

IOTC-2023-VMSWG06-03

**PROPOSED REVISION TO RESOLUTION 15/03
(LAST UPDATED AT VMSWG05)**

Date: 23 January 2023

The document has been last updated at the VMSG04 and VMSWG 05 which agreed the following:

Para 30: The VMSWG05 **AGREED** to defer discussions on the revisions of the Terms of Reference to determine extra costs related to infrastructure, staffing, and data security and the proposed amendments to Resolution 15/03 until after the special session of the VMSWG of 16 November 2022.

Para 34: The VMSWG05 **NOTED** the need to include relevant edits and comments from the legal scrubbing into the proposed amended Resolution 15/03.

The edits and comments from the legal scrubbing have been inserted as comments in this document for the consideration of the VMSWG.

Preamble [Changes yet to be discussed and agreed]

1. [New paragraph] The objective of the VMS is to support the Commission in ensuring implementing the IOTC Agreement, promote CPCs compliance with CMMs and to ensure sustainable fisheries. By providing accurate and reliable information on the location and activities of the vessels fishing those stocks, a secure, web-based, near real-time, user-friendly VMS will reinforce the Monitoring, Control and Surveillance mechanisms of the Commission and will:
 - a) Improve monitoring, control and surveillance capabilities of CPCs to ensure compliance with the IOTC Conservation and Management Measures;
 - b) Enhance the cooperation and coordination on monitoring, control and surveillance mechanisms in the IOTC Area between coastal, flag and inspecting CPCs;
 - c) Increase transparency among CPCs and the IOTC Secretariat, and promote a level playing field on the control of fishing activities relating to IOTC regulated stocks;
 - d) Prevent, detect and deter illegal, unreported and unregulated (IUU) fishing;
 - e) Obtain accurate, reliable and easily usable positioning data to be used for scientific research and fisheries management.
2. Each Contracting Party and Cooperating Non-Contracting Party (CPC) shall adopt a satellite-based vessel monitoring system (VMS) for all fishing vessels flying its flag of 12 metres in length overall or above, and listed in the IOTC Record of Authorised Vessels.
3. [Ex para 2 of 15/03] Those CPCs currently without a VMS for any additional vessel now meeting the criteria for inclusion in the VMS obligation since Resolution 15/03 was superseded, as defined in paragraph 2 above, shall submit an implementation plan to the

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Not sure. We would like clarification from the Secretariat on how this resolution is implemented by CPCs. Is the requirement to have VMS also include vessels engaged in related activities but not strictly fishing?

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For clarification, I propose to add the word of "Fishing".

Compliance Committee in [date] that sets out a phased approach to full implementation of their national VMS obligation within a maximum of two years from the date of this Resolution becoming binding. After this date, vessels not equipped with VMS shall not be authorized to fish for tuna and tuna like species managed by the IOTC.

4. [Ex para 4 of 15/03] The Commission may establish guidelines for the registration, implementation and operation of VMS in the IOTC area of competence with a view to standardising VMS adopted by CPCs.
5. [Ex para 5 of 15/03] Information collected **in respect of each vessel covered under paragraph 2** 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%;
 - c) the speed and direction of the vessel; and
 - d) the date and time (expressed in UTC) of the fixing of the said position of the vessel.
6. [Ex para 6 of 15/03] Each CPC shall take the necessary measures to ensure that their land-based national Fisheries Monitoring Centre (FMC) receives through the VMS the information required in paragraph 5, 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
7. [Ex para 7 of 15/03] Each CPC shall ensure that the information in paragraph 5 is transmitted to the IOTC Secretariat, either directly or through its FMC, at least once every [2 hours] when the vessels are operating in the IOTC Area of competence. 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.
8. [New paragraph] **Each CPC shall ensure that information is transmitted to the Secretariat, [in near real time] automatically, and that the information provided shall not be altered in any way. The information shall be provided either a) through the flag State FMC, or b) directly from the vessels.**
9. [Ex para 8 of 15/03] 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:
 - be located within a sealed unit;
 - be protected by official seals (or mechanisms) of a type that will indicate whether the unit has been accessed or tampered with;
 - be capable of providing specific automated reports when powered off or on; and**
 - be capable to providing automated reports when the antenna is obstructed~~blocked~~**
10. [New paragraph] In addition, each CPC as a flag State shall ensure that the vessel monitoring device(s) on board its vessels have the following capabilities:

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a flag State

be able to be programmed to provide automatic reports when the vessel enters or exits designated areas¹; and

be able to be remotely prompted to provide position reports outside of regular reporting intervals [note - may be low priority if short reporting intervals are agreed].

