



**REGION F (MED. & BLACK SEAS)
ICC WG
SPANISH REPORT**

**TO THE 5TH INTERNATIONAL CHART
COORDINATION WORKING GROUP (ICCWG)
MEETING
CADIZ, ESPAÑA (SPAIN)
12 JUNE 2019.**



1. BACKGROUND

The Spanish Hydrographic Office has published this ICCWG report as an extension to the MBSHC 2019. This report lists discrepancies with charts published by the United Kingdom, France and Morocco, as well as joint cartographic surveys with Algeria, all in the area of influence of the Mediterranean Sea. This report wants to address specifically these concerns issues and proposals, to coordinate within the MBSHC.

This report covers the period May 2017 – May 2019.

2. CHARTS AND UPDATES

2.1 ENC

IAW point 3.1 of the Spanish National Report MBSHC 2019.

2.2. International Charts.

IAW point 3.4 of the Spanish National Report MBSHC 2019.

2.3. National Paper Charts.

IAW point 3.5 of the Spanish National Report MBSHC 2019.

2.4. ISSUES ENCOUNTERED IN PAPER CHART AND ENC PRODUCTION IN THIS REGION.

Expanding on point 3.4 in the Spanish National Report to MBSHC 2019, we should note the following issues or proposals encountered.

2.4.1. Gibraltar Colony.

The United Kingdom has been publishing UKHO Admiralty paper charts (Numbers 45, 144, 1448 & 142) and Electronical Nautical Charts- ENCs (GB500144 & GB600045), covering seas under Spanish jurisdiction in the Bay of Algeciras, in repeated violation of relevant agreements and regulations. These paper charts and ENCs currently remain in force.

It is true that there have been periodic exchanges with UKHO on this subject. However, Spain has always reiterated through this IHM our disagreement with the issuing of the aforementioned cartography, considering that there is already suitable cartography with boundaries matching implied territorial claims and even covering land and seas belonging to the Kingdom of Spain. However, the United Kingdom has issued the aforementioned charts without any agreement, presenting them as fait accompli. This IHM has repeatedly informed UKHO and IC-ENC that the publication of the aforementioned cartography does not imply any recognition by Spain of any territorial waters associated to the Colony of Gibraltar, as per the Treaty of Utrecht, and they do not improve the safety of navigation. So, the Spanish position to this is indicated as:



Article X of the Treaty of Utrecht dated 13th July 1713 where Spain ceded the sovereignty over Gibraltar to the United Kingdom states:

“The Catholic King does hereby, for himself, his heirs and successors, yield to the Crown of Great Britain the full and entire property of the town and castle of Gibraltar, together with the port, fortifications, and forts thereunto belonging....”

From the above-mentioned it should be established that only the town and castle of Gibraltar were ceded, together with the port, fortifications, and forts thereunto belonging. Accordingly, as far as the waters around Gibraltar are concerned, Spain does not recognize spaces other than those comprised under Article X of the Treaty of Utrecht as belonging to the United Kingdom.

2.4.1.1. Discrepancies: UKHO has published paper charts Numbers 45, 142, 144, 1448, 3578, which despite their status as “National UK Charts” they are based on UK bathymetric surveys in the Bay of Algeciras with no coordination or authorization from Spain, especially regarding UKHO Charts n. 45,144 & 1455. This IHM and the UKHO have exchanged data for these charts, however this only took place under the bilateral arrangement between National Hydrographic Services from both countries (Figure 1).

