

REC.MCS-GFCM/33/2009/7

concerning minimum standards for the establishment of a Vessel Monitoring System (VMS) in the GFCM area

The General Fisheries Commission for the Mediterranean (GFCM),

IN ACCORDANCE WITH the General Guidelines for a GFCM Control and Enforcement Scheme elaborated in 2005 to ensure, inter alia, effective monitoring measures,

RECALLING the Rome Declaration on Illegal, Unreported and Unregulated Fishing (IUU Fishing), adopted by the FAO Ministerial Meeting on Fisheries in 2005 to ensure, inter alia, that all large-scale fishing vessels operating on the high seas be required by their flag State to be fitted with vessel monitoring systems (VMS) no later than December 2008, or earlier if so decided by their flag State or any relevant regional fisheries management organizations (RFMOs),

RECOGNIZING the developments in satellite-based vessel monitoring systems (VMS) and their importance in ensuring the long-term conservation and management of living marine resources in the GFCM Area as part of effective monitoring, control and surveillance (MCS),

FURTHER RECOGNIZING the need for laying down agreed standards for the establishment of VMS in the GFCM Area,

NOTING that the establishment of such systems has been discussed in recent sessions of the Commission and has been considered by the GFCM ad hoc Working Group of the Compliance Committee on VMS as a MCS tool,

AWARE that many Parties, as well as several RFMOs, have established VMS,

ADOPTS, in conformity with the provisions of paragraph 1(b) and (h) of Article III and Article V of GFCM Agreement:

Objective

1. The objective of this Recommendation is to contribute to the long-term conservation and management of living marine resources in the GFCM Area through the establishment of VMS.

Application

2. This Recommendation only applies to fishing vessels which are operating within the GFCM Area and in particular those fishing vessels which are included in the GFCM Authorised Vessels List established by Recommendation GFCM/2005/2.

3. Each flag Party and Cooperating non-Contracting Party (CPnC) shall implement no later than 31st December 2012, a satellite-based VMS for its commercial fishing vessels exceeding 15 meters length overall, in conformity with the requirements laid down in this recommendation, without prejudice to stricter obligations that Parties and Cooperating non-Contracting Parties may have engaged in.

Satellite tracking devices requirements

4. While specific operational details of Parties'/CPnCs' VMS may vary and include hybrid systems they shall ensure that the satellite tracking devices fitted onboard fishing vessels shall enable the fishing vessel to continuously collect and transmit automatically the following data, at least every two hours while out of its base port, to the Fisheries Monitoring Center (FMC), or an equivalent authority, in the Flag State:

- i) the vessel's GFCM Unique Identifier as recorded in the GFCM Fishing Fleet register and Authorised Vessels List;
- ii) the geographical position of the vessel (longitude, latitude) with minimum resolution of 500 metres, with a confidence interval of 99%;
- iii) the date and time of the fixing of the said position of the vessel;
- iv) the speed and course of the vessel.

When a fishing vessel is in its base port, the satellite tracking device may be switched off, subject to prior notification to the FMC of the flag State, or equivalent authority.

5. Each Party/CPnC shall:

- i) require its fishing vessels to be equipped with an autonomous system able to automatically transmit a message to the land-based FMC in the Flag State, or an equivalent authority, allowing a continuous tracking of the position of a fishing vessel by the Party/CPnC of that fishing vessel. If the satellite tracking device is turned off, either deliberately or due to malfunction, the system must be capable of sending an alarm signal to the FMC, or an equivalent authority, so to improve safety conditions for the crewmembers;
- ii) take all the necessary measures to ensure that the FMC, or an equivalent authority, receives through the onboard satellite tracking device the data in paragraph 4) in electronic format and, to this end, that FMC, or an equivalent authority, are equipped with computer hardware and software enabling automatic data processing and electronic data transmission;
- iii) provide for back-up and recovery procedures in case of system failures;
- iv) ensure, as much as possible, that the satellite tracking device(s) on board its fishing vessels are tamper proof and that are not susceptible to manual input of position data. To this end, the onboard satellite tracking device(s) must be located within a sealed unit and be protected by official seals of a type that reveal whether the unit has been accessed or tampered with; in the event that a Party/CPnC has evidence, following an inspection, that the onboard satellite tracking device(s) does not meet the requirements mentioned above, or has been tampered with, it shall immediately notify the vessel's Flag State.

