

Recommendation GFCM/33/2009/7
concerning minimum standards for the establishment of a vessel monitoring system in the GFCM area of application

The General Fisheries Commission for the Mediterranean (GFCM),

RECALLING that the objective of the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM Agreement) is to ensure the conservation and sustainable use, at the biological, social, economic and environmental level, of marine living resources in the GFCM area of application;

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 2005 Declaration on illegal, unreported and unregulated (IUU) fishing, adopted by the Ministerial Meeting on Fisheries of the Food and Agriculture Organization of the United Nations (FAO) (2005 Rome Declaration) 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) not 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 VMS and their importance in ensuring the long-term conservation and management of marine living resources in the GFCM area of application 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 of application;

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 (CoC) on VMS as an MCS tool;

AWARE that many parties, as a well as several RFMOs, have established VMS;

ADOPTS, in conformity with Articles 5 b), 8 b) and 13 of the GFCM Agreement, the following recommendation:

Objective

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

Application

2. This recommendation shall only apply to fishing vessels which are operating within the GFCM area of application and, in particular, to the fishing vessels which are included in the GFCM authorized vessels list established by Recommendation GFCM/29/2005/2 concerning the establishment of a GFCM record of vessels over 15 metres authorized to operate in the GFCM area of application.

3. Each contracting party and cooperating non-contracting party (CPC) shall implement a satellite-based VMS for its commercial fishing vessels exceeding 15 metres in length overall, in conformity

with the requirements laid down in this recommendation, without prejudice to stricter obligations that CPCs may have engaged in.

Satellite tracking device requirements

4. While specific operational details of the VMS of CPCs may vary and include hybrid systems, they shall ensure that the satellite tracking devices fitted on board fishing vessels shall enable those fishing vessels to continuously collect and transmit automatically the following data, at least every two hours while out of its base port, to the fisheries monitoring centre (FMC), or an equivalent authority, in the flag state:

- i) the GFCM unique identifier of the vessel as recorded in the GFCM fishing fleet register and authorized vessels list;
- ii) the geographical position of the vessel (longitude and latitude) with a minimum resolution of 500 metres and a confidence interval of 99 percent;
- iii) the date and time of the fixing of the said position of the vessel; and
- 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 CPC 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 CPC 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 crew members;
- ii) take all the necessary measures to ensure that the FMC, or an equivalent authority, receives, through the on-board satellite tracking device, the data mentioned in paragraph 4 in electronic format and, to this end, that the FMC or an equivalent authority, is 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; and
- iv) ensure, as much as possible, that the satellite tracking devices on board its fishing vessels are tamper-proof and that they are not susceptible to manual input of position data. To this end, the on-board satellite tracking device(s) must be located within a sealed unit and be protected by official seals of a type that reveals whether the unit has been accessed or tampered with. In the event that a CPC has evidence, following an inspection, that the on-board satellite tracking devices do not meet the requirements mentioned above, or have been tampered with, it shall immediately notify the flag state of the vessel.

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 devices 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; and
- iv) the satellite tracking devices are not removed from the vessel.

7. In the event of a technical failure or non-operation of the satellite tracking devices 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, etc.).

8. Fishing vessels with a defective on-board satellite tracking device shall take immediate steps to have the device 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 another fishing trip in the GFCM area of application without having the defective device repaired or replaced, unless authorized to leave by the competent flag state/the port state authority.

9. Until 31 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, etc.). Such reports shall 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 (coordinated universal time) 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; and
- iii) additional information on the geographical position while fishing operations occur.

Role of the CPCs

10. When CPCs 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, CPCs 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), shall be forwarded to the 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 have carried out IUU fishing activities in the GFCM area of application).

11. When CPCs 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 of application, they shall notify the port state. The port state shall ensure either that the fishing vessel is denied access to its ports or that the fishing vessel is subject to inspection, consistent with the provisions in Recommendation GFCM/32/2008/1 on a regional scheme on port state measures to combat illegal, unreported and unregulated fishing in the GFCM area of application.

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

13. Each CPC 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 31 December 2009. Each CPC shall also notify without delay to the GFCM Secretariat any changes in these contacts. The GFCM Secretariat shall draw and maintain a list of contacts based on the information it receives by CPCs.

14. CPCs are encouraged to make VMS data in summary form available to the Scientific Advisory Committee on Fisheries (SAC) for its meetings, including its subcommittees, to estimate fishing effort and for any other scientific purpose it deems important for its work.

Role of the GFCM Secretariat

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

16. By 1 January 2011, the GFCM Secretariat shall establish and maintain a database for VMS data.

Confidentiality/data security

17. The GFCM Executive Secretary 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/30/2006/7 on data confidentiality policy and procedures.