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EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L. D. B. 1/2012(II)

FISHERIES AND AQUATIC RESOURCES ACT, No. 2 OF 1996

REGULATIONS made by the Minister of Fisheries under Section 61(1)(sg), (sh) and (t) of the Fisheries and Aquatic Resources Act, No. 2 of 1996.

MAHINDA AMARAWEEERA
Minister of Fisheries.

Colombo,
25th March, 2015.

Regulations

1. These regulations may be cited as Implementation of Satellite based Vessel Monitoring System (VMS) for Fishing Boats Operating in High Seas Regulations 2015.

2. No person shall deploy fishing boats, supply or cargo vessels, reefers and carrier vessels (hereinafter referred to as the “Vessels”) having an overall length of 10.3m (34 feet) or more for high seas fishing operations unless such vessel is fitted with Satellite based Vessel Monitoring System Device (hereinafter referred to as a “Monitoring Device”) on board approved by Department of Fisheries and Aquatic Resources (hereinafter referred to as “the Department”) which allows tracking and identification of such vessels by the land based Fisheries Monitoring Centre (hereinafter referred to as “FMC”, particulars of which is specified in the Schedule I hereto) of the Department.

3. The master, skipper, owner or licensee of the fishing vessel shall take steps to ensure that the Monitoring Device on board is activated at all times irrespective of their geographical location allowing four hourly automatic transmission of required information or any time intervals decided by Director General as he may deem fit to the FMC. Such data shall include;-



- (i) the identification of the fishing vessel ;
 - (a) registration number of the vessel;
 - (b) international call sign;
 - (c) name of the Vessel;
 - (d) International Maritime Organization No. (If available)
 - (e) Indian Ocean Tuna Commission (IOTC) No.
- (ii) the current geographical location of the fishing boat (longitude, latitude) with a position error of less than 500 meters, at a constant interval of 99%;
- (iii) the date and time (expressed in Universal Time Coordinated) for the fixing of the position referred to in paragraph (ii) .of the fishing boat;
- (iv) the speed and course of the fishing vessel.

4. (1) The “FMC” established under the Department shall be responsible for twenty four hour monitoring of any fishing vessel in high seas irrespective of their geographical position. The land based FMC shall receive the required information once in every four hours or any time intervals decided by Director General as he deems fit through a well-established computer system, coordinated by the service providers for automatic data processing and electronic data transmission.

(2) FMC shall keep and maintain backup and recovery procedures of the information received in order to support in the event of system failure.

5. The Department may provide information on Sri Lanka flagged fishing vessels to the regional fisheries management organization of which Sri Lanka is a member.

6. The FMC shall submit the data and information required to the Management Division of the Department at it’s request for the purpose of verification of logbook data and detection of any Illegal, Unreported and Unregulated fishing activity.

7. The FMC shall take steps to ensure that the data received from any vessel is recorded and preserved either in soft or hard copies for a period of not more than two years or for a period as may be determined by the Director General.

8. The FMC through coordination with the service providers shall :-

- (i) take steps to ensure the Monitoring Devices on board of every vessel functions properly and not tampered with;
- (ii) monitor the fishing vessels at all times which engages in fishing at high seas or fishing related activities, and
- (iii) take steps to ensure accuracy of the data ;

9. When any Monitoring Device on board becomes defective or mal functioning the master, skipper, owner, licensee or representative authorized by the master, skipper or owner shall inform such failure to the FMC of the Department with immediate effect and , shall communicate and provide required data and information to the Department once in every four hours or any time intervals decided by Director General as he deems fit by any communication facility available such as; e-mail, fax, telephone or SSB radio etc.

10. In the event of detection of such technical failure or mal-functioning of the Monitoring Device fixed on board, the device shall be repaired or replaced within a maximum period of one month. A fishing vessel shall not leave a port following a technical failure unless the defective Monitoring Device is repaired and in good working order to the satisfaction of the FMC of Department.

11. No Monitoring Device shall be deactivated while in port until written authorization is given by the FMC of the Department. A written confirmation from the port authorities in respect of the time of arrival at port and a letter of confirmation from the owner indicating the estimated stay in the port shall also be produced to the Department. The first position report generated after repowering shall not be different in relation to the position of the vessel in the last report.

