

11th CSPCWG-1st NCWG MEETING
Rostock, Germany 27-30 April 2015

Paper for Consideration by NCWG

Use of seals of non-IHO members on INT charts

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| Submitted by: | Secretary |
| Executive Summary: | The use of non-IHO member seals on INT charts was raised for discussion at CSPCWG10 and subsequently referred to HSSC6. |
| Related Documents: | CSPCWG10-09.6A (and associated CSPCWG10 Action 29). HSSC6-05.5C and HSSC6-05.5F |
| Related Projects: | None |

Introduction / Background.

See HSSC6-05.5C, submitted by CSPCWG Chair for a summary of discussions at CSPCWG10 on this subject. For further information, the former paper CSPCWG10-09.6A is annexed to this paper.

The second bullet at paragraph 1 of HSSC6-05.5C refers to FR-produced charts of Benin and Togo. As a consequence, France also submitted a paper to HSSC6 (HSSC6-05.5F) explaining their action.

Analysis / Discussion.

The HSSC6 minutes record:

5.5C Use of seals of non-IHO Member States on INT Charts.

The recommendations provided by the CSPCWG and the current practice by France were supported unanimously.

Outcome:

- The Committee endorsed the proposal of the CSPCWG related to the use of seals of non-IHO Member States on INT charts and agreed to include the relevant work item into the work plan.

Conclusions.

NCWG should add a new work item, Task A23, to the work plan.

Recommendations.

A new paragraph should be added to S-4 B-241.2(I) detailing the decision of the HSSC.

This should be regarded as a clarification of the existing guidance about the use of seals on INT charts, noting that the principle has already been agreed by HSSC.

Justification and Impacts.

To avoid misrepresenting the authority of non-IHO members in the production of INT charts.

Action required of NCWG.

The NCWG is invited to:

Endorse the recommendations above.

10th CSPWG MEETING
Wellington, New Zealand, 21-24 January, 2014

Use of seals of non-IHO members on INT charts

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| Submitted by: | Chairman |
| Executive Summary: | The appropriate use of the IHO's seal in charts is being tested by recent enquiries and usage. Positions have been taken by the Chairman for which the WG's endorsement is requested. |
| Related Documents: | Note: the term 'seal' may also be termed 'crest', 'badge', 'logo' CSPCWG8-09.8A |
| Related Projects: | IHO Resolution 2/2007 |

Introduction / Background

1. S-4 (and other documents) are listed as IHO technical 'standards'. At meeting CSPCWG8, a discussion took place about adherence and compliance with IHO technical standards, including monitoring, procedures and responsibilities (Annex refers). The meeting record reports: *This item prompted an interesting discussion, but no outcomes for CSPCWG to take forward at this time.*
2. At the Stakeholders' Forum held in conjunction with the HSSC4, September 2012, a poll was conducted on "*What the IHO should be doing but is not*". One item that emerged was: *check INT charts to ensure they conform to specifications (item 36)*. IHB concluded that no action was required and that: *This task is entrusted to the IHB by IHO Resolution 1/1992 concerning the monitoring of INT Charts. Its scope is constrained by the resources allocated to the IHB.*
3. UKHO has recently encountered the following examples regarding the possible inclusion on INT charts of seals of HO's that are not IHO Member States:
 - a. Correspondence with Baltic Sea (Region E) ICCWG coordinator over a non-Member State seeking to publish an INT chart.
 - b. A FR-produced INT chart off Benin and Togo, West Africa. As producer, FR added the seals of both nations, neither of which are MS. Is this an exception or are there other examples (e.g. Madagascar, Cote d'Ivoire)? Is this a problem?

Analysis / Discussion

4. When using the IHO seal in a chart, this should only be with the authority of an IHO Member State which can reasonably claim part ownership and adherence to IHO standards (that is, of an organisation of which it is a member). If not a MS, the seal is being used to imply an authority which the producer organisation is not empowered to claim. This stance was discussed and agreed with IHB.
5. In showing a seal on a chart, there is likely to be an implied assurance given to the user that the chart is official and issued on behalf and under the control of

that organisation. But what role do these organisations have in the chart's content, construction and assurance? In addition to the existing provisions (e.g. copyright notices, Sources diagram references, title block acknowledgements) and where specifically justified, an additional seal *may* be appropriate in circumstances such as:

- a. The nation or organisation has supplied source data upon which it can reasonably assert ownership.
- b. The nation or organisation claims copyright and /or IPR (intellectual property rights) on content.
- c. The nation or organisation has contributed some degree of quality control or quality assurance in the chart's construction.

Conclusions

6. The use of the IHO seal in charts should only be used by producers who are MS of the IHO. This 'control' should also extend to the use of the INT chart concept and numbering system. Therefore, 3a above is not acceptable.
7. A chart producer which is a MS of the IHO may include another HO's seal in its charts even if that HO is not a MS, provided it has reasonable justification for doing so. Therefore, 3b above may be acceptable where specifically justified (e.g. in the cases at 5 above).

Recommendations

8. To confirm the Chairman's conclusions above.

Justification and Impacts

9. To maintain the official nature of charts, the quality assurance provided to the chart user, and the protection and control of the IHO's standards and 'brand credibility'.

Action required of CSPCWG

The CSPCWG is invited to:

Endorse this position (or advise otherwise)

Agree the conclusions; and where they should be recorded (e.g. S-4 B-241.1, 241.2(I)).