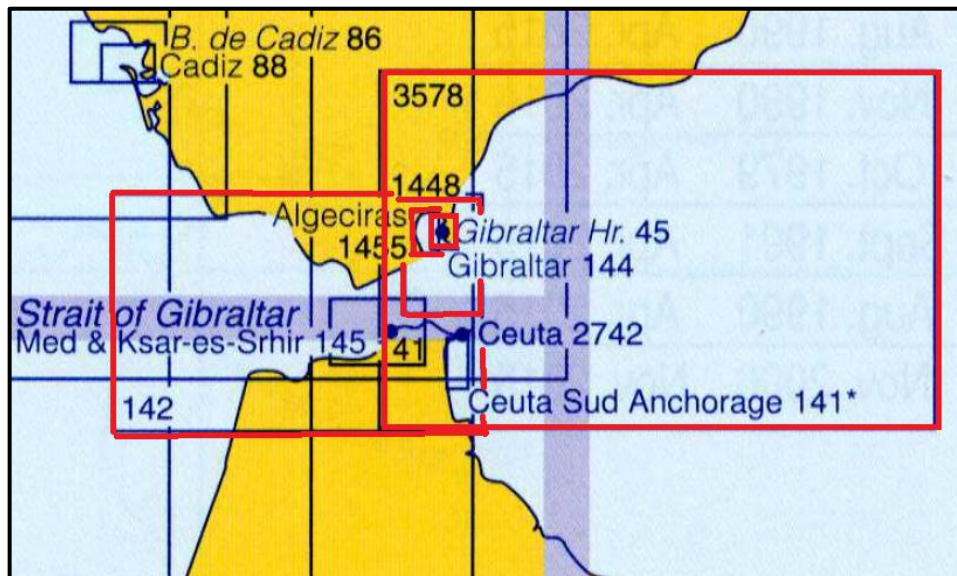
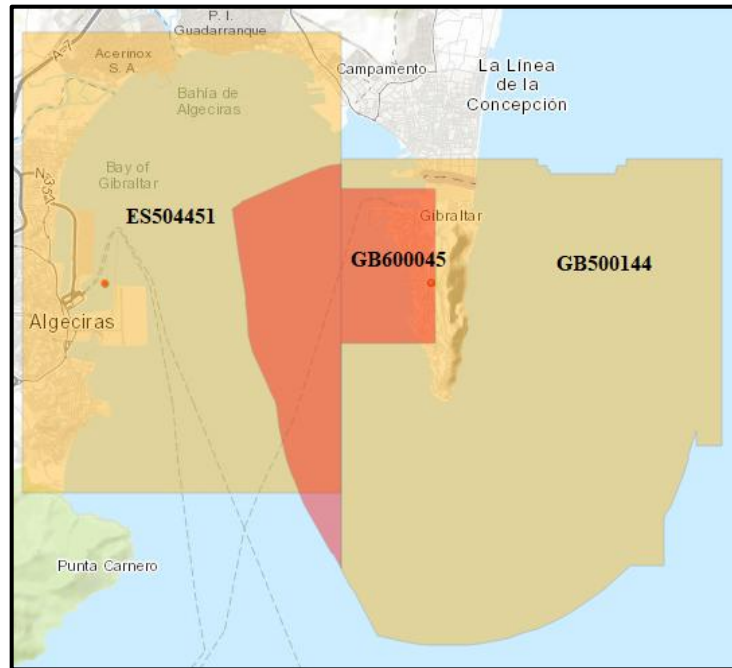


Figure 1. UKHO Paper chart of Admiralty Catalogue.

2.4.1.2. Discrepancies: UKHO has published the Harbour Chart GB500144 and the Berthing Chart GB600045 under no agreement with Spain. Even more, this IHM attempted to reach an agreement on limits in this area, without agreement with Spain. Furthermore, the United Kingdom through these UKHO ENCs displays something similar to the boundaries of the self-proclaimed British Gibraltar Territorial Waters (BGTW), against cartographic guidelines against using cartographic regulations to indicate sovereignty claims (Figure 2).



**Figure 2. ENC Charts GB500144 and GB600045 with limits representing UK BTWG.
(ENC IHO Catalogue)**

This publication was carried out in contradiction with the following principles:

- **WEND PRINCIPLES. Annex to K2.19. Guidance for the Establishment of ENC Production Boundaries**
 - a) ENC duplication should be avoided. A single ENC producing country should exist in any given area.
 - b) A country is normally the ENC producing country for waters within its national jurisdiction.

Spain's Position: Para "a" addresses duplication, and para "b" assigns production to the nation with jurisdiction over the Territorial Seas, in this case Spain.

Also in the same page:

- c) When the limits of waters of national jurisdiction between two neighbouring countries are not established, or it is more convenient to establish boundaries other than established national boundaries, producing countries are to define the boundaries for ENC production within a technical arrangement. These limits would be for cartographic convenience only and shall not be construed as having any significance or status regarding political or other jurisdictional boundaries.

Spain's Position: Para "d" states near the end that no legal implication should be attached to ENC limits.

- d) In areas where the paper INT charts overlap, neighbouring producer nations should



agree a common limit of ENC production in the overlapping areas.

Spain's Position: Not applicable as Spain's position is that no territorial seas are attached to the Colony.

