



ON THE VESSEL MONITORING SYSTEM (VMS) PROGRAMME

SUBMITTED BY: UNITED KINGDOM(OT) & SEYCHELLES, 27 MARCH 2015

Explanatory Memorandum

This proposal updates Resolution 06/03 on establishing a vessel monitoring system programme to:

- In Paragraph 1, make it consistent with other IOTC CMMs whereby this Resolution now applies to all vessels registered on the IOTC Record of Vessels which operate in the IOTC Area and which fish outside their national fisheries jurisdiction for species covered by the IOTC Agreement. This fulfils the requirements of Recommendation 116 of the Eleventh Session of the Compliance Committee IOTC–2014–CoC11–R[E] (see below)
- In Paragraph 1bis, to apply the obligation to all relevant vessels >12m LOA fishing inside a relevant EEZ.
- In Paragraph 1ter, to define a timeframe for implementation of VMS and to require submission of an implementation plan to IOTC by any CPCs that do not yet have a VMS system for the additional vessels that now meet the criteria for inclusion in the VMS obligation and that are already on the authorised fishing vessel list. No new vessels will be added to the AFV and thus permitted to fish outside their EEZ, unless they are fully compliant with the VMS obligations.
- In Paragraph 8, to remove the reference to an elapsed timeframe
- In paragraph 12 to indicate this supersedes Resolution 06/03.

Track changes show the proposed revisions. Otherwise the text is unchanged from Resolution 06/03.



RESOLUTION 15/XX06/03
ON ~~ESTABLISHING A~~ THE VESSEL MONITORING SYSTEM (VMS) PROGRAMME

Keywords: Vessel Monitoring System (VMS);

The Indian Ocean Tuna Commission (IOTC),

TAKING NOTE of the results of the Intersessional Meeting on an Integrated Control and inspection scheme, held in Yaizu, Japan, from 27 to 29 March, 2001;

RECOGNISING the value of satellite-based Vessel Monitoring Systems (VMS) for the Commission's conservation and management programmes, including compliance;

RECOGNISING IOTC Resolution 02/02 [superseded by Resolution 06/03 and subsequently by Resolution 15/XX] which called for the adoption of a pilot satellite-based vessel monitoring system (VMS) by 1st January 2004;

TAKING NOTE that the Resolution 02/02 [superseded by Resolution 06/03 and subsequently by Resolution 15/XX] has allowed the progressive incorporation of these systems to accommodate Contracting Parties that lack sufficient capacity for immediate implementation at a national level;

RECOGNISING that this Resolution 02/02 [superseded by Resolution 06/03 and subsequently by Resolution 15/XX] provides a process for developing States of the region to build the capacity to implement this Resolution;

AWARE that many Parties have established VMS systems and programmes for their fleets and that their experience may be very helpful in supporting the conservation and management programmes of the Commission;

ADOPTS in accordance with the provisions of Article IX paragraph 1 of the IOTC Agreement, that:

1. Each Contracting Party and Cooperating Non-Contracting Party (CPC) shall adopt a satellite-based vessel monitoring system (VMS) for all vessels flying its flag greater than 15 metres in length overall registered on the IOTC Record of Vessels which operate in the IOTC Area and which fish on the high seas (outside their national fisheries jurisdiction of any coastal state) for species covered by the IOTC Agreement by 1 July 2007.

1 bis Each Contracting Party and Cooperating Non-Contracting Party (CPC) shall also adopt a satellite-based vessel monitoring system (VMS) for all vessels flying its flag that are greater than 12 meters in length overall, registered on the IOTC Record of Vessels and/or fish species covered by the IOTC Agreement, and fish exclusively in their EZZ, where this is within the IOTC area of competence.

1.ter In respect of vessels already registered on the IOTC Record of Vessels, those CPCs currently without a VMS for any additional vessel now meeting the criteria for inclusion in the VMS obligation since Resolution 06/03 was superseded, as defined in paragraphs 1 and 1 bis above, shall submit an implementation plan to the Compliance Committee in April 2016 that sets out a phased approach to full implementation of their national VMS obligation within a maximum of 3 years, i.e. by April 2019, with at least 50% of all qualifying vessels compliant by September 2017. Any vessel not compliant with the VMS obligation by April 2019 shall be removed from the IOTC Record of Vessels. With immediate effect, CPCs shall not add any new vessels to the IOTC Record of Vessels unless they are already fully compliant with the requirements of paragraph 1.

2. The Commission may establish guidelines for the registration, implementation and operation of VMS in the IOTC Area with a view to standardising VMS adopted by CPCs.