Duties of the masters and owners/licensees of fishing vessels subject to VMS

6. Masters and/or owners/licensees of fishing vessels subject to VMS shall ensure that the satellite tracking device(s) on board their vessels are permanently operational and that the information identified in paragraph 4 is collected at least every two hours. Masters and/or owners/licensees of fishing vessels subject to VMS shall in particular ensure that:

- i) VMS reports and messages are not altered in any way;
- ii) the antennas connected to the satellite monitoring devices are not obstructed in any way;
- iii) the power supply of the satellite tracking devices are not interrupted in any way;
- iv) the satellite tracking device(s) is not removed from the vessel.

7. In the event of a technical failure or non operation of the satellite tracking device(s) fitted on board a fishing vessel, the masters and owners/licensees of fishing vessels subject to VMS, or their representative, shall communicate to the Flag State every four hours, starting at the time that the technical failure or the non-operation of VMS were detected, the up-to-date geographical position of the vessel by any available means (telephone text-message, email, facsimile, radio).

8. Fishing vessels with defective on board satellite tracking device(s) shall take immediate steps to have the device(s) repaired or replaced as soon as possible and, in any event, as soon as the fishing vessels enter a port. Fishing vessels shall not be allowed by the Flag State/the Port State to commence a further fishing trip in the GFCM Area without having defective device(s) repaired or replaced, unless authorized to leave by the competent Flag State/the Port State authority.

9. Until 31st December 2010 masters and owners/licensees of fishing vessels referred to in paragraph 3 which are not equipped with VMS shall report to the FMC, or equivalent authority, at least every four hours by any available means (telephone text-message, email, facsimile, radio). Such reports must include, inter alia, information on the official numbers (radio call sign and GFCM Unique Identifier), the name of the fishing vessel, the date, the time (UTC) and the geographical position (latitude and longitude) when transmitting the report, to their competent authorities, as well as:

- i) the geographical position at the beginning of the fishing operation;
- ii) the geographical position at the end of the fishing operation;
- iii) additional information on the geographical position while fishing operations occur.

Role of the Parties/CPnCs

10. When Parties/CPnCs did not receive data transmission, or have reasons to doubt the correctness of the data transmission they have received, they shall notify the masters and owners/licensees of fishing vessels subject to VMS, or their representative, as soon as possible. Where appropriate, Parties/CPnCs shall investigate the matter in order to establish whether the equipment has been tampered with. The outcome of this investigation, including any action taken by the Flag State (e.g. fines, withdrawal of fishing license, legal proceedings, etc), shall be forwarded to GFCM Secretariat that will report the matter to the Commission for consideration/action (e.g. inclusion of the vessel in the GFCM list of vessels presumed to having carried out IUU fishing activities in the GFCM Area).

11. When Parties/CPnCs have reasons to doubt the correctness of the data transmission they have received and suspect that the fishing vessel concerned will seek access to the ports of a third Country within the GFCM Area, they shall notify the port State. The port State shall ensure either that the fishing vessel is refused access to its ports or that the fishing vessel is subject to inspection, consistent with the provisions in recommendation GFCM/2008/1 on a regional scheme on port State measures to combat IUU fishing in the GFCM Area;

12. Each Party/CPnC shall provide annually to the GFCM Secretariat a progress report on its VMS, consistent with this recommendation.

13. Each Party/CPnC shall notify the name, address, email, telephone and facsimile numbers of the relevant authorities of their FMC, or equivalent authority, to the GFCM Secretariat by 31st December 2009; each Party/CPnC shall also notify without delay to the GFCM Secretariat any changes in these contacts. The GFCM Secretariat will draw and maintain a list of contacts based on the information it receives by Parties/CPnCs.

14. Parties/CPnCs are encouraged to make VMS data available to the Scientific Advisory Committee

of the GFCM in summary form to its meetings, including its Sub-Committees, to estimate fishing effort and for any other scientific purpose it deems important for its work.

Role of the Secretariat

15. Based on national reports received according to paragraph 13, the GFCM Secretariat shall report to Members at the session of the Compliance Committee on the implementation of and compliance with this recommendation.

16. By 1st of January 2011 the GFCM Secretariat will establish and maintain a database for VMS data.

Confidentiality/Data Security

17. The Executive Secretary of the GFCM shall ensure that any information provided to the GFCM Secretariat pursuant to this recommendation will be maintained in strict accordance with the provisions of recommendation GFCM/2006/7 on data confidentiality policy and procedures.