Paper for Consideration by CSPCWG

CSPCWG’s technical ‘standards’: should their application be monitored?

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| Submitted by: | Chairman |
| Executive Summary: | S-4 (and other documents) are listed as IHO technical ‘standards’. Should adherence and compliance with these standards be monitored? If so, who should undertake the task and by what procedures? |
| Related Documents: | IHO TR2/2007 |
| Related Projects: | Developments in ENC community to improve consistency |

Introduction / Background.

1. IHO TR2/2007 was approved by Circular Letter CL50/2011 (following CLs 24/2011 and 37/2011). Extract from M-3:

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| <p>PRINCIPLES AND PROCEDURES FOR MAKING CHANGES TO IHO TECHNICAL STANDARDS AND SPECIFICATIONS</p> | <p>2/2007</p> | <p>CL50/2011</p> | <p>A1.21</p> |
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1. Scope

1.1 These principles and procedures are intended to be applied to all proposals for changes to IHO technical standards and for new work items that will require significant resources to resolve or will potentially impact on those who need to apply the standards. They are not intended for IHO publications, catalogues or supporting documentation of a guidance, general or non-technical nature.

1.2 Any reference to “standards” in these principles and procedures follows the ISO/IEC definitions for *standard* and *guide* and may therefore also include some IHO “specifications” and “guidelines” as appropriate*. IHO Product Specifications are considered to be standards.

* ISO/IEC Directives, Part 2 - Rules for the Structure and Drafting of International Standards defines a standard as... *a document, established by consensus and approved by a recognized body, that provides for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context.*

2. CL87/2010 Annex C lists S-4, S-11 Part A and S-49 as ‘standards’ and CSPCWG as the responsible IHO custodian body.
3. CSPCWG develops and agrees the specifications, which are then approved by IHO MS before implementation. MS apply and interpret them for their own use, as required.
4. CSPCWG’s Terms of Reference (paragraph 3.a) provide for the Chairman to:

iv. Advise the IHB and Regional Hydrographic Commissions, as appropriate, on the work of International Charting Coordination Working Groups (ICCWG) or Regional Charting Groups (RCG) in order to promote the production of international (INT) charts. The role of the WG is purely consultative.

v. Offer advice based on its experience to ICCWG/RCG and individual Member States, on chart schemes and cartographic work, in order to strongly encourage adherence to IHO charting specifications. The role of the WG is purely consultative.

5. At one time, IHB reviewed newly published INT charts. It is understood that this is no longer done.
6. In the ENC producer community, there is increasing concern over variability in respect of presentation to the mariner. Are there any parallels applicable to paper charts?

Analysis / Discussion.

7. In accordance with its Terms of Reference (see above), advice is supplied on request, to both individual MS and ICCWG/RCG coordinators. However, there is no review of how CSPCWG's standards have been applied, the degree of conformance to those standards or, indeed, the opportunity for feedback to chart producers – including where modifications may be appropriate in the standard. We do not usually receive any confirmation whether specific advice provided has been followed and implemented in the particular charts produced. These standards include:
 - a. S-4 in terms of the standardization of presentation and cartographic conventions
 - b. S-11 Part A in terms of the concepts and application of IHO INT Charts and schemes
 - c. S-49 in terms of the content and standardization of Mariners' Routeing Guides (of very limited application, to date).
8. In pursuing the concept of continuous improvement, and possibly capacity building, is this lack of feedback a potential flaw?
9. Is there a need to protect and 'guard' the community standard which, in the example of an INT Chart, carries the IHO crest (seal)?
10. Perhaps a useful analogy is to a code (eg UK's 'Highway Code' for driving standards, see Annex) which describes *good practice* and what *should* be done? In this case, might divergence from the standard increase the producer's risk of product liability in the event of an incident?
11. **If** there is a role for CSPCWG (& TSMAD) as owner in monitoring its standards:
 - a. what degree of 'quality control' may be applicable?
 - b. how might it operate?
 - c. what measures could be determined?
 - d. what degree of tolerance may be reasonable?
12. Alternatively, many HOs have a 'standards' function within their organization to oversee national standards in their chart products. Is there any merit in sharing

this experience and collaborating more formally or does CSPCWG act sufficiently well to address this?

13 . Or, should this matter be left entirely to the discretion of MS, as currently?

Conclusions. None

Recommendations. None

Justification and Impacts.

To open a CSPCWG discussion on the subject.

To seek views on whether there is a need for a new approach to improve standardization in charts provided to the mariner.

If adopted for further investigation, the task will need to be prioritized within the Work Plan and resources allocated to determine a way ahead. And subsequently, to implementing any agreed actions.

Action required of CSPCWG. CSPCWG is invited to advise the Chairman.

Extract from the Introduction to UK's Highway Code

Many of the rules in the Code are legal requirements, and if you disobey these rules you are committing a criminal offence. You may be fined, given penalty points on your licence or be disqualified from driving. In the most serious cases you may be sent to prison. Such rules are identified by the use of the words '**MUST/MUST NOT**'.

Although failure to comply with the other rules of the Code will not, in itself, cause a person to be prosecuted, The Highway Code may be used in evidence in any court proceedings under the Traffic Acts (see 'The road user and the law') to establish liability. This includes rules which use advisory wording such as 'should/should not' or 'do/do not'.