

12th CHRIS MEETING
Valparaiso, Chile, 23-25 October 2000

DISTRIBUTION OF ENCS BY MEANS OF SENC DISTRIBUTION
(Comments to CHRIS/12/7A Rev 1 by Denmark)

Denmark has studied the proposals in CHRIS/12/7A Rev 1 and cannot support the proposal at this time.

Denmark fully supports the views of Finland and Sweden as expressed in document CHRIS/12/7B.

The further reasoning behind the Danish position in addition to the reasoning described in CHRIS/12/7B is argued in the following.

1. Introduction

The technical details of the issue of SENC versus ENC distribution was debated at length at the 11th CHRIS meeting and is examined and discussed in detail in doc CHRIS/12/7A Rev1.

The findings of the paper showing discrepancies in the various wordings of the documents of the IHO and the IMO are well argued, and no matter what the final outcome of the debate the documentation will need some adjustment.

However from the Danish point of view the main issue is not a matter of wording or what is technically possible. The issue is a matter of principle, the principle of what the individual nation represented by its maritime safety agency will accept and consequently what the national HO of the individual nation will accept.

2. The Danish position

The Danish position can be described briefly: Denmark wish to control the distribution of the ENC until the ENC arrives under the control of the end user.

The means to achieve this control chosen by Denmark is the co-operation with other European HOs through PRIMAR. The choice of PRIMAR to choose to implement encryption is a result of the demand of the HOs co-operating with PRIMAR that encryption must be employed, the Danish HO being one of the HOs putting forward the demand.

Why have we arrived at that position?

Simply through some rather bad experiences with entering into contractual relationships. As pointed out in CHRIS/12/7A Rev 1 section 4.3 1st bullet:

QUOTE The procedures the distributor has to following order to maintain security can be made subject to the terms of contract. The HOs necessarily must trust in the distributor's will to strictly adhere to the contract.... UNQUOTE

The laws of the market forces will drive organisations operating under them to test the limits. Those who get it wrong perish. Those who get it right survive.

The Danish HO is obliged by the government to treat all entities with which the HO has dealings equally under equal conditions. Following from the bad experiences that contractual bindings are not always sufficient, the Danish HO has arrived at the conclusion that in the case of ENC distribution encryption must be employed in order to control the deliverance of the ENC to the end user.

The very fact that IMO exists reflect the belief of governments that the nature of shipping is posing to high a risk to be left to be settled by market forces alone.

It has been argued that insurance can be bought to pay for environmental damage caused by a shipping accident. However, Denmark firmly believes that it is better to seek to avoid marine accidents rather than pay for the damage caused by one.

There are undoubtedly private sector chart producers which have high standards but unfortunately not all of them. Following on from the statement above that all entities must be offered identical terms under identical conditions it is the lowest standards that set the requirements of control that is imposed.

3. Necessary actions.

To progress the matter further, Denmark would like to see the following actions taken in order to get a better view of the opinions of relevant parties to this debate.

Firstly the opinion of the IMO on the matter should be sought. Is the IMO happy with the suggested line of thinking behind the SENC distribution?

Secondly the opinions of the national maritime safety agencies must be sought. Can be part of the query to IMO.

Thirdly the opinions of OEMs, pilots associations and mariners associations should be surveyed.

And finally the IHO MS opinions should be surveyed by means of circular letter.

4. Conclusion

Denmark cannot at the present time support the proposal to change the IHO documentation to cater for SENC distribution. The matter needs to be studied in more depth by involving other relevant bodies in the discussion before a recommendation is made.

Due to the principal nature of the matter the final decision must be made by the IHO MS by means of circular letter, and Denmark recommends that this decision is sought via a common WEND – CHRIS proposal to the MS.

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