– **WEND PRINCIPLES. GUIDELINES FOR THE IMPLEMENTATION OF THE WEND PRINCIPLES**

1. Responsibilities of Coastal States.

1.3. Where the coastal State and another Member State conclude an arrangement for producing and issuing ENC's of the coastal State's waters, the producing / issuing Member State should carry the responsibility for content and maintenance of those ENC's.

Spain's Position: There is no agreement to this end.

2.4.1.3. Spanish Interpretation. Over time, the United Kingdom has published paper charts and ENC's covering the Bay of Algeciras without any arrangement with Spain beyond data exchange. Also, the UKHO has carried out bathymetric surveys in what they have designated as self-proclaimed British Gibraltar Territorial Waters (BGTW) without any agreement with Spain. Paper charts have been produced based on these surveys, and they have also been expanded to match the self-proclaimed BGTW. Furthermore, previously released ENC's were modified in 2006 so that their limits are similar to the self-proclaimed BGTW:

- GB500144: South and West limits were expanded to cover the self-proclaimed BGTW.
- GB600045: The expansion of the lower limit to the South and specific fillings to the East of the Chart are clearly intended to cover the self-proclaimed BGTW.

Spain has consistently maintained that no Territorial Waters correspond to the Colony of Gibraltar and that there is no agreement regarding BGTW. As a matter of fact, this area does not include symbol N41 in S4 (Regulations of the IHO for International (INT) Charts A Chart Specifications of the IHO,

N41 must not be used for disputed maritime boundaries.

as it has not been agreed or published by both nations. Additional to this, in the UKHO paper charts in zone, claim that any ship entering this limit must report to the Gibraltar maritime traffic authority (VTS)

However, as they are their self-proclaimed BGTW, this IHM has submitted requests to IC-ENC and approached UKHO for an arrangement on this matter, without success.

Spain's Positions: Both ENC's and paper chart may cover solely the waters in the Port of the Colony of Gibraltar.

2.4.1.4. Spanish Proposal to UK regarding ENC and Paper charts in the Bay of Algeciras.



IHM to take over the current expansion of ENC's numbers GB500144 inside the Bay of Algeciras, leaving solely the coverage of port waters to the United Kingdom.

- UKHO to reduce the extension of the berthing ENC purpose 6 GB600045¹ to the proximities of Gibraltar port, according to WEND and cartographic principles.
- IHM to take over published national paper charts covering the Bay of Algeciras, cancelling current charts numbers 45, 142, 144, 1448, 3578, Spain to allow the reproduction of Spanish charts for the area and leaving only the possibility of producing harbor charts. So not to publish any British data in those charts.

2.4.2. ENC Issues in the Straits of Gibraltar with France.

2.4.2.1 Proposal of delivery ENC 6 in the Strait of Gibraltar with DHOC/SHOM to change FR67070 (Scale 1: 12 000) and reduce NW chart to avoid going beyond the Traffic Separation Scheme.

Currently France has released ENC (BERTHING) FR677070 at scale 1:12000, covering the Straits of Gibraltar including Moroccan ports at Ksar el Majaz and Ksar Sghir. (Figure 3).

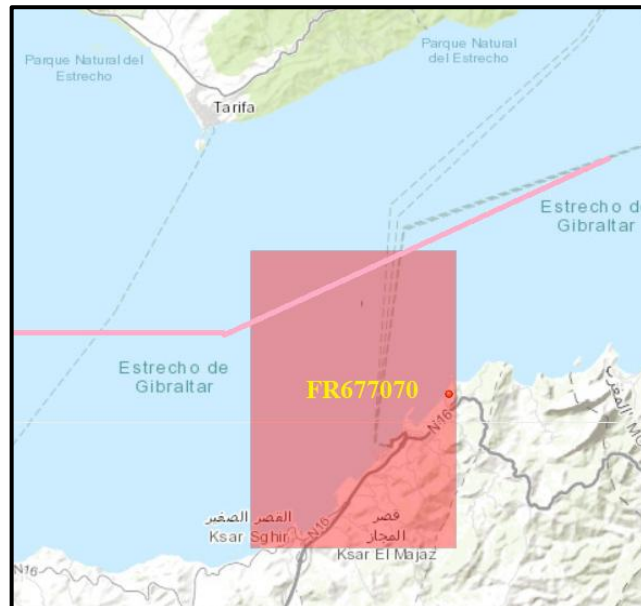


Figure 3. ENC Charts FR677070 with the present limit ENC IHO Catalogue. (Approximated Traffic Separation Scheme)

The limits at scale 1: 12000 go well beyond recommended limits for ENC Purpose 6 as per S-11 publication Guidance for the Preparation and Maintenance of International (INT) Chart and ENC Schemes and Catalogue of International (INT) Charts y S-65 ENCs: Production, Maintenance and Distribution Guidance (Edition 2.1.0 - May 2017).

