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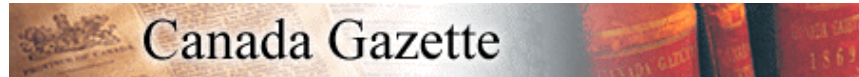
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Vol. 138, No. 13 — March 27, 2004

## Regulations Amending the Charts and Nautical Publications Regulations, 1995

*Statutory Authority**Canada Shipping Act**Sponsoring Department*

Department of Transport

### REGULATORY IMPACT ANALYSIS STATEMENT

For the Regulatory Impact Analysis Statement, see [Navigation Safety Regulations](#).

### PROPOSED REGULATORY TEXT

Notice is hereby given, pursuant to subsection 562.12(1) ([see footnote a](#)) of the *Canada Shipping Act*, that the Governor in Council, pursuant to section 314 ([see footnote b](#)) and subsection 562.1(1) ([see footnote c](#)) of that Act and subparagraph 12(1)(a)(ii) of the *Arctic Waters Pollution Prevention Act*, proposes to make the annexed *Regulations Amending the Charts and Nautical Publication Regulations, 1995*.

Ship owners, masters, seamen and other interested persons may make representations with respect to the proposed Regulations to the Minister of Transport within 90 days after the



date of publication of this notice. All such representations must be in writing and cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be sent to Robert Turner, Manager, Navigation Safety and Radio Communication, Ships and Operations Standards, Marine Safety, Department of Transport, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario K1A 0N8. (Tel.: (613) 991-3134; fax: (613) 993-8196; e-mail: turnerr@tc.gc.ca)

Ottawa, March 23, 2004

EILEEN BOYD  
*Assistant Clerk of the Privy Council*

**REGULATIONS AMENDING THE CHARTS  
AND NAUTICAL PUBLICATIONS  
REGULATIONS, 1995**

AMENDMENTS

**1. (1) Section 2 of the *Charts and Nautical Publication Regulations, 1995* ([see footnote 1](#)) is renumbered as subsection 2(1) and is amended by adding the following in alphabetical order:**

"competent authority" means

- (a) a government that is a party to the Safety Convention;
- (b) a society or association for the classification and registry of ships recognized by a government referred to in paragraph (a); and
- (c) a testing establishment recognized by the Minister or by a government referred to in paragraph (a) as able to determine whether equipment meets the standards referred to in subsection 9(1) or paragraph 10(1)(a), as the case may be. (*autorité compétente*)

"ECDIS" means an electronic chart display and information system; (*SVCEI*)

"ENC" means an electronic navigational chart database that

- (a) is standardized as to content, structure and format,
- (b) is issued for use with an ECDIS on the authority of the Canadian Hydrographic Service or a hydrographic office authorized by the government of a country other than Canada,

and

(c) contains all the chart information necessary for safe navigation; (*CEN*)

"IMO" means the International Maritime Organization; (*OMI*)

"Minister" means the Minister of Transport; (*ministre*)

"RCDS" means a raster chart display system; (*RCDS*)

"RNC" means the raster navigational chart that is used in an RCDS and is a facsimile of a paper chart issued on the authority of the Canadian Hydrographic Service or a hydrographic office authorized by the government of a country other than Canada; (*RNC*)

**(2) Section 2 of the Regulations is amended by adding the following after subsection (1):**

(2) A reference to a class of home-trade or inland voyage is a reference to that class as defined in the *Home-Trade, Inland and Minor Waters Voyages Regulations*.

(3) For the purpose of interpreting a document incorporated by reference into these Regulations, "should" shall be read to mean "shall".

(4) Unless otherwise indicated in these Regulations, any reference in these Regulations to a document is a reference to the document as amended from time to time.

**2. Section 4 of the Regulations is amended by adding the following after subsection (2):**

(3) If a ship is making a foreign voyage, a home-trade voyage, Class I, II or III, or an inland voyage, Class I, the master and the owner of the ship shall have on board and make readily available to the person in charge of the navigation of the ship an illustrated table of life-saving signals for use by ships and persons in distress when communicating with life-saving stations, maritime rescue units or aircraft engaged in search and rescue operations.

