



CCSBT-CC/1710/09

Consolidation and Revision of CCSBT's Two VMS Resolutions

1. Introduction

CCSBT currently has two complimentary Vessel Monitoring System (VMS) Resolutions in force:

- the “Resolution on the development and implementation of a Vessel Monitoring System” (2006), and
- the “Resolution on Establishing the CCSBT Vessel Monitoring System (2008).

CC11 directed Members and the Secretariat to review these two VMS Resolutions prior to CC12¹. To date, the Secretariat has not received any Member comments/proposals, and therefore only the Secretariat's VMS proposal is discussed in this paper.

2. Development of a Consolidated and Updated CCSBT VMS Resolution

The Secretariat has taken a two-step approach to reviewing the two current CCSBT VMS Resolutions:

- Firstly, the Secretariat merged the two Resolutions into a single consolidated CCSBT VMS Resolution, so that all the current VMS requirements are included within one VMS Resolution. Any apparently redundant text or requirements were deleted and some additional text/ paragraphs were added to make appropriate updates, add clarity and/or try to minimise ambiguities; and
- Secondly, the Secretariat has proposed strengthening some of the requirements in the consolidated VMS Resolution by including additional text which closely matches that already adopted by other tuna Regional Fisheries Management Organisations (tRFMOs) such as ICCAT² and IOTC³.

The Secretariat did not conduct a more comprehensive review of the consolidated VMS Resolution at this time. Any further revisions and/or improvements could potentially be considered by Members and the Secretariat in future as part of proposed action item 5a and 5b included within the draft 2018-2020 CAP (refer to paper CCSBT-CC/1710/12) and/or paragraph 6 of the proposed consolidated VMS Resolution.

3. Proposed Draft Consolidated VMS Resolution

The draft revised consolidated VMS Resolution is provided for Members' consideration at **Attachment A**.

¹ Refer to paragraph 128 of the CC11 report

² The International Commission for the Conservation of Atlantic Tunas

³ The Indian Ocean Tuna Commission

The Secretariat produced this draft by taking the following approach:

Step 1a: Consolidation (revisions not tracked)

- CCSBT’s 2008 VMS Resolution was used as the base text;
- Pertinent paragraphs from CCSBT’s 2006 VMS Resolution, *i.e.* paragraph 3. i, iii, iv and v, and paragraph 5, were added into the 2008 Resolution base text; and
- Minor editorial changes including punctuation, capitalisation, updated paragraph/ Resolution references, word order revisions, addition of abbreviations *e.g.* changing “Cooperating Non-Members” to “CNMs”, and the insertion of some additional words to improve clarity (*e.g.* adding the word “Convention” in front of “Area”) were made.

None of the above types of changes are tracked within **Attachment A**. However, the Secretariat has retained a fully tracked copy of these revisions, which can be provided to Members upon request.

Step 1b: Consolidation (revisions tracked)

Tracked in red:

A series of additional revisions were also made to the Resolution during the consolidation process. These are tracked in red to highlight them for Members’ consideration and are as follows:

- Proposed wording changes to the general requirements of the consolidated VMS Resolution, including the removal of a paragraph of pre-ambular text, the addition/revision of small pieces of text, and the addition of footnotes and paragraph 8; and
- The replacement of paragraph 4 of the current 2006 VMS Resolution with proposed new sub-paragraph 1(f) in the new consolidated Resolution.

Step 2: Strengthening of Consolidated Resolution (revisions tracked)

Tracked in purple:

Finally, the Secretariat included a series of proposed changes to strengthen the consolidated VMS Resolution and to better align it with current VMS arrangements already adopted by other tRFMOs. These revisions are tracked in purple in paragraph 3.(i) - (vi). Much of this text has been sourced from either ICCAT’s Recommendation 14-09⁴ and/or IOTC’s Resolution 15/03⁵. Some explanatory comments are provided within **Attachment A**.

4. Summary

The Secretariat invites Members to:

- Consider and then decide whether to agree the proposed consolidated and revised CCSBT VMS Resolution provided at **Attachment A**.

