

RESOLUTION 06/03

ON ESTABLISHING A VESSEL MONITORING SYSTEM PROGRAMME

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,

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

RECOGNIZING IOTC Resolution 02/02 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 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 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 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 the fisheries jurisdiction of any coastal state) for species covered by the IOTC Agreement by 1 July 2007.
2. The Commission may establish guidelines for the registration, implementation and operation of VMS in the IOTC Area with a view to standardizing 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, fishing 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 fulfill 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 Secretariat shall compile reports prior to the annual Session of the Commission and present a report to the 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 a Vessel Monitoring System Pilot Programme* is superseded by this Resolution.

RESOLUTION 06/03 - ANNEX 1

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 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:
- a) VMS reports and messages are not altered in any way;
 - b) the antennae connected to the satellite monitoring device(s) are not obstructed in any way;
 - c) the power supply of the satellite monitoring device(s) is not interrupted in any way; and
 - d) 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 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 authorized 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 authorized 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 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 Secretariat, or shall ensure that these positions are forwarded to the Secretariat by the master or the owner of the vessel, or their representative.