(4) If a Canadian ship is of 150 tons or more, the master and the owner of the ship shall have on board and make readily available to the person in charge of the navigation of the ship the *International Aeronautical and Maritime Search and Rescue Manual, Volume III, Mobile Facilities*, published by the IMO.

**3. (1) The portion of subsection 5(1) of the Regulations before paragraph (b) is replaced by the following:**

5. (1) Subject to subsection (2), in order to plan and display a ship's route for an intended voyage and to plot and monitor positions throughout the voyage, the person in charge of the navigation of the ship shall use the most recent edition of a chart that

(a) is issued officially by or on the authority of the Canadian Hydrographic Service or the government or an authorized hydrographic office or other relevant government institution of a country other than Canada;

**(2) Section 5 of the Regulations is amended by adding the following after subsection (2):**

(3) The chart may be in electronic form only if

(a) it is displayed on an ECDIS that complies with sections 9 and 13; and

(b) the ECDIS

(i) in waters for which an ENC is available, is operated using the ENC,

(ii) in waters for which an ENC is not available, is operated in the RCDS mode using an RNC,

(iii) when the ECDIS is operating in the RCDS mode, is used in conjunction with paper charts that meet the requirements of subsections (1) and (2), and

(iv) is accompanied by a back-up arrangement that complies with sections 10 and 13.

**4. Subsection 6(3) of the Regulations is replaced by the following:**

(3) The documents and publications referred to in paragraphs (1)(c) and (2)(c) may be replaced by similar documents and publications issued officially by or on the authority of an authorized hydrographic office or other relevant government institution of a country other than Canada, if the information contained in them that is necessary for the safe navigation of a ship in the area in which the ship is to be navigated is as complete, accurate, intelligible and up-to-date as the information contained in the documents and publications referred to in those paragraphs.

**5. The Regulations are amended by adding the following**

**after section 7:**

*ECDIS and Back-up Arrangements*

**8.** The owner of every ship on which an ECDIS is fitted shall ensure that sections 9 to 13 are complied with.

*ECDIS*

**9.** Every ECDIS shall meet the performance standards set out in the annex to IMO Resolution A.817(19), *Performance Standards for Electronic Chart Display and Information Systems (ECDIS)* or other performance standards that the Minister determines provide a level of safety that is equivalent to or higher than that of those standards.

*Back-up Arrangements for an ECDIS*

**10.** (1) The back-up arrangement for an ECDIS shall

(a) consist of a separate and independent system that meets the performance standards in respect of back-up arrangements set out in the annex to IMO Resolution A.817(19), *Performance Standards for Electronic Chart Display and Information Systems (ECDIS)*, or other performance standards that the Minister determines provide a level of safety that is equivalent to or higher than that of those standards;

(b) if the ship makes only inland voyages or minor waters voyages, consist of a separate and independent system that meets the standards for an electronic chart system intended for a Class I vessel set out in *RTCM Recommended Standards for Electronic Chart Systems (ECS)*, version 3.0, published by the Radio Technical Commission For Maritime Services;

(c) until May 1, 2006, if the ship makes only inland voyages or minor waters voyages, consist of a precise navigation system that is recognized by the Canadian Coast Guard before July 1, 2002 as meeting the interim standard for precise navigation systems that is set out in the Canadian Coast Guard's *Standard for ECDIS and DGPS* and that is capable of displaying the charts described in subsection 5(1); or

(d) consist of paper charts that meet the requirements of subsections 5(1) and (2) if

(i) navigational conditions are such that the use of the paper charts will enable a safe takeover of the ECDIS function,

(ii) failure of the ECDIS will not result in a critical

situation, and

(iii) the ship's voyage has been planned and the position is being plotted on the paper charts at intervals that will allow a safe and immediate takeover in the event of an ECDIS failure.

(2) The back-up arrangements referred to in paragraphs (1)(a) to (c) shall

(a) be connected to a separate and independent position-fixing system that provides continuous position information and meets the requirements of the *Navigation Safety Regulations*;

(b) be connected to the ship's main and emergency sources of electrical power;

(c) be provided with an emergency source of electrical power providing uninterrupted transitional power for a period of not less than 30 minutes;

(d) have the chart database and voyage plan loaded before commencement of the voyage; and

(e) be operating simultaneously with the ECDIS when the ship is operating in confined waters.

