

Resolution GFCM/44/2021/8

on the implementation of a vessel monitoring system

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;

CONSIDERING the high level of illegal, unreported and unregulated (IUU) fishing activities in the GFCM area of application and the need for an adequate monitoring of the catches;

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

CONSIDERING Resolution GFCM/38/2014/1 on guidelines on vessel monitoring system and related control systems in the GFCM area of application;

RECALLING Resolution GFCM/43/2019/3 on the implementation of a vessel monitoring system and an electronic logbook in the GFCM area of application;

RECALLING the provisions of Recommendation GFCM/41/2017/7 on a regional plan of action to combat illegal, unreported and unregulated fishing in the GFCM area of application;

CONSIDERING the commitments made under the 2017 Malta MedFish4Ever Ministerial Declaration and of the 2018 Sofia Ministerial Declaration on Black Sea fisheries and aquaculture;

RECOGNIZING that the operationalization of a centralized vessel monitoring system (VMS) and related control system, including information deriving from this system, supports enhanced fisheries stock assessment and identification of fishing grounds and fishing activities, thus contributing to the objectives of the GFCM 2030 Strategy for sustainable fisheries and aquaculture in the Mediterranean and the Black Sea;

RECALLING the conclusions of the second meeting of the Working Group on Fishing Technology (online, April 2021) on advances in fishing gear technology to improve the selectivity and rational exploitation of fisheries in the Mediterranean and the Black Sea;

NOTING the conclusions of the fourteenth session of the Compliance Committee (CoC) (online, May 2021) and of the Working group on VMS and Related Control Systems (WGVMS) (online, May 2021);

ADOPTS, in conformity with Articles 5 and 8 of the GFCM Agreement the following resolution:

PART I Objective

1. The objective of this resolution is to provide terms of reference for two voluntary pilot projects aimed at testing the feasibility of the establishment of a VMS in the GFCM area of application:
 - a) The first pilot project should, in particular, be based on the experience and results of a centralized VMS, as described in Parts II and III.

- b) The second pilot project should, in particular, be based on the experience and results of a decentralized or regionalized VMS, as described in Parts II and IV.

2. Contracting parties and cooperating non-contracting parties (CPCs) may implement, on a voluntary basis, the pilot projects referred to in paragraph 1 to test the feasibility of the establishment of a VMS on fishing vessels exceeding 15 metres length overall fishing in waters beyond the jurisdiction of the flag CPCs and operating in the GFCM area of application.

3. This resolution considers the specifications and the state of play of the implementation of VMS in the GFCM area of application, in particular in relation to the implementation of Recommendation GFCM/33/2009/7, ensuring compatibility with international standards and data confidentiality requirements for the exchange of VMS information between CPCs.

PART II

General terms of reference

4. In accordance with Recommendation GFCM/33/2009/7, the general terms of reference are applicable to CPCs participating in the voluntary pilot projects referred to in Parts III and IV.

Satellite tracking device requirements

5. Each CPC shall implement a satellite-based VMS for its commercial fishing vessels meeting the conditions defined in paragraph 2, in conformity with the requirements laid down in this resolution, without prejudice to stricter obligations CPCs may have engaged in.

6. The CPCs shall ensure that the satellite tracking devices fitted onboard fishing vessels enable those fishing vessels to continuously collect and transmit automatically to the relevant authority, at least every two hours while out of their base port, the following data :

- a) the vessel registration number of the vessel as recorded in the GFCM fishing fleet register;
- b) the geographical coordinates (longitude and latitude) of the vessel, with a minimum resolution of 10 metres and a confidence interval of 99 percent;
- c) the date and time of the fixing the position of the vessel; and
- d) the speed and course of the vessel at the time of fixing its position.

7. The CPCs shall ensure that their fishing vessels are equipped with an autonomous system able to automatically transmit messages to the relevant land-based authority, allowing for a continuous tracking of the position of the fishing vessels. If the satellite tracking device is turned off, either deliberately or due to a malfunction, the system must be capable of sending an alarm signal to the relevant authority.

8. The CPCs shall take all necessary measures to ensure that the relevant authority receives, through the onboard satellite tracking device, the data referred to in paragraph 6, in electronic format, and is equipped with computer hardware and software enabling automatic data processing and electronic data transmission.

9. The CPCs shall provide back-up and recovery procedures in case of system failures.

10. The CPCs shall ensure, as much as possible, that the satellite tracking devices onboard their fishing vessels are tamper-proof and are not susceptible to manual input of position data. To this end, the onboard satellite tracking device must be located within a sealed unit and protected by official seals enabling to reveal whether the unit has been accessed or tampered with. In the event that a CPC has

evidence, following an inspection, that the onboard satellite tracking devices do not meet the above requirements 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

11. The masters and owners/licensees of fishing vessels subject to VMS shall ensure that the satellite tracking devices onboard their vessels are permanently operational and that the information referred to in paragraph 6 is collected at least every two hours. The masters and/or owners/licensees of fishing vessels subject to VMS shall in particular ensure that:

- a) VMS reports and messages are not altered in any way;
- b) the antennas connected to the satellite monitoring devices are not obstructed in any way;
- c) the power supply of the satellite tracking devices is not interrupted in any way; and
- d) the satellite tracking devices are not removed from the vessel.

12. 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 when the technical failure or the non-operation of the VMS was detected, the up-to-date geographical position of the vessel by any available means (telephone text-message, email, facsimile, radio, etc.), until they return to port.

