEND-WG**[Tentative enforcement mechanisms to get an adequate ENC coverage]**

Submitted by:	Region F International Charting Cooperation Coordinator (FR)
Executive Summary:	IHO's commitment to IMO to provide adequate ENC coverage by 2010 is hampered by difficulties in solving overlap issues in areas where there is no consensus between neighbouring countries. Taking into account the collective responsibility of IHO on one hand and the consultative nature of the organization on the other hand, it is suggested that the WEND-WG considers a mechanism that would allow the IHB to report on the situation to IMO.
Related Documents:	WEND Principles (TR K2.19) and Guidelines for the implementation of the WEND principles (CL 82/2008). IHO S-11 Ed. 2.003, March 2010.
Related Projects:	Role of RENCs and RHC Chairs. Guidelines for the Preparation and Maintenance of Small / Medium Scale ENC Schemes (CSPCWG Work Plan, Task B3) .

Summary

Since the publication of edition 2.003 of IHO S-11, and in accordance with the WEND principles, RHCs have a clear role to coordinate ENC schemes in their region.

This task means implicitly that it is necessary to define ENC production responsibilities between neighbouring nations in order to avoid inconsistencies and overlapping issues that may impact safety of navigation. In spite of the existence of the WEND principles and guidelines for their implementation, it appears that, for a number of reasons, some ENC producing nations continue to act independently as if they were dealing with paper charts: they consider their own ENC as if they were only "national" electronic charts, whereas these ENC are, by construction, "INTERNATIONAL" electronic charts. In some charting regions, the situation is clearly getting worse and worse, and neither the Coordinators nor the RENCs appear to have the power to persuade producing nations to agree on ENC coverage, data limits and production allocation.

Significant conflicts on ENC coverage between nations, including data and presentation inconsistencies are now being pointed out by shipping companies and their NGO representatives at IMO. In such areas, it is possible that during the uploading phase or display of overlapping cells on ECDIS, fatal errors could be generated.

This increasingly unacceptable situation threatens to degrade all the efforts and progress made by the IHO over the last five years and more as far as ENC production and ECDIS mandatory carriage requirements are concerned.

Analysis

In spite of clause 1.7 of the Guidelines for the implementation of the WEND Principles, the IHO's commitment to IMO to provide adequate ENC coverage by 2010 is being hampered by persistent difficulties in solving overlapping data issues in areas where there is no consensus between neighbouring countries. Although the East Asia Hydrographic Commission has showed that it is

possible to find technical solutions in complex areas, this fine example has not been followed in other Regions.

Obviously, it is not acceptable to let the mariner or even the distributor choosing the appropriate cell by him. If the IHO remains passive, the WEND concept will be surely challenged again, prior to the 1st of July 2012. It is a collective IHO responsibility to have a clear and professional assessment of the adequate ENC coverage all around the world and the legitimate request made by IMO to get an IHO situation report every year at NAV demonstrates that IHO is expected to deliver.

Recommendations

An urgent analysis of the situation and the development and subsequent approval of an IHO policy is recommended. This could be undertaken by the WEND-WG as follows:

1. Step 1 - Evaluation
 - Identify, through RHCs, RENCs and any other relevant organizations, the areas covered by inconsistent or overlapping ENCs;
 - Evaluate, in liaison with RHCs, RENCs and any other relevant organizations, the impact on safe navigation.
2. Step 2 – Warning procedures in IHO
 - Propose ways and means for the IHO to ensure the elimination of overlapping and conflicting ENC data between producing nations, including any roles for RHCs chairs, RENCs or other authorities, deadlines, support, enforcement measures, etc.
3. Step 3 – Report to IMO
 - Propose how and when it would be the duty of the IHB to report to the IMO on any irreconcilable areas, if step#2 does not produce significant improvements; including the definition of criteria and the mechanisms to trigger notification to IMO.

Action required by WEND-WG

The WEND-WG is invited to:

- a. consider this document and endorse it as part of its programme of work;
- b. inform IRCC2 on this approach and seek provisional guidance;
- c. undertake the tasks listed in its recommendations;
- d. report to IRCC3;
- e. provide an interim report to the IHB through the IRCC Chair by March 2011 so as to provide background information for the compilation of the IHO report to IMO NAV57.