“S-57 Edition 3.1 does not define minimum and maximum compilation scales for each Navigational Purpose. However, the following table is

• ¹ Besides, aforementioned chart goes well beyond the recommended scale of 1:4000 according to WEND and cartographic principles.



an example of how scale ranges may be assigned to Navigational Purposes Table 1)''.

Navigational Purpose	Name	Scale Range
1	Overview	<1:1 499 999
2	General	1:350 000 – 1:1 499 999
3	Coastal	1:90 000 – 1:349 999
4	Approach	1:22 000 – 1:89 999
5	Harbour	1:4 000 – 1:21 999
6	Berthing	> 1:4 000

Table 1

Also, the NW limits go beyond international boundaries into waters under Spanish sovereignty. Please note that France is not the responsible country to produce charts covering this area, which is under the responsibility of Morocco unless there is some agreement between both countries to this effect, something that Spain is not aware of.

2.4.2.1.1. Proposal from Spain to France:

As the aforementioned chart goes well beyond the recommended scale of 1:4000, our proposal is the berthing ENC purpose 6 FR677070² to be scaled back to reduce extension so it covers ports at KSar el Majaz and Ksar Sghir, according to WEND and cartographic principles.

Note that Spain is about to release the berthing ENC ES604450 covering the Port of Tarifa, complying WEND and cartographic principles (Table 2 and Figure 4),, with the following boundaries:

ES604450	
1	35°59'48"N- 005°37'11"W
2	35°59'48"N- 005°35'24"W
3	36°00'43"N- 005°35'24"W
4	36°00'43"N- 005°37'11"W

Table 2

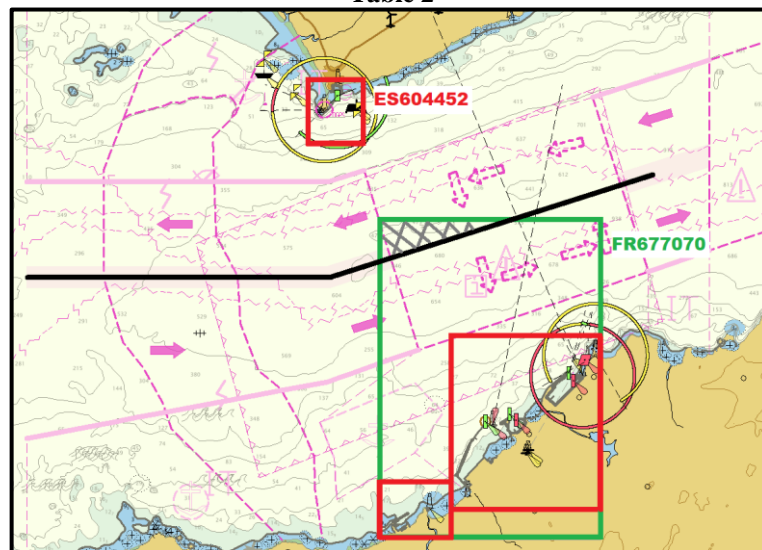


Figure 4. New proposal for scheme of ENC Charts FR677070

² FR677070 could be similar to red schemes in Figure 4.



and ES604452 in the Straits of Gibraltar.

2.4.2.2. Proposal for production of ENC purpose 5 in the Straits of Gibraltar with DHOC/SHOM. New ES504450, ES544501 in agreement with DHOC/SHOM to change FR57430.

Currently France has released ENC FR57430 at scale 1:22000, covering the Straits of Gibraltar from the Port of Tangiers to the Port of Tangiers MED. Its limit go well beyond the Traffic Separation Scheme at Gibraltar and areas under Spanish jurisdiction.(Fig.5).