Prepared by the Secretariat

⁴ Recommendation by ICCAT amending Recommendation 03-14 by ICCAT concerning minimum standards for the establishment of a Vessel Monitoring System in the ICCAT Convention Area

⁵ Resolution 15/03 on the Vessel Monitoring System (VMS) Programme

Resolution on the CCSBT Vessel Monitoring System (VMS)

(adopted at the Twenty-Fourth Annual Meeting: 12 October 2017)

The Extended Commission for the Conservation of Southern Bluefin Tuna (CCSBT),

Recalling that, at its thirteenth annual meeting, the Extended Commission Members and Cooperating Non-Members (CNMs) agreed the “Resolution on the development and implementation of a Vessel Monitoring System” (2006), and at its fifteenth annual meeting also agreed the “Resolution on establishing the CCSBT Vessel Monitoring System” (2008) (both now replaced and superseded by this Resolution);

Recognising the need for monitoring, control and surveillance measures to apply to all sectors of the global Southern Bluefin Tuna (SBT) fishery;

Recognising the importance of these Vessel Monitoring Systems as an integral part of an effective monitoring, control and surveillance regime for the southern bluefin tuna fishery, in particular to ensure the long-term sustainability of the stock;

Mindful that a Vessel Monitoring System was identified as one of the important monitoring, control and surveillance measures to deter illegal, unreported and unregulated fishing in the Course of Actions adopted at the Kobe Joint Meeting of Tuna Regional Fisheries Management Organisations (tRFMOs) in January 2007;

Recognising the need to stipulate minimum standards for the Vessel Monitoring Systems;

~~*Aware that some Members and other regional fisheries management organizations have established Vessel Monitoring Systems and that the experiences of such Members and organizations may be useful in developing and implementing a Commission for the Conservation of Southern Bluefin Tuna Vessel Monitoring System;*~~

Agrees, in accordance with paragraph 3(b) of Article 8 of the Convention for the Conservation of Southern Bluefin Tuna, that:

1. The Members and Cooperating Non-Members (CNMs) of the Extended Commission shall adopt and implement satellite-linked Vessel Monitoring Systems (VMS) for vessels flying their Flag fishing¹ for SBT on the following basis:
 - a. for such vessels fishing in the IOTC Convention Area, in accordance with IOTC, “Resolution 15/03 on the Vessel Monitoring System (VMS) Programme” (including Annex 1 to that Resolution);

¹ As described in Article 2(b) of the CCSBT Convention, “fishing” means:

(i) the catching, taking or harvesting of fish, or any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or
 (ii) any operation at sea in preparation for or in direct support of any activity described in sub-paragraph (i) above.

- b. for such vessels fishing in the WCPFC Convention Area, in accordance with WCPFC Conservation and Management Measure 2014-02, “Commission Vessel Monitoring System” (including Annex 1 to that Measure);
- c. ~~for~~ such vessels fishing in the CCAMLR Convention Area, in accordance with CCAMLR Conservation Measure 10-04 (2015), “Automated Satellite-Linked Vessel Monitoring System (VMS)” (including Annexes 10-04/A, 10-04/B and 10-04/C to that Measure);
- d. for such vessels fishing in the ICCAT Convention Area, in accordance with ICCAT Recommendation 14-09, “Recommendation by ICCAT concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area”;
- e. for such vessels fishing in any other high seas area not covered by paragraph 1(a-d) where there is no VMS, in accordance with IOTC, “Resolution 15/03 on the Vessel Monitoring System (VMS) Programme” (including Annex 1 to that Resolution), even while fishing on the high seas outside the IOTC Convention Area; and
- f. for such vessels with freezing capacity², or 24m length overall or greater, fishing in any EEZ not covered by paragraph 1(a-d), in accordance with IOTC, “Resolution 15/03 on the Vessel Monitoring System (VMS) Programme” (including Annex 1 to that Resolution), even while fishing outside the IOTC Convention Area.