#### *Type-Approval*

**11.** (1) The ECDIS and the back-up arrangement referred to in paragraph 10(1)(a) or (b) that are fitted on a ship shall be type-approved by a competent authority as meeting the standards referred to in section 9 or paragraph 10(1)(a) or (b), as the case may be.

(2) The type-approval of the ECDIS and the back-up arrangement referred to in paragraph 10(1)(a) shall be in accordance with

(a) testing standard IEC 61174 of the International Electrotechnical Commission, entitled *Maritime navigation and radiocommunication equipment and systems — Electronic chart display and information system (ECDIS) — Operational and performance requirements, methods of testing and required test results*, or

(b) if the Minister determines that another testing standard provides a level of safety that is equivalent to or higher than that of that standard, the other testing standard.

(3) Proof of the type-approval shall be carried on board the ship

and be in the form of either of the following that is issued by the competent authority:

(a) a label that is securely affixed to the ECDIS or the backup arrangement, as the case may be, in a readily visible location; or

(b) a document that is kept in a readily accessible location on the ship.

(4) If the proof is issued in a language other than English or French, it shall be accompanied by an English or French translation.

#### *Electrical Installation Standards*

**12.** The ECDIS and the back-up arrangements referred to in paragraphs 10(1)(a) to (c) shall meet the applicable electrical installation standards in sections 3.10, 3.12, 3.14, 4.1, 4.3, 4.4, 15.6, 15.7, 15.11.2, 15.11.3, 52.1 to 52.4, 54.2 to 54.4 and 58.1 to 58.3 of *Ship Electrical Standards*, TP 127, published by the Department of Transport.

#### *Quality Control*

**13.** The ECDIS and the back-up arrangement referred to in paragraph 10(1)(a) or (b) that are fitted on a ship on or after July 1, 2002

(a) must have been manufactured by a manufacturer that has a quality control system in place audited by a competent authority to ensure continuous compliance with the type-approval conditions; or

(b) before being fitted on the ship, must have been certified as being in accordance with the type-approval by a competent authority that has used final product verification procedures.

#### *Safe Navigation and Avoidance of Dangerous Situations*

**14.** (1) The master of a ship shall ensure, before proceeding to sea, that the intended voyage has been planned using the most recent editions of the charts, documents and publications that are required to be used under sections 5 and 6 and that account has been taken of the annex to IMO Resolution A.893(21), *Guidelines for Voyage Planning*.

(2) When making the plan, the master shall identify a route that

- (a) takes into account any relevant routing systems;
- (b) ensures sufficient sea room for the safe passage of the ship throughout the intended voyage;
- (c) anticipates all known navigational hazards and adverse weather conditions; and
- (d) takes into account any marine environmental protection measures that apply and avoids, as far as possible, actions and activities that could cause damage to the environment.

**15.** (1) No owner, charterer or operator of a ship, or any other person shall prevent or restrict the master of the ship from taking or executing any decision that, in the master's professional judgment, is necessary for safe navigation and the protection of the marine environment.

(2) This section does not apply to ships referred to in section 1.2 of Regulation 1 of Chapter V of the Safety Convention.

**6. Sections 2 to 5 of the Schedule to the Regulations are replaced by the following:**

1. If the ship is a Canadian ship required to be fitted with radio equipment and making a foreign voyage or a home-trade voyage, Class I or II, or a Safety Convention Ship, the following documents, published by the IMO:

(a) the *International Code of Signals*; and

(b) the *IMO Standard Marine Communication Phrases*.

2. *Ice Navigation in Canadian Waters*, published by the Department of Fisheries and Oceans, if the ship is making a voyage during which ice may be encountered.

COMING INTO FORCE

**7. These Regulations come into force on the day on which they are registered.**

[13-1-o]

[Footnote a](#)

R.S., c. 6 (3<sup>rd</sup> Supp.), s. 78

[Footnote b](#)



R.S., c. 6 (3<sup>rd</sup> Supp.), s. 35

[Footnote c](#)

R.S., c. 6 (3<sup>rd</sup> Supp.), s. 78

[Footnote 1](#)

SOR/95-149

**NOTICE:**

The format of the electronic version of this issue of the Canada Gazette was modified in order to be compatible with hypertext language (HTML). Its content is very similar except for the footnotes, the symbols and the tables.



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