11. [Ex para 9 of 15/03] 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**.
12. [Ex para 10 of 15/03] Fishing vessels referred to in paragraph 2 and not already subject to Resolution 15/03, which are not yet equipped with VMS shall report to their FMC at least daily by email, facsimile, telex, telephone message or radio. This manual reporting shall be allowed for a maximum of [2] years from the date of this Resolution becoming binding, in accordance with paragraph 3. Such reports must include, inter alia, information required in paragraph 5 when transmitting the report, to their competent authorities, as well as:
- the geographic position at the beginning of the fishing operation;
 - the geographic position at the end of the fishing operation.
13. [Ex para 11 of 15/03] CPCs that wish to use the delayed implementation of VMS referred in paragraph 3 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.
14. [Ex para 12 of 15/03] The IOTC Secretariat shall prepare reports on the performance and operations of the VMS, including all details of potential CPC's compliance issues with the VMS prior to the meeting of the Commission and present it to the IOTC Compliance Committee. Based on these reports, the IOTC Compliance Committee will make recommendations to the Commission for improvements or modifications to the system, standards, specifications or procedures established to support the VMS. Commission will discuss how best to proceed with future consideration of VMS to support its Conservation and Management Measures.
- 15 [Ex para 13 of 15/03] CPCs are encouraged to extend the application of this Resolution to their fishing vessels not provided for in paragraph 2 if they consider this to be appropriate to ensure the effectiveness of IOTC Conservation and Management Measures.

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"Secretariat" shall be maintained.

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The original auxiliary verb shall be maintained.

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"Fishing" shall be maintained.

15 All requests for access to VMS data must be made to the Secretariat by a CPC via electronic means using the template in Annex II at least 5 days before the intended use.

- 16 [Upon request of a CPC, the Secretariat shall only provide VMS data without the permission of the Flag CPC for the exclusive purposes of:
- planning for active surveillance operations within 72 hours of the expected start of the operations;
 - active surveillance operations at sea;
 - supporting search and rescue activities undertaken by a competent Maritime Rescue Coordination Centre (MRCC) subject to the terms of an Arrangement between the Secretariat and the competent MRCC.]

¹ VMSWG03 **AGREED** this should be made optional or revised.