12. Master or Skipper of a vessel shall take steps to ensure that the Monitoring Device on board is active at all times and no person shall destroy, damage, render it inoperative or otherwise interfere with the Monitoring Device installed on board and such activity is strictly prohibited. In particular,

- (a) alter the Vessel Monitoring System (VMS) data in any manner;
- (b) obstruct the antenna or the antennas connected to the Monitoring Device manually;
- (c) interrupt the power supply to the Monitoring Device manually; and
- (d) remove the Monitoring Device from the fishing vessel or change the installed position in the vessel without prior approval from the FMC of the Department.

13. Where FMC of the Department fails to receive data transmission within four hours time intervals or any different time interval decided by Director General as he deems fit it shall notify master or the owner, licensee of such vessel or any representative authorized in that behalf by such master with immediate effect .If such occurrence takes place in relation to a particular vessel, more than three times a year FMC of the Department shall conduct an investigation including an official check on the device in question, in order to establish whether the equipment has been tampered with .

14. The skipper or master of a vessel shall take steps to ensure through the Monitoring Device and its FMC monitors the date and time of the entry into and the exit from :-

- (a) any maritime areas where specific rules on access to waters and resources apply;
- (b) the regulatory areas of the Regional Fisheries Maritime Organization;
- (c) jurisdictional waters of any other state;
- (d) any other area, restricted or otherwise, which may be designated by Department.

15. Any Vessel which operates in close proximity up to twenty miles of any marine protected area or areas otherwise restricted for fishing shall be required to report at hourly intervals or any time intervals decided by Director General as he deems fit when they remain in that proximity.

16. The FMC shall take steps to ensure compliance by the vessel with the in- transit operation of the vessel. Any vessel that transits shall communicate the date and time of entering and leaving the areas of the Exclusive Economic Zone to FMC of the Department and the authorities of the relevant country to which the transit passage belongs to.

17. Access to the vessel monitoring data base shall be restricted to the officers authorized by Director General in writing in that behalf. Each staff member having access to the records of vessel monitoring data base shall be required to sign the declaration of restriction on the use and disclosure of the position of the vessel as specified in Schedule II of this regulation.

18. The officer in charge of the FMC shall be responsible for the monitoring of the Vessels and shall keep such data under lock and key and the ownership of the information and data of the vessel monitoring shall be vested with the Department and no such data shall be released except under the written permission of the Director General.

19. Satellite devices or any equipment for the Vessel Monitoring System (VMS) shall only be obtained from the authorized service provider approved by the Department in writing

20. These regulations shall apply to any fishing vessel having the overall length of 10.3m (34 feet) or more.

21. In these regulations unless the context otherwise requires.

“Director General” means the Director General of Fisheries and Aquatic Resources appointed under section 2 of Fisheries and Aquatic Resources Act, No 2 of 1996;

“High seas fishing operations” means fishing activities conducted beyond the Exclusive Economic Zone (200 nautical miles) and beyond the waters of the national jurisdiction of any other state;

“fishing related activities” means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;

“Illegal, Unreported and Unregulated fishing” refers to the activities set out in paragraph 1 of the Resolution 11/03 adopted by the Indian Ocean Tuna Commission referred to in section 14G of the Fisheries and Aquatic Resources Act, No.2 of 1996;

“port” includes offshore terminals and other installations for landing, transshipping, packaging, processing, refueling or resupplying;

“vessel” means any vessel, ship or boat used for, equipped to be used for or intended to be used for, fishing or fishing related activities.

(Regulation 2)

SCHEDULE I

Information of the Fisheries Monitoring Centre of Department of Fisheries and Aquatic Resources (DFAR) Sri Lanka

Name
Address
Tel No.
Telex No
Fax No.
Email:

(Regulation 17)

SCHEDULE II

Format of the declaration of the restriction on the use and disclosure of the vessel position information.

Declaration

I the undersignedhereby undertake to treat whatever information is made available to me from the Vessel Monitoring System (VMS) data base in a confidential manner and desist from divulging in to any it to any person other than any person authorized in writing by the Director General

Name of the officer-
Designation-
NIC no -

04-396/1