3. Information collected shall include:

- a) the vessel identification;
 - b) the current geographical position of the vessel (longitude, latitude) with a position error which shall be less than 500 metres, at a confidence level of 99%; and
 - c) the date and time (expressed in UTC) of the fixing of the said position of the vessel.
4. Each CPC shall take the necessary measures to ensure that their land-based national Fisheries Monitoring Center (FMC) receives through the VMS the information required in paragraph 3, and that the FMC is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Each CPC shall provide for backup and recovery procedures in case of system failures.
 5. Each CPC shall ensure that the information in paragraph 3 is transmitted to the FMC at least once every 4 hours. Each CPC shall ensure the masters of fishing vessels flying its flag ensure that the satellite tracking device(s) are at all times fully operational.
 6. Each CPC as a Flag State shall ensure that the vessel monitoring device(s) on board its vessels are tamper resistant, that is, are of a type and configuration that prevent the input or output of false positions, and that they are not capable of being over-ridden, whether manually, electronically or otherwise. To this end, the on-board satellite monitoring device must:
 - a) be located within a sealed unit; and
 - b) be protected by official seals (or mechanisms) of a type that will indicate whether the unit has been accessed or tampered with.
 7. The responsibilities concerning the satellite-tracking devices and requirements in case of technical failure or non-functioning of the satellite-tracking devices are established in **Annex I**.
 8. ~~Until 1 July 2008, f~~ishing vessels referred to in paragraph 1 which are not yet equipped with VMS shall report to their FMC at least daily by email, facsimile, telex, telephone message or radio. Such reports must include, inter alia, information required in paragraph 3 when transmitting the report, to their competent authorities, as well as:
 - a) the geographic position at the beginning of the fishing operation;
 - b) the geographic position at the end of the fishing operation.
 9. CPCs that cannot fulfil the obligations as outlined in this Resolution shall report to the IOTC Secretariat (i) the systems and infrastructure and capabilities existing with respect to the implementation this Resolution, and (ii) the hindrances for implementation of such a system and (iii) requirements for implementation.
 10. Each CPC shall provide to the IOTC Secretariat, by 30 June each year, a report on the progress and implementation of its VMS programme in accordance with this Resolution. The IOTC Secretariat shall compile reports prior to the annual Session of the Commission and present a report to the IOTC Compliance Committee. Based on these reports, the Commission will discuss how best to proceed with future consideration of VMS to support its Conservation and Management Measures.
 11. CPCs are encouraged to extend the application of this Resolution to their fishing vessels not provided for in paragraph 1 if they consider this to be appropriate to ensure the effectiveness of IOTC Conservation and Management Measures.
 12. Resolution ~~02/02-Relating to the Establishment of 06/03 On establishing a Vessel Monitoring System Pilot Programme~~ is superseded by this Resolution.



ANNEX I

RESPONSIBILITIES CONCERNING THE SATELLITE-TRACKING DEVICES AND REQUIREMENTS IN CASE OF TECHNICAL FAILURE OR NON-FUNCTIONING OF THE SATELLITE-TRACKING DEVICES

- A) In the event that a CPC has information to suspect that on-board vessel monitoring device(s) do not meet the requirements of paragraph 2, or have been tampered with, it shall immediately notify the IOTC Executive Secretary and the vessel's Flag State.
- B) Masters and owners/licensees of fishing vessels subject to VMS shall ensure that the vessel monitoring device(s) on board their vessels within the IOTC Area are at all times fully operational. Masters and owners/licensees shall in particular ensure that:
- VMS reports and messages are not altered in any way;
 - the antennae connected to the satellite monitoring device(s) are not obstructed in any way;
 - the power supply of the satellite monitoring device(s) is not interrupted in any way; and
 - the vessel monitoring device(s) are not removed from the vessel.
- C) A vessel monitoring device shall be active within the IOTC Area. It may, however, be switched off when the fishing vessel is in port for a period of more than one week, subject to prior notification to, and approval of, the Flag State, and if the Flag State so desires also to the IOTC Secretariat, provided that the first position report generated following the re-powering (activating) shows that the fishing vessel has not changed position compared to the last report.
- D) In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within one month. After this period, the master of a fishing vessel is not authorised to commence a fishing trip with a defective satellite tracking device. Furthermore, when a device stops functioning or has a technical failure during a fishing trip lasting more than one month, the repair or the replacement has to take place as soon as the vessel enters a port; the fishing vessel shall not be authorised to commence a fishing trip without the satellite tracking device having been repaired or replaced.
- E) In the event of a technical failure or non-functioning of the vessel monitoring device on board the fishing vessel, the master or the owner of the vessel, or their representative, shall communicate immediately to the FMC of the Flag State, and if the Flag State so desires also to the IOTC Secretariat, stating the time that the failure or the non-functioning was detected or notified in accordance with paragraph F of this Annex. In the event of a technical failure or non-functioning of the vessel monitoring device on board the fishing vessel, the master or the owner of the vessel, or their representative, shall also communicate to the FMC of the Flag State the information required in paragraph 3 of the Resolution every four hours, by email, facsimile, telex, telephone message or radio.
- F) When the Flag State has not received for 12 hours data transmissions referred to in paragraphs 5 of the Resolution and E of this Annex, or has reasons to doubt the correctness of the data transmissions under paragraphs 5 of the Resolution and E of this Annex, it shall as soon as possible notify the master or the owner or the representative thereof. If this situation occurs more than two times within a period of one year in respect of a particular vessel, the Flag State of the vessel shall investigate the matter, including having an authorised official check the device in question, in order to establish whether the equipment has been tampered with. The outcome of this investigation shall be forwarded to the IOTC Secretariat within 30 days of its completion.
- G) With regard to paragraphs E and F of this Annex, each CPC shall, as soon as possible but no later than two working days following detection or notification of technical failure or non-functioning of the vessel monitoring device on board the fishing vessel, forward the geographical positions of the vessel to the IOTC Secretariat, or shall ensure that these positions are forwarded to the IOTC Secretariat by the master or the owner of the vessel, or their representative.