- 17 Where VMS data is provided by the Secretariat to a CPC under paragraph 16, the CPC shall only make data that is relevant to the planned or active surveillance operations at sea available to another Contracting Party and any other government officials where the CPCs designated authority deems it necessary.
- 18 CPCs shall ensure that such government officials keep the data confidential and only use the data for the purposes described in paragraph 16
- 19 CPCs shall be allowed to retain VMS data provided by the Secretariat for the purposes described in paragraph 16 a) and b) until 72 hours after the time that the active operation has concluded. CPCs shall submit a written confirmation to the Secretariat of the deletion of the VMS data immediately after the 72 hours' period.
- 20 CPCs requesting VMS data for the purposes described in paragraph 16 a) shall provide the Secretariat the geographic area of the planned surveillance activity. In this case, the Secretariat shall provide the most recent available VMS data for the notified geographic area at a specified point in time no more than 48 hours prior to the commencement of each surveillance activity. In the event that the planned surveillance activity does not proceed, the CPC shall notify the Secretariat and destroy the data, and confirm the data destruction to the Secretariat in writing, without delay. Regardless of whether the planned surveillance activity were conducted or not, the Secretariat shall notify the Flag CPC that the VMS data were provided to the CPC no later than 7 working days after the VMS data provision, and, if applicable, that they have received confirmation that the data have been destroyed.
- 21 The Secretariat shall provide VMS data to requesting CPCs for the purpose described in paragraph 16 b) for vessels detected during the active surveillance by a CPC and for all vessels within 100 n miles of the surveillance activity location for up to ten days prior to the surveillance activity. The Secretariat shall provide regular updates of VMS data to the CPC for the duration of the active surveillance. CPCs conducting the active surveillance activity shall provide the Secretariat and the Flag CPC with a report including the name of the vessel or aircraft on active surveillance activity. This information shall be made available without undue delay after the surveillance activities are complete.
- 22 For the purpose of paragraph 16 c), upon the request of a CPC, the Secretariat shall provide VMS data without the permission of the Flag CPC for the purposes of supporting search and rescue activities undertaken by a competent MRCC subject to the arrangement between the Secretariat and the competent MRCC, including in relation to the provision of VMS data to the requesting CPC, and the protection and destruction of that data.
- 23 Other than the purposes set out in paragraph 16, the Secretariat shall only provide VMS data to a requesting CPC or to the IOTC Scientific Committee and its subsidiary bodies where the VMS data relates to vessels flagged to CPCs that have provided prior written consent for the data to be shared.
- 24 CPCs may request VMS data for their own flagged vessels from the Secretariat.
- 25 All CPCs, the Secretariat, the IOTC Scientific Committee and its subsidiary bodies shall ensure the secure and confidential treatment of VMS data in their respective electronic data processing facilities, in particular where the processing involves transmission over a network.
- 26 The Commission shall consider data security and confidentiality provisions of the IOTC VMS and shall review the applicability and appropriateness of Resolution 12/02 Data confidentiality policy and procedures to VMS data security, confidentiality, management and use.

27 [\[Ex para 13 of 15/03\]](#) CPCs are encouraged to extend the application of this Resolution to their fishing vessels not provided for in paragraph 2 if they consider this to be appropriate to ensure the effectiveness of IOTC Conservation and Management Measures.

28 [Ex para 14 of 15/03] Resolution [15/03](#) *On establishing a Vessel Monitoring System Programme* is superseded by this Resolution.

ANNEX II

VMS Request – Surveillance

Surveillance activity details

<u>Patrol type</u> (Maritime, aerial, other)	
<u>Flag State</u>	
<u>Craft Name</u>	
<u>Contact point details:</u> (Name, position, agency and email)	
<u>Surveillance activity end date and time</u> (DD-MM-YYYY; UTC)	

<u>VMS data recipients</u>	
<u>Name, position, agency</u>	<u>Email</u>

Request for VMS data for planning

Request for VMS data for planning active surveillance operations

<u>Contact point details:</u> (Name, position, agency and email)	
<u>Start date of activity</u> (DD-MM-YYYY)	
<u>Start time of activity</u> (UTC)	
<u>IOTC Areas/sub-Areas/Geographic coordinates of planned activity</u>	

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 5, or have been tampered with, it shall immediately notify the IOTC Executive Secretary and the vessel's Flag State.
- B) CPCs shall require masters and owners/licensees of fishing vessels subject to VMS to ensure that the vessel monitoring device(s) on board their vessels within the IOTC area of competence 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) [No change proposed – although port State consent should be considered in approval to turn VMS off] A vessel monitoring device shall be active within the IOTC area of competence. 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 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. [In its consideration for giving approval the Flag State shall consult the Port State on any objections it might have and shall inform the IOTC Secretariat on any approval given.]
- 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]².
- 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 5 of the Resolution every four hours, by email, facsimile, telex, telephone message or radio.

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- F) When the Flag State has not received for 12 hours data transmissions referred to in paragraphs 7 of the Resolution and E of this Annex, or has reasons to doubt the correctness of the data transmissions under paragraphs 7 of the Resolution and E of this Annex, it shall as soon as possible notify the master or the owner or the representative thereof, and the manual reporting provisions in paragraph E shall commence immediately. 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) [No change proposed – but more real-time arrangements will be required for the provision of manual reports to the Secretariat once option 3 is implemented] 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.

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