

CMM 2.06**Conservation and Management Measure for the Establishment of the Vessel Monitoring System in the SPRFMO Convention Area**

The Commission of the South Pacific Regional Fisheries Management Organisation;

Recalling the relevant provisions of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, in particular Articles 25 (1)(c) and 27 (1)(a);

Noting the importance of the vessel monitoring system as a tool to effectively support the principles and measures for the conservation and management of fisheries resources within the Convention Area;

Mindful of the rights and obligations of Commission Members and Cooperating Non-Contracting Parties (CNCPS) in promoting the effective implementation of conservation and management measures adopted by the Commission;

Further mindful of the key principles upon which the vessel monitoring system is based, including the confidentiality and security of information handled by the system, and its efficiency, cost-effectiveness and flexibility.

Adopts the following conservation measure to provide for the implementation of the SPRFMO Vessel Monitoring System (Commission VMS):

A SPRFMO COMMISSION VMS

1. The system shall commence to be activated at a date to be decided by the Commission and shall cover the area of the Convention as defined in Article 5 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean and have a buffer zone of 100 nautical miles outside the Convention area.

DEFINITIONS

2. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:

- a. "Convention" means the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean;
- b. "Convention Area" means the Area to which this Convention applies in accordance with Article 5;
- c. "Commission" means the Commission of the South Pacific Regional Fisheries Management Organisation established by Article 6;
- d. Automatic Satellite Position Device/Automatic location communicator (ALC) means a near real-time satellite position fixing transceiver

PURPOSE

3. The purpose of the SPRFMO Commission Vessel Monitoring System (VMS) should be to cost-effectively continuously monitor the movements of fishing vessels authorized by flag States to fish in the SPRFMO Convention Area in order, *inter alia*, to support the implementation of SPRMO Conservation Measures.

APPLICABILITY

4. The SPRFMO Commission VMS system shall apply to all fishing vessels as defined in Article 1, paragraph 1(h) of the Convention. The system shall be operating on permanent basis.

5. Any Member or CNCP may request, for the Commission's consideration and approval; that waters under its national jurisdiction be included within the area covered by the Commission VMS. Necessary expenses incurred in the inclusion of such area into the Commission VMS shall be borne by the Member or CNCP that made the request.

NATURE AND SPECIFICATION OF THE COMMISSION VMS

6. The SPRFMO Commission VMS shall be developed and administered by the SPRFMO Secretariat under the guidance of the Commission.

7. Data collected by the SPRFMO Commission VMS will be securely stored and used by the Members and CNCPs to achieve compliance with Conservation and Management Measures (CMMs). VMS data may also be used by the Scientific Committee for analysis to support specific scientific advice requested by the Fisheries Commission for sound fisheries management decision-making in the Convention Area.

8. In accordance with Articles 25 (1)(c) and 27 (1)(a) of the Convention, in establishing the VMS under this CMM, the Commission, after analysing costs, compliance objectives as well as technical and other factors, will determine whether vessels shall report VMS data automatically by one or more of the following means:

- a) To the Secretariat via their flag State's Fisheries Monitoring Centre (FMC)
- b) Directly to the Secretariat; or
- c) Simultaneously to both the Secretariat and via their flag State's FMC.

9. The Commission shall develop rules and procedures for the operation of the SPRFMO Commission VMS taking into account the provisions of Annex 1, including, *inter alia*:

- a. vessel reporting, including the specifications of the data required, its format and reporting frequencies;
- b. ALCs minimum standards, including automation standards and the specifications of the ALCs;
- c. rules on polling;
- d. ALC failure alternates;
- e. cost recovery;
- f. cost sharing;
- g. measures to prevent tampering;

- h. obligations and roles of fishing vessels, Members, CNCPs and the Commission Secretariat, and
- i. Use and release of data for purposes within scope of the Convention.

10. Security standards of the SPRFMO Commission VMS data shall be developed by the Commission, consistent with confidentiality provisions of the Data Standards CMM 2.02.

11. All Member and CNCP fishing vessels required to report to the SPRFMO Commission VMS shall use a functioning ALC that complies with the Commission's minimum standards for ALCs.

MANUAL REPORTING

12. In the event of failure of automatic reporting, the Commission shall develop clear guidelines and templates for manual reporting.

13. In the event that the Secretariat has not, for 48 consecutive hours, received the relevant data transmissions, it will notify the Flag State.

14. After two years of implementation, the Commission shall conduct a review of the implementation of this CMM considering its efficiency and effectiveness and consider further improvements to the system as required.

Annex 1**Draft Minimum Standards for Automatic Location Communicators (ALCs)
used in the Commission Vessel Monitoring System**

1. The ALC shall automatically and independently of any intervention on the vessel communicate the following data:
 - a. ALC static unique identifier;
 - b. the current geographical position (latitude and longitude) of the vessel;
 - c. the date and time (expressed in Universal Time Constant [UTC]) corresponding to the position of the vessel in paragraph 1 (b);
 - d. the course and speed of the vessel.
2. The data referred to in paragraphs 1 (b), (c) and (d) shall be obtained from a satellite-based positioning system.
3. ALCs fitted to fishing vessels must be capable of transmitting data at an interval to be defined by the Commission.
4. The data referred to paragraph 1 shall be received by the Commission within an interval determined by the Commission.
5. ALCs fitted to fishing vessels must be protected so as to preserve the security and integrity of data referred to in paragraph 1.
6. Storage of information within the ALC must be safe, secure and integrated under normal operating conditions.
7. The flag state shall ensure that its FMC receives VMS positions at least with the frequency adopted according to this CMM and shall be able to request the VMS information at a higher frequency. The FMC shall have the capacity of polling the information of each of its fishing vessel authorized in the SPRFMO Convention area.
8. It shall be prohibited to destroy, damage, render inoperative or otherwise interfere with the ALC unless the competent authorities of the Flag State have authorised its repair or replacement.
9. Any features built into the ALC or terminal software to assist with servicing shall not allow unauthorized access to any areas of the ALC that could potentially compromise the operation of the VMS.
10. ALCs shall be installed on vessels in accordance with their manufacturer's specifications and applicable standards.
11. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 square metres.
12. The ALC and/or forwarding service provider must be able to support the ability for data to be sent to multiple independent destinations.
13. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.