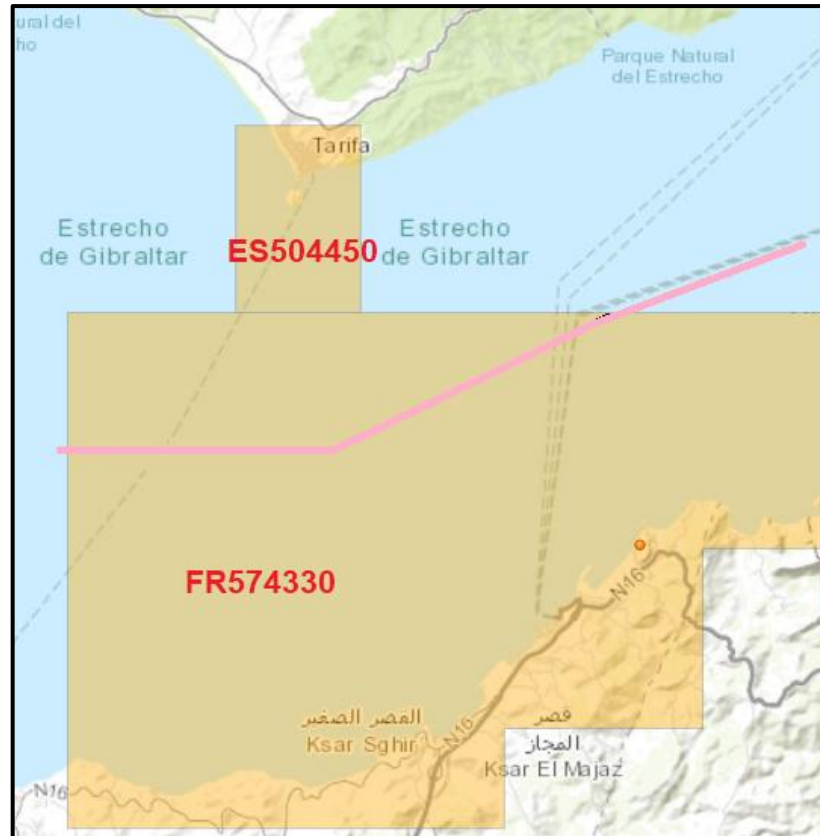


Figure 5. ENC Charts FR677070 and ES504450 with the current limits ENC IHO Catalogue. (Approximated Traffic Separation Scheme).

2.4.2.1.1. Proposal from Spain to France/Morocco:

Keeping the current limits of chart FR57430 but bringing back the NW boundary to the limit of the Traffic Separation Scheme at Gibraltar as per the attached graphic, so as to create and expand the proposal of Spanish charts nos ES504450 (extended) and ES544501 with the following boundaries (Table 2, 3 and Figures 6, 7).

	ES504450 (Extended)
1	35°56'12,60"N- 005°49'05,00"W
2	35°56'12,60"N- 005°36'28,79"W
3	35°56'34,02"N- 005°35'05,28"W
4	36°05'31,00"N- 005°35'05,28"W
5	36°05'31,00"N- 005°49'05,00"W

