



North Pacific Fisheries Commission

**CMM 2019-12**

*(Entered into Force – TBD by TCC Chair)*

## **CONSERVATION AND MANAGEMENT MEASURE ON THE VESSEL MONITORING SYSTEM (VMS)**

*The North Pacific Fisheries Commission (NPFC),*

**Recalling** Article 2 of the Convention on the Conservation and Management of High Seas Fisheries resources in the North Pacific Ocean (Convention), the long-term conservation and sustainable use of the fisheries resources in the Convention Area while protecting the marine ecosystems of the North Pacific Ocean in which these resources occur

**Recognizing** Article 7, paragraph 2 (e) of the Convention regarding the development of standards, specifications and procedures for Members of the Commission to report movements and activities using real-time satellite position-fixing transmitters for vessels engaged in fishing activities in the Convention Area and, in accordance with those procedures, coordinate timely dissemination of data collected from Members' satellite vessel monitoring systems,

**Reaffirming** that Article 13, paragraph 1 of the Convention that Members of the Commission or Cooperating Non-Contracting Parties (CNCs) shall take necessary measures to ensure that fishing vessels entitled to fly their flag operating in the Convention Area comply with the provisions of the Convention and measures adopted pursuant to the Convention and such vessels do not engage in any activities that undermine the effectiveness of such measures and do not conduct unauthorized fishing activities within areas under national jurisdiction of another State adjacent to the Convention Area,

**Determined** to ensure effective monitoring, control and surveillance (MCS) and to address the challenge of illegal, unreported and unregulated (IUU) fishing in the Convention Area,

**Adopts** the following conservation and management measure (CMM) in accordance with Article 7 of the Convention:

### **Definitions**

1. For the purpose of this CMM, the following definitions apply:
  - (a) "Convention" means the Convention on the Conservation and Management of High Seas Fisheries resources in the North Pacific Ocean.

- (b) “Convention Area” means the area of the high seas areas of the North Pacific Ocean as specified in Article 4 of the Convention.
- (c) “Commission” means the North Pacific Fisheries Commission (NPFC) established under Article 5 of the Convention.
- (d) “Fishing activities” means the activities established under Article 1 (i) of the Convention.
- (e) “Fisheries monitoring center (FMC)” means the authorized authority or agency of a Member, CNCP or Relevant non-Member, responsible for managing VMS for its flagged fishing vessels.
- (f) “Fishing vessels” means any vessel described under Article 1 (j) of the Convention.
- (g) “Inspection Presence in the Convention Area” means the Member is authorized by the High Seas Boarding Inspection Procedure to conduct inspections and is planning for or actively engaged in surveillance in the Convention Area.
- (h) “Manually report” means the transmission via any alternative means of the date/time, current geographical position (latitude and longitude) course and speed when an MTU fails to transmit VMS data.
- (i) “Mobile transmitting unit (MTU)” means a satellite communication device capable of receiving and transmitting VMS data.
- (j) “VMS” means a satellite-based monitoring system that transmits VMS data from MTUs on fishing vessels to FMCs.
- (k) “VMS data” means data transmitted by an MTU including:
  - (i) MTU unique identifier;
  - (ii) the current geographical position (latitude and longitude) of the vessel (accurate to within 100m); and,
  - (iii) the date and time (expressed in Coordinated Universal Time (UTC)) of the fixing of the position of the vessel in paragraph 1(k)(ii).

### **Purpose**

2. The VMS supports the Convention’s objective to ensure the long-term conservation and sustainable use of the fisheries resources in the Convention Area. The VMS forms an important part of the Commission’s MCS regime to ensure compliance with, and enforcement of, the provisions of the Convention and CMMs. The purpose of the VMS is to continuously monitor the positions and movements of all fishing vessels in the Convention Area for compliance purposes. VMS data may also be used to support scientific processes as agreed by the Commission.

### **Application**

3. The VMS applies to all authorized NPFC vessels in the Convention Area.

4. A Member, CNCP or Relevant non-Member may request that waters under their jurisdiction be also covered by the VMS. This request shall be provided to the Commission for their consideration and approval.

#### **Mobile transmitting units (MTUs)**

5. Each Member, CNCP and Relevant non-Member shall ensure that its vessels authorized pursuant to the relevant CMM for Vessel Registration under NPFC in the Convention Area are equipped with an MTU that complies with the guidance on minimum standards for MTUs contained in Annex I.
6. Each Member, CNCP and Relevant non-Member shall ensure that MTUs are installed on their flagged fishing vessels.

#### **VMS data transmission requirements**

7. Each Member, CNCP and Relevant non-Member shall ensure its authorized NPFC vessels provide accurate VMS data to the Secretariat via its FMC, in accordance with this CMM.
8. All Members, CNCP and Relevant non-Members shall ensure that its flagged vessels that are authorized under NPFC and present in the Convention Area transmit VMS data every hour to their FMC.
9. Where domestic legislation prevents compliance with paragraph 8 above, a Member, CNCP or Relevant non-Member's flagged vessel may transmit its position no longer than every four hours. This provision shall expire in July 31, 2020.
10. A Member, a CNCP or Relevant non-Member may require its fishing vessels to transmit VMS data directly to the Secretariat.
11. Each Member, CNCP and Relevant non-Member shall ensure that their FMC automatically transmits VMS data to the Secretariat, which shall be received no later than 60 minutes upon receipt of the data at their FMC.