13. 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/port state to commence another fishing trip in the GFCM area of application without the defective device being repaired or replaced, unless they are authorized to leave by the competent flag state and the port state authority.

PART III
Specificities of a centralized pilot project

14. This part shall apply to any CPC and its respective fishing vessels participating in the centralized VMS pilot project.

15. Within a centralized VMS, the GFCM Secretariat should serve as the relevant authority as mentioned in Part II. As such, fishing vessels operating under the conditions of the centralized pilot project shall transmit their vessel monitoring data automatically to the GFCM Secretariat.

16. Each CPC shall, notwithstanding stricter national requirements, implement a VMS according to the provisions described in Part II and ensure that the devices fitted onboard the fishing vessels are able to collect and continuously transmit the required data to the GFCM Secretariat, as prescribed in paragraph 6.

17. As such, the GFCM Secretariat shall establish and maintain a database for the purpose of receiving and storing any vessel monitoring data. The GFCM Secretariat shall ensure that any information transmitted to and stored by the GFCM Secretariat pursuant to this resolution is maintained in strict accordance with the provisions of Resolution GFCM/35/2011/2 on data confidentiality policy and procedures, amending Resolution GFCM/30/2006/1.

18. In order to ensure a consistent data collection and sharing throughout the GFCM area of application, the GFCM Secretariat shall provide flag state CPCs with real-time access to any data

involving their vessels and/or coastal state CPCs with real-time access to any data involving their waters.

19. Whenever the GFCM Secretariat does not receive the expected data or has reasons to doubt about the correctness of the data it has received, it shall notify the flag state. The flag state shall notify the masters and owners/licensees of the fishing vessels subject to VMS, or their representatives, as soon as possible and, where appropriate, shall investigate the matter in order to establish whether the equipment has been tampered with. In carrying out its duties as a flag state, it shall take due consideration of Article 19 of the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995. The outcomes of such investigation, including any action taken by the flag state (e.g. fines, withdrawal of fishing license and legal proceedings) shall be forwarded to the GFCM Secretariat for consideration/action (e.g. inclusion of the vessel in the GFCM list of vessels presumed to have carried out IUU fishing in the GFCM area of application).

PART IV

Specificities of a decentralized pilot project

20. This part shall apply to any CPC and their respective fishing vessels participating in the decentralized or regionalized VMS pilot project.

21. Within a decentralized VMS, the flag state's fisheries monitoring centre (FMC) should serve as the relevant authority as mentioned in Part II. As such, fishing vessels operating under the conditions of the decentralized pilot project shall transmit their vessel monitoring data directly to the flag State's FMC.

22. Each CPC shall, notwithstanding stricter national requirements, implement a VMS according to the provisions described in Part II and ensure that the devices fitted onboard the fishing vessel are able to collect and transmit continuously the required data to the FMC, as prescribed in paragraph 6.

23. In order to ensure a consistent data collection and sharing throughout the GFCM area of application, FMCs shall transmit their vessel monitoring data to the GFCM Secretariat on a regular basis and use the FLUX standard where possible. The GFCM Secretariat shall provide flag state CPCs with real-time access to any data involving their vessels and/or coastal state CPCs with real-time access to any data involving their waters.

24. The GFCM Secretariat shall establish and maintain a database for the purpose of receiving and storing any vessel monitoring data transmitted by the FMCs. The GFCM Secretariat shall ensure that any information transmitted by the FMCs and stored by the GFCM Secretariat pursuant to this resolution is maintained in strict accordance with the provisions of Resolution GFCM/35/2011/2 on data confidentiality policy and procedures, amending Resolution GFCM/30/2006/1.

25. Each CPC shall notify the name, address, email and telephone numbers of the relevant authorities of their FMC to the GFCM Secretariat before the start of the pilot project. Each CPC shall also notify to the GFCM Secretariat, without delay, any change in these contacts. The GFCM Secretariat shall draw and maintain a list of contacts based on the information received from the CPCs and shall take the necessary steps to publicize this information.

26. Whenever the FMCs do not receive the expected data or have reasons to doubt about the correctness of the data they have received, they shall notify the masters and owners/licensees of the fishing vessels subject to VMS, and the national authorities, as soon as possible. Where appropriate, the CPCs shall investigate the matter in order to establish whether the equipment has been tampered with. In carrying out their duties as flag states, the CPCs shall take due consideration of Article 19 of the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention

on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995. The outcomes of such investigation, including any action taken by the flag state (e.g. fines, withdrawal of fishing license and legal proceedings), shall be forwarded to the GFCM Secretariat for consideration/action (e.g. inclusion of the vessel in the GFCM list of vessels presumed to have carried out IUU fishing in the GFCM area of application).

PART V

Final provisions

27. In accordance with Recommendation GFCM/42/2018/10 on access to information and data related to monitoring, control and surveillance within the framework of joint inspection and surveillance schemes, CPCs engaged in inspection at sea operations in the GFCM area of application within the framework of a joint inspection and surveillance scheme shall request the GFCM Secretariat to make available the vessel monitoring data received for all fishing vessels within 100 nautical miles of the inspection vessel(s) at sea.

28. The pilot projects shall be launched by the end of 2022 and have a minimum duration of one year.

29. After the conclusion of the pilot projects, the GFCM Secretariat shall present to the WGVMS, before the next session of the CoC, a final report with all relevant vessel monitoring data as well as a cost evaluation of both pilot projects. Based on this final report, the WGVMS shall advise the CoC on a list of recommendations on the future implementation of VMS in the GFCM area of application.