Table 2

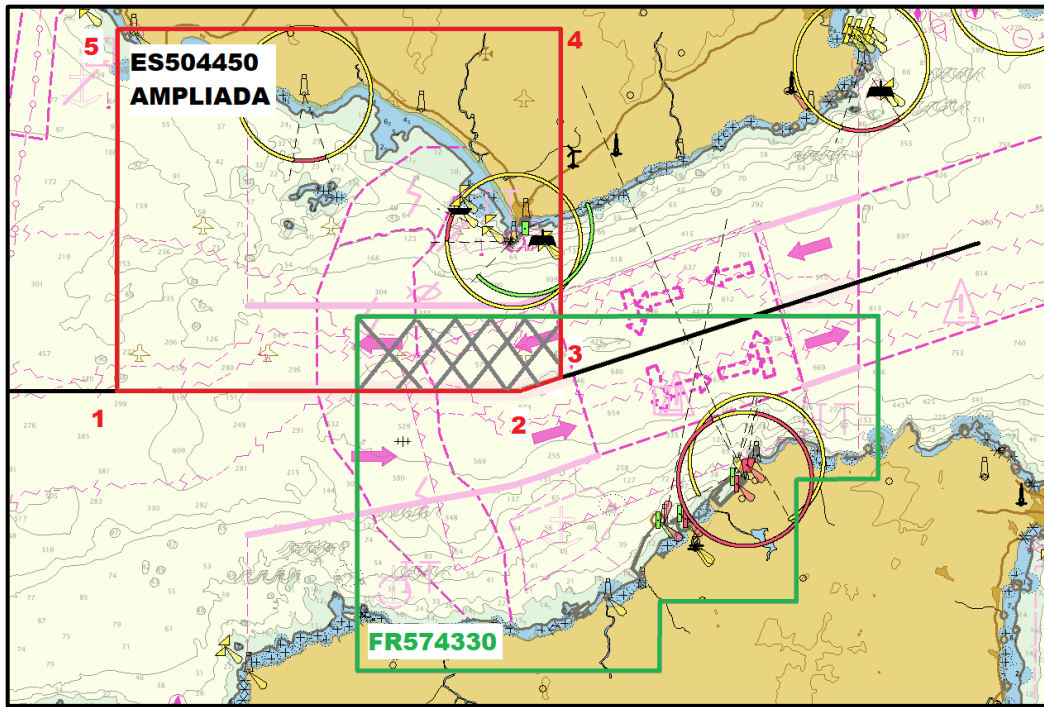


Figure 6. New proposal of expanded scheme ENC Charts FR574330 and ES504450.

	ES544501
1	35°56'34,02"N- 005°35'05,28"W
2	35°58'35,72"N- 005°27'16,56"W
3	36°05'31,00"N- 005°27'16,56"W
4	36°05'31,00"N- 005°35'05,28"W

Table 3

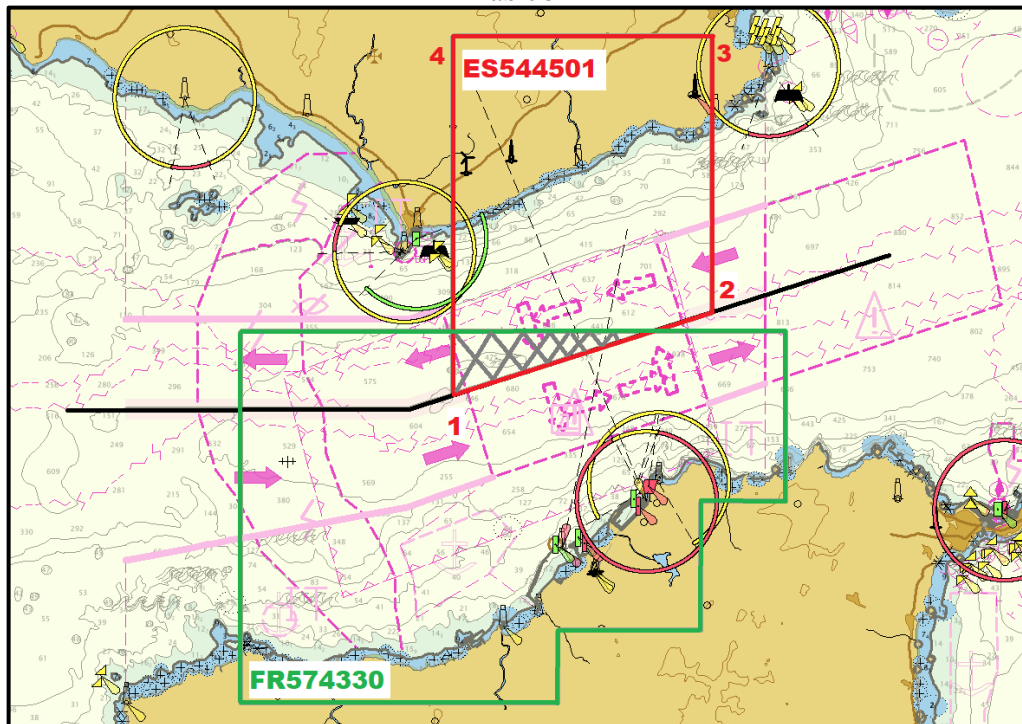


Figure 7. New proposal of scheme ENC Charts FR574330 and ES54451.

2.4.3 Paper Charts in the East coast of Spain at scales 1: 250000/1:275000.

These charts are under production with the boundaries in the next table, listing INT charts projected for the second semester of 2019, and 2020/21. (Table 5).



INT No	National No	Title	Edition
3101	45A1 (1:275 000)	Estrecho de Gibraltar y Mar de Alborán	TBD ^[1]
3104	46A1 (1:250 000)	Del Cabo de Gata Punta el Caño y de Saíd'ia a Cap Carbón	TBD (2021) ^[2]
3105	47A1 (1:250 000)	De Punta El Cañon a Gandia con Ibiza y Formentera	TBD ¹
3106	46 (1:350 000)	De cabo de Gata a cabo de las Huertas y de cabo Milonia a cabo Ivi	TBD (2020) ^[3]
3107	48A1 (1:250 000)	De la Isla de Tabarca a Peñiscola con Ibiza y Formentera	TBD ¹
3109	48 B1 (1:275 000)	Islas Baleares	TBD ¹
3111	48C1 (1:250 000)	De Las Fuentes a Tossa de Mar	TBD ¹
3113	49A1 (1:275.000)	De Barcelona a Cap Cerbere con las islas de Mallorca y Menorca	I (2019) In Process