#### **Fisheries monitoring centers (FMCs)**

12. Each Member, CNCP and Relevant non-Member shall ensure that their FMC can automatically receive VMS data and transmit VMS data to the Secretariat.
13. Each Member, CNCP and Relevant non-Member shall provide the Secretariat with VMS

contact points in their FMCs including the name, position, email address and phone number of their VMS contact points. The Secretariat will make a list of VMS contact points available to all Members and Cooperating non-Contracting Parties.

#### **Data access and use**

14. All VMS data received by the Secretariat shall be treated as confidential information in accordance with NPFC's Data-Sharing and Data-Security Protocols for Vessel Monitoring System (VMS) Data.
15. Subject to the development of appropriate procedures by April 1, 2020 the Secretariat shall provide VMS data:
  - (a) By electronic means to a Member who has an inspection presence in the Convention Area; or
  - (b) upon request from a Member to support search and rescue (SAR)

#### **Data sharing and Security**

16. Subject to NPFC's Data-Sharing and Data-Security Protocols for Vessel Monitoring System (VMS) Data, VMS data shall only be accessed and used for the purposes included in this measure or for any other purposes as agreed by the Commission.

#### **VMS data transmission failure**

17. In the event that an MTU has failed to transmit VMS data for four hours, the flag Member or CNCP shall require the fishing vessel master to manually report every four hours to the FMC or the Secretariat by other means of communication.
18. A Member, CNCP or Relevant non-Member may also require its fishing vessels to manually report directly to the Secretariat.
19. The flag Member or CNCP shall require an MTU that fails to transmit VMS data in accordance with this measure, be repaired or replaced as soon as possible and, in any event, within thirty (30) days of the VMS data transmission failure.
20. Where domestic legislation prevents compliance with paragraph 18 above, a Member, CNCP or Relevant non-Member shall require an MTU that fails to transmit VMS data in accordance with this measure, be repaired within 60 days. This provision shall expire July 31, 2020.

21. If the fishing vessel returns to port following an MTU VMS data transmission failure, the Member, CNCP or Relevant non-Member shall not permit the vessel to undertake fishing in the Convention Area until the MTU has been replaced in accordance with the guidance in Annex I or is repaired and is able to transmit VMS data.
22. If a Member or CNCP or Relevant non-Member finds that an MTU has failed to transmit VMS data for twelve hours, the Member or CNCP or Relevant non-Member shall immediately notify the fishing vessel master, owner or authorized representative of this failure. If a failure to transmit occurs more than two times within a period of one year, the flag Member or CNCP or Relevant non-Member of the fishing vessel shall investigate the matter, including having an authorized official examine the MTU on board the vessel. The outcome of this investigation shall be forwarded to the Secretariat within fifteen (15) days of its completion.

#### **Review**

23. The Secretariat shall report on the implementation of this measure annually to the Technical and Compliance Committee (TCC). The TCC shall review the implementation of the VMS after two years, and make recommendations to the Commission as may be necessary.

**Guidance on minimum standards for mobile transmitting units (MTUs)**

1. The mobile transmitting unit (MTU) shall automatically and independently of any intervention by the fishing vessel, transmit VMS data as required by NPFC.
2. The VMS data shall be obtained from a satellite-based positioning system.
3. MTUs on fishing vessels must be capable of transmitting VMS data at least every fifteen minutes.
4. MTUs on fishing vessels must be tamper-proof so as to preserve the security and integrity of VMS data.
5. Storage of VMS data and other relevant information within the MTU must be safe, secure and integrated within a single unit under normal operating conditions.
6. It must not be reasonably possible for anyone, other than the Fisheries Monitoring Centre (FMC), to alter any of the VMS data stored in an MTU, including the frequency of position VMS data transmission to the FMC.
7. Any features built into the MTU or its software to assist with servicing shall not allow unauthorized access to the MTU that could potentially compromise the operation of the VMS.
8. MTUs shall be installed on fishing vessels by an authorized installer in accordance with the manufacturer's specifications and applicable standards and in accordance with a flag State's relevant domestic legal obligations, procedures and conditions.
9. Under normal satellite navigation operating conditions, VMS data must include the geographical location of a fishing vessel within an accuracy of 100 metres.
10. The MTU and/or the VMS service provider must be able send VMS data to multiple independent destinations.
11. The MTU and its component parts shall be fully integrated and housed in the same tamper-proof physical enclosure.
12. The MTU must have:
  - (a) all components sealed by the manufacturer; or
  - (b) official seals<sup>1</sup>, individually identified with unique serial numbers, applied.
13. Relevant domestic legal obligations, procedures and conditions for MTU installation on fishing vessels should be forwarded by members, cooperating non-Contracting Parties and Relevant non-Members to the Secretariat or made available upon request.

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<sup>1</sup> Official seals or other mechanisms must be of such a type to indicate whether the MTU has been accessed or tampered with.

14. The MTU must have an alternate power unit, to act as a backup in case of failure of the main power, to enable the MTU to continue to meet the VMS data transmission requirements of this CMM.
15. The MTU should include audible or visible alarms to indicate a unit malfunction.