Commented [Sec1]: Members/ CNMs have not fished in the CCAMLR Convention Area since 2005 and it is anticipated that this situation will continue. This clause (e) has been retained in the proposed consolidated Resolution in the unlikely event that a Member/CNM fishes in the CCAMLR Convention Area in the future.

Commented [Sec2]: This new sub-paragraph f) replaces paragraph 4 of the 2006 VMS Resolution for any Member/CNM EEZs not already covered by paragraph 1a) – d). For example, WCPFC’s VMS does not necessarily include EEZ areas unless specifically requested.

2. The application of the VMS provided for in paragraph 1(a-f) shall be consistent with any modifications to those VMS requirements that may be adopted by those respective Commissions from time to time.

2-3. The satellite-linked Vessel Monitoring Systems shall include at least the following elements:

- (i) ~~Flag States/fishing entities shall monitor and manage their vessels equipped with vessel monitoring devices~~ continuously;
- (ii) ~~The following data specified in paragraph 3(iii) shall be continuously and automatically collected in real-time and transmitted reported, at least once every 4 hours to the Flag State’s/Fishing Entity’s Fisheries Monitoring Centre (FMC) a frequency that allows the fishing activity of a vessel to be identified, while the vessel is fishing;~~

Commented [Sec3]: Item (i) originates from and is almost the same as paragraph 3.i) of the 2006 VMS Resolution.

Commented [Sec4]: Paragraph 3.ii) of the 2006 VMS Resolution is now redundant and has not been included here. It is replaced by Annex I of this consolidated Resolution.

Commented [Sec5]: Item (ii) originates from paragraph 3.iii) of the 2006 VMS Resolution and has been updated.

The proposed revisions result in similar requirements to those in ICCAT’s Rec. 14-09, paragraph 3, and IOTC’s Resoln. 15/03 paragraph 7.

² A vessel is deemed to have freezing capacity if it has a freezer which is capable of storing more than 500 kilograms of SBT at -30°C or below

- (iii) The data to be collected and transmitted 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
 - a-c. the date and time (expressed in UTC) of the fixing of the said position of the vessel;

Commented [Sec6]: Item (iii) also originates from paragraph 3.iii) of the 2006 VMS Resolution and has been updated.

The proposed revisions result in similar requirements to those in ICCAT's Rec. 14-09, paragraph 1b), and IOTC's Resoln. 15/03 paragraph 5.

- (iv) Flag states/ fishing entities shall ensure that the vessel monitoring devices on board its vessels are shall be tamper-resistant, that is, are of a type and configuration that prevent the input or output of false positions, and that are not capable of being over-ridden, whether manually, electronically or otherwise. and To this end, the on-board satellite monitoring device must:
- a. be located in a sealed unit; and
 - b. be protected by with official seals (or mechanisms) of a type that will indicate whether the unit has been accessed or tampered with; and

Commented [Sec7]: Item (iv) originates from paragraph 3.iv) of the 2006 VMS Resolution and has been updated.

The proposed revisions result in similar requirements to those in IOTC's Resoln. 15/03 paragraph 8.

- (v) In the event of a technical failure of the vessel monitoring device, the device shall be repaired or replaced within one month, unless the vessel has been removed from the list of authorised Fishing or Carrier Vessels. After this period the master of the vessel is not authorised to carry out any fishing activities involving SBT with a defective satellite tracking device. Furthermore, when a vessel monitoring device stops functioning or has a technical failure during a trip lasting more than one month, the repair or the replacement must take place as soon as the vessel enters a port; the vessel shall not be authorised to commence a trip that will include fishing activities involving SBT without the satellite tracking device having been repaired or replaced.

Commented [Sec8]: Item (v) is an additional requirement to the 2006 VMS Resolution.

The proposed revisions result in similar requirements to those in ICCAT's Rec. 14-09, paragraph 3, and IOTC's Resoln. 15/03: Annex I, paragraph D.