Table 5

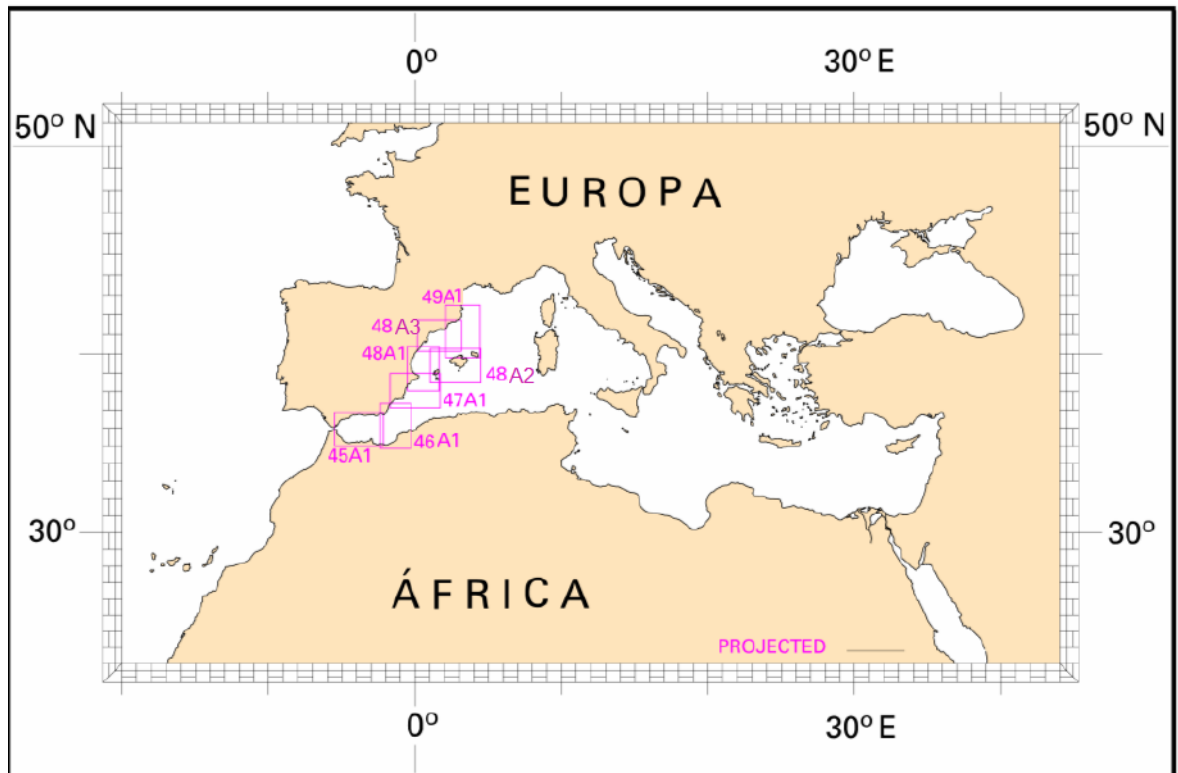


Figure 8. Spanish INT charts scheme in the East Coast.

Regarding INT chart 3106, it can be published as soon as a Spain/Algeria agreement, currently in process, is completed by Spain as national nos 46. (Figure 7).

^[1] Delayed to 2020/2021 due to HPD conversion.

^[2] Depending on Spanish/Algerian Agreement.

^[3] Depending on Spanish/Algerian Agreement.

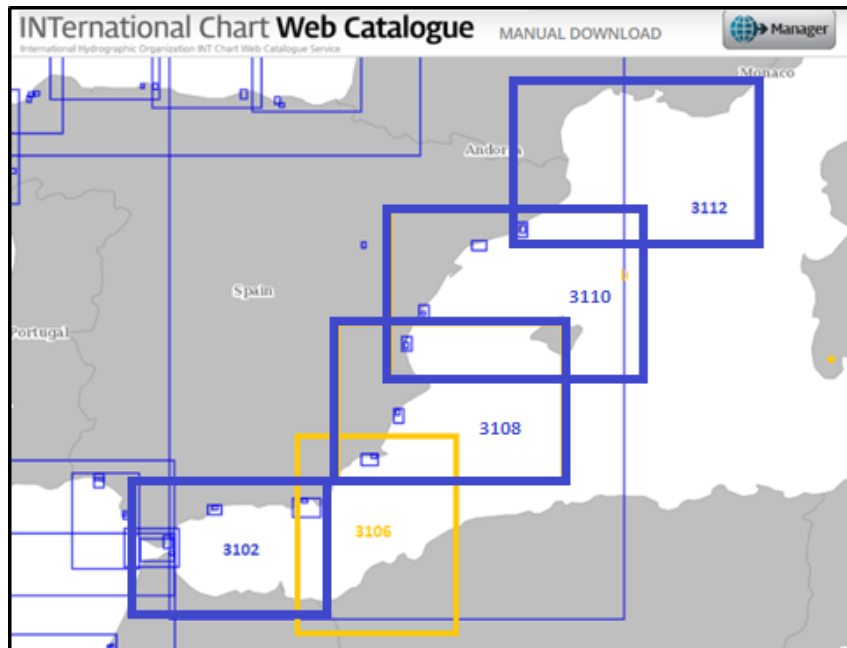


Figure 7. Spanish INT charts schemed in the East Coast.

Nevertheless, considering the geographic layout in the area of the Gulf of Lion and Balearic Island, and relevant stipulations in publication S-11 para 3.4 on general charts (General Charts: To provide for landfall identification and non-oceanic route planning. Generally at scales between 1:350 000 and 1:2 000 000), already published INT charts nos 3112, 3110 & 3108 in the area is demanded to be kept. This may be expanded to include charts 3106 & 3102. Always taking into account the substantial amount of traffic through the Shipping Routes in the area.

2.4.3.1. Paper INT Chart 3113 (49A1) in the Gulf of Lion.

Recently will be published INT 3113 (49A1) Chart scale 1: 275 000 in accordance with ICC WG guidelines for this area (Figure 7).

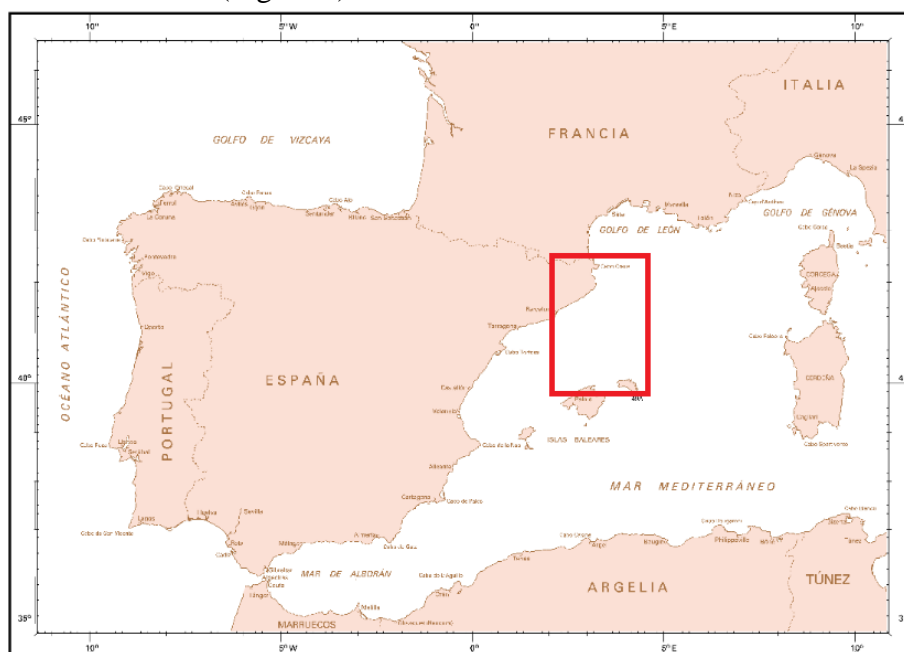


Figure 7. New INT Paper Chart 3113 INT1 (49A1), published in June 2019.



2.4.4 IHM/DHOC Relations.

There is currently no person of contact at the Moroccan *Division Hydrographie, Océanographie et Cartographies* (DHOC) for IHM, required for cartographic coordination. This IHM informs DHOC that the following email addresses are available for direct communication.

- General Issues: ihmesp@fn.mde.es
- Cartographic Issues: cartihm@fn.mde.es

This IHM requests a valid DHOC email address for communication.