- ~~(v)~~ (vi) In the event of a technical failure of the vessel monitoring device, the master or owner of the vessel, or their representative, shall be required to report this failure to the FMC of the Flag State/fishing entity immediately, and to also report to the FMC of the Flag State/fishing entity, the information required in paragraph 3iii) of this Resolution every 4 hours by other means of communication such as by email, facsimile, telex, telephone message or radio at a frequency that allows the fishing activity of a vessel to be identified, the vessel's identification, its geographical position, and the date and time.

Commented [Sec9]: Item (vi) originates from paragraph 3.v) of the 2006 VMS Resolution and has been updated.

The proposed revisions result in similar requirements to those in IOTC's Resoln. 15/03: Annex I, paragraph E.

- 3.4. a. The Members and CNMs of the Extended Commission shall provide VMS summary reports annually in advance of the Compliance Committee meeting and in the format approved by the Commission.³

³ These summary reports should be provided in accordance with the Template for the Annual Report to the Compliance Committee and Extended Commission.

- b. In relation to incidents concerning specific vessel(s) when the vessel(s) are suspected to have operated in contravention of CCSBT conservation and management measures, Members and CNMs of the Extended Commission may request another Member and CNM of the Extended Commission which is the Flag State/fishing entity of the vessel(s) to provide VMS data on the vessel(s) on a case by case basis. The Member and CNM which receives such a request shall:
- (i) investigate the incidents and provide details of the investigation to the Member or CNM which requested VMS data; or
 - (ii) provide VMS data on the vessel(s) to the requesting Member or CNM, which will inform the results of its investigation to the Members or CNM which is the flag state/fishing entity of the vessel(s).

~~4.5.~~ The Extended Commission agrees to adopt the confidentiality and security provisions attached in Annex I in relation to the information provided pursuant to paragraph 4(b).

~~5.6.~~ With the assistance of the Secretariat, the Compliance Committee shall review and report to the Compliance Committee in 2018 or 2019~~09~~ on the implementation of this Resolution and any possible measures to improve its effectiveness as a component of the monitoring, control and surveillance regime for the SBT fishery. Such review shall take account of any developments by other RFMOs, including development of a harmonised VMS across tuna RFMOs.

~~7.~~ The VMS shall not derogate from the rights and responsibilities of Flag States/fishing entities.

Commented [Sec10]: Paragraph 7. originates from and is the same as paragraph 5 of the 2006 VMS Resolution.

~~8.~~ This Resolution replaces and supersedes the two CCSBT Resolutions, the “Resolution on the development and implementation of a Vessel Monitoring System” (2006), and the “Resolution on establishing the CCSBT Vessel Monitoring System” (2008).

Commented [Sec11]: This paragraph has been added to clarify that this consolidated Resolution replaces and supersedes both the 2006 and 2008 VMS Resolutions.

Annex I – Confidentiality, Use and Security of VMS Data

Confidentiality and use of VMS Data

1. VMS data shall be confidential and may only be provided or used as permitted by this Resolution.
2. Members and CNMs of the Extended Commission which receive VMS data from another Member or CNM of the Extended Commission shall maintain the confidentiality of those data and shall not use the data except as specified in the Resolution. In particular, Members and CNMs of the Extended Commission which receive VMS data may only provide those data to representatives and officials of the Member or CNM for the purposes outlined in paragraph 3 of this Annex.
3. Members and CNMs of the Extended Commission may only use those VMS data to monitor compliance with CCSBT conservation and management measures.

Information technology security

4. Members and CNMs of the Extended Commission which receive VMS data shall adopt secure information technology systems to ensure that the confidentiality of VMS data is maintained.

VMS Data Confidentiality Policies

5. Members and CNMs of the Extended Commission which propose to request VMS data shall prepare a VMS Data Confidentiality Policy and provide that Policy to the Secretariat and all other Members and CNMs of the Extended Commission. The VMS Data Confidentiality Policy shall outline all measures which the Member and CNMs of the Extended Commission proposes to implement to ensure it complies with the requirements in Annex I of this Resolution.